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

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**EVIDENCE**

**Thursday, November 1, 2018**

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**Chair**

**The Honourable John McKay**



## Standing Committee on Public Safety and National Security

Thursday, November 1, 2018

• (1530)

[English]

**The Chair (Hon. John McKay (Scarborough—Guildwood, Lib.)):** I see quorum, I see that it's past 3:30, and I see that our friend Mr. Long is here. This is a happy set of circumstances. We had a bit of a gap in the agenda, and Tuesday night the House passed a motion unanimously and it was referred to this committee. A lot of good things all came together.

Mr. Long, welcome to the committee. You're on for your presentation for however long it may take, and then we'll have a formal or informal question and answer period, although right now more formal questions.

Welcome.

**Mr. Wayne Long (Saint John—Rothesay, Lib.):** Thank you, Mr. Chair, and all members of the committee.

Mr. Chair, you said I have as long as it takes. How long do I have?

**The Chair:** I knew as soon as I said it that it was a mistake to say to a politician that he has as long as it takes.

**Mr. Wayne Long:** In full transparency, I'll probably be 10 to 15 minutes.

**The Chair:** Well, 10 would be better than 15, and less than 10 would be better again.

**Some hon. members:** Oh, oh!

**Ms. Pam Damoff (Oakville North—Burlington, Lib.):** You don't really have as long as you thought.

**Mr. Wayne Long:** Then I'd better get going.

I certainly applaud the speed with which I'm actually in front of your committee. My motion was just passed on Tuesday. Thank you for the wonderful opportunity to be here so quickly.

I'll give you some background on my riding of Saint John—Rothesay and me as a politician. Obviously, this is my first term as a politician. My riding is one with two stories. It's a riding of immense business success, with the Irvings, Moosehead Breweries, etc., but it's also a riding with an incredible amount of generational poverty and a lot of challenges. We do lead the country by the LIM, low-income measure, in childhood poverty, and some pockets of my riding have upwards of 50%, 60% and 70% child poverty. It's a major challenge.

One of the things that I wanted to do as a member of Parliament and had a passion for was to speak for those who didn't have a strong voice. There's no greater honour than representing those who struggle day in and day out in my riding, and this is obviously for all of us across the country. I take it personally and I'm proud of what we do.

My office serves breakfast to 25 to 30 men at the men's shelter every Saturday morning year-round in Saint John. We also offer sandwiches out of my member's office daily. In the morning we make 30 to 40 sandwiches for those who are hungry, because there are many people in my riding who are hungry. I can remember some people coming in to get a sandwich and they were saying, "Where am I?" At first I was told that an MP's office shouldn't do that, and I said I didn't agree. I was told about the people who came in, "That's not really the kind of people you want in a constituency office, sir." I said, "No, I totally disagree. They're my constituents too."

To lead into M-161, my office developed a lot of personal relationships with people who were coming in, literally off of the street, people who were hungry. As we continued to develop relationships with these men and women, we got to know their stories and their backgrounds and how so many of them had made a mistake.

We've all made mistakes. Every one of us around this table. I'll speak for myself. I continue to make mistakes daily and weekly. But there are so many people who have made a mistake, who have a criminal record, and a wall is put up in front of them that they can't climb. They can't get over that barrier. It's an impediment for them.

I believe in second chances. I believe in second chances when they're deserved. I'd like to believe we live in a society that can forgive, when such forgiveness is shown to be merited. Sometimes, often early in life, mistakes lead to criminal records. When a mistake is properly addressed, it is best for everyone to move on, both the offenders and the society they live in. As a society, we need to be able to provide deserving citizens with a second chance. Unfortunately, for many Canadians, especially those in low-income situations, the criminal justice system often fails to provide a second chance.

I'll give an example provided by my good friends the Elizabeth Fry Society of Saint John. A single mother—let's call her Susan—a young woman with an excellent work record, was offered five well-paying jobs over a six-month period. These offers were all rescinded when it was revealed she had a summary offence on her record. She stole a pair of jeans in 1998—her one and only offence. Now Susan cannot find quality employment, and she cannot afford the cost of a criminal record suspension.

I'll get to this in a second, but I'm learning as I go, too, as a member of Parliament. It's easy to think, "How can you not afford the cost? It's \$631." To somebody living in poverty, \$631 is an insurmountable amount of money.

• (1535)

As I said earlier, intergenerational poverty is a chronic condition. It affects far too many citizens in my riding of Saint John—Rothesay.

Since I was elected, I've made it my top priority to represent everyone in my riding. Everyone is always welcome in my office.

To address this problem, I have advocated and continue to advocate for programs and policy changes that would help lift people out of poverty. Our government has brought forward programs like the Canada child benefit, the Canada workers benefit and implemented a national housing strategy, which I'm particularly proud of, being a member on HUMA. Our government has made tremendous strides in three years towards eradicating poverty not only in Saint John—Rothesay but across our country. But there's a lot more we could do.

Past offenders, who are vastly more likely to live in or come from poverty than those without criminal records, still face an often insurmountable socio-economic barrier to re-entry into the workforce and thus to escaping poverty. A criminal record check is a prerequisite for most jobs. Indeed, in one study undertaken by the John Howard Society of Canada, 60% of respondents reported that a criminal record check was an essential prerequisite to employment at their place of work. Many past offenders like Susan cannot afford the \$631, the cost of filing an application, although it may seem like not a lot of money to us.

