

THE STANDING SENATE COMMITTEE ON HUMAN RIGHTS

EVIDENCE

OTTAWA, Wednesday, April 5, 2017

The Standing Senate Committee on Human Rights met this day at 11:30 a.m. to study issues relating to the human rights of prisoners in the correctional system.

Senator Jim Munson (*Chair*) in the chair.

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For our second panel, we welcome, from the St. Leonard's Society of Canada, Anita Desai, Executive Director; and Rick Sauvé, LifeLine In-Reach Worker.

Ms. Desai, please go ahead.

Anita Desai, Executive Director, St. Leonard's Society of Canada: Thank you very much for the invitation, honourable chair and committee members. I would like to focus my time considering the human rights of prisoners from the standpoint of improving wellness within Canadian prisons.

As an organization that champions safe, effective community corrections, St. Leonard's believes that practices within prisons that foster wellness inside will ultimately contribute to improved opportunity for wellness in the community. This contributes to the broader mutual goals of all of us to enhance public safety.

I'm joined today by my inspiring colleague Rick Sauvé. He and others like him have been part of the St. Leonard's family for more than 20 years. While Rick will share his perspective with you in a moment, I'd like to preface his presentation by stating that we at St. Leonard's know first-hand the importance of having peer influence within our institutions and that lived and shared experience fosters wellness across the various vulnerable groups that this committee has been focusing on.

The importance of peer influence should not be underestimated. It is a cost-effective approach that enhances reintegration and rehabilitative processes and can be used to enhance the capacity of prisoners to support themselves, as well as their capacity to support others. We recommend that peer mentoring be given serious consideration as an initiative that should be expanded across prisons to support prisoners with some of the greatest reintegration needs.

I know you have heard about the challenges within the prisons to obtaining adequate access to health care. From a community corrections standpoint, this is reflected by St. Leonard's halfway houses, which have noted considerable challenges as they shift to try to meet the health care needs of their residents. We have noted significant increases in the needs for aging and elderly parolees, those with mental health problems and illness, and the ever-present challenge of supporting people with a history of problematic substance use.

In addition to peer mentoring, I would suggest that the timing is right for exploring alternative options for the provision of health care in our prisons. We are now seeing good examples in Alberta and Nova Scotia, where the provinces have shifted to providing health care within the prisons. While we recognize that there are jurisdictional challenges between the provincial and federal systems, it is likely that this type of shift would greatly improve healthier transitions to the community, and we are getting a clear picture of how to make this work.

Another consideration we'd like to highlight is the potential to utilize something similar to a section 84 release planning opportunity that could be applied for aging and elderly inmates, especially for those considered low risk, in the spirit of meeting health care needs of prisoners and reducing strain on existing systems. There are community corrections agencies that are ready and willing to be active partners in the release planning process for such individuals. For example, a voluntary sector agency has collaborated with a multidisciplinary research team to develop modules that were presented to CSC and are ready to be utilized to improve wellness.

I was asked to provide specific recommendations for change in the field of community corrections. To that point, I would suggest the following: There needs to be more effective support from CSC in order to have effective reintegration practices at the community level. We would suggest that they should look at their contracting procedures to ensure greater efficiency and to include increased discussions with contracting partners so that CSC can more effectively respond to current needs and concerns. Community partners should have an opportunity to renegotiate their fee-for-service contracts so that they are better able to meet concerns at the community level. Additionally, it would be worthwhile to facilitate ongoing dialogue regarding the timeliness of contracting.

Finally, I think it's important for CSC to recognize that while many volunteers provide excellent support within prisons, they do not replace the need for experienced and trained staff. As you have undoubtedly heard over the course of your investigations, there is no shortage of complex issues within our prisons. Utilizing staff from community-based services to provide in-reach creates an opportunity for improved, smoother transition and increases effective reintegration. Since the vast majority of prisoners will eventually end up in the community, it only makes good sense that people who work in the community are included as reliable components of the release planning process.

Before I conclude, I was also asked to provide concrete and specific recommendations for changes to federal policy that would improve respect for human rights. I would like to encourage the committee to consider acknowledging the expertise and experience of the NGO sector within the Corrections and Conditional Release Act, for example, using the voluntary sector accord as a starting point. Doing so would legitimize increased access for community-based services to have the authority to support human rights within corrections.

