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Chair: The Honourable John McKay



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• (0845)

[English]

The Chair (Hon. John McKay (Scarborough—Guildwood, Lib.)): Good morning, everyone. It's 8:45 and I see quorum.

We have with us this morning Dr. Philippe Bensimon; Dave Blackburn, a former member of the Parole Board of Canada; and from the John Howard Society, Catherine Latimer.

Mr. Blackburn, I understand you want to go a little later in the order.

If it's all right with you, Dr. Bensimon, we'll start with you. You have 10 minutes, sir.

[Translation]

Dr. Philippe Bensimon (Criminologist, As an Individual): Thank you, Mr. Chair.

Good morning, ladies and gentlemen of the committee.

[English]

The Chair: Excuse me, Dr. Bensimon. There's no obligation to stand, but you're welcome to if you wish.

Dr. Philippe Bensimon: Thank you very much.

It's just for a short presentation.

The Chair: Okay.

Thank you.

[Translation]

Dr. Philippe Bensimon: First, I would like to introduce myself, which will help members better focus their questions.

I have a doctorate in criminology and worked for 27 years with the Correctional Service of Canada, including 15 years in five different penitentiaries as a parole officer and acting clinical coordinator. I then worked for 12 years in operational research, still with the correctional service. I have also taught criminology for 20 years at the University of Ottawa and the Université de Montréal. I have had around fifty criminology papers published in various international journals. Currently, I provide expertise on dangerousness analysis and the risk of recidivism for the Crown and defence, that is, in the court system.

In the short time available to me this morning, to make the rest of the discussion clear, I would like to remind committee members present that no school or university can train a person to become a

parole board member. It is not a profession or a specialty; it is a role.

Furthermore, the Parole Board of Canada is only one link in the chain. I have heard a lot of comments. People want to know who is guilty, who is responsible. Everyone is sweeping the dust into their neighbour's yard. To fully understand this case involving a person's death, which is far from a first in Canadian judicial history, I must briefly provide some background to properly situate the subject that has brought us here today.

Not so long ago, following the famous Fauteux report and the Archambault Commission report, the Parole Act was passed in 1956 and the National Parole Board of Canada was then founded in 1959. It went on to change names several times and become the Parole Board of Canada. The board was made up of people chosen at the time by ministers and members of Parliament, who recommended candidates to the Prime Minister's Office. The choices, then, were highly political and depended on the government of the day.

Unfortunately, given high recidivism rates, negative public perceptions of recurring recidivism in Canadian surveys, and members' decisions being regularly criticized for their laxity, it was not until Willie Gibbs came onto the scene in 1994 that the process really changed.

Candidates would now be judged on their knowledge and their ability to conduct a successful interview at a hearing and to make fair and informed decisions. At a minimum, this meant selecting these individuals through a staged process with four separate phases. The first was the written exam, which, if passed, led the person to an oral exam. Unless one had real expertise in the field, it was not a matter of simply preparing for the written exam three weeks in advance. It very often involved several months' preparation, or even a full year.

If candidates passed the first phase, that is, the written exam, they were then called to an interview with four experienced members to put them through role-play scenarios and assess their ability to verbalize a decision. After the written and oral exams came the reliability check phase, to see whether or not candidates had a criminal record.

Finally, candidates were mentored by an experienced member for at least six months. During this period, candidates did not make decisions at hearings. They could react to what was said and provide feedback, but for six months they were apprentices.

Once appointed, they completed an annual 15-day training course on various topics in the criminal field, which requires a minimum of continuously updated knowledge. I emphasize that point.

Your politics could be liberal or conservative, more to the left or more to the right, just as all members in this room are. But not just anyone can be a member. The current members do no criminological analysis, complete no actuarial evaluation grid and establish no correctional treatment plans. Anything to do with the diagnosis and prognosis of criminal behaviour is the sole responsibility of the parole officer. When we talk about criminal behaviour, there are not two, three, four or five experts, there's only one. That is the parole officer, who more likely than not, has a degree in criminology.

The Correctional Service of Canada has a mandate to recommend or not recommend inmates, and it is on the basis of the written recommendations, and only then, that the board can make a decision whether or not to broaden an inmate's parole conditions at a hearing.

• (0850)

When you are looking for someone to blame, if you are only looking from the top at the board's appointment process without considering how things are done at the Correctional Service of Canada, you are going down the wrong path.

I can comment on Eustachio Gallese's case only with reservations, since I do not have his file.

Although this case of association with prostitutes is not an isolated situation over time—the union president even acknowledged that he was surprised by the response of the Commissioner of Correctional Services—I would point out that allowing a serious offender convicted of murder to repeatedly solicit services of a sexual nature for remuneration is an indictable offence punishable by a \$1,000 fine under subsection 286.1(1)(a)(ii) and \$5,000 for a repeat offence under subsection 286.1(1)(b). By authorizing him to visit a massage parlour, the Correctional Service of Canada made itself his pimp. The authorization was signed by the parole officer and co-signed by the authorities in place, that is, quality assurance officer and the immediate superior.

A further major error was that an inmate should never, ever, be placed in a federally regulated community residential centre when they have a serious record, particularly for anything involving murder and sexual assault. They should be placed in a community correctional centre.

So, not to confuse the public, because a lot of journalists have been providing primers for the average Canadian in the street, let me remind you that the difference is huge.

Community residential centres, or CRCs, are provincial halfway houses under contract with the federal government. These houses are much less costly than community correctional centres, which are federally operated and have experienced staff, professionals and, generally, for the Quebec region, criminologists. So, in these provincial halfway houses, provincial inmates sentenced to three, four, six, 10 or 18 months live side by side with inmates serving long sentences of 20 or 25 years, who are extremely serious offenders.

I would remind you that the Constitution provides for the separation of powers over prisons and penitentiaries. Here, we seem to be mixing the two, but we shouldn't. Provincial inmates fall under provincial jurisdiction. Federal inmates fall under federal jurisdiction. In a CRC, the staff consists of a night guard and a day guard, group facilitators, a few workers, and a lot of internship students and volunteers. Inmates staying at a CRC remain under the supervision of a correctional service liaison officer, who travels back and forth between the parole office and the community residential centre to meet with the inmates in their care.

In order to limit, not eliminate, a person's risk of recidivism—there is no such thing as zero risk, it's a farce, it's an illusion, it's part of the propaganda—there should be three members. I remember a time when there were four for murder cases. For all murder cases, there should be three members, as was the case 20 years ago. Of course, you will tell me that it is a costly measure, that it requires a much larger pool, but you can't put a price on public safety. I will come back to some of the factors around this issue.

Thank you, ladies and gentlemen of the committee.

• (0855)

The Chair: Thank you, Mr. Bensimon.

[English]

Mr. Blackburn, you have 10 minutes, please.

[Translation]

Mr. Dave Blackburn (Former Member at Parole Board of Canada, As an Individual): Thank you, Mr. Chair. I'd also like to thank the committee members.

For the sake of transparency, I want to mention at the outset that I was a Conservative candidate in the 2019 election.

I must say that I'm extremely sad and dismayed by the fate of Marylène Levesque. This woman should never have been stabbed to death by a repeat murderer. The wolf was given sheep's clothing. As a result, the predictable happened. Why? Because the board had been deprived of its ability to carry out its mandate.

This murder is the result of a series of major systemic flaws within the Correctional Service of Canada, or CSC, the Parole Board of Canada, or PBC, and the halfway house.

The Prime Minister's Office also bears a significant amount of responsibility for what led to this sordid murder. Changes to the appointment process for members have had a disastrous impact on the operation of this independent administrative tribunal. Canadians, the family of Marylène Levesque and the daughter of Chantal Deschênes, who was killed by Mr. Gallese in 2004, therefore expect clear answers about the failings of CSC and the PBC, and about what will be done to ensure that women are protected in Canada.

I will now turn to the first point of the motion, the decision by the PBC. Members Lainé and Fortin made the wrong decision on September 19, 2019, to renew Mr. Gallese's day parole. Those two members had little experience in assessing the risk of federal offenders. There were some complexities in this case. They were unable to take appropriate action to protect society from this murderer.

During the hearing, both members were briefed on the strategy of the offender's case management team, which was to allow the offender to meet with women to address his sexual needs, based on his transparency.

Since this was new information, the members should have obtained more details about the strategy in order to properly assess the risk Mr. Gallese posed to the public and to women.

Moreover, the members wrote only a few lines about the inappropriate nature of the strategy, without reviewing the risk or taking proper protective measures. Personally, I do not see how a strategy allowing Mr. Gallese to meet with women to fulfill his sexual needs could have represented a social reintegration perspective. I have never seen a strategy like that used in my entire career, and I'm alarmed at the comments of the Union of Safety and...

[English]

The Chair: Excuse me, Mr. Blackburn.

We're into some delicate territory here as to evidence. There's evidence that's direct evidence; there's indirect evidence, and then there's hearsay. If you're going to cite, make reference to something, it would be helpful if you could cite it so that we're relying on evidence as opposed to what might be something somebody said about something. That would be helpful in terms of the committee's deliberations.

I say that to all of the witnesses for the purposes of trying to stay within the parameters of evidence as opposed to what others say about something else.

I'll let you go forward, and certainly we're not going to penalize you in terms of time, and I appreciate your presentation.

Thank you.

