



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

43rd PARLIAMENT, 1st SESSION

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# Standing Committee on Public Safety and National Security

EVIDENCE

**NUMBER 004**

Tuesday, March 10, 2020

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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, ladies and gentlemen. I see a quorum and we have our witnesses in place, so we're about to commence.

Prior to commencing with our witnesses, however, there are several investigations under way, one of which is criminal, and I would be very concerned about anything that might be said, either in questions or responses, that would compromise any investigations. With that caveat, I'm going to call upon the witnesses.

The first witness is Jennifer Oades from the Parole Board of Canada. I'll ask you to introduce your colleagues.

Anne Kelly is from Correctional Service of Canada, and I'll ask her to introduce her colleagues.

My intention is to go through the first hour of questions, and then see whether there is a need for a health break. Thereafter, we'll proceed to the second hour of questioning.

I call on Jennifer Oades of the Parole Board to make her opening statement.

**Ms. Jennifer Oades (Chairperson, Parole Board of Canada):** Good morning, Mr. Chair and members of the committee.

[Translation]

I am joined today by Sylvie Blanchet, the Executive Vice-Chairperson, and Martin van Ginhoven, the Regional Director General of the Quebec Office.

I would like to start by extending my deepest sympathies to the family and friends of Marylène Levesque. What happened in Quebec on January 22, is an absolute tragedy, and something that should never happen.

[English]

We all understand why we are here today. I want to take a couple of minutes to put a frame around that.

On September 19, 2019, a parole hearing was held for this offender. Two Parole Board members reviewed his case to decide whether or not to continue his day parole. During this hearing, the parole officer presented to Parole Board members a release plan that included an element that would allow this offender to solicit women for sexual purposes. The Parole Board members categorically rejected this part of the plan. I want to be very clear about

this. They ordered the offender and his parole officer to stop this activity.

The offender clearly understood this, which is confirmed in the recent court statement. The rest of the plan was approved, and a decision to continue day parole was made with a number of conditions, including to report any relationships with women, whether sexual or non-sexual.

On January 22, we were advised that this offender had been charged with the murder of Ms. Levesque. Following that, there was much misreporting and misunderstanding about the conditional release system, so I'd like to provide a few clarifications.

First, the Parole Board is an independent administrative tribunal, which means our decision-making remains free from external and/or political influence. This independence ensures that decisions made by Parole Board members are made solely on the law and the information available to them.

Second, public safety is the paramount consideration in all Parole Board decisions. That is the law.

Third, the Parole Board does not prepare offenders for release. It does not manage or supervise offenders on release. That's the responsibility of the Correctional Service of Canada. The Parole Board is a decision-making body. We conduct approximately 16,000 reviews a year which translates into about 23,000 decisions. Violent reoffending by offenders that the Parole Board has released into the community is extremely rare. About 99.9% of all offenders on day parole have not reoffended violently, and these numbers have been consistent over the past decade.

However, when an incident like this occurs in the community, we take it very seriously. A board of investigation is now under way, as is the normal practice following this kind of incident. It is being co-chaired by two independent external individuals who are criminologists. The Parole Board is fully invested in finding out what happened in this case and to see if there are things we could do better.

• (0850)

[Translation]

The motion of the House also notes concern about the appointment process of board members.

The process to become a Parole Board member is open to all Canadians. It is merit-based. There is a screening process, a written test, interviews and reference checks.

[*English*]

I can say with confidence that the names I forward to the minister for his consideration are all those of highly qualified individuals who could become very good board members.

The Parole Board is a community board. We are, by law, to reflect the diversity of Canadian society. Board members have diverse backgrounds spanning the fields of criminology, law, corrections, education, psychology, social work and the private sector, to name but a few.

We currently have 78 board members. Thirty-nine are full time and 39 part time. Part-time board members are appointed for three years, as prescribed by law, and full-time board members are currently appointed for five years, although the law provides for appointments of up to 10 years.

Over the past few years, the board has improved its diversity to better reflect that of the Canadian population. Fifty-three per cent are women; 7% are visible minorities and 12% are indigenous. Ninety-five per cent of board members have a university degree; 64% have direct experience in the criminal justice field and 32% have direct experience in corrections and conditional release.

[*Translation*]

Upon appointment, all board members complete an intensive 6-week training program. In a nutshell, they receive training on relevant law, policy, risk assessment for various offender types, such as women, indigenous, lifers, sex offenders and so forth.

[*English*]

They are then mentored and coached by their respective regional vice-chair, other experienced board members and training staff. Absolutely no board member is assigned any decision-making responsibilities until they have completed their training and have the full confidence of their regional vice-chair. If the committee would like additional information on this training program, I would be more than pleased to provide it.

Training continues on a regular basis throughout a board member's entire mandate. Parole Board members are also supported by highly qualified public service staff. They include hearing officers, case review officers, training staff and our board member secretariat. The law and therefore Parole Board decisions are based on research that clearly shows that gradual, managed and supervised releases provide the best protection of society. The board's risk assessment model is evidence-based and has been adopted in a number of other jurisdictions.

Over the last three decades, there has been continuous improvement in the public safety results the board achieves. It achieves this in partnership with many others, including the Correctional Service of Canada and many community partners. It reflects the research that has continued to progress on risk assessment and the management of risk. In fact, when former Parole Board chairperson Fred Gibson appeared before this committee in 1990, the success rate of offenders released by the board who completed their sentence with-

out incurring a new charge hovered around 70%. Today, it is over 98%.

As much as we strive for excellence in our decision-making, predicting human behaviour unfortunately is not and likely will never be an exact science. In the very rare instances such as this case, where an offender reoffends violently, it is devastating to me, to our board members and to our staff.

● (0855)

[*Translation*]

In closing, I want to extend my sympathies once again to the family and friends of Marylène Levesque.

[*English*]

I would like to again say to them, to members of this committee and to the Canadian public that I take these incidents very seriously, and I will review all recommendations that could help us continue to improve the board's decision-making.

Thank you.

**The Chair:** Thank you, Ms. Oades.

[*Translation*]

Ms. Kelly, the floor is yours.

**Ms. Anne Kelly (Commissioner, Correctional Service of Canada):** Thank you, Mr. Chair.

I am joined today by Alain Tousignant, Senior Deputy Commissioner, and Larry Motiuk, the Assistant Commissioner, Policy.

First, I wish to express my deepest sympathies to the family and friends of Marylène Lévesque for the terrible tragedy that took place in Quebec on January 22. This is not an outcome any of us ever want to see. We are committed to getting answers for everyone affected by this.

As you know, there are two investigations under way. The first is a criminal investigation by the Quebec City police, and the second is a joint Correctional Service of Canada and Parole Board of Canada investigation.

[English]

Given the various aspects of this case and involvement by two separate organizations, this joint investigation is key to getting a comprehensive account of what happened. All five board of investigation members are skilled and experienced, bringing various perspectives to this process. Two external community board members, who are also criminologists, are co-chairing the investigation. This brings added openness and transparency to the process. Once the investigation is completed, we are committed to communicating the results with this committee and Canadians.

[Translation]

I want to be very clear: CSC does not condone offenders seeking sexual services and I am deeply concerned by what happened. I am in my 37th year with the service and can firmly attest to the fact that this is not something that we, as an organization, endorse in how we manage offenders.

[English]

I want to be very clear with the committee that CSC does not condone offenders seeking sexual services. I am greatly concerned by what happened. I am in my 37th year with the service, and can firmly attest to the fact this is not something that we as an organization endorse in how we manage offenders. I have made this message very clear throughout the organization and ordered a review of all community strategies across the country as an added measure.

Until the investigations are completed, I cannot speak to the specifics of this case, but I can outline the case management and conditional release process.

CSC's approach is governed by a very comprehensive piece of legislation called the Corrections and Conditional Release Act. Public safety is the most important consideration that underlies everything we do. During the incarceration period, public safety is achieved by ensuring the secure custody of the offender and maintaining a safe environment for both staff and offenders. But incarceration is only a temporary solution, as the vast majority of offenders will eventually be released into the community and become our neighbours. Therefore, an equally important job of corrections is to prepare offenders to safely and successfully return to the community as law-abiding citizens.

[Translation]

As soon as the offender receives their sentence, CSC begins the process of assisting them to become law-abiding citizens. Each offender has their own correctional plan, which is based on addressing the specific factors that relate to their criminal behaviour. The correctional plan details all the programs and interventions to be undertaken by the offender to address the problems that led to their incarceration. It acts as a yardstick against which the offender's progress can be measured throughout the sentence.

The offender's progress in meeting the requirements of their correctional plan is a significant consideration in any decision related to the offender, with public safety being the paramount consideration.

All offenders are eligible at some point to be considered for some form of conditional release. Federal correctional legislation

sets out various types of conditional release that provides offenders with gradually increasing degrees of freedom and trust that help make their transition safer.

- (0900)

[English]

Conditional release, however, does not mean the sentence is over, not at all. Conditional release means the offender is serving that part of their sentence in the community, under supervision and abiding by strict conditions. Community supervision is integral to our work, as research consistently shows that the gradual, structured and supervised release process represents an effective means of facilitating a safe and successful reintegration.

