

## BRIEFING BOOK FOR THE MINISTER

TOPICS	TAB
<b>A. <u>Organizational Overview</u></b>	
Vision, Mission, and Values	1
Mandate and Legislative Framework	2
Organizational Overview/Structure	3
Qualification, Appointment and Training Processes	4
Chairperson's Priorities and Planning Highlights	5
<b>B. <u>Conditional Release</u></b>	
Legislative Framework for Conditional Release	6
Purpose and Principles of Conditional Release	7
Types/Eligibilities for Conditional Release	8
Conditional Release Decision-Making and Risk Assessment	9
Parole Grant Rates	10
Appeal Division	11
<b>C. <u>Record Suspensions, Pardons and Clemency</u></b>	
Record Suspension/Pardon Process	12
Record Suspension User Fees	13
Clemency Process (i.e. Royal Prerogative of Mercy)	14
Expungement	15
<b>D. <u>Public Outreach and Engagement</u></b>	
Victims of Crime	16
Observers at Hearings	17
Decision Registry	18
PBC in the Media	19
<b>E. <u>Issue Notes</u></b>	
Urgent Appointments	20
Pardons Reform and Renewal	21
Conditional Release: A Challenging Operating Context	22
Diverse Populations: Responsive Plan and Action	23
Internal Capacity	24
Legal Issues	25
Saskatchewan Mass Casualty Board of Investigation	26
Budget Refocusing Exercise	27



## 1. VISION, MISSION AND VALUES

### VISION STATEMENT:

- As an independent administrative tribunal, the Parole Board of Canada (PBC) contributes to public safety.

### MISSION:

- The Parole Board of Canada, as part of the criminal justice system, contributes to the protection of society by facilitating, as appropriate, the timely reintegration of offenders and the sustained rehabilitation of individuals into society as law-abiding citizens. The Board makes independent, quality conditional release, record suspension and expungement decisions, as well as clemency recommendations, in a transparent and accountable manner, while respecting diversity and the rights of offenders and victims.

### VALUES:

The Mission establishes three core values to guide the PBC's work:

#### **Respect**

- We respect the inherent potential and rights of all members of society.

#### **Openness, Integrity, and Accountability**

- We are committed to openness, integrity and accountability in the execution of our mandate.

#### **Excellence**

- We achieve the Parole Board of Canada's Mission through the contributions of qualified individuals working in a continuous learning environment.

July 2023



## 2. MANDATE AND LEGISLATIVE FRAMEWORK

### MANDATE

- The Parole Board of Canada (PBC/the Board) is an independent administrative tribunal responsible for:
  - decisions on the timing and conditions of release of offenders to the community on various forms of conditional release. The PBC makes decisions for offenders sentenced to a federal penitentiary (sentence of two years or more) or to a provincial/territorial correctional facility (sentence of less than two years) in provinces/territories that do not have parole boards. The three provinces that have their own parole boards are Ontario, Québec and Alberta;
  - decisions to order, refuse, or revoke record suspensions/pardons;
  - decisions to order or refuse to order expungements; and
  - recommendations regarding the exercise of the Royal Prerogative of Mercy (Clemency).

### LEGISLATIVE FRAMEWORK

- The PBC derives its decision-making authority from:
  - the *Corrections and Conditional Release Act*;
  - the Canadian Charter of Rights and Freedom;
  - the *Criminal Records Act*;
  - the *Expungement of Historically Unjust Convictions Act*;
  - the *Criminal Code of Canada*; and
  - the Letters Patent constituting the Office of the Governor General (1947).

### INDEPENDENCE

- As a federal institution, the PBC is part of the Public Safety portfolio; however, the Board operates at arm's length from the Government of Canada, free from external influence.
- Board members are Governor in Council appointees made by the Governor General of Canada, on the advice of the Cabinet. They have a duty to uphold the credibility of the PBC and are to remain independent and accountable in their decision-making.
- The independence of the PBC protects the integrity of the Board by ensuring that Board member decision-making is free of partisan influence and likewise, protects the Minister from any real or perceived influence over conditional release or pardon/record suspension decision-making.

## **KEY MESSAGES**

- The PBC's legislative framework is prescriptive, shaping PBC policy, training and operations, and clearly establishing public safety as the PBC's top priority.
- Independence as an administrative tribunal is central to the Board's ability to carry out its mandate.



### 3. ORGANIZATIONAL OVERVIEW / STRUCTURE

#### **BACKGROUND:**

- The Parole Board of Canada (PBC) is an independent administrative tribunal within the Public Safety portfolio. The Chairperson of the PBC is accountable to Parliament through the Minister of Public Safety (the Minister).
- The PBC carries out its work through its national office located in Ottawa, and regional offices located in Moncton (Atlantic Region), Montreal (Quebec Region), Kingston (Ontario Region), Saskatoon and Edmonton (Prairie Region) and Abbotsford (Pacific Region).
- Approximately 536 full-time equivalents (FTE) work for PBC which includes, at the present time, 44 full-time Board members and 39 part-time Board members.

#### **DESCRIPTION OF DUTIES:**

##### Chairperson

The Chairperson of the PBC is a full-time Board member and its Chief Executive Officer. The Chairperson directs the PBC's delivery of core responsibilities in keeping with the Government of Canada's overall plans and priorities. The Chairperson is accountable for the effectiveness and efficiency of the PBC's policies and operations and is assisted in these responsibilities by the Executive Vice-Chairperson, the Vice-Chairperson of the Appeal Division, the five regional Vice-Chairpersons, the Deputy Chairperson and other senior managers.

##### Executive Vice-Chairperson (EVC)

The Executive Vice-Chairperson is a full-time Board member and exercises all powers, duties, and responsibilities of the Chairperson, in the event of the absence of the Chairperson or vacancy in the office of the Chairperson. The Executive Vice-Chairperson is responsible for overseeing the qualification process, training, professional conduct, performance evaluations and appointment processes for all Board members.

##### Vice-Chairperson (Appeal Division)

The Vice-Chairperson of the Appeal Division is a full-time Board member and is responsible to the Chairperson for the professional conduct, training, and quality of decision-making of Appeal Division Board members.

July 2023

### Regional Vice-Chairpersons (RVC)

- Each RVC is a full-time Board member and is responsible to the Chairperson for the professional conduct, training, and quality of decision-making of Board members assigned to that region.

### Board Members

- Board members are responsible for analysing relevant information, conducting hearings and rendering independent, quality conditional release and record suspension/pardon decisions and clemency recommendations.
- 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, and upon receipt of an application for appeal, determine if the law, policies and processes were respected.

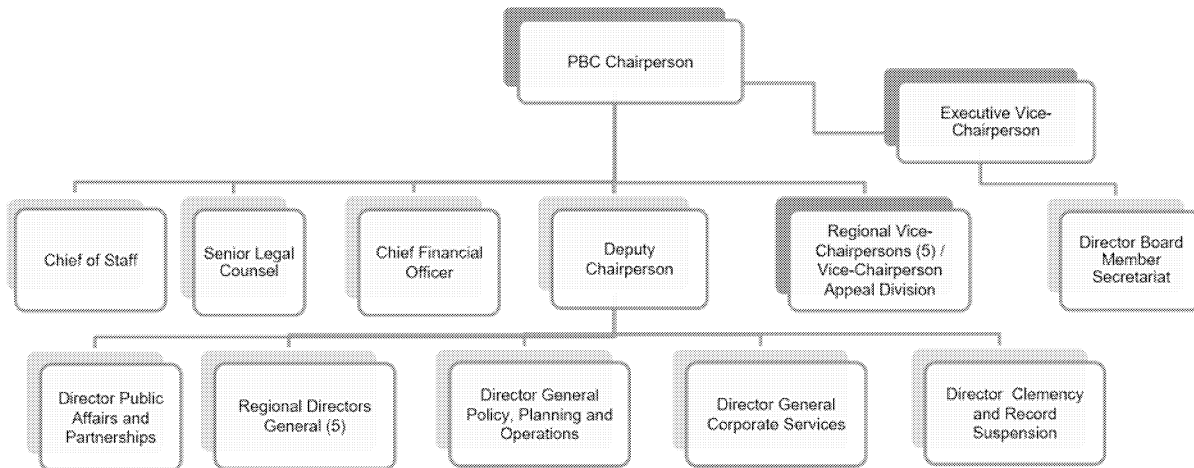
### Deputy Chairperson (DC)

- The Deputy Chairperson is the most senior public servant in the PBC and the Chief Operating Officer. The Deputy Chairperson, in support of the Chairperson, provides leadership for strategic and operational planning, policy development, resource management, program monitoring and administration, as well as the operation of the national office and the five regional offices.

## **ORGANIZATION CHART:**

The following organizational chart provides additional details.

Note: Within the chart below the blue background denotes Governor-in-Council term appointees and the grey background signifies public service employees.



## **KEY MESSAGES:**

- The PBC is an independent administrative tribunal, comprised of GIC-appointed Board members and public servants.
- As the Chief Executive Officer of the PBC, the Chairperson directs the PBC's management and operations. Board members are, however, independent in their decision-making responsibilities, consistent with the PBC's legislative framework.



#### 4. BOARD MEMBER TRAINING

- One of the principles that guide the Parole Board of Canada (PBC) in making quality conditional release decisions is to provide high quality training to Board members, as stated in Section 101(d) of the *Corrections and Conditional Release Act (CCRA)*. Furthermore, Section 150(2) of the *CCRA* designates Vice-Chairpersons of the Board responsible to the Chairperson for the professional conduct, training, and quality of decision-making of Board members assigned to their division.
- Board members come from varied and diverse backgrounds to collectively represent community values and views as per section 105(1) of *the CCRA*.
- A Board Member Training Program includes core training, continuous learning and development, tools and reference materials which support and enhance the knowledge and skills required by Board members to complete their work.
- Upon appointment, orientation training is provided and is comprised of a mix of national and regional training sessions. In addition to formal training, Board members are guided and coached by their Vice-Chairperson, as well as experienced Board member and knowledgeable staff members on an ongoing basis.
- On average, Board members are able to complete a full caseload within six months of completing their training.
- The Board holds an Annual Training on Risk Assessment to ensure that Board members continue to enhance and strengthen their knowledge and skills in the assessment of risk.

#### **KEY MESSAGES:**

- Effective and high-quality training is fundamental to quality conditional release decision-making, pardon and record suspension decision-making, and clemency recommendations.
- With the assistance of its partners in the criminal justice system, the private sector, academia and subject matter experts, learning and development activities are designed to ensure that Board members have the most updated knowledge to make quality decisions.
- Training is regularly updated to reflect changes in evidence-based research on conditional release as well as changes to the legal and policy framework on conditional release and pardon/record suspension decision-making.