[Translation]

Mr. Dave Blackburn: In all likelihood, the strategy did not protect all women and implied that there are "sub-women" in our society, which is outrageous.

Finally, CSC and the halfway house need to explain their lax approach to supervision.

On the second point in the motion, members interested in renewal were, in the past, required to write a letter to the chairperson. The chairperson would then decide whether or not to recommend renewal to the minister's office. This procedure made it possible to renew the appointment of deserving members who wished to continue serving Canada.

In March 2016, when my annual evaluation was conducted, I told the vice-chairperson of Quebec about my interest in seeking a renewal. He informed me that the Trudeau government was going

to implement a new process for appointing members. Some time later, the national office explained to me that I had to apply and start the whole process all over again. The old process for renewing members therefore no longer existed.

In the meantime, a group of about 10 members from Quebec, including myself, began discussing the impact of the changes in the appointment process on the PBC's mandate.

There was no doubt in our minds that these changes would have a major impact on PBC operations, on the erosion of member expertise, knowledge and experience, on the lack of mentoring at hearings by experienced members, on the work environment and on the mental strain on members and staff.

In late November 2017, we sent a letter to Prime Minister Justin Trudeau, to the Minister of Public Safety and to the Clerk of the Privy Council expressing our serious concerns.

I am quoting from this letter:

It is well known that an organization such as ours requires new members on a regular basis. But it also needs a sufficient number of experienced members with good performance records in order to pass on corporate memory, mentor new members who require 18 to 24 months of training, and maintain the very high quality decisions needed to protect the public. Our primary mandate is to protect the public and we are concerned that this mandate is currently at risk.

In addition, we asked the Prime Minister to keep the member renewal process in place. Neither Mr. Trudeau, Mr. Goodale nor Mr. Wernick responded to the letter. Why is that?

The content of the letter was of the utmost importance, as it alerted them to the potential impact on protecting Canadian society.

On January 11, 2018, I finished my term on the board without knowing what would happen. In April 2018, I was interviewed for less than 30 minutes by a selection committee, none of whom had worked as a member.

I believe that the crux of the problem in the Gallese case is directly related to the new appointment process put in place by the Trudeau government. As a result of this new process, the board has lost considerable autonomy and independence to recruit members. Because of this, the majority of those with experience and who had been appointed by the previous government were ousted.

The new process was unique, in that it included a selection committee member from the Prime Minister's Office.

In addition, the executive vice-chairperson appointed in 2018, Sylvie Blanchet, whose husband had a well known relationship with an influential Liberal minister from New Brunswick, also sat on the selection committee. The inclusion of Ms. Blanchet and a member of her staff allowed the Prime Minister to influence the decisions about who would and would not be shortlisted for appointment. Moreover, eliminating the renewal process for experienced members forced them to overhaul the entire appointment process.

This new process was the Trudeau government's way of cleaning house, of selecting whomever it wanted. Unfortunately, there is every reason to believe that these choices were made at the expense of public safety.

The board has not been able to absorb the sudden shock of an almost complete changing of the guard of its members in the space of a few months. Much of the difficult work of a member is learned on the ground, making quality decisions on cases and participating in hearings. Experienced members act as mentors by transferring the practical knowledge, experience and, most importantly, expertise needed to conduct risk assessments. Hence the obvious and valid practice of pairing an experienced member with a new member at hearings.

That's exactly what was missing in the specific case of Eustachio Gallese. Members with the experience and expertise required would have detected that the strategy would directly lead to an increased risk of recidivism and put society at risk.

● (0900)

Make no mistake: in 2018, the PBC Quebec region underwent a real purge of its experienced members. The numbers speak for themselves: only two out of 16 experienced members survived the purge. None of the other appointments were renewed, with no word of an explanation. That therefore means that 14 new members were appointed.

To add to this nonsense, I have learned that the members who signed the letter to the Prime Minister were investigated by the Liberal Research Bureau. An anonymous source sent me a document outlining the results of the investigation on me, which dates from the spring of 2018. This is extremely worrisome and it is not an acceptable practice in a rule-of-law country like Canada.

The changes to the appointment process have, in my view, had a direct incidence on section 3.1 of the Corrections and Conditional Release Act. That section states that "the protection of society is the paramount consideration for the Service in the corrections process."

I would like to conclude my remarks by stating loud and clear that the internal investigation commissioned by the Minister of Public Safety will not shed light on the full extent of the failings that led to the murder of Marylène Levesque, nor will it consider the possibility that the strategy applied by the parole officer, approved by his case management team and endorsed by board members, may bear some curious resemblance to criminal negligence.

Consequently, it is imperative that an external investigation be carried out by former members or former judges and that the full results be made public. The fundamental objective is to understand the shortcomings that occurred in this sad case and to correct them

as soon as possible. This strategy not only affects sex workers, but our entire society as well.

It is also in Canada's interest to learn about correctional and parole practices in other countries, including the United Kingdom, where in some cases, three members sit in on hearings and may be assisted by mental health or criminology experts. Members with political affiliations are also clearly identified.

Moreover, to get specific answers with respect to the new appointment process, it seems essential and consequential that Prime Minister Justin Trudeau be questioned, as he spearheaded the changes. In this case, a murder could have been prevented.

Finally, I offer my sincere condolences to the family and friends of Marylène Levesque.

● (0905)

The Chair: Thank you, Mr. Blackburn.

[*English*]

Ms. Latimer, you have 10 minutes, please.

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

Thank you, committee members, for the opportunity to be here.

The John Howard Society of Canada would like to extend its condolences to the family and friends of Marylène Levesque.

The death of a young woman is undeniably tragic, but to learn that she was murdered by a parolee who had killed a woman before is devastating. I think we all hold the belief that someone under sentence for a murder, subjected to strict conditions and monitored by state officials in the community, ought not to have been able to take someone's life.

While it is rare for a parolee to commit a violent offence, let alone murder, I think a full and impartial investigation into how it happened is needed to ensure that the mistakes are identified and corrected.

We hope that having this parliamentary committee seized with the review of events leading to Ms. Levesque's death will lend objectivity and transparency to the process.

I'd just like to indicate that I am not familiar with the particular facts of this situation, so I have no direct evidence to offer the committee. I do know that violent offending by people serving their sentence in the community after prison is rare and has been declining. I think you'll find that when you look at the statistical reporting on this.

If I can comment on the implications of Mr. Blackburn's presentation, I think a reliance on the ways of former board members and thinking that is a better way might well be contraindicated by the statistical indication of improvements to the way in which the parole boards are making decisions. That being said, I think it's very important that there be a full investigation that tries to identify what the actual problems were in this particular case.

As has been pointed out, decisions about release are a confusing area because it is both Correctional Service of Canada and the Parole Board of Canada that are intimately involved in coming up with the decisions for prisoners who are serving more than two years. They share the responsibility for release. That means preparing prisoners for release; deciding when they should be released and what conditions they should follow; monitoring compliance with those conditions; and suspending and revoking releases if the risk cannot be safely managed in the community.

The challenge is knowing which agency is responsible for what part of that continuum. It's not entirely clear because the word "parole" factors in it all, which leads to some misperceptions and some public misunderstanding about who's responsible for what.

CSC is responsible for preparing prisoners for release, usually through correctional plans, and monitoring compliance with conditions when they're in the community, which are established by the Parole Board.

That's essentially the operational wing of this. They're dealing face to face with the prisoners in the correctional facilities and in the communities; preparing them and seeing if there is progress being made against these correctional plans.

The Parole Board of Canada decides when people should be released if they are eligible, what conditions apply to their release and whether conditional releases should be revoked. They're the decision-makers. They're pretty much reliant on evidence coming from CSC in terms of the factors upon which their decisions should be based.

These are difficult tasks, and they're guided by risk assessment tools and an understanding of an individual's criminogenic factors. Predicting future behaviour is never absolute. As I mentioned, the statistics suggest that this is working well and in fact improving in terms of community safety.

Clearly something went wrong in this case, with tragic consequences for Ms. Levesque.

While both CSC and the Parole Board of Canada are conducting reviews, many of us favour an external review to ensure transparency. However, external reviews run the risk of overly harsh constraints and a culture of risk aversion to address public fears. This, in the long run, can undermine public safety.

In the federal prison population, about two-thirds of those in there are there for having committed violent offences. There is a past evidence of violence for a good chunk of the people whom we're dealing with.

• (0910)

Roughly one-quarter of the total federal prison population are serving indeterminate sentences. They can only get into the community through parole. Three-quarters of the federal population have determinate-length sentences set by sentencing judges, and they will be released into the community whether or not CSE and the Parole Board of Canada think it's a good idea.

I think that Chairperson Oades, when she appeared, indicated that about 60% of the conditional releases are due to statutory requirements and are not at the discretion of the Parole Board. Members of this group generally are not getting the correctional programming and reintegration support they need.

Most concerning to me are the high-risk, high-needs prisoners who have been detained by the Parole Board of Canada until warrant expiry or until the very end of their sentences, based on the fear that they would commit a serious personal injury offence before the expiry of their sentences if they were released earlier.

After the end of their sentences, they would no longer count as a failure of the paroling or conditional release system, but they are no less likely to commit an offence. They are being asked to find their way, often after long periods of prison, with no support from Correctional Services.

We have prepared a number of podcasts, called "Voices Inside and Out". The first two episodes are talking to two prisoners who were released at warrant expiry, and I think there is a real concern about that.

