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**Official Report
of Debates
(Hansard)**

Monday 25 June 2001

**Journal
des débats
(Hansard)**

Lundi 25 juin 2001

**Standing committee on
general government**

Subcommittee report

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of Criminal Justice Personnel
Act, 2001

**Comité permanent des
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de la vie privée du personnel
du système de justice criminelle

Chair: Steve Gilchrist
Clerk: Anne Stokes

Président : Steve Gilchrist
Greffière : Anne Stokes

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 25 June 2001

Lundi 25 juin 2001

The committee met at 1554 in committee room 1.

SUBCOMMITTEE REPORT

The Chair (Mr Steve Gilchrist): I call the standing committee to order. The first order of business will be to receive the subcommittee report. Mr Levac, could I impose upon you to read that into the record, please.

Mr Dave Levac (Brant): Certainly. It's not an imposition, Mr Chairman.

Your subcommittee met on Wednesday, June 20, 2001, to consider the method of proceeding on Bill 27, An Act to protect the families of police officers and others involved in the criminal justice system, and recommends the following:

(1) That the committee meet on Monday, June 25, 2001, to hold public hearings on Bill 27, An Act to protect the families of police officers and others involved in the criminal justice system;

(2) That clause-by-clause consideration of the bill be undertaken on Monday, June 25, 2001;

(3) That an advertisement be placed on the OntParl channel and the Legislative Assembly Web site and a press release be distributed to English and French papers across the province. The clerk of the committee is authorized to place the ads immediately;

(4) That the office of Mr Levac, Brant, provide the clerk of the committee with a list of witnesses to be scheduled for public hearings;

(5) That the deadline for written submissions be Monday, June 25, 2001, at 5:30 pm;

(6) That witnesses be given a deadline of Friday, June 22, 2001, at 5:00 pm to request to appear before the committee;

(7) That the time allotted to individual witnesses for each presentation, on consultation of the clerk with the Chair, be determined by dividing the available time by the number of witnesses;

(8) That, should a witness make a request prior to appearing before the committee for reimbursement for travel expenses, the committee authorize reasonable travel and meal expenses for witnesses travelling from outside the greater Toronto area based on mileage at the government rate, or economy airfare or reserved-seating train fare to be provided on submission of receipts or a statement of mileage travelled;

(9) That the clerk of the committee, in consultation with the Chair, be authorized prior to the passage of the report of the subcommittee, to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

The Chair: Can you move the adoption?

Mr Levac: I move adoption of the subcommittee report.

The Chair: Any debate? Seeing none, all those in favour of the adoption of the report? Opposed, if any? It is carried.

Just before we call upon our first presenter, I must apologize to my colleagues, but I'm scheduled to be in two places at the same time. In the absence of our normal Vice-Chair, we have to elect an acting Chair. I call for nominations.

Mr Garfield Dunlop (Simcoe North): I'll nominate Ms Mushinski.

The Chair: Any further nominations?

Mr Levac: Seconded.

The Chair: All those in favour? Carried.

**PROTECTING THE PRIVACY
OF CRIMINAL JUSTICE
PERSONNEL ACT, 2001**

**LOI DE 2001 SUR LA PROTECTION DE
LA VIE PRIVÉE DU PERSONNEL
DU SYSTÈME DE JUSTICE CRIMINELLE**

Consideration of Bill 27, An Act to protect the families of police officers and others involved in the criminal justice system / Projet de loi 27, Loi visant à protéger les familles des agents de police et d'autres personnes oeuvrant dans le système de justice criminelle.

POLICE ASSOCIATION OF ONTARIO

The Chair: As I pass over the chair, I will also welcome our first presenter, Mr Miller from the Police Association of Ontario. Just a reminder, you have 10 minutes for your presentation, and thank you for your forbearance.

Mr Bruce Miller: I'd like to start by thanking the Chair and the members of the committee for the opportunity to be here this afternoon. My name is Bruce Miller, and I'm the administrator of the Police Association of Ontario. I was a 22-year veteran with the London

Police Service until I became administrator last December. I have worked in uniform patrol, vice, break-and-enter and the major crime squads. I will try and give you the perspective of front-line police personnel in Ontario.

The Police Association of Ontario, the PAO, was founded in 1933. The PAO is the official voice and representative body for Ontario's front-line police personnel and provides representation, resource and support for Ontario's 68 municipal police associations. Our membership is comprised of approximately 13,000 police and civilian members of municipal police services.

The Police Association of Ontario promotes the mutual interests of Ontario's front-line municipal police personnel in order to uphold the honour of the police profession and elevate the standards of police services.

Protecting the privacy of the personal information of police personnel is an extremely important issue to our members and their families. Our members risk their lives on a daily basis to ensure safe communities in Ontario. They should not be expected to face those same risks at home, nor should their families.

Recently a disturbing trend has developed where police personnel are being targeted. Officers have had personal property damaged and they have been subjected to threats and intimidation.

Criminals all too frequently drive through police station parking lots and record licence numbers of officers' personal vehicles. The registration information can then be obtained for a small fee.

These intimidation tactics have not been limited only to police. One only needs to look at some of the recent experiences in Quebec, where corrections officers were murdered and Michel Auger, a well-known journalist, was shot and critically injured.

The criminal's message is straightforward: "Leave us alone or else." Our message is equally frank: "Our members will not be intimidated."

Having said that, we need to look at ways to protect police and other justice personnel. We support the intent of Bill 27 and would like to take this opportunity to thank Mr Levac for bringing this matter forward. Any attempt to intimidate those tasked with preserving community safety strikes at the very fabric of Canadian society.

1600

We are concerned about the creation of a legislated committee. We believe this matter should be dealt with at a stakeholder committee put together by the Solicitor General. We feel the adequacy committee that is currently in place would be the best forum to deal with these issues. We believe a legislated committee would allow for a public airing of how personal information could be accessed, and this would not be in our members' best interests.

In closing, we would like to thank all members of government for their interest and support in this important area. I would be pleased to try and answer any questions you may have.

The Acting Chair (Ms Marilyn Mushynski): We have approximately six minutes for questions and we'll start with the Liberals.

Mr Levac: Just a question on the concerns you outlined. If you knew an amendment was coming to take care of the concern that's been voiced by a couple of stakeholders regarding the information being disseminated in a public forum, if that can be stopped and maybe given to the executive council, would that alleviate your concern about the information being available? Under this particular amendment, legislative counsel tells us it would not be subject to the freedom of information and privacy act.

Mr Bruce Miller: We think that would be a very positive step and a positive amendment. Having said that, we have had talks with the Solicitor General and it appears he supports our concerns. We are meeting with him in the very near future to try and deal with this matter, to see if we can get it solved or rectified as soon as possible.

Mr Levac: Could you tell us a little about the adequacy committee as you know it today?

Mr Bruce Miller: It's a stakeholder committee put together with a cross-section of police representatives from the province. It includes the Ontario Association of Chiefs of Police; the senior officers, Toronto Police Association; the Police Association of Ontario; the Ontario Provincial Police Association; and the Association of Police Services Boards.

Mr Levac: Great.

Mr Bruce Miller: It could be expanded to include, in a subcommittee, other justice personnel as well, but it has been a very well-functioning body and we've seen some positive results come out of it.

Mr Levac: I acknowledge that you indicate in your presentation that the other stakeholders at this particular moment are not mentioned and not referred to by the adequacy committee. Those stakeholders may have a concern about that as well.

Mr Bruce Miller: Certainly. I think they should be included because it's an important issue, as I said.

Mr Levac: I appreciate very much the fact that you said this is an issue. The bottom line is that we are now importing this problem and we must prepare ahead of time as best as possible. The reality, as I understand it, is that we already have this problem, and there's plenty of evidence to indicate this has been going on for quite some time. Do you have any idea whatsoever how long any of the stakeholders have been asking a government whether or not they're taking action on this, and are you subject to any knowledge if this government has taken any action up to this point?

Mr Bruce Miller: Just speaking from the perspective of the Police Association of Ontario, we see this as a relatively new phenomenon that's developed. We've only recently had discussions with the government in power, with your office and members of the government caucus on this matter.

Mr Levac: You can be assured of our continued support in terms of the introduction of the bill, making the distinction obviously that this is private members' business and each member gets to put before the House what he wants. This has been vetted through our party and supported 100%. As a note to the members on the government side, the Solicitor General spoke to me today as well and indicated overall support for the philosophy we're trying to adopt: that all of our stakeholders need protection, and recognizing that indeed it is an issue that we have to act on.

I'll leave you with this last question, unless my colleague has one. In terms of the amendment I mentioned at that point, would you be willing to take a look at the passage of this with a board or committee that's being struck in recommending that all stakeholders need to be part and parcel of that and somewhat distant in order to look at all ministries?

I have to clarify. What I'm concerned with is that possibly the Solicitor General is only going to take care of the one from the Solicitor General, and there are actions actually happening today in which some ministries are doing things that jeopardize our stakeholders already, such as the selling of information and all of the other ideas that have been floated by many of the stakeholders.

Mr Bruce Miller: We would certainly support the position if it came up at the adequacy table that other justice personnel should be included in the process, because I believe they have the same concerns we do.

The Acting Chair: Government members.

Mr Frank Mazzilli (London-Fanshawe): Thank you, Mr Miller, for appearing, with your busy schedule. I know you were on CP24 urging our government to pressure the federal government into toughening up the Young Offenders Act, which I'm sure we will do.

