HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Public Safety and National Security

SECU • NUMBER 017 • 2nd SESSION • 41st PARLIAMENT

EVIDENCE

Thursday, March 27, 2014

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)): Good afternoon, colleagues, and welcome to meeting number 17 of the Standing Committee on Public Safety and National Security. Today we will be hearing from further witnesses on Bill C-483, an act to amend the Corrections and Conditional Release Act (escorted temporary absence).

We have a group of three witnesses for our first hour. We have here today Krista Gray-Donald, Kim Hancox, and Don Head. On behalf of all the committee members, I thank you very much for appearing before this committee. We will give you an opportunity to briefly make a comment, for up to 10 minutes, should you wish. Please identify yourself and who you're representing when you're called upon.

First is Kim Hancox, as an individual.

You have the floor.

Ms. Kim Hancox (As an Individual): Thank you. I appreciate the opportunity to speak to you today regarding Bill C-483 and the journey I've taken to get to this point.

My late husband, Detective Constable Bill Hancox, was stabbed to death on the evening of August 4, 1998, by Elaine Rose Cece and her accomplice, Mary Taylor. Bill was under cover on a routine surveillance detail when Ms. Cece plunged a 13-inch knife blade into his chest while attempting to execute a carjacking. While Cece and Taylor were running from the scene, Bill called for help over his radio. He knew he was gravely injured. He pulled the knife out of his chest and tried to apply pressure to his wound with napkins he found in the car. Bill's efforts and the efforts of those who came to his aid were futile. Bill died of his horrific injuries that night.

Bill left behind his two-year-old daughter Sandra, and his son Quinn, who was born one month after his murder. Bill was a husband, a father, a son, a brother, a friend, and a colleague. Both Rose Cece and Mary Taylor were convicted of second degree murder, with parole eligibility set at 16 and 18 years, respectively.

My very trying and emotionally exhausting experience with the criminal justice system led me through bail hearings, a preliminary hearing, a trial, sentencing, notification of institutional transfers, notifications of escorted leaves, and Parole Board hearings. I have always been active in learning and understanding the developments and decisions that have arisen in an attempt to be prepared for what is coming next. Following two life-serving offenders through the system for the past 15 years has been an endless task of patience and emotional endurance.

After attending Rose Cece's Parole Board hearing in June 2010, I felt confident and relieved that the board had taken my thoughts and concerns into serious consideration, and together with their review of Ms. Cece's submissions, they denied her request for escorted temporary absences.

My sense of relief was short-lived. In December 2011, I received notification from Correctional Service of Canada that Ms. Cece's warden had authorized a 60-day work release program with pre-approval for any ETAs that may be relevant during that time period. Ms. Cece was transferred out of her institution and into a halfway house.

I was shocked, angry, frustrated, and disillusioned. How could it be that the very clear denial of the Parole Board just 18 months earlier was seemingly dismissed without any consideration? The Parole Board stated that Ms. Cece lacked insight into her crime, had mixed responses to programming, had recurring issues with anger and violent tendencies, had been convicted of assaulting a correctional officer, and had been disciplined numerous times for institutional misconduct. What on earth was the warden thinking? What had changed? Why was there no hearing? Why was I not notified? Why were my thoughts and concerns not considered? In my opinion and in the opinion of the Parole Board, this offender was not ready to be released into the community.

In an effort to understand what had gone so terribly wrong, I learned that in fact nothing had gone wrong. The warden's authority to release life-serving offenders into the community is clearly set out in CSC's commissioner's directive 710-3. It states that the institutional head has the authority to grant ETAs to offenders who are within three years of their parole eligibility date. Ms. Cece had passed that date by three months when the warden authorized her work release.

Ms. Cece's accomplice, Mary Taylor, has also benefited from this current legislation. In May 2012, the Parole Board authorized one ETA a month for Ms. Taylor, for 12 months. I was informed by CSC in February of this year that the warden had authorized several more ETAs for Ms. Taylor. This offender progressed from one ETA a month authorized by the Parole Board to 17 ETAs a month authorized privately by the warden.

These are my concerns.

Three years before parole eligibility is an irrelevant reference point. The warden's decision-making practice is not transparent and is not held to the same objective independent standard as the Parole Board's is. Transferring release authority from the Parole Board to CSC gives an offender the opportunity to avoid the scrutiny and objectivity of the board in favour of a more informal, possibly biased, review by institution staff. It gives the warden an opportunity to, in essence, override a Parole Board decision and move an offender forward on their own agenda.

● (1535)

Accountability is severely compromised as a result of this closed-door process. There is a lack of consideration for victims, which impedes progress of victims' rights and recognition within the criminal system. This practice undermines the public's confidence in a system that is supposed to keep them safe from violent offenders.

I certainly understand and accept that offenders will be released back into the community at some point. I also understand that an offender's ultimate release has little hope of success without a carefully managed reintegration plan. While the warden and CSC staff play an important role in preparing an offender for release, ultimately the decision of whether or not an offender is ready should remain solely with the Parole Board. It is the Parole Board's statutory obligation to ensure public safety, and fulfilling that obligation is not possible if institution heads have the ability to make release decisions independently and in spite of Parole Board recommendations.

At the very least, the institution heads should be working within the parameters of a release plan authorized by the Parole Board, and any expansion of that release plan should be taken back to the Parole Board for consideration.

I support Bill C-483. Victims want respect for what they have endured through honesty, transparency, and accountability. More important, I am a voice for my husband. Those rights did not die with him, and he would be deeply troubled to know that his murderers could gain a benefit from a warden that they could not gain from the Parole Board. The public also wants to have confidence in a system that releases our most dangerous citizens back into the community. I believe that Bill C-483 addresses those needs.

As a point of interest, Rose Cece appeared before the Parole Board in March 2013, after her 60-day work release, with a request for day parole. She was denied. In November 2013 the Parole Board of Canada appeal division upheld that decision. This clearly demonstrates that the Parole Board and CSC have a fundamental difference of opinion regarding the readiness of violent offenders returning to the community. In the absence of common ground and continuity between the two agencies, the final decision regarding offender release must remain with the Parole Board of Canada.

Thank you for your time.

The Chair: Thank you very much, Mrs. Hancox. We certainly appreciate your taking the time to come here, and certainly for delivering your personal message before this committee. It's very much appreciated.

Now we will hear from Krista Gray-Donald from the Canadian Resource Centre for Victims of Crime, for up to 10 minutes, please.

● (1540)

Mrs. Krista Gray-Donald (Director, Advocacy and Awareness, Canadian Resource Centre for Victims of Crime): Thank you, Mr. Chair, and members of the committee, for inviting our organization to testify today.

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

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

It is hard enough for Kim and victims like her to cope with losing their loved one in a horrific and violent manner, let alone the additional unnecessary re-victimization brought upon them by the corrections and parole system. Kim thought she would have some reprieve from the offenders, Elaine Cece and her lover, Mary Taylor, who were sentenced to life in prison for second degree murder, with parole eligibility dates set at 16 years for Cece and 18 years for Taylor.

Like many victims, Kim felt a sense of relief when the Parole Board of Canada first denied Cece's request for conditional release at a hearing she attended. As she was not aware that the warden had the authority to grant temporary absences once the offender reached a certain date in her sentence, Kim was shocked and appalled that the warden would grant Cece many escorted passes into the community only 18 months after the board's thorough assessment and finding that she was not yet ready to return to the community.

The accomplice in the case, Mary Taylor, was authorized by the Parole Board for ETAs once a month for one year to attend substance abuse supports. Following that, the warden authorized much more freedom, essentially equivalent to a day parole release, allowing her to be in the community four times a week, and an additional once a month on an ETA.

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

My office first began addressing this issue in 2006-07. We wrote to then Minister of Public Safety Stockwell Day in March 2008 expressing our concern about a warden's ability to grant escorted temporary absences. The notion of the transformation of the federal corrections system was a hot topic at this time, with an increased focus on offender accountability and responsibility. We wrote that continuing to allow offenders to bypass the Parole Board and return to the community with only a warden's authority was far from ensuring that the offender was responsible or accountable.

We still feel that allowing wardens to grant ETAs places offenders in the community through a fraudulent process, one that allows them to avoid responsibility for their crimes and accountability to those who have been harmed. The release of these offenders back into the community should be a decision made only by the Parole Board, following the thorough questioning of the offender in an open public hearing where victims can attend and raise their concerns, if they wish to do so.

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

● (1545)

The CRCVC is concerned about how frequently offenders are returning to the community thanks to wardens across Canada.

On February 27, 2014, the *St. Catharines Standard* reported on the 1990 case of Peter John Peters, who raped and repeatedly stabbed Sandie Bellows, promising to return and kill her if and when he was released from prison. In November 2013, the Parole Board ruled that Peters would not be granted the privilege of temporary releases. The victim was very relieved, given the fact he was serving three life sentences for the attack on Bellows and the murders of two other people. The board deemed that he was too much of a risk.

