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Chair

Mr. Daryl Kramp

Standing Committee on Public Safety and National Security

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● (1530)

[*English*]

The Chair (Mr. Daryl Kramp (Prince Edward—Hastings, CPC)): Colleagues, we'll bring this meeting number 12 of the Standing Committee on Public Safety and National Security to order.

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): I have a point of order, Chair.

The Chair: A point of order, Mr. Garrison....

Mr. Randall Garrison: Thank you, Mr. Chair.

In preparing witnesses to appear before the committee, the committee issued an invitation to the Parole Board, and they are not scheduled. It's my understanding they may have declined to appear before the committee, and as a parliamentarian, no matter what they intended to say on this I have some concerns about the Parole Board declining to appear. So I would ask that the Parole Board correspondence be tabled with the committee.

The Chair: Is there any further discussion on that? Are we all comfortable with that?

Some hon. members: Agreed.

The Chair: So ordered, Mr. Garrison.

Mr. Randall Garrison: Thank you.

The Chair: We have a point of order from Mr. Easter.

Hon. Wayne Easter (Malpeque, Lib.): You'll be aware that I wrote a letter to the clerk asking that this meeting be televised. I think we're going to televise a part of it, in terms of the witness who was making the proposal. We should be televising it all.

Since that time I've had discussions with the parliamentary secretary, and I am informed that at least one of the witnesses is concerned about the meeting being televised. If a witness has a concern about having it televised, then I am willing to accept that point. But it should be understood that if the meeting isn't going to be televised, if there are concerns on the part of a witness, then maybe that section of the hearing should be in camera rather than in the regular meeting.

"Televised" is a physical recording of the meeting, but the meetings are recorded and go out over the airways, so there is that there.

I'm wondering where to go in that regard, Mr. Chair. I do believe this should be televised, but if a witness wants to express their concerns, then maybe it'd be best we go in camera.

The Chair: Any further discussion on that?

Some hon. members: Agreed.

The Chair: Well then, we will go in camera to discuss Mr. Easter's motion.

[*Proceedings continue in camera*]

● (1530) _____ (Pause) _____

● (1540)

[*Public proceedings resume]*

The Chair: Thank you very much, and we apologize to the witnesses for the brief delay.

This meeting is now public and televised.

One quick little bit of housekeeping just before we start. The chair would entertain the motion for expenses that has been distributed. It has been moved by Mr. Payne and seconded by Mr. Garrison.

All in favour?

(Motion agreed to)

The Chair: Thank you very kindly.

Okay, we have three witnesses here. We have up to 10 minutes per witness for your comments, followed by a brief question and answer. We have you for the first hour, so we thank you very much for your patience.

The chair, on behalf of all of this committee, thanks you very much for coming in today.

We will start off in the order of Mona Lee, followed by Arlène Gaudreault, and then Mr. McCormack.

Ms. Lee, you have the floor for 10 minutes, please.

Ms. Mona Lee (As an Individual): Good afternoon, Mr. Chairman, and members of the committee.

Thank you very much for the opportunity to appear before you to give a voice to victims and their families in support of Bill C-479, an act to amend the Corrections and Conditional Release Act (fairness for victims).

I would first like to thank Mr. Sweet and his staff for all their hard work in getting this bill to this point and for his support for victims of crime in Canada.

I would also like to thank Sue O'Sullivan, federal ombudsman for victims of crime, for her submission and I fully support her minor modifications to enhance the bill.

By way of background, I wish I wasn't, but unfortunately, I have become an expert in many of the issues dealt with in this bill by way of personal experience. My sister was savagely murdered in October of 1997. He pleaded guilty to second-degree murder, as he covered it up to appear to be a robbery, and was sentenced to life with no parole for a minimum of 12 years.

We were spared the agony of a long-drawn-out trial, but it was not until six years later, in 2003, that I was able emotionally to bring myself to even find out where he was located. Once I did that, I became involved in this system and became a “registered victim”, with all its entitlement.

Beginning in 2004, a mere seven years after the conviction, my family and I have endured the hardship that comes with being a victim involved in the parole system in Canada. From June of 2007, when his first application for day parole was denied, to the present time, there have been six parole hearings, involving six victim impact statements and the torture that goes with them. Forget about every two years, ladies and gentlemen. Some of these hearings were held six months—yes, six months—apart.

If I may, I would like to take this time to read some excerpts from my victim impact statements to show the gut-wrenching nature of these hearings and what families of victims of crime have to endure. The first is from September 2008, only one year after his first application for day parole was denied.

“To the members of the national parole board, I want you to imagine the revulsion that I felt when I came home recently and opened yet another letter from the parole board advising me that he had submitted yet another application for day parole. I was told last July that it would be another two years, in 2009, before he would be able to apply again, when the minimum 12-year sentence was up. But, no, I was told that this case was special and an early decision was being requested.”

Then I go on to say in the statement, “There is currently a petition to the federal government, a copy of which I attached, which is asking for parole hearings every five years instead of every two years. It states in part, and I emphasize, that families of a homicide do not get parole for their suffering, and that repeated parole hearings can have tremendous negative effects on the families of the victims.”

There was another hearing a year later, in September 2009, when he applied for full parole and was denied, and another hearing less than a year later, in April of 2010, where he was finally granted full parole, unfortunately.

But the story is not over, ladies and gentlemen. Last July I got a phone call in the middle of the night to tell me that he had been arrested and had his parole suspended. It has now been revoked and he is back in prison, thankfully, but I am now back in this system, unfortunately.

At the time, last summer, I was asked to do another victim impact statement, wherein I said in part, “We all know how disheartening it is to hear the phone ring in the middle of the night, so you can imagine how upset I was to find out by a 3:30 a.m. phone call that he had a warrant out for his arrest yet again. The next day I found out that he had been arrested and sent to the penitentiary.”

● (1545)

In spite of strong efforts on my part and going down many avenues, I have not been able to find out what he did to cause this to happen. Person after person told me, “Sorry, he has his right of privacy, and we can't tell you what he did.” How fair is this, I ask you? As I pointed out in my previous statement, where are my rights and the rights of my family? No wonder parliamentarians have brought forward Bill C-479, which aims to change, among other things, the right to have a parole hearing from every two years to up to every five years. Each time these hearings come up we are revictimized, and we have to relive the events that caused the brutal death of our loved ones.

That brings me to the points about the hearings themselves. As they were held in another city, and for the reason that I had never been face to face with my sister's killer, I chose to do these statements by audio tape at first, and then video tape. I had several occasions where I had difficulty with the execution of these at the hearings. In one case I was really frustrated by the fact that because I had inadvertently forgotten the last part of the written transcript, they cut the tape off before the end of it in mid-sentence. No one even called me to ask me to fax the rest of the statement to them. It was about the killer's right to see it first, and my voice was not heard.

There were also occasions where they were not even prepared with the right equipment to show the tape. I was also not even allowed to show a picture of my sister in the video that I made, as I was told that the hearing was about him, and not her, if you can believe that.

As I mentioned, the true flavour of the hearing was conveyed to me only by the kind person from the victims' group who attended on my behalf. The decision register that we receive is so sanitized as to protect the killer, with pertinent facts blocked out to protect his privacy rights. That is why I urge you to include the provisions of access to teleconferencing or closed-circuit video feed, and to be able to read our victim impact statements at these hearings. We need to be heard, and to be able to hear.

Therefore, I would ask that one thing you consider is an amendment to this bill, because the way it's drafted here it provides for teleconferencing only if the board decides not to permit a victim to come. I would ask that you consider it to apply to all hearings, and not just the ones where the access has been denied. For somebody like me this would have been very helpful.

As I had not seen the offender in person, other than in a 15-year-old picture, at the time of his full parole I asked both the Parole Board and Correctional Service Canada for a picture of him. Once again I was told it was against his privacy rights. This man could have shown up at my door and I would not have known who he was. It was only when I turned to the police that they sent me a copy of a picture of him. This is a matter of safety for me and my family, which was denied to me. I would urge you to consider adding this provision with the other information to be given to victims. The more information we have, the better we can be prepared to participate in this system. This would also include receiving a more conclusive plan for rehabilitation.

In conclusion, I thank you for your consideration, and would say that this bill is a great beginning for helping victims of violent crime. I would urge all parties to continue to work together to allow our voices to be heard.

● (1550)

The Chair: Ms. Lee, thank you very kindly. We do certainly appreciate your coming here today and providing witness.

Madam Gaudreault, you have up to 10 minutes, *s'il vous plaît*.

