

The Standing Senate Committee on Legal and Constitutional Affairs

Evidence

Ottawa, Wednesday, March 8, 1972

The Standing Senate Committee on Legal and Constitutional Affairs met this day at 10:00 a.m. to examine the parole system in Canada.

Senator J. Harper Prowse (*Chairman*) in the Chair.

The Chairman: Honourable senators, we have with us Mr. P. A. Faguy, Commissioner, Canadian Penitentiary Service, and sitting beside Mr. Faguy is Mr. J. W. Braithwaite, Associate Deputy Commissioner. I assume the brief has been read.

Senator Hastings: I move that the brief be printed as part of the proceedings.

The Chairman: Is that agreed?

Hon. Senators: Agreed.

For text of brief, see Appendix "A".

The Chairman: Do you wish to make an additional statement?

Mr. P. A. Faguy, Commissioner, Canadian Penitentiary Service: No, I have no additional statement, Mr. Chairman, to those contained in the brief.

The Chairman: Then we can begin the questioning, Senator Hastings.

Senator Hastings: Thank you, Mr. Chairman. On behalf of the committee I would like to welcome Mr. Faguy to our deliberations. My first question, naturally, Mr. Faguy, will deal with temporary absence.

Mr. Faguy: I wonder why?

Senator Hastings: May I make an observation before asking my question? I believe the temporary absence program to be one of the more enlightened progressive procedures undertaken by your service in a long time. I can think of nothing that makes a better contribution to the rehabilitation process of a man than the procedure of temporary absence, which maintains his contact with his family and society and makes incarceration bearable. I think it is important that we understand that, as we adopt these enlightened reforms in

penal treatment, a risk is always involved. So long as we adopt these risks, we must be prepared to accept failure, in the knowledge of the overall success of your program. When we confer the authority on your officials to assume these risks we, in society, must be prepared to accept the failure, in the knowledge and understanding that so long as man is judging man failures will occur. So I personally am a supporter of you and your service in respect to the granting of temporary absence.

It is stated at page 7 of the brief that in 1969, 6,278 passes were granted. Would these range from a three-hour to a 15-day pass?

Mr. Faguy: That is right. These absences vary in time allowed outside the penitentiary. The average is approximately two to three days, but it can be as long as 15 days, which we have the authority to grant under the Penitentiary Act.

Senator Hastings: Do the figures include escorted and unescorted passes?

Mr. Faguy: Yes. Some are with escort, but the majority of the temporary absences shown here are without escort.

Senator Hastings: It is further stated that the failure rate is less than 1 per cent.

Mr. Faguy: That is right. Let me put it this way, senator: the success rate is 99 per cent.

Senator Hastings: Would you care to tell me, of the 300 failures how many committed indictable offences while on temporary absence?

Mr. Faguy: Yes, I have some information in this respect. Does your question relate to inmates serving life sentences?

Senator Hastings: No, inmates in general. No doubt, someone else will discuss those serving life.

Mr. Faguy: From September to December, 1971, during which period there were 12,401 temporary absences granted, the failure to return was less than 1 per cent. I have the figures broken down by region, if you so wish. In fact, I have a mass of statistics on temporary absences in this document, which I can leave with the committee for record purposes. I believe it would serve very useful and practical purposes if you wish to analyze the returns.