Acting on calls to action by the John Howard Society of Saint John and the Elizabeth Fry Society of Saint John brought forward M-161, in order to spur the House of Commons Standing Committee on Public Safety and National Security to undertake a review of the criminal record suspension program. This would determine how the program impacts low-income offenders at present and how it could be changed to better facilitate their reintegration into society.

Many past offenders have paid their debt to society. They are seeking to reintegrate into our communities. They are trying to give themselves and their families better futures. They ought to be able to apply for and obtain meaningful employment regardless of their means. Past offenders who are unable to find work are much more likely—and this is key—to reoffend, interacting with the criminal system all over again.

In this sense, ensuring that past offenders are enabled to apply for and obtain gainful employment is crucial. This is not only part of an effective strategy to eradicate poverty in our community, it is key to

combating crime. It is key to keeping our streets safe. To grow our communities, create more well-paying jobs and ensure that communities across Canada are safe places to live for everyone, we as government must do everything in our power to break down barriers faced by those currently living in poverty.

Senator Kim Pate, a former executive director of the Canadian Association of Elizabeth Fry Societies, explains the difference between "pardon" and "record suspension". Let me be clear: The term "pardon" was changed to "record suspension". This change was clearly made in an effort to make the process more punitive.

A pardon indicates that someone has moved on from where they are. With record suspension, "We're hanging it over your head", to quote Kim Pate, "like a big dagger about to drop...on you if we perceive you've done something wrong."

Again, pardons were replaced by record suspensions. The previous government also quadrupled the fee to \$631. Wait times for pardon eligibility were increased from three to five years for summary offence and from five to 10 years for indictable offence.

The current system of record suspension takes a terrible toll on low-income Canadians, exacerbating the difficulties of some of our most vulnerable citizens. A poverty round table as part of the federal tackling poverty together project identified criminal records as a significant barrier to employment.

Bill Bastarache, executive director of the John Howard Society in New Brunswick, also supports M-161, as do the Elizabeth Fry Society and countless others.

• (1540)

To be tough on crime, you also need to be tough on poverty, and I believe that Canadians know that people, especially these people who are vulnerable, deserve a second chance.

Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Long.

Ms. Dabrusin, you have seven minutes.

**Ms. Julie Dabrusin (Toronto—Danforth, Lib.):** Thank you, Mr. Long, for being here. I'm happy to have you here, and I was happy to be able to second the motion.

**Mr. Wayne Long:** I thank you very much for that.

**Ms. Julie Dabrusin:** Today you've mentioned a number of people or societies from whom you got some inspiration. You mentioned Senator Kim Pate, the John Howard Society and the Elizabeth Fry Society.

Do you have ideas of other people we should be trying to reach out to as part of this study? It would be helpful for us to hear those perspectives.

**Mr. Wayne Long:** Yes, I do.

Certainly, as you said, there's the Elizabeth Fry Society. Judith Murphy in Saint John has been absolutely fantastic. There is Dr. Mary Ann Campbell at the University of New Brunswick, who is director of the centre for criminal justice studies. There's Catherine Latimer, the executive director of the John Howard Society of Canada; and Kassandra Churcher, executive director of the Canadian Association of Elizabeth Fry Societies. Certainly Senator Kim Pate would be a wonderful witness.

I think, really, there would be a wide array of organizations and witnesses right across the country that would recognize that, since 2012 when the price went up to \$631 and "record pardon" was changed to "record suspension"....

I believe in talking to the non-profits and organizations around Saint John—Rothesay, the shelters, those who live the life of advocating for those who don't have a strong voice. There is wide, wide support to examine exactly how this happened, why it happened, and the results of that change.

For example, in 2011, the Parole Board of Canada received 29,829 pardon applications. After the changes were made in 2015, it received 12,743 requests for record suspension, down 57%. That's a 57% drop, 17,086 fewer requests. Did crime change over those five years? No. The policy shift actively and demonstrably discouraged Canadians.

What's near and dear to my heart is particularly low-income Canadians trying to move on with their lives. My heart cries for... I could give you story after story after story of people who came into my constituency office who told me stories that horrified me. She couldn't move on because when she was 18 they stole a bag of diapers from a drugstore, and that bag of diapers is over her head now stopping her from moving on. When you see those barriers, and you sit back objectively, she can't get a job, so she's a part of the system. Can you imagine what a transformational change it would be to have those people contributing to the system, having jobs, paying taxes, renting apartments, buying houses and what have you? That's kind of where we are right now.

● (1545)

**Ms. Julie Dabrusin:** I was quite taken by how you were talking about your involvement in the community and everything that you do.

You mentioned it's about the stories, too, the individual stories about impact, which is what we're going to be looking at. Part (a) of the motion refers to examining the impact of a record suspension to help those with a criminal record to reintegrate into society but also the impact of the additional fees and the like on low-income applicants.

**Mr. Wayne Long:** If I may, I think I can offer a unique perspective by the fact that as an MP, my office is so involved on the ground the bottom level of this poverty-homeless chain, if you will.

How many of us—certainly not in this room—how many people in Canada are one paycheque away, one bad break away from losing a home, being on the street, suffering mental illness, falling into poverty? You can't dehumanize this. These people, so many of them are just looking for a break, an opportunity to get back into the

workforce, an opportunity to contribute, but they can't because there's that barrier.

Again, that's why I'm passionate about it, as I'm sure you can tell, because I see it. I live it. I feel it. I know these people. I know these men and women. They come into my office. We bring them in. We give them a sandwich. We give them a smile, a hug, some fellowship. These men and women simply need a break. That's why I want this committee to examine exactly what happened, why it happened and what we can do as a government to reverse this wrong.

