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• (0820)

[English]

The Chair (Ms. Lena Metlege Diab (Halifax West, Lib.)): I call the meeting to order.

[Translation]

Welcome everyone.

[English]

Welcome to meeting number 110 of the House of Commons Standing Committee on Justice and Human Rights.

Pursuant to Standing Order 108(2) and to subsection 4(4) of the Director of Public Prosecutions Act, the committee is beginning its study on the proposition of nominating Mr. George Dolhai to the position of director of public prosecutions.

Good morning to you.

Before we commence, there are a number of normal reminders for everyone.

Today's meeting is taking place in a hybrid format. We have committee members on Zoom and in person. For those in the room, to prevent disruptive and potentially harmful audio feedback, you all have your earpieces. Please ensure that they are totally away from the microphone, whether you're speaking or not. If you are not using them, please keep them unplugged. These measures are in place so that we can conduct our business without interruption.

I want to welcome our witness for today. From the Office of the Director of Public Prosecutions, George Dolhai is the deputy director of public prosecutions.

As is the norm with this committee, we welcome you here and thank you for coming. You have up to five minutes for your opening remarks.

Mr. George Dolhai (Deputy Director of Public Prosecutions, Office of the Director of Public Prosecutions): Thank you very much.

[Translation]

It is a pleasure to meet with the committee today to discuss my nomination as director of public prosecutions, or DPP. I want to thank the Attorney General and the selection committee for placing their trust in me and referring my nomination to the committee today.

[English]

I'm honoured to be in this home to Canadian democracy that rests on the unceded and unsundered territory of the Anishinabe Algonquin nation and to commit to continue on the journey of reconciliation as a matter of profound respect and thanks for the care the first nations, Métis and Inuit have bestowed on the lands in which we all live together in Canada, and to make a commitment to do what I can, if you give me that opportunity, to contribute to a system of criminal justice built upon a just relationship with the indigenous peoples of Canada.

Allow me to say a few words about myself. I was born and raised in Hamilton, Ontario, where my mother and father had emigrated after being welcomed by Canada as refugees from the Hungarian Revolution in 1956. My parents came with nothing and instilled in my sister and me the importance and the duty to work hard, the value of family, and the obligation always to help and respect others.

I attended McMaster University and then the law school of the University of Western Ontario, where I worked at the student legal clinic and soon came to learn that law exists to help ordinary people trying to make do and not for the lawyers who are helping them.

After practising civil litigation on Bay Street, I attended the University of Cambridge to complete an LL.M. and determined that my heart was in criminal law.

I was offered a job as a prosecutor in the Department of Justice. I loved and still love being a prosecutor, including in jury trials and appeals before Ontario's Court of Appeal and in the Supreme Court of Canada.

When an opportunity arose to work in Ottawa for five months to do Supreme Court of Canada criminal coordination, my wife and three-month-old daughter and I moved here, and during the next 30 years, my wife and I welcomed another daughter. Professionally I worked in the human rights law section, providing advice with respect to amendments to the Criminal Code and the application of the Canadian Charter of Rights and Freedoms. I also helped draft two incarnations of the criminal organization legislation and the national security legislation that ultimately culminated in the Anti-terrorism Act 2001 after the attacks of September 11.

When the PPSC was created, I joined as one of the two deputy directors and had the opportunity to create the foundations and practices of the new PPSC. Through my time as deputy director, I've been responsible for national security matters and have provided the consent in almost all the cases on behalf of the Attorney General for the 79 prosecutions that have been launched in respect of terrorism offences and the 47 terrorism peace bonds, as well as overseeing the prosecutions that then ensued.

[*Translation*]

I have always been very involved in handling financial matters and carrying out other management responsibilities. I think it really helped to prepare me for the role of DPP and deputy attorney general of Canada.

The Director of Public Prosecutions Act prescribes the DPP's role when it comes to the management of prosecutions. Responsibility for the operation of the Public Prosecution Service of Canada, or PPSC, is entrusted to the DPP, who manages the service under and on behalf of the Attorney General. The DPP must have a thorough understanding of criminal law and ensure that the service carries out its duty to the Attorney General and Canadians.

[*English*]

As provided by the DPP Act, the DPP needs to be able to provide clear guidelines to prosecutors regarding their exercise of discretion and allow the Attorney General to be notified of prosecutions that raise issues of general interest in sufficient time for him or her to react if they choose. The exception to this, of course, is with respect to the Canada Elections Act.