The assessment of the offender's risk forms the basis of any conditional release decision made by the Parole Board of Canada. CSC provides information to the board on the offender's criminal history, their involvement in programs and interventions, their release plan and release suitability, and then ultimately makes a recommendation to the Parole Board, including a recommendation for the conditions of release. In addition, community agencies, police, victims and others provide input about an offender's ability to reintegrate successfully. This information assists the board in determining whether an offender should be released and under what conditions.

When offenders are released into the community, the community supervision is carried out by community parole officers who monitor the offender's behaviour and compliance with release conditions. As part of this supervision, the parole officer maintains regular contact with the offender, as well as with police, employers, mental health professionals, the offender's family and others who are involved in the offender's life. This ongoing appraisal by the parole officer provides a continuing assessment of the offender's risk to reoffend. If the parole officer has concern about the offender's risk to the community, the offender can be returned to custody.

[Translation]

In addition to monitoring and supervising offenders, an important part of the parole officer's job is to ensure offenders are linked to community services, volunteers and programs that can help them successfully reintegrate. In general, the more ties offenders have to the community, the more likely they are to make the successful transition.

Building safer communities is a complex process and CSC cannot and does not work in isolation. As just one component of the criminal justice system, CSC not only works closely with traditional criminal justice partners but also relies on the participation and support of the community.

Communities provide services to offenders and their families that are a vital part of an offender's safe reintegration. Our community partners include individual volunteers and community organizations such as the St. Leonard's Society of Canada and the Salvation Army.

[*English*]

Offenders come from the community and the vast majority return to the community. Assisting offenders to become law-abiding citizens is the most significant contribution CSC can make to keeping communities safe. Having started my career as a parole officer, I have full appreciation for the nature of the work done by our staff on the front line. It is an important job with a critical role in ensuring public safety. This is why in early February, in addition to meeting with the chief of the Quebec police, I also met with the Quebec regional employees, who are deeply distraught by this tragic incident, to stress the importance of continuing their vital work of supervising offenders in our communities.

Although risk assessment is not an exact science, we manage risk through a robust framework of evidence-based decision-making using the best available information with the assistance of the best tools at our disposal. While I do not want to undermine in any way the seriousness of what happened here, it is important to note that it is incredibly rare. This was also highlighted by the correctional investigator on February 25, when he appeared before this committee. He underlined that this was an "extreme case".

● (0905)

[*Translation*]

In fact, we know that in 2018-19, 99.9% of offenders successfully completed their day parole supervision period without recommitting a violent offence. Moreover, our results show that there was an increase in the safe transition of offenders into the community.

For example, more offenders on conditional release successfully reached the end of their sentence without re-admission, in comparison with the results five years ago.

[*English*]

I know that the correctional investigator recently suggested that CSC is resistant to change. I want to take the opportunity to set the record straight.

We have shown much openness and commitment to making positive improvements to federal corrections. We have seen historic and transformative change in recent years. This past November, we eliminated segregation and implemented structured intervention units. Our correctional programs consistently deliver positive results in reducing reoffending and we continue to focus on improving our culture.

It takes sustained commitment, effort and dedication to deliver good corrections. We know that there is more work to do and we

remain committed to self-reflection and improvement. Public safety is at the core of what we do. This is an unequivocal responsibility and a prerequisite to successfully transitioning offenders to the community.

When tragic events happen, we have a duty to closely examine our business to see what we can do better to serve and protect Canadians.

[*Translation*]

In closing, I would once again like to express my sympathies to the family and friends of Marylène Levesque.

[*English*]

Thank you, Mr. Chair.

**The Chair:** Thank you, Commissioner Kelly.

Our first round is a six-minute round. Members, if you could look at me from time to time, I will signal how much time you have left so that I don't have to cut you off in the middle of a question.

[*Translation*]

Mr. Paul-Hus, you have six minutes.

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

First, I wanted to congratulate the people who wrote your speeches because, from what you are saying, there is no responsibility on either side. It's a little disappointing to see that this morning.

Let me start with you, Ms. Oades.

You know that we are here because the House of Commons voted unanimously—this includes the Prime Minister and all the members around the table—for a motion condemning the decision of the Parole Board of Canada, which led to the death of a young woman by an inmate while he was on day parole.

At that time, did you feel any responsibility? Did you even think about resigning?

[*English*]

**Ms. Jennifer Oades:** It didn't come through. Can you repeat the last part?

[*Translation*]

**Mr. Pierre Paul-Hus:** When the House of Commons voted on the motion condemning your organization's decision, did you feel that you had a responsibility? Did you consider resigning at that time?

[English]

**Ms. Jennifer Oades:** No, I didn't feel like I should step down. I think there is an opportunity to provide clarification. There were many mistakes and misinformation that were being perpetrated by both, I would say, journalists and members of the House in their misunderstanding of how our system works. However, looking forward, I have huge confidence in finding out if there are things that we could do better.

[Translation]

**Mr. Pierre Paul-Hus:** I understand that. I must cut you off because our time is very limited.

But, as I understand you, members of Parliament and members of the press are ignorant of how the system works. However, on our side, we hear from many people, people who have worked within the system, who are really disappointed in the way things are going, in the decisions made and in the way the work is being done.

So in your opinion, your organization is just perfect at the moment and you have no responsibility for the murder of Marylène Levesque.

[English]

**Ms. Jennifer Oades:** I would not say that we do everything perfectly, but we do follow the law.

The law is very prescriptive. The law provides for all offenders to apply for parole at some point in time of their sentence. The law dictates when they can apply for parole. The law provides a framework from which board members must make their decisions. Then we use our own risk assessment tools, which have been developed not by us, but by experts from around the world.

• (0910)

[Translation]

**Mr. Pierre Paul-Hus:** Let's talk about risk assessment.

You mentioned that your two members, Joseph Lainé and Janie Fortin, included in the report that Mr. Gallese must stop having paid relations with women.

So, in the risk assessment, it was indicated that there was a problem. Why did those two members not reincarcerate Mr. Gallese, when they knew there was a problem? First, the problem was with what was being offered, the ability to seek women to have sex. Second, it was known that the individual had a psychological or psychiatric issue, and there was no up-to-date report. Reports were from two years ago. Nothing was going well in his file. It was a clear case of an individual at risk.

Did the two members not ask for the man to be sent back to prison immediately because of a lack of experience, a lack of competence?

[English]

**Ms. Jennifer Oades:** I'm not going to talk about that particular decision for a couple of reasons. First, they're independent decisions. Second, there are currently two investigations going on. I can say that in making any decision, the board members take all of the information that is available to them and make a decision with the protection of society being the paramount consideration.

[Translation]

**Mr. Pierre Paul-Hus:** Okay.

Let's talk about independence. You mentioned the independence of members. The former Minister of Public Safety, Mr. Goodale, met with members twice, at annual meetings, and he asked them to speed up the process of releasing offenders.

I would like to submit to the committee the record of those two meetings and the dates on which they took place.

Could you tell me whether the Liberals have asked you to increase the number of releases and to speed up the pace?

[English]

**Ms. Jennifer Oades:** Absolutely not. We can't speed up the process. It's written in law when people can apply for release. In fact, 60% of the releases into the community are not made by the Parole Board. Sixty per cent of offenders coming back into the community are statutorily released. That means they're released after spending two-thirds of their sentence incarcerated. In those cases, the board actually sets decisions.

[Translation]

**Mr. Pierre Paul-Hus:** So there is no obligation to grant releases.

[English]

**Ms. Jennifer Oades:** You can't speed up the process. It's written in law.

[Translation]

**Mr. Pierre Paul-Hus:** So there is no obligation to grant releases at two-thirds of the sentence if the individuals are not deemed fit to return to the community.

[English]

**Ms. Jennifer Oades:** No. It's the law.

[Translation]

**Mr. Pierre Paul-Hus:** In fact, there has been a 25% increase in the number of parolees in Quebec.

[English]

**Ms. Jennifer Oades:** Sixty per cent are released at two-thirds and they must be released at two-thirds. It's a statutory release by law and the board does not make those decisions. That's 60% who are released that way. Forty per cent of those released are released by the board decisions. They are either day parole or full parole release. Those times are prescribed.

[Translation]

**Mr. Pierre Paul-Hus:** Were you informed of the letter that was sent by the former members to the Prime Minister in November 2017?

[English]

**Ms. Jennifer Oades:** I was aware, but I was not here at that time. My appointment began in January 2018, but I was made aware. I have not seen that letter.

[Translation]

**Mr. Pierre Paul-Hus:** So you haven't seen the letter.

[English]

**Ms. Jennifer Oades:** No.

**The Chair:** Mr. Iacono.

[Translation]

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

First, I would like to offer my sincere condolences to the family and friends of Marylène Levesque.

I know that the tragic event that took place on January 22 was highly publicized in Quebec. However, let me point out that, according to a 2019 research report by the Correctional Service of Canada, the province of Quebec is one of the provinces with the lowest violent recidivism rate and the lowest overall recidivism rate in Canada.

My first question is for Ms. Kelly.

In 2004, Mr. Gallese had already been sentenced to a heavy sentence after murdering his wife, and he was known to the authorities for his very jealous and obsessive nature with his wife and women in general.

Don't you think it was very unwise to allow him to go to erotic massage parlours, often with very young women as staff?

● (0915)

**Ms. Anne Kelly:** First, as I said in my opening remarks, I want to make it clear that the service does not support the solicitation of sexual services by offenders.