**Ms. Julie Dabrusin:** I have just over half a minute left, so if you have any thoughts, you can submit them to us later or perhaps answer through another question.

How can we best get the stories from those individuals? It's one thing to get statistics, and it's one thing to get an organizational high-level perspective, but do you have any thoughts about how we could be most effective at hearing from the individuals impacted?

I'm drawing your attention to the fact that I have 12 seconds left.

**Mr. Wayne Long:** I can speak to Saint John—Rothesay. There are champions in my riding who would certainly come forward and testify with lived experience as to what has happened and what's happening to them.

**The Chair:** Thank you, Ms. Dabrusin.

Mr. Motz, you have seven minutes, please.

**Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC):** Thank you, Chair.

Thank you, Wayne, for being here today and bringing this motion forward.

We share a lot of things in common with respect to the things that we hold dear personally, as well as those community issues that we advocate for. From working with you on housing, homelessness and some of those things, I certainly understand and appreciate your passion, and I also have that passion for my community.

From my background, I'm a firm believer in individuals being accountable for their actions. The whole purpose of our system is to rehabilitate and reintegrate them back into society. I agree that there are some things that need to be adjusted, but part of the way the system has always been set up is that they carry a record, and that record is to ensure that there's a reminder to those who may be unwary that this individual had a record.

I'm confused. Other than in your riding, Wayne, with a select group of individuals...that this is as pressing of an issue...because there are other things that are big.

Can you help me understand that a little differently?

● (1550)

**Mr. Wayne Long:** Sure. Again, I certainly have a lot of respect for you, Glen. We worked together on the housing file and some other files, and I know that you're also very much on the ground in your riding. I'm also very glad to hear that you think there could be some changes. I'm encouraged by that.

I think that I offer a unique perspective on this because my office is so connected and so much on the ground. I certainly don't have a criminal justice background like you do, but with respect, I feel at times there's this feeling out there that these people should carry that burden with them and that they really never will truly be free. That's something I have a hard time with.

If my office in Saint John—Rothesay is seeing what I see about these wonderful human beings who have simply made a mistake.... I refer to the case of the diapers, or I can cite other cases of a shoplifting mistake or what have you, and because of that mistake, people can't shake it.

Again, you weren't here, and I wasn't here at that point, but the cost of obtaining a record suspension—I'd like to say a pardon—basically quadrupled. I believe it was \$50, and then it went to \$150 and then it went to \$631.

**Mr. Glen Motz:** In this study, though, Wayne, have you checked with the Parole Board to find out what is the cost to them? There's a physical cost to someone getting a record suspension. There's not an arbitrary fee, necessarily, but there's an actual manpower cost. Have you inquired with them in order to determine exactly what that's been calculated to be?

**Mr. Wayne Long:** Look, in fairness, Glen, we have talked with the Parole Board. I would generalize and say that they're extremely supportive of what I'm moving forward. I would argue that there's a cost to not doing it.

With the greatest respect, I'm on committees too, and I'm always hearing “What about the cost of this?” and “What about the cost of that?” In this case, to your point, I don't have that economic model here right now, but there's a multiplier effect. There's no question that there's a multiplier effect of somebody being on the system, being on social assistance, mental illness costs, ambulance costs, police costs. There is a cost to that—

**Mr. Glen Motz:** I appreciate that. I completely agree that there are those in our society who absolutely, in order to get ahead, need a hand to get them up. I agree with that. But this may not be the thing.

I guess this is the part that will be a challenge: Do you think the Canadian taxpayer would believe that they should subsidize the actual cost to this? Do you think it's fair to the taxpayer that they should be subsidizing this cost?

**Mr. Wayne Long:** I do. I believe—

**Mr. Glen Motz:** Being that you believe that, is there a range of the type of offences that you think should be different from what they are now? Like, what does that eligibility look like to you?

• (1555)

**Mr. Wayne Long:** Let's go back, Glen, and talk about summary offences and so on and so forth.

Just let me get my numbers here....

**Mr. Glen Motz:** I only have a minute, Wayne, and I want to get to a couple of points.

One, we have to consider the eligibility. Should we be looking at the differences in eligibilities or at the types of offences? Should the time within which one becomes eligible be dependent on the type of offence? That's all part of this, right? Should the offence of stealing

diapers a long time ago, to use the example we've heard both in the House and here, have the same wait time as a more serious offence? Conversely, should the more serious offences wait longer before they're even eligible?

**Mr. Wayne Long:** I would like the committee to go down that road, obviously, and look at that. My main focus and priority area right now is the smaller offences, if you will, the shoplifting offences, etc., where someone made one bad mistake. As I said, I make a bad mistake every week. They're paying for theirs.

To me, with the quadrupling of fees up to \$631, the numbers speak for themselves. There were 29,829 pardon applications in 2011. In 2015 there were 12,743.

**The Chair:** We'll have to leave it there, Mr. Motz.

Mr. Dubé, you have seven minutes, please.

[*Translation*]

**Mr. Matthew Dubé (Beloeil—Chambly, NDP):** Thank you, Mr. Chair.

[*English*]

Thank you, Mr. Long, for being here and for proposing the motion.

Respectfully, I know you're here to answer our questions, and I don't particularly care for speechifying in question time, but there were a few points raised in the previous round of questions that I think I can help you address.