Two months later, Ms. Bellows received a call from CSC informing her that Peters was seeking approval from the prison warden to have escorted day passes despite the recent Parole Board denial. Although Peters was sentenced to three concurrent life sentences and as recently as 2007 had escaped from a minimum security prison in B.C.—he was recaptured 24 hours later—the warden was assessing him for passes for personal development.

In Ms. Bellows' case, she was given the chance to file a written submission to the warden by March 12, something that other victims who we have helped have not been offered the chance to do, as there is no right for victims to attend the decision-making process when a warden makes ETA decisions, nor is there a statutory right for victims to make a statement to the warden.

The board of directors of the CRCVC feels the process that allows wardens to grant ETAs to offenders serving life does not assess risk as thoroughly as the release decision-making process undertaken by the Parole Board. We believe this allows offenders to avoid accountability for the harms they have caused and closes the decision-making process to the public.

We understand that ETA decisions are made independently by CSC wardens after reviewing a recommendation made by an institutional committee. Offenders serving life sentences who have reached their unescorted temporary absence eligibility date can be granted ETAs behind closed doors and without involving affected parties, such as the victims. The loophole is a somewhat of a free pass for some offenders, who realize that they have limited chance of success before the Parole Board, perhaps due to poor institutional conduct, a failure to complete treatment programs, or simply not wanting to answer to the board or to their victims.

We feel that the current process provides an avenue for CSC to move offenders into the community without any real sense of accountability to the community or the victims. In our opinion, CSC is too involved in the management of the offender's case to make an independent and unbiased decision. Giving the Parole Board sole discretion over ETAs, except in emergency medical situations, will allow for a more consistent process, one where all offender hearings are in depth and allow for public scrutiny.

In the past, there was a minister's directive that required the board's input into decisions made by wardens, recognizing that the board should have input into such decisions. However, this policy was cancelled by the Federal Court in McCabe in 2001.

The CRCVC understands that the Parole Board made only 174 ETA decisions in 2012-13. We understand that during that same time period, 2,742 offenders were granted 48,006 ETAs by CSC. It is important to note that CSC does not break down the information, so these statistics don't apply only to lifers, but in general, CSC authorizes significantly higher numbers of ETAs than the PBC.

We would prefer that offenders be returned to the community following in-depth questioning in a process that is open and accountable to the public and the victims and that allows victims a voice in the proceedings should they choose to participate. Offenders should not be granted releases by CSC in order to make them look good for a future parole hearing.

The way the system currently operates allows offenders who may have been denied parole, or who have cancelled numerous hearings before the board, to still be granted ETAs by their wardens and enter the community under the guise of personal development. We do not believe that this is in the interest of public safety. Before any sort of release, offenders should have to prove to the Parole Board that they have completed the appropriate programming, conducted themselves positively, and made significant progress in addressing their reasons for offending.

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

Thank you.

● (1550)

The Chair: Ms. Gray-Donald, thank you very kindly for your presentation today.

We now have a third witness for the first hour. From the Correctional Service of Canada, we have Commissioner Don Head.

You have the floor, sir.

Mr. Don Head (Commissioner, Correctional Service of Canada): Thank you, sir.

Good afternoon, Mr. Chair and members of the committee.

I'm pleased to have the opportunity to appear before you today to discuss private member's Bill C-483, which would amend the Corrections and Conditional Release Act.

The bill proposes to give the Parole Board of Canada, or PBC, almost exclusive authority to make decisions with respect to escorted temporary absences for those federal offenders who are serving sentences for first or second degree murder.

As you have heard from previous witnesses, escorted temporary absences, or ETAs, play an important role in the reintegration process of federal offenders. ETAs are a type of release in which an offender temporarily leaves a federal institution under escort. They can allow an offender to work towards elements of their correctional plan, to maintain relationships with sources of support in the community, to attend court obligations, or to receive medical attention. Moreover, ETAs are often the first opportunity for incarcerated offenders to be released into a community setting, and they afford them a critical opportunity to establish their credibility in order to ultimately be considered for conditional release in the community. Indeed, ETAs frequently represent the first step in a structured and gradual reintegration process.

Following the testimonies provided by the witnesses who last appeared before this committee, I believe members are familiar with the current legislative framework for ETAs, and therefore, I will not further elaborate on that point. However, I will provide information regarding CSC's role in the ETA process and in considering victims throughout this process. I will also provide some statistical information on this type of release. I will then conclude my remarks by briefly discussing the impact that Bill C-483, should it become law, would have on the Correctional Service of Canada.

The current process for an ETA begins with the receipt of an inmate's application, which the inmate's case management team will thoroughly review against the objectives of his or her correctional plan. The team will assess the level of risk posed to public safety and determine the need to impose any special conditions deemed necessary to manage an offender's risk. Based on the case management team's assessment, a recommendation is submitted to the decision-making authority.

Where CSC has granting authority, the application is made to the institutional head, and in cases where the PBC is the granting authority, the decision is made by way of a hearing or an in-office file review. During the assessment the case management team must consult with CSC's victim services unit in order to ensure that registered victims are informed of an ETA application. The Corrections and Conditional Release Act states that CSC must disclose the eligibility and review dates for parole and temporary absences to registered victims unless they request that CSC not do so. Of importance, CSC does inform registered victims when an offender has requested an ETA for which CSC is the releasing authority.

When CSC is the releasing authority, it considers victims' concerns and previous PBC concerns and decisions during case preparation. For instance, if a CSC decision is contrary to a previous Parole Board of Canada decision, CSC decision-makers must fully document the rationale for such a decision and demonstrate how concerns previously raised by the PBC have or have not been addressed within the context of the overall assessment of risk.

I would like to inform this committee that recently, since February 2014, CSC promulgated an internal case management policy which requires CSC's victim services unit to inform registered victims that they can submit an up-to-date statement for consideration, intended for the decision-maker, outlining any concerns they may have with respect to release destinations and special conditions, thus strengthening victim consideration in the decision-making process.

Mr. Chair, CSC's victim services will specifically ask victims to advise if they have any concerns about potential release locations and/or requests for conditions in view of an offender's eventual release on an ETA. All information provided to victim services is information that must be considered in the offender's release planning and can be detailed in case preparation and assessment documentation. In cases of an emergency escorted temporary absence, given the tight timeframes, any new information about victim concerns is to be submitted to the case management team and ultimately the releasing authority as soon as possible. This consultation process does not apply to medical emergency situations.

As I mentioned, CSC's victim services unit contacts all registered victims in advance of an offender being released on an ETA and will disclose the date and time of ETA, the destination, the duration, the conditions, and the reasons for the ETA.

● (1555)

If at any time the known safety concerns of registered victims cannot be properly addressed, the ETA is denied or cancelled.

Finally, once an offender completes an ETA, CSC is required to conduct an assessment in order to ensure that the initial objectives of the escorted temporary absence were successfully met. Research has demonstrated that inmates participating in reintegration ETAs prior to release on day parole, full parole, or statutory release have lower rates of readmission than similarly matched offenders who did not have a temporary absence. The data demonstrate that 78% of the offenders serving first or second degree murder sentences in the community participated in at least one successful ETA during their period of incarceration.

Mr. Chair, the total number of ETA decisions made by CSC increased by 13% from 2008-09, which reflected 1,223 decisions, to 1,383 decisions in 2012-13 for inmates serving a sentence for first- or second-degree murder. Of those ETA decisions, between 78% and 85% were approved by CSC, and approximately half were granted for the purpose of personal development for rehabilitative purposes. The percentage of successful ETAs for offenders sentenced to first- or second-degree murder at all security levels has remained constant since 2006-07, and that's been around 99%.

In concrete terms, since 2006-07, out of the 118,735 ETA permits granted to this group of offenders, 728 ETA permits were deemed unsuccessful. The majority of unsuccessful ETAs were attributed to offenders returning to the institution late, suspension of the ETA while in progress, and termination for reasons beyond the control of the offender.

Under this proposed private member's bill, CSC would retain the responsibility for the case preparation and assessment associated with escorted temporary absence applications regardless of the releasing authority. As such the anticipated effect to CSC's day-to-day activities would primarily be in the area of case management workload potentially being increased in relation to the preparation for more Parole Board of Canada hearings, and delivering presentations at those hearings.

Mr. Chair, CSC is committed to the successful rehabilitation of all federal offenders, and at the same time delivering the best possible public safety results to Canadians. Indeed, by continuing to allow inmates to maintain family and community ties and to participate in rehabilitative activities through ETAs, offenders are more likely to be successful once released into the community.

