



NATIONAL OFFICE

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August 10, 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 government funded victim services.

MADD Canada services extend throughout the entire criminal justice process including the conditional release process. One of the challenges many of the victims and survivors of impaired driving face are offenders returning to their communities when granted conditional release. Sentences for impaired driving causing death and/or injury are less severe than sentences for other violent offences, which means offenders can apply for conditional release soon after being sentenced.

For example, we are supporting a couple who was struck by an impaired driving two years ago. Both were injured but one of them suffered severe, life threatening injuries and she still suffers from chronic pain and has limited mobility. The offender was paroled less than a year after being sentenced.

Another family we are supporting lost their children in an impaired driving crash several years ago. They struggle daily to cope with this incredible tragedy and loss. The offender was released after serving less than half his sentence.

The violence of impaired driving crashes is obvious but the emotional impact of impaired driving crashes is not something that can be seen or measured. Many victims and survivors suffer from PTSD and struggle years after the crash. They cannot interact with family and friends the way they used to. They relive the crashes and find it difficult to be in a car. They cannot enjoy the activities they once did and they are concerned about their family's finances.

In both cases referenced above, Victim Statements were submitted to the Parole Board and geographical restrictions were requested. In one case, the offender was released to his home 400 metres from the victim's residence. In the other case, the offender was released to a neighbouring community and if the victims plan to travel to that area, they have to give the offender's parole officer 48 hours' notice so they can assure the offender will not be in that area at that time.



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It is our belief that more consideration must be given to the mental health and psychological wellbeing of victims and survivors of impaired driving when offenders are being released into society.

Section 133(3.1) of the *Corrections and Conditional Release Act* says,

“If a victim or a person referred to in subsection 26(3) or 142(3) has provided the releasing authority with a statement describing the harm, property damage or loss suffered by them as a result of the commission of an offence or its continuing impact on them — including any safety concerns — or commenting on the possible release of the offender, the releasing authority shall impose any conditions on the parole, statutory release or unescorted temporary absence of the offender that it considers reasonable and necessary in order to protect the victim or the person, including a condition that the offender abstain from having any contact, including communication by any means, with the victim or the person or **from going to any specified place.**”

No contact orders are usually imposed but geographical restrictions are less common. Our concern is the interpretation of these provisions are limited to physical safety, which is not a common concern for victims and survivors of impaired driving. Nevertheless, they do struggle with the mental and health psychological impacts of the geographical proximity of the offender to their families.

We understand the reality that impaired drivers will return to the community and it benefits all of us if they safely reintegrate back into society when that time comes. At the same time, we believe the well-being of victims and survivors should be balanced with the safe reintegration of offenders. Victims and survivors should not be sacrificed to safely return offenders to the community.

Because offenders may apply for conditional release months after being sentenced, victims and survivors barely get a chance to catch their breath after the trial is over. Giving consideration to reasonable requests for geographical restrictions is not intended to interfere with the safe reintegration of offenders but to give victims and survivors more time to heal.

Therefore, MADD Canada believes that the *Corrections and Conditional Release Act* should be amended to require the Parole Board of Canada to consider a request from a victim or survivors of impaired driving for a geographical restriction on an offender's release to protect the mental health and psychological wellbeing of victims and survivors of impaired driving.

We look forward to working with you to ensure the needs of victims and survivors of impaired driving are met.

Sincerely,



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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
Heidi Illingworth, Federal Ombudsman for Victims of Crime