Public Safety did research on Canadians' perception of the pardon system—or record suspension; I prefer “pardon” as well. Three-quarters of those who were polled by EKOS, which was hired by Public Safety, found that the process should be easier and cheaper for those seeking a pardon. Eighty-six per cent of participants—I'll come back to this in my questions, Mr. Long—agreed with eliminating or expunging records of non-violent offences when it was a first infraction.

Another thing that I think is important for this discussion is with regard to what people “deserve”, to use the word we heard earlier. Since 1970, 96% of those who did obtain pardons have not committed another crime since. That was in 2010. I think right now it's more like 95%, which is still pretty overwhelming. In fact I believe the Parole Board, to go back to that question, would be supportive of this, because the Parole Board tells us that Canadians who have received a pardon are less likely than the average Canadian with no criminal record to commit an offence. I think the things you said are pretty clear about the impact this has on people being able to move on with their lives and contribute to Canadian society.

I'll get to my question. As I told you, I don't particularly care for speechifying, but I did want to get those things on the record.

**Mr. Wayne Long:** I was going to get them on next too.

**Mr. Matthew Dubé:** Well, you can certainly bring those up, but I have a question for you.

The piece I just raised was regarding the 86% of folks supporting expungement of records for non-violent offences, for a first infraction. We're not talking about repeat offenders but rather, for example, someone who has committed a non-violent offence for the first time in their life. The example you gave was of a woman stealing diapers, for example, because she couldn't afford them for her newborn.

The other thing—as I'm sure you know from seeing what my party has been talking about—would be things like marijuana possession, for example. What are your thoughts on that? Is that something we should also be looking at as part of this study?

**Mr. Wayne Long:** Yes, absolutely. It should be wide-ranging, and it should encompass that.

I agree that there are simply too many people right now who live with a criminal record. That wall is placed in front of them and they can't get over that wall. I will go back again to the cost to society of that. Again, some of my Conservative friends will argue about the cost of doing this, but I say there's a cost of not doing it.

It's something you learn as you go. I'm a new MP—I guess I'm not that new anymore, as I'm 3.1 years in now—but I'm really starting to get a feel for some of the hot spots and sweet spots, if you will, of some things that might have happened over the last 10 years that make me pull back and ask why. What was the motivation there? When you look at the stats again, 29,829 in 2011 and 12,743 in 2015 —

• (1600)

**Mr. Matthew Dubé:** We can agree on the motivations, though, because it's pretty clear that it's meant to be punitive. You said it yourself in quoting Senator Pate.

Correct me if I'm wrong, but I understand your intention here as follows: that this program allows us to take folks who have been in bad situations and enable them to become less of a public safety risk by properly reintegrating into their communities.

**Mr. Wayne Long:** If I may read some numbers here, approximately 10% of Canadians have criminal records. That is 3.8 million Canadians. Ninety per cent of those with criminal records have not received record suspensions or pardons. Seventy per cent of offenders entering prisons have unstable job histories.

One study of men at one year after release from prison found that those who were unemployed had a recidivism rate of 40% compared to 17% for those who were employed. Think about that. The percentage went from 40% to 17% because they had employment.

Seventy per cent of female offenders are mothers with children under the age of 18. We have great conversations with Judy Murphy of the Elizabeth Fry Society in Saint John, and 100% of the Elizabeth Fry Society's clients have criminal records. In 2016 the Sophia Recovery Centre for women reported that 50% of their clients had criminal records.

According to the Parole Board of Canada, 96% of those who were pardoned never reoffended. So you go back again—

**Mr. Matthew Dubé:** I have one last question for you, Mr. Long, before my time runs out.

As I mentioned at the top, Public Safety Canada has conducted a study on Canadians' perceptions of the record suspension program with pardons. To me, that implies an intent to want to do something about it, and now we're here studying it in committee.

Is it your hope that after this study we'll see legislation from the minister that will cancel the changes that were made in 2010 and improve on the program with some of the elements that have been brought forward?

**Mr. Wayne Long:** That is absolutely my hope. I've had some discussions with the department, with the minister and his staff, and obviously they're very supportive because I'm here. It is my hope that after we do this comprehensive, full study, my government is going to look at this and reconsider.

I've proven in my past that I'm not afraid to challenge and I'm not afraid to stand up for what I think is right. I'm very passionate about this and I'm going to continue to pursue it.

**Mr. Matthew Dubé:** I appreciate your time. Thank you.

**Mr. Wayne Long:** Thank you for the questions.

**The Chair:** We can all agree that you're not afraid to challenge, Mr. Long.

Ms. Sahota, you have seven minutes.

**Ms. Ruby Sahota (Brampton North, Lib.):** Thank you, Mr. Chair.

Thank you, Mr. Long, for being here today. I appreciate your passion.

I legitimately don't know exactly how I feel about this and I want to learn a lot more so we can come to the right conclusion about what we should do. You have obviously looked into this quite a bit.

Can you tell me about what you think these should be, what you think the wait time should be, and what kind of crimes...? Everyone who has committed a crime isn't the mother stealing diapers. It's also a lot of other situations.

**Mr. Wayne Long:** We've gone through different thoughts and processes and modelling of how this should work, and whether it could go back to where it was—I may be off on this, so I apologize—at \$50 in 2011 and up to \$631 in 2012.

One thought I had, almost for lack of better words, was to make it like the Canada child benefit, except in reverse. For those who had no means to pay, it would be free, but those who could afford to pay more would pay more. It would be almost tiered, based on ability to pay. That was one theory. The other theory we came back with was to take it back to at least the \$167 that it was before 2012.