To address public safety, our view is that Correctional Service of Canada and the Parole Board of Canada need to apply resources and efforts to higher-risk prisoners and not focus efforts simply on lower-risk prisoners who might well be more successful on day parole.

I would worry about any recommendations coming from review committees that have the effect of discouraging CSC and the Parole Board of Canada from preparing all federal prisoners for reintegration and supporting their graduated and supported supervised release. Risk aversion that can happen as a result of tragic incidents have a price in terms of public safety, and I think we need to be worried about that.

I am very hopeful that MP Bragdon's Bill C-226, which proposes a federal framework to reduce recidivism, will receive second reading and come to this committee. It would provide an opportunity to make progress on reducing recidivism and promoting community safety for all.

I know that some are asking for this committee to look beyond the situation of Mr. Gallese and Mademoiselle Levesque to look at the general competence of the Parole Board and the efficacy of their appointment processes. If they are proposing to do that, I think you also need to look at those who have been breached in the community, had their parole suspended and have been treated unfairly by the processes, as indicated by the courts.

I raise in particular as evidence of this the case of Jim DeMaria, who had been released by the Parole Board and had served in the community for 20 years without breaching, and then he breached, was suspended and was placed into corrections for having attended two weddings that were approved by his parole officer. He has been in there for about six or seven years with a consistent failure being recognized by the courts to deal with him in a fair and impartial manner.

I think there is clear evidence of the kind of rigidity and risk aversion that can hurt people's rights, security interests and public safety if there is too much of an emphasis on being overly cautious with it, but in any event, we need to understand what mistakes were made that led to the death of that particular woman.

I wish this committee all the best in coming to terms with that, and if I can be of any assistance, I would be delighted to do so.

● (0915)

The Chair: Thank you, Ms. Latimer.

[*Translation*]

Mr. Paul-Hus, you have the floor for six minutes.

Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC): Thank you, Mr. Chair.

Thank you, ladies and gentlemen, for being with us this morning.

Mr. Blackburn, last Tuesday, when we met with the chairperson of the Parole Board of Canada, Ms. Oades, we talked about the members' experience. That is part of the study related to our motion.

In the 2018 purge, institutional experience was completely eliminated to make room for new people. Ms. Oades said she felt experience meant having a number of cases under one's belt.

In your opinion, what does it mean to have experience as a member?

Mr. Dave Blackburn: Right off the bat, I can say that I disagree with that. A person could manage a lot of cases, but if the cases are poorly supervised or if the decisions are not quality ones, what does that accomplish at the end of the day? In fact, in the members' annual evaluation, one of the criteria, actually, is the quality of decision-making. The focus is much more on quality than quantity.

As my colleague mentioned, in terms of the experience of being a member, part of it is learned on the job, especially during the first five or six weeks of training. That's one thing. You learn about the various components of the board. Then there is the work on the ground. The experienced members are there to provide coaching and mentoring.

There's also everything before that. This is something that needs to be emphasized, because it's important. What educational qualifications are required to apply for a position as a member? What is their field of study? Is it criminology, social work or some other field that is more or less related to the board's work? Also, field experience and expertise in specialized fields should be considered. We don't just handle files. That is not true.

Mr. Pierre Paul-Hus: I am going to talk about Mr. Gallese's case specifically. We have learned that parts of the plan were rejected by the members. But Gallese was still let out. What do you think the members should have decided at that time?

Mr. Dave Blackburn: From my perspective, this is a problem. During the course of a hearing, we may receive new information. That is what happened in this case. It was during the hearing that they learned there was a strategy allowing this man to meet women to fulfill his sexual needs. This new information must be taken into account. You have to be able to get all the details in order to assess whether it has an impact on the risk posed by the offender.

Mr. Pierre Paul-Hus: Does the decision of the two members come from a lack of experience, a lack of judgment or both?

Mr. Dave Blackburn: I would say it's both a lack of experience and a lack of judgment. Clearly, a strategy like this makes no sense. It is throwing women who are already vulnerable, women who work in the sex trade, into the lion's den.

In my view, day parole should have been rescinded immediately, pending the Correctional Service providing more information on that strategy. That way, the risk could have been properly assessed. Mr. Gallese could also have been placed under house arrest, with permission to go to work only.

Mr. Pierre Paul-Hus: Do you have a copy of the letter that the eight former members wrote to the Prime Minister in November 2017?

Mr. Dave Blackburn: Yes, I have a copy of that letter.

Mr. Pierre Paul-Hus: Mr. Chair, I would like the letter to be tabled with the committee so that we can learn more about it. Thank you.

Mr. Blackburn, let's talk about the work environment at the parole board after 2015. Would you describe it as negative or satisfactory? How are things at the board?

Mr. Dave Blackburn: It has changed because of the pace of work. I can give you a specific example. It's not complicated, I would get there at 8:00 a.m., especially when we had to vote on certain files. I would take 10 minutes to eat, and I would get back on the train at 4:30 p.m. I can tell you that things had to be done quickly if you wanted to meet the daily quota of files. It was not uncommon for me to experience anxiety on the train. Sometimes I wondered whether I had made a decision too quickly. There have been changes. It had an impact on the members and the hearing officers. In fact, some of them went on sick leave at that time. There have been changes. Also, as time went on, experienced members left. Let's not forget that some positions remained unfilled in 2016, 2017 and 2018. This created an overload for the members who were still there.

Mr. Pierre Paul-Hus: Thank you, Mr. Blackburn.

Professor Bensimon, parole officer Sophie Grégoire had given Mr. Gallese the right to visit the massage parlour once a month. Beyond the Gallese case, is there a systemic problem with community supervision?

• (0920)

Dr. Philippe Bensimon: Sir, I will answer very clearly. There is a lot of waste within the Correctional Service. There are two major groups of professionals that we should pay close attention to. We should double the number of parole officers in the institutions and quadruple the number of parole officers in the community. Why do we need four times as many in the community? It is simply because when the inmate is out on day parole, on parole or on statutory release, there are no guards to supervise him or her. The parole officer is on his own. That is why Correctional Service deals with community residential centres. These are centres where the staff can be very dynamic. There can be people who love their work. That is not the point. We do not mix federal inmates with provincial inmates, unless, of course, the federal inmate is convicted of sentences of less than six or seven years or of acquisitive offences.

The Correctional Service collects major events. I would point out that there have even been parole officers who have been killed in the line of duty. Each time, preventive measures are adopted and committees are set up. We will remember the case of Celia Ruygrok, a young criminologist who was murdered at the Kirkpatrick CRC in Ottawa, which is part of the John Howard Society. The Correctional Service had established that if an inmate convicted of acts of violence and placed under a curfew exceeded the curfew by 10 minutes, the suspension process would be initiated.

[English]

The Chair: Mr. Bensimon, Mr. Paul-Hus' time is up.

Maybe for the witnesses in particular, we have what is now a six-minute round.

Dr. Philippe Bensimon: It's okay, no problem. It will come back.

The Chair: Yes, exactly. If you look at the chair from time to time, then I don't have to interrupt the flow of what people have to say.

Ms. Damoff in particular is very skilled at managing her six minutes.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thank you, Chair.

That's because I time myself.

The Chair: There you are.

Ms. Pam Damoff: Thanks to all the witnesses.

Ms. Latimer, I want to thank you for the good work that you do in keeping the public safe by reintegrating offenders into society in the way that you do. I want to sincerely thank you for everything you do.

Ms. Catherine Latimer: Thank you.

Ms. Pam Damoff: Mr. Blackburn, I want to clarify something that you were alluding to.

We had the chair of the Parole Board here. You implied that the Parole Board of Canada had condoned the gentleman seeking out sex workers for sex after he was released, but Ms. Oades was very clear when she was here that they did not approve that. I just want to clarify for the record that the Parole Board of Canada did not approve this offender to seek out sex workers or paid sex after he was released.

You've been quite outspoken on this case, and I'm just wondering if you saw any of the information that was before the Parole Board, reports from the case management team, the risk assessment, psychological reports. Were you present for the hearings? Do you have any of that information available to you?

[Translation]

Mr. Dave Blackburn: The only information I have about this case is the public record, that is, the decision of the board.

[English]

Ms. Pam Damoff: I'm not getting the interpretation.

The Chair: Would you repeat your answer please?

[Translation]

Mr. Dave Blackburn: With regard to this case, the only documents I have consulted are simply the public documents in Eustachio Gallese's file, namely the board's decision of September 2019.

[English]

Ms. Pam Damoff: When you were a Parole Board member, did you make your decisions based on news reports or did you base your decisions on the information that was in front of you?

[Translation]

Mr. Dave Blackburn: Of course, when board members receive quality information to make decisions, it is not in the newscasts.

In any event, my comments on this matter relate specifically to the decision made by the board members. Therefore, they are not based on news. I have consulted the decision and you are indicating that it was not approved by the board members. However, they did not take any action to protect society when they learned of this new information.

• (0925)

[English]

Ms. Pam Damoff: But, Mr. Blackburn, you weren't present at the hearings. You don't have access to any of that information, so with respect, you're speaking from a place of hearsay and news reports. What happened to this young woman was absolutely tragic, and none of us condone what happened. We sent our sympathies to the family.