But back to this bill, what is your understanding of how this issue came up in the first place? I support the bill in concept as to the intent of what's being done, but what information was revealed to the public, from your understanding, that made this an issue in Ontario?

Mr Bruce Miller: I think it's come forward through the media. From my own perspective as a front-line police officer in London, it was something we saw happening in the last several months before I left the force, where we saw organized motorcycle gangs doing surveillance on the police station parking lots and things of that nature. It's a relatively new phenomenon and it's something we believe needs to be dealt with fairly quickly.

Mr Mazzilli: You want it done quickly. This bill's intention—I just want to read the explanatory note: "The bill would create a board to examine issues regarding the collection, dissemination and safeguarding of personal information about personnel involved with the criminal justice system." The board would be composed of representatives from different ministries, police officers, correctional officers and many others, and they are to recommend to the Legislature each year. I think this

needs to be done, and much of it can be done by regulation. The two pieces of personal information would be the ownership of a motor vehicle that would tie an address to the owner, or a driver's licence. Is that your primary concern, those two pieces of ministry information?

Mr Bruce Miller: I think those are the two most obvious concerns that jump out. There may be other areas. We are planning to explore this with our membership in the next few weeks to see what other areas need to be covered off, and then we will be raising them with the minister.

The Acting Chair: Thank you very much for coming in, Mr Miller.

TORONTO POLICE ASSOCIATION

The Acting Chair: The next speaker is Rick McIntosh of the Toronto Police Association. Good afternoon.

Mr Rick McIntosh: My name is Rick McIntosh. I'm a full-time director with the Toronto Police Association. I am also here on behalf of NAPP, which is a new organization, the National Association of Professional Police.

The Toronto Police Association is the largest in the country and represents over 7,000 members. NAPP is made up of over 18,000 members from the largest police associations in the country. In Ontario, NAPP consists of the Toronto Police Association, the Ontario Provincial Police Association and the Niagara Police Association, with a combined membership of over 13,000 police officers and civilians in this province.

I have been a front-line officer for over 25 years in the city of Toronto.

I would like to start by thanking the committee for allowing me the opportunity to speak today on Bill 27. I would particularly like to thank the honourable member, Mr Levac, for bringing this bill forward. I hope this bill will result in action to bring about the much-needed changes to ensure the safety of police officers, crown attorneys, the judiciary and corrections officers, as well as their families.

I would also like to thank the Solicitor General, the Honourable Mr Turnbull, and the Minister of Transportation, the Honourable Mr Clark, for their continued support and ongoing talks that we've been having with them.

The issue regarding the safety of police officers, civilian members and their families has never been more important than it is right now.

I would like to speak on a relatively new trend that is developing in Ontario, and that is the increased number of threats and the intimidation being used by organized crime and gangs toward our members and their families. This is a phenomenon that has taken place in other parts of the world and is now being practised in Ontario. Ontario is not exempt from the gang warfare that has been seen in Quebec, and Toronto is not exempt from the

gang problems that other large Canadian and American cities have experienced.

We know our police stations and parking lots are under surveillance by both organized and street-level gangs. We know gang members are following officers home. We know gangs have infiltrated various companies that have access to our private information. Ministry offices in other jurisdictions have been infiltrated by organized crime for the purpose of gathering personal information on their enemies, as we have seen in Quebec. Gangs have become stronger, bolder and better organized, to the point where they conduct surveillance, counter-surveillance and intelligence-gathering on the same police officers that they are dealing with on a day-to-day basis. If these trends are allowed to continue, officers will have to start paying more attention to their personal safety and that of their families, rather than safeguarding the community as they are entrusted to do. Our members' personal information must be protected.

1610

I have a little clip from a video here. This is actually a training video that is shown at our police college and it's on gangs. This is going to take about a minute. You'll see a section on graffiti, and in the package I've given you there's a lot of mention of graffiti, 187, spray painting on walls and gunshots. Then you'll see an actual member of the Bloods, which is a gang from LA that is now in Toronto, as we have all the gangs, being interviewed, talking about how they do surveillance on our police stations.

Video presentation.

Mr McIntosh: This is an officer from the Toronto transit police who's an expert on graffiti.

See the number 187 here, which means death, in code, in California.

This is one of our officers. He's threatening one of ours.

When we're investigating any of the gang members in a—

Interjection: Sylvester Stallone.

Mr McIntosh: Yes, not the sharpest knife in the drawer, that guy, but he is a member of the Bloods, a very violent group.

In the package that's been handed out, we did a quick summary of some of the threats that have been made to our officers just in the last little while, and the number of threats are increasing. Also, there are newspaper clippings in here on other threats made against officers. If you go about halfway through, there's a newspaper clipping on bikers. They actually have a Web site with pictures of our joint forces officers and they ask for bikers or anybody to log on to the Web site and try to identify who these undercover officers are.

As a result of the increased number of threats made to officers and their families, the Toronto Police Association and the Toronto Police Services Board have joined forces to try to rectify the growing problem. The security of all police facilities is currently being examined and reviewed. As well, an officer safety section has been

added to our intranet Web site so that our members can protect themselves. Talks are also underway with current ministries which will protect the identity and privacy of our members and their families.

As police officers know, when dealing with organized crime and gangs, secrecy is of the utmost importance. If the gangs find out what precautions are being taken to safeguard the people you and I want to protect, they will find other means of achieving their goals, which will only counteract the measures we hope to implement.

Having said that, section 4 of Bill 27 raises some serious concerns for the police associations that I'm here today to represent. Those would be the public records that would become available if recommendations are made directly to the assembly.

I would like to thank you once again for allowing me the opportunity to speak this afternoon. If you have any questions, I'll be glad to try to answer them.

The Acting Chair (Mr Ted Chudleigh): Thank you very much, Mr McIntosh, for making a presentation to the committee. I'm afraid you've used up your time.

ONTARIO PUBLIC SERVICE EMPLOYEES UNION, LOCAL 308

The Acting Chair: I would now like to call the Ontario Public Service Employees Union, local 308; Steve Clancy, president. Welcome to the committee, Mr Clancy. You have 10 minutes to make a presentation and/or to answer questions.

Mr Steve Clancy: I'd like to thank you for giving me the invitation to come here today and speak on behalf of my members at OPSEU, local 308, in Peterborough.

I'm a correctional officer. My name is Steve Clancy. I work at the Peterborough Jail. I'm also president of OPSEU, local 308. I've come forward today to relate to you the importance of Bill 27 and how critically important it is for people working in the justice division to have their confidential information protected. I would like to give you an example of an incident where there was an accidental release of confidential information of a staff member I work with at the Peterborough Jail.

In the spring of 2000, a correctional officer was involved in a bribery investigation as a witness for the crown. As a result, an inmate was charged with attempting to bribe a peace officer. During the police investigation, the correctional officer gave a witness statement and was asked to provide his personal information by the police officer—that would be his name, his address, telephone number and his date of birth—which he did. This information was offered as the correctional officer felt that it would be kept in the strictest of confidence, considering he was giving his personal information to a police officer.

Unfortunately, approximately one month later there was a major breakdown of policies and procedures, and the police officer's notes, including the staff member's information, landed in the hands of the lawyer for the accused. A crown brief was developed and the confi-

dential information of the staff member was included. As a result, the defence attorney was given a copy, which he in turn supplied to his client, who was an inmate incarcerated at the Peterborough Jail. After the inmate received the information he started to brag to the other inmates and staff at the jail that he knew where the officer lived and that he knew his telephone number and that the officer had better watch his back. So it was a threat levied against the staff member.

This threat made by the inmate put all staff at the facility on notice that there was a possible breach which led to the release of confidential information, which nobody felt comfortable with. It turned the facility upside down and made a lot of people panic. An investigation was started and the allegations that the inmate was in receipt of the information he bragged about was found to be true. So we launched an internal investigation, and that information the inmate was bragging about was true.

The officer and his family became aware that they would have to watch every move they made and screen all their telephone calls. They also had to swallow a tough pill and go out and inform their neighbours that the information had been released and was in the receipt of an inmate, to offer them protection as well.

The investigation was carried out, albeit in a swift and professional manner, by senior staff at our facility, but this did not minimize the stress and the tension that was added to the staff member conducting an already stressful and tension-filled job.

1620

Because the inmate also lived in the officer's home area, he had knowledge of the neighbourhood and the lifestyle and patterns of both the staff member and his family right at his fingertips. Any threat he was bragging about could easily and confidently be carried out, if in fact he was serious about his threats, which we still don't know to this date.

For approximately one month he was in receipt of that information before we finally went in and retrieved it from him on a cell search. So he had that confidential information in his hands, which he probably copied, and he bragged on several occasions about sending it to other inmates, clients who were in our custody at that time within the adult system. So we could not easily take any chances, because of the past incidents of this nature, and had to request a transfer of the work location for the staff member and improvements to his home security, which the ministry was obliged to provide.

That was what occurred back in the year 2000 with a staff member. He's currently still not in our system; he's been removed from the adult system and transferred over to a young offenders facility. The incident that I've related to you is not an isolated incident, but one that alarmingly enough happens on an all-too-frequent basis.

I read a book a while back called *Cruel and Unusual*. It's the shocking reality of life behind bars in Canada. It tells the story of a British Columbia correctional officer, Frank Newton, who had his hands and arms blown off back in 1996 by a bomb that was delivered to his house.

