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Vendredi 22 février 2008

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Comité permanent des comptes publics

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Chair: Norman W. Sterling
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON PUBLIC ACCOUNTS

COMITÉ PERMANENT DES COMPTES PUBLICS

Friday 22 February 2008

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The committee met at 0935 in room 151, following a closed session.

2007 ANNUAL REPORT, AUDITOR GENERAL

MINISTRY OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES

Consideration of section 3.02, Centre of Forensic Sciences.

The Chair (Mr. Norman W. Sterling): My name is Norm Sterling. I'm the Chair of the public accounts committee. The public accounts committee has asked to consider section 3.02 of the 2007 annual report of the Auditor General.

Today we have several officials from the Ministry of Community Safety and Correctional Services, led by Deborah Newman, who's deputy minister. I'll ask you, Deputy Minister, to make an opening statement and introduce the other people who are sitting at the table with you.

Ms. Deborah Newman: I am Deborah Newman, deputy minister of community safety and correctional services. On behalf of the ministry, I'd like to thank the public accounts committee for the opportunity to address the 2007 annual report of the Auditor General, relating to the Centre of Forensic Sciences. I'm joined this morning by Glenn Murray, the assistant deputy minister of the public safety division; Allan Gunn, who's seated behind me, the assistant deputy minister of corporate planning and services; Dr. Ray Prime, the director of the Centre of Forensic Sciences; and Tony Tessarolo, section head at the Centre of Forensic Sciences and also project manager for the implementation of the auditor's recommendations, seated behind me.

Let me start by saying that we appreciate the recommendations made in the auditor's report and we've started to act on those recommendations. We are committed to continuing to do so and to implementing all of the recommendations.

I'd like to begin by assuring the committee that rumours of a Canadian version of the TV program CSI: Crime Scene Investigation unfortunately are unfounded, much to the dismay of the show's northern fans, no doubt. The popular series has generated a lot of interest and fascination in forensic sciences, and it's also brought about what we call the CSI effect: the public's expectation that forensic science always solves the crime and every case is solved in less than an hour, before the episode is over.

When comparing reality with television, it's worth noting that CSI solves 100% of the cases, each CSI investigator works on one case at a time, and the labs have every analytical instrument and piece of equipment that a scientist could ever want. There are no backlogs. Every analysis that is scientifically possible is done in every case. Results are obtained from every item.

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I have to tell you that reality is very different. Real forensic scientists juggle many cases, shifting from one to another as priorities change or while awaiting the results of an analysis. It may take a number of people months to do the work that one television investigator does in an hour.

I recognize that for many people the Centre of Forensic Sciences may be a well-kept secret. With the committee's indulgence, I'd like to provide a brief overview of the CFS. It is one of the most extensive forensic science facilities in North America, providing independent scientific laboratory services to support the administration of justice and public safety programs in Ontario. Police officers, crown attorneys, defence counsel, coroners, pathologists and other official investigators make use of CFS services to conduct forensic testing in support of criminal and coroners' investigations throughout the province.

The CFS operates out of two laboratories—a large facility at 25 Grosvenor Street here in Toronto and a smaller, northern regional lab in Sault Ste. Marie. In 2006-07, the CFS received over 10,400 cases and issued almost 12,700 reports, with a budget of $25.5 million and 260 staff. Through these two facilities, scientific analyses are provided in the areas of biology—for example, DNA and textile fibres; chemistry, which includes fire debris, soil, glass, paint; documents and photography—for example, handwriting and photo analysis; electronics—for example, cellphones, audio and other electronic devices; firearms, including weapons and ammunition; and toxicology—for example, drugs, poisons and alcohol.

The CFS has been accredited by the American Society of Crime Laboratory Directors since 1993. This is a non-profit professional society of crime lab directors and forensic science managers dedicated to providing excellence in forensic science through leadership and innovation. The CFS is preparing for re-accreditation this

year, a process that takes place every five years. In this regard, the auditor acknowledged that the CFS has systems and quality assurance programs in place to successfully and continuously monitor and take corrective action.

One example of the value of the CFS, if I could share one story with you, was their role in responding to the murder of Holly Jones in the spring of 2003. I'm sure you remember this very tragic case. The investigation was an enormous undertaking for the Toronto Police Service because it included the daunting task of knocking on hundreds of doors, home to home, and considering more than 2,000 tips from the public. Lead investigators recognized early that forensic science could play a crucial role. An examination of trace evidence of the victim provided the clue that the child had been in contact with a green carpet. Armed with this information, front-line police officers were able to identify a potential suspect during a door-to-door canvass. When the suspect refused to volunteer a DNA sample, undercover police were able to collect a discarded DNA sample for comparison against a foreign DNA profile. The profiles matched. The suspect was arrested and his apartment was searched. DNA analysis revealed traces of the victim's blood. Faced with this evidence, the suspect confessed and entered a guilty plea. Information from the CFS enhanced the traditional police investigation and certainly reduced the amount of police work involved.

As the auditor also noted, the CFS is well respected by its clients, having received a high overall rating. Specifically, results from the last three annual client satisfaction surveys indicate a greater than 90% overall satisfaction rating. The audit report further noted that the CFS clients consistently informed the auditor that they were pleased with the quality and calibre of services they received and the staff they dealt with.

The CFS recognizes the value of establishing partnerships and implementing technological automation. The auditor acknowledged the value of CFS savings resulting from the recent automation of services. The CFS, in partnership with the federal government and the Quebec forensic laboratory, has worked on development and implementation of two national data banks: the National DNA Data Bank, to which the CFS contributes more than one third of the crime scene index DNA profiles across the country; and the Canadian Integrated Ballistics Information Network, which is used to link shooting events. To date, the CFS has been responsible for identifying 70% of the shooting linkages nationally through this network.

The CFS also regularly partners with local police agencies, such as the Toronto Police Service, to reinvestigate old sexual assault cases and cold cases using DNA analysis. There's regular interaction and consultation with Toronto police through attendance at weekly homicide meetings. In addition, there is regular interaction and consultation with coroners and pathologists in the province through attendance at regular meetings.

In terms of other functions and duties, the CFS activities include casework, court attendance and client education. In 2007, CFS staff appeared in court on 612 occasions to provide expert witness testimony throughout the province. CFS staff were also involved in delivering 345 different training events to clients and stakeholders.

This morning I'll be reporting to you on the progress made in each of the five key areas identified by the auditor. Work is under way to ensure the effective planning and execution of all recommendations. As I said at the onset when I introduced Tony Tessarolo from the Centre of Forensic Science, I'm pleased to say that we have an experienced manager such as Tony, who has been appointed as the project leader in order to facilitate the implementation of the auditor's recommendations. I'll be focusing on the following areas: measuring and improving performance, involving our clients and stakeholders, measuring and monitoring urgent cases, monitoring and assessing delays and, finally, benchmarking with other forensic service providers.

With respect to measuring and improving performance, we're pleased that the auditor confirmed the importance of the work conducted by the CFS in assisting investigations. We recognize the need to ensure that turnaround times meet investigative needs. The auditor noted the improvements made in turnaround time at the CFS since 2000-01. While staff strength increased by 8.8% since that time, at the same time there was a 70% increase in reports and an overall 48% increase in workload, all of which highlights more efficient and effective operations. The CFS is committed to continuous improvement and will review its practices in an effort to enhance our progress towards faster service delivery.

Prior to the tabling of the auditor's report, the CFS initiated a process whereby managers would apply consistent criteria for prioritizing cases across each forensic discipline. The first-in, first-out system is structured to be flexible, while providing standard processes across the organization. The CFS has already taken measures to specifically improve turnaround time in toxicology since January. However, it's too early to measure the results of those improvements.

I'd like to clarify a point from the auditor's notes. It's important to differentiate the use of the term "targets and performance measures" versus the phrase "turnaround time" that is often discussed in the auditor's report. It was noted that some labs set targets that are much shorter than 90 days. However, it's often the case that the actual performance or turnaround time of the lab fails to meet these shorter targets—and Jim is smiling because we had this conversation. For example, Ontario's auditor reported that the Auditor General of Canada did note that for the most part the RCMP Forensic Laboratory Services was not yet meeting its turnaround time targets. They set ambitious targets, but they weren't meeting them in terms of turnaround time. So I think the difference between the targets and the actual turnaround times is something to bear in mind.

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The percentage of reports completed in 90 days was a performance measure utilized by the CFS. Moving

forward, the project leader will be undertaking a review of current practices, section by section, in the CFS, as recommended by the auditor, to identify mechanisms for improving turnaround times—so a business process review, if you like, section by section.

In terms of involving our clients and stakeholders, the auditor recommended that the CFS should involve its clients to a greater degree in setting turnaround time targets for different types of cases. The auditor noted that in setting turnaround targets, the CFS advisory committee and the annual client survey are two potentially good mechanisms that we could use to assist in determining performance measures, and we will make use of both of these opportunities. In fact, we are having the semi-annual meeting of the CFS advisory committee in April and plan to focus our discussions with our stakeholders on the advisory committee on turnaround times and get their feedback and input in that respect. We're also consulting with our clients to determine how to assist in setting realistic and reasonable turnaround times, potentially using a specific client survey targeting respondents or focus groups, and we will discuss those mechanisms with the advisory committee at its next meeting.

