

BRIEF TO THE STANDING COMMITTEE ON PUBLIC SAFETY AND NATIONAL SECURITY

Bill C-483, *An Act to amend the Corrections and Conditional Release Act* (escorted temporary absence)

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The Canadian Resource Centre for Victims of Crime (CRCVC) is a national, non-profit advocacy group for victims and survivors of serious crime. We provide direct assistance and support to victims across the country, as well as advocating for public safety and improved services and rights for crime victims. The CRCVC is pleased to appear today before the Standing Committee on Public Safety and National Security to take part in the debate over Bill C-483, *An Act to amend the Corrections and Conditional Release Act* (escorted temporary absence).

We would like to take a minute to acknowledge Mrs. Kim Hancox, who has been working for several years, now with MP Dave Mackenzie, to see this legislation passed in Canada. Kim has suffered incredibly, losing her husband, Detective-Constable William Hancox, a Toronto police member who was stabbed to death in the line of duty in 1998 during a routine stakeout. My office has had the pleasure of getting to know Kim through the Canadian Police and Peace Officers' Memorial Service. We are pleased to support Mrs. Hancox and this legislation.

It is hard enough for Kim and victims like her to cope with losing their loved one in a horrific and violent manner, let alone the additional unnecessary revictimization brought upon them by the corrections and parole system. Kim thought she would have some reprieve from the offenders, Elaine Cece and her lover Mary Taylor, who were sentenced to life in prison for second-degree murder with parole eligibility dates set at 16 years for Cece and at 18 years for Taylor. Like many victims, Kim felt a sense of relief when the Parole Board of Canada (PBC) first denied Cece's request for conditional release at a hearing she attended. As she was not aware that the warden had the authority to grant temporary absences once the offender reached a certain date in their sentence, Kim was shocked and appalled that the warden would grant Cece many escorted passes into the community, only 18 months after the Board's thorough assessment and finding that she was not yet ready to return to the community. The accomplice in the case, Mary Taylor, was authorized by PBC for ETAs once a month, for one year, to attend substance abuse supports. Following that, the warden authorized much more freedom, essentially equivalent to a day parole release, allowing her to be in the community 4 times a week and an additional once a month on ETA.

The Board of Directors of the CRCVC feels very strongly that institutional heads or

wardens should not be permitted, by law, to essentially veto the decisions made by the Parole Board. Some of our Board Members have been impacted, as Kim has, by such decisions made by wardens. In our experience, a warden's granting of temporary absences despite Parole Board concerns that an offender remains a risk, or in some cases without an offender having a hearing at all, is a clear circumvention of the Board's authority, allowing the offender to escape the scrutiny of the Board, the victims and the public. We believe it is contradictory to public safety that an institutional head can allow an escorted temporary absence to an offender serving a life sentence who has never faced the thorough questioning of the Parole Board or who has been denied release based on a thorough in-person risk assessment.

My office first began addressing this issue in 2006/7, and we wrote to then Minister of Public Safety Stockwell Day in March of 2008 expressing our concerns about a warden's ability to grant Escorted Temporary Absences (ETAs). The notion of the transformation of the federal corrections system was a hot topic at this time with an increased focus on offender responsibility and accountability. We wrote that continuing to allow offenders to bypass the Parole Board and return to the community with only a warden's authority was far from ensuring offender responsibility or accountability. We still feel that allowing wardens to grant ETAs places offenders in the community through a fraudulent process, one that allows them to avoid responsibility for their crimes and accountability to those they have harmed. The release of these offenders back into the community should be a decision made only by the Parole Board of Canada, following the thorough questioning of the offender at an open, public hearing where victims can attend and raise their concerns, if they wish to do so.

In 2007, Zachary Finley was granted a number of escorted temporary absences by a Quebec warden even though his institutional conduct during his incarceration was deplorable. He went from medium to maximum security frequently, escaping, injuring CSC staff, and was also involved in a riot. He continued to torment his victims from within the institution, withdrawing his application to go before the Parole Board 11 times. In this case, the warden refused to share with the victims, or my agency acting on their behalf, any indications of the positive progress Finley had made that would allow him to grant Finley such a generous ETA package. We saw this as a clear strategic tactic by CSC to recklessly re-insert an offender into the community who had little chance of success before the Board.

