

Questions and Answers

General

1. How many decisions does the PBC make in a year?

- In 2020-21, the PBC expects to complete approximately 16,000 conditional release reviews and render 23,000 decisions for federal and provincial/territorial offenders.

2. What is the purpose of parole? Why do we release offenders on parole?

- Most offenders are serving a determinate sentence and will eventually be released to the community.
- A gradual and controlled release of an offender to the community with structure and supervision is the most effective approach for the safe reintegration of offenders into society.
- The various legislated types of conditional releases and eligibility dates are designed to promote the gradual and structured release of offenders.
- The PBC does not set eligibility dates for conditional release. Instead, the Board applies the legislative provisions set out in the CCRA.

3. What is day parole / full parole?

- Day parole allows an offender to participate in community-based activities in preparation for full parole or statutory release. Offenders on day parole must return nightly to a community-based residential facility or halfway house.
- Full parole allows an offender to serve part of their sentence under supervision in the community under specific conditions. Full parole normally follows successful completion of day parole. Offenders on full parole typically reside in a private residence.

4. When does an offender become eligible for day parole / full parole?

- Eligibility dates for day and full parole are set in law in accordance with the CCRA.

- Day Parole: 6 months before full parole eligibility date (PED) or 6 months into the sentence, whichever is greater. For offenders serving life sentences, 3 years before PED.
- Full Parole: At 1/3 of sentence, or 7 years, whichever is less. For offenders serving a life sentence, parole eligibility is set by the Court at the time of sentencing. For first degree murder, eligibility is automatically set at 25 years, and for second degree murder, eligibility may be set at between 10 to 25 years.

5. What are standard conditions / special conditions?

How does the Board determine what conditions to apply?

- All offenders released on conditional release must abide by a set of standard conditions in law. These include reporting to a parole officer, obeying the law and keeping the peace, not owning or possessing a weapon, and reporting any change in their family, domestic or financial situation to their parole officer.
- The Parole Board may also impose any special conditions it considers reasonable and necessary to further manage an offender's risk in the community, such as to abstain from the use of drugs or alcohol, or to report all intimate relationships.
- The Board also takes into account requests from victims to impose special conditions. The most common request is for no contact with the victim or their family members.

6. Did the PBC authorize this offender to solicit sexual services while on parole?

- The Parole Board of Canada (PBC) did not authorize any community supervision strategy giving this offender permission to solicit sexual services while on parole, as can be read in the Board's September 2019 written decision.
- As indicated in the PBC's written decision, Board members clearly did not support this strategy, and the Board in turn imposed a special condition to report all intimate and non-intimate relationships.

7. Are there other instances that you are aware of where an offender has visited massage parlours or solicited sexual services while on parole?

- One of the standard conditions placed on all offenders released on parole is to obey the law and keep the peace. As soliciting sexual services is an offence under the

Criminal Code, the Board would not impose such a condition on an offender's parole.

- Special conditions are intended to help further manage an offender's risk in the community. They typically include things like abstaining from the use of drugs or alcohol, or reporting all intimate relationships.
- The Correctional Service of Canada (CSC) is ultimately responsible for the supervision of federal offenders in the community, and ensuring that offenders follow the conditions of their release.

RISK ASSESSMENT

8. How do Board members assess an offender's risk to re-offend?

- As part of the decision-making process, the CCRA requires that the PBC consider two things when granting parole:
 - that the offender will not, by reoffending, present an undue risk to society before the end of their sentence; and
 - the release of the offender will contribute to the protection of society by facilitating the offender's return to the community as a law-abiding citizen.
- The Board's decision-making process is highly structured, and considers all relevant information from a wide range of sources.
- The risk assessment process considers the nature of the offence, the offender's attitude toward the offence and the victim(s), and whether any measures have been taken by the offender to demonstrate accountability for and understanding of the offence, and to address their risk factors.
- Board members consider a wide range of information in assessing an offender's risk to re-offend. Information from the police, courts, Crown attorneys, mental health professionals, correctional authorities, private agencies, and victims of crime is used in assessing an offender's risk to re-offend and whether that risk can be safely managed in the community. Board members also refer to actuarial assessments and risk assessment tools in determining an offender's risk to re-offend.
- Board members take into consideration all relevant factors, including:
 - an offender's social and criminal history;
 - any systemic or background factors that may have contributed to the offender's involvement with the criminal justice system;

- the reasons for and type of offence(s) including the offender's understanding of the offence and any past offences;
- any progress made by the offender through participation in programs;
- their behaviour in the institution and while on previous conditional release(s);
- actuarial assessments and risk assessment tools;
- victim information; and
- the offender's release plan and community supports.

