

**b) for the protection of society.**

ii) *Delays in suspension cases.* Present suspension procedures involve two separate instances when a decision to release or to detain the suspended parolee must be made. The first occurs fourteen days after the arrested parolee has been remanded in detention by a magistrate. At that time, the person who signed the warrant or the one designated by the parole authority for that purpose must either cancel the suspension or refer the case to the National Parole Board.<sup>4</sup> If he cancels the suspension, the parolee returns to his former status. If the case is referred to the parole authority, the latter is required to make inquiries and "forthwith upon completion of such inquiries and its review. . . either cancel the suspension or revoke the parole".<sup>5</sup> This procedure raises two problems. First, if the parole tribunal delays making a decision, there are no provisions whereby the parolee can determine when the decision will be made. Evidence submitted to this Committee referred to delays of more than six months. The word "forthwith" is, in practice, meaningless. Secondly, there is no requirement for the signer of the warrant or the "person designated" to tell the arrested parolee what is happening and when. He is not required to inform the arrested parolee if he has referred the matter to the parole authority and the situation will not be clear to the parolee until he receives the decision of the authority.

**Recommendations**

**60. The suspended parolee should be brought before a member of the parole authority within fourteen days of execution of the warrant of suspension, unless the suspension has been cancelled in the meantime by the authorized representative of the parole authority.**

When the parolee is brought before a member of the parole authority, the member should be required to:

- a) inform the parolee in writing of the alleged parole violations with which he is charged and set a date for a revocation hearing to be held no later than thirty days after his appearance before that member, or
- b) cancel the suspension.

The parole authority should be required, within fifteen days of the revocation hearing, to:

- a) revoke the parole, or
- b) cancel the suspension.

If the parole authority fails to respect the time limits herein set out, the warrant of committal should become null and void and the parole automatically reinstated, except where the delay is caused by legal procedures instituted by the parolee.

**61. The parole authority should be required to revoke parole without a hearing if the parolee has not been found and arrested within sixty days of the date on which the warrant was issued.**

iii) *Committal warrant – role of the court.* The *Parole Act* now requires that the parolee whose parole has been suspended be brought before a magistrate after his arrest as soon as conveniently possible. The Act then requires the magistrate to "remand the