

from the other councils of Indians and Métis outside the walls of the penitentiaries so that altogether we hope we will have the best possible programs to meet the needs of these people in particular.

Senator Buckwold: You have commented on the importance of a predisposition report and a judge's report. I gather from what you say that this is not compulsory at the present time. In other words, there may be some judges who do this, but I gather most do not. In your opinion, how could that be corrected? Simply by a directive which would say that it must be done?

Mr. Faguy: First of all, let me say that I could not possibly give a directive to judges. I would not dare.

Senator Buckwold: I did not mean that you would.

Mr. Faguy: Certainly, I would hope there would be an effort on the part of all government agencies and people concerned to reach this point where right from the very beginning there would be a pre-sentence study and report. Naturally, the judge would use that. He does now in many cases. Hopefully, also, there would be a report from the judge indicating the sentence and the reasons for it and what the judge expects. We do get this sort of thing from time to time. I have correspondence from judges who write to me on individual cases saying, "Mr. Faguy, I have condemned this man to such-and-such a sentence. Here are the facts of the case. These are the reasons for my judgment. Please take this into consideration in your treatment of the offender." Such correspondence is extremely useful.

Senator Buckwold: What percentage do this?

Mr. Faguy: No more than 1 per cent.

Senator Buckwold: It seems so fundamental to a layman that this would be a very important part of the whole judicial or penal process.

Mr. Faguy: The total correctional program and service has to get together and get integrated. We have to start even before that. Perhaps we should do more prevention work than we do now. But once an offence is committed there should be, hopefully, more probation. I am not a judge and I would not venture to say that this would be done, but hopefully there would be more probation. Then, once we have them into the service, again there should be a united, unified system that identifies and analyzes the problems of the offender and determines what his needs are. This would be a joint plan and a joint decision all the way through, so that when the offender goes on parole everybody is in agreement as to what his needs are.

I am hopeful that one day even more than that will be done and that after the inmate has left the penitentiary, after his sentence is over and after his parole is over, there will be someone who will continue to help him. This is where it could count so very much.

I feel my responsibility is relatively small or short in duration in the total process, because it occurs only when the inmates are inside. In my opinion, much more should happen before they get to

us and a great deal more should happen after they leave us. On a long-term basis I think this is extremely important in order to reduce recidivism and to help these people.

The Chairman: With respect to pre-sentence reports, at present they are prepared by provincial probation officers, are they not? Is there any federal provision for pre-sentence reports?

Mr. Braithwaite: To the best of my knowledge, Mr. Chairman, there is no federal provision for pre-sentence reports. The majority of them are prepared by probation services or by private agencies that may be called upon by the court.

There is one program which I think warrants mention, and that is the co-operation between the Parole Service and the Penitentiary Service which is mentioned in the brief, which we started in Alberta, where men who are sentenced are seen by parole officer while being held in the local detention centre. A report is prepared by the parole officer and the initial placement of the man in an institution is acted upon as a result of the parole officer's report. Here the Parole Service is immediately involved with the offender, and the Parole Service is working with us in placing that man in the most appropriate institution. So when the man arrives at the institution we have some immediate information available about him, his family circumstances, his offences and his reaction to his sentence. This is a tremendous help. As a result of this successful experience we are now expanding that experiment right across the prairie provinces and into the maritime provinces.

Senator Hastings: We have had the evidence of the Parole Service that they request a judge's report and a presentence report, and we have heard about these in many cases. But where do they go? Do they go to the Parole Board file or do they go to the Penitentiary Service?

Mr. Braithwaite: That report comes to us. But it is not uniform and, if I recall correctly, the Canadian Committee on Corrections, when they made their report, otherwise known as the Ouimet Report, had the concept of a judge's report as to the reasons for sentencing a man to a penitentiary. I think we are talking basically about two kinds of report, one being the report prepared, say, by a probation officer which supplies to the judge all the circumstances of a man's background, and of his offence. Then we are talking about another report prepared by the judge which says, in effect, "I sentenced this man to two years in penitentiary for the following reasons, and I am hoping that this is the kind of program he will receive while he is within the penitentiary." So these are two separate reports we are talking about. We get many presentence reports where there is a good probation service and where we have this experimental service which I referred to, the Parole Service; but we do not get very many judges' reports, as the commissioner has already indicated.

The Chairman: This would call for a written decision on every penitentiary sentence from the courts and also an extension of the investigative services to provide presentence reports in all cases. This would enable you, in your opinion, to do a much more effective job than you could do otherwise.