The CFS proactively informs its clients of the average turnaround time when they submit their evidence. A client information sheet outlining the average turnaround time for each of the forensic disciplines is provided along with the evidence receipt. As a direct result of the auditor's recommendation, client information sheets have been reformatted and are now prominently placed in the information package. This ensures that there's a realistic expectation about how long it will be before a report is produced by the CFS.

Turning to urgent cases, the reality of criminal investigations and the justice system, of course, is that urgent cases are unavoidable. Whether it's a serial sexual predator being pursued by the police or the indiscriminate shooting of innocent bystanders, forensic examinations are likely to be called upon with expectations of a prompt report. Performance regarding turnaround time in urgent cases has been and continues to be very responsive. The auditor noted that clients interviewed were satisfied with the improved service provided, especially in major cases.

As noted by the auditor, however, no formal mechanism currently exists for tracking and monitoring of urgent cases across the CFS. In other words, the CFS is very responsive to fast-tracking urgent cases, but we have not been collecting data on this. We acknowledge the value in collecting this information and expect it to reflect positively on the lab's performance in cases where timeliness is most critical. In addition, this information would be particularly helpful in assessing the impact that dealing with urgent requests has on scheduled laboratory operations. As such, the CFS has initiated an evaluation of its existing laboratory information management system to determine how this data can be best captured. The lab information management system captures critical information regarding the chain of custody of all evidence received by the lab. It also gathers information related to the progress made in all cases examined. As a piece of evidence moves along the forensics chain from being received, assessed, analyzed, reviewed and reported upon, the system tracks its progress. The application of resources to deal with urgent cases has an inevitable impact on the timeliness of other cases that are queued for routine examination, and we'll start to measure that.

In terms of monitoring and assessing delays, the CFS is acutely aware of the impact that delays have on investigations. The CFS strives to provide a careful balance between product quality and a timely report. Delays can be caused by a number of factors, including equipment breakdown, staffing issues, turnover, recruitment, training and so on.

A recent needs assessment identified that the CFS physical plant is also ready for a change. The current facility was completed 32 years ago, when there was a staff of 75, and it was designed to hold a maximum of 150. Currently, 238 people work in the Toronto location, and that number is projected to grow to over 400 in the next 10 years. To meet the caseload, technology, accreditation, justice system, and health and safety demands of the CFS, the construction of a substantially larger, more modern laboratory is planned. This new facility will enhance the ability of the CFS to streamline processes and to avoid delays.

We look forward to the implementation of the auditor's recommendation regarding the monitoring of delays. It will greatly assist us in determining the most effective mechanisms for addressing the delays.

Benchmarking with other forensic service providers: The CFS has been working on a business-guided evaluation of forensic science laboratories across North America called Foresight, which is supported by the US National Institute of Justice. The intent of this project is to standardize definitions for measurements or metrics to evaluate work processes, linking financial information to work tasks and functions. Laboratories participating in the first year of the project have agreed on a series of common measurements that include staffing, finance, casework performance—including turnaround times—and non-case work activities such as training. The business and economics department at West Virginia University is analyzing the data and will report back on its capability to provide meaningful benchmarking information. It's a very difficult and complex task to benchmark, and they're not always apples-to-apples comparisons. They will also recommend improvements to the methodology for the future. Although it's anticipated that there will be considerable challenges for the participating laboratories to align their own corporate data systems with Foresight, the exercise will ultimately allow participants to assess and compare service delivery.

That is my summary of progress and plans to date. I'd just like to flag for you that there will be other challenges ahead. For example, federal Bill C-13, An Act to amend

the Criminal Code, the DNA Identification Act and the National Defence Act—it's a long title—and Bill C-18, An Act to amend certain Acts in relation to DNA identification, both came into force on January 1, 2008. The purpose of the bills is to amend provisions in the Criminal Code respecting the taking of bodily substances for forensic DNA analysis and the inclusion of DNA profiles in the National DNA Data Bank. The bills added 172 offences, including car theft, arson, drugs and firearms-related offences, to the list of offences in the Criminal Code that can be investigated through the use of the DNA data bank.

Federal Bill C-2 is pending. It proposes to increase penalties and create other changes in impaired driving offences, including alcohol impairment and, for the first time, drug-impaired driving in Canada. This will have considerable impact on the demands for toxicology services, court testimony, research and development, analysis and officer training.

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The recent addition of 1,000 new municipal police officers in the province, plans to hire 200 new OPP officers in the province, and the federal government's pledged 2,500 police officers across Canada—assuming Ontario receives its fair share—will have an impact on the CFS workload. The province has also increased the number of crown attorneys and judges to bring cases to trial faster. The province's recently funded guns and gangs initiative means that more weapons will be submitted for scientific testing in DNA, firearms and chemistry.

Finally, the Inquiry into Pediatric Forensic Pathology in Ontario will be submitting its report at the end of April 2008. The inquiry has heard testimony from both pathologists and coroners. We anticipate some recommendations will, no doubt, impact the Centre of Forensic Sciences.

The Auditor General's report will assist the CFS in preparing and planning for all of these challenges and to meet the ongoing expectations of our clients. Thank you for the opportunity to speak today, and I look forward to your questions.

The Chair (Mr. Norman W. Sterling): Thank you very much. Mr. Hardeman?

Mr. Ernie Hardeman: Thank you very much for the presentation. I am pleased to say that all the questions I was going to ask have been answered in your presentation. They related primarily to what we're doing to deal with the recommendations in the auditor's report. I was pleased to hear that a lot of work has already been done to meet the recommendations in it.

I just wanted to quickly touch on what would have caused an auditor's report on an organization like that to make almost all the recommendations about not how we do our work, but how we administer the organization. I was taken aback a little bit by the fact that we have done a lot of benchmarking with the quality of our service, and we have done absolutely nothing, it appears, with how effectively and efficiently we run the business. What prompted an organization to be run in a way that we weren't at all looking at whether we were providing an effective and efficient operation, even though we were putting out a top-class, first-class product? Obviously, compared to other labs, ours is second to very few. But in how we do it, we have no idea whether we're doing a good job or a bad job as far as delivering the service.

Ms. Deborah Newman: Thank you for that question. Maybe I'll make some comments and then ask Dr. Prime if he'd like to add to those.

I'd like to begin by saying that we have attended to the efficiency and effectiveness of the Centre of Forensic Sciences and we have, in fact, been measuring turnaround times and paying attention to that. In fact, the auditor did note some improvement in turnaround times.

We're one of three publicly operated labs in the country. There's our lab here in Ontario, there's a Quebec publicly operated forensic lab, and there's an RCMP lab. I think we're certainly roughly comparable to the RCMP lab in terms of our turnaround time results. They are somewhat better in one area than we are, and we're better in another area than they are. I think it essentially comes out in the wash, that we are roughly comparable to the RCMP lab, and certainly more favourable than a number of US labs.

We are paying attention to our performance in terms of turnaround times and benchmarking, as I mentioned, and making efforts to try and benchmark our results against other laboratories. In 2000, we made efforts to try to benchmark ourselves and our results and productivity against three publicly operated labs and two fee-for-service labs. Unfortunately, these efforts were unsuccessful due to the significant variation in the way in which data was collected and variability, if you like, in metrics. So there wasn't any direct opportunity for apples-to-apples comparisons.

As I mentioned in my remarks, though, we're now involved in the Foresight project, which intends to standardize metrics so we have a better opportunity to compare ourselves. The Quebec lab, which is a public sector lab, is not accredited. We are accredited, so we are paying attention to both quality as well as benchmarking effectiveness, turnaround times. Having said that, clearly we have room to improve in terms of measuring what we do.

Dr. Prime, would you like to add anything to that?

Dr. Ray Prime: Yes. Mr. Hardeman did ask how we came to be focusing, I think, so much on quality. If you recall, going back 10 years ago, we were involved in a public inquiry that was headed by Justice Kaufman. There were a lot of recommendations that came out of that that spoke to the need for quality and checks and balances in the system to ensure that such a thing didn't happen again. We responded, I think, very well to that. We were one of the three parties that was criticized for what happened.

If you follow any forensic science news, which doesn't really come out in a daily newspaper but is certainly on Google, you'll see that throughout the United

States, for the last decade, there have been revelations of wrongful convictions. Science has been there to reveal it, but it's also been there to cause part of it. So the whole industry of forensic science, I think, has focused on making sure that those kinds of events don't happen again. In addition to that and because of that, the defence bar is much more tuned to science. The defence bar has grown very knowledgeable in science as DNA has developed because DNA has pretty well developed in the courtroom. So they're looking at what kinds of checks and balances and measures are in place to assure quality. All of these things do add to the cost of doing the business.

The deputy has touched on making comparisons. We had very long conversations with our auditor's staff on the issue of making these kinds of comparisons, because the majority of the labs that we're able to get information from and work with are in the United States, and they have very, very different systems and very different responsibilities. They have different levels of labs. They have county and state labs; they have city labs. They're very small labs in most cases. So it's much harder to get those comparisons with their workloads, particularly when they're dealing with drug cases—which we don't—which skews their work. Some of their labs also run DNA samples that go into their databases, which again is separate in Canada. So there are those apples-to-apples comparisons that the deputy has referenced.

I think the value of the comparisons and the value of collecting this kind of data is to look at our own progress, and we have done that, and the auditor commented that we have been doing that. Certainly, going back to about the time of the Kaufman exercise, our turnaround times were much worse than they are now, and we've been focusing on trying to improve that.