That's the shocking reality of what can happen with the leak of confidential information into the wrong person's hands, especially with the clientele we deal with in a very volatile, day-to-day basis.

Bill 27 is a common sense solution that would prevent this release of confidential information and eliminate this type of occurrence. I'm here today asking that you do something to plug this gap to protect all of our lives and safety within the corrections division. I thank you very much for your time.

The Acting Chair: Thank you very much. That leaves us about five minutes for questioning.

Mr Mazzilli: Thank you very much for attending. Certainly what happened to your member should have never happened. When a charge is laid—and all witnesses, whether they're correctional officers or civilian witnesses—the only disclosure that should be given to the defence is the statement with the name and no address. Those policies are in place. As you correctly said, that certainly fell apart and your member's information was released.

This bill in fact would make things even cloudier, if you will, because it says, "The board shall establish its own policies and procedures," so it's above policies and procedures that are already in place.

I wanted to talk about something that Mr McIntosh pointed out before, because I think it includes police, correctional officers and judges, not just in relation to the elimination of personal information, drivers' licences and ownership of vehicles, but when we're talking about surveillance, that's what organized gangs are now doing. So aside from just trying to obtain your address, they're following people home after their shifts and that sort of thing.

We heard about surveillance on the Internet, about "identify this officer," by organized criminal groups. I think that should be a Criminal Code offence and that your organization should lobby for that. There's no way on earth that correctional officers or police officers should have their faces posted on the Internet by an organized crime group and get away with it. That should be a criminal offence.

I support you. The concept of not getting personal information from police officers and correctional officers I support. This is certainly too bureaucratic for my liking and I think it can be done by regulation. So thank you very much for your presentation.

Mr Bruce Crozier (Essex): You probably heard in earlier testimony that this seems to be a recent phenomenon, and yet I'd like to refer back to the information that I was going through from the Toronto Police Association under "Threats to Justice System Members." They give one example that goes back to 1996, five years ago. Would you say from your experience this is a recent phenomenon or is it something that may even go back further than that?

Mr Clancy: The violence inside the institutions has been escalating for years. Lately, over the past little while, we've seen quite a significant rise in assaults

against jail guards within the provincial system. Just recently I received a telephone call that our facility is being closed as of 9 o'clock tonight due to the violent behaviour of the inmates who were incarcerated at the Peterborough Jail over the weekend. They've closed our facility. We just got notified by telephone this afternoon that they demolished the institution to such a severe state that they found it necessary to close the institution and move the staff and the inmates tonight at 9 o'clock. All staff on duty tomorrow morning will report to Millbrook Correctional Centre as a result. These incidents are ever-increasing on a day-to-day basis.

Mr Levac: Under section 2 it says, "The mandate of the board is to ... examine issues regarding the collection, dissemination and safeguarding of personal information about ... officers, court officials, correctional officers, parole and probation officers and others involved in the criminal justice system..." Do you find that too bureaucratic?

Mr Clancy: That is quite bureaucratic, isn't it?

Mr Levac: Do you find that bureaucratic in terms of collecting the information which was referred to by Mr Mazzilli beyond the scope of what the board should be collecting?

Mr Clancy: I'm not sure of your question.

Mr Levac: The implication you made was that it was the Ministry of Transportation only.

Mr Clancy: Correct.

Mr Levac: But this statement goes beyond that. Do you believe that this goes beyond just a few pieces of information?

Mr Clancy: It should include all corrections people, all people within that justice division, to protect each and every one of us as a safeguard.

The Acting Chair (Ms Marilyn Mushinski): Thank you very much for coming in, Mr Clancy.

PROBATION OFFICERS ASSOCIATION OF ONTARIO

The Acting Chair: The next speaker is Cathy Hutchison, President of the Probation Officers Association of Ontario. Good afternoon.

Ms Cathy Hutchison: Good afternoon. I'm going to start with just a brief introduction of who we are and who we represent. The Probation Officers Association of Ontario represents probation officers in community and social services who take care of 12- to 15-year-old young offenders. So they supervise the phase one young offenders. We represent probation and parole officers in the Ministry of Correctional Services. They supervise the phase two young offenders, who are 16 and 17, as well as adults' parole, conditional sentences and probation.

We have seen some quite disturbing trends in the field over the past few years. I'm just going to touch on some initiatives—some are legislative change and some are just trends—that have resulted in an increase, certainly, in the safety situations for our officers.

One of the situations we've been seeing for several years now is an increase of the mentally ill offenders being under our supervision. That partly results from the deinstitutionalization of the mentally ill, but we have seen many cases where judges have been placing offenders who should perhaps be in institutions, especially in times of extreme instability on probation or other types of community supervision. As a result, some of those mentally ill offenders also have the tendency to fixate. We have had situations where officers have been assaulted, threatened and been the victims of repeated telephone calls. We've had one officer and her husband who were being stalked by an offender in the north of Ontario and another situation in Toronto where an officer had to change offices because of repeated threats and harassing telephone calls.

Another trend that has contributed to this is the increase in the number of domestic violence cases that we're supervising. Because of the protocols and the legislation around this—they are very positive, but we have become increasingly overwhelmed with supervision of cases resulting from domestic violence scenarios. What happens with these cases is that the offenders view themselves as forced into counselling or treatment. They're often in denial of the situation that they have. We also have to, in those scenarios, often revoke contact with the offender's wife or partner, and that can be very difficult and cause the offender to be very disturbed. They also often view the probation/parole officer as interfering in a personal relationship, even though it is actually a criminal justice issue.

We have mandatory victim contact with these cases, and often, again, the offender can be quite disturbed by that. We also have to contact their new partner, who may or may not be a victim of domestic violence. Again, that can cause the offender to be quite angered with the officer.

1630

Another situation: because of the criminal harassment legislation, we are supervising many, many stalker-type offenders these days, and we've had scenarios where these people have turned and become obsessed with the officer. Because of that legislation, many of these offenders actually end up with a probation order, even if it follows custody. As I stated, we've had situations where officers have had to change offices. If the offender could get a hold of their home address or home telephone information, that would be a real problem, because no doubt the telephone calls and the visiting would occur there.

Other situations which place us and our families in great jeopardy are things like testifying in court about offenders' activities, bail hearings, sentencing hearings, trials and immigration hearings. Also, as a result of the conditional sentence legislation, we're supervising many people now who previously would have received jail plus probation. These offenders, in many cases sex offenders and serious violence offenders, are receiving straight conditional sentences and they're not going into custody.

Again, with these cases, we have to give permission letters for them to leave their residence or to leave the province of Ontario, and denying in a situation like that can cause quite a bit of hostility against the officer.

A new initiative in corrections which is positive but creates some problems in terms of safety is the intensive supervision stream. That's part of the probation and parole service delivery model. In that stream, we're doing many more home visits. This is an issue for us in terms of the licence plate information. In larger areas we don't even have ministry vehicles, so officers do the home visits with a personal vehicle. Then you're faced, first of all, with the offender seeing your vehicle and simple things they don't need to know, such as if you have a car seat, if you have a child and what the vehicle looks like, because it may be damaged. Furthermore, we have concerns about licence plate information. If they have access to that, if the MTO licensing facilities are privatized, if there's a way that organized crime can get access to that, then our home telephone and address information would be known.

The intensive supervision stream also has much closer enforcement and monitoring, which is very positive for public safety, but again can cause the offender to have some hostility toward the officer.

All of these initiatives, many of which are positive in terms of legislative moves, have placed us in greater situations of safety. We have had over the past few years more assaults and more threats on our staff, more incidents of weapons being brought into the offices and, of course, with technology and organized crime and things like licence plate information being accessible, we have greater concerns about our personal information. To perform our duties well, to really protect the public, we have to feel that such information cannot be obtained, because the officer has to work with these offenders for years, not just for one day. We're working with them for years, and we have to know that the information is private.

The Acting Chair: We have time, perhaps, for a couple of questions.

Mr Levac: Cathy, you mentioned earlier mental health issues, domestic violence, stalkers and intensive supervision. You did mention organized crime. Are you indicating to us, then, by your presentation, that you believe that any one of these four items you mentioned, or all of them, have a relationship to organized crime or biker gangs, or is it an independent issue?

Ms Hutchison: I was mentioning them independently, yes.

Mr Levac: Do you know of any background information? I have anecdotal evidence, but some of these you mentioned are actually making links to organized crime and them taking advantage of some of the situations you described. Are you aware anecdotally of any of those taking place?

Ms Hutchison: Organized crime connected with mental health?

Mr Levac: Yes, with inmates who have mental illness. I've heard some stories in the corrections field

where organized crime is actually taking advantage of their situation, that they follow somebody easily and they become somewhat of a lackey for that group.

Ms Hutchison: I haven't heard of it with the mentally ill, but we've heard of it with some younger people—for example, of their going from some of the organized street crime gangs and recruiting from there.

Mr Levac: Finally, do you have a problem with the creation of the board as outlined in the legislation?

Ms Hutchison: No, because as I indicated, it's actually quite a complicated issue. There are many issues that we have. I don't have a problem with the board being created, no. I think it would be helpful.