[*Translation*]

Ms. Arlène Gaudreault (President, Association québécoise Plaidoyer-Victimes): Mr. Chair, I would first like to thank the Standing Committee on Public Safety and National Security for allowing us to participate in the consultation on this bill and to contribute to its work. I would particularly like to thank David Sweet, MP, for his commitment to this bill and his interest in the rights of victims of crime.

The Association québécoise Plaidoyer-Victimes has been in operation for 30 years. The mission of the association is to defend the rights and interests of victims of crime. The association brings together over 200 organizations that provide psychosocial support to victims and guidance through the justice system.

To begin with, we support many of the proposals for Bill C-479. Our presentations seek to express some of our questions and to propose some amendments that would likely improve the rights of victims under the Corrections and Conditional Release Act.

If I may, I will present our proposals in sections. First, I will talk about the amendments related to the attendance of victims at hearings and their participation. My first comment deals with the presumptive right to participate in hearings. The Standing Committee on Justice and Human Rights made that recommendation a number of years ago. The Office of the Federal Ombudsman for Victims of Crime has made the same recommendation in recent years. We therefore support this proposal.

We have only one comment to make. In French, the current legislation talks about permitting victims to attend whereas the proposals on the table refer to authorizing them to attend. But “permettre” and “autoriser” have the same meaning. That would be something to check. It is a suggestion, not a substantive issue. It is a question of semantics.

Of course, we support the proposal on understanding why victims of crime need to attend hearings. However, we have a few concerns about how it will be applied. Perhaps we will be able to talk about them during questions.

My third point has to do with the options for victims who are unable to attend the hearings. If their attendance is not permitted, our suggestion is to allow them to follow the hearings by teleconference or by one-way video feed. We feel that this option should be available. Generally, victims are allowed at hearings. However, there may be exceptional cases where the safety of the facility or of the people might be at risk. We propose that the following words be added at the end of the clause: “except in cases where the safety of a facility, of an offender or of any other person may be at risk”.

We have a proposal that is in line with the one made by Ms. Lee and by the National Office for Victims. When victims are permitted to attend hearings and when they request to follow the hearings by teleconference or one-way video feed, we propose that the request be accepted; so the legislation should be amended. That would be a very good solution. I think that addresses a request made a very long time ago by victims’ rights groups.

The second section has to do with amendments to the victim impact statement at parole hearings. Section 101 of the current act indicates that the board must take into consideration the information received from victims. The victims' statement has been explicitly added and we think that reinforces the importance of the statement. We support that proposal.

The proposals currently on the table clarify how statements must be presented. Right now, the policy manual defines how statements are presented. It says what is acceptable. Audio and video recordings are generally acceptable right now, but we see in the board’s performance report that some statements are presented by video-conference or even on DVD.

We support this proposal, but we would like a clarification. In fact, this clause reads as follows:

> If a victim or a person referred to in subsection 142(3) is not attending a hearing, their statement may be presented at the hearing in the form of a written statement, which may be accompanied by an audio or video recording, or in any other form provided for by regulation.

According to current practice, when there is a video or a recording, the statement must be reproduced. Would it be acceptable to have a written statement in addition to a video where a parent could show family scenes or pictures of their child? I think it is important to clarify that point because victims have expectations in that regard.

● (1555)

Like many other groups, our association proposes that the victims be authorized to read their statement by videoconference. We support that proposal.

We would like to submit other proposals regarding the victim impact statements. We would like to see the right to read a statement explicitly stated in the act. Section 722 of the Criminal Code deals with victim impact statements before the time of sentencing. We would like to see this right stipulated in the Corrections and Conditional Release Act.

We would also like another addition to this act. In paragraph 12 of section 9.7 and section 9.8 of the Policy Manual of the Parole Board of Canada, in the event of a waiver or postponement, victims may present their statements to the board, if the offender does not attend the hearing and the board proceeds with a review. We recommend that this practice or policy be included in the act.

I have one last recommendation for an addition. In the policy of the board, paragraph 6 of section 10.3 allows a victim's support person to present the victim's statement at the hearing. In our view, that is a great practice. It humanizes the process and facilitates the testimony of victims. Once again, that should be more than a policy; it should be a right for victims.

I will now talk about the amendments to the discretionary disclosure of information on the offender's temporary absence, the related conditions and destination. We support those proposals. There are also proposals on the disclosure of the correctional plan. We have some concerns about that. I just want to attest to that here.

Victims have been asking for a long time to have access to a lot more information, specifically on the risks associated with the detained person and the rehabilitation programs that the person is taking in the institution. The correctional plan may contain medical, psychological and psychiatric information, which is protected under the Privacy Act.

I would also like to remind you that the Standing Committee on Justice and Human Rights, chaired by Mr. DeVillers in 2000, had drawn attention at that time to the importance of continuing to apply the test weighing the rights of both parties. For the sake of clarity, let me quote Mr. DeVillers:

> ...because some of this information may be detailed and complex, it should be made available to victims or their families in a form adequate to assist them, while being minimally invasive of the offender's privacy rights.

These are complex and delicate issues. We therefore recommend that the committee call on the expertise of the board or of the Correctional Service for a balanced perspective and that privacy and safety issues be reviewed. That is our proposal.

The last item dealing with the transcription of discretionary information has to do with the transcription of parole hearings. The Standing Committee on Justice and Human Rights reviewed this issue in 2000. At the time, the committee concluded that parole hearings would not be transcribed and that it would be preferable or desirable that victims listen to the audio recordings of parole hearings. The ombudsman also made that suggestion. We have too in recent years. It comes back to the table often. That is why we are reiterating this proposal to amend the act so that victims can subsequently listen to the audio recordings of parole hearings, without keeping copies.

The last point has to do with amendments to the timeframe in life sentences. In 2010, the ombudsman made some proposals in that sense. The proposal on the table seeks to limit the number of automatic reviews for offenders who committed violent crimes, by extending the time between those reviews. I think Ms. Lee did a good job of explaining the resulting hardship for the families of victims, especially in the case of life or very long sentences. Perhaps I can explain this further.

● (1600)

I will just say that we know that victims have to be very brave to keep going to parole hearings. Of course, it places a heavy burden on victims.

We believe that what Bill C-479 proposes would make it possible to address the needs of those victims. However, such measures should not be applied arbitrarily and without being able to take into account the changes or progress that justify offenders' right to a new review.

[*English*]

The Chair: Madame Gaudreault, please finish.

[*Translation*]

Ms. Arlène Gaudreault: Could you give me two minutes to talk about the last point or will I be able to explain it later?

[*English*]

The Chair: You're already a minute over. I'm very sorry.

[*Translation*]

Ms. Arlène Gaudreault: Okay, I will explain it later.

[*English*]

The Chair: Give a brief summation very quickly, please.

[*Translation*]

Ms. Arlène Gaudreault: In terms of the time that has to pass before a schedule I offender can apply for parole again, we think it could be harmful to society and victims.

It is preferable that victims be under supervision in the case of gradual release and that there be monitoring. It is risky to release persons without having them on parole or without supervising them in the community. We do not believe that this ensures the protection of society or victims. As a result, we do not support the proposal's underlying principles.

Thank you.

[*English*]

The Chair: Madame Gaudreault, thank you.

Maintenant, Mr. Mike McCormack, president of the Toronto Police Association. You have 10 minutes.

Mr. Mike McCormack (President, Toronto Police Association): Thank you.

Good afternoon and thanks for the invitation to come up and speak before this committee on this very important piece of legislation.

I'm here on behalf of the 8,000 members of the Toronto Police Association and also on behalf of Karen Fraser. She wanted to come up with me to Ottawa, but she couldn't make it as unfortunately she was in Florida for the last several months, had a fall, broke her neck, and is now confined to a wheelchair.

I appreciate that my time is short so let me give you important context as to why we in Toronto support this bill.

One of our own police officers, Constable Michael Sweet, was murdered on March 14, 1980, by Craig Munro. Michael Sweet was only 30 years of age, and he was survived by his 29-year-old wife and three children, aged one, four, and six.

Now, all murders are brutal, but the murder of Michael Sweet was particularly brutal and cruel. As he pleaded for his life, Michael Sweet begged Craig Munro to think about Michael's children. Munro did not care, and after abusing Constable Sweet even further, Munro let Constable Sweet bleed to death.

Craig Munro made a decision that day. The passage of time does not change that decision. The pain and anguish of Michael's widow, children, parents, brothers, and sisters continue to this day. They do not get parole from the suffering.

Munro already had an extensive criminal record. He was a very dangerous and violent man. He was charged and convicted of first-degree murder and sentenced to life imprisonment. Life means life.

After 25 years, Munro was eligible for parole, but parole does not change a life sentence. What it does, however, is potentially relieve an offender from the full consequences of their life sentence and their murderous act.