At the same time that we've been making these improvements in our turnaround times and making every effort we can to be efficient and effective in what we're doing, we have been having an increase in the caseload, in the workload. That's been particularly evident in the area of DNA. It has been especially so in guns and gangs, particularly in the last few years in Toronto. We have had resources put into some of those areas, and we have been able to stay abreast and improve our turnaround times by focusing on those two particular areas.

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The other thing I'd like to point out as well, though, is that my discussions with the auditor's staff and my reading of the report spoke very much of the interest in the client, whether we're getting the needs of the client addressed. That is something that is different than saying we're inefficient. I think we're fairly efficient with the resources that we have, and we're working all the time to find ways to do that better. If the client wants our products immediately, then we don't have the resources to deliver them immediately, so we're trying to make that balance. We do that by trying to decide and work with them to see what they do need. What do they need in a hurry and what do they need when the court date comes around two, three or four months from now or maybe even years from now? So we work with them and prioritize the work to the extent that we can and we make sure that we are able to contribute to their investigations. The Holly Jones case is a very key example of how we can impact the investigation. Each of our sections has ways that that can happen. Hit-and-run cases: We have to drop everything to do a hit-and-run case.

Mr. Ernie Hardeman: That's really what I wanted to touch on. I want to commend again the quality of the work that you're doing. I'm not finding fault with it. I'm just wondering, in order, as a committee, to be satisfied that we're doing everything right, when we talk about the length of the turnaround time on the case it would be very helpful if we knew how many times a case got moved forward and what the timeline on that was, so you had it rated: the important ones, the turnaround was in 30 days if it was asked for, but some took 90 days or some took 120 days, whatever. But to actually show why something takes much longer is because, "We're doing a better job of dealing with the immediate need for our clients." As I say, it doesn't seem to be in the report. It doesn't seem to indicate that there's any way of getting that information. How many of the cases waited the full length of the wait time and how many got done quicker because they were emergency cases? It would be helpful if we had some figures on that.

Dr. Ray Prime: That's exactly one of the recommendations of the report, that we pay attention to measuring those details. We agree. Intuitively, we feel that we respond very well to urgent cases. I remember telling Vince that and he said, "Well, prove it." We can't prove it because we've not been measuring that.

But I'd like to just put one other point to you, and perhaps we can use the Holly Jones case as well or any other kind of sexual predator case. It's very important that we respond within days to that kind of case. If that's necessary, if the police are putting the resources into that case to make sure that they apprehend someone, or they're trailing a suspect and there's a public safety issue involved, we will put the resources. We'll have people working overtime, weekends, whatever we need. That case will be responded to and we'll probably have results within 24 hours or less.

That case doesn't finish then. That case may eventually, once someone is apprehended, go to court several months down the road. So we have to have really urgent response to parts of the case but not the whole case. We're just measuring the turnaround time for the whole case and we recognize the need to look beyond that. But when we do that we have to take somebody away from doing the casework.

Mr. Ernie Hardeman: I just want to end on this line of questioning, I suppose. I appreciate that, but if that information had been available we wouldn't be asking these questions. You wouldn't even be concerned about the length of time the cases are taking because you could explain, "We are efficient and effective." But when it just says the turnaround time is that long with no way of

telling why that is, one has to question whether we're getting the appropriate response from the lab. We commend you for that and we do hope that you proceed with itemizing it or prioritizing information so that would be in the next report.

The Chair (Mr. Norman W. Sterling): Can I just ask one question, because we still have some time left in our particular—

Interjection.

The Chair (Mr. Norman W. Sterling): Oh, I'm sorry. Did you have some questions?

Mr. Jerry J. Ouellette: Yes.

The Chair (Mr. Norman W. Sterling): Go ahead.

Mr. Jerry J. Ouellette: In jurisdictions that have a 30-day turnaround time, do you know what their timelines are for cases going to court? Would there be a comparison there? We read that there are other jurisdictions that have a turnaround time of 30 days. If their cases are going to court that much quicker, does it justify it or give any reason why? Do you have any response to that?

Ms. Deborah Newman: I think the measure we have is the forensic science turnaround time, the production of a result on a test or a series of tests that have been done. So the 30-day target you're talking about is not necessarily the time it takes to go to court. I'm not sure that we have, from other jurisdictions, a measure on the time to court.

Here, we certainly prioritize cases based on a number of criteria, including whether there is an imminent threat to public safety, whether there is an upcoming court date or impending trial date, or whether the evidence is subject to some kind of deterioration in quality if the testing isn't done quickly. I'm not sure that the measures, then, from delivery of result to court date are something that the auditor commented on or that we actually have available.

Mr. Jerry J. Ouellette: One of the other questions, leading into that, was about the storage of information and the deterioration of evidence. With 10,400 cases, how do you store? What are the protocols there? Is it up to the force coming forward with the evidence or is it up to you to store that sort of information?

Dr. Ray Prime: There's quite a variety of evidence that we deal with, and much of it is evidence that doesn't need any particular storage condition, other than security. Any kind of biological material is subject to deleterious change, and we need specific provisions to be able to make sure that doesn't happen, including the training of the officers. So we put a lot of our resources into training identification officers. The identification officers are the ones who most resemble the ones you see on CSI. They're crime scene officers and they collect the evidence. With our instructions, they know what they need to do. They know what we can test. They generally take more than they should, so we want them to triage the material before it comes into the lab, and we have a system to do that when it comes to the lab. We have a receiving office where all of the items are collected.

Biological materials generally have to be dried, under conditions where they cannot be cross-contaminated, so that is a provision that goes into the training. There are some samples—for example, toxicology samples—which might need to be preserved by using special chemicals, and we provide kits for them to do that. There are some samples where, in order to bring efficiencies to our work, we don't do all the tests—on blood samples, for example. We might, then, save a portion of the sample for a number of years for future testing. Those samples then have to be kept at minus 80 degrees in special freezers. The DNA samples, once the DNA is extracted, have to be stored in a certain way. Usually with blood and semen you can just dry it and store it that way, but it has to be dried very quickly and in an area where it's not going to be subject to someone else's contamination.

Mr. Jerry J. Ouellette: Do we have more time?

The Chair (Mr. Norman W. Sterling): You have about two minutes left.

Mr. Jerry J. Ouellette: There's a lot of new technology coming forward. I understand that, for example, in accident situations, camera technology will take up to a million points of measurement with a single photo. What about the usage of that in courts? That is a difficulty for a lot of officers, because as the new technologies come forward, they aren't sure the evidence will be admissible in court. Are there cases where there would be delays or the inability to use new technologies because of the inability to use them in courts, and how can that process be speeded up?

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Dr. Ray Prime: We're always looking at using the best technology for court purposes, and very often forensic science is driven by the fact that the legal community wants to know that we've exhausted all possibilities in trying to prove that something is different. If we go back to when I started in the business, we might have used a technique called chromatography, which would have been quite acceptable to the chemist to identify a material. In order to demonstrate its value to the courts, then we would have run that same sample on another chromatographic system to get the same result and said that it's the same. When mass spectrometry became available, then the courts would ask you whether you'd tested this with a mass spectrometer, because a mass spectrometer gives you the identity of the chemical. So we incorporate that and it's driven by the needs of the courts. The courts will accept the technology provided we have done the validations. That becomes another part of the quality assurance system. Whenever we introduce a new technique, we have to validate it and show that it works in our lab to produce the results that are expected. We have to express the strengths and the limitations in court. It's not a problem taking things into court as long as you have properly validated them.

The Chair (Mr. Norman W. Sterling): Ms. Horwath?

Ms. Andrea Horwath: Good morning. I have to say that notwithstanding your cautions about the CSI issues,

my son thought it was pretty cool, what I was going to be doing today.

I wanted to just follow up on some of the issues around the courts. The thing that made me curious, and I'm wondering if you can give any perspective on this at all, would be, is your operation—the work that you're doing, the way that it's organized and the requirements then to take these pieces of evidence to court and testify—affected in any way by court backlogs, by cancellations, by trials that are stopped, adjournments and those kinds of things? Is there any effect on the work that you do and the way that you organize your work? Is it affected by problems in the court system itself?

Ms. Deborah Newman: I'm just going to begin and then ask Dr. Prime to add to that.

Certainly, the appearance of forensic scientists in court is a critical function and quite integral to a trial and the court process and giving expert evidence, as you can imagine. You raise an important point, and that is that the CFS liaises very closely with the crown prosecutor to make sure the scientist isn't spending undue time waiting around at court to provide evidence and so on, or subject to scheduling changes and such in court, because the time is so valuable. Of course, any time spent in court, while it's critical, takes away from the processing of cases and conducting tests on samples and such back at the Centre of Forensic Sciences. So every effort is made to ensure that the scheduling of the scientist's time is done with the greatest degree of efficiency. I understand that in many cases the appearance of the scientist at trial will cause the suspect to enter a guilty plea as soon as they see the scientist there. So it's unfortunate they have to go to court and detract from the processing of cases back at the centre, but it's critical to the administration of justice.

Dr. Prime, would you like to add anything?

Dr. Ray Prime: Just that that becomes part of the trial strategy of some counsel. We've tried over the years to work with the crowns and the police to minimize any time that's lost in court, but it does require the co-operation of the crowns, and it becomes part of their strategy to see if the expert turns up before they will proceed. That's most difficult for us in the higher-volume areas like the drinking and driving cases, where any kind of strategy seems to be worth a try in those shorter kinds of cases.