Again, in terms of the process, in the case of individuals who have been sentenced to life, they have parole eligibility dates. While they're incarcerated, we provide a correctional plan where they have to go through certain interventions and different programs. If the risk is reduced, there is a discussion with the case management team. If the team supports a release, we ask for a community strategy. Then the offender must appear before the board, which will grant or deny the release.

**Mr. Angelo Iacono:** Thank you.

Ms. Kelly, a document from the Correctional Service of Canada states that between 2008 and 2018, the success rate among inmates released on parole increased from 48% in 2008 to 61% in 2018, despite some tragic cases, such as that of Marylène Levesque.

Could you tell us about the work that the Correctional Service of Canada has undertaken in recent years and that has contributed to this decrease?

**Ms. Anne Kelly:** Yes, absolutely.

First, in the Correctional Service of Canada, there's always room for improvement. Of course, we often look at our policies to see if we need to adjust them. Much of the decrease is because of our programs. We have correctional programs that deal with things like substance abuse, domestic violence, and violence. Those programs are very effective. I'm sure Mr. Motiuk can speak to that, but we are seeing a significant drop in the recidivism rate of offenders who take those programs.

When there are audits or reports, we take the recommendations seriously and make changes to our policies. That is why, over the years, the success rate has increased. For day parole, five years ago, the success rate was 89.3% and now it is 92.2%. As for full parole, five years ago, the success rate was 85% and now it is 90.5%.

**Mr. Angelo Iacono:** Thank you.

Ms. Oades, can you tell me whether the mental and psychological health of inmates is considered when assessing their potential eligibility for day parole?

[English]

**Ms. Jennifer Oades:** When they appear before the Parole Board, the Parole Board reviews all available information. This includes the judge's comments, Crown comments and police comments. It includes psychological assessments and psychiatric assessments. It includes everything that the board considers relevant and reliable information so that they can make an overall decision. So, yes, they do consider their—

[Translation]

**Mr. Angelo Iacono:** Thank you.

[English]

**The Chair:** You have 40 seconds.

[Translation]

**Mr. Angelo Iacono:** I have one last question.

Could we attribute this violent recidivism to a lack of staff at the Parole Board of Canada?

If not, generally speaking, can you give us some ideas for changes to reduce the rate of violent recidivism?

[English]

**The Chair:** Answer very briefly, please.

**Ms. Jennifer Oades:** No, we do not have a shortage of staff in the Parole Board.

In terms of the appointment of board members, it's always a churn. Where we would like to be would be somewhere about 90 board members, a combination of part time and full time. We're at 78 right now; some term off and some term on.

● (0920)

**The Chair:** Thanks very much.



[Translation]

Ms. Michaud, you have six minutes.

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

Ladies, thank you for your testimony.

I would also like to begin by extending my condolences to Ms. Levesque's loved ones. That's sort of why we are here today. We are here in her memory and to ensure that such cases do not happen again.

In each of your testimonies, there were several important aspects. In particular, you said that a release plan had been proposed and that it included an element that would allow offenders to solicit women for sexual purposes. You said that the board categorically rejected that. However, it happened anyway. Was it the parole officer who decided to follow that plan anyway?

**Ms. Anne Kelly:** At the time of the hearing, I believe the chair said there were concerns. Day parole was extended for six months. However, it was made clear that this type of activity was not to continue. We do not support that at all.

**Ms. Kristina Michaud:** Even though you rejected that and don't support it, the officer decided to go ahead with his plan and allow Mr. Gallese to solicit sexual services anyway.

**Ms. Anne Kelly:** No. The board of investigation will look into what happened after the Parole Board hearing.

**Ms. Kristina Michaud:** So at this point, it's unclear whether the board was aware that Mr. Gallese was going to massage parlours.

[English]

**Ms. Jennifer Oades:** Yes, they were made aware of that. They said that this could not happen at all, to stop immediately this activity, and included as a condition of his release that he was to report any kind of relationships with women, sexual or non-sexual, to his parole officer.

The board of investigation will hopefully shed some light on what happened between the period that he was instructed that this was not to happen and the murder of Marylène Levesque.

[Translation]

**Ms. Kristina Michaud:** That is when the condition was put in place that he had to report any relationship, sexual or otherwise, with women. Was his relationship with Ms. Levesque reported at that time?

**Ms. Anne Kelly:** The board of investigation is going to look into it.

**Ms. Kristina Michaud:** Okay.

He had a parole officer in the community. Is that correct?

**Ms. Anne Kelly:** Yes.

**Ms. Kristina Michaud:** How often did he meet with his officer to assess his behaviour?

**Ms. Anne Kelly:** The frequency is established during what is called "pre-release", and is confirmed during the first meeting with the offender.

Again, I can't speak to that specific case, but I can explain that there are several levels of contact frequencies. There's the intensive level, where the offender has to be seen face-to-face eight times a month. There are also levels A, B and C, where the offender must be seen either two or four times a month. All of this is based on the risk the offender presents and the offender's needs.

The level of intervention can be reviewed at certain times, once there has been some stability in the community. A case conference is then held between the parole officer and the supervisor.

**Ms. Kristina Michaud:** As for this case, there is no way of knowing how often he was seeing him.

**Ms. Anne Kelly:** No, the board of investigation is going to look into that, too.

**Ms. Kristina Michaud:** Right.

We know that Mr. Gallese had a history of violence against women. In the case of his wife's murder, he became quite aggressive and exhibited jealous behaviour. In some media reports I have read that he was beginning to develop a relationship with Ms. Levesque and that his behaviour might have been tending to change towards jealousy.

Could his officer report this to the board?

• (0925)

**Ms. Anne Kelly:** Again, I can't speak to this specific case.

However, when someone is a community parole officer and supervises offenders, there are naturally dynamic factors such as employment, emotional and personal relationships, and family. Certainly those factors would be considered, especially when looking at the offender's criminal history and the cycle of offences. Yes, that would be looked at.

**Ms. Kristina Michaud:** Certain procedures and measures are established, including that of taking into account the facts and statements of the offender. For example, he himself said that he was not prepared to meet women.

What explanation is there for the fact that, in his release plan, he was allowed to meet women not only for emotional relationships, but also for sexual relationships?

[English]

**The Chair:** Very briefly, please.

[Translation]

**Ms. Anne Kelly:** I repeat that, as an organization, the service does not support the solicitation of sexual services, but that it's something the board of investigation will study.

**The Chair:** Thank you, Ms. Kelly.

[English]

Mr. Harris, you have six minutes.

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

If I may continue on that, you said that Correctional Services doesn't support the practice of recommending that it's okay as part of a rehabilitation project for an offender who is still under sentence to seek the services of a paid sex worker. When was that policy put forth? Is that in policy?

**Ms. Anne Kelly:** Actually, our job is to assist offenders to become law-abiding citizens. That's why we develop correctional plans, and in the correctional plans we set objectives that the offender must meet in terms of programming and interventions. We don't condone offenders in—

**Mr. Jack Harris:** Okay. It's an offence to do that under the law, so you don't condone offences. However, in terms of this particular situation here, he was on parole from March, and that was one of his conditions at that time.

Were you ever aware of that?

**Ms. Anne Kelly:** Aware?

**Mr. Jack Harris:** Were you aware that his correctional plan, his rehabilitation plan, included that from March 2019?

**Ms. Anne Kelly:** No, I wasn't aware. As soon as I became aware, I was, obviously, greatly concerned. This is not something that we condone as an organization.

**Mr. Jack Harris:** No. You have said that several times.

When the parole hearing was held on September 22, you said in your first remarks that they categorically rejected that aspect of the plan. What you said subsequent to that was that they did not support that. It was a much more ambiguous statement. The ambiguous statement was presented to the House of Commons. The quote from the board suggested that they didn't reapprove, that they expected a better recommendation in the future. That seems to be a bit of a nuance.

Let me ask you this: When that parole hearing was held and that decision was made, were you made aware that your correctional officers were recommending that rehabilitation, that this was part of the rehabilitation plan? Did you become aware of it then?

**Ms. Anne Kelly:** No.

**Mr. Jack Harris:** No. You didn't become aware of it until after the death of Marylène Levesque.

**Ms. Anne Kelly:** That's right.

**Mr. Jack Harris:** Okay, so this is all subsequent to that. No one thought it was important to advise you that this was going on, that this was so objectionable that it was suggested that Mr. Gallese could commit offences as part of a correctional plan. No one brought that to your attention.

**Ms. Anne Kelly:** I was not aware.

**Mr. Jack Harris:** Okay.

During your opening remarks, you talked about the role of community parole officers in the supervision of offenders in the community.

Can you tell me whether there were actual community parole officers working for CSC who met with Mr. Gallese during his parole or was it somebody else?

**Ms. Anne Kelly:** There were CSC staff.

**Mr. Jack Harris:** So, CSC staff, perhaps community parole officers, met face to face with Mr. Gallese two to four times a month from the time he was on parole.

**Ms. Anne Kelly:** I don't know at what frequency, but there were CSC staff involved.

**Mr. Jack Harris:** They were involved. Were they doing direct supervision? Did they meet face to face with him or was that done by some third party?

**Ms. Anne Kelly:** The direct supervision was done by a clinical worker at one of the CRCs. The way it works is that the clinical worker works with a liaison officer, who is a parole officer, from CSC, as well as a parole supervisor from CSC.