July 2023



- The Parole Board is currently undergoing an extensive review of both its training governance model and the substance of its training materials against the evolving needs of Board Members, and staff. This review will likely highlight gaps within the Board's learning that may necessitate a reorganised training delivery model, additional resources, or both.



#### **4. BOARD MEMBER QUALIFICATION AND APPOINTMENT PROCESSES**

##### **QUALIFICATION PROCESS:**

- The Board Member Qualification Process provides an open, transparent, and merit-based selection process. The results of this process ensure the Minister has a list of high-quality candidates that reflects gender parity and Canada's diversity.
- The Parole Board of Canada (PBC) works in collaboration with the Privy Council Office (PCO) to administer the qualification process for Board members.
- The Selection Committee consists of a representative from PCO, the Prime Minister's Office (at their discretion), the Office of the Minister of Public Safety, the Department of Public Safety Canada, and the PBC Chairperson (or designated alternate). Unique to the Board, an Indigenous Elder participates in all interviews for Governor in Council (GIC) candidates.
- The Selection Committee assesses the merit of potential candidates at each step of the phased process, consisting of:
  - A screening process where applications are reviewed to determine if they meet the selection criteria;
  - A written exam, administered online;
  - An interview for the candidates who have been retained by the Selection Committee, following the written assessment;
  - Reference checks; and
  - Second language assessments, both oral and written, for those candidates who have indicated their ability to work in both official languages.
- A list of highly qualified candidates is submitted to the Minister of Public Safety, who then makes a recommendation to Cabinet.

##### **APPOINTMENT PROCESS:**

- A GIC appointment is one made on the recommendation of the responsible minister, approved by Cabinet and signed by the Governor General.
- 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.

July 2023

- 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.

**KEY MESSAGES:**

- The Board Member Qualification Process is an open, transparent, and merit-based selection process, seeking outstanding individuals that can become quality decision-makers to render conditional release and record suspension decisions while reflecting Canada's diversity.
- As of July 10, 2023, of the PBC's 83 current Board members, 58% are women, 14% are Indigenous, and 12% are a visible minority. In 2014, 30% of Board members were women, 5% were Indigenous and 1% were visible minority. While there is still work to do, considerable improvements have been made in this area.



## 5. CHAIRPERSON'S CORPORATE PRIORITIES AND PLANNING HIGHLIGHTS

### **BACKGROUND:**

- The Parole Board of Canada (PBC) is an independent administrative tribunal that, as part of the Canadian criminal justice system, makes independent, quality conditional release, record suspension/pardon and expungement decisions, as well as clemency recommendations, in a transparent and accountable manner, while respecting diversity and the rights of offenders and victims.

### **CHAIRPERSON'S CORPORATE PRIORITIES:**

For 2023-24, the PBC has identified five corporate priorities. These priorities and highlights of planned activities are outlined below.

#### **A. The PBC will enhance Board member, staff, and organizational capacity in the application of legislative requirements and relevant jurisprudence**

- Modernize Board Member Training in an effort to offer timely, current, and relevant training to its decision-makers;
- Continue to operationalize the Directive on Quality Assurance for Board members; and
- Implement the recommendations of the Clemency Renewal Exercise.

#### **B. The PBC will cultivate a people management approach that fosters diversity and inclusiveness, recognizes the benefits of flexible work arrangements, and promotes a healthy, respectful, productive and safe work environment**

- Continue the implementation of the PBC's Employment Equity Plan and PBC's Accessibility Plan;
- Continue to implement the remaining regulatory requirements following the implementation of the Policy on Workplace Harassment and Violence Prevention;
- Continue to adapt to the new reality of work, which includes a hybrid model;
- Support the PBC's Talent Management Framework and Decision-Making Tool for second language training at the PBC through its central training fund;
- Implement and participate in development programs to foster career development, knowledge transfer, stabilizing operational effectiveness/capacity, and strengthening the succession plan;
- Develop a comprehensive and harmonized approach to operational staff training;
- Support initiatives which promote a healthy, respectful, and productive workplace; and
- Implement staffing processes that enhance recruitment.

June 2023

**C. The PBC will transition to a more digital approach that meets the PBC's evolving requirements and improves client services by enhancing IT services**

- Support to the PBC's core Information Technology (IT) key activities through the Master Service Agreement (MSA) with the Correctional Service of Canada (CSC).

**D. The PBC will strengthen responsiveness to the needs of specific populations such as Indigenous Peoples and other groups (e.g., women, Black, and other racialized people, etc.)**

- Implement recommendations of the Moving Towards Diversity, Equity, and Inclusion Action Plan.

**E. The PBC will ensure and optimize the effective delivery of outreach activities to inform community partners, victims, applicants, offenders, and Canadians on the scope of the work of the PBC as an independent administrative tribunal**

- Continue to deliver in-person/virtual outreach to Canadians and continue to build on more traditional face-to-face outreach and broaden potential reach with both established and new audiences;
- Continue to increase outreach and in-reach to diverse and disproportionately represented groups within the prison population; and
- Increase and improve engagement with communities and criminal justice partners.

**KEY MESSAGE:**

- By carrying out the plans and priorities laid out in this briefing note, the PBC will continue to successfully fulfil its important public safety mandate while demonstrating the highest levels of quality, professionalism, dedication and efficiency.



## 6. LEGISLATIVE FRAMEWORK FOR CONDITIONAL RELEASE

### BACKGROUND

- The *Corrections and Conditional Release Act* (CCRA) and *Corrections and Conditional Release Regulations* (CCRR) provide a detailed legal framework that guides the Parole Board of Canada (PBC/the Board) in its policies, operations, training and conditional release decision-making.

### KEY ELEMENTS OF THE LEGISLATION

- The CCRA guides the Board's work, most notably in the following areas:
  - Composition – the Board is comprised of no more than 60 full-time members, as well as a number of part-time members to help manage workloads.
  - Representation – the members shall be sufficiently diverse in their backgrounds to be able to collectively represent community values and views.
  - Tenure - full-time members of the Board hold office during good behaviour for a period not exceeding 10 years. Part-time Board members hold office during good behaviour for a period not to exceed three years. Board member appointments may be renewed.
  - Decision-making authority – the Board makes decisions on the timing and conditions of release of offenders on various forms of release, including temporary absences, day parole and full parole.

The PBC also has the authority to impose conditions on offenders released on statutory release.

In addition, the Board has the authority to terminate or revoke an offender's conditional release, to order the detention of an offender until the legal expiration of their sentence on referral from the Correctional Service of Canada (CSC), to impose conditions on the release of offenders subject to long-term supervision orders or to recommend that an information be laid with the attorney general by CSC, if a condition of long-term supervision is breached.

- Scope of decision-making – the Board has decision-making authority for federal offenders (sentences of two years or more) and for provincial offenders (sentences less than two years) in the provinces/territories without parole boards. Ontario, Quebec and Alberta have their own parole boards.
- Information for decision-making – in making its decisions, the Board is required to take into account all relevant available information, including the reasons and recommendations of the sentencing judge, the nature and gravity of the offence, the degree of responsibility of the offender, information from the trial, and information from CSC, victims and offender.

July 2023

- Eligibility dates – the CCRA sets out the eligibility dates for temporary absences, day parole, full parole, and the statutory release dates.
- Timing of reviews – the CCRR specifies the required timeframes within which the Board must review a case.
- Review process – the CCRA specifies when a hearing is required. The Board may also order a hearing in cases where a hearing is not required by law. Where a hearing is not held, the Board conducts a file review to make its decision.
- Duty to act fairly – the CCRA requires that offenders be provided with relevant information used in decision-making in advance, as well as the reasons for PBC decisions to ensure a fair and understandable conditional release process.
- Victims of crime – victims are entitled, upon request, to receive information from the PBC about the offender who harmed them. In addition, victims may provide a statement to the Board for consideration in its decision-making, present their statement at a hearing, and request to listen to an audio recording of parole hearings.
- Observers at hearings – on application, any individual such as members of the public or media may request to attend a hearing as an observer.
- Decision registry – the PBC is required to maintain a registry of its decisions. Any person who demonstrates an interest in a case may, on written application to the PBC, receive a copy of a PBC decision relating to a specific case. People may also apply for access to the registry for research purposes.
- Dissemination of information – the Board must maintain an effective program of public information.
- Appeals – the CCRA sets out a process by which an offender or a person acting on behalf of an offender may appeal a Board decision.
- Boards of investigation – the PBC carries out joint investigations with CSC when offenders are involved in serious incidents while on conditional release in the community.
- Policies – the PBC is required to develop policies to guide conditional release decision-making and to provide Board members with training to ensure effective application of these policies.

### **KEY MESSAGE**

- The CCRA and CCRR provide a detailed framework for the composition, policies, training and operations of the PBC. The legislation and regulations drive PBC workloads, influence resource needs and identify public safety as the paramount consideration in PBC decision-making.



## **7. PURPOSE AND PRINCIPLES OF CONDITIONAL RELEASE**

### **BACKGROUND**

- The *Corrections and Conditional Release Act (CCRA)* sets out the purpose of conditional release and the principles that guide the Parole Board of Canada's (PBC) decision-making.

### **PURPOSE OF CONDITIONAL RELEASE**

- The purpose of conditional release is to contribute to the maintenance of a just, peaceful and safe society by means of decisions on the timing and conditions of release that will best facilitate the rehabilitation of offenders and their reintegration into the community as law-abiding citizens.
- The protection of society is the paramount consideration for the PBC in the determination of all cases.

### **PRINCIPLES GUIDING PAROLE BOARDS**

- The principles that guide the PBC in achieving the purpose of conditional release are as follows:
  - parole boards take into consideration all relevant available information, including the stated reasons and recommendations of the sentencing judge, the nature and gravity of the offence, the degree of responsibility of the offender, information from the trial or sentencing process and information obtained from victims, offenders and other components of the criminal justice system, including assessments provided by correctional authorities;
  - parole boards enhance their effectiveness and openness through the timely exchange of relevant information with victims, offenders and other components of the criminal justice system and through communication about their policies and programs to victims, offenders and the general public;
  - parole boards make the least restrictive determinations that are consistent with the protection of society;
  - parole boards adopt and are guided by appropriate policies and their members are provided with the training necessary to implement those policies; and
  - offenders are provided with relevant information, reasons for decisions and access to the review of decisions in order to ensure a fair and understandable conditional release process.

July 2023



**KEY MESSAGE**

- The purpose and principles of conditional release provide a solid foundation for quality decision-making, which contributes to the protection of society.



## 8. TYPES and ELIGIBILITIES FOR CONDITIONAL RELEASE

### BACKGROUND

- Conditional release contributes to public safety by facilitating offenders' reintegration into society as law-abiding citizens. The *Corrections and Conditional Release Act* (CCRA) requires that all offenders be considered for some form of conditional release during their sentence, including those serving life and indeterminate sentence.