[*Translation*]

As deputy attorney general, the DPP also has to be a good ambassador, playing an important role in educating their provincial counterparts and other participants in the justice system in Canada and abroad.

As deputy head of the PPSC, the DPP has another role that is equally important: managing the service in a fiscally responsible way, while ensuring the well-being of its employees.

● (0825)

[*English*]

In the Public Prosecution Service of Canada, I am privileged to work with people who are dedicated, fair and ethical. These include the persons undertaking vital administrative tasks such as arranging court dates and preparing disclosure to send to the accused, Crown witness coordinators in the north who support victims of violence as they try to navigate the court process, and paralegals, prosecutors and those in corporate services.

I believe I can fulfill the functions of the DPP and look forward to the opportunity, should you permit me, to support and lead everyone who works in the prosecution service as they do their part to help keep Canadians safe and uphold the rule of law and constitutional protections.

Thank you.

[*Translation*]

The Chair: Thank you very much.

[*English*]

Thank you.

We will, per the norm, go for the six-minute round.

We will commence with Mr. Moore.

Hon. Rob Moore (Fundy Royal, CPC): Thank you, Madam Chair.

Congratulations, sir, on your nomination and thank you for your appearance before the committee today.

I was pleased to be part of a government that created the Public Prosecution Service and the role of director. It's been interesting to watch the evolution of that organization.

I have only six minutes, so I'm going to try to ask my questions kind of tightly, and hopefully I'll get a tight response.

For the role of the Public Prosecution Service in prosecutions under the Controlled Drugs and Substances Act, my understanding is that the service is responsible for prosecutions under the act in all provinces and territories, except Quebec and New Brunswick, where the RCMP is the police jurisdiction.

Is that correct?

Mr. George Dolhai: That's correct. In Quebec, we also prosecute when the RCMP, in their federal capacity, are the police force. Otherwise, for all other police forces, theirs are prosecuted by the province.

Hon. Rob Moore: In August 2020, the director of public prosecutions issued a directive to prosecutors, when dealing with possession cases of the Controlled Drugs and Substances Act, to essentially not prosecute possession cases unless it was the most serious case and the cases involved a public safety concern.

What impact, if any, would that directive have had on those jurisdictions? Were we behind those other jurisdictions of Quebec and New Brunswick, or would they have followed suit from that directive?

Mr. George Dolhai: Each of those jurisdictions has its own policies and guidance with respect to that. They determine what is appropriate for themselves.

Ours was one that was crafted specifically with consultations with the provincial prosecution services, Health Canada and the police, among others. The Canadian Association of Chiefs of Police was directly consulted and supportive, as were other care professionals involved. I know that Quebec and New Brunswick have slightly different policies.

Hon. Rob Moore: As you know, we're dealing with an opioid crisis right now. Deaths and overdoses have skyrocketed. Organized crime is involved at every level, of course. Whereas there used to be mandatory jail time for producing, importing and exporting schedule I drugs, for example, there's been legislation, Bill C-5, that means there is no longer a mandatory sentence for those charges.

On the issue of possession, can you maybe illustrate where, if there is such a thing as a typical case, a charge would be brought now that we're a few years post that directive? For what type of drug particularly, and what type of scenario, if you could give one, would you expect that a charge would be brought?

Mr. George Dolhai: Absolutely.

The guideline to our prosecutors is very specific. Although some people have interpreted it as “don't prosecute unless”, it's very clear that it places directly the public safety question first and foremost but also recognizes that there's an enormous health component to this question.

The sorts of scenarios that it contemplates specifically and that I can give as examples would be ones where youth are targeted or used as part of the possession. It might be where persons in positions of trust are involved—for example, in an institution like a prison—or where firearms are involved, or small communities. It specifically recognizes that it's not a one-size-fits-all situation. There are small communities for whom any drug coming in where possession is involved needs to be prosecuted in order to allow that community to exercise its ability to stem a tide or prevent it from coming. It recognizes that there are a number of situations in which prosecution of simple possession is still very appropriate.

We've moved from 10,000 files down to 3,000 files. We still do simple possession prosecutions in this country as a prosecution service, but we do it when one of those circumstances is involved.

● (0830)

Hon. Rob Moore: Thank you, sir.