You take for granted.... I'll be perfectly transparent. When I was first told it was \$631, I wondered what the big deal was, but knowing what I know now, \$631 is a life-changing amount for people living in poverty.

•(1605)

**Ms. Ruby Sahota:** Okay.

What kinds of crimes do you think we should be looking at?

**Mr. Wayne Long:** Again, to Glen's point, I think that most certainly the minor crimes like shoplifting should be first and foremost the ones that would have the most leniency, most focus for pardoning. I think we should change the name back from "record suspension" to "pardon".

**Ms. Ruby Sahota:** What if somebody had repeat shoplifting crimes and they were trying to apply for a retail job? Do you think the employer would deserve to know?

**Mr. Wayne Long:** Yes, I would like to see the committee flesh that out as to exactly where that sweet spot is, if you will. I think there is room. I am not suggesting for a minute that repeat offenders should have the same opportunity for a pardon as somebody who made one bad judgment at 18 years of age.

**Ms. Ruby Sahota:** I think you were saying earlier that 60% of workplaces require a criminal check. Are there some categories of workplaces?

I know that we're allowed to do one here if we so choose to employ.... I think now we maybe have to but originally, a few years back, you had a choice.

**Mr. Wayne Long:** To the best of my knowledge we had the 60%. It seemed that who required what went business by business, corporation by corporation. As far as we understand it, about 60% of the companies required it.

Further to that, I think the people—and, again, I'll speak of the people whom I know personally, who came into my office—carried that criminal record with them like a ball and chain.

**Ms. Ruby Sahota:** I've had people come into my office as well. I've been sympathetic to this issue before—don't get me wrong from my questions—but you were trying to figure out where that sweet spot is.

I had a father come in who had a son in his early twenties and according to him had made a mistake and now can't get his life back on track because the number of years you have to wait is a lot longer. I could see the pain in the father's eyes and his wanting to give his son a second chance. We have to figure out how to get it right.

Then I can also see the arguments on the flip side, of people having a record for a reason. Maybe it's even a deterrent for some.

**Mr. Wayne Long:** Sure.

I can quote here again that the base fee was quadrupled to \$631, and wait times after the completion of the sentence were increased from three years to five years for a summary offence, and 10 years for an indictable offence.

**Ms. Ruby Sahota:** I don't know if I have any more time, but 96% of those you said had received a pardon didn't reoffend. You also indicated that getting a pardon is quite difficult.

Could you say that maybe those people were on the right path and motivated to turn their lives around? They went through the process of getting a pardon and hence fit a profile of those who would not reoffend.

**Mr. Wayne Long:** Yes, absolutely. I agree with you 100%.

However, the \$631 was like throwing a blanket over so many of these people who came in. It was just a non-starter.

•(1610)

**Ms. Ruby Sahota:** Is that your biggest issue with the changes that have been made, the cost?

**Mr. Wayne Long:** It is.

**The Chair:** You still have 30 seconds.

**Ms. Ruby Sahota:** I'll give it to the next questioner.

**The Chair:** That's very generous of you.

It's very liberal of your colleague.

**Mr. Jim Eglinski (Yellowhead, CPC):** I just wasted it. She should have given it to me quicker.

**The Chair:** She gave it, and I took it away.

You have five minutes, Mr. Eglinski.

**Mr. Jim Eglinski:** Thank you.

Thank you, Wayne.

Wayne, Pardons Canada has major centres in every one of our major cities across Canada from coast to coast. They advertise quite extensively that they will help people. I have to wonder at one of the last lines that they have in here:

We can help you today. We will track and collect all of the necessary documents to help you with your case. If you meet the eligibility requirements, we will help you clear your criminal record. Proof of your criminal record removal will also be provided to you in an official written document.

Now, people have been able to get a pardon in Canada. It has to be 40 years now from when that first legislation came out. A lot of people just ignored it. At the time, there was almost no cost. I think it was \$50.

I have a problem with having a uniform statement that the government is going to pay for the cost of doing it. There is already a cost for the bureaucracy, and any government bureaucracy is expensive.

Could we not say that people with special needs would go to a separate file and it would be reviewed, and if it looks like they do not have the means, then we would pay for it, rather than saying that the government pays for the whole thing?



**Mr. Wayne Long:** As I said earlier, I believe there's a model there. I fully respect that there are budgets, and government only has so much money and so on. One of my proposals was for a model, if you will. Again, instead of \$631 across the board, for the sake of argument, it would be zero for one group and it might be \$900 for another group, depending on ability to pay.

The bottom line is that the cost is a barrier to so many people. You asked why the government should pay. I don't have the economic proof in front of me, but there's absolutely no doubt in my mind that for \$631 or \$150, or whatever that number is, to pay that small amount on behalf of somebody who is trying to make their life better, and to have them get off the system....

We all know the cost to the system of people who need a hand. I don't think it's even close. I think there's a multiplier there of 10 times.

**Mr. Jim Eglinski:** Why don't we look at the Criminal Code and say that with a summary conviction offence, after five years that record is automatically removed? Wouldn't that be simpler? Why not?

You're saying that everybody should not have a criminal record. If a person commits a minor summary conviction offence, and after five years—

**Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.):** I don't think that's what he's saying.

**Mr. Jim Eglinski:** —there has been no repeat, it is automatically rejected out of the system.

**Mr. Wayne Long:** I would say this: You can call this a tax on our most vulnerable.

**Mr. Jim Eglinski:** Oh, yes. You're trying to double or triple it, because I can pay and he can't.

I don't think that's fair.