• (0930)

**Mr. Jack Harris:** However, the parole supervisor and the liaison wouldn't be the ones providing direct face-to-face supervision of this individual.

**Ms. Anne Kelly:** No. It would be the—

**Mr. Jack Harris:** So there's a third party that does this, not the parole officer.

**Ms. Anne Kelly:** Yes.

**Mr. Jack Harris:** This is contrary to your evidence, by the way, which says that when they are in the community, "the community supervision is carried out by community parole officers who monitor the offender's behaviour and compliance with release conditions". That's not the case in this particular situation, is it?

**Ms. Anne Kelly:** Although.... Again, they work very closely with—

**Mr. Jack Harris:** I understand that they work closely, but I'm just—

**Ms. Anne Kelly:** —what we call the ALC. Yes.

**Mr. Jack Harris:** You have community parole officers. You mentioned their role here and how they operate. They are the ones who are assigned the task of....

I think it's in the notes provided by the Library of Parliament that it's suggested their role is very specific, that they are the ones who conduct the risk assessments. They are the ones who report back the response for monitoring, supporting and managing offenders in the community. They connect officers with programs and services to help them safely integrate, and they make recommendations of special conditions. They meet their clients in the community at an offenders' home, a residential facility or a CCC.

However, in this case, that's not done by CSC parole officers at all, is it?

**Ms. Anne Kelly:** It's done by the clinical worker at the community residential facility, but there are ongoing case conferences with the parole officer from CSC. Mr. Tousignant worked in the Quebec region, so he can probably add to what I'm saying.

**Mr. Jack Harris:** No. Can I ask you this, though? This is very important because you're talking about a community correctional facility, so this is not operated by the Correctional Service of Canada. This is privately operated by a third party, correct? Also, this is an offender who is still serving a sentence, and the community parole officers employed by CSC, the ones who are trained in this work, are not dealing directly face to face with people like Mr. Gallese, despite the high risk to reoffend that's evident from what happened on January 22. Is that correct?

**The Chair:** Again, Mr. Harris has asked an important question. Unfortunately, he's left you no time to answer it. I'm sure we'll have some time to circle back in on the answer.

With that, Mr. Morrison, you have five minutes.

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

The Parole Board members wrote in their decision of September 19 on the Gallese file, which I will quote, that the “commission extends day parole for a period of six months since the board is of the opinion that recidivism before the statutory expiration of your sentence will not present an unacceptable risk to society and this release will contribute to its protection...”

This question is for the Parole Board chairperson.

Do you find it worrisome that a board member would write that a repeat offence before the statutory expiration of the Gallese sentence will not represent an unacceptable risk to society?

**Ms. Jennifer Oades:** No, I don't, because it's actually in the law, section 102. There are two elements in terms of how board members are going to make their decision. One is the offender will not, by reoffending, present an undue risk to society. That's where that comes in, and that reflects the law.

**Mr. Rob Morrison:** Would you say an experienced board member would make the same decision?

**Ms. Jennifer Oades:** I will not go there. Each board member's decisions are independent, so the question is actually quite irrelevant.

**Mr. Rob Morrison:** Well, there were some board members who spoke to the media who said they wouldn't have done that. That's why I asked that question.

**Ms. Jennifer Oades:** They were not present board members.

**Mr. Rob Morrison:** The daily newspaper La Presse reported that the two board members adjourned for a few moments during the September 19 hearing when they learned that Gallese was meeting women. They went to ask for an opinion of a supervisor, the interim vice-chair, Francine Cantin.

Does that indicate maybe there's a lack of experience?

**Ms. Jennifer Oades:** Absolutely not. We actually encourage our board members—and it's not an unusual happening—to have an adjournment, to take a break to ask questions of policy. There might be a question of law they want to consider. They can reach out to

their own staff in their regions. From time to time, they'll reach out to our legal staff at the national office to get a clarification. It's not unusual at all. We encourage them before they make a decision, if they need to adjourn to get a second opinion on a policy or law, to do that.

• (0935)

**Mr. Rob Morrison:** Here's another question on that. Why did neither of the board members or the acting vice-chair realize that Gallese had repeatedly violated the Criminal Code of Canada by purchasing sexual services? They could have at least suspended day parole, correct?

**Ms. Jennifer Oades:** Yes, they have a number of options in terms of their decision-making.

**Mr. Rob Morrison:** This is a little bit of a different question. On what date did CSC inform the Parole Board for the first time of the existence of a strategy allowing Gallese to have sexual intercourse with women?

**Ms. Jennifer Oades:** I do not have an exact date, other than I'm quite certain that it was presented as part of the release plan at his hearing on September 19.

**Mr. Rob Morrison:** I noticed in one of the reports that was given to us, I think from the commissioner, that you're having an independent review. I'm just curious as to whom the two external community board members work for.

**Ms. Jennifer Oades:** They don't work for the Parole Board. As far as I know, they don't work for the Correctional Service of Canada. They both have been professors. I have their CVs.

**Mr. Rob Morrison:** Who do they work for?

**Ms. Jennifer Oades:** I believe they're both professors of criminology at two different schools somewhere in Quebec.

**Mr. Rob Morrison:** Okay. Thank you.

**The Chair:** Thank you, Mr. Morrison.

Mr. Sikand, you have five minutes.

**Mr. Gagan Sikand (Mississauga—Streetsville, Lib.):** Thank you, Mr. Chair.

When I was reading the Correctional Service of Canada report, I saw that the recidivism rate in Germany specifically mentions sexual assault, whereas we often refer to violent crimes. I just want to clarify. When we refer to violent crimes, does that also include sexual assault?

**Ms. Anne Kelly:** Yes, it would.

**Mr. Gagan Sikand:** I refer to the document that broke down the CSC's recidivism rates for the last 30 years. I want to compare 2008 to 2018. In 2008, the number of offenders on conditional release successfully reaching a warrant expiry date had a readmission rate of 48%. That's less than half. However, in 2017-18, that number had increased to 61%, which is quite tragic.

Can you speak to the work undertaken by CSC in recent years to reduce that rate?

**Ms. Anne Kelly:** Reduce the....

**Mr. Gagan Sikand:** Recidivism. What work has been done to decrease it?

**Ms. Anne Kelly:** It's a bit what I said earlier. In 2010, we introduced the integrated correctional program model. It was implemented across the country. We completed the implementation in 2017. We've actually seen really good results, and I have them here with me. This program definitely helps in reducing the risk that the offender presents.

If I look at indigenous offenders, we've created indigenous intervention centres in our institutions where they get access to programs earlier. We work with them. We have Pathways. There are a number of things that have been done to also increase the success rates for indigenous offenders.

For women offenders, we have the Circle of Care program. It's a continuum of care program. Over the years, a number of things have been done to reduce the risk of reoffending. We've also developed some actuarial tools. For example, the criminal risk index that determines an offender's level of risk and also the intensity of the program that the offender should participate in is a fairly new tool that was developed. That also helps parole officers.

• (0940)

**Mr. Gagan Sikand:** Mr. Chair, I'm going to give the remainder of my time to Mr. Lightbound.

**The Chair:** Mr. Lightbound.

[*Translation*]

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

Thank you all for being here.

I will echo the sentiments that have been expressed by offering my condolences to the family. As my colleague from the Bloc Québécois mentioned, in memory of Marylène Levesque, we owe it to ourselves to get to the bottom of this tragedy. Clearly, as it happened, certain steps in the process must be evaluated, and we must ensure that where mistakes were made, they will not happen again.

Ms. Kelly, I was pleased to hear you mention in your remarks that you have called for a review of community procedures across the country. Like millions of Canadians, and Quebeckers in particular, I was shocked to learn that officers could include the possibility of using sexual services in an offender's reintegration plan.

I'd like to know where you are in this review. If this practice was being used in other places, are you sure it has been stopped completely?

**Ms. Anne Kelly:** First, the review is ongoing. We have a lot of community strategies to review, but I have been extremely clear. As soon as I became aware of this tragedy, I contacted the regional deputy commissioners and asked them to do a review of all the community strategies.

I have also requested that parole officers and supervisors be met individually to discuss case management practices that need to be

robust, as well as the importance of document quality control. We did some things immediately, as soon as I knew this tragedy had occurred.

**The Chair:** Thank you, Mr. Lightbound.

Mr. Dalton, you have five minutes.

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

My questions are for Ms. Oades.

The two board members had the power to act when they learned that Mr. Gallese, who had been sentenced to life imprisonment, had been violating the Criminal Code for months by meeting with women.

Why didn't the board members suspend Mr. Gallese's day parole immediately?

[*English*]

**Ms. Jennifer Oades:** I believe that the board of investigation will probably look into that. In the end, it is an independent decision. They took all the information they had before them and the decision was made.

I'm not here to justify it; I am not here to condemn it. Each board member's decision is a decision in and of itself. I believe that, with all the training they have and all of the information they took, they thought that offender could be managed successfully in the community with the various conditions they had put onto his release.

[*Translation*]

**Mr. Marc Dalton:** Thank you.

Although the board had the authority to do so, it did not request a new risk assessment. That was its decision, and you are satisfied with it.

[*English*]

**Ms. Jennifer Oades:** No, I am saying that I am going to wait for the board of investigation to report back to us and then see if there were things that could have been done that should have been done and how we can improve in the future.

