

Senator Hastings: And he cannot cross-examine or refute evidence?

Mr. Street: No, he cannot.

The Chairman: Can he see the evidence?

Mr. Street: No, but he is told why his parole is revoked, and he knows perfectly well why it has been revoked. If there is any doubt in his mind, he is given an opportunity of appearing before the board and of explaining his actions.

The Chairman: Can he call witnesses?

Mr. Street: No.

Senator Buckwold: Are there any occasions where a Parole Board, hearing an appeal against revocation, reinstates the parole?

Mr. Street: Revocation is determined by the Parole Board, but a suspension can be determined by a parole officer. The board may see fit to continue a person on parole even though an officer has suspended him.

Senator Buckwold: But in the meantime he would have been returned to the penitentiary. Are there many occasions when this happens?

Mr. Street: Perhaps Mr. Maccagno can answer that question.

Mr. Maccagno: A man may commit an offence and his parole is forfeited. In the area of revocation, the man may violate some of the conditions of his parole and his parole is revoked. He is not happy about it, and he writes in. I have been present at a number of revocation hearings. In most cases the person concerned is well aware of the grounds for his revocation. Often at the point of revocation he agrees that he has violated many conditions. He is not so concerned about the fact that his parole has been revoked as he is about knowing how and when he can apply again. We try to satisfy him in this respect. I recall one case where it was decided that rather than see the person again in two years, the board would have another look at his case in six months or a year. Most inmates admit they have violated their parole conditions. They will ask whether the violation was that serious and when they can re-apply for parole.

The Chairman: Would any of them say, "I did not do it," in other words, deny the things they are alleged to have done?

Mr. Maccagno: In the cases I have seen, I would have to say no.

The Chairman: You have not been present when anyone has said that?

Mr. Maccagno: No; but it could happen.

Senator Buckwold: With regard to revocation, to a degree it is an arbitrary decision on the part of somebody.

Mr. Street: On the part of the Parole Board, yes.

Senator Buckwold: Let us take an example. Someone who is on parole may violate a minor condition of his parole. Perhaps he travels somewhere where he should not.

The Chairman: Or perhaps he keeps bad company.

Senator Buckwold: It might be nothing that involves the law; he merely breaks some minor condition.

Mr. Maccagno: In the cases I have seen, the parolee is given ample opportunity of explaining his actions. If his is a drinking problem and he is drunk almost daily, and has been warned time again, he does not necessarily forfeit his parole immediately. There are some cases where a "no drinking" clause is made a condition of his parole.

Senator Buckwold: I want to go back to this process Senator Hastings spoke of. If a parolee violates a condition of his parole the parole officer, I presume, or a police officer or someone reports this to the local office?

Mr. Stevenson: Yes, the local office.

Senator Hastings: The local office signs a warrant?

Mr. Street: Yes, for suspension.

Senator Buckwold: The parolee is arrested and brought back to the institution, just like that?

Mr. Stevenson: He is put on suspension by the local office if his parole officer, with his supervisor, assess the situation and decide whether it is serious enough to suspend. In other words, has the parolee had a number of warnings? Is there a danger of offences occurring, and so on? If it is decided not to issue a warrant, then the parolee is seen right away and is warned about his behaviour and is told to take some action to improve his behaviour. If it is decided to issue a warrant, then the parolee is brought before a magistrate or a justice of the peace, his parole is suspended and, consequently, he is returned to an institution for a temporary period. The local office has the authority to cancel that suspension within 14 days. While the man is in custody the parole officer interviews him and, if it is decided it is serious enough to hold him longer, then his case goes before the Parole Board. If there is a police report, or any other reports, they will be included among the documents placed before the Parole Board, plus the record of how the man had been doing on parole, and it is then up to the Parole Board to decide whether it is serious enough to revoke or whether to continue parole with, perhaps, a tightening of conditions or a change in location.

Senator Buckwold: How long would it be before the Parole Board actually held a hearing in such a case? I am not speaking now of an application for parole, but where a parolee is returned to an institution pending Parole Board review of his case?

Mr. Street: It would be heard before the next panel to come to the institution. The maximum period of time to elapse would be two months.

Senator Buckwold: It would be no more than two months?

Mr. Street: It would be no more than two months and more likely a month in the provinces of Ontario and Quebec.

Senator Haig: Mr. Chairman, I regret having missed the first couple of meetings. My question to Mr. Street is this: How is the inmate advised of his rights to parole?