Mr Mazzilli: Thank you very much for appearing, ma'am. I was certainly listening to your presentation intently, that probation officers work with violent people, as do police officers and correctional officers. Some of the issues you talked about, threats and so on, are covered under the Criminal Code and always have been. We heard Mr Crozier asking if this is a new phenomenon. I can tell you that all police officers, correctional officers and probation officers have been dealing with threats—whether they were criminal or not depended on what the person said—probably from the beginning of time. That certainly hasn't changed.

What has changed slightly now is the level of surveillance by organized groups. That level of surveillance doesn't just take in personal information, but goes further. It goes into following people home and so on, things that likely come under the stalking law, but you need too much, things that probably should be in the Criminal Code for people involved in the justice field.

What this act does is make it very bureaucratic on just personal information. What you talked about was simple licence plate numbers and the prevention of getting that information. We support that. We support that the public should not have access to the information, whether it's from a motor vehicle or a driver's licence, of people involved in the justice field, just to clarify that point, but we do not support the creation of a whole new system to do so. We believe that it can be done, and the Solicitor General, along with the corrections minister, has made a commitment to get it done. So that is our position, and I will certainly make sure that they get it done.

The Acting Chair: Thank you very much for coming in, Ms Hutchison.

DAVID KERR

The Acting Chair: The next presenter is David Kerr, probation and parole representative for the Ontario Public Service Employees Union.

Mr David Kerr: I'd like to echo my thanks, just as Cathy did. It's kind of nice to follow her, because I think the information she provided gave a very—unfortunately—rapid but brief synopsis of the responsibilities we have.

I've been working in the criminal justice system now for just over 24 years in a full-time capacity, and three

years prior to that in a part-time, unclassified capacity. I've worked as a correctional officer, I've worked as a youth correctional officer and I worked as a probation and parole officer for a significant number of years. In listening to the comments the members have made here recently, I suppose as part of my presentation I'd actually like to address some of them.

Mr Mazzilli made some comments with regard to police officers and correctional officers. I'd like to see that probation officers are also enshrined in this piece of legislation. I know it's there now. I'd really like to see it not get amended out. Using the word "surveillance" in organized crime and the surveillance of individuals—that's what we're about to get into in the very, very foreseeable future with electronic surveillance of offenders in the community.

The reference to the Internet sites, where the previous speaker had mentioned officers of their unit being publicized with biker organizations looking to identify who the individuals are—after reading it in the London Free Press, where they actually listed the Web site where you could go in and view the photographs, I chose to do that, but not from my home personal system because the technology the biker organizations or any organized crime organizations would have are most likely far superior to anything I or the government systems would have to protect that. When I viewed their Web site, I actually used the justice system's Internet service provider to access that site, to protect my own identity.

The member from Essex spoke about time frames and how recent or how dated incidents are.

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I can recall personal incidents, such as in 1988—being the second major incident in my life and in my career—when a parolee's wife tracked down where I lived and phoned my residence. I wasn't there and my wife answered the phone. I had one child at that time. She made it perfectly clear that it was my fault that her husband was back in jail for violating parole, that she wanted some answers to some questions and was prepared to come over to my house and wait until I returned home to find out the reasons her husband was in jail, notwithstanding anything that he would have done to put himself back there.

In 1996, when I was working as a correctional officer at the Windsor jail, I had an inmate in his cell block approach me and ask me, "Do you still live at 93 St James Street in Essex?" I had no response. He further inquired if I still lived there with my mother and two brothers, all of which was true. I had no response. It scared me. That information might have been obtained strictly through the phone book. Since 1998, I've been forced to have, in my opinion, to protect my privacy, an unlisted phone number. That's at my expense.

Ms Hutchinson spoke about the partner contacts, and the new partner contacts in particular. That's creating a very dangerous situation for us. It's mandatory in our policies to do that. Offenders get rather stressed out knowing we have an obligation to contact someone who has no idea about their criminal background.

We've had some recent incidents that I'd like to speak about. As recently as last week, a staff member in one of our community offices in a rural area—not a metropolitan area—had her vehicle vandalized in the parking lot in the workplace. The offender who likely inflicted this damage—and it hasn't been proven yet—was mentally disadvantaged and would have the opportunity to take that one step further and take it away from the workplace and into the residential setting, impacting on other families.

The most serious one that I can think of in recent times was here in the city of Toronto, where one of our probation officers was approached by an offender who was under supervision and showed him a photograph of his child—I'm not talking about the offender now, I'm talking about the probation officer's child. The offender showed him a picture of his son just to let him know that he knew he had a child and he knew that he had the ability to get a photograph of the child. The officer was aware that he was a sex offender; he was, in fact, a paedophile.

These are very frightening situations. All this because we don't have the ability to protect our information, to keep it private. At what expense? Our families? Perhaps our lives? I fully sympathize and support the previous speakers I heard, about some difficulties. I would ask this committee, when you bring this back into the House, to support this.

The Acting Chair: We probably have time for one question each.

Mr Mazzilli: I'll just make a comment that some of the situations you pointed out in 1996 and 1998 about your personal information had to do with telephone books. The situation in Toronto is much like that which Mr McIntosh spoke about, a posting or a picture of a child. I would agree that just a simple comment with a picture of someone's child—just someone suggesting—should be a criminal offence. Presently, for "threatening" in the Criminal Code, you have to make a threat of life or property. But to me, just the suggestion that someone holds up your child's picture and suggests that something possibly might happen is a criminal offence.

I would urge you and I would urge the Police Association of Ontario and the Ontario Provincial Police Association to ensure that, with the way organized crime is functioning, with sections like that, to lobby the federal government to make that a criminal offence.

Mr Levac: Are there steps the province government can take, like maybe adopting this bill to assist our federal cousins and the federal government in trying to help fight crime?

Mr Kerr: There certainly are. I fully agree with what Mr Mazzilli said. Those are criminal offences and we treat them as that, but it needs to go one step further and have the ministry or the government of Ontario put something in place that will give us better protection from offenders or from anybody tracking us down to our personal dwellings and settings. It goes far beyond that.

The Acting Chair: Thank you very much for coming this afternoon, Mr Kerr.

Mr Kerr: If anyone wants to contact me directly at any other point in time to find out more information, I would welcome that and I'd certainly make myself available. I'm sure the clerk can provide that information, with my consent.

BARRY SCANLON

The Acting Chair: The next presenter is Barry Scanlon, OPSEU correctional services employee representative.

Mr Barry Scanlon: Good afternoon. My name is Barry Scanlon. I've been a correctional officer in the provincial correctional system for 17 years. Through my career with corrections, I've worked in the Toronto West Detention Centre and the Guelph Correctional Centre, and I'm currently employed at the Waterloo Detention Centre in Cambridge. I've also been a member of the provincial correctional joint occupational health and safety committee since 1994.

In 1994, I visited Montreal and met with representatives from correctional offices in that province. At that time, the representatives told me they were dealing with some serious concerns around correctional officers' safety with respect to biker gangs. The situation was truly frightening at that time. Many officers had been threatened, officers' cars had been broken into while they were at work and documents were stolen from the cars; blasting caps had been found in one provincial prison; the drug trade in one very large provincial institution was so massive that rumours were that biker gangs were having members or associates commit minor crimes in order to get into prison to bolster gang members' numbers and get a bigger piece of the drug action.

Some minor responses to the Quebec correctional officers' concerns were made but, in retrospect, not enough was done. Since that time, two Quebec correctional officers have been brutally murdered and countless others have lived with fear and intimidation. Members of biker gangs have been charged in the murders.

Recent revelations have indicated that bikers routinely use driver's licence records to track down those they consider enemies or those they wish to intimidate for other reasons. With the recent biker recruitment drive in Ontario, we can anticipate that bikers are beginning to put lists of their enemies together as I speak.

How concerned have we been in correctional facilities in Ontario about maintaining our personal privacy? A few short years ago, we challenged a government directive which forced us to wear a nametag at work. We felt that being identified by a badge number at work was sufficient for inmates who might want to identify an officer for the purpose of a complaint. The Ministry of Labour eventually agreed with us, and today we wear a picture ID with only an identification number on it. Each impediment we are able to place in the way of a dangerous individual or group trying to find out personal information about us makes it that much more difficult for them.

More recently, we have been able to have our minister agree with us that we can use the institution or office where we work as an address when an inmate is criminally charged. Even though the minister has agreed with the practice, to my knowledge there is no formal policy in place within the ministry yet. I went through this myself when I charged an inmate in January and made a criminal complaint against him for assaulting me, biting my finger and threatening to kill me and my family. There was no policy in place, and I informed the police officer who took the information down that in fact I could give the institution address for my own address.

What used to happen was the correctional officer who was a complainant or a witness in a criminal case involving an inmate would have to give his or her home address to the investigating police officer. Later, as described earlier by my colleague, an inmate's letter provided the inmate with disclosure on the charges against him. The correctional officer's home address would also be provided to the inmate as part of the disclosure. The informal practice agreed to by the current Minister of Correctional Services needs to be formalized immediately.

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How easily can you currently track a correctional worker to their home? I received a call from a female correctional officer who was very upset. She'd gone to her car, which was parked, along with about 120 others, in the general parking lot of a building she had moved to two months previously. A note, along with a name and phone number and message to call, was on her windshield. At first, the correctional officer assumed the number must have been that of someone who had bumped her car but, upon calling the number, she discovered that the individual was an ex-inmate from an institution where she had not worked for at least six months. The inmate had been serving his sentence as an outside maintenance worker at her former facility and had watched her drive in to work. Subsequently, using her licence number, he had found out her home address.