9. Why didn't Board members revoke this offender's day parole when they found out he was soliciting sexual services from women, which they described as "inappropriate" and a "risk factor" in their decision?

- As the Chairperson, I direct the PBC's management and operations, however Board members are independent in their decision-making responsibilities, consistent with PBC's legislative framework.
- Board members consider all relevant and available information in assessing an offender's risk to re-offend and whether this risk can be safely managed within the community. This includes things such as the offender's behaviour in the institution and while on previous conditional releases.
- Public safety is the paramount consideration in all Parole Board of Canada decisions.

HEARINGS HELD BY VIDEOCONFERENCE

10. How often does the Board conduct hearings by way of videoconference?

- In 2018-19, from a total of 6,635 hearings, 57% (3,806) were held by videoconference.
- Over the past five years, from a total of 28,637 hearings, approximately half (49%) have been held by videoconference (14,061).

BOARD MEMBER QUALIFICATION PROCESS

11. How does the Board member appointment process work?

- The Board Member Qualification Process supports an open, transparent, and merit-based selection process that supports the provision of a list of high-quality

candidates to the Minister of Public Safety that reflects gender parity and Canada's diversity.

- The PBC works in collaboration with the Privy Council Office (PCO) on the qualification process for Board members.
- Currently, a Selection Committee is established by PCO, which consists of a representative from PCO, the Prime Minister's Office (at their discretion), the Office of the Minister of Public Safety, Public Safety Canada, and the PBC Chairperson (or designated alternate). Unique to the Board, an Indigenous Elder participates in all interviews for GIC candidates.
- The Selection Committee assesses the merit of potential candidates at each step of the phased process, consisting of: a screening process, a written exam, an interview and a reference check.
- A list of qualified candidates is submitted by the Chairperson to the Minister of Public Safety, who then makes a recommendation to Cabinet.

12. Is there currently a delay in filling BM vacancies? Have you provided a list of qualified candidates to the Minister of Public Safety?

- This is a question better posed to the Minister of Public Safety, who is responsible for selecting candidates and recommending them to the Governor-in-Council for appointment.

13. The GIC appointment process was changed in 2016 – has this new process resulted in improvements? Is it meeting the PBC's needs in terms of GIC's?

- As the appointment process is led by the Privy Council Office, I would defer to them on this question.

14. Has the new GIC appointment process made it more difficult for you to re-appoint / retain experienced Board members?

- GIC appointees hold office either on a part-time or a full-time basis. In accordance with Section 103 of the *Corrections and Conditional Release Act* (CCRA), full-time Board members can hold office during good behaviour for periods not exceeding 10 years while part-time Board members can hold office during good behaviour for periods not exceeding 3 years.

- A Board member may be reappointed to the same position but, since appointments are made at the discretion of the GIC, renewal is not automatic.
- Re-appointment of Board members is a key strategy to maintain knowledge and experience within the Board.

BOARD MEMBER COMPLEMENT

**15. How many Board members can the PBC have at any one time?
How many do you have right now?**

- Board members may be appointed as full-time or part-time decision-makers.
- The *Corrections and Conditional Release Act* sets a limit of 60 full-time members and allows for a number of part-time members to hold office during good behaviour for periods not exceeding ten years and three years, respectively.
- In addition, not more than six full-time Board members are designated to the Appeal Division.
- There are currently a total of 39 full-time board members, and 39 part-time Board members appointed to the PBC.

**16. How many vacancies does the PBC currently have?
Do you have a Board member shortage?**

- There are currently 14 Board member vacancies across our six regional offices (10 FT and 4 PT).
- PBC is actively monitoring its BM complement.

**17. How many years of experience do current Board members have?
Do you have a deficit of experienced Board members?**

- Board members are appointed for 3- and 5-year terms, so Board member experience is dictated in part by the appointment process itself, as well as the re-appointment of Board members.
- That being said, the Board has significant experience and knowledge among our current GIC complement of Board members.