As you consider your work on this topic, I'd ask you to keep in mind that when we turn citizens into prisoners, we also have the responsibility of turning them from prisoners back into citizens. Making human rights for prisoners and maintaining those rights is an integral part of this process.

On behalf of St. Leonard's Society of Canada, I would like to thank you for looking into these important issues and for the opportunity to speak with you today. I look forward to your questions. If there's anything that St. Leonard's can make available to you, please let me know.

The Acting Chair: Thank you.

Mr. Sauvé.

Rick Sauvé, Lifeline In-Reach Worker, Collaborative Lifeline Program, St. Leonard's Society of Canada: Thank you. I'm pleased to be here today. For the past 38 years I've been a prisoner.

I served just over 17 years from maximum security down to minimum security. Since 1995. I've been on full parole.

Shortly after my release, I worked in Toronto for an agency called the Toronto Boys' Home, working with inner-city youth. Many of them were involved in gang culture. Then at the end of 1998, I was hired on to work as a LifeLine in-reach worker sponsored by St. Leonard's Society of Canada. It was a tripartite agreement that was set up between the national Parole Board, Corrections Canada and independent community organizations. I've been continuing to do that, even since the funding was cut in 2012. That's the lens that I'm going to be sharing my experiences and hopefully answering your questions.

I've assisted or observed at well over 400 parole hearings, which is kind of unique in itself that somebody who's still serving a life sentence does that kind of work. We used to provide a service, taking people back into the community, walking back into the community with them. After the cancellation, I had the opportunity and the privilege, actually, of one national Parole Board member from Ontario put my name forward to provide some of the training that was held here in Ottawa for board members. When she asked me, she said, "We're starting to see people coming back into the community or coming before us that have served 20, 25, 30, 35 years, sometimes even longer periods of time, in incarceration. We don't know the challenges that they're going to face. We feel, with your own experience and the work that you've been doing, that you can shed some light on that." To me, it was a privilege.

I've often been asked what it's like to be out of prison now, and the reality is, I'm not. I still go into prison on a regular basis. I have flashbacks about being in prison. It's something that I've raised with the Parole Board and with Corrections, that when people come back into the community after such a long time, many of them experience post-traumatic stress, and that's an issue that hasn't been dealt with, in my view, adequately. So I continue to do this work.

Recently, there is new work inside the mediums. We started a program working with men who have come from the gang culture. One in eight lifers over the past number of years that have come in have identified their crimes associated with the gang culture. There is no programming in corrections to deal with that, so we developed that program and we've been delivering it. What we're hoping to do that same kind of work in the community.

It was mentioned that we lost our funding. The community agencies of St. Leonard's pulled some resources together and they've kept it alive. When LifeLine was cancelled, I thought, well, finally I don't have to go back into prison. Then one of the community board members said, "We have a moral responsibility to know who's coming back into our community, and we feel that your organization is one of the best to be able to provide that. Would you continue doing it?" So I have.

Those are my opening comments. Thank you.

Senator McPhedran: Thank you so much to both of you. That chuckling was in no way a devaluation of your presentation. We just tend to get into a friendly competition about who's going to get to the microphone first.

This is primarily to you, Anita, but please feel welcome, Mr. Sauv , if you have something to add. This is a question that is just to help us understand more about the work of St. Leonard's, with some specific aspects. This is a multi-part question. The first is options.

I guess the overarching tone or theme of my question would be along the lines of, can we actually envision a high-functioning, inclusive democratic society without prisons? That's the theme, but with all the various steps along the way to that possibility. You've obviously got lots of laws and lots of programs and lots of procedures to navigate.

So the first is in relation to mental health and various options that you have either developed or the envisioning on what is needed that's not in place. We won't worry about dollar amounts or price tags at this point. Let's just look at optimizing what we currently have and whether that could move us to a better place.

There's the question around those with mental health challenges. Then there's the notion of prison in communities, and here we'd look at section 81 probably as a starting point. Then there's the conditional release into the community, hovering around section 84 considerations. If you could, please, wherever it's appropriate, tell us a little bit more specific information about prisoners of indigenous origin and/or prisoners with mental health challenges.

Ms. Desai: Sure. Regarding the mental health piece, I'll sort of break it down into two different parts.

