

subsequent offence and to communicate with the appropriate parole authority. The parole authority would then issue its warrant of arrest and/or committal upon forfeiture of parole.

**CREDIT FOR TIME SERVED ON PAROLE.** Under our present parole system the time served successfully on parole is not credited to the serving of the sentence. The Ouimet and Hugessen Reports recommended partial crediting of parole time,<sup>7</sup> as in some systems. In our opinion, it is unfair not to allow credit for time out on parole. All time served on parole should count so that sentences terminate as prescribed by the courts.

There are only three cases where there could be an "apparent" loss:

1) the time between the date on which a warrant of apprehension upon parole suspension was issued and the date of arrest, if the arrest does not take place immediately.

2) the time between the date on which a warrant of apprehension upon suspension of parole was issued and the date of arrest on a revocation warrant, if the arrest does not take place before revocation is ordered.

3) the time between the date on which an indictable offence punishable by a term of two years or more is committed and the date of conviction which automatically forfeits the parole.

In the first two examples, time can only be counted after committal on suspension or revocation because the authority to remain out on parole will have been withdrawn. In the third instance, the conviction for the offence determines whether parole is forfeited. Until found guilty, he is presumed innocent and, consequently, his parole situation is uncertain. If he is not found guilty, the time counts towards the completion of the sentence whether he was detained while awaiting trial or released on bail. These are the only exceptions and they arise either because the parolee successfully eludes arrest or is awaiting final determination of his guilt or innocence. If found innocent, he loses no time; if guilty, he pays the penalty for having committed another offence while on parole.

### Recommendation

67. Time successfully served on parole should be credited toward completion of sentence.

### References

<sup>1</sup>Hugessen Report, p. 29.

<sup>2</sup>*Parole Act*, Section 16 (1).

<sup>3</sup>*Parole Act*, Section 16 (1).

<sup>4</sup>*Parole Act*, Section 16 (4).

<sup>5</sup>*Parole Act*, Section 16. (4).

<sup>6</sup>*Parole Act*, Section 16 (2).

<sup>7</sup>Ouimet Report, p. 350.

Hugessen Report, p. 41.