[*Translation*]

**Mr. Marc Dalton:** On the TVA show *J.E.*, Ariane Garneau, a friend of Marylène's, said this: "I'm angry at that person specifically, but I'm even angrier at the people who made the decision to do it."

Do you realize that victims of crime will no longer have confidence in the organization you're running?

[*English*]

**Ms. Jennifer Oades:** I'm going to say that he was released in March. He had been released in March, earlier. This was a second.... By law, we must review those released on day parole every six months. He had been released, actually, in March. This was a second release.

I would say to anyone who is disappointed that I think we're all disappointed. We're all shocked. We're all quite, I would say, devastated by what has happened.

I know it doesn't sound quite right, but our success rate is at 99.9% of those on day parole who do not reoffend violently.

We do the best we can in terms of making our decisions. We use the best tools available. We take all of the available information, but perhaps, in some cases, all of the information isn't there.

• (0945)

[Translation]

**Mr. Marc Dalton:** Thank you.

You are aware that this tragic case has destroyed the credibility of the Parole Board and the confidence of Canadians in it. You are aware of that, aren't you?

[English]

**Ms. Jennifer Oades:** I am aware of the potential. I am not aware that, in fact, it has destroyed all Canadians' confidence, but I am certainly aware of the potential.

I'd say to this committee, too, that the Parole Board is one of the least understood, and I would say grossly misunderstood, organizations in the criminal justice system.

[Translation]

**Mr. Marc Dalton:** Ms. Oades, in the board's September 2019 report, it states that "in the absence of concern relating to public safety". Is it normal for board members informed of these meetings with women not to express any safety concerns?

[English]

**Ms. Jennifer Oades:** Sorry, I believe they did express huge concern. They said that this was unacceptable and was not to happen.

[Translation]

**Mr. Marc Dalton:** I'm talking about what was said before the decision was made.

Would an experienced board member have written that?

[English]

**Ms. Jennifer Oades:** I don't think they knew before the actual hearing, but the board of investigation might show something else.

[Translation]

**Mr. Marc Dalton:** Thank you.

**The Chair:** Mr. Lightbound, you have five minutes.

**Mr. Joël Lightbound:** I'd like you to tell us about the joint investigation, the board of investigation that was set up and its process. Could you explain it to the committee members?

Correct me if I'm wrong, but in 2014, Christopher Falconer was found guilty of murder when he had already committed one while on day parole.

In 2014, while the previous government was in power, the same kind of board of investigation was set up. Is that correct? Were you satisfied, at that time, with the recommendations made and the light shed on the case in question?

**Ms. Anne Kelly:** A board of investigation had been set up and had made recommendations and follow-ups. Again, this is a joint investigation by the PBC and the Correctional Service of Canada. The five members of this board will gather all the information and talk to the people they need to talk to.

Based on what they gather, they will make recommendations, which the PBC will take very seriously. For us at the PBC, public safety is the number one priority. So we want to know what happened in this case so that it doesn't happen again.

**Mr. Joël Lightbound:** It can be expected that every decision, at every stage, that led to this tragedy will be evaluated and weighed, and that recommendations will be made.

**Ms. Anne Kelly:** Absolutely.

**Mr. Joël Lightbound:** Perfect.

This has been addressed by my Conservative colleagues on many occasions, but I would still like to talk about the experience of the board members in question. I didn't mean to be partisan, but Mr. Paul-Hus got us there fairly quickly. It's clear that the Parole Board... We know what Mr. Blackburn, a former board member, said. He was a Conservative candidate in the Pontiac in 2019, and six of the nine board members who were there in 2015 had given large sums of money to the Conservative Party, need I remind the House.

When comparing the experience of the two board members who made the decision in this case with, for example, the experience of—

• (0950)

[English]

**The Chair:** Mr. Lightbound, I think I maybe should have interrupted Mr. Paul-Hus earlier when we strayed into partisan matters.

I'm not quite sure what the relevance is as to who is making appointments, which government is making appointments. We're dealing with—

[Translation]

**Mr. Joël Lightbound:** I accept your—

[English]

**The Chair:** If we could direct the questions to—

[Translation]

**Mr. Joël Lightbound:** I accept your judgment, but one of the strongest criticisms in this case came not only from Mr. Paul-Hus, but also from Mr. Blackburn.

I would just like to hear your views on the experience of the board members in question. Can we have a little more information? In your opinion, did they have the necessary experience to make this decision?

Ms. Oades, you may answer.

[English]

**Ms. Jennifer Oades:** Sylvie, can you answer that?

[Translation]

**Ms. Sylvie Blanchet (Executive Vice-Chairperson, Parole Board of Canada):** Actually, the board members who made this decision were experienced because they were full-time board members. It's important to understand that there's a bit of a difference between a part-time board member and a full-time one. A part-time board member works five to 10 days a month, while a full-time board member goes out to vote every day.

In this case, the board members may have had fewer years of experience, but they had more or as many years of decision-making experience as part-time board members. I can't give you specific names because I don't have that information, but certainly the board members who made the decisions had the necessary experience.

**Mr. Joël Lightbound:** Perfect.

Unless I'm mistaken, we're talking about a former provincial board member and a former parole officer.

All Parole Board members are supervised by the regional vice-chairperson, in this case Mr. Bouchard. Is that correct? What form does this supervision take in the day-to-day work of the board members?

[English]

**Ms. Jennifer Oades:** Mr. Bouchard had taken some personal leave, so we have had another board member take on the administrative duties of the vice-chair position in the Quebec region.

Basically, by law, vice-chairs are responsible for ensuring that board members in their region are properly trained and ensuring that they are abiding by the board members' code of conduct. They're in charge of mentoring and coaching them to ensure that they are doing all of the votes they need to do. They are in charge of a yearly evaluation we have of all board members. They would, perhaps, observe some of their hearings or at least listen to some of their hearings. Those evaluations come to both the executive vice-chair and me for review.

**The Chair:** Thank you, Mr. Lightbound.

Madam Michaud, you have two and a half minutes, please.

[Translation]

**Ms. Kristina Michaud:** Thank you, Mr. Chair.

Since we can't have precise details on the current case, I would like to know whether, to your knowledge, there have been similar cases in the past. By similar cases, I mean those in which an offender has used sexual services. Is this really an isolated case that has never been seen before?

**Ms. Anne Kelly:** To my knowledge, this is an isolated case. I've been in the service for 37 years, and I've never seen anything like it.

However, it is also why I have asked for a complete review of community strategies to ensure that this does not exist. We have made it very clear with the regional deputy commissioners that the service does not condone this practice.

**Ms. Kristina Michaud:** Okay. In your presentation, you said that you could send us the results of the investigation.

How long does this kind of investigation usually take?

**Ms. Anne Kelly:** An investigation like this still takes a long time. You have to collect all the information and conduct interviews. However, we have committed to doing the investigation in about two months. There's also a criminal investigation going on.

**Ms. Kristina Michaud:** Okay.

If the criminal investigation hasn't finished, could we still get the results of your investigation? I'm talking about the internal investigation.

• (0955)

**Ms. Anne Kelly:** The reason I met with the chief of the Montreal police service is precisely to make sure that the lines are kept open and—

[English]

that we didn't impede each other's investigation.

[Translation]

Perhaps Mr. Tousignant could say more on that. He also spoke to the chief of the Montreal police service.

**Mr. Alain Tousignant (Senior Deputy Commissioner, Correctional Service of Canada):** I'd like to add to that. It's important that our investigation has no effect on the criminal investigation. We are therefore working with the Quebec City police service to ensure that one does not impinge on the other. It is possible that this may cause some delays on our part, because we have to wait for their investigators to give us the green light to continue our investigations and interview the people we want to interview.

**Ms. Kristina Michaud:** Thank you.

I don't want to point out—

**The Chair:** Thank you, Ms. Michaud.

[English]

Just as a point of clarification for all of us, where is the police investigation? It's not clear, at least to me, where the police investigation is, because that does affect the questions members can ask.

**Mr. Alain Tousignant:** I spoke to the Quebec City police as of yesterday. Their investigation is still ongoing. They still have witnesses and suspects to meet in the next few days. Therefore, their investigation is still alive and ongoing.

**The Chair:** Thank you.

The final two and a half minutes go to Mr. Harris.

**Mr. Jack Harris:** Thank you.

First of all, I didn't do this with my first intervention, but let me express my great sympathy for the tragedy that has occurred to Marylène Levesque. Her family deserves our sincere condolences and sympathy. This is a terrible tragedy that ought never to happen again.

I want to go back to the situation, as there's been some confusion here about statutory release and this, that and the other thing. I want to quote for the record, from the Parole Board of Canada, information on the website of the Government of Canada. It talks about life sentences. It says:

A life sentence means life. Lifers will never again enjoy total freedom.

...lifers are not entitled to statutory release.

Not all lifers will be granted parole. Some may never be released on parole because they continue to represent too great a risk to re-offend.

The conditions of no parole for 15 years in the case of the life sentence of Mr. Gallese meant that he was not entitled to parole unless he could establish that he would not be a risk. That's very different from statutory release, where you have to get out after serving two-thirds of your sentence. As you pointed out, 60% of the cases are like that.