### TYPES OF RELEASE

- **Escorted Temporary Absence (ETA):** offenders are eligible for ETAs at any time during their sentence and the duration of an ETA varies from an unlimited period for medical reasons to not more than 15 days for any other specified reason. During these absences, the offender is escorted by a Correctional Service of Canada (CSC) staff member, or a trained citizen escort.

CSC has the granting authority for most ETAs, except for offenders serving a sentence of life imposed as a minimum punishment.

The Board does not have authority to approve or authorize ETAs for medical reasons or for the offender to attend judicial proceedings or a coroner's inquest. This authority rests with CSC.

- **Unescorted Temporary Absence (UTA):** offenders are eligible for UTAs at 1/6 or 6 months into the sentence, whichever is greater. The duration of a UTA varies from an unlimited period for medical reasons, to a maximum of 60 days for specific personal development programs. Both the Board and CSC have authority to grant UTAs in specified circumstances, usually based on the type of offence and sentence.
- **Parole:** allows some offenders to serve part of their sentence in the community under the supervision of CSC, subject to conditions of release. **The PBC has exclusive authority to grant parole if**, in its opinion, the offender will not present an undue risk to society *and* the release of the offender will contribute to the protection of society by facilitating the reintegration of the offender into society as a law-abiding citizen. **There are two types of parole:**
  - **Day Parole:** eligibility typically occurs at the greater of 6 months before full parole eligibility or 6 months of the sentence. The offender must reside at a community-based residential centre, which may include a community correctional centre or halfway house, or other location approved by the PBC, such as a family home.

July 2023

- **Full Parole:** eligibility typically occurs at 1/3 of the sentence or seven years (whichever is less). The offender may live on his or her own or with family or friends, work and contribute to society.
- **Statutory Release:** by law, most offenders must be released into the community, under supervision by CSC, after serving two thirds of their sentence. Offenders serving a life sentence or an indeterminate sentence are not entitled to statutory release.
- **Detention:** upon a referral by the CSC, the Board may order that an offender be detained beyond their statutory release date until the end of their sentence.

### **CONDITIONS OF RELEASE**

- Offenders on conditional release must adhere to a number of **standard conditions** set out in the *Correctional and Conditional Release Regulations* (section 161). These standard conditions have not changed since 1959. **Special conditions** may also be imposed by the Board when the condition is considered reasonable *and* necessary in order to protect society and facilitate the successful reintegration into society.

### **SUSPENSION/REVOCAION OF RELEASE**

- CSC can suspend any release if it believes the offender has breached a condition of release, to prevent a breach of condition or to protect society. The offender is returned to custody until the risk is reassessed. If CSC refers the case to the Board, the offender's release may be revoked, or the suspension may be cancelled and the offender will be released again, sometimes with remedial action, such as amended or additional conditions.

### **LONG-TERM SUPERVISION**

- Long-Term Supervision Orders (LTSO) are orders imposed by the court that commence when the offender has finished serving all custodial sentences and for which the offender remains supervised in accordance with the CCRA. The period of supervision to which the offender is subject at any time must not total more than 10 years.
- A LTSO is subject to standard conditions of release and special conditions that may be imposed by the Board. A breach of a long-term supervision condition is an offence under the *Criminal Code*.

## **SPECIAL ELIGIBILITIES**

- **Life Imprisonment for Murder (Lifers):** eligibility dates for offenders sentenced to life imprisonment as a minimum sentence before July 26, 1976, vary considerably. For offenders sentenced after that date, the two categories of murder (first and second degree) carry specific periods of ineligibility for parole:
  - *First degree murder:* Persons convicted of first-degree murder are not eligible for a full parole review until they have served 25 years.
  - *Second degree murder:* The judge who sentences an offender convicted of second-degree murder determines when they are eligible for parole consideration. This time can be set anywhere between 10 and 25 years.
  - Lifers become eligible for UTA's and day parole three years before their full parole eligibility date. Offenders serving a life sentence will remain in federal custody as long as they pose a risk to society. Those granted parole will remain on parole for their lifetime unless their parole is revoked.
- **Dangerous Offenders:** Dangerous Offenders serving an indeterminate sentence are subject to a full parole review after they have served seven years of their sentence and every two years thereafter.

## **KEY MESSAGES**

- Most offenders are serving a determinate sentence and will eventually be released to the community.
- Research demonstrates that a gradual and controlled release of an offender to the community with structure, support and supervision is the most effective approach for the safe reintegration of offenders into society.
- The types of conditional release 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.



## 9. CONDITIONAL RELEASE DECISION-MAKING AND RISK ASSESSMENT

### BACKGROUND

- The *Corrections and Conditional Release Act* (CCRA) requires that all federal offenders be reviewed for parole unless they waive this right. The CCRA includes principles to guide the Parole Board of Canada (PBC/the Board) in conditional release decision-making, and specifies that the protection of society is the paramount consideration in the determination of all cases.
- As required by the CCRA, the Board has adopted policies relating to reviews and risk assessment, which guide Board members in their decision-making.

### THE RISK ASSESSMENT PROCESS

- Board members assess risk by reviewing all relevant aspects of the case and by ensuring that the information upon which they base their decision is reliable and persuasive. The Board members' review and assessment considers both aggravating factors that appear to increase the risk of re-offending and mitigating factors that appear to reduce the risk of re-offending.
- Board members use a research-based structured decision-making framework, which includes an assessment of seven domains that assist in the assessment of risk.
- In all cases, the written reasons for decision are the official record of proceedings and reflect the analysis undertaken during the decision-making process.
- The Board is required to take into consideration all relevant available information, including the stated reasons and recommendations of the sentencing judge, any other information from the trial or the sentencing hearing, information obtained from other components of the criminal justice system including assessments provided by correctional authorities, and information obtained from victims and the offender.

### KEY MESSAGES

- As required by law, public safety is the paramount consideration in all PBC decisions.
- The Board's decision-making policies and risk assessment processes reinforce this principle, enhance the quality of decision-making and increase the accountability and openness of the Board.
- The Board works constantly to ensure that its decision-making policies and risk assessment processes are informed by the latest research and knowledge about the assessment of risk.



## 10. PAROLE GRANT RATES

### BACKGROUND

- On a weekly basis, the Parole Board of Canada (PBC) holds on average 258 federal reviews (where more than one decision may be rendered) and renders, in sum, 380 federal decisions. These include reviews and decisions for day and full parole, suspension, detention and the varying of conditions for release.
- Due to the COVID-19 pandemic, remote hearings increased drastically in FY 2020-21 and FY 2021-22 in comparison to FY 2019-20. In FY 2022-23, approximately 90% of hearings were conducted remotely and 10% were conducted in-person.
- The federal **day parole** grant rate dropped between FY 2019-20 and FY 2020-21, from 80% to 71%, likely as a result of the pandemic; however, it has risen over the last two fiscal years up to 77% in FY 2022-23.
- The federal **full parole** grant rate dropped between FY 2019-20 and FY 2020-21, from 41% to 33%, likely as a result of the pandemic, and has remained at 31% for the last two fiscal years, likely reflecting the difficulty inmates had to access programs during the pandemic.

#### Parole Grant Rates

	18/19	19/20	20/21	21/22	22/23
<b>Federal</b>					
• Day Parole	80%	80%	71%	76%	77%
• Full Parole	39%	41%	33%	31%	31%
<b>Provincial</b>					
• Day Parole	60%	53%	58%	60%	63%
• Full Parole	35%	39%	36%	28%	29%

#### Parole Completed without Re-Offending

	18/19	19/20	20/21	21/22	22/23
<b>Federal</b>					
• Day Parole	98%	99%	99%	99%	99%
• Full Parole	97%	97%	97%	98%	98%
<b>Provincial</b>					
• Day Parole	98%	100%	99%	99%	98%
• Full Parole	100%	98%	99%	98%	98%

**Note:** Federal Full Parole figures exclude those serving indeterminate sentences.

**KEY MESSAGES**

- While parole grant rates have decreased, rates of re-offending, particularly violent re-offending, have remained very low.
- The PBC continues to examine trends as a foundation for further improvement in risk assessment.

*July 2023*



## 11. APPEAL DIVISION

### **BACKGROUND:**

- The Appeal Division is mandated by law, as per subsection 146(1) of the *Corrections and Conditional Release Act* (CCRA). The Vice-Chairperson, Appeal Division reports directly to the Chairperson and is part of the Board's Executive Committee. The Vice-Chairperson of the Appeal Division has the sole authority to refuse to hear an appeal, per subsection 147(2) of the CCRA.
- The Appeal Division ensures that the law and Board policies are respected, that the rules of fundamental justice are adhered to, and that the Board's decisions are based on relevant, reliable and persuasive information.
- Board members appointed to the Appeal Division are expected to render decisions on the files for which a notice of appeal has been submitted by an offender or his representative. Appeal Division reviews are conducted in-office, based on written representations submitted by an offender or their representative.

### **BOARD MEMBER COMPLEMENT**

- The Appeal Division is presently comprised of three (3) full-time Board members and one part-time Board member.

### **TIMEFRAMES**

- The Appeal Division reviews, analyses and renders decisions and strives to ensure decisions are processed in 120 calendar days or less of the appeal being received.

### **DECISIONS**

- On average less than 3% of conditional release reviews result in an Appeal.
- In 2022-2023, the Appeal Division received 446 notices of appeal and decisions were rendered on 304 cases. The Appeal Division affirmed 79% of decisions and intervened in 21% of decisions.

### **KEY MESSAGES:**

- The Appeal Division contributes to the quality of the Board's decision-making process, and to the openness, professionalism and accountability of conditional release decisions.
- The Appeal Division strives to complete notices of appeal received in 120 calendar days or less.

July 2023





## 12. RECORD SUSPENSION/PARDON PROCESS

### BACKGROUND

- The *Criminal Records Act* (CRA) gives the Parole Board of Canada (PBC/the Board) exclusive jurisdiction and absolute discretion to order, refuse to order, and to revoke a record suspension.
- A record suspension (or pardon) holds a criminal record 'separate and apart' from other criminal records so that it is not accessible through the Canadian Police Information Centre (CPIC) database.
- One of the main reasons why people apply for a record suspension is to further their employment opportunities. According to one Canadian study, 71 out of 100 applicants mentioned employment as the main reason for applying. For those under 40 years of age, 87 out of 100 mentioned employment as the main reason.
- PBC data shows that 95% of all pardons/record suspensions are still in effect.
- Data also shows that 74% of applicants have never been incarcerated.

