take place without the presence of the parole applicant. Consequently, hearings requiring the presence of a complete parole tribunal should be scheduled when all members can participate. Decisions must not be reserved by an incomplete tribunal to be taken later behind closed doors in the absence of the applicant. If information is still lacking at the time of the hearing, the full tribunal should reserve its decision and return as a complete tribunal when the information has been obtained.

It would be unfair to an inmate who is present at the hearing to hear what is said about him but to be unable to explain his plans or to refute evidence. The parole applicant should not only be aware of the information gathered about him but he should also be able to state his opinions and, if necessary, refute the evidence he considers erroneous. The parole authority would then be obligated to verify the information in question, which might delay a final decision until the evidence has been re-examined. This would mean setting a new hearing date as early as conveniently possible. There should be no long delays of two to six months such as now occur for reserved decisions.

4) *Giving reasons for the decision.* The hearing should terminate only after reasons for the decision have been given to the parole applicant. For a favourable decision, the parole tribunal should not only give reasons in writing but also explain the implications and particularly, any special conditions of the release on parole. For an unfavourable decision, the reasons must also be explicit and in writing and should point out the implications of the unfavourable decision in terms of re-examinations, if any, "minimum parole" (see Chapter VII), review procedures, etc.

All reasons cannot always be given in all cases. Sometimes the reasons would place others in jeopardy, or might be detrimental to the parole applicant himself. The parole authority should also be authorized to refuse to give the applicant any reasons for the decision which would:

- endanger the security of the state.
- endanger the security, mental or physical, of the parole applicant or any other third parties.

Since the hearing would not be a trial, a verbatim record should not be required; a summary of the hearing and the reasons for the decision would be sufficient for the purposes of a review, if any.

Recommendation

37. Parole legislation governing discretionary parole application hearings should include provision:

a) for written notice of hearing,

b) for disclosure of relevant information,

c) for the right to be present and to be heard,

d) that reasons for the decision be given.

The Hugessen Report pointed out that some inmates are incapable of presenting their own cases adequately to the parole authority and may, therefore, require assistance. But it cautioned that a person providing such assistance "need not and probably should not