This is a special case of a person sentenced to life in prison for the murder of his wife or partner being granted parole. Therefore, a high degree of care has to be taken before a positive decision is made to release this person, who is still serving a life sentence, into the community. Am I right about that?

I direct my question to the Parole Board chair.

**Ms. Jennifer Oades:** Yes, and I'd just like to clarify that for lifers they will never be released unless through a Parole Board decision, because the statutory release doesn't apply to lifers. However, the court or the judge sets the time at which—

**Mr. Jack Harris:** Yes, we understand that.

**Ms. Jennifer Oades:** Okay.

**Mr. Jack Harris:** It's the number of years before which parole is not available.

**Ms. Jennifer Oades:** In actual fact, for lifers who have been released into the community, they serve, on average, seven years past that eligibility date before they are released.

**Mr. Jack Harris:** But that wasn't the case with Mr. Gallese.

**Ms. Jennifer Oades:** Yes, he was released—I don't have it with me—but was it 10 years the judge set for his...and he was released three years after that.

**Mr. Jack Harris:** I believe the sentence said it was for 15 years with no parole.

**Ms. Jennifer Oades:** All right.

**Mr. Jack Harris:** That's what's in the report.

**Ms. Jennifer Oades:** Anyway, we can look into that, but he was released three years after his eligibility.

**Mr. Jack Harris:** Nevertheless, that's your understanding.

**Ms. Jennifer Oades:** That's my understanding.

**The Chair:** Mr. Harris, unfortunately, you are out of time.

Colleagues, we've been at this for an hour and 15 minutes. We could take a break. We still have 45 minutes to go, or we can continue on. I'm in the hands of colleagues as to whether we continue, and also, whether there's any urgency for a health break on the part of the witnesses.

**Mr. Pierre Paul-Hus:** A five-minute break.

**The Chair:** Okay. We'll suspend for five minutes.

• (0955)

(Pause)

• (1005)

**The Chair:** We will resume.

Mr. Harris, you have a point of order.

**Mr. Jack Harris:** Mr. Chair, I believe the chair of the Parole Board would like to correct Mr. Gallese's sentence and timing of his release for day parole, and the length of time required before he was eligible for parole.

**Ms. Jennifer Oades:** Yes, Mr. Chair, for the record.

It was a life sentence with no full parole eligibility for 15 years. Offenders are allowed to apply for day parole three years before their full parole eligibility date. He became eligible for day parole in 2016. When day parole was granted, it was 2019.

**The Chair:** Thank you for that clarification. Thank you, Mr. Harris. That was truly a point of order.

Mr. Shipley, you have five minutes.

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

My question is for Ms. Kelly.

We're here today because of the tragic death of a young 22-year-old woman. We're here to get to the bottom of how this happened and try to make sure this never happens again, obviously.

I'm going to quote from Ms. Oades' opening remarks so I'm not mistaken at all. This tragic death is partly because during the hearing, "the parole officer presented to Parole Board members a release plan that included an element that would allow this offender to solicit women for sexual purposes."

This is something we have not heard anything on. I need to know, and I'm sure the family needs to know, what has happened to the parole officer. Is the parole officer still employed?

**Ms. Anne Kelly:** The parole officers directly involved in this case are currently not supervising offenders.

**Mr. Doug Shipley:** Have they been disciplined? Are they still employed?

**Ms. Anne Kelly:** We're waiting for the board of investigation to complete their work. Once they've completed it and we have all the facts, if we need to undertake another investigation, we will do so.

**Mr. Doug Shipley:** Thank you.

Mr. Chair, I would like to give the rest of my time to Mr. Paul-Hus.

**The Chair:** Mr. Paul-Hus, you have a little less than three minutes.

[*Translation*]

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

It was officer Sophie Grégoire who did the strategy report. Could you tell me which supervisor authorized this strategy?

**Ms. Anne Kelly:** It was someone from the Correctional Service of Canada.

**Mr. Pierre Paul-Hus:** Could you give us the person's name?

If you don't know it, you could send it to us.

**Ms. Anne Kelly:** Okay.

**Mr. Pierre Paul-Hus:** Thank you.

In 2018, the Auditor General did a study on the Correctional Service of Canada. He identified several shortcomings, including a lack of risk analysis. He pointed out gaps in the expertise of the people who were assessing risk.

What are your comments on that?

**Ms. Anne Kelly:** It was said that there were gaps in expertise. Parole officers always do a risk assessment. For offenders, that assessment is ongoing.

**Mr. Pierre Paul-Hus:** The competence of the people doing this work has been questioned by the Auditor General.

Do you agree with his findings?

**Ms. Anne Kelly:** What year was that?

**Mr. Pierre Paul-Hus:** It was in 2018.

You don't have the information right now. Since time is short, I'll ask you another question.

**Ms. Anne Kelly:** Indeed, I don't have that information. However, I can tell you that our parole officers receive 4.5 weeks of training. In addition, we offer them five days of continuing professional development every year, and we put a lot of emphasis on risk assessment.

**Mr. Pierre Paul-Hus:** Excellent.

You were present when we considered the report of the Office of the Correctional Investigator. We talked about resource allocation.

It is said that 6% of the Correctional Service's budget is allocated to services in the community, while 40% of inmates are on day parole. What can be done? It isn't a question of money. It's a question of resource allocation. More and more inmates are being released, while there is a problem with monitoring in the community.

**Ms. Anne Kelly:** Let me try to explain that. When I appeared before you, I said that it was 6.43%. That is the allocation to community infrastructure. It includes our residential community centres and health services. However, the percentage I gave you did not include the community parole officers assigned to manage cases. When we include them, we get 11.3%.

As I explained to Ms. Michaud, there is a resource formula for parole officers. The formula takes into account the time during which they are available for work. It includes sick leave, statutory holidays, the time required to write reports, the time needed to complete supervision activities, and the time required to travel to where the offender must be supervised. The formula tells us the number of parole officers we need in the community. We review the formula once a year. So we can see that, if parole officers take more sick leave than anticipated this year, we have to readjust the formula.

● (1010)

[*English*]

**The Chair:** I think you could be a little more detailed than that. The question warranted it.

**Ms. Anne Kelly:** The biggest....

[*Translation*]

Although the formula is also based on the number of offenders in the community, the most important factor is the level of supervision of the offenders, that is to say whether they must be seen eight times, four times or once a month, for example.

**Mr. Pierre Paul-Hus:** Thank you.

[*English*]

**The Chair:** Ms. Damoff, you have five minutes.

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

I too would like to start by extending my sympathies to Ms. Levesque's family and by acknowledging that this was a tragedy, but also one that was extremely rare. I think everyone has acknowledged that, including the correctional investigator when he appeared here.

I also want to start by acknowledging the good work that parole officers do in the community.

Ms. Kelly, I know that you would agree with me on that, that they do yeoman's work to keep us all safe.

I want to talk about the cuts that were made under the deficit reduction action plan under the previous government. A report was done in 2015 by the Canadian Centre for Policy Alternatives. It's called "The Impact of the Harper Government's 'Tough on Crime' Strategy". It concluded that according to front-line workers, "the Harper government's 'tough on crime' strategy and restrictive budgetary measures undermine public safety."

Over \$200 million in cuts were made. I saw the impact in Winipeg where police liaison officers with the community were cut. There was reduced frequency of contact between offenders and parole officers. There was a lack of community programs. Even a family violence program was cut.



Ms. Kelly, I'm not asking this question to insult the work done at Corrections, but I've heard from front-line officers and I heard when I visited facilities that DRAP, as it was known, had a huge impact on being able to deliver programs. Can you talk about that?

We've tried to reinvest in corrections. I think there was \$343 million in the last budget. It's hard to catch up when we are coming from so far behind.

**Ms. Anne Kelly:** Obviously, yes, there was a significant amount cut during DRAP. We obviously looked at what we needed to do. The one thing at the time that the commissioner was clear that we shouldn't cut was front-line delivery services because those are of vital importance to keeping our community safe.

I understand that the CCLOs, the community corrections liaison officers, no longer exist, but by the same token, we've introduced security intelligence officers in the community, which we didn't have before.

**Ms. Pam Damoff:** With respect, I went to the Winnipeg community corrections office, and a commissioner was there providing security. He was just an old, retired... I'm sure he's a lovely man, but I would much rather have seen a police officer in that facility than a commissioner sitting there.

**Ms. Anne Kelly:** I don't believe with the CCLOs that a police officer would have been sitting there in lieu of a commissioner.

It's clear that at CSC we have to manage within our budget. We have to prioritize. Some of our union members are here today. We have regular discussions with them.

**Ms. Pam Damoff:** I have a question for Ms. Oades as well.

This report said that in 2015 there were no indigenous Parole Board members. I know that the appointment process changed under our government. In Quebec, under the previous government, eight out of nine appointments were men, and six out of nine were Conservative Party members.

Can you speak to the diversity that's on the board and also to the merit-based appointment as opposed to the previous appointment process?

• (1015)

**Ms. Jennifer Oades:** I wasn't aware of how that previous process worked, but I can say that there has been a huge push, a huge emphasis on looking at ensuring that we reflect more of the Canadian population than we have in the past. As I said, 53% of our board members now are women; 7% are visible minorities and 12% are now indigenous people. There has been improvement over the years.

**Ms. Pam Damoff:** Are you confident that they are experienced and qualified and are making good decisions in these cases?

