

Parole Act

officer, who theoretically works in the area of rehabilitation, and a custodial officer, the custodial officer wins out. So it is better, I believe, for a person sentenced to jail to spend his time outside the institution in the mainstream of society whenever that is possible and as soon as that is possible.

There are instances when the best time to grant parole to a person who has been convicted of a crime and sentenced is on the very day he is sentenced. Again, this involves selection and correct decisions. Strange as it may seem, in certain cases of murder committed under the stress of emotion the best time to grant a parole is at the moment of sentence. I refer to crimes of passion, crimes of emotion, crimes which result from the discovery of family difficulties and a variety of other situations in which the person who commits the crime is not of criminal intellect nor of destructive intellect; he does not consciously or deliberately go out and commit a crime which might result in someone being murdered. It is a matter of a moment, something which could happen to anybody at a given time.

A person of that type should not, in my opinion, be required to spend a lifetime in jail. I do not like talking about statistics in this connection but, as has been stated by the chairman of the parole board, Mr. Street, any examination of a person at that time will show that the risk of his violating parole is nil.

Another point we should keep in mind is that every inmate who enters a penitentiary, even those serving indefinite sentences, so-called habitual criminals, will get out some time. The most obstinate, the most dangerous, the worst psychotic one can think of will get out some day. Our concern must be with the day he gets out and not, I submit, with setting up the mechanics of a structure such as this without being concerned about what happens when he does get out. I think the parole board is ill-suited in most cases to make that determination.

● (2030)

The parole board can make and has made decisions, generally speaking, in the most favourable of cases. The annual reports of the parole board indicate this in reference to the rise and fall of the number of paroles that are granted compared to the number of people who are eligible or apply for parole. Once the backlog of easy cases was dealt with, the parole board found it most difficult to deal with the granting of parole. The parole board also has been, to a measure, something of a jellyfish because when there has been an instance of a mistake on the part of the parole board in granting parole, and it has come to light, the reaction of the board has been to tighten up.

Probably the initial classic case of reference related to a fellow named Dionne who was imprisoned in St. Vincent de Paul penitentiary. He had been convicted of assault on a child from which death resulted. I think the charge was murder at that time.

Mrs. Morin: Rape.

Mr. Howard: He was granted parole. When he got out on parole he did the same thing all over again in two or three instances. He went back to jail. Not too long ago he was relieved of his difficulties; another inmate of the jail ended his life for him. In any event, when Dionne was on

[Mr. Howard.]

parole he committed further offences and there was a public hue and cry about the parole board having made a mistake. It had made a mistake and it admitted it. However, the parole board squeezed up into itself and said, "My heavens, we had better not do that again, not because we might make a similar mistake but because we had better wait for the public clamour to die down". As a consequence, the parole board did not fulfil its obligation and its authority under the Parole Act or the commitment parliament gave it.

What has happened since then? The minister says we need to expand the parole board by ten additional members partly because of the backlog of applications, partly because the parole board had discontinued its panel or subcommittee operation and partly because of the removal of the back-to-back temporary absences issued by wardens to prisoners. The change was necessary, so said the minister a while ago, because of legal difficulties. He said he received conflicting legal advice. If he received it from the Department of Justice, this is understandable. He received it from some government agency, I do not know which, so it is understandable that he received conflicting advice. As a matter of fact, if I ever had to take advice on a legal matter I certainly would not rely on the Department of Justice. However, the minister did receive conflicting legal advice. Perhaps he spoke to the Minister of Justice (Mr. Lang) on the one hand and the departmental officials on the other.

In any event, the minister said because of legal difficulties they had to discontinue the back-to-back temporary absence system. He said it was a good system and had operated well. I think it was good, because the decision was made at the institutional level by individuals who were closer to the inmates on a day to day basis than any parole board could possibly be. Because it was discontinued, and because the back-to-back temporary absence is to be replaced by day parole, which is an authority given under the Parole Act, it is necessary to expand the Parole board to ten additional, ad hoc members. I submit to the minister that if he did receive conflicting legal opinion concerning whether or not he had the legal right under the Penitentiary Act to issue back-to-back temporary absences, he should have brought in a bill to amend the Penitentiary Act to make clear that that type of authority would be available to the directors.

In his mind, if he thought it was necessary to discontinue the back-to-back temporary absences, and instead say to the parole board that it could do the same sort of things through day parole, I submit he should have brought in an amendment to the Penitentiary Act to say so, and not attempt to deal with that situation by increasing the membership of the parole board and increasing the bureaucracy within the board's structure. Quite frankly, I do not think this is necessary. If the members of the parole board were—I was going to say "conscientious" but I am sure they are—assiduous, dedicated and determined about the question of parole, there would be no need to increase the board to 19 members.

The parole board started in 1958 with five members. Let us take a quick look at the statistical analysis of the operations of the board over the years from 1958 to 1968 or 1969 when it had five members. These figures fluctuate