Acknowledging now that cannabis and marijuana possession charges are largely a thing of the past, what typically would be the top three drugs in cases in which charges of possession are being laid?

Mr. George Dolhai: I would say they're fentanyl, methamphetamine and benzodiazepines. Cocaine is always associated with those as well, unfortunately. Cocaine is being laced with benzos and fentanyls. The combination of all of those is a terrible, terrible combination.

Those are the typical drugs.

Hon. Rob Moore: The sign says my time is up.

Thank you, sir.

The Chair: Thank you, Mr. Moore.

Thank you, Mr. Dolhai.

We will now go to Mr. Mendicino for up to six minutes.

Hon. Marco Mendicino (Eglinton—Lawrence, Lib.): Thank you, Madam Chair.

Mr. Dolhai, congratulations on your nomination. You have had a distinguished career, underpinned by the values, in your own words, of hard work, but also a real commitment to the law, which is a vehicle to serve people, including to protect our communities. I listened very carefully to the outline of your own journey through the PPSC—starting at its inception; taking on a senior role; contributing to the drafting of national security legislation, in what ulti-

mately became the Anti-terrorism Act; and overseeing prosecutions, including one in which I was involved, the Toronto 18.

I raise that case because it was a seminal case. It was a case that involved a conspiracy around a self-radicalized domestic terror cell. It implicated a number of different agencies, not only the PPSC and conventional law enforcement but equally intelligence agencies. I raise this in the current climate because one of the important debates that is occurring right now is how we use intelligence and convert intelligence into admissible evidence for the purposes of prosecuting individuals who have been charged under national security provisions.

Having had the benefit of seeing Bill C-70, and understanding that it is currently making its way through Parliament, can you, in your own extensive experience, shed some light on how we can improve the protocols around taking intelligence and converting it into evidence for the purposes of prosecuting individuals who are charged under national security provisions?

Mr. George Dolhai: The issue of intelligence and evidence is one that's been at the forefront for a long time. It's a very complicated one, and as the National Security Intelligence Committee of Parliamentarians recognized in their recent report, it has its own requirements for study and consideration.

I can speak to the operational co-operation that exists and the efforts that are made. Over the last number of years, significant efforts have been made by the RCMP and CSIS and other members of the intelligence community to do everything possible to ensure that materials that are relevant to a possible threat to the security of the country, to the safety of individuals, to our well-being and our institutions, are shared in a timely fashion and are shared in a way that's very clear, so that they are something that the police, when they receive them, know what they can do with them and what they can't do with them. That's a significant element because oftentimes in the past there have been circumstances in which the two institutions work closely but have such different focuses and mandates that the question of when and what it can be used for required clarification. That's now come.

● (0835)

Hon. Marco Mendicino: Those protocols will be strengthened, in my opinion, by Bill C-70. I want to focus on part 2 to Bill C-70, which would amend the Security of Information Act to, among other things, create a number of new offences, as follows:

(a) committing an indictable offence at the direction of, for the benefit of, or in association with a foreign entity;

There would be some elements of foreign interference.

(b) knowingly engaging in surreptitious or deceptive conduct at the direction of, for the benefit of or in association with a foreign entity for a purpose [that is] prejudicial to the safety or interests of the State or being reckless as to whether the conduct is likely to harm Canadian interests; and

(c) engaging in surreptitious or deceptive conduct, at the direction of or in association with a foreign entity, with the intent to influence, among other things, the exercise of a democratic right in Canada.

I've summarized those offences.

Do you believe, Mr. Dolhai, that those additional provisions will help provide additional tools to law enforcement, including the PPSC, for the purposes of protecting our national security?

Mr. George Dolhai: The question of particular legislation before Parliament is not one I can really comment upon. What I can comment upon is that the issues of foreign interference and foreign-directed activities have become much more predominant within the national security files that I see, and it's an area that continues to evolve and becomes much more challenging all the time in prosecuting. Whatever Parliament passes, we will certainly apply and pursue with the police and assist them in ensuring that they can gather evidence.

Hon. Marco Mendicino: Is it safe to say that this will be a priority for the PPSC going forward, namely to ensure that our institutions, specifically our democratic institutions, are safe from foreign interference?

Mr. George Dolhai: Absolutely, it's a priority. In the national security realm, there are two areas of priority that are overwhelming. That one and the absolute blossoming—and I don't mean that in a positive way; it's a terrible way—of extremist ideologies that are using the Internet as a way to recruit and activate persons across the country.