We also know that they are extremely rare. In 2014, there was a gentleman found guilty of murder who had been released, and Mr. Harper never even called an inquiry on it. It was Christopher Falconer.

No one condones those kinds of murders, but we also know—the correctional investigator was here—that they're rare. They're extreme, and we don't make policy based on a few bad decisions.

You made a statement that this murder could have been avoided if the appointment process were the way it was before. Is that what you said? I wrote down, "We could have avoided this murder because of the appointment process." Is that correct?

[Translation]

Mr. Dave Blackburn: I'm just making a point of clarification. This is not based on news, but on the decision of the board members. It is different from being at a hearing or reading the decision. At the hearing, there are additional elements.

[English]

Ms. Pam Damoff: Are you saying that the appointment process was responsible for this murder?

[Translation]

Mr. Dave Blackburn: Yes.

[English]

Ms. Pam Damoff: In Quebec, eight out of nine appointments were men and six out of nine were Conservatives, so you're saying that Conservative staffers, donors and candidates make better candidates for the Parole Board than the women, indigenous peoples and visible minorities. That's what Mr. Paul-Hus implied on Tuesday. So these people...it's independent. They are getting training.

I'm just curious why a Conservative candidate makes a better person on the Parole Board than the people who have been appointed.

[Translation]

Mr. Dave Blackburn: First of all, I was a Conservative candidate—

Mr. Pierre Paul-Hus: Mr. Chair, I would like to ask my colleague to withdraw her words. That is absolutely not what I said on Tuesday. There may have been a translation problem. I never said

that the Conservatives were better than women or indigenous people, and that has nothing to do with the issue.

[English]

The Chair: I just bring members' attention to the motion that was referred by the House. It includes a review of the changes brought about by the government in 2017 to the board's nomination process with a view to recommending measures to be taken to ensure another tragedy such as this never happens.

I think it would be more useful if we could not reference Liberal appointments or Conservative appointments but stick with the nomination process. There appears to have been a change in the process in 2017. I think the utility of our deliberations might be more helpful if we steered clear of whether these were Conservative nominations or Liberal nominations or themes and variations thereon.

With that, I will not restrict the member's line of questioning, but that's the opinion of the chair.

Ms. Pam Damoff: How much time do I have left?

The Chair: You still have two minutes.

Ms. Pam Damoff: Thank you.

I'm going to leave it there and move—

[Translation]

Mr. Dave Blackburn: Do you have a question?

[English]

Ms. Pam Damoff: Actually, I'll ask you one last question.

Do you think sex work should be decriminalized?

[Translation]

Mr. Dave Blackburn: First, may I answer the question you put to me?

[English]

Ms. Pam Damoff: No, I'd like you to answer that question.

Do you think sex work should be decriminalized? We know that's one of the factors that led to Ms. Levesque's murder.

[Translation]

Mr. Dave Blackburn: Personally, I do not think the debate is about that. Even if you say that it is rare, the current debate is about the fact that the murder of this young woman is one too many.

[English]

Ms. Pam Damoff: But that's what I asked you.

[Translation]

Mr. Dave Blackburn: I consider that there are shortcomings—

[English]

Ms. Pam Damoff: Sir, that was one of the factors that led to her murder, though, so please just answer the question.

[*Translation*]

Mr. Dave Blackburn: Personally, I do not think the debate is about that. The debate is about the problems at the Correctional Service and the board.

[*English*]

Ms. Pam Damoff: Okay, I'm going to stop you there.

I'm going to turn to Ms. Latimer.

How common is it for this type of situation to occur? How many people, including murderers, past murderers, are able to reintegrate into society and not offend?

Ms. Catherine Latimer: The recidivism rate for people who've committed murder is one of the lowest recidivism rates that we know of. These tend to be one-off incidents.

To go back to Monsieur Bensimon's case, our halfway houses have a lot of people who have committed murder in the past and are making their way into the communities, and there are lots who have made significant contributions in the community without ever reoffending.

● (0930)

Ms. Pam Damoff: You talked a little bit about statutory release.

Ms. Catherine Latimer: Right.

Ms. Pam Damoff: Could you explain why it is safer for the public for people who are low risk to be released into a halfway house versus spending time in prison until their statutory release?

The Chair: Answer briefly, please.

Ms. Catherine Latimer: People who come out at statutory release may not have had the preparatory programs and support to persuade the Parole Board that they are ready to be released, but they are coming out anyway. It is very important that we continue to support those people with programs and support.

There's no question. The statistics show that the safest way to release people is through parole and through the graduated mechanism, but we could be skimming off the safe ones.

The Chair: We're going to have to leave it there.

Thank you, Ms. Damoff.

[*Translation*]

Ms. Michaud, you have the floor for six minutes.

Ms. Kristina Michaud (Avignon—La Mitis—Matane—Matapédia, BQ): Thank you, Mr. Chair.

I thank the witnesses for being here and for their testimony.

Mr. Blackburn, you mentioned in your opening remarks that there was a series of major flaws within the Correctional Service of Canada. We learned last Tuesday, and also since the beginning of this whole affair, that this is really an isolated case and that it hasn't happened before. However, according to the union, it would be possible to believe that this was being done, that people on day parole were going to massage parlours.

In your experience, did you see any other cases like this when you were a board member?

Mr. Dave Blackburn: I have never seen such a strategy in my entire career as a board member, or in my academic or professional career.

On top of that, I can't explain the relevance of such a strategy, either clinically, therapeutically or correctionally. There is no element in it that leads the offender to reintegrate socially by consulting sex trade workers. I have never seen that. To me, this strategy is problematic. It's worrisome.

Ms. Kristina Michaud: To put things in perspective, it should be mentioned that it is really the parole officer who proposes the plan. The role of the board member, when he or she receives this information, is to make a decision on whether or not the person should return to incarceration.

Mr. Dave Blackburn: It's actually a series of documents. There is the assessment, which is submitted by the parole officer for decision, which is rendered by the case management team, and there is the correctional plan, which is updated. In this particular case, there was also a psychological assessment. So, yes, there's information in those documents.

In the assessment for a decision, there is usually the offender's release plan, which tells us where he's going to work and what he's going to do in terms of social activities, among other things. The hearing allows us to read these documents, but also to question the offender and the victims, if they are present, for more details. However, in the case of new information such as this, it becomes problematic to learn that there is such a strategy in place, because it is new information that was not considered in the risk analysis.

In this case, this likely increased the offender's risk of reoffending. He was sent to already vulnerable young women working in a grey area. The board members made a decision which, in my view, was not based on all the valid information to properly assess the risk.

I'd like to connect this to the fact that experienced board members should be involved. An experienced board member could have seen this loophole and would have ensured a much tighter safety net, precisely to limit the possibility of a higher risk that this offender would return to the community and reoffend.

Ms. Kristina Michaud: Thank you.

Mr. Bensimon, you said that this kind of report—later we got the information—was co-signed by the authorities in place. According to what Ms. Oades and Ms. Kelly said last Tuesday, they categorically rejected that.

However, am I to understand that such a report would be co-signed by the most senior executives?

Dr. Philippe Bensimon: Every time there's an incident in the Correctional Service, we look to punish people at the bottom instead of looking to the top of the pyramid.

A report, whatever it is, has multiple signatures. There's the signature of the officer in charge of the file. A quality control is done and the immediate supervisor will sign it. This is part of a case management team protocol within the parole office. It is not done on a whim of the parole officer. Furthermore, I regret that that person's name has come out in the papers. An investigation is underway and a decision has already been made as to who's responsible.

When the board member says that in 37 years she has never heard of such a case, it is unacceptable. I can assure you that in Canada there are approximately eight cases of murder per year that are perpetrated by inmates on parole in the community. This research comes from the Correctional Service, and I'm the author of one of those papers.

I'll go further, madam. For an average of eight monitored inmates in the community who commit murder per year, there are 10 who have already committed murder, if you consider a period of about 10 years. So, that's one Gallese case a year.

When I hear aberrations such as the 99.9% rate of successful day parole cases, I think it's propaganda. It's laughable to give that figure to anyone. We will come back to that. If you have any questions about recidivism, I'd be happy to answer them. Take advantage of it, I'm just passing through and we're talking about a subject that falls within my area. I'm not going to talk to you about baked goods; the criminal field is my area of expertise.

I'm at your disposal. If you have any other questions, it will be my pleasure to answer them.

● (0935)

Ms. Kristina Michaud: In fact, you talked about the rather major difference between community correctional centres and municipal community centres. Is that correct?

Dr. Philippe Bensimon: No. Community correctional centres, which are under federal jurisdiction, have federal staff, i.e., federal parole officers. They are highly structured halfway houses with curfews. Their specialty is to work with sex offenders, organized crime members, and people who require close supervision, which you don't have in a CRC.

I repeat, a CRC falls under the jurisdiction of the various provinces. There are several hundred provincial halfway houses in Canada; it's an industry, a business. I'm saying that more CRC halfway houses need to be created, to keep the inmates inside. They'll be evaluated by experienced people.

Ms. Kristina Michaud: Thank you.

The Chair: Thank you, Ms. Michaud.

[English]

I'd just remind all members and witnesses that there are microphones.

Mr. Harris, you have six minutes.

Mr. Jack Harris (St. John's East, NDP): Thank you, Chair.

Thank you to all the panellists for their introductory remarks. This is a very serious case, of course.