The work we've done has looked at preventing people with mental health problems and illness from entering the criminal system to begin with. We've done some research in that area. I'd be happy to make that available to the committee if it was of interest. We have looked at that as one component. The other is looking at tertiary crime prevention and how do we ensure that those who are released from prisons, who have mental health problems and illness and are released to halfway houses, are better supported within the community?

Part of my opening remarks referred to the challenge around contracting and ensuring that we have the right kinds of staff and the right funding in place to have staff who can support people who are discharged to the community with mental health needs, to have their mental health care supported into the community, so that smooth transition I'm talking about from prison to the community is well addressed. I think that requires a lot

of trained professionals who can work with the halfway house community to ensure the safety and well-being of those individuals.

I think you sort of have to look at it in those two parts. What we can we do to keep people out of prison? There are good examples from across the country that are looking into that and are creating some unique opportunities in different communities. Usually that has to do with the individual police programs that are in place and how creative they can get with their options and their networking.

As far as the indigenous populations, St. Leonard's doesn't claim to hold a specific expertise in this area, but a number of our agencies work within their local areas to reach out to or have had indigenous communities reach out to them to say that we've got this group of people coming back into our community that have been incarcerated and we're trying to do that wrap around care. How can St. Leonard's help out in their community? We've seen that kind of partnership taking place.

I think it's important that our agencies are not claiming to be experts but are interested in the collaboration piece and looking at breaking down, as somebody was saying earlier, some of the silos around these issues.

Senator McPhedran: Looking into parole in the community, if you could speak more about that, please?

Ms. Desai: I'm just trying to clarify. Are you looking at ideas around abolition?

Senator McPhedran: Yes, both the long-term vision, but also what's working or not working now with the existing parameters that you have to work within.

Ms. Desai: Sure. I'll let Rick speak to parole.

Mr. Sauv : Prisons are necessary, but I think sometimes we have an over-reliance on prisons. There are many people inside prisons who could be easily managed in the community. I know of many people who are in prison who are well past their dates who could be effectively managed in the community.

As far as indigenous populations — and I can only speak mainly about Ontario — there's not enough community resources put into specialized halfway houses or community resources for that.

My belief is, yes, if somebody is a risk to the community, by all means, keep them inside. But if the risk can be managed in the community, it makes more sense, because they are going to be coming back into the community, and society as a whole would be better served by them serving their time in the community.

Ms. Desai: Particularly around the level of risk, there is pretty clear indication that those who are considered low-risk are effectively managed in the community, with the right resources in place. I wouldn't see an increase in access to day parole. We know that graduated release is the best practice, not holding people until stat release and then releasing them to the community. It's obviously not ideal. It doesn't allow for good preparedness to reenter the community.

Looking at increasing access and awareness for people to have access to day parole options and escorted temporary absences and those options that are in place on paper, but trying to put that into practice so you have the opportunity to get people involved in that graduated release process so they can be connected to community services and start that healthy path towards wellness in the community.

Senator McPhedran: You've probably heard me reference the fact that I'm an independent senator from Manitoba. Until this job, I've had a fairly deep engagement at the community level, even though I'm in a university setting. I'm really struck by part of the answer to the prevention and also some of the reference to addressing the practical realities of gang seduction and perpetuation of the culture.

If I heard you correctly, one of the key points you made was about the significance and the importance and the essential aspect of having the community-based policing being adequately resourced, but not just resourced, also the connection to the community.

I'm thinking of the recently retired police chief in Winnipeg, Devon Clunis, and I think his successor, Danny Smyth, has continued this, where there's an extensive community advisory system put in place throughout neighbourhoods in the downtown core and areas where gang culture is most obviously thriving. I don't know enough about the details of that to say, "Oh, this is obviously a best practice." My question is more general. From where each of you is working, what are the features of the community-based policing or policing that connects to community that you've seen be most effective in countering the grip of gang recruitment and then gang culture?

Mr. Sauv : When I think of crime prevention and trying to deal with youth becoming involved in the gang culture, I don't think there's enough resources put into other community-based organizations to do that. There used to be some programs in Toronto, for example, conflict mediation at Downsview that provided services in the Jane and Finch area. I know they're no longer happening.

There should be more emphasis on community-based organizations partnering with police. That's where I see things.