We are all committed to the open court principle that justice must not only be done but also appear to be done if our criminal justice system is going to command public respect. The parole system is an integral part of our criminal justice system. It is the back end of the sentencing process. Parole is not a private remedy. Parole is a public remedy, and every aspect of the parole system must be as transparent as the rest of the criminal justice system.

For murderers like Craig Munro, privacy rights in parole hearings cannot be greater than what they were during their trial and sentencing hearing. To the contrary, they should be less, because at trial Mr. Munro was presumed innocent. At a parole hearing there is no such presumption. Quite the opposite, he is a convicted murderer, and the difference is significant.

Mr. Munro has had three parole hearings: February 26, 2009; March 16, 2010; and March 30, 2011. His fourth parole hearing was scheduled for August 2012, but his privileges were revoked on August 28, 2012, because he breached conditions of his unescorted temporary absences, which we believe he should never have received from the parole board in the first place.

In addressing Bill C-479, let me start with the proposed section 144.1, which states:

> If a transcript of a hearing has been made, a copy of it shall, on written request, be provided by the Board free of charge to the victim, a member of the victim's family or the offender.

Time does not permit, but we have been stunned, as have Michael Sweet's widow and children, at the changing testimony of Craig Munro at each of his parole hearings before different panels of the parole board. This has led to inconsistent and contradictory findings of the board placing Craig Munro on the fast track to freedom. But for his own predictable breaches, he would have been paroled by now.

The anguish and despair this causes to Craig Munro's victims are extreme. They see and hear for themselves the lies and the deception of the different stories Munro tells to different panels of the parole board, but the parole board does not.

In our experience we have never seen a transcript of a parole board hearing. We do know the hearings are recorded. All of our attempts to obtain a copy of audio recordings of Mr. Munro's parole board hearings so that we could prepare a transcript at our own expense have been denied to us and to the victims on the basis of Munro's privacy rights.

These are public hearings. We were at all three parole hearings. Members of the media were at some of the hearings, and there is nothing private about this nor should there be.

● (1605)

In our respectful view, while we support this proposed amendment, it can be improved by amending proposed section 144.1 to include a copy of the audio recording of the hearing in the event that a transcript is not available.

The annual reviews for those offenders convicted of first-degree murder cause enormous hardship for the victims. No sooner is one parole hearing over than the victims have to prepare new victim impact statements and confront the person responsible for the loved one's murder, as we've heard from the other witness. For many family victims, not to attend a parole hearing is unthinkable. To do so would amount to abandoning their loved ones. Such a possibility is unspeakable. Unless there is some material change in circumstances, a violent offender or murderer sentenced to life, after their first post-25-year parole hearing, should not be entitled to another hearing for five years and certainly for not less than three years.

Without going through each section of the bill, I will say that we support extending the period of time between each hearing. We have not had a chance to review the 100-plus offences in schedule I regarding the meaning of "an offence involving violence", but in principle, this legislative change is necessary.

With respect to subsection 130(3) and proposed subsection 131 (1.1) as it relates to gating applications—that is, keeping the offender in jail beyond two-thirds of the statutory release date—we ask you to consider, for context only, the case of Karla Homolka. She received a 12-year sentence, so she reached her statutory release date after eight years. She was gated and stayed in jail for her full 12 years, to her warrant expiry date. At minimum, extending the review time from one year to two years is a must, but once you meet the criteria for gating in the first place after spending so much time in jail to begin with, absent a material change in circumstances, why should we, the taxpayers of Canada, pay a dime for a further hearing?

We fully support proposed subsections 140(5.1), 140(5.2), and 140(10.1). With respect to proposed subsection 140(5.1), you might consider changing the positioning of some of the sentences. The second complete sentence reads, “The Board or its designate shall permit a victim or a member of his or her family to attend as an observer...”. That is the important point. We fully support this.

We are concerned, however, that the first sentence of the proposed subsection detracts from this, because it deals with a question of the board determining “whether to permit a victim...to attend as an observer”. Either it is mandatory or it is not. You may want to bring greater clarity to this, given the ingenuity of lawyers to exploit an arguable ambiguity. Nothing personal....

The overarching principle expressed earlier is that, to the extent practicable, parole hearings must be open and transparent. When an offender is seeking a public remedy from the parole board—that is, to be released back into the community—the offender cannot be permitted to hide his or her records under the pretext of a privacy interest. If Mr. Munro wanted to stay in jail, he could have his privacy, but the moment they seek parole to be relieved of the consequences of their very public act—a murder of a police officer or a violent offence—and be released back into the community, they have no privacy rights. We fully support the disclosure to the victims as stated in proposed subparagraphs 142(1)(a)(v), (vi), and (vii).

We also support proposed subsection 140(11), but leave you with this observation. If the victim cannot attend a hearing, they “may” submit a written and/or video impact statement to the board, but you might consider adding that the board shall receive it as evidence, so that the victim has the option of submitting such a statement, and if the victim so chooses, it is mandatory that the board receive it into evidence, underscoring its importance.

Finally, there is proposed section 140.1 about the offender refusing to attend the review hearing and waiving his right to a hearing. Let me leave you with this factual scenario. Michael Sweet was a Toronto police officer murdered in Toronto in the line of duty. Craig Munro was from Toronto and the trial was held in Toronto, but Craig Munro is incarcerated in British Columbia. The Sweet family must fly from Toronto to Vancouver and then travel to the B.C. Interior to attend Mr. Munro's parole hearings. This is a very expensive, time-consuming, and emotionally draining exercise. On one occasion, at the last moment, after all the flights and accommodations were booked, we were told that Mr. Munro might seek an adjournment.

The point is, you may want to consider a separate provision when there's a significant geographical gap between where the victims reside and where the government chooses to incarcerate the prisoner. Victims don't book flights and accommodations and make arrangements with their employer at the last minute.

● (1610)

As you know, the federal government has a program to pick up the expenses for the victims, so Canadian taxpayers have a right to know that their tax dollars are not being wasted. Offenders convicted of serious criminal offences, who lack empathy and feelings, cannot cancel parole hearings at the last minute without consequences in this regard. Victims should be consulted when the parole hearings are scheduled, and their schedule accommodated to the extent practicable. So if there's a window—

The Chair: If you would, just close up.

Mr. Mike McCormack: —between April and May, and the offender is content with that window, then why not consult with the victims to see if there are times within that window that they cannot attend?

Thank you for your time.

The Chair: Thank you very much. Our time has been shortened. We have time for only one round of five minutes each.

Ms. Roxanne James (Scarborough Centre, CPC): Thank you, Mr. Chair, and I'd like to thank all three witnesses for appearing today, especially Ms. Lee, for the courage to appear before committee and for bringing your story to us. It is very important that it be told. Thank you, as well, to all three of you for bringing forward some suggestions on amendments that we will be looking at.

Ms. Lee, I do have a question for you. I wrote your statement down. You said that you are now a registered victim, with all its entitlements. You also had said that you have to relive the events each and every time you have to go to a parole hearing. The question I have to ask is this, and I know it's such a difficult issue and a difficult time to have to go to parole hearings. Why do you, and so many other family members of victims, do it?

It's a question that we need to ask, because it's terrible all around for you to have to prepare your statements and go to the hearings, yet everyone does it. Why is that?

● (1615)

Ms. Mona Lee: As I said, this is not something I ever wanted to be an expert in, but unfortunately I am. Why I do it is for the memory of my sister. As someone said to me, she didn't die, her life was taken from her, and nobody is there in these parole hearings to represent her. As I told you, I couldn't even show a picture of her. It's about her, she's the one who's gone, and these parole hearings are all about them and how well they're doing. As the other panellists have said, they change their statements all the time.

It is our choice; we have the option not to. But if we don't do it as family members, there is nobody there on their behalf.

Ms. Roxanne James: Thank you.

You've also mentioned—I don't know if I wrote it down correctly—that since 2007, when the person who committed this crime was eligible for day parole and was denied, you've had to attend six parole hearings. That's a lot in a very short period of time. The question to you is this. If this legislation had already passed and become law, and the Parole Board of Canada could extend that period of time from two years—you've actually indicated that sometimes it's been less than two years—

Ms. Mona Lee: Sometimes it was six months.

Ms. Roxanne James: If the opportunity had been there to extend it to five years instead of the two years, or six months as you've said, how different would your life have been in the last number of years?

Ms. Mona Lee: It would have been so much better. It's really hard to describe what happens when these letters come. Once you become a registered victim, they give you so much information. Sometimes I even had to tell them to stop. I don't want to know every time he gets out, because it just makes you so angry that he's out on unescorted temporary absence. It's too much information. I just needed to know this.... My life would have been so much better if I hadn't had to do this every single time, every six months. You have to go through all your files, you have to live all these emotions all over again.