However, regardless of whether or not an offender is serving a life sentence for first- or second-degree murder, or whether a release decision rests with the CSC or the Parole Board of Canada, my staff will always ensure that all applications are assessed with the greatest consideration of the risk that he or she poses to the community, the concerns of victims, and the objectives of an offender's correctional plan. Should Bill C-483 become law, my staff will continue to provide the same thorough assessments for all escorted temporary absence decisions, and will assist our colleagues at the Parole Board of Canada in making the decisions that appropriately balance the rehabilitation of an offender with the concerns of victims and the safety of Canadian communities.

In closing, the Correctional Service of Canada will continue encouraging victims of offenders to register with CSC to receive timely information about the offender who harmed them. As well, the service values receiving information about the impact of the offence on the victim, and encourages victims to provide a victim statement, which is used by CSC during the decision process.

Thank you once again for the opportunity to appear before you today. At this time, I would be happy to take any questions you may have.

The Chair: Thank you very much, Mr. Head, for appearing today.

We will now go to our round of questions.

For the first question, we have Ms. James.

Ms. Roxanne James (Scarborough Centre, CPC): Thank you, Mr. Chair, and welcome to all of our witnesses here today.

Ms. Hancox, thank you for coming. I know this was difficult, and I really appreciate your presence here at this committee on this particular bill.

Throughout your opening remarks you talked about being part of the process with respect to parole hearings and the justice system, leading up to just recently. Why do you feel it's important to be able to attend parole hearings to be part of that process to speak on behalf of your husband? Why is it so important to be part of that as a victim?

● (1600)

Ms. Kim Hancox: Fifteen years ago, when I started all of this, I think victims really had very little input into the process. Time has moved forward, and victims are allowed to present impact statements and attend hearings. It's a much more open and transparent exercise.

How does that benefit me in particular? There are no surprises. I know what I'm dealing with. Information is power. Knowledge is power. It empowers a victim to know what's going on with an inmate. When you send an inmate off to serve a sentence, you have no idea what their life involves anymore. When you submit a victim impact statement for the purposes of a hearing, that impact statement is shared with the offender. Everything you submit, actually, that goes into the offender's file is shared with the offender.

For a victim, the only way you have the ability to be a part of that process and know what advances or not the offender is making within their incarceration period is to attend a hearing, and to receive reports from the Parole Board, because you get to listen. They talk about their programs. They talk about their progress or lack thereof. You get a really good understanding and a sense of how things are going. You're heard. Your concerns are heard.

When I submit an impact statement, I'm speaking not only only for myself and my kids, but I'm speaking for my husband as well. I feel that even the people who've been taken from us have a voice in all of this, and it's my obligation to be that voice.

Ms. Roxanne James: You said in your opening remarks that you've always been active in learning and in understanding the developments and decisions that have arisen in an attempt to be prepared for whatever comes next. In 2010 you attended a Parole Board hearing, and you felt confident leaving that hearing. Eighteen months later, were you prepared to learn that Ms. Cece had been released on a 60-day work release ETA?

Ms. Kim Hancox: No, not at all.

Ms. Roxanne James: I'm trying to understand, because to me it's almost like you were shut out of the process as soon as the remaining three years of that particular sentence occurred. You were all of a sudden shut out of the process, from being someone who was able to participate, be involved, and know what was going on, for various reasons.

I'm just wondering how you felt, knowing that this was now the case.

Ms. Kim Hancox: Honestly, I didn't know what to think. I was under the understanding, as I had read the legislation, not deeply enough, obviously, that the Parole Board was responsible for life-serving inmates through their entire process with respect to medical appointments and court dates and things like that, but both of the offenders in my case had been released on numerous times through the warden's authority.

I couldn't understand for the life of me why, within this three-year period, all of the rules changed. I said to my victim services officer, who I have a great relationship with and is a wealth of knowledge and information for me, that I just didn't understand. What did the warden review? What did the warden read that I didn't see at the parole hearing?

I don't understand how things could have changed so drastically. This is not a well-behaved offender. She has been involved in many, many discipline issues. At that point, going 13 years or so into the process, she was a very colourful offender.

I couldn't understand it for the life of me. Plus I was not allowed to know what the warden had reviewed. Clearly the warden had reviewed something, but it was not disclosed to me.

Ms. Roxanne James: You went from the ability to fully participate to simply receiving notification that this person had been released.

Ms. Kim Hancox: Yes. Not only was she just released on an ETA, but she was released on a 60-day work release and moved outside of the institution. She served that 60-day work release with unlimited ETAs while living in a halfway house.

Ms. Roxanne James: Actually, you brought up a good question, one that I asked the Parole Board of Canada in the last meeting. For example, in a 25-year life sentence, up until the end of 22 years, they have to go through the scrutiny of the Parole Board. It's an extensive risk assessment process that they go through. That could actually happen right up until the last day of that period. Then the very next day it hits this three-year period remaining in their sentence, and all of a sudden it goes to a completely different body, with a completely different set of rules, in order to determine whether they should be eligible to have that temporary release. I find that quite troubling.

Commissioner, thank you for coming. You appeared on my bill as well, so it's nice to see you again. Perhaps you could answer that question of why it was ever legislated that....

The Parole Board of Canada deals with the most severe of crimes, first- and second-degree murder. There must be a reason they deal with that throughout the first 22 years and why all of a sudden you hit that wall, that three-year hump, and all of a sudden it goes to a different body.

Maybe you have some insight into that, because the Parole Board of Canada had trouble answering that. They're obviously taking on the most serious of crimes and criminals, and all of a sudden it gets changed.

● (1605)

Mr. Don Head: Thank you for the question.

It really is a historical issue, one that predates the Corrections and Conditional Release Act and goes back to the old penitentiary and parole acts when they were in place.

There's nothing magical about three years. I think, as was pointed out by the witnesses today, three years was a decision that was made, approved, and passed by Parliament with the understanding that as individuals get closer to the parole eligibility date, there may be the need to look at opportunities to gradually prepare them for release back into the community, particularly for somebody who served a lengthy period of time in incarceration. If you look at an individual who may have gone into the system 22 years ago, many of the pieces of technology you have on the table here are totally foreign to those individuals. I remember talking to an individual who had committed robbery who had never even seen an ATM machine until going out.

That period of time was meant to find opportunities for gradual release, leading into those longer-term releases, which we call day parole and full parole. There is some history behind it, but there is nothing magical about the three-year window.

The Chair: Thank you very much.

Mr. Garrison, it's your turn, please.

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Thank you to all three witnesses for appearing today. In particular thank you, Ms. Hancox. I know it's always difficult, but I applaud your tenacity in defending your rights as a victim. Also, Ms. Gray-Donald, I know the work of your organization.

When we have three people on the panel, it presents a difficult dilemma for us as MPs because our questioning time becomes very short. I'm going to focus most of my time on Mr. Head. I do appreciate your presentation.

We've had some confusion expressed, I think, between parole and escorted temporary absences. I understand why those who don't work in the field or don't have daily contact with it might see the two as the same, but can you explain to us the differences between the two?

Mr. Don Head: Yes. Very simply, the difference between parole and a temporary absence is just in the nature of the name. A temporary absence is meant for very short periods of time. Parole is meant for an individual going out into the community with some very specified conditions, with the understanding that if the individual does not cause any problems, does not violate those conditions, the individual would end up doing the remainder of their sentence in the community. That's the very simplistic explanation.

Mr. Randall Garrison: The concept is you're using the temporary absence to test the ability perhaps for someone to take the responsibility for the unlimited absence.

Mr. Don Head: Yes. Many times we'll get day parole decisions from the Parole Board whereby they'll deny day parole for an individual, with the understanding that we would use the temporary absence regime to test the offender so they in turn can make a subsequent decision about parole the next time there's a review of the case.

Mr. Randall Garrison: Could you comment on the amount of supervision involved?

Mr. Don Head: The supervision for an escorted temporary absence is constant. If you're using it in comparison to parole—

Mr. Randall Garrison: Or day parole.

Mr. Don Head: Or day parole. Day parole has an individual usually staying at a halfway house or one of our community correctional centres, so there's more engagement with staff. If we're talking about full parole, the individual is out in the community. They would have a designated schedule of appointments or contacts with their parole officer, but not every day.

Mr. Randall Garrison: There are perhaps good reasons that someone who might not be ready for unsupervised absences could be safely.... Your record says 99% success, so obviously there are some good reasons that these escorted temporary absences are used.

One of the things you did say which I thought was interesting was in terms of success on full parole. If I understood you correctly, those who have had escorted temporary absences do better in not reoffending than those who have not.

Did I understand that correctly?

● (1610)

Mr. Don Head: That's right. Almost half the individuals, particularly those who have been convicted of first- and second-degree murder, have better records in avoiding readmission, if they have completed the successful ETA as part of their gradual release plan.

Mr. Randall Garrison: The gradual release plan is the expanding of the responsibility of the offender for their behaviour over time so we get better success rates.

Mr. Don Head: If you were to define the system in very simplistic terms, a period of incarceration, whatever length that would be, followed by some escorted temporary absences, maybe even using unescorted temporary absences as a part of the regime, leading to less structured direct supervision, day parole or full parole, is the gradual release continuum that the entire act is built upon.