**Mr. Wayne Long:** But, again—

**Mr. Jim Eglinski:** I might have been lazy for the last 20 years, and didn't do it and I should have done it. Now I can do it, and I have to pay for it.

**Mr. Wayne Long:** I believe this has gone after our most vulnerable. It's deliberately keeping people on the system. Sure, there's partisanship. I get it. But this one, to me, is a no-brainer. Why are we keeping these people on the system? Why?

**Mr. Jim Eglinski:** I agree with you. I'm not disagreeing with you, but you have to admit that there is a cost to do it. Right?

**Mr. Wayne Long:** There's a cost to do it, but there's a cost to not doing it. It's a bigger cost to not doing it.

**Mr. Jim Eglinski:** All right.

What do you expect the outcome will be five years from now when we get roughly 350,000 Canadians applying to have their marijuana convictions removed? What type of cost do you think there will be to government? Should we pay for that just to be nice?

• (1615)

**Mr. Wayne Long:** Obviously, I think what's happened over the past month has happened. I don't think the sky has fallen in. I think

everybody's good. Yes, I think it's the duty of our government to right wrongs.

I will add also that I think there's a gendered impact on this too, not on the marijuana thing, but a gendered impact on having that \$631 there because, again, this affects women more than men.

**Mr. Jim Eglinski:** No one's arguing with you there. That could be easily corrected, but I don't think we should dump it for everybody.

**Mr. Wayne Long:** I'm glad also to hear that you feel there should be some changes to this. I'm encouraged by that.

**Mr. Jim Eglinski:** I agree.

**The Chair:** Thank you, Mr. Eglinski.

I'm a little confused as to who's on the left and who's on the right now.

**Mr. Wayne Long:** We're all in the same circle here.

**The Chair:** Mr. Spengemann, you have five minutes.

**Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.):** Mr. Chair, thank you, and through you I would like to thank Mr. Long for being here and for his leadership on this issue. I think he inspired all of us by saying that he's a voice for those who don't have a voice.

I want to take you to the point you just finished with, and point out, Mr. Chair, first of all that what we have today is not perfect but a very good gender balance on this committee and use that opportunity to ask you to drill down a bit more into the gender impact of what you're proposing not just quantitatively but qualitatively. The obvious scenario that's been raised already is the young mother who has to carry costs like the cost of diapers, which are disproportionate. There must be other dimensions to this from a gender perspective.

**Mr. Wayne Long:** The stat that I always go back to is, again, 70% of female offenders are mothers with children under the age of 18.

We do a lot of work in our riding with different organizations that deal with women specifically, Elizabeth Fry, Coverdale and others. Young women...women are more severely impacted by this. There's no question about it, because there are so many barriers I find—we all know this—for women trying to move ahead. There's that ball and chain, if you will, of \$631 when they are trying to move forward.

Brenda Murphy of the Saint John Women's Empowerment Network holds classes, work sessions and what have you with women who are trying to better themselves, who are trying to move forward, single mothers on the system, and you can go around the table as to how many women have that record and can't afford to remove it.

Again, without naming names, some of them say to me, “Wayne, I can't afford \$631. I can't afford it. I'm going day to day now with social assistance,” or the Canada child benefit, or what have you.

To me, it's compelling. There is a gender impact for sure.

**Mr. Sven Spengemann:** If I can draw a parallel, maybe it's the same as being locked out of the housing market because one can't afford the first and last months' rent. It's the same order of magnitude just about, that \$631.

**Mr. Wayne Long:** It is. I go back again to why? I'm not suggesting it was mean-spirited, but you look back at what happened and how. What was the purpose of quadrupling the rates? You see the stats—

**Mr. Sven Spengemann:** Mr. Long, let me jump in there and, first of all, say that I support you in the conceptual gap that you're trying to close, which is really a challenge to our correctional system. Our correctional system releases people who are supposed to be ready to enter society and then we're locking them out of the workforce for a time between, whatever, five to 10 years.

That is the challenge you are addressing, and I commend you for it.

I did want to ask you about one aspect. Oftentimes people, to be able to re-enter the workforce successfully, have to do some volunteer work. They may not get hired immediately for remuneration. Some of that volunteer work may involve work with vulnerable populations, and oftentimes police forces have additional checks on those folks who work with the homeless or children.

Do you see any room for tiering, through that lens, in terms of the offences that you're looking at for which record suspension could be sought?

• (1620)

**Mr. Wayne Long:** Absolutely.

I can give you examples of women I know who have that record who would love to give their time back to maybe the shelter they stayed in or the YWCA that supported them or the food kitchen that supplied them with their lunches for years. Yes, there should be....

Again, I'm being very transparent. My hope is that the committee rips the sheets off the bed in this and really looks at it to ask what we can do, how we can make this palatable and how we make sure we balance the costs of this with the benefits.

I'm extremely hopeful that the committee's going to come up with some innovative ideas and some good points.

**Mr. Sven Spengemann:** Thank you very much.

Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Spengemann.

Mr. Eglinski, you have another five minutes.

**Mr. Jim Eglinski:** Thank you.

You were correct on your first statement. It was \$50, out of recognition that everyone in society benefits when people are able to reintegrate into society. That was the idea behind the whole program when it first started at \$50 and then consequently went up.