It's not something I can deal with on a daily basis. If I started to think about this on a daily basis, I wouldn't be able to function. But once you have to do this and get back into it, it just takes its toll.

Ms. Roxanne James: Thank you.

I think Mr. McCormack actually said it quite well when he said that the way the current system is, no sooner is one parole hearing over, and you're preparing for the next one. I really appreciate your making those comments as well.

Within the bill there are a couple of sections that deal with mandatory disclosure to victims, including the disclosure to victims of the date, time, conditions, and location regarding an offender's conditional release. Do you support those measures?

Ms. Mona Lee: Yes.

Even though I don't live in the same city as the offender, it was still important to me to find out where he was and what he was doing at this time, because I do have other family members who are in that city.

Ms. Roxanne James: Also with regard to this bill, there's a discretionary disclosure to the victims regarding information on the offender's correctional plan. I know another witness did touch on that and the progress on the plan. Do you think it's important, where it's feasible, where it's possible, to obtain that information? Do you believe the victim's family should be entitled—let's talk about the victims here and not the perpetrator. Do you believe it's important that you have access to that information?

Ms. Mona Lee: Yes, I do, because in the present system I get sheets of paper every so often that say he did this or he didn't complete this program, but we need to know more. No one has ever told us the plan for him, which obviously didn't work because he's back in. So I think the more we know, the more prepared we are to comment on it in our statement.

The Chair: Thank you very much.

[*Translation*]

Ms. Doré Lefebvre, go ahead. You have five minutes.

● (1620)

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Thank you very much, Mr. Chair.

I would like to start by thanking you, Ms. Lee, Mr. McCormack and Ms. Gaudreault, for joining us today to discuss this bill. It is very important to discuss the rights of victims. I think your testimony was very enlightening.

My questions are especially for you, Ms. Gaudreault. You did not have time to finish your presentation. I think you left off at the amendments on parole hearings.

Would you like to add some things right now?

Ms. Arlène Gaudreault: I think it is important to say something about the concerns of the victims we meet with and the organizations that work with them.

After offenders are sentenced and serve time, their release must be gradual, they must be monitored in the community and they must be supervised. That is the best guarantee for the safety of victims and society in general. The major concern is that offenders are released without supervision. That is the risk with the proposed amendment.

I would also like to add that this amendment does not come from victims' rights groups. I also read carefully what the ombudsman said last week. This is a major change and the amendment is not proposed by the groups.

What victims want is for individuals released from prison to show they followed programs that led to a result. We want them to follow their plans under the charge of supervising officer. If the released individual breaches the conditions, there will be consequences. The release could be gradual. However, this amendment to the schedule pertaining to all the violent crimes does not provide this guarantee.

Offenders can also be significantly affected. This amendment may have an impact on their motivation to change. There can be a financial impact on the system. I am not sure whether the costs have been assessed. In short, we are very concerned about this amendment that has not been requested by organizations. On the contrary, victims want the offenders to be supervised, released gradually and monitored, meaning that a watchdog follows them when they are outside on parole.

I think that is something we often hear and it is important. The safety of victims is important when someone is sentenced, especially for violent crimes.

Ms. Rosane Doré Lefebvre: Great, thank you.

I know that the Association québécoise Plaidoyer-Victimes is the voice of many victims of crime in Quebec. I am pleased to hear you talk about gradual release and that you are reassured by the supervision that is currently in place for gradual release.

I would just like to know one thing. Would the victims you are representing be worried now that the time for parole reviews will increase to five years, which might even mean sometimes that offenders would not even have the opportunity to get parole?

How does that affect the correctional plan? What tangible impact do you see?

Ms. Arlène Gaudreault: We hear that a discretionary measure is needed. From what Mr. Sweet said when he introduced his bill, we understood that this concern was present in the bill.

For instance, parole must be available to people who have changed, who followed their correctional plans thoroughly and who have experienced things in their lives that would make it appropriate for them to benefit from supervised parole.

I don't think anyone has an interest in keeping people in prison if they can be released. At any rate, most offenders will end up in the community again one day. So it is better if they are supervised when they come out. That principle has been recognized for a long time.

Ms. Rosane Doré Lefebvre: Thank you. I greatly appreciate your view.

Do you think parole is key to reintegration into society and to supervision with a view to improving public safety?

Ms. Arlène Gaudreault: Absolutely. That opinion, which is shared by many groups, has been expressed during the review of Bill C-10.

Various groups that work with victims of domestic violence or sexual assault have reiterated the importance of parole. This system must clearly have rigorous support. We also expect the correctional system to do its job well, to treat victims well and to protect them.

I think the parole system is beneficial because it ensures follow-up and it acts as a watchdog.

● (1625)

[*English*]

The Chair: Thank you very much. We're over time, as well. Thank you, Madame Gaudreault.

[*Translation*]

Go ahead, Mr. Payne. You have five minutes.

[*English*]

Mr. LaVar Payne (Medicine Hat, CPC): Thank you, Mr. Chair, and thank you to the witnesses for coming.

My questions are through you, Mr. Chair, to the witnesses.

I'm going to start with you, Mr. McCormack. You said something about the transcripts not being available to the victims. One of the things that popped into my head right away.... You also talked about new members on the parole board for these different hearings.

Would you know, or is there any way to tell whether, in fact, those new members on the particular hearing have actually read the previous statements from the previous times the individual who committed the crime was trying to get parole?

Mr. Mike McCormack: Again, the fundamental flaw in the current system right now is the lack of transparency, especially for the victims going through this process. There is so little disclosure to the victim, whether or not the new board.... It's our information that the....

Every time we went through this process with Munro, we didn't even know what information was being shared. But it was our information that the boards were not aware of any of the other boards' findings. What made it worse for us was that the family, Karen and her family, was feeling that Munro or somebody else could tailor their statements—what didn't I get right with the first board?—for the next board because we had brought in a completely new panel. That's where we get into the lack of transparency. At least if we had the transcripts we could ensure.... Again, we've asked for the transcripts.

We've asked for that transparency not only in his testimony but also with regard to what was happening while he was incarcerated. For instance, one of Munro's triggers was alcohol and drugs. When we asked if he had been involved in any drugs or alcohol while he was incarcerated, we were not allowed to get any of that information. He's trying to get access to be allowed in public again, and here was one of the triggers he had. We found out subsequently that he failed the drug test. How does that help the victims? How does that help protect society? It befuddles me.

Mr. LaVar Payne: The criminal in this case.... It's just absolutely unbelievable that, in fact, the members on the board wouldn't have read the previous statements to find out all the contradictory evidence, and then even allow individuals to go on unescorted paroles. To me, it is totally outrageous.

I know that as a police officer you've probably encountered a number of these things. I wonder if you could tell us about some other incidents this has created, as a result of your duties as a police officer, and of course, as the head of the association.

Mr. Mike McCormack: As a police officer, again, fundamentally we support rehabilitation. We understand parole. We understand you have to give hope to people who are incarcerated. You have to train them. You have to reintegrate them into society.

But when we're dealing with this most violent portion of offenders, I have to ensure that when I'm going out there and policing.... I worked 20 years in Regent Park, one of the most challenging policing areas in Toronto, where we dealt with people on parole.

I appreciate the concerns about having this monitored, as you say. But there are a lot of costs associated with having people monitored once they are released on parole. Again, when we're talking about policing dollars, who's going to pick up that cost and who's going to do that?

We have several halfway houses in, well, the largest density in all of Toronto. Being able to monitor those people 24 hours, when we're talking about people who have substance-abuse issues and those are the triggers, it creates a very difficult position for policing. We have to be really sure that when we're releasing people into the community, they will be reintegrated. There has to be that support structure. But again, the costs around that are going to be very challenging.

Mr. LaVar Payne: Yes, I totally agree with you.

There was a case, an individual release, I believe, from Saskatchewan, that was monitored. They found his monitor on top of a rooftop somewhere. He actually ended up in the United States. So in terms of monitoring that doesn't necessarily say everything is good, because this individual wanted to get back to the U.S. because he happened to be a U.S. citizen. So I think there needs to be some more process around that to tighten up the rules.

Anyway, I want to thank you all for coming today and for the important information you provided.

● (1630)

The Chair: Thank you, Mr. McCormack. Thank you, Mr. Payne.

Mr. Easter, you have five minutes, please.

Hon. Wayne Easter: Thank you, Mr. Chair.

I want to thank all three witnesses for coming and presenting, I think, very heartfelt views.