Two weeks ago at Toronto West Detention Centre, I watched three unsupervised inmates working in the parking lot watching which officers came in which car. They were actually facilitating the collection of officers' personal information by inmates while they were serving sentences. It's a situation that needs to be addressed immediately.

Most of us take our own personal precautions to prevent criminals from finding out about us and our families. Nevertheless, we desperately need the government's help over the next few years to protect our privacy. Passing Bill 27 will be the first giant step toward protecting correctional workers, their families and the public at large.

The situations and circumstances I mentioned are just a few of the more blatant and obvious means of gaining personal information on correctional workers now utilized by criminals. As correctional workers, we have learned to live with and rebuff daily attempts by crim-

inals to threaten and intimidate us as we try to do our jobs. The correctional workers I represent are confident that Bill 27 can move us toward minimizing the chance of those on-the-job threats and attempts to intimidate spilling over into our personal and family lives. We have an opportunity to take a significant weapon out of the hands of not only biker gangs but also other street gangs and dangerous individuals as well.

I ask for you to please help us to continue to provide the public of Ontario with top-quality public service and safety. I'd like to thank you very much for your time this afternoon.

The Acting Chair: We have time for perhaps one question from Mr Crozier.

Mr Crozier: Perhaps you heard earlier testimony where I asked about this being a recent phenomenon. But Mr Clancy, Mr Kerr and even Mr Mazzilli have indicated that this has gone on for some time, more than just a few years. My point is this: the adequacy committee has done an outstanding job in bringing issues to the fore, even problems similar to this, but this bill asks for a criminal justice privacy board to be formed. In my view, that would address this particular problem in a more detailed way. Would you comment on that?

Mr Scanlon: I think that's correct. One of the difficulties we've had at health and safety in addressing these issues is the fact that we have three or four different ministries involved here. We go to one and we're told it's the responsibility of another one. We don't have the accountability. When we see this, we kind of end up in a bureaucratic mess, in limbo, because we say that the police reports should not contain this personal information, that it should be blacked out, and now we've got an agreement that it not be collected in the first place. But that's taken a number of years and there have been a number of people's lives put at risk.

We see this committee as cutting through that stuff and overriding the three or four ministries involved. That would be the Ministry of Correctional Services, the Solicitor General, the Attorney General, and the Ministry of Transportation, which was the fourth one mentioned.

Mr Mazzilli: I just want to pick up on a few of the comments you made. As I acknowledged before, using the workplace as an address should be a policy, and I support you on that. You know that all your members cannot give the police your home address, and you can tell them that, but you choose not to get confrontational and you do give that. Occasionally, we hear of what happened that should not have happened, a disclosure of personal information that should never have occurred. There are policies in place to deal with that.

My concern, and what you talked about, is that we don't know that the home address was not found through surveillance. We assume that sometimes it's found by licence plates or, in fact, someone could have been followed. But the obvious ones, whether it's correctional officers or police officers, are licence plates and driver's licence information. Those are the two obvious ones. Would you agree with me on that?

Mr Scanlon: Those are two that stand right out. Those are two avenues that are currently well utilized by these individuals in tracking people.

The Acting Chair: Thank you very much for coming in this afternoon, Mr Scanlon.

PEEL REGIONAL POLICE ASSOCIATION

The Acting Chair: The next presenter is Paul Bailey, chief administrative officer of the Peel Regional Police Association. Good afternoon, Mr Bailey. How are you?

Mr Paul Bailey: Good afternoon, Madam Chair, and thank you. With me today is David Kingston. David is the president of the York Regional Police Association and a long-serving police officer in Ontario.

My name's Paul Bailey. I am the CAO of the Peel Regional Police Association. I was a police officer for approximately 28 years. David and I have both worked together at one time or another in the policing business. I have done investigations on organized criminal biker gangs in my previous history as a detective. We wish to thank the committee for the opportunity to share our thoughts and views on Mr Levac's private member's bill that introduces legislation that will protect police officers, criminal justice personnel and their families.

First let me say that we support in principle the essence and direction of Mr Levac's private member's bill. To many of us, it makes sense that we protect the very people who put themselves in harm's way in order to protect the public from those who will abuse or undermine our justice system. I want to make it clear that it is not only police officers who feel the need for this type of legislation; it is all those who operate in the criminal justice system. For greater clarity, I'm referring to police officers, correctional officers, prosecutors and others that have a direct or indirect interest in maintaining an effective justice system; I include probation officers in that as well.

Over the past several years, organized crime has made a significant and detrimental impact on the economic fabric and public peace in Ontario. In one degree or other, major organized crime groups thrive in Ontario, and particularly in the greater Toronto area, which seems to gain so much notoriety.

One of the most visible threats to public peace and security is the recent invasion of outlaw motorcycle gangs, in particular the Hells Angels and the Bandidos. Both these organized groups have worldwide affiliation and a history of violence. With the increased presence of these gangs comes increased media coverage, and with this comes the need for increased enforcement by police services across the province. That is where this type of legislation becomes particularly important to police officers and others engaged in the prosecution of organized crime and those less known but equally dangerous criminal groups—and we've heard about the Bloods and the Crips and so on.

With increased police enforcement comes the need and desire of criminal groups to respond to this increased

enforcement. They often find it necessary to intimidate public officials by outright threats, or to offer money or other interesting things to entice and compromise these individuals so they can control them at later dates. This phenomenon is not new to Ontario or North America. In June 1999, federal and state authorities in California arrested 11 people on narcotics charges. The ringleader of this drug trafficking organization that dealt in speed, cocaine and prescription medication was the founder and president of the Orange county chapter of the Hells Angels. Interestingly enough, the other person they arrested in this group was the Orange county district attorney. He was involved in this criminal organization.

Many of you here today will recall the vicious assassination attempt on Montreal crime reporter Michel Auger. As you heard earlier, he was gunned down, shot five times in the back by individuals. Information leaked to the National Assembly was obtained from a worker in the provincial government's automobile insurance board. Mr Jacques Dupuis, the Liberal public security critic, said, "It does not surprise me that in Quebec, the bikers would try to infiltrate an organization like that to get really important information. It speaks to the reach of these gangs, and the government has to be conscious of that." I've included in my brief other issues that speak to how pervasive this infiltration of our justice system has been.

I would like to take this opportunity to highlight one particular fact. In January 2001, the Hells Angels had 431 Canadian members with 12 new Ontario chapters. These new Ontario chapters have about 200 members, and that includes 2,000 associates. This doesn't include rivals like the Bandidos and the Outlaws motorcycle groups. We've had issues in Ontario where we've had people watching our police stations with binoculars and scanners, containing this information and putting it on a computer disk. This information can later be sold to people like private investigators or organized criminal groups like the Hells Angels.

Having said that, I would like to turn over this presentation to my colleague, David Kingston.

1700

Mr David Kingston: I would like to suggest that the problem Ontario police officers investigating organized crime face by not having their personal information protected is no different than what has been happening in Quebec over the last few years. The problem was caused when police took aggressive and needed action against outlaw motorcycle gangs due to a large number of homicides and the killing of an innocent 12-year-old boy. These outlaw motorcycle gangs now have a considerable presence in Ontario, and I believe past history will reflect what can likely happen in Ontario.

Allow me to highlight just a couple of short incidents that took place recently in Quebec: "Revenue Quebec catching more workers snooping in private files." In May 2001, the Quebec provincial revenue department made a public announcement that employees leaking personal information was a chronic problem. The revenue depart-

ment announced that in 1999, 31 public servants working in the revenue department were caught trying to access private information. This figure doubled to almost 58 in 2000. Seven people were fired in each year this happened. Some of these leaks resulted in one public servant being fired for leaking the addresses of anti-gang police officers to members of the Hells Angels, and also the firing of a number of staffers after provincial police investigated employees from three government departments, including Revenue Quebec, for selling confidential information to a private detective.

The problem with intimidation by organized crime is that it doesn't just impact police officers and public servants working for government agencies; it also impacts the very heart of the justice system.

I'll turn it over to Paul now for some recommendations.

Mr Bailey: The purpose of bringing forward the Quebec issue is just to highlight the fact that we've seen what's happened in Quebec. It is here in Ontario now.

We would like to make five recommendations to this committee:

(1) Identify the various government agencies that have personal information on individuals involved in the enforcement and administration of justice. I believe we will all be surprised to see just what information is contained in the respective government ministries.

(2) Take the identified information and create a stand-alone database that will limit availability and access to this confidential information. High-level encrypted technology should be used to safeguard this information.

(3) Closely screen all persons employed in the input, access and release of this information. This screening should be detailed and continuous.

(4) Amend the necessary freedom of information laws to allow more careful release of information, especially as it pertains to law enforcement, correction and justice.

(5) Create laws with significant monetary penalties that will put the onus on Internet companies that store and release information on the Internet. These companies must be held responsible for the release of information that can hamper or compromise the safety of people involved in protecting society.

These are just some of the recommendations. We would like to say in closing that we thank you for allowing us the opportunity to appear before you today. We would also like to thank Mr Levac for introducing this much-needed type of legislation.

The Acting Chair: There's probably time for one 30-second question.