The CRCVC is concerned about how frequently offenders are returning to the community thanks to wardens across Canada. On February 27, 2014, the St. Catharine's Standard reported about the 1990 case of Peter John Peters, who raped and repeatedly stabbed Sandie Bellows, promising to return and kill her if and when he was released from prison. In November of 2013 the Parole Board ruled that Peters would not be granted the privilege of temporary releases. The victim was very relieved given the fact he was serving three life sentences for the attack on Bellows and the murders of two other people. The Board deemed he was too much of a risk. Two months later Bellows received a call from CSC informing her that Peters was seeking approval from the prison warden to have escorted day passes, despite the recent Parole Board denial. Although Peters was sentenced to three concurrent life sentences and as recently as 2007, escaped from a minimum-security prison in B.C. (he was recaptured 24 hours later), the warden was now assessing him for passes for personal development. In Ms. Bellows' case, she was given the chance to file a written submission to the warden by March 12, something which other victims we have helped have not been offered the chance to do, as there is no right for victims to attend the decision-making process when a warden makes that ETA decision, nor is there a statutory right for victims to make a statement to the warden.

The Board of Directors of the CRCVC feels the process that allows wardens to grant ETAs to offenders serving life does not assess risk as thoroughly as the release decision-making process undertaken by the Parole Board (PBC). We believe this allows offenders to avoid accountability for the harm they have caused and closes the decision-making process to the public. We understand that ETA decisions are made independently by CSC wardens, after reviewing a recommendation made by an institutional committee. Offenders serving life sentences who have reached their unescorted temporary absence eligibility date can be granted ETA's behind closed doors and without involving affected parties, like the victims. This loophole is a somewhat of a "free pass" for some offenders who realize they have limited chance of success before the parole board, perhaps due to poor institutional conduct, a failure to complete treatment programs, or simply not wanting to answer to the Board or to their victims. We feel the current process provides an avenue for CSC to move offenders into the community without any real sense of accountability to the community or the victims. In our opinion, CSC is too involved in the management of the offender's case file to make an independent and unbiased

decision. Giving PBC sole discretion over ETAs (except in emergency medical situations) will allow for a more consistent process, one where all offender hearings are in depth and allow for public scrutiny. In the past, there was a Minister's directive that required the Board's input into decisions made by wardens, recognizing that the Board should have input into such decisions however, this policy was cancelled by the Federal Court in McCabe in 2001.

The CRCVC understands that the Board made only 174 ETA decisions in 2012/2013. We understand that during the same time period 2,742 offenders were granted 48,006 ETAs by CSC. It is important to note that CSC doesn't break this information down, so these statistics do not apply only to lifers, but in general CSC authorizes a SIGNIFICANTLY higher number than PBC. We would prefer that offenders be returned to the community following in-depth questioning in a process that is open and accountable to the public and the victims, and is one that allows victims a voice in the proceedings, should they choose to participate.

Offenders should not be granted releases by CSC in order to make them "look good" for a future hearing with the Parole Board. The way the system currently operates allows offenders that may have been denied parole or who have cancelled numerous hearings before the Board to still be granted frequent ETAs by their warden and enter the community under the guise of "personal development". We do not believe this is in the interest of public safety. Offenders should have to prove to the Parole Board that they have completed the appropriate programming, conducted themselves positively and made significant progress in addressing their reasons for offending before any sort of release.

We urge the committee to pass this enactment which amends the *Corrections and Conditional Release Act* to limit the authority of the institutional head to authorize the escorted temporary absence of an offender convicted of first or second degree murder. We believe this will ensure that offenders being released into the general public undergo a very thorough Parole Board assessment of risk that is both open to the public and independent. Thank you.