In the more complex cases, there's more scheduling and there's more capability for us to interact and make sure that we are likely to be heard, but there are delays that occur when witnesses go over time. Generally, the witness will be called very early in the process, and it's one of the things we have to train our new scientists in, that you don't go on the first day that you're subpoenaed; you make sure you do communicate with the crown. The thing that has changed over the last few years is that there is a requirement for the crown to advise the defence 30 days prior to the court date that an expert is going to be called. So in terms of scheduling it, it helps.

As to your question about the backlog of the courts, I'm not quite seeing how you think that would impact us. The more backlogged they are, the better it would be for us, I think, because we don't have any timelines.

The only other thing I could add to that is that as part of our prioritizing, if we know there's a scheduled court date, we will move our casework up to meet that court date.

Ms. Andrea Horwath: I'm just curious, then, in your process review—and that's going to be your work, is that right?

Interjection.

Ms. Andrea Horwath: In the process review, as per the recommendations of the auditor's report, there was nothing specific about measuring the effect of court delays, adjournments or any of that. I'm just wondering if that might be something that would be helpful to measure, because they are one of the customers, if you will, or clients, and some of their processes may be negatively affecting your processes. I'll just kind of throw that on the table because it's something that may in fact be worth looking at.

Ms. Deborah Newman: I think that's a very good point. We'll be focusing on collecting reliable data on all of the reasons for delay so that we have some sense of what's causing delays and whether there can be some intervention that would be helpful in reducing them. That may well be another reason for delay, as you point out.

Ms. Andrea Horwath: I wanted to ask another question regarding the areas of work that you do and the statistics. You had mentioned—it was very helpful, and I'm glad you put it on the record again—the issue of the pressures that you'll be seeing with changes to federal legislation particularly. The auditor, in his remarks at the beginning of the morning in the closed session, did flag some of those, so it was good that you mentioned those as well.

I was interested to note on page 64 of the auditor's report where the pressures are coming from, the increases and decreases in terms of the various areas of work that you're doing. I noticed the very last line, "electronics." Those are cybercrime types of things, is that right?

Dr. Ray Prime: Our electronics section focuses mostly on restoring hard drives and on cellphones and personal organizers—trying to extract data from them. It does some other kinds of analysis on devices like tasers. You have to demonstrate that a taser is operational and that it is within specifications when charges are laid relating to tasers. We don't get involved in cybercrime as such. That's the purview of the OPP.

Ms. Andrea Horwath: But your role would be to take the devices that are—so your lab will take those devices as these incidents occur and there are charges laid and evidence required. Your lab, then, does do the work to get the evidence to deal with some of these allegations?

Dr. Ray Prime: We do work to extract data from certain devices. With something like the electronics business, it's changing very rapidly. The police are working very closely to stay on top of these things as well. So our electronics section a few years ago would have done a lot of work developing ways to extract information from

cellphones. That's fairly routinely done by software applications now, and the police can do some of that themselves. We're focusing on trying to do things to assist police investigations without doing routine things that they can do. So we might be doing damaged cellphones, for example. But what we're attempting to do is extract the information from them that we can turn over to them to use.

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Ms. Andrea Horwath: The reason I ask is because it doesn't seem like there's that much volume, and also there has been the recent child pornography situation that occurred. I noticed that there was a significant amount of police resources doing the actual finding of the data or dealing with the hard drives within the police departments. So that work you don't really do so much.

Dr. Ray Prime: No.

Ms. Andrea Horwath: It's actually done within the police departments themselves.

Dr. Ray Prime: That's right.

Ms. Andrea Horwath: One of the questions that I had, and I think, in fact, that it was answered, was the question around—you identified in the report, the summary follow-up, that it was difficult, problematic, to compare different jurisdictions setting benchmarks and those kinds of things. Although I was going to ask for more detail about that, I think it's pretty clear from your explanation a little bit earlier on in your opening remarks that the levels of jurisdiction, the size of the labs, the different kinds of work being done in different areas, make it much more difficult. Is there anything that you wanted to add to that particular challenge?

Ms. Deborah Newman: Do you want to talk a little bit about Foresight going forward, Dr. Prime?

Dr. Ray Prime: Yes. We had been asked to participate in this project that Deputy Newman has referred to, and we did begin work on that, actually, before the auditor's report came out. We have one of my deputy directors on the committee, and we also know that the RCMP is participating. That was another reason we thought it might be valuable to us, because we might be able to develop comparators with not only the American system but at one of our country's labs as well. The reports that I'm getting back from my deputy director who's doing this are that it's been very challenging, and they expect it to be very challenging, and they may not come up with a lot of comparators, but they are going to continue to persevere with it and develop not only data such as the casework, backlog and productivity data that we've been talking about, but also data that relates to resourcing and how resources have been applied and how efficiently the various labs and processes are working. My understanding of the system they're using for this Foresight project is that it's based on work that was done in England and Europe in doing similar comparisons. I think they have the drive to continue with it, they have the funding from the US government, and they also have the resources of the academics to keep it moving forward.

Ms. Andrea Horwath: What's the timeline on that?

Dr. Ray Prime: I think the funding was for one year, but I expect it'll go beyond that.

Ms. Andrea Horwath: So that year would end—

Dr. Ray Prime: This summer or fall.

Ms. Andrea Horwath: It seemed to me that when I read through the report and the summary recommendations, the organization pumps out a heck of a lot of work with very few resources. That's the sense I get, anyway. I was just wondering: Do you think the work that's being done to measure some of your timelines particularly will negatively affect the ongoing work of the organization? It seems like a fairly small organization in terms of resources, so would having personnel move to do this kind of follow-up in any way affect the ongoing work that you're doing? Further to that, then, just on staffing issues, as you look to the development of the new centre, the new physical plant, I guess you could call it, do you anticipate that you'll be needing larger numbers of staff—the new centre, the auditor's work and then the pressures that were identified in the legislative changes and the resourcing of police and all of that?

Ms. Deborah Newman: To answer your first question, you're asking whether the dedication of staff to try to address measurement and identify causes for delay and tracking and monitoring and so on will detract from the performance of the lab because it's a small lab. I think we're committed to making that investment. I think we have to be able to measure what we do and report on our results. So it's part of doing business and being accountable, and we're certainly prepared to invest the resources that are required to improve the tracking and measuring of the work that gets done.

In terms of going forward, certainly the various events, the legislative and policy changes—mainly at the federal level, but not exclusively—the addition of police officers in the system and so on, we anticipate will have an impact on our staffing requirements. I think our obligation is to ensure that we're operating as efficiently as possible before we take forward a business case to treasury board to ask for additional staff and resources. At the moment, our focus is on ensuring that we do the business process review, that we can assure ourselves that we are as efficient and effective as we can be in each section of the Centre of Forensic Sciences, that we've looked at technological innovation and automation and so on. Once we're satisfied that we're as efficient as possible, as these developments come along and there are legislative changes that impact, I would anticipate that we may well need to take forward a business case for additional staff as forensic science continues to evolve and the justice system relies upon it more and more.

We're certainly seeing a sharp increase in the use of DNA, for example, in the biology section. That's the wave of the future, for sure, and as we move into the new Centre of Forensic Sciences or our forensic services complex, we'll have the room and capacity for some expansion.

Ms. Andrea Horwath: Thank you. I don't know how much more time I have, Mr. Chair, but I had a question. I

was curious about—again, back to the statistics—the firearms and toolmarks increase: a 152% increase since 2000-01. My assumption, of course, is that that's a reflection of the gun crime problems here in Toronto. Is that a fair assumption?

Ms. Deborah Newman: That's certainly, from a layperson's point of view, my assumption, because the government has invested significantly: $26 million in a new guns and gangs operation centre. The CFS is a key partner in that guns and gangs op centre, and with the focus on addressing gun and gang violence—particularly in Toronto, but certainly in other parts of the province, in other urban areas particularly—it necessarily has an impact on the CFS as well. The demand for the work in the firearms section, I would think, is significantly driven by this initiative. When we added additional resources, including the guns and gangs op centre, we added seven staff to the Centre of Forensic Sciences as well in a corresponding way to address the increased workload.

Ms. Andrea Horwath: That's actually where I was going with that. When you look at the table that indicates the increase—I don't think there are any decreases. Oh, yes, there is, documents and photoanalysis, because now that's all in electronics. The table on page 64 indicates the increases overall. To what extent has the lab been resourced to handle those increases in past years? I didn't have time to look through the estimates books and check all the figures, but I'm sure you would know that.

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Ms. Deborah Newman: I've spoken to the increase. When the guns and gangs operations centre was brought on board, we added seven staff to the CFS in firearms and biology. Since 2001-02, we've added 21 staff, and maybe Dr. Prime can speak to some of the other reasons why.

Dr. Ray Prime: In the other areas, there have been small numbers of staff added to the biology section to deal with the earlier changes to the DNA legislation that resulted in our developing initiatives for testing break-and-enter cases. We've been working to increase the number of samples that go to the national data bank.

There were two parts to the guns and gangs. I think we did have a few people added earlier to that section as well. We certainly have not had a lot of growth since the time of the Kaufman expansion, though.

The other thing you might be seeing in firearms, in terms of the increased output, might result from the technology that we use for comparison of cartridge cases and bullets that are found at crime scenes. That's a fairly recent initiative that's been undertaken, in partnership with the RCMP, to database all of that information.