Hon. Marco Mendicino: In my brief remaining time, this committee recently concluded or is in the process of concluding and drafting a study to combat anti-Semitism. A number of Jewish Canadians came forward and expressed concerns about the absence of the prosecution of anti-Semitic hate crime.

Are you committed to ensuring that prosecutors have the training that is necessary and to removing any unnecessary barriers to ensure the prosecution of anti-Semitic hate crime and hate crime generally to protect communities?

The Chair: Can we get a brief answer? The time is up.

Mr. George Dolhai: Hate crime is something that the provinces do, but certainly we work with them, in co-operation. That's the commitment I'd make.

The Chair: Thank you very much.

[*Translation*]

We now go to Mr. Fortin for six minutes.

Mr. Rhéal Éloi Fortin (Rivière-du-Nord, BQ): Thank you, Madam Chair.

Thank you for being with us this morning, Mr. Dolhai.

I'm going to pick up where Mr. Mendicino left off. In recent weeks, the committee has indeed heard from people on the issue of anti-Semitism in Canada. We then heard from people on the issue of Islamophobia. Had we wanted to keep studying those issues, we would have heard about all manner of situations fuelled by hate. It's something we have to deal with. Just this week, the RCMP reported an increase in hate crimes in Canada yet again and questioned whether it had all the tools the crisis demands.

I'd like to hear your thoughts on that. As I understand it, you have quite a bit of leadership experience at the Public Prosecution Service of Canada, first as deputy director and then as acting director. In your view, does the PPSC currently have the tools it needs to address the rise in hate crimes? If not, what tools does it need?

• (0840)

Mr. George Dolhai: Thank you for your question.

Many tools are now available in the Criminal Code to deal with terrorism offences, especially those in which hatred is incited to carry out the act of terrorism. A number of prosecutions are under way in cases where a key element is the use of the Internet to create a climate of hate, especially in relation to Islamophobia and anti-Semitism.

The Criminal Code already allows the PPSC to tackle that problem, which is much more serious now, right across the country. A recent prosecution that comes to mind is the case in London, Ontario, involving the attack on the Afzaal family.

Mr. Rhéal Éloi Fortin: As you know, committee members don't have a lot of time, but something I often wonder about is how to define hate. One of the bills the committee is eventually going to study sets out a definition, but, in a few words, could you tell me what you think would be an appropriate definition of hate?

If you can't, could you tell me whether there's a way to improve how hate is understood and defined under the Criminal Code?

Mr. George Dolhai: Yes. However, the prosecution of hate offences falls under provincial jurisdiction. Under Canada's Anti-terrorism Act, the focus is on ideology that advocates hate. Those ideologies tend to target “the other”, whether it's an individual, a group or people who believe in an ideology that seeks to exclude from Canadian society and thus attack that “other”. The definition is based on the idea of ideology.

Mr. Rhéal Éloi Fortin: Currently, section 319 of the Criminal Code prohibits the promotion of hate and anti-Semitism but includes an exemption. It is a reasonable defence if the opinion of the person accused of either of those offences is based on a religious text. I'm paraphrasing.

Do you have an opinion on that? The Criminal Code contains a provision that allows hate crimes if the person's opinion is based on a religious text or sincerely held religious belief. Is that a good thing or not?

Mr. George Dolhai: I can't comment on a bill before Parliament, especially since those prosecutions fall under the jurisdiction of services outside the PPSC.

Mr. Rhéal Éloi Fortin: Thank you.

I think I have a minute or two left. Can you share any good—or bad—memories you have of working on cases in Quebec?

Mr. George Dolhai: Are you asking me to talk about my experience with Quebec cases involving drug or national security matters?

Mr. Rhéal Éloi Fortin: I realize that the federal government's role is limited.

Mr. George Dolhai: Thanks to my colleagues in the Quebec regional office, my experience with Quebec's Director of Criminal and Penal Prosecutions was fantastic.

● (0845)

The Chair: That's great. Thank you.

We now go to Ms. Blaney for six minutes.

[*English*]

Ms. Rachel Blaney (North Island—Powell River, NDP): Thank you, Chair.

Mr. Dolhai, I want to congratulate you on your nomination.