Mr. Randall Garrison: We've heard the term “personal development“ used quite a lot in these hearings, that an ETA is for personal development. Can you tell us a bit more what's in that category?

Mr. Don Head: Most of the personal development temporary absences are in relation to individuals attending various community-based programs, AA groups, NA groups. They are activities of that nature meant to help the offender establish some community-based contacts that will eventually assist with their full release, if that is deemed appropriate, but also to get them linked into those community-based programs so they can build on the program and the intervention learnings that they gained while incarcerated.

Mr. Randall Garrison: Would those include work experiences? That's not personal development. That's a separate category.

Mr. Don Head: Yes. There is no question in terms of the bill here. As I said, we have no issue in terms of where the decision ends up being, but there are some gaps. Work releases are one of them. What will happen with the bill being passed the way it stands right now is my wardens will still have authority to grant work releases to individuals who have been convicted of first- and second-degree murder. The door doesn't close for all first-degree murder releases into the community because of this bill. The work release is a gap in terms of the processes that we're talking about.

Mr. Randall Garrison: You did say, I think, that this bill would result in a workload increase for CSC.

Mr. Don Head: Only from the perspective of rather than the parole officers presenting to the warden through the case management team; in those cases that would be going through a board review, a panel review by the PBC, they would have to present there, which takes a little more time than a normal warden review.

Mr. Randall Garrison: The overall impact would potentially increase some of the workload of CSC and it also increases the workload for the Parole Board. I'm wondering whether you see an advantage in public safety for those extra uses of resources and expenditures that would take place as a result of this.

Mr. Don Head: I'm not sure that the debate, from my perspective anyway, is around whether public safety is enhanced or not. As I say, the success rates for both the PBC decisions and ours are almost identical. The challenge that you have is how do you want those systems being managed in a more collective, transparent way.

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

We will go to Mr. Maguire, please, for seven minutes.

Mr. Larry Maguire (Brandon—Souris, CPC): Mr. Chairman, I'm going to share my time with my colleague, Mr. Calandra, who has a question.

Mr. Paul Calandra (Oak Ridges—Markham, CPC): Thank you.

The Chair: On a point of order, Mr. Easter.

Hon. Wayne Easter (Malpeque, Lib.): Mr. Chair, on a point of order, has Mr. Calandra been sworn in? Is he representing somebody else? Otherwise he cannot ask a question.

The Chair: Thank you very much, Mr. Easter. The rules of order are Mr. Calandra would not be allowed to participate in voting or in other matters that would be official; however, he would be allowed to question, but it would take either unanimous consent and/or a majority vote in the committee.

I would first ask if there's unanimous consent to allow Mr. Calandra to address our witnesses.

Some hon. members: Agreed.

Mr. Chair: We have unanimous consent and the process is followed.

Mr. Calandra, you have the floor.

● (1615)

Mr. Paul Calandra: Thank you very much, Mr. Chair, and I thank my colleagues for the indulgence.

Ms. Hancox, I remember your husband. He was a really remarkable guy. I have this image of him with your daughter at a legion event, and he had a great smile on his face. He was always just the kindest, gentlest guy.

I guess, as politicians, we sometimes forget that you live through this. You have to go through birthdays and anniversaries. You have to try to explain to your kids what happened, and why it is you have to cover up sometimes, and why it is you feel the way you do.

I remember the impact it had on our community. I lived and worked there. We shared a lot of friends. He was an undercover officer, yes, but he was just a gentle, nice man. I remember coming in to work the next day and feeling sick to my stomach when I found out the officer killed was your husband.

This isn't about seeking to hurt the person who did this to your husband. This is about us sometimes listening and putting the victims first, better understanding what it is that you and your family have gone through. Sometimes we have to put the interests of you, your family, and the community ahead of other people's interests, the people who committed this crime.

I wonder if you would agree that in a way we have let you down by letting this happen, and that this bill would help you turn a page on this, not only you, but other victims who have gone through this, from having to experience what you have gone through.

Ms. Kim Hancox: I think what it addresses is accountability and transparency. I think a lot of victims' rights groups and governments have made great strides in opening up the system to the public, and this is just one small gap that seems to have been overlooked.

I think there has been a lot of forward movement in terms of victims participating in the system and having no surprises. I'm pretty involved. I do a lot of reading. I do a lot of talking. I do a lot of research. I'm still being surprised by things along the way. This was a big one. I think that's the issue. It's the transparency and the accountability, and sort of keeping everybody honest.

It's hard to know what goes on in a warden's review behind closed doors and to not allow the victims up to that point access to any information. That's the part that's difficult to deal with. You can work your way through the system when you know what you're dealing with, and you come across these small things.

This was a big one. This one just shuts everyone out except the offender, and it's a bit of an advantage to the offender.

If they want to avoid the Parole Board, they can just wait until they are in that window, especially in a women's prison where the population is a little bit less than a men's prison. It's a much more intimate setting, and the institution staff get to know the offenders quite well so you don't have that objectivity you would have before a Parole Board. Then you question what was behind those decisions because you're not allowed into the process. I think it addresses that. which is very important.

● (1620)

The Chair: Go ahead, Mr. Maguire.

Mr. Larry Maguire: Mr. Chair, along that line, I'd like to ask Ms. Gray-Donald if she can comment on the sense of revictimization felt when a murder victim's family goes from being as included as possible in the whole parole process through the PBC, to being completely shut out in the extended temporary absence approval system decided by a prison warden.

Could you expand on that?

Mrs. Krista Gray-Donald: I think that Ms. Hancox touched a little bit on what happens, in that the victim goes from someone who has been allowed limited but fully informed participation in the process to the point of being completely shut out, left in the dark, made to feel as if their input doesn't matter, but also as if they don't get to know what's going on.

Not only do they not get to know the rationale behind the decision, but when you attend a Parole Board hearing, you're given information not only about what's going on in the prison, but you might also get information as to the offender's state of mind when the crime was committed and various other pieces of information on the crime. They are then denied that information.

I would have to say that all of the victims we work with articulate that they need information, especially in the case of homicide. They don't know what their loved one's last minute was like. They don't know why this happened and they're denied that. It's a complete denial. It's not where they missed a hearing but they can get the decision sheets, as would be the case of the Parole Board hearing. They get nothing after a warden-approved ETA, so they are completely in the dark. It minimizes their needs and it doesn't allow them to satisfy their need for information.

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

We will go to Mr. Easter, please.

Hon. Wayne Easter: I thank all witnesses.

Ms. Hancox, I think you've said that even people who have been taken from us have a voice, and that's good. Certainly, you've been your husband's voice, and you're to be commended for that.

I will admit that in Ms. Gray-Donald's presentation, there is a possibility.... I think in her presentation she said that CSC, Correctional Services, tends to release somebody in order to make them look good. I think you kind of half mentioned that in your last statement, where people working closely in an institution get to know them, build a relationship, and kind of hope everything will work out. I will say there is that danger when it's not the Parole Board.

In his presentation I think Mr. Head tabled some new information from what we have been currently dealing with. I'll quote the paragraph, "I would like to inform this committee that recently, since February 2014, CSC promulgated an internal case management policy which requires CSC's victim services unit to inform registered victims that they can submit an up-to-date statement for consideration, intended for the decision-maker, outlining any concerns they may have with respect to release destinations and special conditions, thus strengthening victim consideration in the decision-making process."

Giving that new information, is that helpful or is it not? Do we have to go as far as this bill is suggesting? What's your view on that?

Ms. Kim Hancox: I am aware of the changes. I've read the changes that have been made. I think that notification is certainly a step in the right direction. The issue about submitting statements for review is that you have five days to submit a statement, as I understand. That's not a lot of time. I know that the victim service officers are now encouraging registered victims to keep their statements up to date in the file.

The problem with that is when you're called upon to create and prepare a victim impact statement, it is a very, very difficult task. No one wants to sit down and write one of these statements if they don't have to. That has been my experience and similar to other victims to whom I've spoken.

The other issue with just continually volunteering your statements to the offender is that you're sharing your own personal private information with the offender. That offender may never go before a hearing or anything, but they now have all this insight into your life. In my particular case, I will only provide a statement when I have to provide a statement. I do it very begrudgingly because I don't like sharing my personal information with these people.

● (1625)

Hon. Wayne Easter: I don't want to interrupt but really, in all honesty, I think we have to be brutally honest here, I think we have a problem.

Even if the committee wants to pass this bill, in the evidence that the correctional officer has tabled before us, he has said that his office estimates that by April 2012, CSC had authorized more than 8,600 individual ETA permits, involving 180 life sentence offenders within three years of parole eligibility. If you break that down, in the last two years that's somewhere around 4,000 a year.

We had the Parole Board before us the other day. They couldn't give us the numbers.