When I think of combating crime, it's preventing crime. So if we can get programs into the schools and try to encourage youth to stay in school, to become active and a part of their community, then we can keep them out of prison. Many of the young men that I work with inside that were part of the gang culture said they didn't feel they had a place in the community; there was no place for them to go.

That's where we need the resources to partner with community-based organizations to keep people away from that kind of lifestyle. We're hoping to utilize some of the guys that are successful going through our program in the institution, to encourage them to work with youth in the community, to produce a film so they can take that into the communities and talk to youth in the community to say, "Hey, I never thought I would be sitting in a cell serving a life sentence. Nobody ever talked to me about that." That's the kind of thing.

Yes, you can partner with the community police. When I was in Frontenac Institution, I had the Chief of Police from Carleton Place come to the institution, because he had just become the new Chief of Police in Carleton Place, and he asked if I would partner with

him and go into the high school. So we had an assembly. That was a number of years ago, but we did that, and it was very well-received.

The thing about prisons is you have fences to keep people in, but it also keeps the community out. To bring innovative ideas into the prison, you need to encourage people from the community to come in. Over the last number of years, a lot of the activities that used to be done to encourage the community coming in to work with men and women in the prisons have been fenced out.

Senator Pate: Thank you for coming. It's great to have you here, especially someone like Mr. Sauv , whom I've known for a better part of four decades.

I have a question in terms of St. Leonard's, but I'd like to start with Mr. Sauv .

One thing that would be useful to hear is how much success or lack thereof you have had trying to challenge Corrections policy where it interferes with the law. To pick up on my colleague's question, Senator McPhedran talked about sections 81 and 84, but also section 29 by implication, when she talked about mental health, and how that has worked when you've tried to challenge Corrections policy where the policy interferes with the legislative intent. I'll let you think about that for a minute.

Rick, you started into it a few minutes ago, and I'd invite you to expand upon how things have changed over the number of decades that you've been involved in terms of community access, like the ability for people to go out and start their lives anew. I think particularly of all the restrictions that have been placed on lifers who sometimes have been not having to report for as many as 20 years and then suddenly have to go on regular reporting. Any of those experiences would be useful. I know of some, but I know I don't know of all of them, so I would be happy to have you expand upon that.

Mr. Sauv : As for challenges in policies with Corrections, it's difficult when you're serving a life sentence, but we try to bring awareness to it. One of the things that tends to happen inside is that there are so many people that get screened out of programs inside the institutions, that don't have complete access to programming within the institutions, and the programs are changing so often.

Many of the men that I have been working with in our program have been screened out of programs.

We used to do a lot of fundraising and working within the community. A number of years ago, we had a thing called Con Walk, and it was working with the Muscular Dystrophy Association. We used to start on the front steps of Parliament Hill, and we were dressed in the old striped convict uniforms. That's where we would start our fundraising, and, in over four years, we raised over \$120,000.

We had the Special Olympics in Collins Bay, where people with developmental challenges were coming in and working with men, and we'd bring some women over from P. for W., when it was still open. So it was that kind of engagement with the community. What it did was not only help the prisoners but help the community to have an understanding of what was taking place inside. Pretty much all of that stuff has gone by the wayside.

As far as some of the challenges with policies, with the cost factor for prisoners, because they have to pay room and board and they have to now pay for over-the-counter medication, many prisoners can't afford to go out on their passes. They don't have the funds to do that. As to a lot of the education programs that were taking place, I educated myself while I was in prison, and I paid for pretty much most of my education, and so I should. But I had some disposable income in there. Now, men and women serving time don't have that kind of disposable income. I've seen prisoners coming back into the community with \$80 after being in prison for decades.

So those kinds of challenges coming back into the community, those are some of the policies that we try to make Corrections aware of, but to sit down and challenge some of those policies, I'm not sure that we're in the best position to be able to do that.

Senator Pate: I'm not sure we are, either, but, certainly, we're in a position, through this study, to make some recommendations. So what are some of the top recommendations you think we should make around human rights for people being released into the community but also for people inside?

Mr. Sauv : One of the things is I think that, when people are ready to come back into the community, that should be encouraged. There is a point where you can keep somebody in prison too long. There is a threshold where you can keep somebody too long, and they start to lose hope. Once they start to do that, then that chance of successful reintegration is somewhat diminished.

