

BRIEF TO THE SENATE COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

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 federal Not-for-Profit corporation located in Ottawa, Ontario and was created in 1993 with a goal to provide a voice for persons harmed by serious crime in Canada. We offer direct assistance and support to victims across the country, as well as advocating for public safety and improved services and rights for crime victims. We are pleased to appear today before the Senate Committee on Legal and Constitutional Affairs to provide comments in support of Bill C-483, *An Act to amend the Corrections and Conditional Release Act* (escorted temporary absence).

We would like to acknowledge Mrs. Kim Hancox, who testified before you yesterday. She 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.

We hear from victims across Canada about how the corrections and parole system can be re-victimizing to them. Losing your loved one in a horrific and violent manner is hard enough to process, but also having to navigate the systems responsible for the detention and rehabilitation of the offender is complex and overwhelming at times. We support the amendments to this legislation, as passed by the House, which will ensure the Parole Board makes the first decision with respect to lifers who apply for Escorted Temporary Absences (ETAs). Victims and their family members want openness, accountability and transparency in the ETA decision-making process. We must be cognizant of the fact that an ETA permits an individual who has committed the most serious *Criminal Code* offence to return to the community, sometimes only under the supervision of a CSC volunteer, not

necessarily a correctional officer.

The Board of Directors of the CRCVC feels strongly that the current situation, which allows decisions made by the Parole Board of Canada to be essentially vetoed by institutional heads or wardens, is unacceptable. In our experience, if the Parole Board has denied escorted absences to an offender, it is usually for concerns related to public safety and the offender's ability to appreciate their offending cycle and triggers. Some of our Board Members have been impacted, as Kim Hancox has, by such decisions made by wardens allowing an offender to re-enter the community on work releases or personal development passes immediately following a denial by the Board (or in some cases, after no hearing at all).

In our experience supporting victims, it is critically important to some of them to be able to be present to understand the process and offer their opinion during a hearing. When victims have the right to be present they can reflect on the questioning and decision-making process of the Board, as can the media and the public. When wardens make decisions, victims are now asked if they have any concerns, but they do not have the right to be present during the decision-making process. This is frustrating and perpetuates the belief that the corrections machine is pushing offenders out the door whether they are properly equipped to return to the community as law-abiding citizens or not. When CSC staff make internal decisions and do not share how they came to this decision, victims perceive that there is bias and that offenders are not being held accountable to the people they have harmed. In an open and public parole hearing process, victims can determine very quickly whether an offender has accepted responsibility for their crimes, whether they are truly remorseful and whether they are adequately prepared to re-enter the community and cope with the stresses they will likely encounter. Warden decision-making is done behind closed doors, without providing victims with the information they need to better accept what is happening in the offender's reintegration process.

My office first began addressing this issue in 2006/7, and we wrote to then Minister of Public Safety Stockwell Day 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 felt that in order to ensure offender responsibility or accountability, the release of lifers 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.

I will provide you with an example of one of the cases we were concerned about at that time. Zachary Finley was granted a number of escorted temporary absences by a Quebec warden in 2008 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 this offender such a generous ETA package.

We believe the amendment to C-483 will help to alleviate some of the concerns we've noted because when day parole eligibility begins, the Parole Board becomes the deciding entity that will determine whether an ETA is approved for lifers and it has to be successful in order to be granted more. If it's not successful the institution warden cannot approve further passes. The decision-making power will remain with the Parole Board of Canada, so it enables the Board to continue to be the deciding factor until a successful ETA has occurred, after which the Correctional Services of Canada can permit

further passes. If the pass is cancelled or there's a problem with that ETA, it will revert back to the Parole Board of Canada for further decisions.

We feel compelled to address the issue of work release programs. We hope that wardens will not by-pass C-483 and use work release programs as a way to allow offenders to enter the community on a daily basis for employment purposes when they have been denied ETAs by the Board. This is a concern to us and has impacted a number of families we assist.

We would also like to suggest that an appropriate amendment to consider would be to provide victims with regular updates about the progress of any ETAs through CSC victim services staff, so that victims are aware sooner if there are problems. Victims often fear that their offender will revert to previous anti-social behaviours and that some worrisome situations have the potential to escalate very quickly.

To conclude, the Board of Directors of the CRCVC is pleased that the Parole Board of Canada will conduct thorough risk assessments of those serving life sentences in all ETA applications. We believe that offenders should not be permitted to avoid accountability for the harm they have caused in a closed decision-making process. It is important that the granting of ETAs involve the affected party, the victim, if they wish. Victims want to know about the progress that an offender has made to reduce their risk to the public. They do not want to see offenders who have had poor institutional conduct, a failure to complete treatment programs, or lack of desire to answer to the Board approved for ETAs. It is in the interest of public safety for such decisions to be public and open. In our experience, the Parole Board is very well equipped to make independent and unbiased decisions. We believe this legislation will bring more consistency to the process, with in-depth questioning of the offender at a hearing which allows for public scrutiny and provides victims a voice in the proceedings, should they choose to participate.

We urge the committee to pass this important legislation which amends the *Corrections and Conditional Release Act*. Thank you.