

Capital Punishment

In drawing attention to this amendment I would mention to hon. members various statistical information and points in the brief presented by the Solicitor General on this subject in March, 1976. Under Question No. 28, dealing with parole eligibility, release and violation, and temporary absence, there is an interesting review of the whole question and what has been the record of those who have been allowed this or some other type of freedom under the Parole Board. If I may, I should like to quote from Question No. 28 as follows:

The responsibility for temporary absences has been shifted from the Penitentiary Service to the Parole Board.

That is under Bill C-83. This is the Solicitor General's own submission. Let me point out in respect of that reference that it is not totally correct. If we read Bill C-83 we find that while absences without an escort have been referred to the Parole Board under Bill C-83, oddly enough absences with an escort have not been referred to the Parole Board. Consequently you have a rather odd situation in which a man may be sentenced to prison for life and, if released with an escort, does not need Parole Board approval.

Based on the minister's own submission, what I am suggesting is that it would be wise and responsible for this House to ensure that if a person is to be released with an escort, and I emphasize that, he should only be released for humanitarian or rehabilitative reasons with the approval of the Parole Board. Hopefully it will only act under very, very special circumstances.

It would be natural for hon. members to ask to what extent this is a problem. Again I would refer hon. members to the Solicitor General's submission to this House of March, 1976, and specifically to Question No. 54 which deals with the simple question:

What is the performance on temporary absence of inmates convicted of murder?

If I may, I should like to read the response, and again I emphasize that this is the Solicitor General's own information. It states:

Preliminary statistics indicate that during 1974, a total of 275 individual murderers were released on 2,703 temporary absence permits.

It is also pointed out that:

—8 inmates failed to return from temporary absence, but all were subsequently returned to custody.

The point I want to make is based on the 1974 figures. You can see that it was not an unusual thing in the past to give temporary absence permits, 275 individual murderers having received them in 1974 alone, not only for one time but in 2,703 different instances.

● (2120)

I also refer hon. members to question No. 58 in the same submission of the Solicitor General's Department. It deals with how many persons convicted of murder have murdered a second time while on parole, while on temporary absence, while incarcerated, and after escape from an institution. The response in this case is as follows:

With the exception of one case, our knowledge of murderers who murdered again is limited to cases since 1963. The study is based on a review of CPS case files. This study excludes cases where the charge

[Mr. Stevens.]

was originally for murder but the conviction was manslaughter, or the original charge was for manslaughter.

While on Parole:

3 persons.

One person committed both murders in Canada (executed in 1944). The other 2 persons were involved in the same first murder which was committed in the United States; they jointly committed their second murder in Canada.

The next heading deals with persons who have been in jail but were unlawfully at large following a temporary absence. Presumably these are people on legal temporary absence and who, for their own reasons, failed to return. One person is listed who committed first and second murders in Canada. In the "While Incarcerated" category there was one person who committed first and second murders in Canada. In the "After Escape" category there were two persons. One committed his first murder in Canada, escaped from the B.C. penitentiary to the United States and committed his second and third murders there. The other person committed his first murder in a prison in the United States, escaped to Canada and murdered a policeman.

I hope that will summarize what I am attempting to achieve in the amendment now before the House. In short, if the government wishes to do away with the death penalty for the ordinary crime of murder, I believe it absolutely imperative that the members of this House ensure that life imprisonment means life imprisonment, and that absences from prison on the part of convicted murderers should be kept to a minimum.

As we know, Bill C-84 proposes that people who are convicted of murder and jailed for life may not get leave from prison without an escort. My point is that even with an escort there has to be more scrutiny of any application for leave. In the absence of the death penalty surely even abolitionists agree that life imprisonment must mean life imprisonment.

Bear in mind, Mr. Speaker, it is comparatively easy to escape from an escort. You cannot keep a man shackled indefinitely. Leaves are granted for periods of five days, 15 days, even longer. Even though a man is out of jail on leave and is escorted, he can easily escape and perhaps commit another crime or a murder. This is why I believe any application should not be left to the local jailer, or to the provincial medical institution if the inmate is in a mental institution, or even to the commissioner to decide; the decision should be for the National Parole Board to make. This is what my amendment provides, or will provide if hon. members see fit to vote for it.

I see it is almost 9.30, Mr. Speaker, and there is a House order that we vote at 9.30. I should like my proposed motion No. 36 to be voted on at that time, so let me conclude my remarks by saying that if we are to do away with the death penalty, let us make sure there are as few cases as possible where leave is granted even with an escort. One safeguard would be to insist, as this amendment does, that any application for leave is subject to National Parole Board review.

Hon. Warren Allmand (Solicitor General): Mr. Speaker, I have had discussions with the penitentiary service about this amendment. The principal problem with it is that it