One of the things is our LifeLine Program. Recently, I took an elderly gentleman to Toronto on his first UTA. He's in his 70s, and I believe he's suffering from early signs of dementia. He had a breakdown. There is no way he would have been able to take the bus, and that was his option, either to take the bus or for me to provide that transportation. So I took him to Toronto, and, when we got to the parking lot where the parole office is, he collapsed. He physically couldn't make it up to the parole office. So I took him over to the halfway house, and I called the parole office and told them, "I can't bring him up there. He's over at the halfway house." So the halfway house staff, along with me, made sure that he was okay, and we asked him if he wanted to go to the hospital. Then the parole officer came over there. But I wondered, what would have happened if he had been on the bus and that had happened? All he had was his pass and his ID card. He doesn't have good command of the English language. He had been in well past his full parole eligibility. So what would have happened to him? Somebody would have called the police, and how would you deal with that? So that kind of thing of assisting them in their reintegration, and that's what we used to do with our LifeLine program. We would work with people at the earliest stages of their sentence on into the community.

When somebody went to segregation, one of the first things that we would do is go into segregation and see the prisoner in the hole. That's what it was called. It was called the hole. We would first make sure that they were okay. We had an outreach line so that they could reach out and talk to somebody, because we wanted to keep them alive first, and then we could work on trying to transition them back into the population. I had many wardens over the years ask me and some of my coworkers to go to see people in segregation, to make sure that they were okay, or to try to get them off of a hunger strike or to try to get them to start taking their medications. It was that peer support work that is so important. Those are some of the things that we could do.

Quickly, one more thing: I just did a parole hearing with a young man who is a few years past his full parole eligibility. He's in minimum security and is only eligible for full parole for deportation. He went before the board, and the board said, "Sorry, at this time, we can't make a decision to grant you parole for deportation," because he wouldn't be supervised in another country. So what's his option? To stay in prison until he dies?

There are many prisoners that are in that same situation. It's left up to the prisoner to try to develop a release plan into a country. Some of the people were raised here in Canada, but they are going to be deported. So it's up to them to try to develop a release plan to another country. Then, when they go before the board, it is the board that has to determine whether or not that release plan is going to be viable. Those are some of the policies that should be looked at.

It was unfortunate. When the young man said, "What are my options," it was, "You may never get out of prison." I sat with him in the visiting room afterward to make sure he was okay, but to send that kind of message that you may never get out of prison is pretty traumatic for somebody to face.

Senator Pate: You've outlined, Rick, a couple of things — and that last one is a very good example — where the parole board is exceeding its jurisdiction. That is an area where, I would suggest, this committee could make some recommendations about it not being the jurisdiction of the parole board to determine supervision around the world. It's the determination of the risk in Canada to the Canadian public. It strikes me that that scenario we could be looking at.

It also strikes me that some of the other areas that you talked about are restrictions that are policy, not the law. There have been areas where the law has changed, and another one that, once Anita has commented, I would love to hear your comments on, is the whole issue of the use of video conferences for parole hearings and how that's impacting people, as well as the number of indigenous men and women, lifers in particular, who you've seen actually exit the system and how that's best achieved. So thank you for raising those issues.

Senator Martin: I'm listening to you and learning a lot. I want to thank you, Mr. Sauvé, for your testimony because it gives us insights that we otherwise would not have, so I think it's quite valuable.

I wanted to clarify with Senator Pate regarding recommendations we are discussing, that it would be something we would consider as a committee. I don't want to mislead our witnesses in any way. With recommendations, we will consider all of them and we will be discussing them with the full committee.

Senator Pate: My apologies; I overstepped.

Senator Martin: No, this is just a clarification.

Senator Hartling: Thank you very much for being here and thank you, Mr. Sauvé, for sharing your story. I always find that brings a reality to what we're studying. Thank you for your work, Ms. Desai.

I come from the community and I really value community-based services. I know the risks involved with funding. Can you tell me a bit more about where your funding was coming from and what's happening in that funding base? I know the value, because when you don't have funding, then the good work you're doing won't be happening. Can you talk a bit about those issues?

Ms. Desai: The funding for LifeLine was ended in 2012. A few agencies stepped up to contribute some money to keep a small portion of that work alive. Rick was involved with that as well. He's one of the in-reach workers that continue to do this work. We joked that it's on life support and that we've been waiting for it to be reinvigorated in some way.