### ELIGIBILITY PERIODS AND CRITERIA

- The CRA establishes the eligibility periods and criteria for a record suspension, which are currently five years for a conviction for a summary offence and 10 years for an indictable offence. All applicants must have been of 'good conduct' during this period, which means demonstrating behaviour consistent with a law-abiding lifestyle.
- For indictable offences, applicants must also demonstrate that a record suspension would:
  - provide them with a measurable benefit;
  - sustain their rehabilitation; and
  - not bring the administration of justice into disrepute.
- Individuals convicted of more than three offences tried by indictment and for which a sentence of imprisonment of two years or more was imposed for each offence, are inadmissible to apply for a record suspension as of 2012.
- The Board currently administers four separate legislative schemes for pardons and record suspensions as a result of court decisions in 2017. Courts in British Columbia and Ontario found that the transitional provisions from amendments undertaken in 2010 and 2012 violated the *Charter*.

July 2023

- A related litigation decision from March 2020, the matter of *P.H. v. Canada (Attorney General)* (*P.H.*), has now made all individuals eligible to have their application for record suspensions processed in accordance with the legislative criteria that was in place at the time of their first committed offence(s). The Federal Court declared section 10 of the *Limiting Pardons for Serious Crimes Act* and section 161 of the *Safe Streets and Communities Act* contrary to sections 11(h) and 11(i) of the *Charter*, as these sections apply retrospectively to applicants who committed their offence prior to the 2010 and 2012 CRA amendments.
- The Board also has a separate legislative scheme for criminal records relating to cannabis. Amendments to the CRA in 2019 introduced an expedited process for individuals convicted only of simple possession of cannabis. These applications are not subject to any waiting period and as there is limited discretion in the Act, Board staff administratively order the record suspension when all eligibility criteria are met.

### **RECORD SUSPENSION PROCESS**

- In assessing a record suspension request for a summary or indictable conviction, record suspension staff confirm that the application is eligible, including ensuring that the legislated waiting period has been completed and that the sentence has been satisfied.
- The Board conducts inquiries and investigations through a multitude of secure and open databases to corroborate facts and obtain any other relevant information about the applicant.
- For many files, the PBC may order or refuse to order a record suspension based on this assessment. Conduct is not assessed for the cannabis stream or for summary convictions assessed against older, pre-2010, versions of the CRA. In these cases, staff administratively order those cannabis record suspensions or pardons.
- In the case of record suspension files with indictable convictions, a Board member assesses information pertaining to conduct, along with if the applicant has demonstrated that obtaining a record suspension would provide a measurable benefit and sustain their rehabilitation in society and that the decision does not bring the administration of justice into disrepute.
- In fiscal year 2022-23, the Board received 16,121 applications and accepted 11,617 applications. The PBC ordered 1,908 record suspensions and granted 7,314 pardons.
- If the Board proposes to refuse to order a record suspension, it will notify the applicant in writing as required by statute and advise them of the right to make representations that they believe are relevant. Before making its final decision to order or refuse to order a record suspension,

July 2023

the Board will consider any representation made by the applicant within a reasonable time (90 days).

- The PBC endeavors to adhere to established processing times once applications are accepted as eligible and complete. Applications involving summary convictions are processed within six months of the date of acceptance of the application, while applications involving indictable offences are processed within 12 months of the date of acceptance. Applications for which the Board is proposing to refuse to order a record suspension may require up to 24 months to process after the date of application acceptance.

### **REVOCATION/CESSATION OF A RECORD SUSPENSION**

- A pardon/record suspension may be revoked by the Board if the person to whom it relates is subsequently convicted of an offence punishable on summary conviction under an Act of Parliament or a regulation made under an Act of Parliament; on evidence to the satisfaction of the Board that the person is no longer of good conduct; or if the person knowingly made a false or deceptive statement or concealed information in relation to their application. These decisions require a vote by a Board member.
- A pardon/record suspension automatically ceases to have effect if the person is subsequently convicted of an offence prosecuted by indictment or an offence punishable either by way of indictment or summary conviction (hybrid offence), with few exceptions (e.g., impaired driving).
- The Board may also cease a pardon/record suspension if it is convinced by new information that the applicant was not eligible at the time the pardon/record suspension was initially ordered.

### **KEY MESSAGES**

- The record suspension program takes into consideration the criminal history and the person's conduct in many of the cases received. More exhaustive assessments are conducted for the more complex cases.
- The record suspension workload is always significant, unpredictable and fluctuates as many external factors can impact both the number of applications received on any given day and the volume of data received from partners.

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July 2023



### 13. USER FEES – RECORD SUSPENSION/PARDON

#### BACKGROUND

- In 1994-95, a user fee of \$50 was introduced to reduce the overall costs to government and represented a marginal portion of the costs incurred by the Parole Board of Canada (PBC) and the Royal Canadian Mounted Police (RCMP) for this work. The PBC received \$35 and the RCMP received \$15.
- In June 2010, the *Limiting Pardons for Serious Crimes Act* changed how application fees were established. A full cost-recovery model was implemented with an interim partial cost recovery fee of \$150, which was increased to \$631 in 2012.
- The *Service Fees Act (SFA)* requires departments that charge an application fee to increase their fees on an annual basis according to the Consumer Price Index (CPI). On March 31, 2021 the CPI increase brought the cost of a record suspension/pardon application to \$657.77.
- A key element of the SFA is the introduction of remissions. A remission is the refund, credit, waiver or any kind of reimbursement to a fee-payer for a fee or portion of a fee paid in respect of a service for which the department determines that the service standard was not met.
- In 2019, the PBC reassessed that a true full cost recovery model for the program would result in an application fee of over \$800. The corollary effect is that the Record Suspension Program had operated on a deficit for a number of years, putting untenable pressure on the PBC's main business line, the conditional release program, to supplement the shortfall. Short-term integrity funding eased this pressure, but was contingent on reform of the Record Suspension Program.
- The fee was the subject of public and parliamentary criticism in the past, with many stakeholders expressing the view that the fee was too high for many marginalized applicants.
- Through Bill C-31: *An Act to amend the Criminal Records Act and make consequential amendments to other Acts*, the government announced its intention to increase accessibility to a pardon under the *Criminal Records Act* in June 2021, while maintaining public safety, through greater access to record suspensions/pardons, clarify the legislative scheme, and support program sustainability and modernization.

July 2023

-2-

- While Bill C-31 was terminated further to the dissolution of Parliament in August 2021, the broader government strategy to modernize the pardons program included a proposal to reduce the service fee from \$657.77 to \$50. The intent of this reduction of the fee was to increase accessibility and better serve marginalized groups that are faced with pre-existing socioeconomic barriers.
- On December 21, 2021, the Minister of Public Safety announced that effective January 1, 2022, the record suspension application fee would be reduced to \$50. It is not subject to Consumer Price Index (CPI) adjustments nor is there a requirement to issue remissions.
- Applicants who have been convicted of only simple possession of cannabis do not pay the application fee.

#### **KEY MESSAGE**

- The current application fee of \$50 has been in place since January 2022. Since the reduction in fee, the PBC has observed a significant increase in applications received.
- The Board is expecting a further increase in applications with the implementation of an electronic application mechanism for record suspensions.

*July 2023*



## 14. CLEMENCY PROCESS (Royal Prerogative of Mercy)

### BACKGROUND

- The Royal Prerogative of Mercy is largely a discretionary power to apply exceptional remedies, under exceptional circumstances, to deserving cases.
- The power to exercise the Royal Prerogative of Mercy for federal offences is vested in the Governor General of Canada by virtue of the Letters Patent Constituting the Office of the Governor General (1947). In addition, the *Criminal Code*, section 748, authorizes the Governor in Council to grant free or conditional pardons (e.g., early parole or *Criminal Records Act* pardon eligibility) and section 748.1 provides authority to order remission of fines, pecuniary penalties and forfeitures imposed under an act of Parliament.
- Clemency requests are, as a rule, forwarded to the Federal Cabinet for a decision rather than to the Governor General who exercises power only when the remedy sought cannot be granted by recourse to the relevant sections of the *Criminal Code*.
- In addition to granting free and conditional pardons, remission of fine, forfeiture and pecuniary penalty, the Governor General can also grant remission of sentence, respite and relief from prohibition.
- The Governor General or the Governor in Council may grant clemency upon recommendation from any minister, but normally it comes from the Minister of Public Safety (the Minister).

### CLEMENCY PROCESS

- The Parole Board of Canada (PBC) reviews the applications, conducts investigations at the direction of the Minister under section 110 of the *Corrections and Conditional Release Act* (CCRA) and subsequently makes recommendations to the Minister. In reviewing clemency applications, the PBC uses ministerial guidelines and general principles which are meant to provide for a fair and equitable process, while ensuring that clemency is granted only in exceptional cases.
- The principles are:
  - there must be evidence of substantial injustice or undue hardship;
  - each application is strictly examined on its own merits;
  - the applicant must have exhausted all other avenues available under the *Criminal Code* or other pertinent legislation (e.g. CCRA);

July 2023

-2-

- the independence of the judiciary shall be respected in that there must be stronger and more specific grounds to recommend action that would interfere with a court's decision;
  - it is intended only for rare cases in which consideration of justice, humanity and compassion override the normal administration of justice; and
  - the decision should not, in any way, increase the penalty for the applicant.
- In June 2023, there were 142 active clemency files. There has been a noticeable increase in clemency requests for Relief from Prohibitions since 2019, almost all of which are related to weapons prohibitions.

### **KEY MESSAGE**

- Clemency under the Royal Prerogative of Mercy is granted by the Governor General or the Governor in Council only in exceptional circumstances.

*July 2023*



## 15. EXPUNGEMENT

### BACKGROUND

- The *Expungement of Historically Unjust Convictions Act (Expungement Act)* came into force on June 21, 2018. This legislation allows for the destruction or permanent removal of judicial records of historically unjust convictions from federal databases. Certain convictions under the *Criminal Code* as well as certain convictions under the *National Defence Act* are eligible for expungement.
- Persons convicted of an offence listed in the Schedule to the *Expungement Act* are eligible to submit an application to the Parole Board of Canada (PBC) to have the record(s) of their conviction(s) expunged. If the person is deceased, an appropriate representative, such as a close family member or a trustee, can apply on their behalf. There is no fee to apply for an expungement order.
- An expungement differs from a record suspension, as once ordered, the record is destroyed and the person is deemed never to have been convicted of that offence.
- As a first step, convictions involving consensual sexual activity between same-sex partners were made eligible for expungement, namely gross indecency, buggery and anal intercourse.
- In March 2023, the Government of Canada took another step by adding to the list of eligible convictions in the Schedule to the Expungement Act. In addition to the three initial eligible offences, applicants may now be eligible to have their record of conviction expunged for offences related to:
  - bawdy houses (keeping, being found in, or permitting a place to be used as), transporting individuals to a bawdy house;
  - indecent show, acts, or exhibition, immoral theatrical performance or nudity, which took place in a bawdy house; and,
  - obtaining an abortion, or assisting to obtain a voluntary abortion.