How do we deal with the other aspect of the problem that you haven't spoken about at all? I don't think anybody here in this room, especially me, thinks we should not help the vulnerable. That absolutely must be done. Then we have problems, like they need a criminal record check. A criminal record check now becomes the responsibility of multiple agencies across Canada, and most of the agencies—City of Vancouver, City of Edmonton, City of Kamloops—will charge. They don't give those out for free because it takes time to get them. You need court documents.

I can tell you that every time I've gone to the courthouse to get a copy of a document for someone, it costs money. The private individual has to pay because the province isn't going to give it away for free. They may need immigration records, which are going to cost you, and you may have to get fingerprinted to prove who you are. Again, almost every municipality I know in Canada that has a police contract, charges for the fingerprinting of people. I've argued that for many years because, if you're in minor hockey, all your coaches have to be fingerprinted and anybody related to the team has to be fingerprinted, and there's a cost.

We have a number of factors that come into play that you haven't brought up. I said earlier—and I wasn't trying to be sarcastic—that maybe the minor summary conviction offences should just disappear at five years, and everybody across there said no. But if you say no, then accept that you're going to have a cost for fingerprints. People are still going to have to get immigration records, and somebody's going to have to pay for it.

Someone is going to have to get court documents. Someone's going to have to go to multiple agencies to get the criminal record checks to help the people we want to help. They don't have the money to fill out the form anyway and spend the \$600, so they're going to need assistance.

We need to be creative in our thought process. I wonder if you would comment on that, because there's a whole avenue beyond the \$625.

**Mr. Wayne Long:** It's a fair comment.

There are organizations, certainly in my riding, such as the John Howard Society, Elizabeth Fry, that are also there, that also have programs and apply for funding. It's not to say there couldn't be some hybrid, if you will, where the government eliminated, for the sake of argument, the \$631, but other organizations, like John Howard and Elizabeth Fry, would also be there to help. It's not to say that couldn't happen also.

I would go back again and say to you that we can't be fixated always on the cost of doing something. What's this going to cost? There's a cost of not doing it. Sometimes I worry that good things don't get done just because of the cost. I would argue there's a cost of not doing things. My background is obviously not politics but sports and hockey. I can give you a hundred examples of things that you could always have argued. It would have cost too much to redo my dressing room, but there was a cost of not doing my dressing room, too.

I respect the fact that we need to be smart with our money. I respect the fact that costs should be looked at. I strongly argue here, and hopefully the committee can bring this out, that there's a cost of not doing it. I feel we have an obligation to those most vulnerable. This is a tax, to me, on our most vulnerable citizens.

I'm encouraged by the tone and from what I'm hearing. Obviously there are differences of opinion. There's always going to be differences of opinion. However, I really believe there's an opportunity for us to work together in a non-partisan way to do the right thing and to correct something that to me was wrongly done.

• (1625)

**The Chair:** I too am encouraged by the tone of the conversation.

Ms. Damoff would normally have five minutes. I just want to know the will of colleagues to see whether we can go past the one hour that's allotted. All we have is committee business. We don't have anything that's pushing us in terms of other witnesses.

Do you want to go past the 4:30 time and carry on this conversation?

**A voice:** [*Inaudible—Editor*]

**The Chair:** I'm sure he'll shelve his commitments if necessary.

**Mr. Wayne Long:** I can finish my introduction if you're going to give me some more time.

**Mr. Jim Eglinski:** Is my time up? I had one little poor question I wanted to ask.

**The Chair:** You're done.

Normally we would finish. I would give Ms. Damoff five minutes and Mr. Dubé three minutes. But I'm trying to find out whether the committee wants to go beyond that and carry on this conversation, which I agree with you has been fruitful, quite interesting and a welcome relief from the usual partisan nonsense.

Committee?

**Ms. Julie Dabrusin:** I would suggest the five and the three. That's going to be eight more minutes to close it out.

**The Chair:** Are you fine with that? Okay.

Ms. Damoff.

**Ms. Pam Damoff:** Thank you.

It's the first opportunity I've had to say I think sometimes there's a misunderstanding about what record suspensions, pardons, are. Those people have lived crime-free for the last five years. Just after five years to automatically say, "No, they're gone", that wouldn't

allow the opportunity to look and say, "Okay, but during that five years it started with shoplifting, and then it was something else." Hence, the reason I did the....

**Mr. Jim Eglinski:** Well, yes.

Did you know that we have computers today? You can kick it right back in there if they get another offence. It's simply done.

**Ms. Pam Damoff:** I do think there's a bit of a misunderstanding sometimes about what exactly record suspensions are. If someone has applied and they commit another crime, what happens with them, Wayne? I believe they're revoked. If you have a record suspension for shoplifting or for theft, whatever it might be, and then you commit another crime, it's going to be revoked. This is really looking at people who are going to live crime-free. Then if they don't, they're penalized.

**Mr. Wayne Long:** Right. Again, these are stats from the Parole Board of Canada. I did a double-take when I looked at them, too. Ninety-six per cent of those who are pardoned never reoffend. Think about that number, 96%. They just need that opportunity.

**Ms. Pam Damoff:** Do you know if there are any stats, Wayne, prior to the three to five and five to ten? Has there been any benefit by extending the time period?

We could bring the Parole Board in and ask them those questions.

**Mr. Wayne Long:** What I have here, and I apologize for this. The numbers I have are again, in 2011, the number was 29,829, and in 2015, the number was 12,743. That's a staggering drop in pardon applications. For these people, poverty built a wall around them, and now they're stuck.