- Although Board members have an average of 2.5 years experience, we have 15 Board members who have more than 5 years experience, and 8 Board members who have between 10-15 years experience.
- There have been 10 Board member re-appointments between January 1, 2019 and January 1, 2020, which reinforces the Board's commitment to keep Board members with a depth of knowledge and experience.
- Board members are also supported in their decision-making by public service staff such as Case Review Officers and Hearing Officers. These staff perform a critical function, and are responsible for a variety of tasks such as case preparation and information sharing.
- These public service staff have had a lengthy tenure with PBC – 27 of these employees have worked for the Board for between 15-30 years each.
- Although Board members are appointed for a finite term, they are supported by deeply experienced staff who can offer support with regard to the hearing process, and requirements under the CCRA.

BOARD MEMBER TRAINING

18. What kind of training do Board members receive? How soon do they start making decisions upon appointment?

- Board members come from varied backgrounds and collectively reflect Canada's diversity, community values and views. As such, a comprehensive orientation is essential in order to ensure that all Board members are equipped with the level of knowledge and skill required to conduct the Board's work.
- Upon appointment, Board members complete an intensive five-week Board member orientation session. During that time, they receive training on relevant law, policy and risk assessment by PBC in partnership with key academics and practitioners in the field of criminal justice.
- This is followed by ongoing mentoring and coaching by experienced Board members and key personnel for an extended time period in order to fully integrate and reinforce the knowledge and skills developed during the training.
- Board members also participate in regional training on a regular basis, and in continuous learning and development opportunities throughout their mandate.

- Altogether, Board members receive 225 mandatory hours of training and mentoring on risk assessment on topics such as: Violence, Intimate Partner Violence, Family Violence, Sex Offenders, Lifers, General and Violent Recidivism, and Offenders Serving Long Sentences.
- No Board member is assigned any decision-making responsibilities until they have fully completed their training and have the confidence of their Regional Vice-Chairperson.
- The primary emphasis in Board member training is to ensure that they understand the Board's Risk Assessment Framework and are able to apply it in their decision-making. Public safety is the Board's number one priority.
- Board members are trained in the Risk Assessment Framework by academics specialized in risk assessment and supported by PBC staff.

19. The Minister of Justice has introduced a bill to require new sexual assault training for judges? The suggestion has been made to amend this bill to have it include PBC Board members? Do you agree that Board members should also get this training?

- The PBC has been providing this type of training to its Board members for many years now. Board members receive training on the following to help them in the assessment of risk the offender presents: risk assessment issues for sex offenders, risk assessment issues for violent offenders, intimate partner violence (including static and dynamic risk), domestic homicide, family violence and other topics related to violence and sexual offending.

20. It has been suggested that some of your Board members may be making decisions before they have received sufficient training. How do you respond to this?

- No Board member is assigned any decision-making responsibilities until they have fully completed their training and have the confidence of their Regional Vice-Chairperson.

21. It has been suggested that Board members do not receive the specialized training required to allow them to make quality decisions for certain offenders. How do you respond to this?

- The Board Member Training Program's curriculum is continuously updated to reflect changes in evidence-based research on conditional release as well as changes to the legal and policy framework on conditional release decision-making.

QUALITY ASSURANCE

22. Does the PBC have a quality assurance mechanism for its Board member decision-making?

- Yes. PBC has a Quality Assurance Framework that assists the Board in ensuring its due diligence and accountability in quality decision-making. It is currently under review to update its systems and processes.
- It provides products that assist in providing feedback to Regional Vice-Chairpersons and Board members, and helps to identify any gaps in policy or training.
- PBC currently has several quality assurance measures in place and has a monitoring program.
- The Quality Assurance team at our National Office within Professional Standards conducts several activities which contribute to the overall Framework at PBC:
 - Case reviews for various situations, including at the request of an RVC and when serious incidents occur in the community regarding an offender on release.
 - Boards of Investigation, which can be conducted independently or in conjunction with Correctional Service Canada (CSC), to review the circumstances of the case and the community incident and determine if there are any systemic or case-specific concerns that must be addressed.

PAROLE GRANT RATES

23. What is the overall grant rate for day parole and full parole?

- in 2017/18, the grant rates for federal offenders was:
 - 79% for day parole
 - 38% for full parole
- While parole grant rates have increased, rates of re-offending, particularly violent re-offending, have declined, suggesting that there have been improvements in efforts by Correctional Service of Canada (CSC) and Parole Board of Canada (PBC) in risk assessment and risk management.

Time served prior to first DP/FP release

- Offenders serving determinate sentences serve on average 12% of their sentence past their full parole eligibility date.
- For the last five years, offenders serving indeterminate sentences serve on average:
 - 7 years past their day parole eligibility date prior to their first day parole release; and
 - 6 years after their full parole eligibility date prior to their first full parole release.