**The Chair:** Answer very briefly, please.

**Ms. Jennifer Oades:** Yes.

**Ms. Pam Damoff:** Thank you.

**The Chair:** That's the kind of brief answer we love.

Mr. Paul-Hus, I'm sure you will be equally brief. You have five minutes, please.

[*Translation*]

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

Earlier, Mr. Lightbound talked about crass partisanship, and Ms. Damoff has just demonstrated that by talking about the budget cuts in 2008. The problems we are talking about here took place during the Liberals' mandate because of decisions made by the members that they appointed. Let me remind you that they have been in power for five years.

I want to go back to the appointment process, because it is a real problem. In 2017, there was a purge, but it all started in December 2015, when Minister LeBlanc sent a letter to 33 vice-chairs of various regions across Canada asking them to resign. Now the vice-chair of the Quebec region has received a letter asking him to leave. It is part of the undue pressure on independent officers. Independent they normally are, but political pressure is being put on them so that they resign.

The 2017 purge involved not renewing any of the mandates of the members who were in place, including Quebec, where the situation that concerns us at the moment occurred. It was all done because the Liberals wanted to make sure that no Conservatives remained in place. By the way, Dave Blackburn was a candidate after being a member. Before that, he had never been in politics with us.

We have to understand that the remarks that Ms. Damoff has just made are part of an ideology that wants to make changes in the name of diversity, by including indigenous women, for example. As a result of that ideology, the Liberals removed people with the experience and expertise necessary to make decisions on prisoners and murderers like Mr. Gallese.

So what is most important?

[*English*]

**Ms. Pam Damoff:** I'm sorry, point of order, Chair.

To say women are not qualified—

[*Translation*]

**Mr. Pierre Paul-Hus:** That is not what I said.

[*English*]

**Ms. Pam Damoff:** —I take real offence to that.

[*Translation*]

**Mr. Pierre Paul-Hus:** I never said that women were not qualified. I said that a political decision had been made by the Liberal government not to renew the contracts of experienced people because people were associating them with the Conservatives. The members will be able to come and testify soon.

You have decided to impose diversity on the basis of ideology. I am not saying that having diversity is a bad thing, but the major problem is that the expertise of the members in place was lost. The two members who made this decision did not have the experience required to do a good job. If Ms. Fortin and Mr. Lainé had the necessary experience, they would have immediately sent Mr. Gallese back to prison.

Do you agree, Ms. Oades?

[*English*]

**Ms. Jennifer Oades:** No, I don't agree at all.

I want to say that we did a bit of a review of how board members have changed over the last 20 years. I'm going to say to this committee, to each of you, that whenever there is a change of government, you see a big change in the makeup of the Parole Board.

In terms of experience, there is a regular churn. Part of it's by law that there be three-year appointments. It takes close to six months to a year to get a board member completely ready to vote on all different types of votes. There are very many different types of votes.

In terms of experience, someone who has five to 10 years of experience as a board member is really quite remarkable. This isn't a career. These are appointments for three to five years, so there is a constant churn. I have 21 appointments that will term off this year. I'll be looking for either people who want to be renewed, and some don't, or I'll be bringing in new board members.

• (1020)

[*Translation*]

**Mr. Pierre Paul-Hus:** I understand, but the loss of the experience and the expertise in 2017 was catastrophic. That is why eight former members—Liberals too, not just Conservatives—wrote a letter to Justin Trudeau, stating specifically: “Our primary mandate is to protect the public, and we fear that this mandate is currently in jeopardy”. The Prime Minister never replied.

You mentioned that you were aware that the letter existed, but that you had not seen it. As chairperson of the Parole Board of Canada, do you consider that it is unacceptable to have lost that expertise, or is it of no importance?

[*English*]

**Ms. Jennifer Oades:** I don't believe there was a huge loss of expertise over the entire board.

[*Translation*]

**Mr. Pierre Paul-Hus:** The Quebec region lost its expertise.

[*English*]

**Ms. Jennifer Oades:** They did not lose—

[*Translation*]

**Mr. Pierre Paul-Hus:** Actually, Vice-Chair Jacques Bouchard was kicked out. Mr. Bouchard did not go on leave of his own accord.

[*English*]

**Ms. Jennifer Oades:** There are still lots of members there who have been there, who have lots of expertise and have been reap-

pointed by this government. I would also say, and I think my colleague here sort of suggested, that it's not the years of experience; it's how many votes you do. I'm going to tell you that one of the people who has been quite outspoken had fewer votes in three years than the two board members who made this decision. That's experience.

[*Translation*]

**Mr. Pierre Paul-Hus:** They made a bad decision because they took no action.

[*English*]

**Ms. Jennifer Oades:** You were talking about experience. I'm sorry, we're talking about two different things here.

**The Chair:** Thank you, Mr. Paul-Hus.

Madam Khera, you have five minutes, please.

**Ms. Kamal Khera (Brampton West, Lib.):** Thank you, Chair.

First and foremost, I, too, would like to send my deepest condolences to Marylène Levesque's family. We know that we need to do a better job as a committee and as members to make sure that nothing like this happens again.

I want to talk about the Parole Board.

First, there are the parole officers. As has been mentioned, there has been a lot of misinformation in the media and by some members in the House.

Madam Oades, can you talk about the specific difference between Parole Board members and parole officers? I think people don't get it, quite honestly. Can you clarify that parole officers are under the umbrella of Correctional Service of Canada, not under the Parole Board of Canada?

**Ms. Jennifer Oades:** Yes, I can. I'll clarify that.

I want to go back to a bit of history and to the MacGuigan report. Back in the day, in the 1970s, we were the National Parole Service and all parole officers in the community did report to the parole board. The MacGuigan report said that really didn't look too great and we should change that, so in 1979 the Penitentiary Service became Correctional Service of Canada and took over all responsibility for the parole officers.

The Parole Board of Canada, as it became known at that time, became a decision-making body only, to stop what could be seen as a conflict of interest. Parole Board members are GIC appointments, every single one of them. They have terms of three to five years. Parole officers report through the Correctional Service of Canada and are responsible for the day-to-day supervision of parolees in the community.

**Ms. Kamal Khera:** Thank you for that clarification. I know that even in this committee, when members are asking questions, some of them are directing questions to the wrong witnesses.

Could you also talk more about the training program for the Parole Board members which you talked about in your remarks? What does it actually look like? Is it ongoing? What are your comments on that?

**Ms. Jennifer Oades:** Absolutely.

I'm going to ask my colleague to respond to that because she is responsible for the board member secretariat.

**Ms. Sylvie Blanchet:** Anybody who is appointed to the board, whether we come from.... I say "we" because I come from a correctional background. I am now a board member. I had to go through the training process.

Our board members all spend time in the region for a few weeks getting to understand what their job will be. They observe hearings, meet other board members and meet staff. They come to the national office where we bring in experts on women offenders, lifers, sex offenders, violent offenders and our risk assessment framework. They learn about risk assessment. They return to the community of offices across the country and they continue their training there.

Once that initial five to six weeks of training is complete, the vice-chair will decide whether or not they should start voting on specific cases. They may be able to do day parole cases, but not more difficult cases. It's a gradual beginning. They're paired with either the vice-chair or another board member with experience.

Other than that, we have ongoing training. We have an intensive indigenous training with elders. We usually do it in Montreal for our francophone board members or out west for our other board members. For three days, together with indigenous communities, they're learning about displacement, the community impacts and those decisions that have had a significant impact, such as Gladue and Twins, that they will have to make decisions on.

Then there's ongoing regional training. Martin is the regional director general and his office is responsible for that, with the vice-chair.

Sometimes staff from Corrections Canada come to talk to us about programs. We visit halfway houses. We meet with the John Howard Society. We have our annual training, which is a week-long intensive on risk assessment for board members. It's continuous.

If at any point a vice-chair says that there is a board member who has some concerns with a different type of offender or there's a concern about decision-making, we come together with the team and bring them in.

It's not like everybody doesn't get the same thing. There's the base, and then there's.... I have 28 years' experience. I probably have a little bit less than somebody coming from a different background. We all get the same first six weeks and then we build on that.

• (1025)

**The Chair:** Thank you, Madam Khera.

[*Translation*]

Ms. Michaud, you have two and a half minutes.

**Ms. Kristina Michaud:** Thank you, Mr. Chair.

I would quickly like to go back to the investigation. Just now people were talking about two months and two independent investigations, one by the Quebec City police service. As long as that investigation is not complete, we will not be able to have the conclusions of your investigation. Did I understand correctly, or will we have them in two months?

**Ms. Anne Kelly:** Not necessarily. We have to work closely with the police chief in Quebec City to make sure that we are not getting in the way of each other's investigation. We are committed to do ours in about two months.

**Ms. Kristina Michaud:** I do not want to point the finger at anyone, but the reply seems quite clear at the moment, hence our support for the Conservatives' motion to have public hearings to shed light on the matter. Since we cannot talk about specific cases, we have to wait for the results of your investigation.

I have the clear impression that the system is not going to criticize itself either. So I would like to know how, in your opinion, this matter will end. Where do you think the system failed? It failed somewhere. We are told that the board categorically rejected the parole plan with the conditions allowing him to seek women for sexual services. So the blame is being put on the officer. That is my impression, at least.