### EXPUNGEMENT PROCESS

- Applicants must fill out the application form and gather police and/or court documents that demonstrate that they were convicted of an eligible offence. If the documentation is not available, then the applicant can provide a sworn statement.
- PBC staff investigate the application and verify that the person was convicted of an offence listed in the Schedule and meets the criteria outlined in the *Expungement Act*.

July 2023



-2-

- Once verified, PBC staff order the expungement and notify the applicant. They also notify the Royal Canadian Mounted Police who will destroy or remove the record of conviction and notify federal departments/agencies and other police forces of the expungement. Federal departments and agencies are bound to also destroy or remove the record.
- If the applicant does not meet the criteria outlined in the *Expungement Act*, the application is rejected.

### **KEY MESSAGES**

- Expungement provides a remedy for people who were unjustly convicted for activities/actions that would be lawful today.
- As of May 31, 2023, the Parole Board of Canada has received 72 applications, 62 of which have been returned as ineligible (i.e., did not meet the legislated criteria), one expungement was refused and nine expungements ordered.

*July 2023*



## 16. VICTIMS OF CRIME

### BACKGROUND

- The *Canadian Victims Bill of Rights (CVBR)* provides clear rights for victims of crime at the federal level, which include the right to information, protection, participation, and the right to seek restitution. Under the CVBR, victims also have the right to make a complaint to a federal department or agency if they believe that their rights have not been respected.
- The *Corrections and Conditional Release Act (CCRA)* recognizes the right of victims of crime to have access to information about the offender who harmed them. This includes victims of all federal offenders, as well as provincial/territorial offenders when a parole application is submitted to the Parole Board of Canada (PBC/the Board). Victims must register with either the Correctional Service Canada (CSC) or the PBC in order to receive information they are entitled to under the CCRA.
- Victims are entitled, upon request, to receive information from the PBC such as the offender's name, offence(s), court of conviction, sentence commencement, length of the sentence, and eligibility and review dates for conditional release.
- Additional discretionary information that can be disclosed by the PBC include: the offender's age, location, date of hearing, reason for release, date of release, destination, conditions of release, reasons for any unescorted temporary absences and reasons for waiving a hearing.
- Victims can provide a written statement to the Board describing the harm, property damage or loss they have suffered as a result of the offence(s), as well as any continuing impact on them, including safety concerns. They can provide information about any special conditions they believe may contribute to their protection and that of the public. Board members consider this information in decision-making and when imposing conditions.
- Upon request, victims can attend hearings and/or present, in-person or by audio recording, their written statement at a hearing, receive copies of decisions contained in the PBC's Decision Registry, and listen to an audio recording of a parole hearing. When victims attend a hearing, specialized PBC staff accompany and debrief them as part of the hearing process.
- A Victim's Fund (administered by the Department of Justice Policy Centre for Victim Issues) offers financial assistance to registered victims (and a support person) who would like to attend hearings for the offender who harmed them. Funding assistance allows victims to participate more fully in the criminal justice system.

July 2023

## **STATISTICS**

- There are currently 8,689 active victims who are registered with the PBC receiving information about 5,074 offenders.
- In 2022-23, the Board had nearly 19,350 contacts with victims. Most were victims of violence, such as sexual assault, or the family of murder victims.
- In 2022-23, victims made 337 presentations at 199 hearings.
- During this same timeframe, there were 7,081 decisions sent out under the Decision Registry, which included decisions sent to 2,984 victims.

## **EFFECTIVE VICTIM SERVICE DELIVERY**

- The PBC has specialized staff in each of its regional offices who work with victims.
- To streamline services for victims, the PBC and the CSC jointly coordinate their victim services and they meet regularly to discuss effective victim service delivery at both the national and regional levels.
- The PBC participates in many partners, other government departments and members of the public, in order to remain informed and sensitive to the issues facing victims. This includes the Regional Victim Advisory Committees (RVAC) and a PBC Committee on Victims, made up of victims and experts in the area of victim services.
- A joint PBC/CSC online Victims Portal is available for victims to securely access information about the offender who harmed them, to modify preferences to the level of information they receive, and to submit requests for additional information and services.

## **KEY MESSAGES**

- The PBC recognizes the important role that victims play in the conditional release process and remains committed to ensuring victims' voices are heard and that their rights under the CVBR are respected.
- The provision of services for victims of crime is a legislated priority and an important aspect of PBC's commitment to transparency and accountability.
- Feedback and surveys have been generally positive regarding the provision of information by the PBC, and the quality of assistance provided by PBC staff.
- The PBC works continually to ensure that improvements are made in the information and assistance provided to the victims. The PBC is committed to taking a trauma-informed approach in its communications and interactions with victims, as well as in its decision writing.

*July 2023*



## 17. OBSERVERS AT HEARINGS

### BACKGROUND

- The *Corrections and Conditional Release Act* (CCRA) includes provisions for observers to attend Parole Board of Canada (PBC/the Board) hearings as a means for enhancing PBC's openness and accountability.
- The legislation calls for the Board or persons designated by the Chairperson to approve applications to be an observer. Approval relates primarily to the potential for disruption of the hearing or security concerns. In practice, it is very unusual for approval to be denied.

### CURRENT INFORMATION

- As a result of the COVID-19 pandemic, new technologies were put in place to facilitate virtual observer attendance at hearings. Victim participation rates increased over this time period, indicating an interest by victims in attending hearings virtually.
- The rate of victim participation at hearings has gradually increased year over year from 7.4% in FY 2019-2020 to 10.5% in FY 2022-23. Moreover, the rate of media and student observer participation was at its highest point in FY2021-22 at 6.8%, but decreased to 3.7% in FY2022-23, despite the Board's continuous efforts to offer and maintain remote participation in hearings.
- Over 3,600 people observed a PBC hearing in 2022-23 (including victims and their support persons, the offender's assistant, members of the public, students, the media, PBC staff, and other government officials).
- Observers were present at 1,651 hearings which represents 30% of all hearings.

<b>Observers at PBC Hearings</b>						
	<b>Atlantic</b>	<b>Quebec</b>	<b>Ontario</b>	<b>Prairies</b>	<b>Pacific</b>	<b>Canada</b>
<b>2018-19</b>	534	1,015	1,461	1,278	724	5,012
<b>2019-20</b>	443	1,036	1,529	1,210	711	4,929
<b>2020-21</b>	162	433	645	331	288	1,859
<b>2021-22</b>	476	705	986	723	462	3,352
<b>2022-23</b>	434	770	1,096	808	525	3,633

- The public and the media are increasingly aware of the possibility of attending hearings. There also appears to be more informed media coverage of Board decisions. This may reflect media access to the PBC's Registry of Decisions, as well as media use of the observer provisions.
- The accountability of the PBC has been enhanced by greater public scrutiny. Board members report appreciating the opportunity for the public to observe the professionalism with which they approach decision-making.
- In 2020/21, victims and victims' supports and agents accounted for about 22% of observers at hearings. This is a 7 percentage point increase from FY 2019-20, and is likely attributable to the ability for victims to participate remotely in hearings.

### **KEY MESSAGES**

- The observer provisions of the CCRA have contributed significantly to the openness and accountability of the PBC.
- Media reporting of PBC decision-making appears to be more accurate, which the PBC attributes in part to the media observation of hearings, and access to its Registry of Decisions.



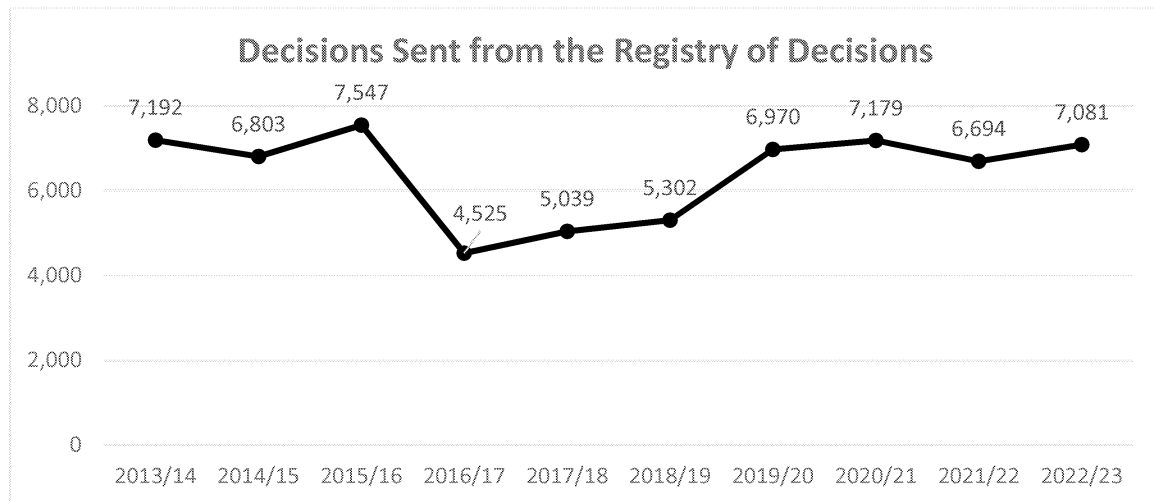
## 18. THE DECISION REGISTRY

### BACKGROUND

- The *Corrections and Conditional Release Act* (CCRA) requires the Parole Board of Canada (PBC/the Board) to maintain a Registry of Decisions and allow access to specific decisions by the public.
- Any person who demonstrates an interest in a case may, on written application to the Board, have access to the contents of the registry relating to the specific case. Victims do not have to demonstrate an interest in a case upon application.
- The PBC shall provide access to decisions unless doing so would jeopardize the safety of any person, reveal a source of information obtained in confidence, or adversely affect or prevent successful reintegration of the offender.
- People may also apply for access to PBC decisions for research purposes. In these cases, the decisions are screened to remove all personal identifiers.
- The CCRA does not define the contents of the registry; however, in keeping with the concepts of openness and accountability, the PBC makes available the Board's complete assessment and decision-making document.
- Since 1994/95, the Board has distributed over 125,000 decisions from the registry.
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## **CURRENT STATUS**

In 2022-23, the PBC released 7,081 decisions from the registry. Victims and victims' agents were the most frequent users (about 42%), followed by the media (about 32%).



## **KEY MESSAGES**

- Access to the PBC's Registry of Decisions has provided greater openness and accountability for conditional release, helped to address some of the information needs of victims, and contributes to greater accuracy in media reporting on parole issues.



## 19. PBC IN THE MEDIA

### BACKGROUND

- Media relations at the Parole Board of Canada (PBC) is managed by the Public Affairs and Partnerships Division at national office, in coordination with regional managers and their communications staff in each of the Board's five regional offices.
- Under the *Corrections and Conditional Release Act* (CCRA), media may apply to attend PBC parole hearings and request a written copy of a parole decision from the PBC's Registry of Decisions. Media will often register with PBC to observe all future hearings or to receive all future written decisions for an offender.