COMPLETION RATES

24. What is the overall successful completion rate for day parole and full parole?

Day parole

- In terms of outcomes post-release in 2017-2018, the successful completion rate for day parole was 99%, for supervision periods with no re-offending.

Full parole

- In 2017-18, the successful completion for federal full parole, for determinate sentences, was 98%, for supervision periods with no re-offending.

REVOCATION RATES

25. What is the overall revocation rate for day parole and full parole?

Day parole

- For 2017-2018, the total revocation with offence rate of federal day parole was 1%.

Full parole

- The total revocation with offence rate of federal full parole, for determinate sentences, was 2%.

BOARDS OF INVESTIGATION

26. Can you tell us about the Board of Investigation being conducted in the case of Eustachio Gallese? How does the investigation work and who does it involve?

- The Commissioner of CSC and I have convened a joint Board of Investigation into this case. The investigation will look at the circumstances surrounding the incident and make recommendations, as appropriate, to prevent similar incidents from happening again.
- The Board of Investigation is composed of five members, including two external co-chairs who are criminologists. The Board of Investigation will also include two representatives from CSC and one from PBC.
- Any recommendations arising from the Board of Investigation will be reviewed by CSC and the PBC, and corrective measures implemented, as appropriate.
- We are aware that a criminal investigation is ongoing in this matter, and we will continue to respect that process.

[DEFER TO CSC TO EXPLAIN BOI PROCESS IN FURTHER DETAIL,
BUT NOT OUR ROLE]

27. Will the Board of Investigation result in disciplinary measures against anyone found to have been at fault?

- Boards of Investigation are administrative in nature. They are not criminal investigations. Their intent is not to assign blame on individuals who have carried out their tasks dutifully, but rather to analyze findings and recommendations and bring amendments to policy and training programs, as needed, to reduce the likelihood of such incidents happening in the future.
- The purpose of a BOI is to identify areas of systemic or case-specific concerns that need to be implemented to address these issues.

28. Will the Board members responsible for this decision be fired?

- As a foundation of the Board's independence as an administrative tribunal, Board members are independent and free from external influence in their decision-making.
- Disciplinary or remedial measures pertaining to Members of the Parole Board of Canada are set out in the *Corrections and Conditional Release Act*.
- Board members are appointed by the Governor in Council, on the recommendation of the Minister, to hold office during good behavior.
- Appointees may only be removed for cause, and the threshold for this varies in accordance with the precise wording set out in the legislation.
- In accordance with the CCRA, the Chairperson may recommend to the Minister that an inquiry be held to determine whether any member of the Board should be subject to any disciplinary or remedial measures for any reason set out in any of paragraphs 155.2(2).

29. Who can appeal a Parole Board of Canada decision?

- Pursuant to subsection 147(1) of the CCRA, an offender may appeal a decision of the Parole Board of Canada.
- In accordance with section 168 of the *Corrections and Conditional Release Regulations*, an offender, or a person acting on their behalf, may appeal a decision of the Board to the Appeal Division by sending written notice to the Board stating the grounds on which the appeal is made and providing information and material in support of the grounds of appeal.

30. Can a victim appeal a Parole Board of Canada decision?

- As victims are not a party to an offence, they cannot appeal a Parole Board of Canada decision.
- The *Canadian Victims Bill of Rights (CVBR)*, which came into force on April 23, 2015, enshrines in law victims' statutory rights to information, protection, participation and restitution, in an effort to balance their rights with those of offenders.
- The Board is committed to treating victims of crime with courtesy, compassion and respect, and has a duty to act fairly to both victims and offenders in the interest of the administration of justice and of public safety.
- The CVBR does not contemplate providing victims with the right to appeal decisions made at any point in the system, including police action, the courts, and releasing authorities.
- A formalized victim complaints process exists for victims who believe their rights under the CVBR have not been respected by the PBC.

OTHER

If asked about the specifics of an offender's case

I cannot comment on specifics of any particular case.

If asked a question related to CSC's mandate / jurisdiction

This is a question best posed to CSC, as this falls under its mandate.

If asked a question for which you do not have an answer

I do not have that information but I would be happy to follow-up on this and get back to the Committee.

If asked a question that requires an opinion-based answer

I can only speak to the Board's mandate, and how it operates under the law.

I am not in a position to answer/give an opinion on that.