I heard a lot of what you were saying earlier in response to some of the members who have already asked questions. The committee is currently concluding its study on the rise of anti-Semitism and Islamophobia in Canada. We all know that the outcomes have been incredibly painful.

Can you please comment on the low levels of successful prosecutions for hate crimes? Is this a problem with the laws Canada currently has, or are there other causes impeding successful prosecutions?

Mr. George Dolhai: Respectfully, I'm not able to comment on the prosecutions that are conducted by the provincial prosecution services, which are the ones that conduct them—except in the north, where we conduct them. We have not had hate crime prosecutions in the northern territories.

Ms. Rachel Blaney: Thank you.

I have another question. We just passed the third reading in the House of Commons of Bill C-332, which is now on its way to the Senate. Once this bill is passed, it will make coercive and controlling behaviour a criminal offence.

As the new national director of public prosecutions, what actions will you be taking to prepare the prosecution service to handle these new cases?

Mr. George Dolhai: As with any changes in the law, we will be providing training to our folks, but I must say that intimate partner violence is a priority for us. In the north, we have taken steps already—and this will be part and parcel of those steps—to augment the capacity we have in order to provide greater support to the victims through the Crown witness coordinators. We'll also be providing a continuity of prosecutors, so that they're dealing with the same people as they go along what is an incredibly traumatic and incredibly foreign process for any Canadian to be going through, especially when they're going through it with respect to something as personal, as hurtful and as traumatic as intimate partner violence.

We've formed specialized teams, as well, to review and consider what we are doing and what we should do differently in these cases. If the legislation is passed, we will certainly focus on it.

Ms. Rachel Blaney: We've talked to people who have gone through these experiences. Of course, before, they couldn't trigger this coercive and controlling behaviour as a criminal offence. That's what we're hoping to see fundamentally change.

You talked about training and the work you've done already. Could you indicate to us what the best practices are and what you think the initial steps would be moving forward? Of course, the concern is always building trust, so that people feel that the process will be followed when they come forward.

In terms of building those relationships, what were the best practices?

Mr. George Dolhai: Our first and best practice was the creation of the Crown witness coordinators. It's having persons who are not lawyers, whose only function—and it's a critical function—is to focus on those witnesses and be the person they reach out to. That's the person they can ask whatever question of and who will be with them as they're going through the process and will be with them only for that purpose, not for purposes of particularly structuring the evidence and doing other things. In order to support them, that's probably the best practice that we've initiated.

In addition, we've done training, and there's more training to do around understanding the dynamics that arise here. The area of violence against women continues to be one where there seems to be some reluctance in various quarters, and that can also occur in any organization as well, due to a lack of understanding of what those dynamics are and how they play out.

I'm very pleased to say that one of the prosecutions we undertook was a national security prosecution that went directly to this issue. It was the prosecution in Toronto where there was an attack on persons who worked in a setting providing massage services; they were brutally attacked and there was murder and attempted murder by a person who was motivated by the incel ideology, an ideology that's directly focused on women as the targets. The recognition of that being an ideology was critical.

● (0850)

Ms. Rachel Blaney: Previous to this I worked with newcomer women, and I found them particularly vulnerable, along with indigenous women, so to follow up on that last response, in the work you have done, what are the key things you will take in terms of reflecting on training and working to address the needs of those particular groups of women?

Mr. George Dolhai: A key element is the extent to which we can draw upon the experience of those who have dealt with those persons as witnesses while allowing the voices of those who've gone through the system and are prepared to speak to us to be heard by our prosecutors. Until you hear a story being told about what was experienced and all the reluctance and pressures that came to bear, whether they're familial or societal, in terms of coming forward, it's not as real. You need to make it real to people.

The first time I remember a person who was testifying about a very traumatic attack on her, she told me she focused on a crack in the table, because that was her focus. That was what was going to get her through what was a terribly traumatic experience in recounting what had happened. It's doing that.

The Chair: Thank you very much.

We will now go to our second round, with five minutes to Mr. Van Popta, please.

Mr. Tako Van Popta (Langley—Aldergrove, CPC): Thank you, Madam Chair.

Thank you, Mr. Dolhai, for being with us here today. Congratulations on your nomination and soon-to-be appointment. I understand that this is the last hurdle, or perhaps the second-to-last hurdle, for you to overcome. Congratulations on a job well done so far.

