

# The Standing Senate Committee on Legal and Constitutional Affairs

## Evidence

Ottawa, Wednesday, March 1, 1972

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

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

**The Chairman:** Honourable senators, I propose that this morning we follow our usual procedure of completing our questioning on one aspect of the subject before turning to another, with all senators wishing to participate doing so.

**Senator Hastings:** I am advised by the clerk that we require a motion to print. Therefore, I move that 1,100 copies in English and 400 copies in French of the proceedings of the committee be printed.

**The Chairman:** I understand that we are likely to have a heavy demand for these. Shall the motion carry, honourable senators?

**Hon. Senators:** Carried.

**Senator Hastings:** Mr. Chairman, before proceeding I should like to welcome back Mr. Street, Mr. Stevenson Mr. Maccagno and the other representatives of the board.

You will recall that prior to the Christmas recess we had followed the case of a man through up to the point of the hearing, but we had not by then got him on parole. With that in mind, I should like to discuss with Mr. Street and the others present the matter of reserved decisions. I understand that there are two reasons for reserved decisions, incomplete documentation being one, and the fact that a decision may require the agreement of the complete board in Ottawa being the other. Are there any others?

**Mr. T. G. Street, Q.C., Chairman, National Parole Board:** This could also apply if the two members of the board did not agree. In that situation they would have no choice but to reserve the decision and bring the matter back to Ottawa to receive a majority decision. I do not think that such a situation could arise, but if it did it would lead to a reserved decision.

**Senator Hastings:** In what percentage of cases is there incomplete documentation?

**Mr. B. K. Stevenson, Member, National Parole Board:** That is difficult to answer because it varies from region to region. I would say that of the reserved decisions probably 75 or 80 per cent result from incomplete documentation. In such cases we might need a further report of some kind.

**Senator Hastings:** Is there any logical reason why the documentation cannot be completed in time for the hear-

ing, in view of the fact that you have five months' advance notice on an ordinary application for parole, and you have nine months' notice, I think it is, on capital offences?

**Mr. Stevenson:** I think the major reason is the heavy workload in the field of the officers who work month by month endeavouring to prepare cases. They try to interview as far ahead as possible. There are a few officers working far enough ahead who have everything available. As Mr. Street has indicated, we are dependent on outside agencies for assistance, and referrals to outside agencies sometimes take time and cause delays; or professional reports from psychiatrists and psychologists take time because of their heavy schedules.

**Senator Hastings:** In other words, you feel the nine months' notice is not sufficient in order to complete the documentation?

**Mr. Stevenson:** I am not certain about the nine-month period, if they start on the case well ahead of time. There are other cases with deadlines earlier than that. So, they work to the deadline. If a man on a life sentence—and I presume we are speaking about capital offences—is going to be eligible for parole in April, there are also fellows eligible in March, and their reports have to be prepared as well.

**Senator Hastings:** Do you have any recommendations or suggestions to make to this committee as to how this problem might be alleviated?

**Mr. Stevenson:** Well, of course, more staff is one answer and longer tenure for the staff. The longer they are on the job the more efficient they become in preparing cases. As I recall from my field experience, there was always a rush to get everything prepared and the reports in.

**Senator Hastings:** Would this be due to inadequate staff?

**Mr. Stevenson:** Yes.

**Senator Hastings:** With respect to the decision which you make after your visit to the institutions, do you feel it a worthwhile procedure to confront the man or woman concerned? Do you feel the interview is worthwhile?

**Mr. Stevenson:** Oh yes, very much so. I feel the crux of the whole parole process occurs at that point when those making the decision face the man and provide him the opportunity to say what is happening to him in the institution. I cannot say whether our decisions are any better or any worse than other decisions, but I know that there are many side benefits from this face-to-face meeting, such as our field staff working side by side and the institutional staff meeting us and participating in the discussion and, in