What is your personal opinion?

**Ms. Anne Kelly:** First, we have to wait for the investigation to be complete. What I can say is that we do not support the idea of offenders soliciting sexual services. I have made that clearly known throughout the organization.

We do not want a similar tragedy to happen again. When we receive the recommendations from the investigation committee, we will study them closely to make sure that, if needed, we implement measures to prevent such a tragedy.

**Ms. Kristina Michaud:** Is my time up?

**The Chair:** Unfortunately, yes.

[*English*]

Mr. Harris.

**Mr. Jack Harris:** Thank you.

Madam Commissioner, the Auditor General found in 2018 that parole officers at CSC didn't always meet with offenders as often as needed to manage their risks to society, and they found that they didn't always monitor offenders' compliance with special conditions imposed by the Parole Board of Canada.

We know that in this case the parole officers weren't doing face-to-face supervision at all. I also note that in a survey done by the union, which was reported to us by the Library of Parliament, two-thirds of community parole officer respondents agreed or strongly agreed that they worry about not being able to adequately protect the public, given their current workload.

In light of these two statements from different sources, do you think it is time there was a reallocation of some resources within Correctional Service Canada toward more support for community supervision as recommended by the office of the correctional investigator?

• (1030)

**Ms. Anne Kelly:** First of all, on the monitoring of special conditions, we did take to heart the recommendations from the OAG and did put in place some measures. We amended the policy to ensure that on a monthly basis district directors ensure that special conditions are monitored and that the standard for frequency of contact is met.

As I explained, we have a resource formula for community parole officers—

**Mr. Jack Harris:** These two statements, then, bear no relation to the reality, as you see it, that there's inadequate opportunity to supervise and that parole officers are concerned about the inability to have time to supervise, to monitor the risks. There's no relation to those—

**Ms. Anne Kelly:** Not necessarily, but in terms of—

**Mr. Jack Harris:** Well, let me continue, then.

It was just pointed out that when you have a life sentence, particularly for a violent crime, you're still always under the supervision of the CSC. How do you account for the fact that you don't have an adequate resource to ensure that the monitoring of the risk is always present? It would seem that the percentage you are spending on community release is disjointed, given that, according to the correctional investigator of Canada, 40% of offenders are on community release as opposed to being incarcerated.

**The Chair:** Thank you, Mr. Harris.

Regrettably, again Mr. Harris has asked a question that—

**Mr. Jack Harris:** I think it's on the record, sir.

**The Chair:** Yes. You've certainly established a pattern, Mr. Harris, for asking questions and then not allowing time for answers.

**Mr. Jack Harris:** [*Technical difficulty—Editor*] answers.

**The Chair:** With that, Mr. Morrison, you have five minutes.

**Mr. Rob Morrison:** Thank you.

I reviewed your annual performance reports since 2015. I notice there is just no reference in there to performance agreements, employee performance reviews and recommendations. I'm not sure what your hierarchy is for the supervision of your staff.

In this case here, who is the supervisor for the parole officers involved? Is there a supervisor who monitors your employees? Are there performance reviews, not on the results of the people who are released but on the staff themselves, to monitor whether they need more training, for example?

**Ms. Anne Kelly:** Absolutely. Yes, parole officers are supervised by parole supervisors. I was a parole supervisor. Every employee has a performance agreement with certain objectives that must be met. More than once a year, there has to be a meeting with the parole supervisor where the performance is discussed. If there is a need for extra training in a certain area or a need for taking certain courses, that is discussed with the employee.

**Mr. Rob Morrison:** Okay. So I know, then, through the board of investigation, that this will all come out if performance reviews have been done on the individuals who...whether it's the supervisor or whoever the supervisor reports to. There is kind of a chain of command.

**Ms. Anne Kelly:** There is. In the community, there's a community parole officer, a parole supervisor, and an area director and district director.

**Mr. Rob Morrison:** They follow up on corrective action, if required.

**Ms. Anne Kelly:** That's right.

**Mr. Rob Morrison:** Okay.

Marc.

• (1035)

**The Chair:** Go ahead.

[*Translation*]

**Mr. Marc Dalton:** Thank you, Mr. Chair.

My question goes to Mr. van Ginhoven.

According to former members, the lack of members has increased the workload of the hearing officers. There have been cases of professional burnout and hearing officers have left in droves. The Montreal office had to hire a mediator to resolve conflicts between the hearing officers and yourself as director general.

How many hearing officers have left their jobs after you took up the position in the Montreal office? How many cases of professional burnout have you had? Do you have those numbers?

**Mr. Martin J. van Ginhoven (Regional Director General, Quebec Region, Parole Board of Canada):** Unfortunately, I do not have those numbers. As far as I know, I think that two hearing officers have retired since I have been in the position, that is, since 2014.

**Mr. Marc Dalton:** Thank you.

We are asking for the mediator's report to be submitted to the committee.

My next question goes to Ms. Oades.

Do you admit that the strategy allowing him to meet women for strictly sexual purposes was a major and troubling risk factor?

[English]

**Ms. Jennifer Oades:** I certainly hope it was.

[Translation]

**Mr. Marc Dalton:** So if the strategy was a major and troubling risk factor, why not put an end to Mr. Gallese's day parole?

[English]

**Ms. Jennifer Oades:** As I said, our decisions are independent. They would have weighed that against everything else they were seeing in terms of past performance, in terms of the risk they think he would pose to the community, and in terms of the measures put in place to manage that risk. At the end of it, people will come up with either a yea or a nay. In this case, they came up with the decision to continue day parole.

[Translation]

**Mr. Marc Dalton:** I have another question.

When Mr. Gallese's family saw him at Christmas 2019, they noticed that he was a complete mess.

How is it that the parole officers did not notice or indicate that Mr. Gallese was a mess and completely confused?

Is there no obligation on the part of the officers to indicate that?

**Ms. Anne Kelly:** That is up to the parole officer.

Once again, I cannot talk about a specific case, but when we supervise offenders in the community, we have to establish links with those who are part of the offender's life, precisely in order to be able to check certain information. If there is information to the effect that a person is a mess, the parole officer must take action.

[English]

**The Chair:** Thank you, Mr. Dalton. Did you reference a report?

[Translation]

**Mr. Marc Dalton:** Yes, Mr. Chair.

[English]

**The Chair:** Could you be specific for the analysts?

[Translation]

**Mr. Marc Dalton:** Yes, Mr. Chair, I can give you the title later.

[English]

**The Chair:** The final five minutes go to Mr. Iacono.

[Translation]

**Mr. Angelo Iacono:** Thank you, Mr. Chair.

Ms. Oades, does the offender population present increasingly complex cases these days? If so, do parole board members receive any special training to deal with those complex cases?

[English]

**Ms. Jennifer Oades:** Yes they do, and I would like to pick up on the complex cases.

Over the years, with the continuing growth of the lifer population, people serving indeterminate sentences, when Parole Board members now review those files, they are massive. Quite frankly, I would like Parole Board members to have more time to study.

I'm going to describe a Parole Board member's day. Monday, they study for three to four hearings that will happen on Tuesday. Then on Wednesday they study again for three to four hearings that will happen on Thursday. Friday is generally a time when they have six paper votes. It is a full workload, and with the complexity and sheer volumes of files for a growing number of lifers, it would be nice for Parole Board members to have more time to study.

• (1040)

[Translation]

**Mr. Angelo Iacono:** Thank you, Ms. Oades.

Just now, you talked about experience, years of experience, years at work, as well as the number of decisions. You said that it was not a matter of the number of years, but rather the number of decisions made.

Can you be specific as to what you mean?

[English]

**Ms. Jennifer Oades:** When you are a part-time Parole Board member, the expectation is that you will work five to 10 days per month for the Parole Board making decisions. They're going to have fewer hearings and decisions over that three-year period than someone who is full time and basically voting full time.

[Translation]

**Mr. Angelo Iacono:** Go ahead, Mr. Lightbound.

**Mr. Joël Lightbound:** Thank you, Mr. Iacono.

Thank you, Mr. Chair.

Ms. Oades, what are the criteria in the law that guide officers when they have to make a decision as to whether or not to grant an offender day parole?

[English]

**Ms. Jennifer Oades:** First, protection of the public is the paramount consideration. Second, the offender will not, by reoffending, present an undue risk to society before the expiration of the sentence and—it's not an or; it's and—the release of the offender will contribute to the protection of society by facilitating the reintegration of the offender into society as a law-abiding citizen.

[*Translation*]

**Mr. Joël Lightbound:** I understand that you cannot comment on the way in which those criteria may have been evaluated by the members. That is why we are pinning our hopes on the joint investigation being conducted by your two offices to determine whether the decision in this matter was well thought out.

However, have those criteria changed in recent years?

[*English*]

**Ms. Jennifer Oades:** No, those criteria have remained in place since the CCRA came into law. Other than the protection of society as a paramount consideration, it was always there since 1992. It was, however, moved up a little in the principles just to make it more clear. Other than that, it has not changed.

[*Translation*]

**Mr. Joël Lightbound:** Thank you.

[*English*]

**The Chair:** That ends our questioning.

On behalf of the committee, I want to thank the witnesses for their testimony and reiterate, on behalf of the committee, our deepest sympathies to the family for the incident that, unfortunately, brings us here.

With that, we are adjourned.

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