I'm going to follow up on a question that my colleague Mr. Moore asked about the decriminalization of possession of small amounts of illicit drugs. I want to focus particularly on what happened in my home province of British Columbia with the pilot project whereby the federal government gave an exemption to British Columbia under the Controlled Drugs and Substances Act. It's a three-year pilot project, but a year into it, it was clear that it was a failed project, and it has been rolled back substantially now. Again, the province and the federal government are working together.

I wonder if you could elaborate on that, because prior to that, I understand there was de facto decriminalization in any event, not only in British Columbia but across the country, for possession of small amounts for personal use.

What big difference did the exemption order make, and now that it has been rolled back, what are prosecutions going to look like going forward?

Mr. George Dolhai: There is a perception that there was decriminalization, in fact, of simple possession, but as I indicated, I think the statistics do not that bear that out. In fact, we continued to prosecute simple possessions across the country, as did Quebec and New Brunswick, but only in those circumstances where one of the other complicating factors was present, something that affected public safety.

In British Columbia in particular, however, there were very few of those prosecutions that went forward. There were a few of those instances that were brought to us where there were public safety elements.

I think the change in the exemption will primarily affect what police can and can't do with respect to their interventions. Their decision as to whether or not that translates into a prosecution is another matter, but they will be in a position, I think, to be able to have interventions in a different way from how they were intervening while the exemption was in place. In many ways, they are the organization that is on the front lines. They are the ones with the biggest footprint with respect to dealing with persons who are subject to these substance use disorders.

Whether that translates into prosecutions, I don't know, because, again, there are many avenues to address the underlying problem, and we've had tremendous success with respect to many of them, including such things as drug treatment courts.

It will depend on the police and their decisions as to what they refer.

Mr. Tako Van Popta: It also depends on your office, doesn't it? You have said that you give clear directions to prosecutors about how prosecutions are to be undertaken or even which cases are to

be prosecuted. To what extent does the prosecution office in British Columbia rely on directions from your office?

• (0855)

Mr. George Dolhai: I would like to think that they rely entirely on them, because no person and no prosecutor, no matter how well intentioned, is their own determinant. We're all persons who have a responsibility to others and report to others and, ultimately, as DPP, I would report to the Attorney General, but there is scope for local practice, both within larger and smaller communities and from province to province.

Mr. Tako Van Popta: You said that you report to the Attorney General. You wrote recently about the Shawcross principle and the rule of law. Central to these principles, of course, is the independence of the prosecution service.

Given that, in Canada, the Minister of Justice and the Attorney General are one and the same person, how does that affect prosecutorial independence?

Mr. George Dolhai: The Minister of Justice and the Attorney General being one and the same person, in my experience, has never affected prosecutorial independence. I've had the pleasure of dealing with a number of attorneys general since we were created, and I have never found that there has been an issue with respect to the manner in which they approach the attorney general function. All of them have been scrupulous in the way they approach it.

Mr. Tako Van Popta: My understanding is that in the United Kingdom, those two roles might be separated. I don't know if that's always the case or—

Mr. George Dolhai: They are separated there, but the McClellan report looked at that issue and concluded that what we had in Canada was something that was functioning well, and again, in my experience, every attorney general has respected the independence of the prosecution service entirely and scrupulously.

Mr. Tako Van Popta: Do I still have time for one quick question? Okay, good.

You mentioned the Afzaal family case, in London. In that case, the person was charged and convicted of four cases of murder, but also terrorism acts, but in the Quebec City mosque killing, terrorism charges were not laid.

I wonder what the difference would be. Could you give your academic opinion on that?

Mr. George Dolhai: In short, the difference is evidence. Each case has its own evidence and in each case you have to assess the evidence to determine whether, based on the admissible evidence, you can meet the standard of beyond a reasonable doubt.

That's the difference between the two cases. That's the only difference between the two cases.

The Chair: Thank you very much.

Let me do the same now with the others. I'll just increase the time slightly.

Mr. Housefather, if you wish, you have six minutes.

Mr. Anthony Housefather (Mount Royal, Lib.): Thank you, Madam Chair. Hopefully, I will be able to do it in five.

Mr. Dolhai, congratulations on your nomination.

The PPSC is responsible for providing prosecution-related advice to law enforcement agencies across the country. Can you explain how, if you assume this role, you will do that? How will you change what the department does today? What would you do to improve that service?