### MEDIA COVERAGE

- Overall, mainstream media in Canada has a limited understanding of the purpose of parole, how it works or contributes to public safety. Media coverage generally focuses on high-profile offenders and those convicted of more serious crimes (usually violent), often from the perspective of victims.
- Given the focus on high profile and violent offenders, media reporting is generally negative in tone. Media coverage tends to focus primarily on the fact that an offender's parole eligibility is coming up and/or on the Board's decision to grant or deny parole to the offender. Media coverage around re-offending is low, as the vast majority of offenders do not commit a new offence while on parole.
- In September 2022, there was intense media coverage around the mass killings in James Smith Cree Nation and the nearby town of Weldon, Saskatchewan. In total, 11 people were killed. The individual responsible (since deceased), Myles Sanderson, was an offender on statutory release who was also unlawfully at large at the time of the killings. A joint CSC-PBC Board of Investigation on this incident is currently in progress and continued media attention is expected once its results are publicly released.
- Media often confuses the different types of conditional release, in particular the difference between parole (a PBC decision) and statutory release (a release by law at two-thirds of an offender's sentence).
- Media coverage around the record suspension/pardon and expungement programs tends to focus on legislative issues, how the process for each works, application volumes and statistics. Media have maintained an ongoing interest in the application volumes for both cannabis record suspensions and expungement, which have been lower than anticipated.

July 2023



- Also of note, over the past year there have been several high-profile police killings involving individuals on bail, which have led to calls to reform the bail system in Canada. Additionally, in June 2023, there was intense media coverage around the transfer of Paul Bernardo from a maximum to medium security facility by the Correctional Service of Canada (CSC). Neither of these issues falls under the jurisdiction of, or involves, the PBC, but they have nonetheless brought additional scrutiny to the criminal justice system as a whole.
- The PBC actively monitors media coverage across Canada for factual errors and misreporting and, where found, seeks corrections. The PBC also seeks ongoing opportunities to engage with and educate media.

### **KEY MESSAGES**

- The PBC is committed to openness and transparency in its operations.
- PBC hearings are open to members of the public, including media. They may also request written copies of PBC decisions through its Registry of Decisions. This helps to educate both the public and the media about the purpose of parole, legislation (*Corrections and Conditional Release Act*), and how the process works.
- Media may attend a hearing by videoconference or in-person, and are accompanied by a PBC staff member, who can explain the parole decision-making process and answer any questions reporters may have.

July 2023



## 20. URGENT APPOINTMENTS

### **BACKGROUND:**

- As of July 21, 2023, the Parole Board of Canada (PBC) has 82 Board members (44 full-time and 38 part-time).

### **CAPACITY:**

- The optimal number of Board members is 90 (55 full-time and 35 part-time). As of July 21, 2023, the Parole Board has eight (8) full time vacancies.
- Importantly, a total of 11 mandates are set to expire by December 3, 2023 and if no appointments are made, the Board will have a total of 19 vacancies.
- The ability for the PBC to meet its legislative requirements is contingent on a timely appointments/reappointments.
- On average, it takes approximately six (6) months for a new Board member to become fully operational. This is an important consideration in the requirement to appoint Board members in a timely fashion.

*July 2023*

- The Regional Vice-Chairperson's mandate expires in May 2024.

**Need:** One (1) full-time bilingual position

Appeal Division:

- The Appeal Division is currently comprised of three (3) full-time Board members and one (1) part-time Board member.

Leadership positions

- The Board's leadership is comprised of a Chairperson, and Executive Vice-Chairperson and six (6) Vice-Chairpersons (5 Regional Vice-Chairpersons and one Vice Chairperson of the Appeals division).
- The position of Vice-Chairperson, Prairie region is currently filled on an interim basis; a need to designate a Vice-Chairperson is noted.
- There is currently stability within the leadership cadre, although one Vice-Chairperson's mandate will end in May 2024 and the incumbent has indicated that is not interested in a reappointment.

**KEY MESSAGES**

- In addition to the existing eight (8) vacancies (full-time), 11 mandates are set to expire by December 3, 2023.
- The Board works closely with the Minister's staff, PCO, the Department of Public Safety and PMO to ensure that the Board's complement reflects the diversity of Canadians. Of the PBC's 82 Board members, 59% are women, 13% are Indigenous, and 12% are visible minorities (as of July 21, 2023).
- Ensuring the Board has sufficient bilingual capacity is a critical consideration. As of July 2023, there are eleven (11) full-time bilingual Board members and eight (8) part-time bilingual Board members.



## 21. PARDONS REFORM AND RENEWAL

### BACKGROUND

- In 2010 and 2012, the *Criminal Records Act* (CRA) was amended to change the eligibility criteria and wait times for a record suspension (formerly pardon) applications following completion of an individual's sentence. These amendments increased the waiting periods to five years for a conviction for a summary offence and 10 years for an indictable offence. In addition to assessing whether the applicant is of good conduct, for indictable offences, applicants must demonstrate that the record suspension would provide them with a measurable benefit, sustain their rehabilitation and would not bring the administration of justice into disrepute. The amendments also provided that an individual is ineligible to apply if they were convicted of an offence referred to in Schedule 1 of the CRA (i.e., child sex offences) or if they were convicted of more than three indictable offences, each with a sentence of two years or more. These changes applied retrospectively.
- On April 18, 2017, the Supreme Court of British Columbia released its decision in the matter of the *Attorney General of Canada v. Chu* in favour of the applicant. On June 14, 2017, the Ontario Superior Court mirrored the *Chu* ruling in the *Charron / Rajab v. the Queen* case. Both court decisions held that the transitional provisions of legislation that amended the CRA in 2010 and 2012 to increase waiting periods for obtaining record suspensions and change eligibility criteria, as contrary to sections 11(h) and (i) of the *Canadian Charter of Rights and Freedoms* (the *Charter*).
- On March 19, 2020, the Federal Court of Canada released its decision in the matter of *P.H. v. Canada (Attorney General) (P.H.)*. The Court also declared section 10 of the *Limiting Pardons for Serious Crimes Act* and section 161 of the *Safe Streets and Communities Act* contrary to sections 11(h) and 11(i) of the *Charter*, as these sections apply retrospectively to applicants who committed their offence prior to the 2010 and 2012 CRA amendments.
- As a result of the *P.H.* decision, individuals must have their application for a record suspension processed in accordance with the legislative criteria that was in place at the time the applicant committed his or her offence(s).
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July 2023

## REFORMS

- On June 10, 2021, Bill C-31, the Minister of Public Safety introduced *An Act to Amend the Criminal Records Act and make consequential amendments to other acts*. The Bill died on the Order Paper following the dissolution of Parliament in August 2021.
- The main objectives of Bill C-31 were to reduce barriers and increase access to pardons, and to address systemic inequities in the criminal justice system that have a disproportionate impact on Indigenous Peoples, Black Canadians, and other overrepresented or marginalized groups.
- Among a number of key amendments, Bill C-31 proposed to revert the terminology of a “record suspension” to a “pardon”, and to reduce wait periods for obtaining a pardon from five years to three years for summary conviction offences, and from ten years to five years for indictable offences. It introduced an ineligibility for terrorism offences with sentences of 10 years or more, and maintained ineligibility for those convicted of a sexual offence against a child. The Bill also proposed that payment of a fine or any other monetary penalty that was included in the sentence does not restart the wait period, and provided that decisions on applications with only summary convictions could be made administratively by PBC staff members rather than Board members.
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- In order to achieve these important objectives, Budget 2021 provided \$88.2 million over five years, starting in 2021-22, with \$13 million ongoing, to the PBC, the Royal Canadian Mounted Police, and Public Safety Canada. This funding includes the creation of an online application portal, and support for community organizations that help people navigate the pardon application process. The funding also provides for the reduction in the application fee to \$50 from \$657.77. The reduction in application fee came into effect on January 1, 2022 and has greatly increased accessibility to a pardon.
- Since 2021, PBC has continued to work with Public Safety Canada to advance record suspension reforms.

## **KEY MESSAGES**

- Since 1970, more than 500,000 Canadians have received pardons and record suspensions. Approximately 95% of these are still in force, indicating that the vast majority of pardon/record suspension recipients remain crime-free in the community. 74% of applicants have never been sentenced to a period of incarceration.
- A pardon/record suspension assists individuals in overcoming barriers associated with a criminal record and increases access to employment, education and volunteer opportunities in the community.
- Research in the United States (US) has shown that those who receive a pardon/record suspension (set aside or expungement in the US) experience large gains in employment rates and wages. As well, 99% of those who receive set asides in Michigan are not convicted of a felony in the following five years and 96% are not convicted of any crime at all.



## 22. CONDITIONAL RELEASE: A CHALLENGING OPERATING CONTEXT

### BACKGROUND

- Legislation governing the Parole Board of Canada (PBC/the Board) (the *Corrections and Conditional Release Act* (CCRA)) is highly prescriptive, specifying when and how the Board conducts its business. The Board must ensure that it responds to legislative changes, and to the increasingly challenging environment in which it operates, characterized by public scrutiny and misunderstanding, frequent court challenges and appeals, and a diverse offender population.

### CURRENT OPERATING CONTEXT

- Over the last 10 years, there have been a number of legislative amendments which have impacted how the PBC manages and conducts its operations and have contributed to a disconnected framework.
  - Bill C-489 *Restrictions on Offenders Act*: Required the Board to consider any statement provided by the victim to impose special conditions on the release of the offender that it considers reasonable and necessary in order to protect the victim. If such a statement is provided by the victim and the Board decides not to impose any special conditions, the Board must provide reasons.
  - Bill C-483 *Escorted Temporary Absences*: Provided new PBC authority for escorted temporary absences for offenders serving sentences of life minimum following their day parole eligibility date.
  - Bill C-479 *An Act to Bring Fairness for the Victims of Violent Offenders*: Increased the timeframes for subsequent reviews for violent offenders following denial, cancellation or termination of parole and detention orders, effectively creating a number of different review schemes.
  - Bill C-12, *Drug-Free Prisons Act*: Stipulated that if after granting parole to an offender, the Board is in receipt of information regarding a positive urinalysis and the offender has still not yet been released on parole, it will review the case and assess whether the criteria for granting parole is still met.
  - Bill C-32 *Canadian Victims Bill of Rights*: Enshrined in law victims' statutory rights to information, protection, participation and restitution, in an effort to balance their rights with those of offenders.
  - Bill C-83 *An Act to amend the Corrections and Conditional Release Act and another Act*: Increased scope of victims who can request to listen to audio recordings of parole hearings to include victims who attended the hearing and

July 2023

added a privacy criterion for the Board to consider when disclosing the audio recording.

- Many other aspects of the legislation are outdated, or do not take into account technological gains, and/or emerging societal changes (ie., MAID).

