

inmate in custody until the suspension of his parole is cancelled or his parole is revoked or forfeited".<sup>6</sup> The magistrate has no discretion in the matter. We have no evidence that the courts need to be involved in this process. Immigration officers have the power to issue committal warrants which do not require court intervention and this does not appear to cause any difficulty. We believe that parole officers, authorized to issue warrants of apprehension, should also be able to order the detention of a parolee without referring the case to court. This should also apply in warrants of committal upon revocation and forfeiture.

### Recommendation

62. Parole legislation should empower the parole authority to order detention of a parolee upon suspension, revocation or forfeiture of parole without reference to a court. It should also permit delegation of the power to order detention upon suspension of parole to designated officers of the parole authority.

4) *Revocation.* Revocation is a method of terminating parole which is directly related to violations of parole conditions. It is a discretionary procedure as opposed to the automatic procedure of parole forfeiture. Parole revocation in the system we are proposing would not be very different. It would still involve a substantial degree of discretion but would not be complicated by the remission provisions and, furthermore, the time to be served following revocation would be limited to that which remains to be completed at the time the warrant of apprehension was issued (as indicated on page 114). Complaints of unfairness centering on loss of remission time and loss of time served on parole will thus be eliminated but complaints about the lack of fair procedure will continue if the revocation procedures are not improved. These complaints relate basically to uncontrolled discretion.

In our opinion, parole revocation procedures must be regulated. In all cases where revocation is being considered, except those where a warrant of suspension has not been executed within sixty days, a hearing should be held before the decision to revoke is made. The hearings should be governed by the same rules as those governing parole application hearings (Chapter VI) with the following additional features:

i) *Written notice of hearing.* The notice would generally be given to the parolee by the member of the parole authority before whom he appears after his arrest upon suspension of parole. The only exception would be in the case of the parolee who has disappeared and cannot be found within sixty days of the date of issue of the arrest warrant.

ii) *Disclosure of relevant information.* Along with the written notice of the revocation hearing, the parolee would be provided with a written statement of the alleged parole violations. Procedures should ensure that information about the violations required for the hearing is produced at least seven days prior to the hearing.

iii) *Right to be present and to be heard.*

iv) *Giving reasons for the decision.* In the case of cancellation of the suspension order, the paroled inmate is merely returned to the community with the same status. If, however, the decision is to revoke parole, he must be made aware of the length of term