Mr. George Dolhai: Part of that service is providing a window in for the police services, on how we would deal with a case if it came to us. When we provide them with advice during the course of an investigation, we're not providing them with advice as their lawyers per se. We're providing them advice about, "If you do it in this way, this is how that will translate into admissible evidence."

What I would do is increase what we are already doing with respect to training. There's a lot more training that could be done. We would seek to work with the RCMP to determine if there are avenues where we could provide additional training to new officers, for example, at depot.

Also, with respect to the police of local jurisdiction, one of the things that occurs is that there is a relationship we have across the country with all of the local police forces, and we have to adapt to their particular needs and focuses insofar as being able to assist them, both in terms of the mechanics of those operations and in terms of providing them that training and that timely advice.

One of the things I would do as well is canvass the chiefs of police with respect to what they think of the service we're providing. We are, in that respect, like anyone else, and we are subject to feedback from those we're attempting to work with and assist, so one of the things to do is to find out directly from the source.

• (0900)

Mr. Anthony Housefather: I agree.

I'll just ask for a brief answer to this one: Do you also work with the provincial prosecution services in terms of coordinating responses and ensuring you have a uniform standard of approach across the country?

Mr. George Dolhai: We do. We have a heads of prosecution committee, where all of the heads of prosecution meet twice a year. It's a committee where everyone rolls up their sleeves, puts all issues of politics aside and focuses on what is the best way to deal with the challenges we're collectively facing. On individual cases, we also co-operate and have arrangements with each one of the provinces.

There are various forms of arrangements, whereby we will also determine on a major-minor basis who does the prosecution. Is it both of us? Is it one of us that leads if we have the more important or significant charges, or is it something that they do? We also consult extensively with respect to issues relating to how best to deal with extremist violence.

Mr. Anthony Housefather: That leads me, then, to a question that Mr. Mendicino brought up and that Monsieur Fortin then brought up, which is how we're dealing with anti-Semitic hate in this country, and other forms of hate such as Islamophobia.

I want to refer you to recent statements made by Adil Charkaoui. Mr. Charkaoui, in Montreal, on October 28 of last year, made a

speech in Arabic, in which he said, "Allah, take care of these Zionist aggressors. Allah, take care of the enemies of the people of Gaza. Allah, identify them all, then exterminate them. Don't spare any of them." The Quebec prosecution service, the DPCP, determined that there wasn't sufficient evidence to reveal the commission of a criminal offence under, I presume, sections 318 and 319 of the Criminal Code.

Mr. Dolhai, would your office in any way have been involved in offering advice on an issue like that, or will this be an issue in terms of the way we prosecute section 318 and 319 offences that you would undertake to make part of the next discussions with the provinces when you have future rounds of meetings?

Mr. George Dolhai: I can't comment, Mr. Housefather, on any particular case or any particular situation and what consultations were or weren't had, because those would also raise issues with respect to what was or wasn't referred to us by the police, but certainly I expect that one of the things that will be front and centre in our discussions at our next heads of prosecution meeting, if I were to be there co-chairing that, would be the question of how we co-operate and coordinate around issues as to how to deal with hate crimes and how we ensure there is no light left between the Criminal Code provisions and the terrorism provisions insofar as ensuring that circumstances meriting prosecution are dealt with.

Mr. Anthony Housefather: Thank you.

I want to give you the opportunity to talk about your vision for the office. I asked you about it in light of training and consultation with police services across the country. What is your large vision for the office? I understand that you've been there for a while, and that Ms. Roussel has theoretically been director, and not you. Without in any way diminishing all the important work she's done, what would you do to put your own stamp on things? What would you do to change the office in any way?

Mr. George Dolhai: What I would do is—

The Chair: Let's leave that response, because I did give six minutes.

I'm now going to go to the final three minutes and three minutes, and conclude.

[Translation]

Mr. Fortin, I'm going to give you an extra 30 seconds. Please go ahead.

Mr. Rhéal Éloi Fortin: Thank you, Madam Chair.

Mr. Dolhai, I don't have much time, but I'd like to hear what you think the relationship between the DPP and the Department of Justice should look like. I know there is some separation between the two, at least in theory.

How do you see your relationship with the Attorney General and Minister of Justice in the exercise of your future responsibilities?

Mr. George Dolhai: It's a relationship where both people adhere to their respective roles. The role of the director of public prosecutions is to manage the PPSC. That includes making decisions regarding individual prosecutions and issuing guidelines on prosecutions in general. It is still very important, however, to keep the Attorney General abreast of important issues, so that the Attorney General can provide direction where needed.

