

*Parole and Penitentiary Acts*

The overwhelming majority of Canadians believe in and have respect for the rule of law. Sure there are those of us who at times do not come to a complete and full stop at a stop sign. There are those of us who perhaps tend to speed a little on the roadways. However, the overwhelming majority of us believe in criminal law. We believe that the laws are there in order to protect society.

The goal, of course, is to minimize the risk of danger to society. The intent behind this legislation is to protect society. One recognizes, of course, that of those who are incarcerated in federal institutions, a number of them will commit additional crimes, will become recidivists, if you will, will once again return to prison because they have decided to continue a life of deviant behaviour. A great number of them, after having served time in an institution, return to a normal law-abiding life from the day of their release onward. There is a core group in prisons who are beyond help. Regardless of programs or attempts to rehabilitate them, they will continue to lead a life of crime. When considering those who become eligible for mandatory supervision, we are dealing with those inmates who have shown to the authorities that they are not good risks to be released on parole. Every inmate, with the exception of those who are serving indeterminate sentences or serving life sentences, become eligible for parole after serving one-third of their sentence. The good risk inmates are released at the one-third stage or shortly thereafter. Those who are not considered good risks by the National Parole Board and have shown that they do not believe in rehabilitation are not granted parole. These are the individuals with whom we are dealing.

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The current law allows an inmate to earn remission. It is an important concept in prisons for a number of obvious reasons. In order to give an inmate some hope, in order to ensure the safe running of the institution, and in order to guarantee some semblance of order in an institution, inmates must be given some hope that if they behave themselves while in prison they will earn some time off from their sentence. All those involved in the criminal justice system recognize that there is such a thing as mandatory supervision and earned remission, otherwise known as time off for good behaviour. When judges hand down sentences and when defence counsel and prosecution plea-bargain, they recognize fully that if an inmate behaves in an institution he or she will be able to earn some remission or time off for good behaviour. Without such earned remission there would not be that hope for an inmate and there would not be that incentive for an inmate to behave while incarcerated.

As a result of the earned remission process, an inmate is entitled to earn a third off his or her sentence. Bill C-67 says that if the National Parole Board, in its wisdom, decides that certain individuals who have been denied parole or certain individuals who are serving time in our federal penitentiaries for violent offences are likely to commit a further violent offence, then it can issue a detention order. In other words, it can keep an inmate incarcerated for a further year. It can

continue to issue detention orders until warrant expiry, when the inmate has served his or her complete sentence.

While it sounds logical in terms of public safety to keep inmates incarcerated, it is obviously not the answer. Sooner or later these inmates have to be released, according to the law. As the Solicitor General indicated somewhat naively, a four-year sentence is a four-year sentence and a six-year sentence is a six-year sentence. I suppose we can excuse the Solicitor General for his apparent lack of understanding of correctional law and apparent lack of understanding of his department, since he is a new Solicitor General. One would hope that with the passage of time he will acquire some knowledge and expertise with respect to the role of his Department. I offer the assistance and constructive co-operation of the Official Opposition to permit him to fully understand the workings of his Department.

Sooner or later these inmates will have to be released. If they are kept incarcerated until warrant expiry and their sentence has been completed, what guarantee is there that the inmate will not commit a further criminal offence? There is no guarantee. If anything, by keeping these inmates incarcerated until the end of their sentence one is increasing the risk of future criminal activity and the risk of harm to society. As a result of these detention orders that may be issued over the course of a number of years, the inmate may build up more anger and more vindictiveness toward the system and society and in fact may have a predisposition to get even with society for depriving him or her of liberty.

There is also the problem of releasing these inmates into society without supervision. When we keep an inmate incarcerated until the completion of the sentence we are forced by law to release that inmate without any form of control or supervision. Mandatory supervision allows us to release an inmate one, two, or three years prior to the expiry of the sentence and exercise some form of control over the inmate. For example, the inmate could be required to reside in a particular community, not to consume alcohol or associate with certain individuals. The inmate could actually be required to report to the local police station on a weekly basis or reside in a half-way house. We could require an inmate to obtain some type of treatment. We can exercise control and ease that particular inmate into society. However, according to this legislation, theoretically an inmate would be released from maximum security custody into society with no right to exercise any type of control over the individual once he or she is released into society. It is obvious that mandatory supervision, or some form of supervision is necessary, not only for the inmates but for the general safety of society.

Of course, there are those who would argue that certain inmates should be incarcerated and the key thrown away. We do not have that type of society. There are those in society who commit serious offences such as murder. We have a very serious penalty for murder, life imprisonment with no parole for 25 years. However, we as a society do not believe in incarcerating individuals and literally throwing away the key,