A private member's bill that requires the expenditure of money would have to have a royal prerogative and it therefore would have to be a government bill.

I think we could be into a problem here even if we support this. The promoter of the bill couldn't give us the cost. Even if we, with the best of desires, want to pass this bill, we could run into a problem when it's reported back to the House, that it does not have royal prerogative. That is my suspicion as to what is going to happen.

What more needs to be done on what CSC is doing if the bill doesn't pass? It can't satisfy your concerns—which is the wrong word—but how can it be helpful?

Ms. Kim Hancox: Again, I come back to what I pointed out before. I think CSC obviously has an important role to play and the Parole Board has an important role to play.

I do see, though, that the two are operating independently of the criteria that's required to release an offender back into the community, for whatever reason.

Clearly, in my case, there are two offenders and in both the outcome has been the same. When the Parole Board has felt that this is what their recommendation is, after a thorough independent review of every bit of information they have, the CSC's opinion is very different. To me, that's where you have two schools of thought operating independently of one another, and that's where the problem lies. They both need to be on the same page.

Granted, over the years there has been a lot of work that's happened to bring those two agencies together, but I think they still have a very fundamental difference of what is required of an offender before he or she is ready to be released, in whatever capacity, back into the community.

Hon. Wayne Easter: Mr. Head, I find it astounding that if a warden is going to release somebody within that last three years, there doesn't absolutely have to be communication between the Parole Board and the head warden.

Is it all related to the court decision? Why isn't there more involvement at that level? If the Parole Board said no, you just have to question why, within a few months, the warden is releasing that individual.

The Chair: Very briefly, please.

Mr. Don Head: I think the short answer is the Parole Board's position is that if they have no authority any more, they don't want to be inundated with any additional information. That is the short answer.

● (1630)

The Chair: Fine, thank you very much, Mr. Head.

I thank all of our witnesses here today. Ms. Gray-Donald, Ms. Hancox, and Mr. Head, thank you very much. It's a highly challenging, difficult personal matter that you're dealing with and we're trying to come to grips with and provide solutions as best we can. Thank you very much for coming here today.

Ms. Kim Hancox: Thank you.

The Chair: Our witnesses are dismissed.

We will suspend for four to five minutes while we welcome our next witnesses and arrange for teleconference facilities.

● (1630)

_____________________ (Pause) _____________________

● (1635)

The Chair: Colleagues, we will resume the session.

We do not have hookup yet, but we expect to have hookup shortly by teleconference with Mr. Grabowsky from the Union of Canadian Correctional Officers. We will bring him in as we progress and as the hookup comes in, of course, but certainly we're not going to delay any further. We have the witnesses here before us.

In our second hour, we have Mr. McCormack, president of the Toronto Police Association.

● (1640)

Mr. Randall Garrison: Mr. Chair, on a point of order, we did have another witness scheduled for today. My understanding is that the Office of the Correctional Investigator made a request to appear on a separate panel and the request was denied. I'm asking the chair for an explanation of what happened.

Also, I just want to clarify for the record that since the Correctional Investigator's speaking notes were distributed, they will in fact be part of the evidence before the committee.

The Chair: The chair will give you a brief summation.

At the last meeting, we set out the order of witnesses and the witnesses that would be received, and it was duly passed at committee. The day before, yesterday, the chair was advised that one of the witnesses in this particular case insisted that they would appear only if they were alone and not in the company of another panellist or panellists, and as such, would have questions directed at them only.

The chair of course had no sense of direction that this was of course either passed in a motion and/or would be accepted by the committee, but I talked to the individuals at that particular point through the clerk and suggested that if I had unanimous consent to approve that request, they would be speaking only, alone, and subject only to 20 minutes only, only them, and that if there were a precedent for that, we would discuss it.

We checked with the clerk. The precedent was such that we've had.... Their argument was they were ombudsmen, of course, so therefore they felt they needed the independence, whereas in reality our minutes have shown that we've had a number of ombudsmen appear before the committee in the company of other witnesses at the particular times.

Knowing that I would need to have unanimous consent to do this, the chair asked for unanimous consent from the committee, from representatives of the various parties, to see if we had unanimous consent to proceed in that manner. Unanimous consent was not there to approve, and it was requested that they appear as had been ordered during the last meeting for our order of business. As such, they have declined to appear today, I understand, but of course they did present a brief. As you've suggested, this brief, of course, presented duly to this committee, is considered to be the full body of evidence in the committee and is accepted as such.

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

The Chair: Thank you very much.

With no further questions at this point, we will now get on.

Mr. McCormack, thank you very kindly for coming here again. You're becoming a face that we see here routinely on a number of issues. You're most welcome to appear before this committee with your depth of knowledge and certainly an understanding, and a practical understanding, of the realities that we face in this committee.

You have 10 minutes for an opening statement, sir.

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

I notice that I'm sitting here alone. I hope it's not a Toronto thing. McCormack, party of one.

Voices: Oh, oh!

Mr. Mike McCormack: I appreciate the opportunity to get up here and have a discussion on this important legislation. As you mentioned, I've been here before. I have to say in my opening remarks that in the law enforcement community we are encouraged that the government is looking more towards what we feel are victims' rights and victims' roles in this type of legislation. I want to thank everybody for the opportunity to come up here. We feel that this is very important to maintain public confidence, and confidence from the law enforcement community.

Although my time is short, we heard from Ms. Hancox, and I'm going to reiterate some of the things she talked about, and why this is important to the law enforcement community, and important for public confidence. Again, being in a job that is one of the most regulated jobs in the country, law enforcement, with the most oversight, we know first-hand how important it is that not only the optics—

The Chair: The chair will just interrupt for one second, Mr. McCormack. We're just confirming that we have contact with our other witnesses.

Mr. Grabowsky, are you on the line?

● (1645)

Mr. Kevin Grabowsky (President, Union of Canadian Correctional Officers): Yes, sir.

The Chair: Fine, thank you very much. We're just going to put you on hold, sir. We are listening to another witness right now. When your time comes up, we'll certainly get back to you. We ask you to just stand by.

Thank you very much.

Go ahead, Mr. McCormack.

Mr. Mike McCormack: As I was saying, we know first-hand that it is important not only for the optics but also for the transparency and for procedural fairness and for the public and the people in law enforcement to have that transparency and confidence in what the legislation is trying to provide.

From a personal perspective, being a member of the Toronto Police Association, and knowing Bill Hancox back in 55 Division, everybody was aware that in 1998 he was stabbed to death by two women, Elaine Cece and Mary Barbara Ann Taylor.We all heard that Bill was only 32 years of age. Both women were convicted of second-degree murder and sentenced to life in prison. We heard, as I said earlier, from his wife Kim, and he left behind his two-year-old daughter, Sandra. Kim was also eight months pregnant with their son Quinn at the time of Bill's death.

Ms. Cece is eligible for parole on September 5, 2014, and Mary Taylor is eligible for parole on August 6, 2016. Elaine Cece's application for personal development for escorted temporary absence was rejected by the Parole Board of Canada on June 25, 2010, because she had a low level of insight into the murder she had committed, had unhealthy inmate relationships, had a poor response to programs, and had a lack of understanding of her own violent behaviour.

In our submission, the Parole Board has a statutory obligation to ensure that the public is safe from violent offenders. This is precisely the obligation the Parole Board met when it denied Elaine Cece the escorted temporary absence she requested.

However, the following year the warden of Fraser Valley Institution for Women, and this is an important fact, without any requirement to notify the victims of Ms. Cece's brutal and senseless murder or the public at large, granted her three separate ETAs into the community.

Why was the warden able to do this? He was able to do this because Elaine Cece was within her three-year parole eligibility period.

Again, in our submission, this loophole, and that's what we'll call it, allows the offender and the warden to bypass the authority and the jurisdiction of the Parole Board. In our submission, this is unacceptable.

What happened over the preceding year to justify a different result? In the preceding year, did Elaine magically gain a unique insight into the murder that she had been unable to achieve in the preceding decade? Did she have an epiphany, experience some cathartic event triggering an understanding of her violent behaviour? We don't believe so.

How can Canadian citizens have confidence in our corrections and parole system if a warden has unilateral authority to undermine the decisions of the Parole Board? The Parole Board of Canada has a very specific and critically important statutory responsibility. The Parliament of Canada has mandated the Parole Board of Canada giving it the responsibility of protecting the public from dangerous offenders. The Parole Board is a very specialized, quasi-judicial tribunal with unique experience, knowledge, and expertise.

This specialized knowledge allows the Parole Board to discharge the very statutory responsibilities given to it by Parliament. The warden of a federal penitentiary does not possess the same specialized knowledge, expertise, or statutory responsibility. It follows that a warden ought not to be allowed to undermine the authority and jurisdiction of the Parole Board with respect to the most dangerous offenders in our prisons, namely those convicted of first- and second-degree murder and sentenced to a life of imprisonment.