My first question is for Mr. Bensimon.

We're dealing with two real factors here. One is the assessment of risk. We have a person who was clearly guilty and found guilty of a violent murder of an intimate sexual partner, with a hammer and a knife. He was in jail for 13 years and then was released.

What would you expect the people conducting a risk assessment to know of the level of risk? Knowing that they had this individual in their custody for 13 years, availability of programs, etc., what would you expect to be put forward to a parole board to assess that risk? Would they have information about his rehabilitation or his capacity to be rehabilitated? What would you expect?

Perhaps I would suggest a very high degree of likelihood or positive outcome if he's going to get parole.

Dr. Philippe Bensimon: Thank you, Mr. Harris.

[Translation]

I'd like to remind you that crystal balls don't exist. All prisoners, whoever they are, whatever the nature of the offence, are all going to be released conditionally into the community. It's only a matter of time. Now, it is all well and good to set up programs and have any kind of supervision, but neither the service nor the board will commit an offence. It will be the person doing it. You can supervise an inmate, but if the individual wants to assault, steal, traffic or take someone's life, it is not you, the police or the courts that will prevent him from doing so. There is no such thing as zero risk. There are limits.

In Gallese's case, as a professional, I can't comment. I won't, because I don't have the file in my hands.

Having said that, from what I have heard—some colleagues have called me—we must not only review the case of the individual in the community, we must go back up the chain. How long was he in a maximum-security institution, how long was he in a medium-security institution, how long was he in a minimum-security institution before he was released into the community? I think we went too fast with him. We're talking about over 300 outings. Do you realize that? This is something that is completely absurd. For a long time, I was responsible for inmates convicted of one or more murders, very serious cases, and there were never that many outings. We are talking about 10, 15 or 20 outings, but not 300. I think that the individual was in the community much too quickly. This is what is called a gradual downgrading that happened much too fast.

● (0940)

[English]

Mr. Jack Harris: If I may, I think we have the point here. Thank you.

The second factor, of course, is he's a lifer. He is not entitled to parole at all, ever...only entitled to be considered for parole after 15 years, or that was his sentence. He may never get parole. He has to show that he's not a likely risk.

Then there's the supervision of him. He's still a lifer. He's still subject to a life sentence but he's in the community, and he has supervision of conditions, as a prisoner or offender ought to. That's under the control of the people who are responsible, the community parole officers.

We have some information that they didn't have direct contact with Mr. Gallese in this case, that there were third parties involved at this halfway house, that they had people who did things who weren't employed by Correctional Service Canada. They acted as liaisons.

What do you think of that as a method of actual supervision of an offender such as Mr. Gallese? I'm not saying him particularly, but such as him with that kind of risk and history. He's not being supervised directly by parole officers themselves.

[*Translation*]

Dr. Philippe Bensimon: Thank you, Mr. Harris.

I said it earlier in my preamble. There's a shortage of staff. Quadruple the federal parole officers in the community and have them meet with inmates in provincial halfway houses. There is a lack of time, a lack of staff. If this inmate had been placed in a CRC, I'm not saying it wouldn't have happened, but the inmate would have been much better supervised.

I invite you to visit provincial halfway houses; they are duplexes, houses. There are virtually no restrictions; you go in, you go out. I have nothing against that, because there are a lot of inmates who deserve to be there, but we don't send individuals with long sentences to a CRC. I insist on that. They need to have structure, with a curfew. You have to adopt a gradual approach. It's called case management. For example, how much time is left in maximum security before the person is sent down to medium security, and before he is sent to minimum security, to prepare him to go out, to the community? In the case of Gallese, I think, without prejudice—I repeat, I don't have the file—that we were much too quick.

If we don't want this kind of situation to happen again, we need to take real action, and not always look for someone to blame. It hurts my heart to see that the officer—because now we know who it was, and there were other people around her—has been singled out. Look upstairs at what is happening. Look at the people responsible. The real culprits are not the parole officers; that is too easy. It's all being put on the parole officers' shoulders. I think it's a shame to attack them because the work of the Correctional Service depends on parole officers.

I'll come back to that because it's important. There's a lot to be said. We could talk about it for three days and I wouldn't be finished.

[*English*]

Mr. Jack Harris: It looks like I'm running out of time.

The Chair: It's amazing how that happens.

You know, you get your usual comment at the end, with a question mark.

Mr. Jack Harris: I could possibly do that, sir. It may be the only way I can get the point across.

The Chair: The people of Canada have spoken.

Mr. Morrison.

Mr. Rob Morrison (Kootenay—Columbia, CPC): Thank you, Mr. Chair.

Mr. Bensimon, could you finish the conversation you just had? I would like to hear the end of that if I could.

[*Translation*]

Dr. Philippe Bensimon: It doesn't relate to Mr. Harris' question. What I just wanted to say, and I'll come back to this because it's very important, is that there are people who are killed by supervised inmates in the community.

Earlier I was talking about Celia Ruygrok, a case which led to a commission of inquiry. We were talking about the Ruygrok case; after an individual was ten minutes late for curfew, there was a warning to the police and the suspension process was launched. Shortly after that, Louise Pargeter, another parole officer, was murdered, again in a CRC. The commission of inquiry asked questions, looked for a culprit. The Correctional Service decided that there would no longer be a single parole officer who would meet the inmate at his home, but two.

That's the way it is every time there's an incident. There was the Arbour Commission of Inquiry. Not long ago, there were 11 staff members in Edmonton who were fired. It's like that all the time.

[*English*]

Mr. Rob Morrison: Thank you, Doctor.

[*Translation*]

Dr. Philippe Bensimon: Fine.

Thank you, sir.

[*English*]

Mr. Rob Morrison: I have a question for Professor Blackburn.

It's interesting that we have somebody before us who was a parole officer and who was on the Parole Board. We've had some comments about lack of experience on parole boards especially when there is a large change. I suspect the same would be for parole officers.

Can you step us through.... You started as a parole officer, so were young or inexperienced, although you came with experience. Your supervision came, I take it, from the Parole Board, which helped, guided and mentored you. Then, as a Parole Board member, I suspect you also were helping new parole officers gain experience.

Can you step me through that process a bit?

• (0945)

[Translation]

Mr. Dave Blackburn: I'll tell you about my personal journey. First of all, I studied in this field. My bachelor's degree is in criminology, my master's degree is in social work, and my doctorate is in the sociology of health.

I worked in halfway houses while I was doing my bachelor's and master's degrees. Then I did a master's internship at the Correctional Service of Canada, at the Hull sector office, here, as a community parole officer.

Afterwards, I continued my career in the Canadian Armed Forces as a health services officer. I was deployed to Afghanistan, and I was in Germany for four years. During that time, I had to do a lot of psychosocial assessments, but no risk assessments.

When I left the Canadian Armed Forces in 2014, I applied through the board's appointment process. I went through all the steps, was put on the appointment list and was selected. Like the others, I took an initial five-week training course: two weeks in Ottawa and three weeks in Montreal.

During my first year, I was always paired with an experienced board member, mainly with Pierre Cadieux, who had some 20 years of experience at the board. He is an excellent board member. He taught me the ins and outs of the job; he taught me how to write quality decisions and how to get quality information when assessing risk during hearings or voting on cases. I was very well coached, especially during my first year.

[English]

Mr. Rob Morrison: As a Parole Board member, if a parole officer came to you with a decision or a request on a condition for a parolee, and it was inappropriate, for example, as you talked to the parole officer, would there be some accountability? Would you document on a personnel file, for example, to say that the person needs more training, or obviously they're inexperienced, so help them with their training? Would there be documentation of what they were actually presenting?

What I'm trying to get at is that, obviously, there's an accountability issue, I think, so I'm trying to get to the point of asking if there is documentation. You would have reported to a director general who's on a performance pay, I suspect, as a Parole Board member. Is there also the same for the parole officer?

The Chair: You have 30 seconds.

[Translation]

Mr. Dave Blackburn: Absolutely.

Let's not forget that each board member makes his decisions independently. There can be divisions when one commissioner says "yes" and the other says "no". At that point, another group of board members is put in place.

Had a parole officer presented something similar during a hearing, I would never have continued the hearing. I would have asked for additional information, hence the immediate revocation or house arrest.

Indeed, I would have spoken to the director general of the parole board in Quebec about this so that he could contact the people at the Correctional Service. Such a strategy makes no sense. Moreover, it increases the risk.

[English]

The Chair: Thank you, Mr. Morrison.

Mr. Lightbound, you have *cinq minutes*.

[Translation]

Mr. Joël Lightbound (Louis-Hébert, Lib.): Thank you very much, Mr. Chair.

First, my questions are for Mr. Blackburn.

I want to congratulate you on your transparency regarding your candidacy for the Conservative Party of Canada.

Are you currently the president of Mr. Peter McKay's campaign in the Outaouais, yes or no?

Mr. Dave Blackburn: Yes.

[English]

The Chair: I just love these questions.

Mr. Joël Lightbound: No, Mr.—

The Chair: As a partisan, I love these questions, but it doesn't seem to me to fall within the terms of reference. I can't prevent members from asking the questions that they ask, but I encourage members—

[Translation]

Mr. Joël Lightbound: Mr. Chairman, at the outset of his testimony, the witness himself alluded to his partisan affiliation. It contextualized the testimony, too.