The Attorney General is always the one to communicate with the DPP regarding a specific prosecution or category of prosecutions. That communication is always public, not confidential, so that Canadians know what's going on.

• (0905)

Mr. Rhéal Éloi Fortin: How do you view communication in the opposite direction, when it's the DPP communicating with the Attorney General and Minister of Justice? Would you consider proposing legislative or other changes?

Mr. George Dolhai: As of now, I don't have any suggestions for the Attorney General.

Mr. Rhéal Éloi Fortin: I'm going to use the scenario I mentioned earlier. Let's say you came to the conclusion that you didn't have the tools you needed to initiate prosecutions in certain circumstances you felt were problematic. How would you go about informing the Minister of Justice?

Mr. George Dolhai: I would put together a briefing for the Attorney General laying out the repercussions on specific prosecutions or the general conduct of prosecutions by the service. By the way, whenever the PPSC decides not to move forward in a specific case, it always has to explain its decision to the court.

The Chair: Thank you very much.

Mr. Rhéal Éloi Fortin: I know I'm out of time, but are those briefings public or confidential?

The Chair: Thank you both for those questions and answers.

[*English*]

Ms. Blaney, you have the final three minutes.

Ms. Rachel Blaney: Thank you so much, Chair.

I have one more question for you, so hopefully we'll be able to wrap this up.

I know resources can sometimes be a challenge. Can you inform the committee on whether the prosecution service has adequate resources to ensure timely and accessible justice in the three territories where you are responsible for criminal prosecutions? How would you deal with that challenge if you don't have the resources?

Mr. George Dolhai: We have resources that were allocated to us that allowed us to increase by 25% our capacity in the three northern territories. That has provided significant assistance to us to ensure that continuity that I spoke about, both with respect to Crown witness coordinators and prosecutors, and has enabled us to have those focused initiatives that we have undertaken with respect to the prosecution of violence, especially sexual violence cases, as well as with a number of innovative programs to incorporate, in Nunavut in particular, traditional Inuit justice concepts.

We have a pilot right now that we are launching in three communities, where we will be involving elders directly with us throughout the consultation and consideration process. I'm very excited about it, actually.

Ms. Rachel Blaney: Okay, now I have a follow-up on that.

You talked about the work you're doing in Nunavut specifically. In the beginning of your intervention with us, you talked about the meaningfulness of reconciliation and the work you are doing. In this role, how would that influence the work that you do? That's knowing, of course, that indigenous people are largely overrepresented in so many areas, for many complex and important reasons that have not been challenged in the way I would like to see them challenged. I'm just wondering, what will you bring to the table in terms of those skill sets?

Mr. George Dolhai: What we'll bring to the table is that we'll build on what we've done. We've done training with respect to indigenous issues; across all of our regional offices but one, it has been completed. We've done over 14 or 15 sessions. There are four very, very comprehensive modules that go from history to individual trauma and how you deal with trauma, to preparing Gladue reports.

However, specifically beyond that, it seems that it's an intractable problem of overrepresentation. I am of the view that we need to consider whether or not we need to provide even further specific guidance to our prosecutors as to how they approach it. We cannot have, year over year, the same statistics being presented. It is not a question of good intentions; it has to be a question of results. Some of the tools I have are to determine whether or not we need to be even more directive with respect to what our expectations are.

• (0910)

Ms. Rachel Blaney: Thank you.

The Chair: Thank you very much.

This concludes the questions from our colleagues, the members of Parliament.

Mr. Dolhai, thank you very much for appearing before us. You have a wealth of experience at the Public Prosecution Service of Canada. As a former justice minister in Nova Scotia myself, I appreciate the questions and your response with respect to the importance of your relationship with the Attorney General and with regard to the independence—and also the relationship that you would have with the provinces and territories and the training that is offered in communications.

Allow me now, committee, to ask you this: Is it agreed that we report to the House that the committee is in agreement with the proposed nomination of Mr. George Dolhai?

Some hon. members: Agreed.

The Chair: Thank you very much.

Congratulations.

Some hon. members: Hear, hear!

The Chair: I will now suspend for a few minutes in order to excuse our witness.

We will continue in camera for our drafting instructions to our analyst. *[Proceedings continue in camera]*

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