We are not talking about shoplifters or people who have committed minor offences. As I just stated, we are talking about murderers: people with life sentences, not people with fixed sentences.

This distinction is a very important one. We understand that people with fixed sentences are eventually going to be released back into the community. We fully support the need to rehabilitate offenders to the greatest extent possible and to manage the risk to public safety through a parole system that reintegrates the offender into the community through a structured and controlled release program. We understand the need for a decompression period through structured parole.

But murderers are in an entirely different category. We should add dangerous sexual predators to the list also, but today we are addressing the issue of people who committed murder and are sentenced to life.

● (1650)

The 8,000 members of the Toronto Police Association whom I represent fully support Bill C-483. Except for medical emergencies, the jurisdiction and authority to protect the public from offenders convicted of first-degree and second-degree murder must remain within the exclusive jurisdiction of the Parole Board of Canada. Only the Parole Board can decide issues of release, whether that is by an ETA, a UTA, or parole itself.

Thank you.

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

Mr. Grabowsky, we'd be pleased if you would make a presentation. You have up to 10 minutes for your comments, sir.

Mr. Kevin Grabowsky: Thank you.

UCCO-SACC-CSN, our union, is in favour of Bill C-483's granting the power over temporary absences on first-degree and second-degree murder to the Parole Board. We see it as an objective third party. The Parole Board serves as an effective filter to determine which inmates are eligible for parole and when, or for their temporary absence.

The union does not oppose temporary absences. We believe it to be an important part of an inmate's reintegration into society. We believe that this change will help better manage temporary absences. As it is now, wardens experience many population pressures. They deal with a gang population, a mental health population, incompatibility, double-bunking. The granting of temporary absences is but one that they are responsible for. At this time we feel it's one, for first-degree and second-degree murder, that should be removed from their responsibility.

They are pressured to cascade inmates throughout the system to a lower security. Successful temporary absences help an inmate obtain earlier release on parole. In turn, of course, getting an inmate out is a savings for the taxpayer. As we all know, CSC is under great budget pressure right now, given the present government's cutbacks to the service. Having the wardens grant absences, with some of the pressures that they face, has led to very serious mistakes.

Take the granting of an ETA, for example, to William Bicknell in Drumheller in March 2011. A convicted murderer who beat a woman to death with a baseball bat, he was granted a temporary absence to go to see his sister. On his way back he took the correctional officer hostage, terrorized him, locked him up, took other people hostage, and went on a nine-day crime spree terrorizing northern Alberta, which led to a shootout with police in which he was shot and a police officer was wounded as well.

Yet we didn't learn. Only a few months later, Fowler, an inmate again from Drumheller, in October 2011 was granted an absence. Another murderer, who had killed a nine-year-old child, he went on one of these ETAs and took the female correctional officer hostage, strangling her with his hands and with his seat belt until she got herself free. Luckily he was apprehended a short time later.

I can go way back as far as 1987. Gingras, another inmate, a convicted murderer, was released on an ETA on a birthday pass to West Edmonton Mall. Again overpowering a single officer, tying him up—

The Chair: Mr. Grabowsky, I have to interrupt.

On a point of order, Madame Doré Lefebvre.

[*Translation*]

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

While listening to the interpretation into French, I noted that the interpreter could no longer translate what was being said because of the poor sound quality. Unfortunately, she had to stop working.

Would it be possible to solve this problem so that we can continue our work?

● (1655)

[*English*]

The Chair: Okay, fine thank you.

We've been asked, Mr. Grabowsky, by the technician whether you are on a cellphone.

Mr. Kevin Grabowsky: No, I'm not.

The Chair: Okay, just speak again. Your line appears to be clear all of a sudden.

Go ahead, sir, just for a second.

Mr. Kevin Grabowsky: Okay, I was speaking of Gingras, an inmate—

The Chair: Okay, fine. Your line was very, very poor. It appears to be clear now.

We are fine now. The only request I would make, Mr. Grabowsky, is that we have simultaneous translation going on here, so would you just slow down a little bit and give our translators an opportunity to go along with you.

Mr. Kevin Grabowsky: Yes, sir.

The Chair: Thank you. Let's proceed again.

Mr. Kevin Grabowsky: Another example I cite goes back to 1987 when inmate Gingras was given a birthday pass from the maximum security Edmonton Institution to the West Edmonton Mall, where he overpowered his lone escort, tied him up, and went on a spree that led police on quite the chase. It ensued that two people were murdered while he was out at large, for which Gingras was later convicted.

In the union's view, Bill C-483 does not go far enough. For these first- and second-degree murderers, there should be at least two correctional officers acting as escorts and they should definitely be in a secured vehicle. Correctional officers are often the first victims when an escort goes wrong. We need the tools and the resources to do our job in protecting Canadians.

Bill C-483, as it stands now, also needs a correction where it says “a staff member or other person authorized by the institutional head”. That needs to be corrected. It needs to be correctional officers. It's not the public at large who should be taking these inmates out on these ETAs. Murderers should not be escorted in the public by volunteers.

In closing, the union feels very strongly this must be properly resourced for it to be successful. Parole board backlogs can produce problems for us inside the jails with our population management and our double-bunking. The board must have the means to conduct proper risk assessments of inmates when applying for these ETAs.

Thank you.

The Chair: Thank you very much, Mr. Grabowsky. We appreciate your taking not only the time but also going through the problems of trying to communicate here today via teleconference. I think we're on track now to a good level of comprehension.

We will now go to questions for either Mr. Grabowsky or Mr. McCormack. We have a round of questioning and we will start off with Madame Doré Lefebvre. Oh, we didn't have her name down.

Mr. Richards, then, you are up first.

Mr. Blake Richards (Wild Rose, CPC): Mr. Grabowsky, you were a little difficult to hear at the beginning. I thought I caught most of it, but whatever you're doing now, stick with that because we can hear you much better. I apologize if I ask you something that I maybe missed. If I ask anything that is repetitive, I apologize in advance.

First of all, I'm trying to get some understanding. I believe you're here today in your capacity as the president of the correctional officers' union. You're not here just as a correctional officer or a representative of Correctional Service Canada. You're a representative of the union. Is that correct?

Mr. Kevin Grabowsky: That's correct.

Mr. Blake Richards: Could I ask what role the union plays in terms of the decision-making process on ETAs, if any?

Mr. Kevin Grabowsky: The union doesn't have any role at the present time in granting or having input.

● (1700)

Mr. Blake Richards: The warden who would be making these decisions wouldn't be part of the union, would he?

Mr. Kevin Grabowsky: No.

Mr. Blake Richards: Okay. Would members of your union put forward recommendations to the warden when the warden is making these decisions, or is that something that is outside of your role?

Mr. Kevin Grabowsky: No. Certainly the correctional officers in the units work with the inmates every day. They do reports. They do submissions. They do case work records. They do assessment for decision reports that go before an offender management board, which is set by the warden and the parole officer with our information that goes forward or recommendations that we make, and then things are decided on from there.

Mr. Blake Richards: Okay, you do put forward submissions and recommendations toward the decision being made by wardens in this instance then.

Mr. Kevin Grabowsky: Yes, sir.

Mr. Blake Richards: Okay. I want to go back to a meeting that we had earlier this week. I'm going to read a little bit of the transcript of the meeting when we had Mr. Harvey Cenaiko, who, I'm sure you're aware, is the chair of the National Parole Board.

I asked him what exactly the Parole Board considers when they're making their decisions. I'm assuming, given that your members do submit toward recommendations, that you probably could answer as to what factors are taken into consideration when the Correctional Services Canada wardens make these decisions. You'd be able to give me a pretty good sense as to what is factored into those decisions.

Mr. Kevin Grabowsky: That's a pretty general question.

Mr. Blake Richards: Okay, could I just stop you there? I wanted to make sure you had the knowledge before I asked the question.

Do you have knowledge of what is taken into consideration?

Mr. Kevin Grabowsky: There is institutional...yes.

Mr. Blake Richards: Okay, let me read to you what Mr. Cenaiko indicated the Parole Board considers. He said to me:

> The Parole Board of Canada will review the file from start to finish. That file would include the background history of the offender and any societal issues he may have grown up with through his life. It would look at his criminogenic behaviour and criminal activity throughout his life. It would include the judge's comments at sentencing each time, or just the one occurrence when the offender was sentenced. Our board members would review the police reports in relation to the offence and look at the whole picture of the individual—how he got into the institution, the crime, and the nature and gravity of the offence he created.
>
> Then they look at psychological assessments, psychiatric assessments, while in the institution; his institutional behaviour while he is in there; the conduct in relation to the successful or unsuccessful programming that he is taking in the institution. Then they look at his community release plan.

That's what the Parole Board factored in.

Perhaps I could ask you a kind of two-part question.