Mr Mazzilli: Mr Bailey and Mr Kingston, thank you very much for attending. The point you gave in the Quebec situation about public officials leaking information—this may be something the Solicitor General can do. If that does happen, it's a provincial offence and, once convicted, it's obviously a monetary fine and dismissal. I'm sure that's policy, but perhaps is not in legislation. If anyone is here from the Solicitor General's

office, I would urge them to take those notes and look at something like that.

Your point on public officials is right on. I recently held a public forum in London on body rub parlours. As you know, many of them are owned or indirectly owned by biker gangs. The evening this public forum occurred, the bikers attended with camcorders and were filming me, along with the police and everybody else. The media were present, and they were also confrontational with the media, filming the media while the media was filming them, but they were much more aggressive. I think this is an issue that is picking up.

As far as driver's licenses and ownership goes, you know this is a very small portion of the whole big picture of intimidation and threatening. Presently, threatening is in the Criminal Code, but I think intimidation, something less than you need for the evidence of threatening, would be welcomed, I'm sure, by police officers and others in the criminal justice system.

Mr Bailey: It's interesting to note that personal information on everybody in this room is not only in the Solicitor General's, Attorney General's and corrections ministries, it's also in the health ministry, the education ministry and some of the smaller ministries. It's everywhere. We need to collect that data at least on the people in this room—and I include you in that—to safeguard it and put it in a stand-alone system that people can't get access to.

You can spend \$10 right now and go to a kiosk and get the licence plate number, registration and home address of anybody in this province. That's pretty sad.

The Acting Chair: Mr Levac, 15 seconds. I know that was a very long 30 seconds.

Mr Levac: That's a long 30 and you're giving me 15. I appreciate it, Chair.

In essence, I believe what I heard you say at the end is you don't have a major problem with the creation of a board that investigates all these ministries and everything you're talking about.

Mr Bailey: I don't have a problem with the board, provided it includes all the stakeholders.

Mr Levac: That's right. Thank you very much.

The Acting Chair: Again, gentlemen, thank you for coming this afternoon.

ONTARIO CROWN ATTORNEYS' ASSOCIATION

The Acting Chair: The next speaker is Mr Tony Loporto, with the crown employees.

Mr Tony Loparco: Tony Loparco. I'm with the Ontario Crown Attorneys' Association.

Thank you for allowing me an opportunity to speak. Our organization acts on behalf of the now over 700 crown attorneys in the province of Ontario. I'd like to thank you, Madam Chair, for inviting me, although I had very short notice. I wasn't sure what time we were supposed to be here. I see that you're running overtime.

In any event, we feel that this type of proposed legislation is very important. The fact of the matter is that I see the board that's being proposed as a good idea. I see it as a good idea because it can react much more quickly to a problem and make recommendations much more quickly than changes in legislation would allow the government to do under normal circumstances. It would allow, if constituted broadly enough, input from all types of parties who would then give you access to much more information, so that security concerns, which are rampant, as you've heard from all the previous speakers, are properly addressed as those concerns become known.

The only thing I must say is—and I mentioned it to someone involved in Mr Levac's office—I would propose that the Ontario Crown Attorneys' Association be included as one of the members added to any proposed board that's put together. I say that notwithstanding the fact that the proposed board includes a member from the office of the Attorney General. The office of the Attorney General often takes into account the crown attorneys, but not always. I say that specifically because when I first took office as president of the association, I asked about many health and safety and security concerns and was basically told that unless it was in our collective agreement, I'd have to get the information some other way. I frankly found that quite offensive in that it's our association's broad mandate to ensure that our members are safe and secure in the workplace—and outside if necessary.

This type of group would allow our input into that type of situation and, frankly, the release of personal information is becoming of greater and greater concern. I don't know if this commission is aware of the fact that in the past year there have been two very serious death threats against crown attorneys in the province. In one case, a SWAT team followed a crown attorney from the Oshawa region for a month while they were trying to investigate whether or not there were legitimate concerns. No one in his office was aware of the fact that a threat was there. That was something our association became very concerned about. There was also another serious death threat in Peel region, where there was a conspiracy to commit murder, and the person pleaded guilty to that particular offence.

1710

The access to our home information through the Ministry of Transportation is a great concern. I just renewed my licence and asked for a policy they call the suppression of your licence address. I received a letter on Friday—and I wish I had brought it—indicating that I wasn't entitled to the suppression of my address unless I had a letter from a police division indicating that my life was presently in danger unless the address was suppressed. That's a little bit paternalistic, in that you don't necessarily know that your life is in danger until potentially after the fact. For me to have to go to some police department and ask, "Can you write me a letter indicating that, given the nature of the prosecutions I perform, my life is in danger?" is something that is,

frankly, ridiculous. I am sure this type of commission—and for the board to recommend it by this legislation—would come to the same conclusion, that to have to come up with a letter saying your life is in danger is patently unreasonable.

I guess at this point in time that's basically all I have to say. The stakeholders are the only problem I had with it—not just the crown attorneys. The more stakeholders you have, the better the amount of information that could be provided to either the Legislature or cabinet with respect to security issues relating to justice officials.

The Acting Chair: I know you are in a little bit of a hurry, so we'll try and keep the questions to a minimum.

Mr Crozier: Thank you for coming. There are few things in this life that I value more, and I think this is shared by others, than my family's well-being and my privacy. I think you and others have made that point today, that our privacy means a great deal to us.

I want to go to this point, just for your comment, on the criminal justice privacy board that's suggested in this legislation. I'd like your opinion as to whether it's a board that should have the mandate to deal with this privacy issue in all its aspects and whether you feel that may be the appropriate way to approach this subject.

Mr Loparco: Absolutely, because first of all, if it's broadly constituted, you'll get security concerns that are legitimately brought up on a timely basis and, secondly, the greater the input, again, the broader the base of ideas, and it can respond to concerns as they come along. The Internet is a perfect example of something that five years ago no one would have thought of as a potential risk to people in the justice system. Now we see how it can be used in both good and bad ways. A board of this type seeing new threats or concerns as they come along is going to be much more able to quickly react to those threats before something of a serious or tragic nature occurs. To allow a body of that type to deal with those types of issues would be much more responsive to the players in the justice system than to just allow it to happen as something happens and to amend the legislation as you go along in that fashion.

Mr Mazzilli: Thank you very much for attending, sir. I was listening intently to your presentation and to others. Certainly, from what we heard today, from a provincial perspective what we can prevent is anyone obtaining personal information as far as driver's licence and vehicle information. That seems to be the predominant provincial scope. Then there are the elements of what you talked about, the criminal threats or threats to life that crown attorneys go through.

I would support that the Ontario Crown Attorneys' Association be a stakeholder in deciding what the provincial government can do. My view and this side's view is that we don't need a commission set up to do this. We heard from previous members, specifically in the corrections field, who were complaining about disclosure of their personal information, which likely occurred either through the police department or the crown attorney's office. Let's be frank about this. So now you're

going to have a board with all those stakeholders, where in fact there could have been violations of policy by those groups.

I do support all the stakeholders around the table in coming up with legislation or regulation, helping the ministry come up with regulation, but I don't think we need to create a province-wide board to look at these things on an ongoing basis. Certainly what we've heard is personal information. I think we can deal with that with the crown attorneys' association at the table.

Mr Loparco: With respect to the disclosure issue, thank you for bringing that back up. I just thought I'd mention that it's not a province-wide policy that disclosure not include addresses. I know that in the jurisdiction in which I've worked for the past 11 years, that being Scarborough, we suppress all addresses and ask counsel who require that information to bring an application in court to get to the addresses, if it's necessary. But there are other jurisdictions, and that's because it's not provincial policy and there's no director with respect to personal information, that don't, as a matter of routine, suppress that information. There are certain crown offices in the province, for instance, that just get an undertaking from counsel that they won't disclose the addresses to their clients. In that context you can see there being much potential for accidental or semi-accidental disclosure of information. So there isn't a province-wide mandate that disclosure not be made of addresses.

Mr Mazzilli: There ought to be. I said that to the parole officer. That ought to be mandated by policy.

The Acting Chair: Thank you very much, Mr Loparco, for coming in this afternoon.

ONTARIO PROVINCIAL POLICE ASSOCIATION

The Acting Chair: The next presenter is Mr Brian Adkin from the Ontario Provincial Police Association. Good afternoon, Mr Adkin.

Mr Brian Adkin: Madam Chair, members of the committee, it's my pleasure to address you on behalf of the Ontario Provincial Police Association, as well as the National Association of Professional Police. You've already heard from my colleague, one of our directors, Rick McIntosh, from the Toronto Police Association. It's a pleasure to continue his comments and make some of our own as well.

My name is Brian Adkin and I am the provincial president of the OPPA. I am also the president of the National Association of Professional Police, representing 18,000 police members across Canada, composed of the Toronto Police Association, the OPPA, the Niagara Regional Police Association, the Quebec Provincial Police Association and the Halifax Regional Police Association.

I myself have been a police officer for 28 years. I worked at all aspects of policing. I was a wiretap coordinator for five years as well, where my specialty was

supporting wiretap projects across Ontario, as well as working with organized crime and drug projects and major crimes. I was also a chief fraud investigative officer for the OPP.

The OPPA is the collective bargaining unit for all uniform members of the OPP, from cadet to sergeant major. We represent approximately 5,200 men and women who are stationed throughout Ontario and 2,100 retirees. We maintain a large, specialized investigative unit for motorcycle gangs, drugs, special gangs and intelligence.