Before I raise a question, Mr. Chair, when are we doing clause-by-clause on this bill?

The Chair: The committee had adopted a motion while I was on government business to do this study, with clause-by-clause on February 27.

Hon. Wayne Easter: I would make a suggestion, Mr. Chair.

To the witnesses first, Mr. Sullivan made a number of very sensible suggestions, and I think Ms. Lee's concern about recordings and video will be dealt with by amendments coming forward from committee members based on her testimony. But, Mr. Chair, there's been a number of, I think, very good additional suggestions for amendments by the witnesses today.

We need to see a transcript of that, of what the witnesses said, and I do think we need some time to prepare those amendments. We can't have them done by Thursday. We just can't. So I'd suggest maybe the committee—you and maybe the parliamentary secretary—reconsider, if we could, because we want to do the best job we can on the bill, and there are some good suggestions here.

In any event, to you, Ms. Lee, one of the suggestions that has come up a lot of times by several witnesses—and I think by Mr. Sweet as well—is that victims have no way of being informed of how well or not an offender is doing on their rehabilitation plan. There's always the privacy issue coming up, but I'm sure that can be dealt with somehow.

From anyone who wants to answer, how important is that to victims?

Ms. Mona Lee: As I mentioned before, I currently get information, or I was before he got out, on different programs that he had done or hadn't done. I found what he hadn't done was very interesting, and I would have liked to have more information along those lines. They were very cursory, just what the program was and whether he passed it or he didn't attend it. But nobody told my family and I what the plan was for him, how they envisioned his getting out and being a functioning member of society. It was only about these actual programs that he attended.

So I think if they could flesh that out and help us to understand their thinking about why.... None of us as victims wants them to be out of prison, but if that's going to happen, we want to make sure that everyone is as safe as they possibly can be when he does get out. The killer in my case was on a scale of two out of three on recidivism, that he wasn't going to reoffend, but they let him out anyway and that was how it worked.

Hon. Wayne Easter: Mr. McCormack, do you want to come to that point, and can you add in—several witnesses—in terms of the timeframe? Mr. Sweet's bill goes up to five years.

But as I listened to you, Ms. Lee, this morning, it seems to be that the hearings are even in quicker periods than is already stated in the current act. If so, why is that so? How are we going to ensure that you can be assured when the next hearing is, rather than jeopardizing your life and changing schedules?

Mr. Mike McCormack: I think it's twofold. There has to be a demonstrated material change. It can't just be the current system now whereby, for instance, with Munro, as soon as he's denied parole on the first hearing he has already booked his next hearing date. Where is the material change? Where does that come forward? It has to be significant.

How do you demonstrate a material change when you don't have any information and they are all shrouded in this privacy interest?

You asked a great question to Ms. Lee, because with Munro, for instance, as I said earlier, one of the triggers for his homicidal and anti-social behaviour was drugs or alcohol. He had some prison issues and that was not disclosed. We had to find that out. There was no transparency there.

When you have a violent murderer, a sadist who is triggered by drug use, sure enough, they give him an escorted day pass. They revoked that, the escorted day pass, and gave him an unescorted day pass. His parole got revoked, and we are trying to get information about why. It is such a closed shop when it comes to victims. Victims are kept way outside it.

● (1635)

The Chair: Thank you very much, Mr. McCormack. Thank you, Mr. Easter.

We have now finished our first hour plus. On behalf of the committee the chair would certainly like to thank our witnesses for coming, taking their time, and sharing their story with us and helping us deliberate on this legislation that we hope will be most helpful to one and all.

We will suspend for one minute while we change the witnesses.

● (1635)

(Pause)

● (1635)

The Chair: This committee will now resume for a second hour, although we may not have the full time due to bells. We will have to see how it all goes here, but certainly the committee would like to welcome our guests here today.

Steve Sullivan, thank you, sir. Catherine Latimer and Terry Prioriello Armour, thank you very much for coming before this committee to discuss Mr. Sweet's bill.

We will start for up to 10 minutes, if it's less that's fine as it gives us more opportunity for interaction. Mr. Sullivan, we will have you up first, please.

● (1640)

Mr. Steve Sullivan (Executive Director, Ottawa Victim Services): Thank you, Mr. Chair, and thank you for the invitation. I'd like to congratulate Mr. Sweet for his efforts to address some of the concerns that victims of crime have expressed. I'll try to keep my comments brief so we can get some more questions. I'll quickly touch on a few aspects of the bill that we support or have concerns about.

The first is with respect to the extension of the parole hearings. I would encourage all members to understand, and I'm sure you all know this, that parole is actually an integral part of public safety. We often talk about parole as people are getting out of prison early. Quite frankly, I think we want people to get out of prison early. If we wait until someone's sentence is over, we have no controls over them. It's better to have someone released early with a little bit of control where you have a parole officer you're reporting to, and you can be brought back into prison if you're violating the rules, as opposed to waiting or detaining somebody or gating them, as Mr. McCormack said.

I think it's important to frame the context that parole is actually an important part of public safety. When I was ombudsman, one of the recommendations we made was to extend the parole hearing or to have a system where you could extend the parole hearings for lifers from two to five years. I look at lifers as a bit different. Those are people who don't, by law, ever have to be released. If they've met the conditions and they're a good risk, they can be released. But unlike someone who has a six-year sentence and after six years whether dangerous or not or whether we think they're dangerous they're getting out of prison, with lifers we have the ability to keep those people in prison for longer.

As Ms. Lee mentioned and I'm sure Terri will, I've been to a lot of parole hearings with a lot of families. I've been to parole hearings with families several times for the same offender. It is a very difficult process and many people feel they need to be a part of that process. So I think there could be some room for extending the parole hearings for lifers to five years without impacting public safety. I think doing it for offenders with finite sentences could have a negative impact on public safety.

I'll move on to the other parts of the bill. I certainly support the suggestions to legislate some of the practices and provisions that are in place now for victims of crime to attend parole hearings, for example. I've been involved in very few situations where victims have been denied that right, but I think it's an important right to legislate. If we believe that victims have a right to attend the parole hearings, then I think we do have an obligation to legislate that right. I found the wording of the provision a little awkward. I'm not a legislative drafter, but I think I would make that provision a little clearer. Obviously, a right to attend a parole hearing is not unlimited. If someone presents a risk or there are reasons not to, then I think that's an important limitation to have and would be in the provision.

I remember one case where there was an individual we worked with whose mother had been murdered and he had made some unfortunate comments and their decision was not to allow him to attend the parole hearing. But he was allowed, through our efforts to help him, to attend via video conference, which was a good compromise.

That brings me to the next provision. I think it's been repeated by others, but I would not limit the right to attend the parole hearing via video conference to people who were denied a parole hearing. I think that's an important right for people who can't travel. When I was the ombudsman, we worked with a family where the victim had a serious physical injury as a result of the offence, couldn't travel or found it very difficult to travel long distances, so we worked with the parole board, with Corrections, to arrange for his family to be a part of that parole hearing through video conferencing. It was the first time it had ever been done for a victim. They had done it for board members. I'm actually attending a parole hearing coming up in a few months where the parole board members can't attend at a prison, so it's going to be done via telephone conference. I'll be with the family and we'll be in a different location from the parole board and the offender.

So it can be done and it is done when it's necessary for parole board members. I would extend that to victims as well. There may be situations where the equipment is not available, but I think when it is it should be provided.

I would support the requirement that the parole board consider victim impact statements. That would be consistent with the Criminal Code provisions where judges are required to consider them. It doesn't mean they have to follow recommendations or provisions that victims bring up, but I think it is an important legislated right to actually consider those statements.

I do support and when I was ombudsman we did recommend expanding.... Currently under the provisions right now of the CCRA, there is certain information victims must be given. It's very basic information. Then under section 142 there are provisions that victims can be given further information if it doesn't violate—I forget the wording—the privacy of the offender.

● (1645)

We recommended—or I recommended as ombudsman—that all those provisions be mandatory with, again, the assumption that, if there are cases where the parole board or Corrections feels that it would be a risk to release that information, it can be withheld. Certainly it would be very rare, but in situations where victims have made threats or where there's a situation of organized crime or gang involvement, you would have discretion not to release. But I think the presumption should be that you would release those.

I would release all those provisions in section 142. I know the bill specifies a few of them, and I think that, if you're going to amend section 142, you also then have to amend section 26 because the CCRA is sort of focused on two things. There's the parole board side and the Corrections side. Both agencies release information to victims. I don't think it would make much sense to allow the parole board to release more information than the Correctional Service would.