Mr. David Zimmer: Now that you've had the benefit of the Auditor General's report and some conversation this morning and so on—and there are lots of details that you've got to sort out—I ask this question of each of you: What three things would you like to work on that are doable in the reasonably short term and that will have a very practical effect on the work of the centre and its relationship with the end users, which is typically the court system? With the benefit of the report and just sitting back and reflecting on it, taking a view from 30,000 feet, what three things would each of you think you could reasonably tackle that are doable and practical?

Ms. Deborah Newman: Three things each or one each? I'll let Glenn Murray start.

Mr. Glenn Murray: I think I would mention the urgent cases, as both the deputy and Dr. Prime have indicated already. While we do a great job of actually triaging and working with our partners to address those cases, I think it is important for us to be able to identify, as one of the members has already asked, where we're at in that process. That's good work that we're going to get done, and we're looking forward to being able to produce that more on demand.

Ms. Deborah Newman: I'll just add the tracking of the reasons for delays so that we know what impact various—what are the driving factors for delays, and then being able to focus, once we have reliable data on delays, on what can be done to address the delays. I think that could improve the performance and certainly the metrics on our performance as we go forward. That's one thing.

Having more granularity in our measurement, section by section, as well, and being able to track, as Mr. Murray has said, the impact of urgent cases on the queuing of routine examinations, the reasons for delays, and more statistical data that tells us how we're doing and allows us to intervene where it makes sense to do so will improve our performance.

Certainly, consulting with our stakeholders with respect to what are reasonable turnaround targets is something that I look forward to hearing the results of. I'm sure if you're a police officer, you'd like everything right now, but I think we need to be realistic and reasonable, collectively, in terms of the delivery of results from the centre and making sure that we're focusing on the right things and we're in a position to continue to be a world leader in forensic sciences.

Mr. David Zimmer: And your one or two things?

Dr. Ray Prime: As the lab director, I assume I'm going to be asked to do this without any changes in the level of resourcing, so I'll speak to the three things that I would look at as being possible to do without infusions of large amounts of money.

One would be to see if we can use our lab information management system properly to measure these things that the auditor has recommended. We do have a lot of data in the system and we might be able, with very little effort, to put software to work to get us some more information.

Another thing that I've already tried to do or already done is to get staff engaged. As a manager, you can tell the staff all you want that you want more work out of them, or you might say that you want to improve your turnaround times and they may take it to mean that we want more work out of them. I think if we can engage them, using the external eyes of the auditor to say that we need to make some improvements, we might be able to take some advantage of that and get staff coming up with their own ideas and get their own focus on turnaround time to make some improvements that way.

The other area is that in most of our work in volume analysis—that's in chemistry for arson, for example, and toxicology for most of the things that we do—we rely very much on automation to get the work done. That's how we've managed to continue to be effective over the years as instrument automation is available to us. So we've done a lot of that, and that technology is just beginning to be available in biology for the DNA work, so we'll be expanding the use of automation to do that. One of the problems with forensic sciences, though, is that much of the work we have to do is real hands-on, dirty work. You have to find the sample. People don't bring in tubes of sample to us like when you take a blood sample at the doctor's. They bring in beds and buses and cars and carpets, and we have to find the samples before we can work on them. So there's only a limited amount of things we can do to cut down on the work. We can bring efficiencies, as we have done over the years, in terms of balancing between technologists and scientists in terms of which is the best way to get the work done. Those are things I would look at.

Mr. David Zimmer: Just one last question. It's an historical question, so perhaps I'll direct it to you.

Dr. Ray Prime: The oldest one here.

Mr. David Zimmer: So that's where you want to go. But when I read through the report, they point out, for instance, that in the UK, it's half of Ontario's turnaround time, in Sweden it's half the time, and in a lot of other jurisdictions it's about 30 days. That's a significant advancement over the situation in Ontario. Just looking back, how did Ontario fall behind?

Dr. Ray Prime: Ontario hasn't fallen behind. We can select some areas where other jurisdictions are showing 30 days. I can probably point to far more areas that are much worse off than we are. The FBI is much worse off than we are; many of the US labs are worse off than we are. So it's not that we're so far behind.

Mr. David Zimmer: How do you account for the differences?

Dr. Ray Prime: We have some budget numbers from the United Kingdom. The lab in the United Kingdom has 2,500 staff and they're serving a population of about 60 million. We have 260 staff and we're serving a population of 12 million. So you've got a 10 times factor in their staff and you've got a five times factor in the population. That's without talking about whether we're comparing apples and oranges.

Ms. Deborah Newman: I think there's clearly got to be some correlation between massive investments of resources and turnaround times. I think the UK invested $600 million in recent years in terms of their lab, which is a privately operated fee-for-service lab, and they do have a 30-day turnaround time. So I think there's got to be some balancing between what's a reasonable investment and what's a reasonable result, and a result that meets the needs of the justice system.

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Mrs. Liz Sandals: Congratulations on the work that you've done in terms of the increase in volume and the way you've managed increase in volume at the same time that your turnaround time has gone down. I have to agree with Ms. Horwath in terms of the "cool" factor. As you all know, I spent a couple of years at your ministry as a parliamentary assistant and when I go to explain to grade 5s what I've done while I've been an MPP, being the PA for the forensic lab is definitely the most cool thing I have ever done. That and the morgue—that's cool too.

But anyway, can we talk a little bit about this whole turnaround time thing? When we look at the definition of turnaround time I think that's somewhat confusing, because it's how many days till a report is issued. I'm assuming that isn't the preliminary report; that's the report that you would be sending to the crown, or I guess to the police, but which would eventually be submitted to the courts and shared with the defence. This is the full report on everything that's submitted. Is that a correct assumption?

Ms. Deborah Newman: Yes, that's correct.

Mrs. Liz Sandals: So when we're looking at that, that may be quite different to when you've shared preliminary results. My recollection, having been there, is that you see the police pull up from various identification units around the province and they've got sealed containers full of things and, as you say, pieces of cars and all sorts of very odd things you encounter on the elevators of the Drew building. So when you're entering a case you've got a whole range of things and you may, as you said, get sent some things that are really critical and some things that maybe aren't so critical, so that you will be picking and choosing within that range of items, plus you're picking and choosing which cases are urgent. I wonder if you could talk a bit about what that turnaround time really represents and what other information-sharing points there may be before that full report. Is that a fair question?

Dr. Ray Prime: The whole process involves the investigators either sending or bringing the items to the lab. We have a centre receiving office where the staff are trained in the proper way to accept a package and document the material that comes in. One of the key things in forensic science is being able to demonstrate to the court that the item that's being shown to the jury is the item that the police officer picked up at the crime scene, so throughout the whole process there's what we call the chain of continuity that has to be preserved. We have a lot of work that has to be done in terms of making sure that documentation process is done. We use our LIMS very much for that, the LIMS being the information system that I referred to earlier. It's a computer database. The information still has to be entered into the computer, and the descriptions and such. The bar codes are put on the evidence items and each item is given a unique identifier. The samples are then sent to the sections and they go into various types of storage. As the deputy indicated earlier, a scientist may take one of those exhibits and start working on it but may also have other cases on the go at the same time. We don't do one case at a time. A scientist will have anywhere up to 10 or 20 or even more cases open at any one time.

The scientist may find it necessary to speak to the investigator and clarify some of the information if that hasn't been done in the receiving office. There's also a need to interact with other sections. If we have a gun that's being tested, and it's suspected to have been used in a short-range shooting, then it may be more important that that gun be tested for blood before it's tested for its firearms characteristics. So there are interactions between the scientists that are necessary in cases like that. Once the result is generated, and if it's a sample that is going to impact the investigation, the scientist will contact the investigator and determine the need for priority and report on those elements and document that—

Mrs. Liz Sandals: So while it might, for the sake of argument, take 65 days to produce the final report, you may well have given the results that are influencing the ongoing investigation within a matter of a few days.

Dr. Ray Prime: Exactly, within days. The other thing that's mandatory in major cases like homicide is that there are major-case management meetings, so they bring together the investigators, the scientists and usually the pathologist for those meetings.

Mrs. Liz Sandals: You mentioned earlier, Deputy Newman, when you were giving your opening remarks, the Holly Jones case and the way in which the evidence influenced the outcome. Deputy, you didn't mention the timelines that that work was done in. Could you share with us what sort of timelines were happening in that case, which presumably would have been an urgent case?

Ms. Deborah Newman: I'll ask Dr. Prime for the particulars on that. What I would say is that I think the CFS does an amazing job in fast-tracking urgent cases. I'm certainly aware—Dr. Prime mentioned an example earlier—that a DNA test comparing a suspect blood sample to a crime scene can be turned around in as little as 24 hours. Similarly, in the firearms section, comparing a single cartridge case to a suspect firearm can be turned around in as little as six hours. Those are, I think, some very significant and impressive kinds of turnaround times on very urgent cases.

The particulars of this case—maybe I'll ask Dr. Prime if he recalls that.

Dr. Ray Prime: I can probably give you some general information rather than specific information.

Mrs. Liz Sandals: Yes, that's fair.

Dr. Ray Prime: There were two things that were needed at the beginning. The little girl had been sexually assaulted, so DNA had to be determined, and that was done fairly quickly. The other thing that people are not quite as aware of is the value of our trace evidence scientists. Our trace evidence people work in both chemistry and the biology section. In this particular case, there were some fibres collected from the dismembered body. The way that's done is, you simply take some scotch tape and wrap it around your fingers and tape all over the garment you're interested in or the person's body, if that's the case. Then you take that taping back, examine it through a microscope and look for things that are going to stick out as being unusual. In this particular case, that was done within a few days of receipt of those items, and our trace evidence scientists recognized that there was an unusually large number of carpet fibres of this green colour. That was all done very quickly, but I can't tell you whether it was two, three or four days. I know it was very quickly.