Mr. Blackburn, in December, you mentioned that Mr. Pierre Poilievre was your political mentor. Is that correct?

[English]

Mr. Dave Blackburn: That's correct.

[Translation]

I'd like to clarify one thing. The majority of the events occurred in 2017. I was not a candidate for any political party at that time.

• (0950)

Mr. Joël Lightbound: I've asked you a question, Mr. Blackburn, and I encourage you to answer it.

Is that right?

Mr. Dave Blackburn: Yes, I'll answer, but the question has to be...

Mr. Pierre Paul-Hus: Mr. Chair, I would like to speak.

[English]

The Chair: Yes.

[*Translation*]

Mr. Pierre Paul-Hus: I'm concerned about my colleague Mr. Lightbound's question. It's not relevant.

Mr. Blackburn has been a professional all his life and has worked as a board member. He was not involved in politics at that time. My colleague is playing petty politics that have nothing to do with our purposes here.

Mr. Joël Lightbound: I was getting to my question.

Mr. Pierre Paul-Hus: Mr. Chair, I demand that we stop asking political questions immediately, because if we don't, we'll do the same thing.

We have questions about the Liberal selection list that was put together by people in the Privy Council Office.

[*English*]

Mr. Gagan Sikand (Mississauga—Streetsville, Lib.): I have a point of order. That's a—

[*Translation*]

Mr. Pierre Paul-Hus: Let's stop immediately, please.

[*English*]

The Chair: I just caution members here. The subject matter that is referred to us is the tragic death of a young woman, and it ill behooves any of us to have partisan issues.

If Mr. Lightbound wants to ask a question that is a partisan question, he's entitled to, as is Mr. Paul-Hus, as is anyone else, but the terms of reference and the subject matter that bring us here have nothing, I would say, to do with partisan affiliations by anyone.

With that, I'm not going to restrict Mr. Lightbound from asking any question he wishes, but those are the comments of the chair.

[*Translation*]

Mr. Joël Lightbound: Mr. Chair, I couldn't agree with you more, and I'm sorry it's come to this.

Mr. Blackburn's testimony appeared to me to be tinged with partisanship. It's important to know where he came from, given that kind of testimony.

Mr. Blackburn, do you agree with me that favouritism is unacceptable at the parole board?

Mr. Dave Blackburn: I agree with you.

Mr. Joël Lightbound: You mentioned it in your testimony. I'm not going to go back on that, rest assured.

However, six of the nine full-time board members were candidates, spouses of candidates, or chiefs of staff in the previous government. Across the country, 43 appointments were similar. This may suggest that there was some favouritism.

However, we agree on one thing: the important thing is that the selection of board members be based on merit. You referred to your past experience. What are your reservations about the experience of board members Lainé and Fortin? We're talking about a former provincial board member as well as a former parole officer and former board member.

Mr. Dave Blackburn: I have absolutely nothing against them. I don't even know them particularly well. They were appointed and then...

Mr. Joël Lightbound: In your testimony, in response to a question from Mr. Paul-Hus, you referred to their past experience. You said that the past experience of the board members should be considered, and you referred to your own. What are your reservations with regard to the experience of the two members you directly involved, who made the decision?

Mr. Dave Blackburn: I have no reservations. When they were assessed during the appointment process, I imagine that they met certain criteria.

Mr. Joël Lightbound: When you were a part-time member of the Parole Board, you made fewer decisions than those two members. However, you testified that the cases still needed to be handled properly.

In your opinion, did the Parole Board fail to make proper decisions in any other cases?

Mr. Dave Blackburn: I'll start by stating once again that quantity isn't the key factor. Quality is key. I brought this, which is a medal that I received for the quality of my decisions.

Mr. Joël Lightbound: Okay.

Mr. Dave Blackburn: I also have a letter from your former colleague, Ralph Goodale.

Mr. Joël Lightbound: I'm not questioning your ability as a member—

Mr. Dave Blackburn: No, but it should be mentioned. It's not about the quantity, but about the quality of the decisions. For example, for a member, the number of cases under appeal can be an issue.

Mr. Joël Lightbound: When you say that the cases must still be handled properly, do you have any examples of mishandled cases? Do you have any evidence of cases that you think were poorly handled and mismanaged?

Mr. Dave Blackburn: Obviously, I haven't been on the board since 2018. I'm therefore not in a position to answer this question.

Mr. Joël Lightbound: Okay, thank you.

My next question is for Ms. Latimer.

In terms of member turnover and member experience, you testified that—if I understood correctly—no statistical evidence showed that this affected risk. Members are appointed on a full-time basis for a three-year term and on a part-time basis for a five-year term, since the legislation authorizes a maximum of 10 years.

Can you elaborate on your testimony?

[English]

Ms. Catherine Latimer: I was referring to the annual statistical report that's put out by the government that clearly shows an improvement in the numbers of those who are being released on day parole and full parole and a reduction in the recidivism rates of those who have been released. There's a good trend line there showing improvement. I think that's a good thing.

[Translation]

Mr. Joël Lightbound: How much time do I have left, Mr. Chair?

[English]

The Chair: You have a little less than a minute.

[Translation]

Mr. Joël Lightbound: Okay.

Mr. Bensimon, you said that more members should be available to hear certain cases and make decisions. Why do you think that this could be helpful?

• (0955)

Dr. Philippe Bensimon: At one point, there were four members for every murder case. It was very simple. The number then dropped to three members for budget reasons. Today, many hearings are conducted by teleconference. There's no longer even any contact. There's nothing left. It has come down to this. The officers don't have time to see their inmates. The members don't have the opportunity, as they once did, to meet the inmates in person at hearings that could last one, two or three hours, depending on the case. So no, I can't tell you more.

[English]

The Chair: Thank you, Mr. Lightbound.

Mr. Shipley, you have five minutes, please.

Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC): Thank you, Mr. McKay.

Mr. Blackburn, can you further comment on the fact that you signalled in 2018 that the new process has put the security of the public at risk?

[Translation]

Mr. Dave Blackburn: In November 2017, in a letter written by eight members and signed by seven, we expressed serious concerns regarding the changes. We saw colleagues leaving who weren't re-appointed or replaced at that time. We already anticipated that this would cause some issues for the board.

As I said at the beginning, we need experienced members. This is essential, because they act as mentors and help train new members. When there are only new members, such as the members involved in this decision, a member can't turn to an experienced member at the hearing and obtain more specific answers. Also, let's not lose sight of the fact that staffing changes occurred in 2017 and 2018. Key board staff in Quebec either retired or took sick leave. This affected the board as a whole.

[English]

Mr. Doug Shipley: Thank you, Mr. Blackburn.

Is it possible that what happened in the Montreal office, with this lack of experience, could also have happened in other Parole Board regions across Canada?

[Translation]

Mr. Dave Blackburn: It's a concern.

[English]

The Chair: Mr. Shipley, you're asking the witness to speculate on something that is clearly not within his expertise. Certainly in any court of law that question would be struck immediately.

If you have unique expertise, Mr. Blackburn, to speculate or to offer an opinion on what was happening in other regions of Canada, certainly the committee would be interested, but if you have no unique expertise on that, maybe you should at least state that in the beginning of your response to Mr. Shipley.

[Translation]

Mr. Dave Blackburn: I can simply say that Quebec isn't the only place where major changes have been implemented with respect to keeping experienced members.

[English]

Mr. Doug Shipley: Thank you.

Mr. Bensimon, you mentioned earlier the danger of mixing provincial and federal parolees in correctional regional centres. Could you elaborate on what that danger is, please?

[Translation]

Dr. Philippe Bensimon: Mr. Shipley, when I speak of danger, I'm talking about serious cases serving long prison sentences. I have no objection to federal inmates serving shorter sentences being mixed with provincial inmates. The risk is that inmates labelled as serious cases—these people have generally served 10, 20 or 30 years in prison—will end up with hubcap thieves in a halfway house.

At Archambault, I recently saw a case that required a medium security level, even though the person was held in maximum security at Donnacona. He was sent to a regular CRF. A very minor incident occurred and his parole was revoked.

These people should not be sent to CRFs. They should be given the chance to make very gradual progress. They still need structure and an environment. The inmates need to talk to and meet with staff members. They must talk to each other and connect with each other. Not just anyone who wants to can become a parole officer. A great deal of work must be done.

In terms of the recidivism risk, the person decides to act, not the officer. The officer does their job, but the inmate decides to act.

Have I answered your question?

Mr. Pierre Paul-Hus: Do I have any time left, Mr. Chair?

[English]

The Chair: You have a minute and a half.

[Translation]

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

Mr. Bensimon, can you tell us about the Correctional Service's risk assessment programs and whether the programs are effective?

• (1000)

Dr. Philippe Bensimon: Mr. McKay will reprimand me for answering that question.

I'm likely to run out of time. We could talk about this for hours. I've written extensive research articles on this issue. It's an industry, a business.

The programs work if the person wants them to work. You can have the best professionals, but if the individual isn't ready, the programs aren't as effective. Remember that, in theory, inmates aren't required to participate in the programs.

Inmates who don't participate in a program have nothing. When they appear before the members, they're first asked what program they've participated in. If they've done nothing, they'll get nothing. Inmates don't participate in the programs because they feel remorse or regret towards the victims or because they feel the need to do so. They participate because it's the only way out.