### **WAY FORWARD**

- The PBC completed a review of the PBC *Decision-Making Policy Manual for Board Members* in October 2022. The main objectives of the review were to ensure that legal provisions and case law are clearly reflected in policy, and that PBC policy reflects the Board's authority, discretion and procedural fairness.

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## 23. DIVERSE POPULATIONS: RESPONSIVE PLAN AND ACTION

### BACKGROUND

- Subsection 151(3) of the *Corrections and Conditional Release Act* (CCRA) requires that Parole Board of Canada (PBC/the Board) policies respect gender, ethnic, cultural and linguistic differences and be responsive to the special needs of women and Indigenous peoples, as well as to the needs of other groups of offenders with special requirements.
- The profile of the current federal offender population speaks to alignment of resources to address:
  - **Indigenous offenders:** Represent 28% of the federal offender population despite making up 5% of Canada's population. Further, the proportion of offenders in custody is approximately 10 percentage points higher for Indigenous offenders (65%) than for non-Indigenous offenders (55%).
  - **Black offenders:** Represent 9% of the federal offender population despite making up 4% of Canada's population.
  - **Women offenders:** Over the past ten years, the federal women offender population has increased by 22%, with women now accounting for approximately 6% of all federal offenders. Indigenous women are disproportionately represented, and account for approximately 45% of federally incarcerated women, up from 32% ten years ago.
  - **Agging offenders:** As a result of the accumulation of offenders serving life or indeterminate sentences and the increasing admission of older offenders, 28% of the in-custody offender population is aged 50 or older.
  - **Lifers/Indeterminate offenders:** Admissions of offenders with life/indeterminate sentences is increasing. Twenty-eight percent (28%) of the offender population is serving a life/indeterminate sentence. Of this population, 59% are in custody and 41% are in the community.

### RESPONSIVE PLAN AND ACTION

#### ***Indigenous offenders***

- The PBC offers culturally responsive hearings for Indigenous individuals, including Elder-Assisted (EAH) and Community-Assisted Hearings (CAH). The objective of these hearings is to create an adapted hearing process that adheres to the criteria for conditional release decision-making. These hearings are supported by Indigenous Elders and Cultural Advisors, who provide Board members with information about Indigenous cultures, experiences and traditions.
- Prior to the COVID-19 pandemic, the number of EAHs and CAHs conducted were steadily increasing, with 713 EAHs and 30 CAHs conducted in 2019-20. The number of Elder-Assisted parole hearings decreased by almost 90% in 2020-21 as a direct

July 2023

result of health and safety measures put in place to address the pandemic. Elder-Assisted and Community-Assisted hearings have been steadily increasing since 2021-22 with 614 hearings held in 2022-23.

- The Supreme Court of Canada's *Gladue* decision and the Federal Court's decision in *Twins*, clarified the need for the PBC to consider the unique circumstances of Indigenous offenders in its decision-making. These requirements have been incorporated into PBC's decision-making policies and processes.
- PBC policy also requires Board members to consider culturally appropriate community alternatives in decision-making for Indigenous peoples.
- The PBC provides training to staff and Board members to support cultural competency, including the mandatory 3-day "Indigenous Cultural Responsivity Training".
- The Chairperson of the PBC meets with her "Chairperson's Indigenous Circle" twice per year. The Circle is comprised of Indigenous leaders from across Canada. The Circle provides ongoing strategic advice to the Chairperson on matters related to policy development, training and operations which help ensure that the Board recognizes the unique societal and cultural factors related to Indigenous offenders, victims and communities.

#### ***Black offenders***

- More recently, the PBC's Atlantic Region contracted Cultural Advisors to support Black individuals at hearings. The Cultural Advisor is intended to create a more culturally responsive hearing process that promotes a better understanding of Black people for Board members, including information about the culture, experiences and traditions of the Black community.
- Since June 2022, there have been 21 Culturally Assisted Hearings for Black individuals (as of June 6, 2023: 19 in the Atlantic region, 2 conducted virtually for Quebec and Ontario regions).
- The PBC plans to expand these hearings nationally this fiscal year.

#### ***Women offenders***

- The PBC has in place a Gender-Based Analysis Plus (GBA+) Framework, ensuring that GBA+ is applied in all areas of the PBC's policies, programs and initiatives.
- The PBC has implemented five overarching guiding principles to serve as a foundation for working with women in the conditional release process: gender-responsive, culturally aware, trauma-informed, holistic, and partnership-based.

July 2023

***Aging offenders***

- PBC continues to collaborate with CSC at a national and regional level to identify opportunities for release of aging and infirm offenders, as well as to identify potential release locations (i.e., for day parole) suitable for older offenders with specific needs.

**KEY MESSAGES**

- PBC corporate priorities include strengthening responsiveness to the needs of specific populations such as Indigenous peoples and other groups.



## 24. INTERNAL CAPACITY

### **BACKGROUND:**

- The PBC will allocate approximately 64% of its resources to legislated responsibilities for conditional release and related support; 18% of its resources for record suspension/pardons and expungement decisions, as well as clemency recommendations and the remaining approximately 18% of its resources will be used for internal services.
- In 2023-24, the PBC plans on spending:
  - \$60.6M (86%) in operating expenditures net of revenue;
  - \$2.3M (3%) in Capital;
  - \$7.4M (11%) for employee benefit plans; and
  - 536 full-time equivalents (FTEs), including Board members.
- The high proportion of resources used for legislative responsibilities, combined with the high proportion of resources devoted to salary costs seriously constrains resource flexibility. In this context, managing incremental and increasing complex workloads present a constant challenge.
- The PBC must deal with high workload volumes in tight timeframes, amid intense public scrutiny. For example, in 2023-24, the PBC will hold approximately 15,000 reviews and expects to render approximately 22,000 decisions for federal and provincial/territorial offenders.
- Nearly 3,600 people observed a PBC hearing in 2022-23 (including victims and their support persons, members of the public, students, the media, PBC staff, and other government officials) and the PBC released nearly 7,100 decisions from its Registry of Decisions. Victims were the most frequent requesters (approximately 41%), followed by the media (approximately 32%).
- The PBC received 16,121 record suspension/pardon applications in 2022-23, which represents a 47% increase from the 10,981 applications received in 2021-22. The PBC accepted 11,614 applications or 72% of those applications for processing during the same fiscal year.

### **INCREMENTAL WORKLOAD PRESSURES:**

- In addition to workload volumes, the PBC has been challenged to adapt to:
  - The ever-evolving complexity of conditional release and record suspension/pardon decision-making;

-2-

- Cumulative impact of being responsive to the needs of a diverse and complex offender population, a demanding litigation environment, and ever-increasing policy development and reporting requirements from central agencies;
- Evolving obligations/requirements for information management and information technology (IM/IT); and
- Employee recruitment and retention, which has a direct impact on capacity.

### **KEY MESSAGES:**

- The PBC has high workload volumes and tight legislated timeframes, amid intense public scrutiny. In addition to workload volumes, the PBC has been dealing with the growing complexity of conditional release and pardon decision-making, ensuring processes meet the needs of marginalized groups (e.g., racialized, women and Indigenous offenders), , evolving obligations/requirements for information management and information technology (IM/IT), increased central agency policy development and reporting requirements, and the timeliness of (Governor-in-Council (GIC) appointments, followed by intensive Board member induction training.
- The PBC continues to navigate legal obligations to support victim participation and information-sharing, broad impacts of diversity considerations in a correctional context, over-representation of Indigenous Peoples and other racialized Canadians in the criminal justice system, and low levels of public confidence in conditional release.
- Although the PBC sought and received ongoing funding to stabilize its base funding and address program integrity issues in 2022, significant work has been done on an on-going basis to streamline processes and reallocate resources internally to priorities while managing the risks. The PBC's three corporate risks are:
  - A. Quality Decision-Making** - There is a risk that evidence-based decision-making could be affected by a range of factors, including:
    - Variations in the application of operational processes, practices, and training to support decision-making;
    - Loss of critical mass of Board members for effective decision-making;
    - The requirement to adapt Board member and staff training based on new trends and changing legal landscape;
    - Ability to ensure that decision-making policy approaches adequately respond to the diverse needs of the offender population (e.g., trauma-informed, unconscious bias, Indigenous and racialized offender population, women offenders, vulnerable groups and individuals serving life sentences, etc.) for conditional release decisions; and
    - Effectiveness of information management systems to support decisions (e.g., modern case management systems, reliable videoconference system, etc.).

July 2023

**B. Human Capital (Board members and staff)** - There is a risk that key activities and functions could be adversely affected, unless the PBC is able to recruit and retain staff, strengthen competencies and capacity, while ensuring an inclusive and diverse workplace that is competitive among public sector partners and adaptable in the context of an emerging hybrid work environment. The PBC has not been spared by the tight labor market and the pressures that turnover has generated on its' operations.

Board members (GIC) are appointed to the PBC following an open, transparent and merit-based process. The PBC is committed to delivering a decision-making program responsive to its client-base and representative of the Canadian population as a whole. In light of this, the PBC is seeking to achieve a Board member contingent that is gender equal and has an appropriately diverse representation. Each Board member participates in a rigorous orientation training program that continues throughout their tenure. The PBC's Board member training program must remain adaptable to evolving trends, risks and Government of Canada approaches to conditional release decision-making.

**C. Information Technology (IT)** - There is a risk that the PBC's IT capacity and operations will not meet the PBC's current and evolving needs and support business continuity functions: (1) the PBC's IT infrastructure and government enterprise systems are aging; (2) the increasing public expectation for efficient, and often virtual, means to communicate with government, and (3) the need to balance IT program integrity needs with other corporate integrity pressure points and central agency requirements.

s.21(1)(a)

s.69(1)(g) re (e)



Parole Board  
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BRIEFING NOTE  
NOTE D'INFORMATION

## 25. LEGAL ISSUES

### PARDON REFORM

- **Background:** In 2010, Parliament passed the *Limiting Pardons for Serious Crimes Act* (LPSCA), amending the *Criminal Records Act* to increase the wait period for certain offences before an individual could apply for a pardon, and added new criteria for a pardon to be granted.
- In 2012, Parliament passed the *Safe Streets and Communities Act* (SSCA), further amending the CRA and substituting the term “record suspension” for the term “pardon”. As well, ineligibility periods were lengthened for applications for a record suspension and made certain offences ineligible for a record suspension. Transitional provisions required that the changes be applied retrospectively.
- Court decisions in British Columbia (*Chu*) and Ontario (*Charron/Rajab*), followed by a decision from the Federal Court (*P.H.*), found the retrospective application to be unconstitutional as it infringed on an individual’s rights under ss. 11(h) and (i) of the *Charter*.
- Following these decisions, the PBC is now required to administer four parallel versions of the CRA as the version of the CRA that applies to a given individual will depend on when they committed their offence(s).
- In June 2021, the government tabled Bill C-31, An Act to amend the Criminal Records Act and to make consequential amendments to other Acts (also known as the Reducing Barriers to Reintegration Act), as part of a suite reforms aimed at making pardons (record suspensions) more accessible. The goal of C-31 was to streamline the legislative framework for pardons. Pardons reform was designed as a packaged deal, comprised of an application fee reduction (which went into effect in January 2022), investments in an online portal for applicants, and the legislative reforms in C-31.