I think it was made quite clear to us by victims that there seems to be a real frustration in that they don't feel they have a sense of any kind of involvement or even information or accessibility to the decisions being made by the warden. I suspect that's probably why when we listened to Ms. Gray-Donald on the first panel today when she spoke about the CSC having a significantly higher release rate when making these decisions than the National Parole Board.... I suspect that probably the lack of involvement by the victims and their families is largely responsible for that, because when you take that into consideration, there is a whole other level of understanding of exactly the impact this has.

I wonder if you could give your thoughts on whether, from what I've read to you that the National Parole Board considers in its decisions, there would be similar factors that are considered when the CSC is doing its reviews, and if not, tell me what is different, whether there are additional things or if something is lacking.

Certainly, to me, it seems as though input from the victims is what is lacking when the CSC is doing its reviews on the ETAs. That, to me, would indicate probably where this frustration comes from on the part of victims and also where there seems to be a significantly higher release rate.

Would you care to comment on that?

Mr. Kevin Grabowsky: You're correct on one part. For our role as correctional officers dealing with that, when those decisions go forward it's institutional behaviour that makes up some of the factors. It's programs. Has he been attending? How is he attending? Is he involved? Does he have employment inside the institution? Is he an escape risk? Those are the factors for our input that goes in. It's his institutional behaviour, whether he has incurred institutional charges or outside charges while being incarcerated.

● (1705)

Mr. Blake Richards: Thank you.

Mr. McCormack, maybe I could ask you the same question. I know you're not directly involved per se in this process, but I'm sure you have a pretty good understanding of the factors the Parole Board is looking at, the factors Correctional Services Canada is looking at. To me, it's quite clear that the thing that's missing when the CSC is doing theirs is the victims' input and accessibility to this process. I think that is probably largely responsible for the higher rate of release.

Would you care to comment on that?

Mr. Mike McCormack: I believe that would be a contributing factor. I appeared before the committee on Bill C-479, the victim's role. That's what we're looking at, the victim's role. That is definitely having an impact on what's going on in the broader system. For instance, in the Hancox matter, there was no victim notification at all; there was nothing surrounding that victim. For sure that would have an impact.

The Chair: Fine. Thank you very much.

Thank you, Mr. Richards, for your contribution today.

This time, I have—properly, in order—Madame Doré Lefebvre.

[*Translation*]

Ms. Rosane Doré Lefebvre: Thank you very much, Mr. Chair.

First I would like to thank the witnesses who are here with us today.

Mr. Grabowsky, from the Union of Canadian Correctional Officers, it is a pleasure to listen to you via teleconferencing.

Mr. McCormack, from the Toronto Police Association, it is always a pleasure to have you with us.

If you will, I will address my questions to Mr. Grabowsky mostly.

I found your presentation extremely interesting. You pointed out that Canadian correctional officers lacked certain resources that are in fact necessary for their work. I agree with you. In my riding there are now two federal penitentiaries, Montée Saint-François and the Federal Training Centre. I often have the opportunity to discuss things with correctional officers in the field. The situation you describe today is very similar to the situation in our Laval penitentiaries.

Concerning the employees' safety, I would like to know how many correctional officers accompany inmates when they have escorted temporary absence permissions. Are there one or two?

How do you assess the current level of safety employees have at work? You said that there were certain incidents, at the Drumheller facility in particular. Can you describe the current situation?

[*English*]

Mr. Kevin Grabowsky: Currently we've been negotiating, and have negotiated, with the employer that for maximum and medium security inmates, when they are in that security level, there are two officers, and they are armed. For our minimum security level, there is no ratio, so one officer could be taking six, seven, eight, twelve inmates out, minimum security.

For ETAs, in the cases that I spoke of, there was one officer in an open vehicle both times. It was an unsecured vehicle. Both times the inmates took control of the officer and took the vehicle. It was while the officer was distracted by driving. The one inmate faked a heart attack. The officer was pulling over, and the inmate produced a weapon. We take inmates, these first- and second-degree murderers, for the first time out into the community with one officer, if they're at the minimum-security level. Back in 1987 it was an inmate from a maximum security level institution with one officer, open vehicle, into the public.

For us, it has to be changed. We can't keep maintaining that type of thing. In the bill it hasn't been addressed. Right now it could be the fact that it wouldn't even be a correctional officer. It may be a volunteer of the institution from a church group who may take an inmate on an escorted temporary absence. That hasn't been addressed or tightened up in the present bill, and we feel it must be.

● (1710)

[*Translation*]

Ms. Rosane Doré Lefebvre: Currently, are correctional officers the only ones who are authorized to be in charge of escorted temporary absences, or ETAs?

You mentioned that in its current form, the bill would allow a volunteer or a person belonging to a religious organization to do that.

[*English*]

Mr. Kevin Grabowsky: Somebody else can accompany the inmate.

[*Translation*]

Ms. Rosane Doré Lefebvre: Can someone besides a correctional officer accompany inmates convicted of first or second degree murder?

[*English*]

Mr. Kevin Grabowsky: That's correct. Currently that's what the CCRA allows.

[*Translation*]

Ms. Rosane Doré Lefebvre: So you require that a correctional officer always accompany inmates when they have escorted temporary absences, and, ideally, that there be two employees with secured vehicles at all times. Did I understand correctly?

[*English*]

Mr. Kevin Grabowsky: Currently for a minimum security level inmate, we are asking that there be two correctional officers in a secured vehicle.

[*Translation*]

Ms. Rosane Doré Lefebvre: Thank you.

You talked about several incidents that happened when the correctional officer's vehicle was not a secured vehicle. Do those types of incidents happen often? Do they happen every year? How often do they happen?

[*English*]

Mr. Kevin Grabowsky: We see that every day with escorts from minimum security.

[*Translation*]

Ms. Rosane Doré Lefebvre: Yes, but I am thinking about the incidents you talked about, such as those that occurred at the Drumheller facility when a correctional officer was taken hostage by an inmate. Is this the type of thing that your members face? Do they run the risk of such things happening often?

[*English*]

Mr. Kevin Grabowsky: There are escorted temporary absences occurring every day from minimum security. Seeing as they are all inmates for first- or second-degree murder, that varies. But every day there are single or lone correctional officers in unsecured vehicles escorting inmates all across the country.

The Chair: Fine.

Thank you, Mme Doré Lefebvre.

Now, Mr. Norlock, go ahead for seven minutes, please.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Mr. Chair, through you to the witnesses, thank you for being here.

My first question would be for Mr. McCormack.

Let me just say that 43 years ago when I was a young rookie officer dealing with victims, especially victims of domestic assault, and I think you would be familiar with this, because policing is in your family history, a woman—usually it was a woman—even with black eyes and serious injuries would have been told by a police officer after she was removed from a residence that she would be given an opportunity, and the police would assist her, to swear information before a justice of the peace, but the police wouldn't.

Would you agree with me that today, some 43 years later, we have vastly improved in that, in especially domestic assault but other assaults also, not only would the perpetrator be arrested and have a bail hearing but assistance would be given to the victims through victim services, etc.? Would you also agree with me that with regard to treatment of victims throughout the whole system, particularly now dealing with Bill C-483, we just need to go the extra mile to balance the scales so that it is at least equal? Would you agree with me? Would you make some comments in that regard?

● (1715)

Mr. Mike McCormack: First of all, surrounding domestic violence and policing and law enforcement and the culture, we have changed. We have learned a lot from those days. That's exactly the way it was when I started the job. Violence was looked at through quite a different lens and that was the way it was handled. We have learned a lot over the last 30 years from a law enforcement perspective in what is going on with crime and how people are victimized.

The only thing I don't agree with is when you say that this type of legislation is going the extra mile. To me, this type of legislation is about fairness. It's not going the extra mile. The extra mile has a connotation that we're going above and beyond. I think you're seeking the threshold for these victims.

I'm not only here speaking as a police officer who worked in some of the toughest communities in Toronto where violence was a reality, serious violence, murder, and so on, but also from our officers' perspectives. We've had officers who have paid the ultimate sacrifice: they lost their lives. You heard about Bill Hancox, and the last time I was here I talked about Michael Sweet.

Some of the cornerstones of what we were talking about around BillC-479 were just the acknowledgement of victims and letting them have a role and a say, because what continually happens in the legal system is that victims are never a victim on the first occasion and then it's over and they go back to their lives and everything's fine. They are continually revictimized.

Part of having somebody who is accountable and responsible for the death of your loved one is that's always there in the back of your mind, even when we're going through a process like the parole process when there are hearings every year and so on and so forth. That's one level.

To have the victims there to take part in that and to at least feel as if they're having an impact on what's going on is one thing, but then when we talk about Bill C-483 taking away.... It's one thing for them to participate in the parole process, but then to have any citizen go home from that process and then to be arbitrarily cut out and the system usurped and the warden say that we're going to go on these ETAs, where's the procedural fairness? I believe that revictimizes the victims.