As far as the correctional plan, to be honest with you, I've never seen a correctional plan. I don't know what is in correctional plans, so I would have a hard time saying I support that. I'm sure there's information or maybe summaries that could be provided. But as far as what's in a plan, there may be a lot of information that victims, you know, private information about members of family.... Again, I don't know what a plan is, so I would encourage you, before you debate the bill, to find out what's really in a plan. Catherine may have more information on that.

I can tell you, I did bring.... We're registered to receive information on behalf of some victims. I've removed all the identifying factors. This is what victims would get now about an offender. It's just really a list of all the programs that he has taken or he has signed up for, whether they're completed or not. It just tells you what it is, for example, anger management awareness. It says when. It says whether it's completed or not. That's the kind of information that's available for victims now. Whether there's more information in a correctional plan that's of value, again, I just don't know enough about those plans.

My understanding is that the parole board doesn't actually prepare transcripts, but I can tell you, having been to a number of parole hearings with the same offender, that every parole board hearing I've been at where there have been new members, they know exactly what happened at the last hearing. The notion that new members wouldn't know what was said or done at the previous hearing, that isn't my experience. The parole board members, especially in the case of lifers, have stacks of files of the offender's entire history in prison, so they have a pretty good understanding of what he has or has not done. They also have a pretty good understanding of what he has and has not said at previous hearings. I think that's an important point to make.

I think that requiring the parole board to prepare transcripts could be quite expensive. Frankly, I don't know that.... We made recommendations at the ombudsman's office—and actually in 2005, it was introduced by the previous government—that victims have the right to listen to an audiotape of the hearing. I think that's a more practical and frankly useful provision to have, to allow victims to attend a parole office to hear those hearings.

I think I'll leave my comments there. If there are other issues, we can certainly address them during the question period.

The Chair: Thank you very much, Mr. Sullivan.

Now Catherine Latimer, please, if you would.

Ms. Catherine Latimer (Executive Director, John Howard Society of Canada): Thank you very much.

I'm with the John Howard Society of Canada, which is a community-based charity whose mission is to support effective, just, and humane responses to the causes and consequences of crime. The society has more than 60 front-line officers across the country offering many programs to support the reintegration of offenders and to prevent crime. The objective of our work is to make communities safer.

I want to thank you very much for the kind invitation to speak to you about Bill C-479, which proposes amendments to the Corrections and Conditional Release Act affecting the role of victims at parole hearings and lengthening the time between parole hearings in certain cases. The stated intention of the bill is to bring fairness to the victims of violent offenders.

I think we all share an interest in supporting victims with adequate programs and services and with information about the criminal justice system. I'm sure that information about the paroling system can be greatly enhanced. More challenging is finding agreement on the appropriate role of the victim in the criminal justice system to ensure the fundamental principles of justice are maintained and fairness is upheld for all.

The John Howard Society of Canada looks forward to the government's announced victims bill of rights, which will hopefully provide clarity on some of these important issues. Bill C-479 is being considered before the government has revealed its comprehensive strategy for victims in the criminal justice system. If passed in its current form, the likely consequences of this bill raise two categories of concern: first, its practical implications for the effectiveness of safe, graduated release generally and victim prevention; and second, its implications for the theoretical foundations of criminal law and corrections, particularly in the proposed role of the victim in the parole hearing.

I'll deal with the practical effectiveness issues first.

The research is clear, and I agree with Steve on this, that supervised and supported graduated release of prisoners back into a community promotes community safety by reducing recidivism. If prisoners are unmotivated to participate in rehabilitation programs and be guided on parole at the end of their sentences, they may well return to our neighbourhoods lacking the skills and guidance needed to live crime-free lives. Eroding supervised and supported graduated release of prisoners imperils community safety and increases the number of victims in our society.

This bill is very sweeping in its effect. It proposes lengthening the time between parole hearings for those prisoners who have committed offences listed on schedule I of the act, which includes 76 current offences and 18 historical offences, not all of which are violent or cause serious physical harm to offenders.

Right now there are 11,286 federal offenders that are covered by schedule I. These aren't a few murderers or dangerous murderers. This is a whole whack of federal offenders who are covered by these provisions.

If these prisoners are denied parole at a hearing, they would only be entitled to another hearing within five years. But since most federal prisoners are serving sentences of less than five years, this would mean just one chance at parole for them. The majority of prisoners would thus not be released through the parole's graduated, supervised, and supported release process, but instead would be abruptly dumped back into the community at statutory release or at warrant expiry.

While it may be comforting to believe that the longer you keep prisoners in custody the safer communities are, this is simply not true. Those released at the end of their sentences have not prepared themselves with skills and are not being supported and supervised through community corrections. Bill C-479 would put in place a system where more prisoners would be denied the benefits of graduated release and that would reduce the chances of those returning to the communities remaining crime-free. This would compound an already growing problem in the corrections system. Just to let you know, more than half of offenders now see their first release at statutory release or warrant expiry, not through the benefits of the paroling system, and this will exacerbate this problem.

The second set of concerns posed by Bill C-479 deals with the appropriate role of the victim at the parole hearings, consistent with fundamental principles of justice. Essentially, a parole hearing is to assess whether a prisoner has made progress on his or her correctional plan, what level of risk might be posed if the sentence were managed in the community, and whether conditions could be imposed that would make the risk manageable in the community. It is not to revisit the punishment, which has been imposed by the court through the sentencing process, where victims have already had an opportunity to provide a victim impact statement.

● (1650)

Input from a victim at a parole hearing would need to be relevant to the decision before the quasi-judicial body. But since the parole hearing is to assess progress on the prisoner's correctional plan and to assess risk management issues in the community, a statement by the victim, who may not have knowledge of the prisoner's progress on the correctional plan and may have limited expertise on community risk management, hardly seems appropriate at this stage.

There is, of course, a legitimate role for victim statements relating to possible conditions on release, but this should be clearly detailed and set out in the bill. If the victim has received threats directly or indirectly from the prisoner or if the prisoner will be returning to the same family or the same community as the victim, conditions like no contact orders could be included as conditions of parole and this seems entirely legitimate.

More challenging is the notion that the prisoner's entitlement to regular reviews once he or she is eligible for parole should be reduced in order to provide fairness for victims. This interest of victims not to have to attend regular parole hearings compromises the prisoner's right to have a level of reduced liberty in the management of his or her sentence reviewed consistently with fundamental principles of justice.

The legitimacy of trading liberty rights and protections based on fundamental principles of justice with victims' interests will no doubt be discussed more fully when the government releases its victims bill of rights.

The general reconstruction of crime, bail, punishment, and parole as a battle of criminals' rights against victims' rights is part of a wider transformation of rights-thinking in Canada, which some of us consider to be an unfortunate direction.

Where before rights were understood as protections of the individual dignity of all humans, even criminals against the state, now they are increasingly presented as weapons employed by one group against the other with the state choosing the victor. We must ensure that even in this new rights ideology, convicted criminals are still treated with the humane respect required by the long traditions of the common law.

In conclusion, the John Howard Society of Canada urges you to postpone your consideration of private member's Bill C-479 until after the government has introduced its own bill, which is expected to deal more comprehensively with the rights of victims in the criminal justice system. The potential for overlap and inconsistency of proceeding first with this bill is strong.

The John Howard Society of Canada also urges you to consider a more fundamental review of the current effectiveness of the current paroling system in Canada. Promoting rehabilitation and a successful reintegration through an effective system of graduated release is a good way to reduce future victimization.

Implementing this bill with its intended denial of many prisoners to a second parole review before statutory release and warrant expiry will effectively gut the existing parole system. The system of one shot parole for the majority of federal offenders will be ineffective in meeting the statutory goals of graduated release.

While we support programs, services, information, and define participation of victims in the criminal justice and corrections systems, Bill C-479 will undermine a graduated release system intended to promote community safety and reduce victimization generally. This bill is certainly not fair to future victims.

Thank you very much.

● (1655)

The Chair: Thank you very much, Ms. Latimer.

Ms. Prioriello Armour.

Ms. Terri Prioriello Armour (As an Individual): Good afternoon, everyone. It's an honour to be here today to speak to Bill C-479, an act to amend the Corrections and Conditional Release Act (fairness for victims).

I would like to first thank Mr. Sweet for inviting me here today to speak to you about Bill C-479, and for bringing forward this important legislation on fairness for victims.

I am the sister of a murdered victim, Darlene Prioriello. Since Darlene's murder, our family has had many occasions to feel revictimized. Some of these would include hearing the man who killed my sister brag about his bedroom with a doorknob that can be locked from the inside. Another example would be watching a video of Mr. Dobson being interviewed by the parole board, saying, “Time is easy to do”. It made us feel that our justice system is not punishing these offenders but simply housing them. It is like sending a child to their room and letting them know at the same time that they are still loved.