July 2023

s.21(1)(a)

-2-

s.21(1)(d)

s.23

- Distinct from CRA-related amendments, Bill C-5, *An Act to amend the Criminal Code and the Controlled Drugs and Substances Act* received Royal Assent in November 2022. The Bill was amended in late spring 2022 to include provisions allowing for convictions of simple possession to be kept separate and apart from other criminal records after a two-year wait period. This scheme exists in the CDSA, running parallel to the record suspension regime in the CRA. The relevant parties (PS, PBC, and RCMP) have two years to implement the new provisions.

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### OPEN COURT LITIGATION

- **Background:** This matter concerns an appeal by CBC, victims' families and the Toronto Police Association of a 2021 Federal Court decision, which found in favour of Canada, relating to the disclosure of information on offenders Paul Bernardo, Craig Munro and Ethan MacLeod. The matter was heard in the Federal Court of Appeal (FCA) on January 23-24, 2023. A decision is expected sometime between June and September 2023.

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July 2023



s.21(1)(a)

s.23

-3-

### **WHALING, LIANG & LIN**

- **Background:** These are two separate but related class actions filed in the Federal Court following the SCC's decision in *Whaling (Canada (Attorney General) v. Whaling, 2014 SCC 20)* and the BCCA's decision in *Liang (Liang v. Canada (Attorney General), 2014 BCCA 190)* finding that the provisions of the *Abolition of Accelerated Parole Act (AEPA)* that retrospectively removed access to accelerated parole review (APR), violated the applicants' rights under s. 11(h) and 11(i) (respectively) of the *Charter*. The class actions are seeking damages related to the passage of that legislation. The plaintiffs allege that the government acted in a reckless or negligent manner, in bad faith, and in an abuse of power by passing a

July 2023

law that it knew or should have known was unconstitutional and would infringe the constitutional rights of those to whom it applied.

- In 1992, Accelerated Parole Review was introduced in the newly enacted CCRA as a simplified process that allowed first-time non-violent offenders to be considered for parole on the basis of a single question: Are there no reasonable grounds to believe that the offender, if released, is likely to commit a violent offence?
- In 1997, APR was expanded to include earlier eligibility for day parole: after six months or one-sixth of the sentence, whichever was longer, instead of six months before full parole eligibility.
- In 2011, the *Abolition of Early Parole Act* eliminated APR and with it the possibility of earlier release. Furthermore, and what is important to this litigation, is that the repeal applied retrospectively.

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### **AGC v. POWER**

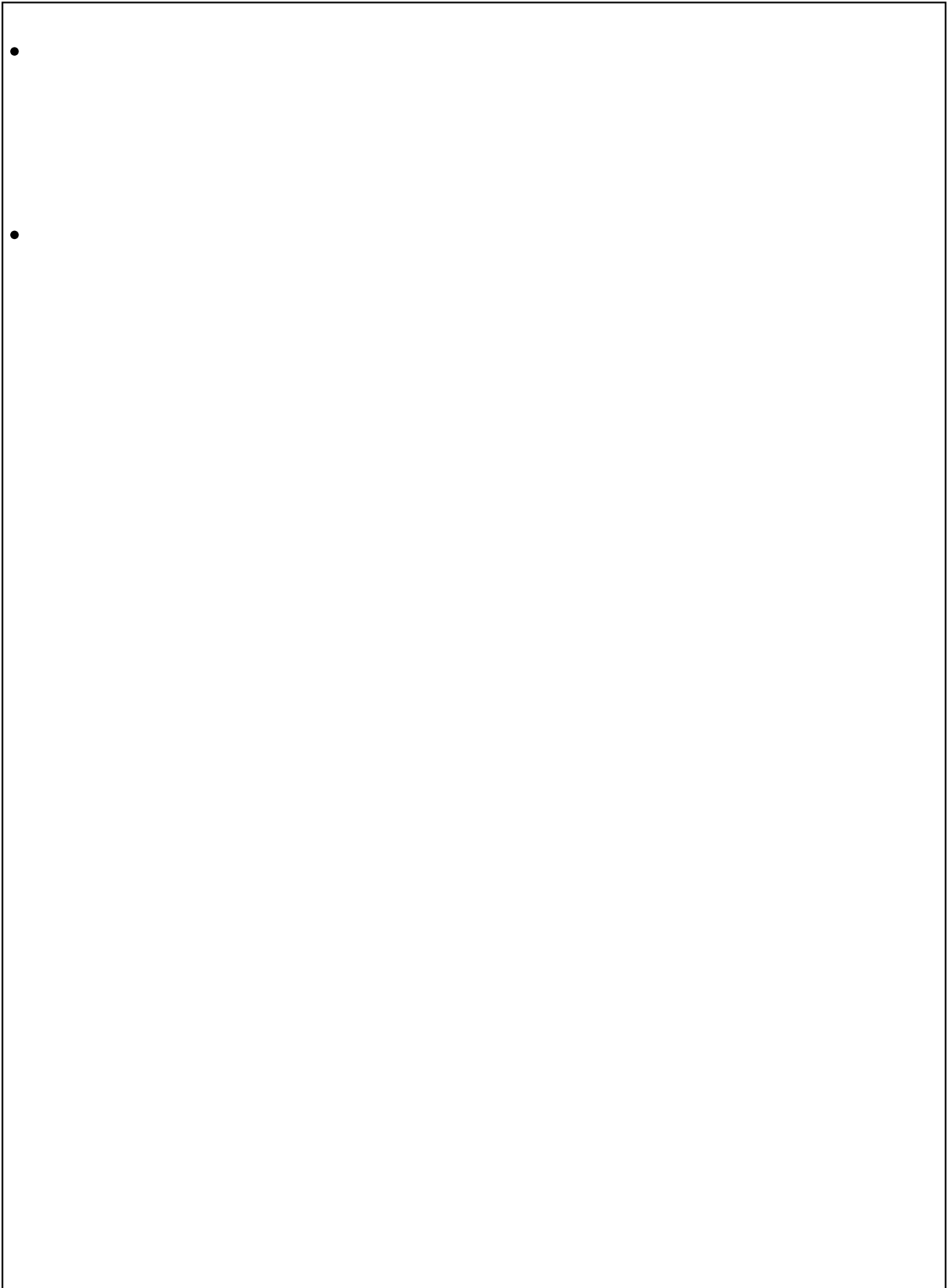
- **Background:** In 2010 and 2012, Parliament enacted the *Limiting Pardons for Serious Crimes Act* (LPSCA) and the *Safe Street and Communities Act* (SSCA), which amended provisions of the *Criminal Record Act* (CRA). The SSCA amended section 4 of the CRA to make persons convicted of certain offences ineligible for a record suspension, for example if his/her offence was listed in the Schedule of the CRA. The LPSCA and SSCA also extended the wait period to apply for a record suspension and added criteria for obtaining a record suspension with respect to all other offences. In 2017, the BCSC in *Chu v Canada* found the transitional provisions violated an offender's rights under s. 11 of the Charter. A similar finding was made by the Federal Court in *PH v Canada* in 2020. Based on the above decisions, Mr. Power brought a claim in the New Brunswick Court of Queen's Bench (now King's Bench) seeking Charter damages for the enactment of legislation later determined to be unconstitutional. Due to *Chu* and *PH*, the Crown acknowledged before the NBQB that the provisions at issue breached an individual's Charter rights. In *Joseph Power v. Attorney General of Canada, 2021 NBQB 107* the NBQB found that the Crown, in its executive capacity, can be held liable in damages for the enactment of a bill subsequently declared invalid by a court pursuant to s. 52(1) of the Charter. The NBCA in *Attorney General of Canada v. Power, 2022 NBCA 14* upheld the lower court's decision.
- The AGC sought leave from the SCC, and was granted leave, to appeal the NBCA's decision. The hearing has been set down for December 7, 2023.

July 2023

s.21(1)(a)

s.23

-5-



*July 2023*



## 26. SASKATCHEWAN MASS CASUALTY INCIDENT BOARD OF INVESTIGATION

### BACKGROUND:

- Board of Investigations (BOI) are administrative investigations guided by legislated requirements set out in the *Corrections and Conditional Release Act*. They can be convened in a joint manner by the Parole Board of Canada (PBC), by the Correctional Service of Canada (CSC) or jointly between the two organizations.
- Generally, a BOI is convened following a serious offence in by community committed by a conditionally released offender.
- A BOI allows for a thorough review of the actions taken by PBC, and/or CSC. For the PBC, the purpose of a BOI is to identify areas of systemic or case-specific concerns to be addressed, such as the need to obtain complete and quality information, training on risk assessment and compliance with the law, policy and procedures.
- At present, the Board is collaborating with CSC on one (1) National Joint BOI. On September 23, 2022, the PBC and CSC convened a National Joint BOI into the release and supervision of Myles SANDERSON, an offender on statutory release who was unlawfully at large since May 24, 2022, and was involved in a series of tragic incidents in several locations in the province of Saskatchewan on September 4, 2022.

### ONGOING BOI

- This National Joint BOI is comprised of six members (two external and independent community co-chairs and four members from both organizations); three members of the committee are Indigenous, and all members have experience and expertise in the criminal justice system. An Independent Observer, who is also an Indigenous person, has been appointed to ensure that the investigation process is thorough and impartial.
- PBC and CSC are committed to completing this investigation in a timely manner while ensuring that other ongoing investigations in the matter are not impeded.
- Once the National Joint BOI is completed, both the PBC and the CSC will publicly share the findings and any recommendations.
- A coroner's inquest into the incident will take place in the new year.

## **KEY MESSAGES**

- Boards of Investigation (BOI) are a key quality assurance activity/ measure that offers an opportunity for an in-depth review of a particular file.
- PBC currently has one (1) ongoing National Joint BOI with the Correctional Service of Canada and results are expected by the end of 2023.
- The PBC will be invited to the Standing Committee on Public Safety and National Security (SECU) in the fall, as part of the Senate Committee's work on the James Cree First Nation tragedy.
- A coroner's inquest into the incident will take place in the new year.

*July 2023*

s.21(1)(a)

s.21(1)(d)



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conditionnelles du Canada

**BRIEFING NOTE  
NOTE D'INFORMATION**

**27. BUDGET 2023 REFOCUSING GOVERNMENT SPENDING**

**BACKGROUND**

**CURRENT OPERATING CONTEXT**

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*July 2023*