

# Office of the Correctional Investigator (OCI)

## Questions and Answers

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### Question 1:

Dr. Zinger, your report noted that in 2016-2017, there were 8,886 offenders released for community supervision. That is the highest number in the past decade. Why are so many offenders being released?

### Response:

- Sixty per cent of these releases are statutory releases (cases where the Board has not made a decision to release). Of those 8,886, the Board made decisions to release for 3,555.
- It would be difficult to determine any single factor that accounts for this increase, but I can note a number of factors that may have contributed to this:
  - Rates of re-offending while under community supervision have steadily been declining over the years – even with the increase in releases;
  - This is particularly true in the case of violent re-offending while on conditional release;
  - The admission of older offenders to federal custody is increasing and we know that as people age, their risk of reoffending decreases;
    - The number of offenders between 40 and 49 years of age on admission has increased nearly 20% over the last decade
  - The decline in reoffending suggests that there have been improvements in our risk assessment and risk management capability.
- The total number of 8,886 offenders in the community under supervision includes a spectrum of offenders on various forms of conditional release including day and full parole, statutory release and long-term supervision orders.

### Question 2:

What I find in this case is that we have an investigation that is going to be conducted, that was convened by the Commissioner and the Chair of the Parole Board jointly, that it's basically an internal investigation and I think that is, in terms of the process, problematic. When you have allegation of wrongdoing where you are possibly going to be looking at negligence and carrying out their duties, you shouldn't ask the agency responsible for, for that to investigate themselves. That is never done in policing, that should never be done. **[SECU]:** We agree that there should be an external investigation. Who specifically do you think should be doing that investigation? **[Dr. Zinger]:** It should be called upon the government by, under the Inquiries Act. Completely independent.

**Response:**

- The Commissioner of CSC and I have convened a joint Board of Investigation into this case and it will look at the circumstances surrounding the incident.
- Any recommendations that could ensure this situation does not happen again will be thoroughly examined and corrective measures implemented, as appropriate.
- I also wish to point out that this Board of Investigation is led by two persons who are external to government.
- The work of the two co-chairs is being supported by one staff member from the Board, and two from the CSC. In any independent investigation there are always staff from the agencies who will provide guidance about the work of the Board, where to find policies, procedures and so forth.
- Under the CCRA, both the Commissioner and myself have the legal authority to appoint “a person or persons” to investigate and report on any matter relating to the operations of the Board/CSC.
- This ensures that we have the flexibility to appoint independent and external persons to ensure there is no bias in the conduct of such work.
- Any recommendations arising from the Board of Investigation will be reviewed by CSC and the PBC, and corrective measures implemented, as appropriate.

**Question 3:**

To my knowledge, this has happened only more than eight years ago and the, the preoccupation for me is that those extreme cases test the system as a whole and there's always the danger that those extreme cases can result in bad policy and bad law. **[SECU]:** Do you recall the name of the similar incident that occurred eight years ago? **[Dr. Zinger]:** I think it was in New Brunswick. I would have to dig it out.

**Response:**

- I am aware of the case that you are referring to, and you are correct, that was the most recent case involving a murder committed by a federal parolee.

[IF PRESSED]

- In that case, the offender [Mr. Christopher FALCONER] was released on full parole.
- The offender was subsequently convicted of first degree murder [for the murder of Amber Kirwan] in 2014.
- No recommendation for the Board.