

Parole Act

These are recommendations that are calculated to deal with some federal correctional problems on a short-term basis in the field of penitentiary services, temporary absences and parole. For the long term, more profound changes may be necessary.

We are all waiting very patiently for those more profound changes. We can certainly say "Amen" to the remarks of the minister of June 1. It is not as though there have not been enough reports, enough research and enough information available to the minister to allow him to come up with a coherent, co-ordinated approach. What we have before us is a patchwork approach to the problems of penal reform, one unfortunately which is predicated on whatever the public mood may be at the moment. That is a very difficult part of the minister's job, but I submit the minister should not react to every incident that occurs within the country, because one swallow does not make a summer.

The change that was made on June 1 to increase the mandatory part of a life sentence to 7 years rather than 4, was a response to the public mood. I suggest it was an irrational response in this sense. It is not the length of mandatory sentence that counts, it is the screening process that counts. No one is rehabilitated within prison. It all depends on the way we choose people who are eligible for parole. Whether they spend three, seven or ten years in jail may not be that significant. What is significant is the manner in which we make our choice. We must base that choice on the penology approach and not the political approach. My criticism of the minister has been, and is, that he is using a political approach in attempting to solve this problem.

● (1620)

We need more than a patchwork attempt to put this subject into proper perspective. The purpose of this bill and the statement made on June 1 with respect to rationalizing the temporary absence program with the day parole program sound logical, although I must say I am not that impressed with the Hugessen report to which the hon. member for Scarborough East kept referring. The effect of the recommendations in that report would be to eliminate temporary absence, other than for humanitarian or medical reasons. The rehabilitation ground would be removed from the temporary absence program operated under the Penitentiary Act. I do not think that is a step forward.

I welcome the approach taken by this bill to regionalize and localize these decisions, but I am not so sure that the qualification officer, the people within an institution and the people around the community in which it is situated, are better qualified in terms of the screening process to determine which of the inmates in the institution can benefit from parole, and to know whether the public would be protected on their release.

One of the things that has been lacking in the program to date has been the intimate contact that is necessary in order to make the screening process more effective. The hardest person of all to "con" is the convict inside the prison. Yet how much consultation is taking place with inmates of prisons to determine which of their numbers is safe to release? There is almost none. How much consultation is taking place with the prison staff, with the cooks and the guards who have intimate contact with these men

[Mr. Leggatt.]

all the time? There is still too much of an elitist approach in terms of dealing with the screening and making the decisions. Based on my experience, you can trust a great many of the persons in institutions to give you a fair and honest assessment of their peer group within those institutions. As I say, Mr. Speaker, we have fallen down in terms of that consultative process.

We also find that the people who are making decisions on parole are incompetent, or are capable of being "conned" by the inmate who has all the time in the world to prepare himself for an interview, to put on his best front, and as long as that continues to be the case we will have these dramatic errors. I say that these dramatic errors are eroding public confidence in the system that we have at present.

There are three basic myths under which the parole system operates. The first is that people are rehabilitated while they are in prison. All the evidence and statistics show that this is demonstrably false. Rehabilitation takes place outside jail. It takes place within the community, not within jail. Our prisons are for custody, for the protection of the public from people who have a tendency to repeat their crimes. However, that does not mean that the inmates should not be treated decently and humanely. The mark of a civilized society is the way in which it treats the inmates of its prisons. It is still vital and important that the public knows it is protected from escapes from institutions. That is why we in this corner of the chamber supported the establishment of the subcommittee of the Justice Committee to look into this and other aspects of the prison system.

The second myth under which the system operates is that the solution to the crime rate is to change the parole rules and make them tougher. Mr. Speaker, that is not related to the crime rate at all. Each time a spectacular crime occurs the reaction is sudden. We all favour changing the parole rules. But when there is a lack of crime news, we are liable to look in the other direction. You cannot run the system like a lottery that reacts to every public outcry. I am not saying that either six, seven or five years is the correct mandatory term before parole. I am saying that parole decisions have to be based on a very careful screening process. As long as we think that the longer a guy is held in prison the more likely he is to learn his lesson, then really the more likely we are to continue to make mistakes. It does not bring anybody closer to rehabilitation to isolate him from the public.

It is difficult to identify those to whom we can issue parole. As I said before, there is insufficient consultation with two of the most important groups in the prison, namely, the prisoners themselves and the prison guards. As long as we continue the elitist approach, the psychological approach, the psychiatric approach if you like, we will make the kind of errors that we do make. Take the classic case of the Tanya Bush murder which has been referred to in this House many times. If proper consultation had taken place I do not think Gary Head would have been released. If the prisoners and the guards had been canvassed, I do not think that horrible error would have occurred. As long as errors of that magnitude occur there will be no confidence in our rehabilitation system. I