Mrs. Liz Sandals: But we're dealing with a matter of days, not a matter of weeks or months.

Dr. Ray Prime: That's right. And if you'll recall, parts of the body were found at various times over I think a week's period or something like that. So that was the first big, useful part of the case, because the investigators had several thousand names of people on the sex offender registry. They were the main suspects, of course, and they were trying to narrow that down to a manageable number of people to deal with for this door-to-door search. So it became very helpful. As I understood it, it went down from being hundreds of suspects to two people with green carpets.

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The next phase then turns to the DNA. They have a potential suspect and they need to get a DNA sample from that person. The police can't just walk up to somebody and say, "I need your DNA." There has to be a reason to collect that. But they can take DNA if you decide to throw it away. So if you spit on the sidewalk or you throw a cigarette butt away or you leave a pop can in the restaurant, then you're deemed to have abandoned that. As long as the police know it's the right one, they will take it. So they did that: They brought us a pop can. Then there was something wrong with it and they had to do it again, so that took a little bit longer. They got DNA to show that it was the same. Now they had reasonable grounds to suspect this person and could get a warrant to get a DNA sample from him. At that point, we're not necessarily into drop-everything urgency, but there's still a need to prioritize. So we're still looking at trying to do that work in several days or a week as an urgency.

At the next stage, we had people go out to the crime scene, because some time had passed and the person had cleaned up the crime scene. Then you're into getting on your hands and knees and looking in the cracks between the bathroom tiles to try to find blood samples that you can extract, detect and test for DNA.

Mrs. Liz Sandals: So I'm assuming on this one that while the work that was done with the investigation was done within a matter of days, the actual file on the case report on the turnaround time, because you had this extended period of time, would have been much longer than that initial investigative interaction. I guess the conclusion from all of this would be that anything you can do to track the urgent sample turnaround, which is a lot different from final report turnaround, would be helpful in helping people to understand the really good work you're doing, as opposed to just the final case, which isn't really telling the whole story of what you're doing.

Dr. Ray Prime: But even if you take that case that we described and try to look at making those measurements,

you're going to have a very high priority for the early measurement, you're going to have a little bit less but still a priority for the next ones, and you're going to have another priority for something that has come in after you've already reported on the first one. It's not going to be a straightforward process to track.

Mrs. Liz Sandals: No. So it's almost like you've got urgent samples, and you don't really track samples per se; you're tracking whole cases.

Dr. Ray Prime: You track from when you first get involved in a case till when you finish the case. If something comes in on the 60th day and you've got a 61-day turnaround time—

Mrs. Liz Sandals: Yeah. It's like we're talking about apples and oranges here and not getting the whole story.

The Chair (Mr. Norman W. Sterling): There are about two minutes left on that time. We'll probably be going around again, so it's up to you. Do you want to do it now or—

Mr. Phil McNeely: Just a short one.

The Chair (Mr. Norman W. Sterling): Okay, sure.

Mr. Phil McNeely: Some of the services that you deliver are outside of your control of what's required, because you're reporting to the courts or the police. I'm just comparing it to an engineering firm I had, and it was about half the volume, half the staff. We used to track all costs because—you said you had 70% for labour or something like that. But when each project came in, we'd start our process. We've got estimates etc. in our business and we'd follow them through. We'd track them very much from a cost point of view but also from the stage they were at. So our tracking system was very complex.

You have about 40 analyses, reports, on a daily basis, if you look at the 12,000 per year, and the average one is around $3,000. I just wonder, how much abuse is there in the system of your resources that the people you're reporting to—I know it's a very complex business—are not making it such that there's a control on what you have to deliver, that they're asking for the right services, all of those things. Is this a problem when you are looking at your budget? You said that you're looking at the same resources to do much more. Is this a problem, that who you are reporting to is not helping you have more control of what you do?

Dr. Ray Prime: I wouldn't say it's a huge problem. One of the problems we have is when they no longer need the work. We try and make sure that our staff, particularly if a case—you'll appreciate that cases sometimes do come in and sit on a shelf before they get started, and that is where some of the delay comes in. We have staff contact the investigator before they start the work to make sure there still is a need for it. Sometimes we find that that process isn't followed through or someone will do a case and phone up and make an inquiry and find that there's no longer an interest. So there's a little bit of that, but I wouldn't say an awful lot.

I mentioned earlier that we put a lot of effort into training the investigators in terms of what to submit and what's the right thing to submit. We'll sometimes have the investigator coming in saying, "I know you're not going to take this, but the homicide guys said I had to bring it in." So we just push back if we think it's something that's not worthwhile doing. We do have our process to do that.

I was always taught as a chemist that the customer doesn't really know what they want, so you have to tell the customer what they want. That's part of what I try to convey to staff, to make sure they understand that we need to help the investigators to know what they need to do and not do things just because it's been asked for. I think we're doing much, much more of that than we did before, particularly with DNA. We've set up some processes in the high-volume work. I mentioned the break-and-enter cases, for example, where we've agreed that it's important, the police really want us to do this, so yes, we'll do it if you give us one sample. Don't go into a room or into a warehouse and pick up every cigarette butt that you can find. You tell us which one you think the guy left behind. We're trying to get the police to help with that.

With our cold cases, we had a lot of success with the sexual assault cold case squad going back and looking at old cases by getting the police to go through all the old exhibits and pick out the items that are most likely to give us a DNA sample, rather than the way we did it in the old days. They would just bring all the evidence in, put it in boxes, dump it in the lab, and ask us to look after it. So we're trying to get the police to help us with that as well.

Our next initiative is part of what Deputy Newman indicated with the toxicology improvements. We have set up a working group to work with the coroners and the pathologists to get them to be a little clearer about what they need for their tests, rather than saying, "Found dead in bed." Yes, we want to test it. So we do get some of those kinds of things, and we're doing our best to work with the clients to improve on it.

Mr. Phil McNeely: Just one additional question to that. There's no real market check on it from the point of view of the agency that's asking you to do your work. There's no market check on their part to make sure that they narrow it down and make it efficient. This is something that you have to convey to them, that you don't need all of this, that "This is the proper way of doing it." But there's no market check. They don't get a bill for the work you do?

Dr. Ray Prime: They don't get a bill, but they understand—we hear very often that a constable will tell one of our staff that they want her to send something into the lab, but the sergeant wouldn't let them because they know how backlogged we are. There is that kind of a market check, but there's no bill.

Ms. Deborah Newman: I just wanted to add that every police officer, of course, is trained at the Ontario Police College, and in fact, the Centre of Forensic Sciences trains them for this purpose. So I think the training aspect is the best kind of assurance that we can get. The best kind of screen that we can get on the

submission of samples is actually through the training process.

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The Chair (Mr. Norman W. Sterling): It's my hope that we can wrap this up in the next 30 minutes. Mr. Ouellette?

Mr. Jerry J. Ouellette: Was that a hint?

The Chair (Mr. Norman W. Sterling): Yes.

Mr. Jerry J. Ouellette: I think the focus on the turnaround time is because of the belief that if it was reduced substantially, it would mean better turnaround time for courts and reduced police costs. If the turnaround time was reduced to 30 days, do you believe that would speed up the court times or substantially reduce policing costs?

Ms. Deborah Newman: To begin, there's no international standard for turnaround time, to say that a certain standard is desirable from a turnaround-time perspective. So I think we start there.

To my knowledge, there have been no delays at the Centre of Forensic Sciences that have caused a court delay, for example. In other words, the CFS will ensure that they generate the results in time for a court appearance. So their turnaround time is not causing delay, in terms of time to trial or processing through the court system.

Mr. Jerry J. Ouellette: So there'd be no change in how quickly court cases would come forward?

Ms. Deborah Newman: That's my understanding. Maybe Dr. Prime could comment.

Dr. Ray Prime: I don't get letters saying that cases didn't get to court. When we had our really bad backlogs, when we had no staff in firearms, for example, and things were taking a much longer time than we've been talking about today, I'd be very naïve to say that wouldn't have influenced some cases. Generally, we know when the case is going to court. If the officer calls and gives us a court date, then that becomes one of our targets, to make sure that we get things out in time for that.

The second part of your question, about whether it impacts an investigation: I think we're finding very real evidence that we are impacting investigations, and we tried to give you some examples of that with the cases we talked about. We can influence some kinds of investigations, and we know that in DNA and firearms there are some real savings to be made on police resources.

Mr. Jerry J. Ouellette: Dr. Prime, your statement that the FBI had a longer turnaround time—there's a large focus on that, obviously, here. Page 65 specifically states: "Our research did not find any other jurisdiction with a target for turnaround times as long as the centre's regular-priority turnaround target of 90 days." So I'm hearing that there are a large number, including the FBI, that do have longer turnaround times, on average.

Dr. Ray Prime: You'll recall we talked about the difference between the actual turnaround times and the targets. I think what you're reading there is that other labs are saying they don't have targets of 90 days. Some other labs do measure productivity the way we have been doing it, but many labs, in fact the majority of labs in the United States, are not meeting 30-day targets. If they have 30-day targets, they're certainly not meeting them. The FBI data is that they take years to get some of their work out.