When David Dobson had his first parole hearing in April of 2007, I remember doing my impact statement and feeling so revictimized. At times I could only write a paragraph and then I'd have to stop. At times I would stop for hours, and sometimes it would take me weeks to be able to sit back down and do my impact statement. When I finished my impact statement, I called my mother to ask if she had completed hers. She said she couldn't get it started. She asked me to read mine to her, and as her daughter I felt I had to do something to help her, so I read mine to her, and she cried and she sobbed all through my reading of it. Then I sent her my impact statement afterwards, and I said, “Mom, personalize it and make it your own”. I felt like I needed to help her. I needed to do something for her.

I thought I lost a sister. Being a mother myself, there's no comparison between losing your sister and losing your daughter or your son. There's no comparing. I had to start my impact statement all over again.

Some weeks later my mother called and said she had finished her impact statement. She sent it back to me and asked me to read it over and give my opinion. Much of my original impact statement was there, but she turned my two-page statement into many pages. I couldn't believe that she had survived this, the stress, the heartache. My mother was hospitalized several times during the making—just during the making—of her impact statement due to having to relive the crime all over again and relive her daughter's death.

The entire family felt very helpless. We couldn't tell her that her health was more important than a statement or a parole hearing. She didn't see it that way. She saw this as something she had to do for her baby, for Darlene.

We had to then send our statements to the parole board for them to review, and then they'd send them to David Dobson, my sister's killer, for his approval. We were then asked to make changes to our statements as Dobson didn't like some of the things in our statements. We also got reminded that we must show respect for the killer at all times.

The impact statement should be about our feelings. It should be about what was taken from us. It shouldn't be about worrying about his feelings and his emotions. This is our impact statement, not his. When we talk about respect, respect is something that is earned. It's not something that should be demanded. It's not given; it's earned.

● (1700)

Where was my sister's respect when he brutally sexually assaulted her and beat her head into the ground with a concrete building block?

We found it also very victimizing that David Dobson got to read our statements, but we had to go into this parole hearing with no idea of what he was going to say, as we didn't get to see his statement. We didn't get any heads-up. We had no way to prepare ourselves emotionally for what we might hear in that hearing. My question would be, why after a brutal attack on a loved one that resulted in their death does it appear that the perpetrator of the crime is treated so well in our system? Remember: “Time is easy to do”, he said.

Before the hearing, we had been told that David Dobson knows he's not getting parole but that he said he wanted to see how the system works. He had no place to stay, if released, no job, no way to shelter or feed himself or care for himself. We went through hell and back for his entertainment because he felt that he needed to see how the system works.

Why does legislation allow this? Shouldn't this be re-examined?

At the hearing, my mother, my husband, my daughter, my uncle, and I sat together. David Dobson came into the room. He looked straight into the eyes of my mother and then into my eyes. I can't tell you how that felt. I felt his look take my breath away. I was looking into the eyes that last saw my sister alive. I was looking at the last face my sister ever saw as she begged and cried and pleaded for her life.

His eyes were so cold and empty of feeling. He sat in his chair, and shortly after, started to cry and cried continuously through the whole hearing. We felt that this was for the purpose of drowning us out as we read our impact statements.

At one point, David Dobson looked at my mother and said he was sorry, and my mother replied, “I don't believe you and I don't buy your tears for one minute.” One of the parole board members reminded her that she was not to speak to the inmates, but there was no direction given to David Dobson about speaking to my mother at this hearing.

I would like to think that the parole board would see how hard this is on one's family and demand that the killer show the same level of respect that we are demanded to show to him. Again, where was the respect for my sister when he was killing her? Before she died, he didn't show her any respect. The last act he committed was to pee on her. He called it the best urine he'd ever had.

● (1705)

Dobson made it a point to tell us during this hearing that he had hung a cross in a chapel in Darlene's memory. When we called the facility, they said that this was absolutely not true. We believe this was his way of getting a thrill, of reliving his crime. This is typical of a killer, to want to revisit the murder in any way possible. The hearing gave him that opportunity.

The Chair: Please be brief, Ms. Armour.

Ms. Terri Prioriello Armour: We gave him that opportunity. This may be the inmate's hearing, but this is our loss.

While we sat in the room, my mother felt ill. She was taken out and shortly later brought back. This was just too overwhelming for her.

Some time before the hearing, I had met with two of David Dobson's sisters. One of them told me that during a visit with him, David Dobson told her that upon his release he wanted to visit with Terri Prioriello and that it wouldn't be nice.

If you check our website, www.nofreedomdobson.com, you'll see his letter, “Catch me if you can”, in which he promises to kill again every year possible on the anniversary of my sister's death. Keep in mind that he didn't know her and had never seen her until the day he killed her. But it's their anniversary.

If you put those two things together, his promise to kill again and his threat to me through his sister, it's no wonder that when I sat in that room, no matter how many guards were there I couldn't help but feel that I still wasn't safe. Yet in our statement I wasn't allowed to tell the parole board about this, because it wasn't my hearing and what I had to say was not allowed to be used to influence the board's decision concerning his parole or lack thereof.

I believe that a serious offender should earn the right to a hearing. Our family asks that the Corrections and Conditional Release Act include an amendment that gives parolees an earned right to a hearing every five years, rather than the current two years, without grandfathering. Make the amendment retroactive for all offenders. I see the system, the same system that is meant to protect us, as a flawed system.

I know that serious offenders are given the option of courses to help them reintegrate into society. I believe that these courses should be mandatory, not optional. I also believe that the list of courses to reintegrate into society should be lengthened, with more courses—

The Chair: I'm sorry; we have to close to have a little bit of time for questions. Thank you.

Is there a point of order?

Mr. Blake Richards (Wild Rose, CPC): I hesitate to do this, but it must have been incredibly difficult for her to do this today. I would ask for the unanimous consent of the committee to allow her to finish her statement, if she can make it through.

Ms. Terri Prioriello Armour: It's not much longer.

The Chair: If that consent is available, the chair is certainly comfortable with that.

Some hon. members: Agreed.

The Chair: The committee is comfortable. I thank you for the intervention.

Please carry on.

● (1710)

Ms. Terri Prioriello Armour: Thank you very much.

Economics or lack of space should not be the driving force leading to an inmate's release. It appears at times that some of our inmates are treated better than some of our seniors.

In closing, I would like to ask that Bill C-479, the fairness for victims act, be named after two people.

The first is my sister Darlene Prioriello. Her murder was so brutal. I have been a long-time lobbyist fighting for victims' rights, as Steve Sullivan can attest. It would be an honour to have Darlene's name stand for more than just being a victim. To know that her name stands for fairness would be so fitting to who she was in real life. As the headstone on her grave reads, “She gave so much and she demanded so little”.

The second name is Constable Michael Sweet, a six-year veteran of the Metro Toronto police department who was murdered by career criminals Craig and Jamie Munro. Constable Sweet was shot by Craig Munro and held hostage by the robbers. Constable Sweet pleaded for his life, but the robbers refused to even give him medical treatment.

It would be an honour to have this bill named after two strong and remarkable people.

I thank you for listening and for giving your consideration to fairness for victims in the naming of this bill.

For those who love, time is eternal.

Thank you.

The Chair: Well, the chair and the committee certainly thank our witnesses for your heartfelt testimony. I know just from listening and talking and watching the faces of the witnesses here today, obviously, on all sides of the occasion, there are some deep concerns and challenges that we all face, both as legislators, and certainly you, as family.

We have a very brief time right now depending on when the bells will go.

But, Mr. Easter, you have the first round with the witnesses. You have five minutes, please.

Hon. Wayne Easter: Well, I'll just keep it to three.

The Chair: Thank you.

Hon. Wayne Easter: Cut me off at three there, Chair.

Ms. Roxanne James: I have a point of order.

The Chair: A point of order, yes.

Ms. Roxanne James: For the second hour of witnesses, the first round goes back to Conservative, then NDP, Conservative, Liberal.

Hon. Wayne Easter: No problem, go ahead.

The Chair: My apologies. Thank you very kindly.

Yes, Mr. Norlock, please. My apologies, sir.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): No need. Thank you, Mr. Chair. Through you to the witnesses, thank you for being here.

To the victim of Mr. Dobson, I have to say we must as legislators look at this dispassionately, but it sometimes is difficult to do so when you hear certain stories.

I want to just start my questioning by realizing that this is somewhat like a parole hearing in that you're being asked to revisit it again. But I can assure you, and I think I speak for all parties, it is not in vain, and we appreciate your doing so, as well as the other witnesses who are here.