I know Senator Pate had some questions around policy and mental health. I think I can overlap these together a little. As community partners tackling mental health policy, it's not like we have an easier time than Rick does. Sometimes it's a bit of a challenge for us. However, the point I would like to make around in-reach specifically is there has been a misconception that this work is being done by volunteers since the work was ended. Frankly, that's not true. The NGO sector stepped up to try to find ways across the board to keep it alive. In some places, that hasn't worked out in the last five years, so I think that's a real detriment to our correctional system.

I think it's important to recognize that while many volunteers provide excellent support with our prisons, they don't replace the need for experienced and trained staff to do this work. From the stories that Rick is sharing with you, you can appreciate the amount of effort, time and dedication that this individual has to the work that he does. It is something that connects with people. It's what I mentioned in my opening remarks around "lived and shared experience"; that is, the ability to make a connection with somebody who has been through a similar experience. To have that individual be trained and work with community partners in a structured way is a well-known approach within the community corrections sector as a means of addressing issues within the prison, which also improves the transition to the community. It's one of those pieces that overlaps nicely. We've struggled from a policy perspective in terms of getting some sort of support from CSC to advocate for the efficacy of peer mentoring within our institutions.

Senator Hartling: So where did the funding come from in the past?

Ms. Desai: Correctional Service Canada was funding it. The contracts were held by community-based agencies. There was a criteria in place. It was a minimum of five years of parole served in the community and demonstrating positive role model qualities. They were then hired by the community-based agencies to hold the contracts. Then the guys went in and did the work and were compensated for that work. Their travel was covered. The agencies were able to take on a small administrative fee so they could administer the program and work with these individuals to do that program, and it was quite affordable.

Senator Hartling: Do you feel you're at risk right now to keep struggling for the funding?

Ms. Desai: Absolutely.

Senator Hartling: What would you say, 90 per cent?

Ms. Desai: It's 100 per cent at risk. I would say we're at risk of losing this program within a year.

Senator Jim Munson (*Chair*) in the chair.

The Chair: So the public is not confused, I was away at an autism rally on the Hill, in a very important personal advocacy role in the world of intellectual disability. I was here at the beginning for the testimony with the parole board. Welcome again. I'm hearing whispers that the testimony has been fascinating.

Senator McPhedran: Are we broadcasting?

The Chair: Yes.

Senator McPhedran: Shouldn't that sign be on to tell us that?

The Chair: It sort of says that.

Senator McPhedran: There is nothing, is there?

The Chair: It should be on. This will be aired on Saturday evenings forever.

Senator McPhedran: If I may make a request, it would be very good to be told that.

The Chair: Normally it should be lit up.

Senator McPhedran: Well, it's not.

The Chair: Well, we'll talk to somebody.

Senator Ngo: I would like to follow up with the comments made by Mr. Sauv e just now. In that case, do you think the parole board's hearing procedures are not fair? If it's not fair, how do we improve it?

Mr. Sauv e: How do we improve the parole board? The structure is kind of like a tribunal, so it's more questions than answers. With the circle hearings — and I have participated in them — everyone in the circle has an opportunity to speak. Sometimes I'll be an assistant at the hearing but they may have observers or support people there that, in my view, could offer valuable input to the board. Some of these people are going to be the supports to keep the person in the community, to help them, and so I think they could have a valuable contribution. I think the idea of the circle hearing could be extended to other hearings as well.

I was listening to how prisoners get prepared to present at parole hearings. I don't really prepare people to present at parole hearings. I prepare them for life on parole. That's the kind of thing I do. I encourage people to think of this as a conversation and that for the crime that they're serving, they are the best witness to do that, so to be honest and open.

I'm going to sound like I'm being critical about the file information, but I could read over all my files — I have stacks and boxes of files, and I have kept them all — and have no idea who I was reading about. Sometimes there is an over-reliance on files and sometimes there is misinformation in the files. It's difficult to get that misinformation

changed. Quite often the individual parole officer or case worker will say, "I'm not the author of that, so I can't change that. You have to get those changes done yourself." Sometimes there is an over-reliance on the file information, and it may not be accurate. That's where, when the board is evaluating risk, there's also an opportunity for the support people to be able to speak and to say what kind of supports they will have as opposed to simply reading a piece of paper in the file.