Mr. Jerry J. Ouellette: Deputy Newman, during your presentation and your analogy with CSI, I think you mentioned that they have immediate access to the newest technologies. From that, I gathered that there may be a lack of immediate access to the newest technologies at your centre. Is that the case?

Ms. Deborah Newman: We've made some significant investments in technology, and Dr. Prime can probably speak to some of those. We do have to stay current in terms of technology and make sure that we have a reasonable level of technology. Would we say we're cutting-edge? Probably not, but we do stay abreast of current technology and ensure—for example, in ballistics and firearms and so on—that we've purchased some equipment to ensure that the lab is current and progressive and can maintain its status. It is accredited, so we have to ensure that we maintain the kind of standards that will result in renewed accreditation and meeting ISO standards for accreditation. So we have purchased some equipment. It's phenomenally expensive equipment. I'd say that we are current but not cutting-edge; that would be how I'd describe that. Maybe, Dr. Prime, you'd like to add to that.

Dr. Ray Prime: I would just add that compared to some of the small labs in the United States, we are pretty cutting-edge in terms of the equipment. People are not as lucky as we are. We have a very large lab, and that's one thing that is a benefit of a large lab: We do have an arsenal of good equipment.

We also look for ways to get the equipment other than through the Ontario government. We have a very significant partnership with the RCMP. The IBIS technology that Deputy Newman referenced in her opening remarks is fully paid for by the RCMP and supported by the RCMP as a national police service function.

We also have some very dedicated staff. Last year one of our staff put in an innovations project proposal that was successful in getting us a leading-edge piece of equipment that was put into service eventually in the toxicology section.

So we do have lots of good equipment. We could always use more to get more things done. We have mass spectrometers; we've got liquid chromatography systems with dual mass spectrometers. We have some of the bells and whistles that you see on TV, but we don't have some of the things that you see on CSI; they don't work the way they show them working.

Mr. Jerry J. Ouellette: You talk about the RCMP. What forces and services would have access, or what would the catchment areas be for the Soo lab or here or the RCMP? Who could use those services?

Dr. Ray Prime: In Ontario, the Centre of Forensic Sciences provides most of the forensic services to the

province. The Sault Ste. Marie lab is—the term you use, "catching"?

Mr. Jerry J. Ouellette: Catchment area.

Dr. Ray Prime: The catchment area is from Sudbury northwest. That is geographically a very large part of the province but population-wise is about 10%, I believe. The RCMP does not do very much work in Ontario anymore. They used to do work in the Ottawa area, mostly to keep their staff tuned in to real work because the lab in Ottawa is more of a research lab. But now they've changed their system. They do very little work in the Ottawa area, so that work now comes to us. They may do some work in cases that involve federal laws or specific things that the RCMP has jurisdiction for in Ontario or some joint task forces. Even the joint task forces may come to us because it's more convenient for submissions. Did you want me to go into the rest of the country?

Mr. Jerry J. Ouellette: No, just here.

Lastly, there are a number of mentions of other jurisdictions having a fee-for-service model. Would a fee-for-service structure change the priorities as they come in from the various police services? As you mentioned, the staff sergeant said to the officer, "No, you can't, because you know how busy they are." Would you find a fee for service changing how the priorities come in, and there'd be a lack of them coming in because then they would have to pay for their services?

Dr. Ray Prime: This was looked at in the mid 1990s, around the time of the Bernardo reports. It was looked at in a review that we did in the lab, and it was looked at by Justice Campbell. The conclusion that he drew was that we wouldn't want to have the police deciding the priorities of their cases based on what it was going to cost; it would be a deterrent. It would be unfair to people to have their cases viewed according to how much the police had in their budget for that particular kind of testing. So it was decided that that wasn't a good model to follow at that time.

The Chair (Mr. Norman W. Sterling): Could I just ask you: If a citizen, let's say, was under suspicion in terms of a crime but was innocent and wanted to have DNA taken, can the citizen go to your lab, or is it just the police who can ask for a service?

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Dr. Ray Prime: Certainly since the Kaufman days, but before that as well, we have always been open to the defence counsel bringing samples, or bringing work to us, I should say, not necessarily samples. We regularly get a request from defence counsel and through the Innocence Project—you may have heard of the Innocence Project, which is a group of lawyers principally headed by Mr. Lockyer, who is at the Goudge inquiry right now. They will come and ask us to review cases if they think they have reasons to believe the accused is wrongfully incarcerated. We will re-examine the availability of materials and whether there is any value that we can add to the result. We've got several of those cases on right now.

As far as a person who is incarcerated, an average citizen, asking us to do a sample, no, we don't do that, but we would do it if the lawyers got together and brought it in to us.

Mr. Jerry J. Ouellette: So if an individual, to follow up on Chair Sterling's question, went to a fee-for-service lab and paid for it there, would it be admissible in a court here, so long as it was an accredited lab?

Dr. Ray Prime: Yes, it would be admissible, depending on the judge. The judge would make some decisions on whether or not it's admissible and then what weight to give to that evidence.

Ms. Deborah Newman: I think of interest is that the Centre of Forensic Sciences, because of its international reputation, has been requested on a couple of occasions by US states to actually independently do a DNA analysis on behalf of the state to ensure that there's independent verification of the guilt of an accused person. So that's an interesting development as well.

Ms. Andrea Horwath: Personally, I hope that's not to end up where someone is actually put to death as a result of our verification of their evidence, but that's a whole other story.

I wanted to ask a question following up on what Mrs. Sandals was saying or was questioning around the issue that Dr. Prime mentioned in his response to her questioning, that there might be a situation where on the 60th day more evidence comes in and the report has to be out by day 61. I refer to a piece of information that was provided in our packages. It's from a Globe and Mail story that came as a result of the Goudge inquiry. In there is a quote that says, "To be frank with you, we are aware of certain cases where blood is drawn by the police but the police do not turn it over to the Centre of Forensic Sciences within a reasonable length of time." Dr. Lauwers is quoted as saying that.

So not dissimilar from my earlier comment about customers and the extent to which the courts might cause delays or cause challenges with your staffing, or if there is a cancellation of a hearing where your people are already there or they're going to be there, is there going to be an attempt to look at these kinds of situations where your report is ready to go, something comes in at the last minute, has to be dealt with and that perhaps would affect a turnaround time or a report being issued in a timely fashion? Is that something that can be part of this, or is it even worth it?

Dr. Ray Prime: I think it ties in with one of the recommendations, again, to look at what the reasons are for the delays. So I think it could tie into that.

Ms. Andrea Horwath: So that would probably be caught in that part of the process? Okay.

We were talking earlier about the pressures and the staffing and all of those kind of issues. I notice in the auditor's report there's a mention of the number of cases—not the number of reports, but the actual number of cases—on the first page of the report. In the 2006-07 fiscal year the centre received over 10,400 cases. I'm wondering if you're at all concerned that the government issued a release around the issue of the new Centre of Forensic Sciences that they're planning on building, indicating, "The new complex will increase capacity,

allowing for more than 2,500 autopsies and 10,000 forensic science cases per year." So in fact, it looks like the government, in its release around the new state-of-the-art forensic service complex, is expecting a decrease in the volume of cases to be handled. I'm just wondering how you feel about that, if that's a concern, or if you've heard anything from the government that indicates that they're expecting a reduction in your case generation?

Ms. Deborah Newman: I don't think that there's an expectation, in spite of the figure that may have appeared in a news release, that the number of cases will go down. I think the capacity of the new centre will be such that there will be more modern facilities, more space, and an opportunity to work more closely with pathologists and coroners as well, because they'll be co-located and there'll be some synergies at the new complex, that there will be an opportunity to ensure that the physical plant has the efficiencies and capacity to process whatever number of cases are received. I think that was a number that was used based, I guess, on current volumes, but I think we would expect the volumes probably to continue to go up.

Ms. Andrea Horwath: So what would the volumes have been? If 2006-07 is 10,400, do you have a figure for what the previous fiscal would have been in terms of cases?

Mr. Glenn Murray: I have the figures here: 9,170.

Ms. Andrea Horwath: So they might have been, in fact, using the previous year's information, but already, at 2006-07, you're beyond what the projection was. Do we know when the new centre is expected to be open and operating?

Mr. Glenn Murray: It will be about three years after we get final decision-making about how we're going forward with the site, so we don't have final details on exactly when yet.

Ms. Andrea Horwath: We don't have details on when, but we're fairly certain that in fact the project will go forward. Is it in the budget? Has it been budgeted for? What's the process?

Ms. Deborah Newman: It is through the infrastructure planning process. We've just had the request for proposals close to hire the architect to do the conceptual drawings. Once we have the drawings and plans done this year, we will then really be able to more accurately cost the project and go back through the annual infrastructure plan process to bring forward the cost. So it is an approved project, but like all capital projects, it's subject to returning on an annual basis. In the next planning cycle, we'll have the more detailed costing based on the architect's drawings from this year.

Ms. Andrea Horwath: So it would not be unreasonable to expect that the actual ribbon-cutting or operation would probably be 2012—four years out, three years out?

Ms. Deborah Newman: I think that's a reasonable guesstimate. As Mr. Murray said, we think it will be three years in construction from the point of decision when we go back next year with the detailed drawings.

Ms. Andrea Horwath: The reason I'm asking this, obviously, is that if in 2005-06 there were 9,100—right?

Mr. Glenn Murray: That's right, 9,170.

