

Parole Act

50 per cent of the inmate population of penitentiaries in British Columbia, he thinks they might take another fix of heroin to get them over some tough emotional period. That is a criminal offence and such a parolee would be sent back to prison, so there is reluctance on the part of the individual to talk to the parole officer.

Just as Davie Fulton, a former member of the Conservative government, missed the boat entirely when the parole board was set up in 1958, I think this minister is missing the boat entirely when he talks about the establishment of a super-structured parole board which is ill-equipped and ill-suited to make the decisions it must make or, what is even worse, to follow them up after an individual gets out of jail. This should be our prime concern, and that is why I said at the outset there is no difference of opinion among members of this House as to the need to stress rehabilitation. This idea has been expressed to the point that it has become almost a joke, or meaningless.

In any event, our concern must be in respect of rehabilitation. We must be concerned about helping these individuals get over the rough spots. Our concern must be to try to cut down the incidence of criminality. Our concern must be to try to cut down the incidence of violence, to cut down the incidence of robberies and all the other crimes that take place which result in people being sentenced to the penitentiary. But I think, quite seriously, that we are headed in exactly the same direction as when we started out in 1958, not helping one bit except to add to the bureaucratic structure. In this way the objective and the goal of rehabilitating the individual will receive scant consideration.

● (2050)

To take another approach to the matter, in terms of security I believe there should be gradations of institutions so that individuals who are considered to be tough, incorrigible, unable to conform, unreliable, desirous of only engaging in criminal activities, who are housed in a maximum security institution or a super-maximum security institution, would not be offered the opportunity for parole which is available to those who are housed in other institutions. The other penitentiaries in different types of classifications moving downward are called medium security or minimum security institutions. They have living accommodation quarters or home-living style activity. We have community homes. Halfway houses are not part of the penitentiary structure. If you walked by those community homes you would not know they were penitentiaries. People go out of them to work, to go to school or to engage in some type of activity, and they come back to the institution at night. There is a guidance counsellor around.

If an individual wants to spend the rest of his life in jail, he should be faced with this prospect, and if he wants to stay within the institutional structure until he has served his time, he should be kept in the so-called maximum or hard-line institution. His function there should be to work, work, work. There should be no meanness, no cruelty, no starvation, no lash, the paddle or anything degrading to the individual—just good, old-fashioned work. Then, if he wants to embark upon the road that leads toward rehabilitation, toward parole, toward temporary release, all of which lead toward a variety of other things—and it must be his choice—he should work his

[Mr. Howard.]

way, not by escaping out of that maximum institution, into other types of institutions and move toward rehabilitation. However, he must be faced with that prospect.

I do not believe in the idea of giving parole opportunities to everybody theoretically, in every type of institution, nor do I believe in granting temporary releases right across the board. But I do believe in some type of meaningful attraction being offered to the individual, so that if he wants to make a go of it then the facilities of the parole board are there to help him all the way, not only in parole being granted in the first place but in offering him assistance after he gets out—and that is the most important aspect.

Until the minister, the government and society in general are able to accept that concept and work toward it, all this is window-dressing which permits a debate to take place in the House about these matters and allows an expansion of a bureaucratic structure with nothing meaningful coming out of it at the end.

Mr. Eldon M. Woolliams (Calgary North): Mr. Speaker, I feel the minister is on the right track in wishing to increase the number of members of the parole board. This brings me to my first point, and I will not speak at great length. I wanted to differentiate between the history of the parole board and the history of the temporary release program.

First, I want to quote from the Penitentiary Act because I believe it was misinterpreted at the time the former solicitor general held this portfolio, now the Minister of Supply and Services (Mr. Goyer). I do not blame him personally for that, and I never did at that time. Apparently he listened to a group of people who had a different interpretation of the act than was formerly the case. I agree with the Solicitor General (Mr. Allmand) that the act was incorrectly interpreted and that it was misused. I want to point out that in my opinion the mistakes were not made by the parole board but, rather, as a result of ad hoc decisions under the temporary release program, for which of course the Solicitor General must take full responsibility.

I wish to quote from the Penitentiary Act, which is found in chapter 6 of the Revised Statutes of Canada, 1970, at page 12, section 26. This is the section under which the Department of the Solicitor General operated the temporary release program. I, as well as many lawyers across the country, including bar associations, believe that the back-to-back temporary release program under the act was misinterpreted and misused by the department. Section 26 reads:

Where, in the opinion of the commissioner or the officer in charge of a penitentiary, it is necessary or desirable that an inmate should be absent, with or without escort—

I will have something to say about the words "with or without escort".

—for medical or humanitarian reasons or to assist in the rehabilitation of the inmate, the absence may be authorized from time to time.

The grounds, in that section of the act, are medical or humanitarian reasons. Medical reasons do not need any explanation. If the inmate becomes sick and needs medical attention in a hospital, such as surgery or some other kind