Staff members often believe in the program much more than the inmates. I challenge you to conduct a survey of the inmate population and to ask inmates whether they're happier after participating in a program and whether they have a much more positive outlook on life.

Who are these programs for? Are they for cartel members, psychopaths or criminal gangs? Who will provide the programs? The best program is worthless if the person doesn't want to take charge of their life. As long as the person hasn't hit rock bottom, the program is meaningless. Remember, it's an industry.

Thousands of articles show the benefits of programs. Again, the programs work for certain types of populations and for a limited time. Beyond that, they're pointless.

[English]

The Chair: Mr. Bensimon, we're going to have to leave it there. We're running out of time.

Dr. Philippe Bensimon: Excuse me.

The Chair: My colleagues will get very upset, even more upset than they already are.

Dr. Philippe Bensimon: No problem.

The Chair: Mr. Iacono.

[Translation]

Mr. Angelo Iacono (Alfred-Pellan, Lib.): Thank you, Mr. Chair.

Mr. Blackburn, you said in your remarks that this tragedy occurred as a result of the procedures for appointing members, which were changed in 2018 by the government at the time.

However, violent offences committed by parolees are very rare and are becoming increasingly rare. In any given year, generally between 7,000 and 8,000 Canadians are on some form of parole or day parole. I'd like you to take note of the following years.

In 2013-14, 17 people were convicted of committing a violent offence while on parole. However, in 2017-18, this number dropped to five. In 2018-19, 99.9% of people on day parole didn't commit a violent offence. This data shows a decrease, even with the changes to the appointment process that you mentioned.

Do you have anything to say about this?

Mr. Dave Blackburn: My goodness, yes, I have plenty to say about this.

First, we're not calling into question the quality of the board's decisions. The quality is there. We're doing a very good job in Canada, and that must continue.

You say that recidivism cases are rare. I'm saying that one murder is too many. We're talking about a case where shortcomings at various levels led to the murder of this young woman in a hotel in Sainte-Foy.

In this area, there's no such thing as zero risk, as Mr. Bensimon said earlier. The best members would be unable to—

Mr. Angelo Iacono: Sorry for interrupting you, Mr. Blackburn.

No one wants murders to occur. However, you can see a clear decrease in that area. You're concluding and making a concrete allegation that the changes to the appointment process led to this murder. Yet we can see that, over the years, the number of murders has decreased. My question addresses this.

Why has this percentage changed? That's what I want to know.

Could you tell me why the percentage was 99.9% in 2018, and a total of 17 murders occurred in 2013-14?

• (1005)

Mr. Dave Blackburn: I'm not in a position to provide specifics regarding the basic reasons for this, because I haven't looked at the case.

Mr. Angelo Iacono: That's fine, thank you. You answered my question very well.

Mr. Dave Blackburn: However, in this specific case, mistakes were made.

Mr. Angelo Iacono: Thank you.

Mr. Chair, I want to ask another question.

Ms. Latimer, you understand what I'm asking about. I referred to a decrease in the number of murders.

Could you explain how that decrease could have occurred?

What could have led to this decrease in the number of murders?

[*English*]

Ms. Catherine Latimer: I think there are a number of factors that go into it. I think having good case preparation, more focused programming, better support in the community, good links with community organizations that provide some support for people coming out all bode well for successful reintegration.

It would be a shame if the focus of looking at what specifically went wrong in this case devolved too much into a sense of who's on the board. The quality of the decisions, I think, is varied. Sometimes, back in the day, you had some bad decisions and sometimes today you have some bad decisions, but generally, the quality of the decisions is pretty good and improving.

Mr. Angelo Iacono: Thank you.

[*Translation*]

Mr. Blackburn—

[*English*]

The Chair: Unfortunately, Monsieur Iacono, Mr. Trudel is not here yet—

Mr. Angelo Iacono: I was just getting started.

The Chair: —so I'm going to Mr. Harris for two and a half minutes. If Mr. Trudel comes, then we'll go to him, and then after that to Mr. Dalton.

Mr. Harris, you have two and a half minutes, please.

Mr. Jack Harris: Thank you.

I'd like to ask Monsieur Bensimon or Mr. Blackburn to answer this question.

Ms. Damoff, in her opening remarks, indicated that the board had categorically refused to accept the so-called strategy of allowing Mr. Gallese to have his sexual needs met as part of his rehabilitation program. A CBC story says the board raised serious questions about that as a “risk management strategy”, but nevertheless listed his likelihood of reoffending as “low to moderate”, and then said that the board “expects the assessment that culminated in this approach to be re-examined.”

This seems to me to be a little less than categorically refusing to allow this to be part of his conditions of release, but would you agree with that, or am I off base here?

[*Translation*]

Mr. Dave Blackburn: I think that this is part of the issue. Yes, if it's denied at the hearing, that's one thing. However, no concrete action is taken at the hearing to protect young women. Even if the inmate is told not to go, the inmate isn't subject to any special conditions because the decision doesn't include any. That's the first thing.

Then, as I said earlier, this new information was discovered at the hearing. The new information must be reviewed and clarified.

Measures should have been taken at that point to either adjourn the hearing and immediately revoke the offender's conditional release, or to place the offender under house arrest until the strategy was clarified.

Concrete measures must be implemented to protect women and Canadian society.

Dr. Philippe Bensimon: In my view, only an external and completely independent investigation involving access to all the case files can work. Personally, as a professional, I won't rely on what journalists say. I need to see how the case was managed and how the events unfolded.

[*English*]

Mr. Jack Harris: If you can't tell if it was a result of that, let me put it to you that there was a condition placed on Mr. Gallese's release that he was required to report any sexual relations or contact he had with women.

How strong of a condition is that if there are no parole officers directly involved in that supervision? Would either of you care to comment on that?

The Chair: You're going to have to leave it there, unfortunately. We're over the two and a half minutes.

Mr. Trudel, are you prepared to proceed?

Why don't I do this. I could go to Mr. Dalton for five minutes.

● (1010)

[*Translation*]

Mr. Denis Trudel (Longueuil—Saint-Hubert, BQ): Yes. Sorry for all the commotion.

Good morning, everyone.

[*English*]

The Chair: Okay. Would it be better if I came back to you? Is that all right?

[*Translation*]

Mr. Denis Trudel: Okay.

[*English*]

The Chair: I'll go to Mr. Dalton for five minutes. I'll go to Mr. Trudel for two and a half minutes, and then I'll go to Mr. Sikand for the final five minutes. There has been a little bit of back and forth. Time has been lost over the course of the hour and a half.

With that, Mr. Dalton, you have five minutes, please.

[*Translation*]

Mr. Marc Dalton (Pitt Meadows—Maple Ridge, CPC): Thank you, Mr. Chair.

I have a few questions for Mr. Bensimon.

I want you to comment on the following sentences in the Auditor General's report:

[English]

We found that when Correctional Service Canada (CSC) calculated post-sentence outcomes, it included only the convictions that resulted in a return to federal custody. CSC did not include data on the convictions recorded by other levels of government.

[Translation]

Dr. Philippe Bensimon: Can I see the sheet?

I'd rather read it myself, if you don't mind.

[English]

Mr. Marc Dalton: Okay.

The Chair: Let's just wait for a second so he has a chance to read it.

[Translation]

Dr. Philippe Bensimon: I'd have a hard time answering that question at this point. I'd rather abstain for the time being.

Mr. Marc Dalton: Okay. That's fine.

[English]

Can you explain the case management team's strategy of authorizing sexual relations with vulnerable people? I'm thinking specifically here, obviously, of the case of Monsieur Gallese.

[Translation]

Dr. Philippe Bensimon: In the case at hand, it's rare, but it's not a first.

Whether you're an inmate or a person who frequents massage parlours and prostitutes or any person here in the room, this constitutes a criminal act. It's very simple. This issue doesn't concern an inmate any more than it concerns the average person. The act is illegal. This is set out in section 286 of the Criminal Code.

[English]

Mr. Marc Dalton: Okay.

The president of the Correctional Service declared that violent incidences after release are very rare. Is this true?

[Translation]

Can you comment on that?

[English]

Murders might be rare, but are there also many cases of sexual assaults? Can you comment on that, please?

Dr. Philippe Bensimon: Yes.

[Translation]

Fortunately, they don't happen often. As I said earlier, the Correctional Service released a report that I signed. On average, just over eight inmates a year commit murder while on parole in the community.

I've given some examples, and you can look up the information in the archives. I calculated that 83 murderers reoffended over a 10-year period. Of those 83 inmates, 10 had already committed a murder while on supervised release. So there have been 10 cases

comparable to Mr. Gallese's case in 10 years. That's one case per year. This isn't very rare.

Mr. Marc Dalton: Thank you.

Do you have any statistics on rape?

Dr. Philippe Bensimon: Pardon me?

Mr. Marc Dalton: Do you have any statistics on rape?

Dr. Philippe Bensimon: Would you like me to answer you with respect to recidivism?

Mr. Marc Dalton: Yes.

Dr. Philippe Bensimon: We could talk about recidivism for hours.

Each year in Canada, there are on average over 630,000 sexual assaults, according to Statistics Canada, which conducted the general social survey on victimization. There aren't 630,000 inmates in prison for sexual assault. The sex offender population in penitentiaries doesn't exceed 15%. It's minimal.