I have great respect for the board. It's challenging. They get to read the files, but they have maybe an hour or two hours in the hearing to evaluate whether that person is going to be a risk to the community. They're going to my neighbours. They're going to be your neighbours. When I work with people, I don't necessarily try to prepare them for the hearing. I tell them what the rules are, but I prepare them for life on parole and to be successful on parole. I tell a lot of the guys I work with, "I don't care whether you get parole. I care that you stay out and you're not at risk to the community."

The Chair: Did you say an hour? That's amazing.

Mr. Sauv : Parole hearings usually take one to two hours, two and a half hours tops, but a lot of that is procedural kind of stuff, so the parole board members don't have a long time to do that kind of evaluation. Yes, they get to read the files, but the files may not be all that accurate. It is a very short period of time that they have, and that's why I think there should be more input from the support people. Quite often I've seen family members that are going to be taking the person back into their home and don't have an opportunity to speak. Victims have an opportunity to read the victim impact statement, and there is an important aspect to that because the victims are still in many cases, most cases, are still traumatized, but they don't have necessarily an opportunity to fully participate in the hearing. So I think there are vast areas of improvement.

Senator McPhedran: Just picking up on that point, they may seem unrelated but I don't think they are. I've done quite a bit of work over the years in administrative law around various tribunals and decision-making. That's really what you're speaking to. I want to comment in support of your observation that the decision-making process can only be based on the evidence as presented to the decision makers. Often, the narrow interpretation of who are the parties to a decision, often the applicant and then the formal board, limits hugely the information that board members can have in reaching their decision. For members of the community, the victims, the much larger picture of those that are involved, if there is not some allowance for some input into that decision-making, including those that are providing support for the applicant, then I just wanted to reinforce the point you made. The decisions are not being made on the best evidence that could be available to those who have to make the decision.

Ms. Desai: I would like to add to that as well. Part of the challenge from what we hear is that having access to institutional parole officers, having access to a prisoner's own files, is sometimes a pretty significant challenge as well from a policy perspective. A lot of times they don't have all the information or any of it, and trying to get access to their institutional parole officers to get the process started ends up contributing greatly to the issues we heard around being able to get people to parole at their earliest eligibility date. That seems to be something that filters into the challenges that we're seeing.

Senator Martin: I just had a supplementary to Senator Ngo's question. When you say that the files can contain lots of misinformation, I was wanting to see if you could elaborate on a specific example, just to gain those insights. Secondly, how would misinformation be minimized? What needs to happen to minimize information that could not necessarily help the person that is up for parole when it comes time?

I know with health records, with educational records, when files are pretty thick and it's all paper versus e-files, there is a challenge to sort through all of these different pieces of information. Are the files only on paper? Is there a combination of e-files and paper documents? I'm curious how this information also is then passed on for those that need to see it.

Mr. Sauvé: The files are on both e-file and paper. It used to be just paper file at one time. But the prisoners don't have access to e-file or computer access to go over that.

In many cases they have to apply through freedom of information to get their files.

As a specific example, I will use myself. I was in Frontenac and I was preparing to go up for a hearing, and when I accessed my files, they had me serving time in the Joyceville at the same time for bank robbery. I said, "That can't be me. That has to come off. I have to go in front of the board." They said, "You have to make those arrangements." I just left it because that demonstrates that is a flagrant example of misinformation.

For a lot of prisoners, they may not understand what's in their files. They may not be able to have good command of English. They may not be able to read and write with proficiency to read over their files. What do you read? What do you present? It becomes so overwhelming that it's too much of a challenge for them to do that.

Quite often, when I work with somebody, when I present to the board, I talk about the person, because most often I've seen the person at various levels. I'm talking about the person, how he has changed, the character of the person, how he came about with this plan. The way we present to the board is different than if a lawyer presents to the board. Lawyers will tend to talk about the file information whereas we talk about the person.

Senator Martin: In terms of minimizing the misinformation or potential mistakes, is it just the nature of the process that it's difficult to help reduce the number of mistakes that may be made? Is there a way to do that?

Mr. Sauvé: Well, if there was a process where you could challenge some of the misinformation on there — but the board members will read the file the day before the hearing. So they're not accessing the files throughout the whole sentence. They'll read the files the day before the hearing. If they're doing three hearings or four hearings that day, they'll read the file information the day before. That's a volume of information for them to read. So I think there's a number of improvements that could be made.