I did take advantage of the No Freedom Dobson website, to look at it, and of course, I recently read your family's experiences with hearings, where it stated that you ripped up your victim impact statement in frustration during the review because you weren't able to say what you wanted.

I quote from it:

> They said, “Well you can't say the word monster, you can't call him a product of the devil—it's disrespectful,"....

And then you further said:

> Well where was my sister's respect when he was murdering her?

I think you're completely right to say that.

There's been an imbalance in our system. What we're trying to do is bring back balance. It seems that part of the goal of this bill is tilted so that the balance is somewhat backwards when we're dealing with rights of victims.

I wonder if you could comment on how you felt your rights were violated through the process and how parts of this bill might and could help you during those hearings.

Ms. Terri Prioriello Armour: I think if the system was balanced where.... As I've said, the hearing has to start being looked at as being our hearing as well, not just the offender's hearing. Thankfully, he didn't get parole. But if they honestly were considering parole at that point in time, I had something I felt very strongly could have helped them to make that decision to not release him. When you can send a threat through your sister...he literally gave the message to his sister to deliver to me that when he got out of jail, he wanted to visit me and it wouldn't be nice. Then in his letter, “Catch me if you can”, as we call it, as you may have seen on the website, he promises to kill again every year possible.

Do you really think in a parole hearing I shouldn't have the right as the family of the victim to let you know this? I think this is pertinent information. I think the parole board should have to hear that. If he's in jail for 20-some-odd years at this point—I think 22 years at that point—and he can still send a threat to my well-being, to my home for me, is he really ready for parole, with his own wording, promising to kill again every year, to back that?

The parole board wouldn't hear it. The balance has to be put there where this is our hearing, too.

● (1715)

Mr. Rick Norlock: Thank you for that. I have one other question. The clock is running very quickly.

Why do you believe it's important for the public, and especially the victims, to know about the offender's correctional plan and evaluation on the road to his or her rehabilitation?

Ms. Terri Prioriello Armour: I think it's important for us, as the family, to know what courses he's done. We do get that, but it's important to know that some are mandatory. Just to say, “Here's a list of things that will help you reintegrate back into society and that we hope you'll take advantage of” is not good enough.

You have to remember that when they are in jail, they lose the right to use money, to wait for a bus, to just do common courtesies and common pleasantries. They need to know this stuff. I'm all for a criminal who has served their time coming back out onto the street, but make sure when they come back out that they are ready to tackle the world. Make sure they know what they're in for, so that they don't come out, freak out, get scared, and recommit the only crime they know to get back in again.

As Dobson said in his own parole hearing—it's on our website—jail is the only home he has ever known. If you want to go back home, you just get in your car and go and see the old neighbourhood. For him to go back home as he knows it to be, which is jail, he has to kill again.

So it's important that we know that they have taken these courses, that they are mandatory courses, and that they are completely and totally ready to face society again, safely and securely.

The Chair: Thank you very much.

Mr. Garrison, you have three minutes.

Mr. Randall Garrison: Thank you very much.

Given that the bells may go at any minute, I'll be a bit rushed here, but I do want to thank all the witnesses today. We've certainly heard much to consider on the frequency of hearings for those convicted of murder. I assure you that we'll take that very seriously.

After what we've heard today, I do share the concern raised by Mr. Easter that we're proceeding to clause-by-clause on the 27th. We've heard some very good suggestions for amendments, and that's—

The Chair: Thank you, Mr. Garrison. The committee practice has been that when the bells go, obviously we adjourn. It would take unanimous consent to carry on for a couple of minutes.

Mr. Randall Garrison: Could I ask for unanimous consent? They are 30-minute bells, and we are in the Centre Block.

The Chair: I realize that, but it has been the committee's practice to do that. I have not set a different standard, so the chair will enforce that. However, if the committee wants to give unanimous consent to allow you to finish your questioning, that would be up to the committee.

Do we have unanimous consent?

Some hon. members: Agreed.

The Chair: Go ahead, sir.

Mr. Randall Garrison: Thank you very much.

So I do share the concerns. I hope we'll have committee business on the agenda for Thursday so that we can revisit the question of how quickly we proceed, especially with the concern I raised earlier about the parole board apparently declining to appear on legislation that will affect their operations to a very large degree. We'll have a look at that correspondence to see if that is in fact true.

Mr. Sullivan and Ms. Latimer, I want to focus my questioning on a couple of things you raised. We heard previously from a representative of the Quebec victims group. She made a distinction in this bill between those convicted of murder and the schedule I offences. I think both of you also made reference to that.

When Ms. O'Sullivan was here as the victims ombudsman, she said that it was not her original recommendation. Hers was limited to murder only, and not the schedule I offences.

Perhaps I could hear just a bit more from both of you, Ms. Latimer and Mr. Sullivan, on that distinction between those convicted of murder and the schedule I offences.

● (1720)

Mr. Steve Sullivan: Thank you for the question.

Actually, I was the ombudsman when we made that initial recommendation. It was limited to those doing life sentences. It wasn't for anyone doing a violent offence.

I think the proposals in the bill could have a negative impact on public safety, for some of the reasons that Catherine pointed out. Some guys may only get one chance at parole. Although it may not be publicly popular, we do want to see people get on parole, because it does enhance public safety.

Mr. Randall Garrison: Thank you.

Ms. Catherine Latimer: I agree with that.

In fact, I think you could even parse the categories of murderers. A lot of murderers, not the psychosexual serial killer types but a lot of one-off murderers, are actually your lowest-risk people when they are actually released on parole. I think you need to distinguish among them—the serial killers, the sado-sexual and others—and maybe have a very narrow category for the highest-risk people, the dangerous offender types.

Mr. Randall Garrison: Thank you.

Ms. Latimer, you raised the interesting question that if we created what you called a “one-shot” system, it would reduce incentive for offenders to participate in rehabilitation activities. Can you say more about that for us today?

Ms. Catherine Latimer: Given the length of what most federal offenders are actually serving, it would be extremely unlikely that they would get out on parole. Most people do not get parole on their first appearance. If you're going to have to wait another five years, then what is the point of participating in the programs to fulfill your correctional plan if you're going to wait until statutory release or warrant expiry in any event?

I think you lose the part of the incentive or the motivation that encourages people to prepare themselves for release if a progressive release system is not in place.

Mr. Randall Garrison: I probably have time for just one question.

We heard from a couple of people that the legislation should be amended to insert a requirement that the parole board consider victim impact statements.

I'm going to stick to Mr. Sullivan and Ms. Latimer again. Would you be supportive of that provision, that the board be required to consider those statements?

Ms. Catherine Latimer: I have no problem with that, but I would prefer that the comments made be relevant to the decision that the quasi-judicial board is considering at that time. As you've heard from many of the victims who have appeared before you, it's very difficult not to go back to the original offence and want to continue to hold inmates accountable for that initial deed. But information such as whether they've issued threats is all relevant and I think it should be part of an accepted statement.

The Chair: Thank you very much.

Mr. Richards, you have two minutes, and then that is it.

Mr. Blake Richards: Thank you, Mr. Chair.

I want to thank all of the witnesses for being here today but particularly Ms. Prioriello Armour.

Thank you so much for being here today. I can only imagine what it's like for both you and Ms. Lee. As I said to Ms. Lee after her testimony, I just wanted to come and give you a hug when I listened to you, because I'm sure that you've needed many hugs and many helping hands over the years. I can only imagine what it must have been like to have to share your story a number of times and to be revictimized in that way.

I think really I'd like to ask you for a little bit more. You have talked about it a bit already. You mentioned specifically the "Catch me if you can" letter that you posted on your site. Obviously the intention of this bill is to deal with the revictimization process that victims have to face when they have to continually go to these further and further parole hearings. Ms. Lee put it very well. She talked about how it seemed to be the case almost every six months.

Could you comment on how much difference you think it would have made to you had this bill been in place, in terms of ensuring that maximum, that window of five years? Would that have made a pretty significant difference for you and your family?

Ms. Terri Prioriello Armour: It would have made a huge difference, because we've only had one parole hearing, but we've prepared for three of them. Two other times he has said he wanted his parole hearing, so we went through the process of doing the impact statements. We put everything in and sent it all in, and then he cancelled. He didn't want to do it anymore.

So three times within six years, we relived what we didn't have to.

● (1725)

Mr. Blake Richards: Thank you for your answer, and thank you for your courage.

Ms. Catherine Latimer: Thank you.

The Chair: Thank you to all of our witnesses, on behalf of this entire committee, public safety and national security, as we deal with legislation that is important to public safety. Thank you very kindly for attending, and I thank my colleagues for the courtesies here today.

The meeting is adjourned.