Ms. Andrea Horwath: —and then in 2006-07 it was up to 10,400 based on this report, and then we have all of these other factors that have been mentioned in the initial remarks, notwithstanding the fact that the auditor's great work will hopefully find some efficiencies, if you want to call them that, in terms of the work that's going to be done internally, it looks to me that it's actually on a trajectory of growth that's going to far exceed this press release that the government has out for 10,000 forensic science cases. I would hope that the government will be planning for appropriate resourcing. There's no point in putting an excellent state-of-the-art capital facility in place if their projections for the amount of cases going through it are, in fact, based on numbers that nowhere near reflect what it looks like is going to happen in the future in terms of demand. I would just flag that as an issue. I think it's an important one and hope that we see the appropriate reaction from the government in that regard.

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I don't know if your plans—and perhaps I should ask this in terms of the drawings and the space requirements, what you're building in for staffing capacity for the centres. Is that something you have as part of your plans?

Ms. Deborah Newman: Yes, it is. I think our current projections are for up to 400 staff.

Ms. Andrea Horwath: You're currently at maximum capacity?

Ms. Deborah Newman: We're currently at 238, so we're projecting based on historical trends and patterns and the growth that you just talked about, Ms. Horwath, year over year in the number of cases, as well as demographic projections in the GTA, as well as some of the legislative and policy changes that we see potentially coming down the pipe. They would have to be firmed up as time goes on, but those are our projections, for up to 400 staff in the new centre.

Ms. Andrea Horwath: And what would your projections be then in terms of case handling? How many cases? If we're at 10,400 for now, let's say out to 2012, what would be a reasonable guesstimate of the caseloads we handle? Or otherwise, looking at it with a maximum amount of staff, what would be the capacity of cases that you would be able to handle?

Ms. Deborah Newman: I don't have those numbers with me. I don't know if you do, Dr. Prime.

Dr. Ray Prime: We were asked to project for the 10-year growth and we did that on the basis of the people, not the cases, so we haven't projected any further cases. There are a lot of other variables that come into it. Just the legislation that the deputy talked about could increase the caseload by more than 1,500 cases next year if we were in a position to accept them.

Ms. Andrea Horwath: Do you turn down many cases?

Dr. Ray Prime: Sorry?

Ms. Andrea Horwath: Are there many cases that get turned down? I didn't see anything about that in the report.

Dr. Ray Prime: There are some cases that get turned away if they're not things that we can handle. We are considering whether or not we will accept cases as a result of the changes to the legislation right now.

Ms. Andrea Horwath: The federal legislation.

Dr. Ray Prime: That's right.

Ms. Andrea Horwath: The idea being that with federal legislation, perhaps the federal government should be resourcing the needs of making that legislation work?

Dr. Ray Prime: The idea is that if we take it, our turnaround times are going to get worse, so—

Ms. Andrea Horwath: The auditor won't like that. Neither will the committee.

Ms. Deborah Newman: I think we have options to send or refer those cases that flow from federal legislation to the RCMP lab. We do press Canada to provide some associated funding and resources to go with it.

Mr. Glenn Murray: And indeed, we have an agreement with the federal government called the biology case worker agreement, where we're negotiating with them to ensure that they can help us deal with some of the cases that Dr. Prime is speaking about.

Ms. Andrea Horwath: Just closing the loop on this whole area, I find it curious that the release that's on the government's website indicates this figure that really isn't based on any kind of—where do they get these numbers from? Where does the 10,000 even come from? I find it hard to believe that the government would throw out a number without checking or without talking to any of the people who have the numbers, who know this information. Was there any request from the government to give these estimates before announcing what the expectation was for the centre? It just seems so off base.

Mr. Glenn Murray: I'm happy to take that question, Ms. Horwath. If you actually look back to 2003-04, we had about 9,100 cases as well, so when you look back several years there wasn't a lot of growth in caseloads for several years there. At the time that was released, it would have been a reasonable expectation to say there would be 10,000 or more cases, but obviously, as the deputy has indicated, there's going to be a lot more work coming up over this next time period to get a better handle on what the actual number of cases will be. The number of cases, to go back to the question you asked earlier, and being able to manage that, is not just going to be about the human resources we have to handle each case with automation robotics that the deputy and Dr. Prime have spoken about, where more and more we're putting ourselves in a situation where we can handle more cases for every one unit of staff, whether it's the DNA technology that has been spoken about or whether it's the IBIS system we have in partnership with the RCMP.

Ms. Andrea Horwath: So you're suggesting that perhaps the projection is based on older data that are not reflective of the current situation?

Mr. Glenn Murray: I think that would be a fair statement. When we have a chance to come up with a new number, it may be a very different figure.

Ms. Andrea Horwath: Thank you very much. I appreciate your responses.

That's all, Mr. Chairman.

The Chair (Mr. Norman W. Sterling): Yes, but along those lines, could I just ask one question? I see from the estimates that your budget is being cut next year by $638,000. You're going from $25.5 million to about $24.9 million. How are you going to meet the demands with this cut in resources?

Mr. Glenn Murray: Chair, that's true. As a result of a number of general constraints in government, our budget was reduced by the amount that you indicated. The way that Dr. Prime and his staff are dealing with that is, they're taking a number of measures, looking at staff training in the first year and if there are different ways we can offer that training; looking at equipment, we've talked about before, in terms of purchasing things next year versus this year. We've also done a little bit of vacancy management, obviously not for urgent cases. Of course, it was a challenge for the Centre of Forensic Sciences. We're meeting that challenge this year. It will be challenging to sustain that in the future.

The Chair (Mr. Norman W. Sterling): I guess the other question I had for Dr. Prime was out of Mr. Ouellette's questioning and the deputy's remarks. We're not on the cutting edge with regard to equipment. What kind of a capital budget would be required in order to put us on the cutting edge?

Dr. Ray Prime: Right now we're spending somewhere between $1.5 million and $2 million a year, I think, on major equipment. We're being asked to develop capital plans to turn that over in a more businesslike way. In order to do that, we'd be looking at changing the cycle of refreshing instruments, and we haven't made any estimates of what that would be right now. Right now, we keep instruments in service for as long as possible, rather than putting a fixed term, for example. We have an X-ray diffractometer that still works after 16 years and we're quite happy with it. We haven't put any work into assessing that yet.

Mrs. Laura Albanese: Thank you for the quality of work you deliver. Many of my questions have been answered. However, I had a curiosity. Before, in the conversation, I believe, with Mrs. Sandals, you mentioned that before new evidence came in and it was analyzed, the technologists would call the police officers and ask if it was still needed. I'm just wondering if there would be a better way to coordinate with the police officer if evidence is not needed, if they could advise you, if there is maybe not a process in place for that.

Dr. Ray Prime: No, that wouldn't be a better way because oftentimes the investigators change, and once an investigator goes off a case, then the next person coming in wouldn't necessarily know, or our people might not. So I think it's better for us to make the calls. We are looking at developing some Web-based tools down the road for communications and, when that happens, that might be something we can build into that system. That's something that's probably going to be initiated by this summer, but we need a secure website that the police

have access to. We are developing a way to get on to their website. That might help, but generally it's the direct contact that we find is the most useful.

Mrs. Laura Albanese: Okay. Thank you very much.

The Chair (Mr. Norman W. Sterling): Mrs. Van Bommel?

Mrs. Maria Van Bommel: Thank you very much, Mr. Chair. Just a question that I thought came out of Ms. Horwath's comments about the new site. You have currently sites at Sault Ste. Marie and Toronto. One is certainly a difference in size from the other, but are there differences in what they can do or are they all just replicas of each other, in just a smaller version? Would there be any efficiencies in having sites do specialized work? We talked about the Innocence Project, that one of the sites did all the Innocence Project-type of work. I'm just wondering if there are efficiencies in having specialization at each site.

Dr. Ray Prime: We might be in a better position to answer your question in three or four years because the RCMP has a system of six labs across the country and they're trying this model whereby, instead of having a full-service lab in each location, they might offer two or three services. The police certainly don't like that. We're hearing that message back that when there's a crime in Vancouver they have to send the DNA test to Halifax. I think the jury is going to be out on this. They're the only system that's doing this right now and it's exactly for the reason you suggest, that it might be a way to bring some efficiencies.

In terms of what our lab in Sault Ste. Marie does, they do mostly the same kinds of routine work that we do. There is a need for it to be a critical mass to be able to do that. So we have increased the size of the lab from when it was first built—sorry, the size of the staff from when the lab was first opened. Most of the work that they do is comparable to what we do in Toronto. We have a few specialized areas that we haven't talked about here, one of them being engineering, for example, and we have a geologist who does soil work. Those are things that we haven't introduced into that lab because they're very specialized.

The other service that we don't have there is the questioned documents area, which is one of the kinds of evidence that's easiest to ship around and move from one place to another; so we didn't develop that expertise in that lab.

If I've answered your question, I'll leave it there.

Mrs. Maria Van Bommel: That's fine. Thank you.

The Chair (Mr. Norman W. Sterling): Thank you very much. I'd like to thank all of you for coming here today. It's enlightening for all of us to hear more about you. I just think you should re name it CSI Ontario or something like that and you'll get a bigger budget next year, Doctor. Thanks very much for your attendance.

For members of the committee, we'll now adjourn the formal part of the meeting, and we'll meet in a few moments to talk to our researcher to give her some ideas as to what we would include in our report. There are some sandwiches down in room 1, so we'll go down and get them and bring them back here.

The committee continued in closed session at 1142.

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