

a person making an application, and why do they follow the procedure they do?

**Mr. Street:** Is this dealing with the hearings?

**The Deputy Chairman:** What I have in mind is this. Could you explain, so that the committee will understand, first of all, what the hearing is, starting out with the difference between an administrative and judicial procedure; and then going on to the actual process by which the hearing is conducted, what assistance the prisoner is given in providing for his application and what provision there is for his appearance and otherwise? I think this is what you have in mind, Senator Buckwold. I think it will be of help to everybody if you tell us precisely how you handle this situation at the present time.

**Mr. Street:** So far as the actual hearing is concerned, the inmate appears in person and he is able to make whatever representations he wishes on his own behalf. So far as assistance offered to him is concerned, he has been consulted and interviewed by a parole officer who would be able to give him whatever advice and assistance he wants, and by the classification people in the institution who would tell him what is involved in the hearing, and of course he knows from other inmates what hearings are like. So that is the way the hearing goes, and he may make what other representations he wishes. Then the members ask him questions about his parole program, his background and various other things, to clear up certain problems and points in the interview. So far as legal assistance is concerned, in some provinces legal aid is available, or they may engage their own lawyers at their own expense who may write to us and make representations on their behalf. They may help him plan his parole program.

So far as the actual decision of the Board or the panel is concerned, I do not think there is any use telling the inmate whether it is an administrative or judicial decision. To him it is the most important decision of his whole life, and it is a decision which affects his liberty and whether he gets out on parole or not. So it would be just mumbo jumbo to him to explain that it is an administrative decision rather than a judicial one. No matter what it is called, it is a very important decision to him. But even though I am very conscious of our very awesome responsibilities and powers in regard to this man's life and liberty, I do not think it involves legal matters. Whether he is released on parole or not is a matter of whether it appears that he is safe to be released. Can he be released? Can he be controlled in the community? Is he a suitable risk, and so on? None of these is a legal matter. We do not allow or encourage lawyers to attend a hearing. They may very easily talk to us or write to us at any time and make their representations to us on the inmate's behalf.

**The Deputy Chairman:** But they are not allowed to be at the hearing?

**Mr. Street:** No.

**Senator Goldenberg:** Some inmates are at a great disadvantage in having to present their own cases, are they not?

**Mr. Street:** I suppose, if you mean they are inclined to be shy or introverted or perhaps nervous.

**Senator Goldenberg:** Or they cannot express themselves properly.

**Mr. Street:** Yes, and on the other side of that, you have an inmate who is a real con and speaks very well. In such a case as you are referring to, our members are at some pains to make the inmate feel at ease, to draw him out and ask him questions. There is always the possibility that one person will express himself better than another. Some lawyers are better than others. However, I would say in the case of a person who is nervous or shy, we try to overcome that handicap.

I remember one evening in Joyceville we were sitting very late and we wanted to return this man so he could have his supper. He said that he wanted to wait. He said, "I do not want any supper. I want to know if I am going to be paroled." He would have been a nervous wreck if we had taken him back. But when he came in we put him at ease and made him feel more comfortable, especially after we granted his parole. There is no reason to be nervous, especially after we grant a parole.

**Senator Goldenberg:** What happens to a person who is, to a degree, mentally retarded, as I am sure some of them must be?

**Mr. Street:** The same thing happens, we try to make him feel at ease. They study the file before the hearing to ascertain what kind of person they are dealing with. There are some pains taken to make him feel at ease so he will not be nervous. Roughly; only one-third do not get parole; at least, that is the way it has been in the last year. We try to be careful that we do not miss a good person.

**Senator Goldenberg:** I suppose if an inmate does not speak English or French you provide an interpreter.

**Mr. Street:** Our Board members would interview him in French.

**Senator Goldenberg:** But if he does not speak English or French—

**Mr. Street:** I do not recall that situation ever occurring.

**Mr. Stevenson:** We would find an interpreter.

**Senator Hastings:** We have an Eskimo in Drumheller whom we will be interviewing shortly.

**Mr. Street:** One of our members can speak the Indian language.

**The Deputy Chairman:** Let us stick for a moment with Drumheller in Alberta. How do your Board members, having arrived in Alberta for a hearing at ten o'clock in the morning, make all the decisions which they have to make in evaluating a person to determine whether he is slick and has to be watched or is slow and has to be helped along?

**Mr. Street:** They have already done some of this. Mr. Stevenson, if you wish to, you can comment on this. However, they do not start at 10 o'clock. They begin at nine o'clock, sometimes at eight o'clock, and they sit through until nine or ten in the evening. But they have read the files beforehand and they have a very accurate idea about with whom they are dealing.