



NATIONAL OFFICE

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April 17, 2020

The Honourable Bill Blair
Minister of Public Safety
269 Laurier Avenue West
Ottawa, Ontario
K1A 0P8

Dear Minister:

MADD Canada's mission is to stop impaired driving and to support victims of this violent crime. We are the only anti-impaired driving organization that provides direct support to victims and survivors. In too many cases, we are the only support victims and survivors have as impaired driving is often not a priority for provincially funded victim services.

MADD Canada assists victims and survivors as on their journey through the criminal justice system, including parole. We work with victims and survivors to help them understand their rights to receive information, provide assistance in preparing Victim Statements for parole hearings and when asked, accompany victims and survivors to hearings.

Meaningful opportunities for victims and survivors to participate in the criminal justice system are limited but for many victims and survivors, it is incredibly important. That includes parole hearings where in some cases, they hear for the first time the offender speak about the crime.

We are very concerned that victims and survivors are being denied the opportunity to participate in parole hearings in real time. We are supporting several families who have parole hearings coming up in the weeks ahead and under the current restrictions, they will not be able to participate in those hearings. We support restrictions to protect everyone during this global pandemic, but we do believe victims and survivors should be accommodated to participate remotely where possible.

The *Corrections and Conditional Release Act (CCRA)* gives victims the ability to attend parole hearings unless the Parole Board, in accordance with subsection 140(4), is satisfied that doing so would disrupt or adversely affect: the hearing; the Board's ability to consider the matter; those who have provided information to the Board; the balance between the person's interest and the public interest in reintegrating offenders into society; or the security and good order of the institution.

Section 140(5.2) states that if the Board decides to not permit a victim or their family member to attend, "the Board shall provide for the victim or family member to observe the hearing by any means that the Board considers appropriate."



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It was our understanding based on the Parole Board's public comments and our discussions with officials that there was not secure technological alternative to accommodate victims and survivors. However, this week, the Parole Board issued more information about hearings and stated that assistants to offenders are being accommodated on a case-by-case basis. The Parole Board's website says, "...PBC is accommodating the offender's assistant whenever arrangements are possible." Assistants are being accommodated remotely yet victims and survivors are being told it is not possible to accommodate their participation remotely.

The *CCRA* provides that assistants shall be able to attend except for the reasons enumerated in (4), the same subsection being used to prevent victims from attending. If the assistant is not able to be accommodated, the offender is not required to proceed with the hearing. We find it deeply concerning that the Parole Board has prioritized the participation of assistants over victims and survivors and make accommodations for assistants but not for victims and survivors.

In addition, we would expect the Parole Board would exercise its discretion to interpret their obligations to victims in spirit of the *Canadian Victims Bill of Rights*. While the legislation does not specify that victims have the right to deliver their statements in person, the Preamble highlights that victims of crime and their families deserve to be treated with courtesy, compassion and respect, including respect for their dignity; that it is important that victims' rights be considered throughout the criminal justice system and consideration of the rights of victims of crime is in the interest of the proper administration of justice. In light of the CVBR, we believe that the Parole Board should use its discretion to give victims and survivors the opportunity, where possible to participate remotely.

We appreciate that victims and survivors retain the ability to present statements in writing or via video/audio recordings (which will be played at the hearing). Victims and survivors also have the opportunity to listen to a recording of the hearing afterwards. However, for some, that is not enough. It is important for them to be participate in the hearings, not be limited to recordings and listening to a recording once a decision has been made. They feel like their needs and their rights are once again, not a priority.

We appreciate the Parole Board's efforts to continuing to explore solutions to allow victims and survivors to participate but with respect, we believe that where the technology exists for victims and survivors to participate, they must be given priority over assistants.

MADD Canada looks forward to contributing to the legislated 5-year review of the *Canadian Victims Bill of Rights*. Under the current circumstances, we realize this review will be delayed but issues with parole hearings speak to the need to review and strengthen the legislation.



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We look forward to a speedy resolution to these issues to ensure the needs of victims and survivors of impaired driving are met. If you have any questions, please contact Steve Sullivan, our Director of Victim Services at ssullivan@madd.ca or 866-876-5224.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Murie".

Andrew Murie
Chief Executive Officer
MADD Canada

Cc The Honourable David Lametti, Minister of Justice and Attorney General of Canada
Jennifer Oades, Chair, Parole Board of Canada
Heidi Illingworth, Federal Ombudsman for Victims of Crime