Just to give you an idea, in 2016 -17, 21,000 cases of sexual assault were reported to the various police forces. There's 33%—

Mr. Marc Dalton: Sorry, Mr. Bensimon. My time is almost up.

I have another question.

[English]

Are the risk assessment programs in the Correctional Service effective?

• (1015)

[Translation]

Dr. Philippe Bensimon: Sorry. I don't want to make a language error and the interpretation service isn't working.

What are you asking me?

[English]

Mr. Marc Dalton: There's a risk assessment program in the Correctional Service.

[Translation]

Is it effective?

Dr. Philippe Bensimon: It all depends on the inmate. Does the inmate really want to take charge of their life? I already addressed this issue earlier.

Is this what we're talking about?

Mr. Pierre Paul-Hus: We're talking about the risk assessment grid.

Dr. Philippe Bensimon: The risk assessment grid is like any other tool. It can be completed in good conscience. However, does it represent the profile of the subject?

Remember that, in a prison environment, we're dealing with a population that operates on a strictly voluntary basis.

[English]

The Chair: Okay.

[*Translation*]

Sorry, Mr. Bensimon.

Dr. Philippe Bensimon: This issue would require a little more than three minutes, Mr. Chair.

[*English*]

The Chair: We're going to have to leave it there.

Mr. Trudel, you have two and a half minutes, please.

[*Translation*]

Mr. Denis Trudel: Thank you, Mr. Chair.

My question is for Mr. Bensimon.

It seems that, in the case at hand, there may have been an issue with the halfway house where Mr. Gallese stayed prior to the events in question.

Mr. Bensimon, do you have any idea why he was placed in that "bad" halfway house?

Dr. Philippe Bensimon: I said this earlier, Mr. Trudel, but you weren't here. There's no such thing as a bad halfway house. However, certain types of halfway houses have certain structures that are much more appropriate for serious cases.

Why was he sent to a CRF? Maybe there wasn't enough room, because there aren't enough community correctional centres, or CCCs, which are halfway houses under federal jurisdiction. I repeat: there are no bad houses. However, we don't send inmates who have a serious record or who have been convicted of murder to a CRF.

This has always been done, but it's a monetary issue. It costs less to send an inmate to a CRF than to a CCC. The staff aren't paid the same at all. It's a budget issue and it always has been.

Mr. Denis Trudel: Are you saying that he was sent to that house for budget reasons rather than to another house that would have been more appropriate?

Dr. Philippe Bensimon: If he had been sent to a community correctional centre, which is under federal jurisdiction, it would have cost more, yes. These structures aren't the same at all. We can't compare a CCC and a CRF. It's day and night.

Mr. Denis Trudel: If he had stayed in the house that you say was more appropriate, could these events have been prevented?

Dr. Philippe Bensimon: Look, people know their jobs very well. When a serious case is involved, the parole officer will recommend that the inmate be placed in a CCC. The inmate can be sent to a CRF, but there are risks. In a CRF, the inmate isn't monitored in the same way. Send someone serving a short sentence of three, four, five or six years. Don't send inmates serving life sentences or people who have served 20 or 30 years behind bars. It's suicide. It's setting the fox to mind the geese. Release the inmate gradually. CRFs have a curfew and staff. The inmate will be monitored continuously. It's a good transition from the penitentiary. In a CRF, the man finds himself in Florida. This doesn't work.

[*English*]

The Chair: Mr. Trudel, we're going to have to leave it there, *merci*.

[*Translation*]

Mr. Denis Trudel: Thank you.

Dr. Philippe Bensimon: Thank you, Mr. Trudel.

[*English*]

The Chair: The final five minutes go to you, Mr. Sikand.

Mr. Gagan Sikand: I may share the remainder of my time with PS Joël Lightbound.

Mr. Blackburn, thank you for your transparency and declaring your partisanship at the beginning.

My first quick question is actually for Mr. Bensimon. You stated that, after the 1994 reforms, people had been not allowed to sit on the board because of their overt partisanship. Is that correct?

[*Translation*]

Dr. Philippe Bensimon: Sorry, the interpretation isn't working. I don't want to make any language errors. In any case, most English speakers don't speak French. I'll tell you straight out. I don't want to make any errors. And I don't belong to any political party, by the way.

Mr. Sikand, could you repeat your question?

[*English*]

Mr. Gagan Sikand: In your opening testimony, I believe you mentioned that people had been barred from sitting on the board if they had overt partisanship.

[*Translation*]

Dr. Philippe Bensimon: Did I say this?

[*English*]

Mr. Gagan Sikand: In your opening testimony.

[*Translation*]

Dr. Philippe Bensimon: I said that they couldn't sit?

[*English*]

Mr. Gagan Sikand: Regardless, I'll just move on because I'm eating into my time.

Mr. Blackburn, first, I want to sincerely thank you for your service in the past.

Here's my concern. You're being very transparent about your partisanship, which lends itself to inherent bias, or at least the perception of bias. You constantly refer to quality, but yet you also referred to the Trudeau government no less than five times.

I'm concerned about the admission. I can't personally accept what you're saying without it being partisan. I'm a little concerned with that.

I would like to put forward a motion to not accept the letter sent to the Prime Minister as evidence to be considered in the report.

• (1020)

The Chair: Well, the motion does arise from the actual testimony that came before us, so it is therefore in order.

Mr. Gagan Sikand: Yes.

The Chair: I'm a little concerned about the time.

Do you wish to present your motion now or do you wish to present your motion at the end?

Mr. Gagan Sikand: At the end.

The Chair: At the end.

Okay. You have three and a half minutes to finish your questioning. Then you'll present your motion.

Mr. Gagan Sikand: Out of courtesy, I would like to get some comment out of this.

Again, there were a lot of assertions that current changes under our government are inappropriate, yet how do you reconcile this with everything I just said?

Can I have your comment, please, Mr. Blackburn?

[*Translation*]

Mr. Dave Blackburn: Mr. Sikand, the focus shouldn't be on me here. What matters is that a young woman died and she died in Quebec. However, there have been major changes to the appointment process.

[*English*]

Mr. Gagan Sikand: With due respect.... Sorry, I don't mean to cut you off.

In the fairness of the procedure, which is why it isn't about you, it is about the quality, your words, of your testimony.

I'm actually going to give the remainder of my time to Mr. Joël Lightbound.

[*Translation*]

Mr. Joël Lightbound: Thank you, Mr. Sikand.

I have a question for Mr. Bensimon.

You said, as a professional and based on your experience as a former member—

Dr. Philippe Bensimon: Oh, no, I was never a member. I've been a parole officer and a researcher, and that's enough.

Mr. Joël Lightbound: Sorry, I misunderstood.

Based on your professional experience, you say that it would be irresponsible to comment on a case without having seen all the relevant documents, and clearly not everyone has seen them.

Why is this important?

Dr. Philippe Bensimon: I understand your question. However, I have no experience as a member, since I've never been one. As a criminologist, I need some basic information, and I don't have it. Like everyone else, I've identified about 10 issues that may warrant questions, but I must know more. As a professional, I wouldn't address certain topics because I'm aware of what I'm saying. I don't want to make any errors or blunders.

Mr. Joël Lightbound: That's to your credit.

Ms. Latimer, I have a question for you. You were initially opposed to the idea of a study in a parliamentary committee following the motion presented. You were concerned that the study would taint or undermine the results of the investigation. Could you explain why?

We must shed light on this tragedy to prevent the mistakes from happening again. As Mr. Blackburn said, a tragedy of this nature is one too many.

Why were you opposed to the motion initially?

[*English*]

Ms. Catherine Latimer: I do agree that it's very important to find out what happened in this specific case. My concern was not against the study, but against the framing of the motion, which seemed to prejudge what was causal and what was connected with the death of this particular woman without the evidence having been presented which would substantiate that. I didn't think it was an objectively framed basis on which to make an inquiry into the death of an individual.

[*Translation*]

Mr. Joël Lightbound: I could hardly agree with you more.

[*English*]

The Chair: Thank you.

That ends our testimony.

I want to thank each of the witnesses for their presentation this morning.

I want to do two things.

My clerk is particularly excited about getting you to sign this.

We have two things before I can adjourn.

The first is a motion on the amount of money for this study. You've all seen it. Is there any objection to it?

I don't see any objection.

(Motion agreed to)

The Chair: Ms. Damoff.

Ms. Pam Damoff: Chair, I just had a question.

Given everything that's going on with the coronavirus, I know that one of the committees is considering having witnesses appear by video conference rather than in person. I don't have any problem with this; I just put that out there.

The Chair: We won't have any witnesses for at least another 10 days.

Ms. Pam Damoff: I know. It's just for consideration.

• (1025)

The Chair: Okay.

Now Mr. Sikand has a motion.

It is in order because it does arise out of what we heard today, so the 48 hours is not in question. However, I haven't actually seen the motion and I don't know whether anybody else actually knows what the motion is.

Mr. Sikand, could you present your motion and go from there?

Mr. Gagan Sikand: Actually, in light of transparency, I would actually like to withdraw my motion.

The Chair: We're all cool with that.

With that, I'm adjourning, but the subcommittee needs to meet.

Mr. Harris.

Mr. Jack Harris: We have approved this, have we?

The Chair: Yes, we just did.

Mr. Jack Harris: Okay, good.

The Chair: I saw your eyebrows twitch that it was good.

With that, the meeting is adjourned.

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