Mr. Rick Norlock: I thank you for that. When I said we're getting to where we want to go, we're not quite there yet, but I think very soon we will be striking the right balance.

I think you were here for most of Ms. Hancox's testimony. She talked about the feeling of vulnerability each time the victim's family, and she is a victim, obviously, has to write these statements and tell how she feels and how it affected her, that the accused in our system has the right to know.

They have to expose their innermost feelings time and again. The feeling is here we go; this guy or person in prison—in this case it's a woman—begins to exert some kind of control again over her life, even though she's lost that control, given that there's no father or mother at home.

I wonder if you've experienced that. You mentioned revictimization, but knowing how criminal minds work, it's an exercise of control. Even from the distance of prison, they continue to control. Whether it's right or not, there's still that feeling. That may be why a lot of victims ask to be left alone. They've gone through hell here and they don't want to go through it again.

Would you make some comments, please?

Mr. Mike McCormack: It's a catch-22 situation. I just went through this with Christine Russell and her family. I've gone through it with the Sweets, and Ms. Hancox. It's a catch-22 in the sense that they continually have to open their souls and pour their hearts out and have the person who perpetrated this.... There is an impact. That's why they call it a victim impact statement and people need to hear how it has affected them.

There is a cost to the victim. What I've heard from the victims is the choice is whether to disengage and then there's a perception and a sense of guilt that they're not participating in the system.

It's almost as if they get in a wheel and they can't get out of it because they continually have to go through it. It is a revictimization.

● (1720)

Mr. Rick Norlock: Thank you.

The Chair: Thanks very much, Mr. McCormack, and thank you, Mr. Norlock.

Mr. Easter.

Hon. Wayne Easter: Welcome to both witnesses.

Mr. McCormack, do police services get involved in parole hearings and warden's ETAs, in either one of them, in different ways, or are you involved at all?

Mr. Mike McCormack: No, police services generally do not get involved in that.

Hon. Wayne Easter: When a release is granted, either through the Parole Board or the warden, in both instances are the police in the area where the individual is released notified of the timeframe that the individual will be out and where they're going?

Mr. Mike McCormack: We're notified of the conditions and where they'll be released into the communities, but the reality is that....

When we're looking at police resources, for instance, and the strains on police resources, and at how many people we have on the street, this is a constant dialogue in the policing community. Working in the area where I worked, 51 Division Regent Park in Toronto, we had the second-highest density of government housing and rooming housing in North America. We would constantly....

That gets downloaded on the community. We just don't have the resources to continually check up on it.

Hon. Wayne Easter: I understand that, but what I'm trying to determine is whether there's any difference in terms of how police services are notified in a warden release versus a Parole Board release, or is it the same?

Mr. Mike McCormack: We would get notified in the same fashion.

Hon. Wayne Easter: In both cases?

Mr. Mike McCormack: Yes.

Hon. Wayne Easter: This question is for both individuals.

From listening to Mr. Grabowsky, I think he certainly sees a public safety issue in terms of the warden release. What's the feeling of police services? Is there a greater public safety issue with a warden release than there is with a Parole Board release?

Mr. Mike McCormack: You'd have to back that statement up and.... There definitely would be because of the criteria involved in that release. If we talk about a technical way that we're going to administrate the release, it's quite different from the procedural fairness of getting to that release.

The reason we're arguing to support that it be done through the Parole Board is that these are the people who have the highest threshold in terms of the biggest risk to public confidence, to safety, to the victims. We want to make sure that due diligence is done at that level. Naturally, by virtue of the process, I would want the highest threshold. If you don't meet that highest threshold, then I would say for sure the community would be put at a higher risk by somebody who doesn't apply those basics and those fundamentals.

Hon. Wayne Easter: Okay.

Turning to you, Mr. Grabowsky, you named a number of cases. In all the cases you named, were they warden granted releases?

Mr. Kevin Grabowsky: Yes. To my understanding, yes, they were.

Hon. Wayne Easter: Okay.

I would suggest that it was a pretty astounding accusation you made, and it worries me; you talked about a number of areas, double-bunking, etc., within the Correctional Service of Canada system, but indicating that there is pressure on the wardens as a result of cutbacks in resources, either financial or human, in CSC.

Really, if people are being released by wardens within Correctional Service of Canada due to financial pressures because of government decisions, then that is—

The Chair: There's a point of order, Mr. Easter.

Ms. James.

Ms. Roxanne James: Mr. Chair, I would like to bring the members of this committee back to the purpose of this bill. This certainly does not have to do with any of the things that are being talked about right now.

As well, we just had the commissioner of CSC here, and not once did he actually discuss or bring attention to or infer any of the things that are being talked about right now that have absolutely nothing to do with the content of this bill that this committee is supposed to be here discussing.

● (1725)

The Chair: Mr. Easter, would you like to respond?

Hon. Wayne Easter: Mr. Chair, I disagree entirely. If wardens are releasing—it was stated by a witness—due to double-bunking, etc., and if there is an issue with wardens releasing individuals due to financial pressure, and putting the public safety at risk, then that is something the minister has to answer to.

It ties into this bill because we are looking at whether warden releases are acceptable. If financial pressures are part of the decision-making in terms of a warden releasing individuals, then we really have a bigger problem than what we started out with.

That's why I'm asking the question.

The Chair: Okay, Mr. Easter. Your question is valid if there is a financial connotation to it, but I might suggest we keep the financial connotation directed to the point that we're asking about, rather than try to spread it through the entire penal and judicial system.

Hon. Wayne Easter: Do you have anything to say on that, Mr. Grabowsky?

Mr. Kevin Grabowsky: The point is I'm saying that we know wardens are facing these pressures; the service is facing these pressures. In that regard, making a decision on a first- or a second-degree murderer's ETA is one pressure we feel this bill takes away from them, that it won't be there. I'm not saying that a warden has made this decision because of that, but that he faces all those pressures in his decision-making. It's something he must balance in a lot of decisions. Population management, period, is a big one. Certainly, cascading an inmate down and getting him reintegrated into society is the service's number one goal.

The Chair: Thank you very much. We're out of time on Mr. Easter's considerations.

We'll now go to Mr. Payne for the remainder of the time.

Mr. LaVar Payne (Medicine Hat, CPC): Thank you, Chair.

Thank you to the witnesses for attending.

The Chair: Excuse me. We have a representative from the New Democratic Party.

Would you like to—

Mr. Randall Garrison: [*Inaudible—Editor*]

The Chair: They'll transfer the time over.

Mr. Payne, you have the floor.

Mr. LaVar Payne: Thank you Mr. Garrison.

I have two quick questions, because I know I don't have a lot of time.

Mr. McCormack, we did hear from Kim Hancox. She talked about the warden not having any accountability. That is a major concern for me. I'd like to have your thoughts on that. In particular, do you believe that the warden should have involved the victims in the same process that the Parole Board would have done?

Mr. Mike McCormack: I'll answer the last question first. No, because I don't think this process is acceptable in any form.

Again, the honourable Mr. Easter brought up the thresholds. We're talking about putting the most violent offenders back out into the public, and the risk. It clearly does not meet the procedural fairness or the transparency that's required, that you would have such a high level in looking at something, and then say okay, but now we have completely thrown out all accountability and transparency. Nobody can pinpoint what the criteria are, what they are using, what the benchmarks are, what the thresholds are when a warden makes that decision. So why would the victim...?

This has to stop. That's the bottom line. Whether the victim gets involved or not, it just has to stop. You have to have it very transparent. We all see the damage that it does to public confidence. If you were to say to a member of the public that we have this, I think any member of the public would ask why we have this if we're not going to abide by it.

Mr. LaVar Payne: My question for Mr. Grabowsky is about the gentleman, Gingras,who was one of the released individuals who came to my riding and murdered an individual.

Mr. Kevin Grabowsky: Yes, sir.

Mr. LaVar Payne: One of the things they talk about that the warden takes into consideration is the escape risk. I don't understand what would go into that, and I wonder if you could tell us. In that kind of situation, what information would go into whether or not an individual is an escape risk?

● (1730)

Mr. Kevin Grabowsky: It comes from intelligence from inside the prison, from outside the prison, gathered through mail, through telephone conversations, through interactions with staff. It's his behaviour in the jail, it's who he.... It's an intelligence gathering that's put forward, but it's not something that is really credited the way it should be.

Once someone has escaped once, then it's really easy to say there's an escape risk. For us as correctional officers, it's harder to prove he's an escape risk if he has never escaped .

Mr. LaVar Payne: Okay, thank you.

The Chair: Thank you very much.

We are out of time for today's hearing.

On behalf of the committee, Mr. Grabowsky, thank you very kindly for testifying before committee today and for taking the extra effort to do so by way of teleconference.

Mr. McCormack, it was certainly a pleasure to welcome you back and accept your sage advice at this committee.

The committee would like to thank you all for participating today.

The meeting is adjourned.

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