This private member's bill, as proposed by Mr Levac, we believe is a very good concept. We appreciate his thinking of all police officers in bringing this bill forward, and we're concerned about the safety of our members and of all the justice personnel in Ontario. We can't forget that police officers, corrections officers, parole officers, officers working within institutions, judges and crown attorneys all need protection.

When I was involved with specialized investigation, there was a group that did counter-surveillance, primarily with motorcycle gangs, on all of our members, and it was expected. But the problem has become far more widespread now. Gangs, as you've heard with Rick McIntosh's presentation, are a concern to us all.

We see the problem from two different perspectives. We see it from the uniform officer's perspective, who has to be worried about, "Where does that person live?" and we see it from the special unit officer's perspective, who is usually dealing with a far more sophisticated and far more lethal type of criminal. We also find in our case that counter-surveillance, both of the mobile type and of the static type, where they're recording licence numbers in parking lots, is becoming far more widespread.

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Policing has changed dramatically, and our members must always be concerned about their own and their families' safety. Organized crime and criminal gangs now traffic in personal information about police officers and other justice personnel. Personal information about our families, our vehicles and where we live is recorded by criminals at all levels. Our members, who are very visible in their municipalities, are concerned about their safety. This includes not only our members doing municipal policing in small and large communities across Ontario, but also our members who police the 400-series highways where these people travel back and forth.

The ability to move information to different people is of course enhanced with the Internet. We also have concerns about information which is passed to the criminal element as a result of judicial disclosure which ends up inside federal and provincial correctional institutions and causes us all great problems.

We support the spirit of the intended legislation in protecting our members. We are concerned, however, that the legislation as drafted may not be the most effective way of achieving the shared goal of protecting the privacy and ensuring the security of personnel involved directly or indirectly in law enforcement.

Under the Protecting the Privacy of Criminal Justice Personnel Act, 2001, a board would be struck for the purposes of examining issues regarding the collection, dissemination and safeguarding of personal information about personnel involved with the criminal justice system. The board would report to the Legislative Assembly through the Speaker and be required to table an annual report on its activities, thereby making public the matters considered by the board and possibly exposing weaknesses in the system, to the benefit of the criminal element.

We believe it's very important to have a very direct system and to maintain our confidentiality. If you've been following the papers in the last week, we see the same issue now before the Supreme Court of Canada, when they are in fact going to rule on whether or not these systems which have been developed over the years to advocate and to work with public safety are going to be compromised by being disclosed by the Supreme Court.

The OPPA would support a more confidential process to address the protection of personal information and would suggest that the Solicitor General, in co-operation with the Information and Privacy Commissioner of Ontario and various government ministries, best drives this process. We believe that a process directly driven by the government would be more effective, more efficient and more protective of both personal information and the processes that disseminate the information.

It's interesting to note that this problem has become far more exacerbated within the last year. Within our own association, within the Toronto association and within the National Association of Professional Police, we have made definite steps to try and streamline the processes, and it is working.

The Ontario Provincial Police Association appreciates the efforts of Mr Levac to bring this bill forward. It is a very important issue, and we thank him for his efforts in advancing a solution for the protection of those of us who work within the criminal justice system of Ontario. We look forward to working with all parties to develop a solution and remain available to discuss any other possible solutions which might be presented. Thank you very much.

The Acting Chair: Thank you very much, Mr Adkin, for coming in this afternoon.

Mr Levac: Thank you, Brian. For the record, you and I have been in contact with each other regarding the bill and you have given us, as you've made a footnote in your letter, your concerns.

Having said that, that has come up a couple of times. Other groups that we heard from today and that we've been in contact with are not having as much problem with the board, per se, as they are with the reporting process that I think you singled out as being the most significant of your concerns, the fact that it becomes legislation. Would you be open to discussing further, then, the possibility of an amendment that might see this report go directly to executive council or cabinet, thereby

protecting it, which we understand from legislative counsel protects it against freedom of information requests?

Mr Adkin: In our opinion, Mr Levac, it would be better off dealing directly with the Solicitor General, who is responsible for policing within Ontario. If you look at 4(1) of the act, we're concerned about the type of report that may be laid before the Legislature. We would see a far more streamlined process to be more efficient, where the group that you've identified—and we thank you for identifying our organization in that, as well as the other organizations—would report directly to the Solicitor General, and then identify the problems to the Solicitor General. It removes the bureaucratic steps, and then you can move quickly with any legislation or safeguards that need to be implemented.

Mr Levac: I appreciate that response. You also identified the privacy commissioner. In a response to a request of information from the privacy commissioner, they indicate that they, yes, could probably deal with most of the ministries and the municipal groups that are serviced by the province, but they've also indicated a concern that they do not have and they do not cover legislation in dealing with the court system. The privacy commissioner had indicated to me in a telephone call that the creation of this board gets them around that so that their input is also heard within the court system. When those stakeholders are part of that board, it can then be reported back.

Would you be open to the idea that instead of the privacy commissioner being the one you would get turned to, that participation takes place within the group we're talking about and then go to cabinet. Or is it still more preferable, in your opinion, to go straight to the Solicitor General, hoping that conversation will take place?

Mr Adkin: Our opinion—and we go beyond the line of hoping it would take place; we'd go along the line with it “shall” take place or it “must” take place—would be that you could deal with it and go directly to the Solicitor General.

Mr Levac: And then the Solicitor General would be expected to put it to cabinet?

Mr Adkin: The Solicitor General would be expected to put it to cabinet or come back with legislation or a policy regulation, whatever he would see fit.

Mr Levac: You believe there is a provincial level for a lot of this information and a lot of the things that are happening in the provincial government that can be dealt with at the provincial level?

Mr Adkin: Yes, I do.

Mr Mazzilli: Thank you, Mr Adkin. This is one that certainly we want to get done. The big problem with this legislation is that, first of all, we start with who's not represented out of the groups, and we're already starting to hear that. But there are some obvious things that need to be done. They can be done by regulation or legislation, certainly, for police officers, correctional officers, probation officers and judges. Then there needs to be a

system to include others, because the others are the ones this committee, in my view, will never figure out who they all are at the present time. There may be a way. You may get a reporter who may be part of the system, someone who continually reports on crime issues, that there be a mechanism that they be included.

I support the concept of protection of private information for police officers, probation officers and correctional officers. Is it your view that most of the information we've heard of through the media has been in relation to drivers' licences and vehicle ownership? Does that seem to be the bulk of the concern?

Mr Adkin: That seems to be the bulk, Mr Mazzilli, yes.

The Acting Chair: Thank you very much for coming in this afternoon, Mr Adkin.

We will now go to clause-by-clause consideration of Bill 27, An Act to protect the families of police officers and others involved in the criminal justice system.

Mr Levac, I understand you have—

Mr Levac: On section 2.

The Acting Chair: —submitted a couple of amendments and we'll deal with those as we go through.

We'll turn to section 1. Any debate on section 1?

Mr Mazzilli: On a point of order, Madam Chair: I would like to take a recorded vote on the entire piece of legislation rather than going clause-by-clause. I make that motion to take a vote on whether this is going through this committee as an entire piece of legislation.

The Acting Chair: What you're saying is that you want to go through it clause-by-clause with no debate? Because in clause-by-clause, what we would normally do is go through section by section. We do have a couple of amendments. We would put it to debate.

Mr Mazzilli: Could we debate the entire bill, then, rather than debating clause-by-clause? This is my submission, Madam Chair. If there is a deficiency with the entire bill, is there any purpose in debating clause-by-clause?

Mr Levac: Absolutely, if you put an amendment in. You know we're going to move an amendment.

The Acting Chair: Normally when we go through the sections, general debate would take place, especially when I call section 1, Mr Mazzilli. Perhaps that's the time you should take to debate this.

Mr Mazzilli: I will.

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The Acting Chair: I should advise, of course, that we have a vote this evening. The bells will start ringing at about 10 minutes to 6, so we'll have to be out of here by about five to 6. I would caution all members to please take that into consideration as we're going through this clause-by-clause.

Do we have any debate on section 1?

Mr Mazzilli: This is a position I want to take for police officers, correctional officers and everyone else. We talked about personal information. We have now talked about information of drivers' licences and ownership of vehicles, and we somehow start entrenching that

in more provincial legislation. I agree with the stakeholders who have come before this committee that now you've made a separate category that possibly reports that personal information to this Legislature. So I would object to that section.

The Acting Chair: Shall section 1 carry? Recorded vote. All in favour?

Mr Crozier: Madam Chair, who requested the recorded vote? I didn't hear it before the vote.

The Acting Chair: Mr Mazzilli did ask that—

Mr Crozier: He asked it for the whole bill, but don't you have to ask for a recorded vote prior to the vote?

Mr Mazzilli: I want to ask for a recorded vote, Madam Chair.

The Acting Chair: It was my understanding, Mr Crozier, that he was asking for a recorded vote. Is that OK? Mr Mazzilli?

Mr Mazzilli: I would ask for a recorded vote.

Ayes

Crozier, Levac.

Nays

Chudleigh, Mazzilli, Spina.

The Acting Chair: Section 2.

Mr Levac: I move that clause 2(2)(b) of the bill be amended by striking out "Legislative Assembly" and substituting "executive council."

The Acting Chair: Shall the amendment carry?