Video conferencing, in my view, was a mistake because there is so much more in communication than language. I've sat through so many of the hearings where you're watching the video screen, and it is jumping or the sound breaks up, and it's just too difficult, and especially in some cultures, it's so foreign.

I wanted to touch a bit on indigenous people. When I started with LifeLine, I went into Fenbrook Institution in Gravenhurst. That's the institution that imprisoned the Inuit prisoners. I couldn't understand why they were bringing the Inuit prisoners down to Gravenhurst.

I'm going to share a quick story. I represented a young man at the board, and he was granted UTAs. I was taking him to Ottawa on his pass, and in my conversations with him I asked what he did in Nunavut. He said he was a stone carver and a hunter. So we were driving along highway 7 and I saw a deer and I said, "Look at the deer over there." He said, "I don't see it." Further down, I saw a great horned owl. I said, "Look, there's a great horned owl up there." He said, "I don't see it." I said, "I thought you said you were a hunter." He said, "I can't see anything for the trees."

It was one of those moments where I thought: I have to change the way I think about it. Here he was, taken away from his culture, his community, his support, his lifestyle and food, and brought down here. I kept thinking: I hope he doesn't run into a tree when he gets to Ottawa. He's struggled. He's been in and out. I can't help but think that if he wasn't down here, how much better an opportunity would he have had to be reintegrated into the community? There are too many trees down there for him. There are too many problems in this area, where they're separated from their community.

That's one group of our citizens that I feel is being unfairly treated, and they're taken away. How do they get visits? I know the cost to my family to visit when they would drive down to Kingston from my home community. It's difficult for people from indigenous populations to visit their families and to be supportive. Those are the supports that are going to keep them out of prison.

The Chair: Thank you very much. It's extremely important, because we are going to have a real focus on indigenous women in prisons and the overpopulation. What you brought up today is significant for us.

Senator Pate: Thank you for giving a number of examples of exactly how the law has been interfered with by policy and practice, because the file information is just one example. As you know, not only do prisoners not have access to computers, or often their files, but when they do try to correct that information — and I thank Senator Martin for raising that question — oftentimes they're unable to do so and even sometimes have to go to court, and even then have great challenges.

I'm curious how often you've seen people be able to correct their files. We've already had testimony and discussion before the committee. One of the most well known of these examples is what happened to Ashley Smith. It wasn't until after she was dead that all her files became known fairly publicly, but it was clear that the description on the file of who she was did not in any way resemble how staff or other prisoners saw her. I'm curious as to how often you've seen successful corrections of files, aside from having to go to court.

Mr. Sauv : It's rare. I can think of only a handful of prisoners who have been able to have their file information changed. Something will come up at a parole hearing, and quite often that's the first time the prisoner knows there's some misinformation there. They'll be asked about charges or about something in the institution, and they'll say, "Well, I'm not aware of that." This isn't a criticism of the board. The board is going by the information that's in front of them. They'll say, "Well, that's on your file. Did you

not read your file beforehand?" Quite often they don't have access to the file information.

Ms. Desai: Further to that, there are two pieces to that as far as recommendations to be put forward. Increasing access to a prisoner's own information in their files would be a first step. I think this committee has also heard from others about the option for independent adjudication for things that come up within the prison, so that if something needs to be challenged, they could look at having that done independently. That's something we would support as well.

Senator Pate: I'm curious; rather than looking at oversight that is actually controlled or at arm's length from corrections, I wonder if you've looked at things like the Optional Protocol to the Convention against Torture or some of the other models around judicial oversight of corrections.

Ms. Desai: I think that's something St. Leonard's would be interested in looking at going forward. As an organization, our management has focused predominantly on the transition of community corrections and holding that piece up, but that would be something within our scope, I would think. It's not something we've done yet.

The Chair: Thank you very much. We should have you back. This was so important for us. I'll look at the transcript for the portion I missed in between. Your recommendations are well noted here today as we continue this study. It's going to take some time for the study, but we hope to have an interim report and to work in real time. You talk about the issues that are happening in real time for many prisoners. Mr. Sauvé and Ms. Desai, we appreciate the work that is being done at St. Leonard's Society of Canada.

With that, we adjourn this session. Thank you both so much.

(The committee adjourned.)