• (1630)

**Ms. Pam Damoff:** YWCA Canada came in to see me today, and they talked about one of the women they were working with who had done skills retraining. They had been working with her on a resumé. She had a job interview, but she couldn't afford the transit fare there and back, and that's a lot less than \$631.

**Mr. Wayne Long:** Yes, we take for granted.... As I said earlier, \$631, well, what's that? That's only \$12 a week. Try telling that to the single mother who's at the food bank and the soup kitchen. Twelve dollars a week is a significant amount of money.

**Ms. Pam Damoff:** My understanding is, with record suspensions, or pardons, whatever you want to call them, if it's a sexual offence, that's still flagged. Even if someone is going to be working with the vulnerable sector, that's still flagged when the police check is done.

**Mr. Wayne Long:** It is.

Again, I could list many examples. An employer wanted to hire this lady.

**Ms. Pam Damoff:** It seems there are checks and balances now to make sure that the people who should be getting these are getting them, but there are still flags that protect public safety, which is ultimately what we want to do.

**Mr. Wayne Long:** Yes, and sometimes I bristle at the kind of narrative that's out there that this is another example of being soft on crime. My assistant always writes this down, but again, to be tough on crime, you also need to be tough on poverty.

This is a perfect example of how we can make an impact on those living in poverty, a significant impact. That's what we want to do, not just as a government, but as federal politicians. We want to help those who need that help, who don't have that voice. This is the way we can do it.

**Ms. Pam Damoff:** Thank you for your leadership on this, Wayne.

**Mr. Wayne Long:** Thanks for helping me out.

**The Chair:** Mr. Dubé, you have the final three minutes.

**Mr. Matthew Dubé:** I'm good.

**The Chair:** You're good.

Mr. Motz, just because I'm a nice guy, I'm looking at giving you three minutes.

**Mr. Glen Motz:** Wayne, I know there's no arguing with the numbers that in 2011 the pardon applications or record suspensions were this, or whatever they were before—

**Mr. Wayne Long:** They were 29,829.

**Mr. Glen Motz:** What I'm getting at is to suggest that the 96% of the people who have received the pardon don't reoffend. I know hundreds of individuals over the course of years—maybe even more than that—who have committed an offence, and it was, as you say, an honest mistake. They probably will never commit an offence again, but to suggest that when they get a pardon, they're never going to reoffend, that's like a causation.

The issue is, if you're going to apply for a pardon or record suspension, you know you don't qualify if you continue to offend. Right? It's that simple. If you offend, you don't qualify for a record suspension.

I know what you're saying, but it's important to recognize that those who are clean don't commit another criminal offence. Absolutely, if it's the right offence, they should be eligible for a record suspension in whatever manner is appropriate for the offence and for whatever legislation is in place on the day.

It's important to recognize, too, they're not going to commit another offence, because it was a mistake of the past.

**Mr. Wayne Long:** Again, I'm learning as I go here, but what was the thought behind changing it by taking “pardon” out and putting “record suspension” in? Why?

**Mr. Glen Motz:** I wasn't here then. I don't know. I can't answer that.

**An hon. member:** Karla Homolka.

**The Chair:** That's probably right.

**Mr. Glen Motz:** If I could have one minute, Chair, it's amazing, though, the number of organizations with which I have had interaction in my previous career, and now in this, where the feeling is that the requirement for government is that we're responsible to ensure the legislation is in place, and the responsibility of government is to ensure that the public—the vulnerable public, all public—is not at risk from those who might reoffend.

Sometimes, even though they get a pardon, certain offences are not, right...? You're going to have vulnerable sector checks. Even your pardons are going to be checked. The public expects a system to be in place that protects them from those who may receive a pardon and still be a risk.

• (1635)

**Mr. Wayne Long:** Sure. I hear you on that. I do, though, to be transparent, sometimes bristle at this. I'm moving this motion, but we want to do this because there's that kind of “more criminals back on the street” sentiment and things like that. Again, I think I come at it like you do, too, Glen, from a different perspective at times, because it's not dehumanized for me. I see these people and I know that so many of them are just looking for that opportunity. For 631 bucks, we can give them that opportunity.

**The Chair:** Thank you, Mr. Motz.

I think you've stretched my envelope as far as it's going to go, Mr. Eglinski.

**Mr. Jim Eglinski:** Shucks.

**The Chair:** Yes, I know.

Before I let you go and thank you, Mr. Long, in your mind, are all records and all offences to be treated the same? There are indictable offences. There are hybrid offences. There are summary offences. Sometimes records hide that the offence that is on the record is actually a plea bargain, that it got pleaded down to a summary offence from an indictable offence, or the Crown deal... Sometimes records don't entirely disclose the nature of the offence. Does that impact your thinking in terms of the application of your overall thrust?

**Mr. Wayne Long:** Yes. I would like the committee to take a look at that and to see exactly how it would play into this. Certainly, I'm open to recommendations from the committee with respect to that, for sure. I understand what you're saying. It doesn't necessarily have to be that one size fits all. In fact, most times, that kind of system has inequities, if you will. My hope is the committee would look at that.

**The Chair:** Okay. Thank you.

First of all, let me thank you for your passion and thoughtfulness. The passion and thoughtfulness were actually reflected in the discussion of the committee. I was very encouraged by the questions, and hopefully in the next while, we'll be able to get to witnesses and do a report at the end.

With that, I am suspending for a couple of minutes while we go in camera.

[*Proceedings continue in camera*]







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