Mr Levac: I would like to speak to the—

The Acting Chair: Sorry, I should have asked if there was debate first.

Mr Levac: In speaking to the amendment, I'd like to point out very clearly that after receiving legislative counsel research, as well as what we've heard from the vast majority of the presenters, the creation of the board is acceptable. This clause works us toward the concerns that were raised by some of those stakeholders. By doing so, we removed that bane of privacy that was considered to be loose, and this tightens it up. Legislative counsel registered that they would not be subject to FIPPA, which is the Freedom of Information and Protection of Privacy Act, and that by doing so we would remove the concerns that were raised by some of the stakeholders, and it does not remove one stakeholder's concern. I would request respectfully that it be accepted as presented.

The Acting Chair: Did I hear a request for someone to continue to debate?

Mr Dunlop: Madam Chair, could I ask for a recess for two or three minutes, or a five-minute recess?

The Acting Chair: How many minutes?

Mr Dunlop: I'll say five minutes. It's just something we want to caucus on.

The Acting Chair: You do appreciate that there's a vote tonight?

Mr Dunlop: I understand that, but we'll be very quick.

The Acting Chair: All right, that's fine.

The committee recessed from 1735 to 1738.

The Acting Chair: We'll call the meeting to order. We were at section 2. Mr Mazzilli.

Mr Mazzilli: What we heard from the stakeholders today is not who the bill reports to—the Speaker or cabinet or otherwise. What they're saying is that there is certain information they want prevented from being general information, as you could get anyone else's information, not who you report it to.

The amendments that are proposed here go against anything I heard police officers say today before this committee. They talked about how you can get personal information based on vehicle ownership, through a licence number and sometimes through other means. That's all they've ever said, and they want to prevent that.

I have said and the Solicitor General has said he is going to deal with that. We need to deal with that. It's not an issue of amendments or what it's going to look like. This is an issue that will be dealt with, and these amendments do not serve any purpose in this legislation.

Mr Crozier: Just very quickly, with all due respect, this doesn't just involve police officers. For the most part, that's all I've heard Mr Mazzilli talk about. It goes beyond that, as witnesses attested to. In fact, witnesses did say that they felt the Criminal Justice Privacy Board was the right thing to do. I heard a couple say it wasn't, but the majority said it was, and it goes far beyond police officers. I just wanted to make that point.

The Acting Chair: Further debate? Members of committee, if you wish a recorded vote, I would ask that you request it for the vote on each clause. Do you wish a recorded vote, Mr Mazzilli, on the amendment?

Mr Levac: This time I do, Madam Chair.

The Acting Chair: All in favour of Liberal amendment number 1, which is on clause 2(2)(b)?

Ayes

Crozier, Levac.

Nays

Chudleigh, Dunlop, Mazzilli, Spina.

The Acting Chair: Shall section 2 carry?

Mr Levac: Recorded vote.

Ayes

Crozier, Levac.

Nays

Chudleigh, Dunlop, Mazzilli, Spina.

The Acting Chair: Shall section 3 carry?

Mr Mazzilli: Madam Chair, with consent, could we deal with sections 3, 4 and 5, because without sections 1 and 2, sections 3, 4 and 5 become somewhat irrelevant.

The Acting Chair: Except that we have an amendment for section 4, so we would have to deal with that amendment. We'll deal with section 3, go to 4 and deal with the amendment to 4 and, then, if you wish to collapse the rest of the sections, you can do that, but I think we should deal with section 3 first.

Mr Levac: Recorded vote on section 3, please.

The Acting Chair: Shall section 3 carry?

Ayes

Crozier, Levac.

Nays

Chudleigh, Dunlop, Mazzilli.

The Acting Chair: That does not carry.
Section 4.

Mr Levac: I move that subsection 4(1) of the bill be struck out and the following substituted:

“Annual report

“(1) Each year, the board shall give a report to the executive council about the affairs of the board.”

The Acting Chair: Any debate?

Mr Levac: It's the same as the previous statement I made, so to further expedite our time I would ask for a recorded vote.

Mr Mazzilli: I have some debate on the issue. As I reiterated before, what we heard from stakeholders is not who the board reports to but it's the fact that this board has personal information; one more government agency with personal information that can be distributed. That's not what our stakeholders have asked for here.

In other sections here, some stakeholders were left out. We heard the crown attorneys' association. I'm not prepared to vote with stakeholders being left out. That's what we have here in this bill. Some stakeholders have been left out.

What we've proposed is that those stakeholders sit around the table with the Solicitor General and come up with a well-thought-out methodology on coming up with legislation or regulation on how to prevent the general public and the criminal element from obtaining personal information about people involved in the justice field. The Solicitor General is involved in that.

This side of this committee is not prepared to support any of these sections with possible important stakeholders being left out. We can go on with the recorded vote.

Mr Levac: Just a comment, in case Mr Mazzilli didn't read the bill. Subsection 2(4) says:

“Additional persons

“The board may appoint other persons to sit on the board or to assist the board in its duties.”

I just thought I'd point that out.

Mr Mazzilli: Is there a maximum makeup of the board? There are all kinds of things that have not been addressed and we on this side of the committee are not prepared to go ahead with any of those unknowns. It would just make it a bureaucratic nightmare for this sort of legislation to work.

We will come up with meaningful legislation that will be, in effect, very simple and will protect the people involved in the justice field. As for threats and assaults and so on, they are criminal offences and I wish the provincial Liberals would join in and pressure the federal Liberals into toughening up the Criminal Code on behalf of all the people working in the justice field in Ontario.

Mr Crozier: Just a quick comment, Chair. Had Mr Mazzilli said this before, it would have saved us a lot of time. If what the government really wants to do is take Mr Levac's bill and make it their own, we're quite pleased to do this. We could have saved ourselves a lot of time.

Mr Mazzilli: Yes, that is what would have happened, a well-thought-out bill for—

The Acting Chair: I think we're getting beyond the debate now. We'll go back to Liberal motion number 2, which is subsection 4(1) of the bill. Shall the amendment carry? Did you wish a recorded vote, Mr Levac?

Mr Levac: It was requested.

Ayes

Crozier, Levac.

Nays

Chudleigh, Dunlop, Mazzilli.

The Acting Chair: Shall section 4 carry?

Mr Levac: Recorded vote, please.

Ayes

Crozier, Levac.

Nays

Chudleigh, Dunlop, Mazzilli.

The Acting Chair: We can do 5 and 6 together, if that's the wish of committee. Shall sections 5 and 6 carry?

Mr Levac: Recorded vote, please.

Ayes

Crozier, Levac.

Nays

Chudleigh, Dunlop, Mazzilli.

The Acting Chair: Shall the title of the bill carry?

Mr Levac: Recorded vote.

Ayes

Crozier, Levac.

Nays

Chudleigh, Dunlop, Mazzilli.

The Acting Chair: Shall Bill 27 carry?

Mr Crozier: Just a comment. I just have to get this on the record, because I think I heard Mr Mazzilli, during the questioning, say they supported the concept. It appears to me today by this—I won't say unusual, but not normal—chain of events that perhaps the government side would still like to at least put on the record that they support the concept.

Mr Mazzilli: I certainly would, Madam Chair. I'd be prepared to say that. I don't know how much more clearly I could have said it all day to the stakeholders. This is the problem with playing politics on something that occurred in Quebec, coming up with a piece of legislation that forms an entire bureaucratic board to prevent obtaining personal information, for example driver's licence and vehicle information. That's what we want to prevent for people involved in the justice field. Certainly the stories we heard from our stakeholders today were that it was a very minor portion of what they deal with every day. Most of what they deal with are surveillance and Criminal Code offences, and the ones they deal with are things that ought to be Criminal Code offences.

So what do we get? That to prevent the general public and the criminal element from obtaining people's information on vehicles and driver's licences, somehow we have to create an entire board. Certainly on this side of the committee we don't see that, but we support the concept that that information ought to and should be guarded, which can be done through regulation or some type of legislation, without the formation of this very bureaucratic board. Yes, you do have the commitment that I will push for that.

Mr Levac: Just a general comment about the substance of the bill. I would compliment Mr Mazzilli on playing his role very well. I would also compliment the stakeholders who presented to us and those I've been in

contact with for quite some time for indicating their deep concern about this issue. Contrary to what Mr Mazzilli has been trying to portray all evening, they went well beyond the Ministry of Transportation; they even mentioned the Red Tape Commission, and I would name eight other ministries that were mentioned. The fact that he's trying to portray it simply as a driver's licence issue is an insult to those people who have been coming before the board to present their deep, deep concerns about this very serious problem. To portray it as such betrays the trust they're placing in this legislative committee and the Legislature to ensure that their best interests are looked after. I appreciate your time.

The Acting Chair: Then I put the question. Shall Bill 27 carry? Do you wish a recorded vote?

Mr Levac: Recorded vote, please.

Ayes

Crozier, Levac.

Nays

Chudleigh, Dunlop, Mazzilli.

The Acting Chair: Shall I report the bill to the House?

Mr Levac: Recorded vote.

Interjection.

The Acting Chair: It doesn't matter. If it's a recorded vote request, you all have to either vote for it or against it. All in favour?

Ayes

Chudleigh, Dunlop, Mazzilli, Spina.

Nays

Crozier, Levac.

The Acting Chair: This meeting is adjourned.
The committee adjourned at 1751.

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