



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

PAROLE BOARD OF CANADA AND THE CIRCUMSTANCES THAT LED TO A YOUNG WOMAN'S DEATH

**Report of the Standing Committee on Public Safety and
National Security**

Hon. John McKay, Chair

**JUNE 2021
43rd PARLIAMENT, 2nd SESSION**

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NOTICE TO READER

Reports from committees presented to the House of Commons

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

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THE STANDING COMMITTEE ON PUBLIC SAFETY AND NATIONAL SECURITY

has the honour to present its

EIGHTH REPORT

Pursuant to its mandate under Standing Order 108(2), the committee has studied Parole Board of Canada and the circumstances that led to a young woman's death and has agreed to report the following:

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SUMMARY

On January 22, 2020, Ms. Marylène Levesque was murdered by Mr. Eustachio Gallese in the suburb of Sainte-Foy, in Quebec City. At the time, Mr. Gallese was in the community on day parole, and was living at Maison Painchaud, a halfway house managed by a community partner pursuant to an agreement with Correctional Service Canada (CSC). On February 5, 2020, the House of Commons passed the following motion:

That the House: (a) condemn the decision of the Parole Board of Canada that led to a young woman's death by an inmate during day parole in January of this year; and (b) instruct the Standing Committee on Public Safety and National Security to conduct hearings into this matter, including a review of the changes made by the government in 2017 to the board's nomination process, with the view to recommend measures to be taken to ensure another tragedy such as this never happens again.¹

The House of Commons Standing Committee on Public Safety and National Security (the Committee) undertook this study and between March 10, 2020, and June 14, 2021, over two parliamentary sessions, and heard from 18 witnesses, including current and former Government of Canada officials, former Parole Board of Canada (PBC) members, and representatives from a variety of civil society organizations.

On January 21, 2021, the Committee received the PBC and CSC National Joint Board of Investigation (BOI) report on its investigation into these events. The BOI was chaired by two external co-chairs who are criminologists.² While the report contained no recommendations for the PBC, five recommendations were made to CSC.

Witnesses testified on a variety of topics and provided the Committee with numerous thoughtful suggestions as to how to prevent a future event of this nature and improve Canada's conditional release system. Certain witnesses spoke to the circumstances of the case, the decisions made by the PBC and the investigation conducted by the Joint Board of Investigation, while other witnesses spoke to the appointment process for members of the PBC, as well as the training and working conditions for PBC members and CSC parole officers. Members of different civil society groups shared their

1 House of Commons, *Journals*, 5 February 2020.

2 The Board of Investigation Report is available at: [Correctional Service of Canada—Parole Board of Canada National Joint Board of Investigation—SECU \(43-2\)—House of Commons of Canada \(ourcommons.ca\)](https://ourcommons.ca/ourcommons/oc/oc.action.do?ocid=43-2).

perspective on matters including the relationship between this incident and violence against women and sex workers, the rights of victims of crime and the importance of rehabilitation for offenders, both within correctional facilities and in the community.

The Committee extends its sincere condolences to the family of Ms. Marylène Levesque. It would also like to thank all of the witnesses who shared their expertise and perspectives and express its hope that another needless tragedy can be prevented.



THE PAROLE BOARD OF CANADA AND THE CIRCUMSTANCES THAT LED TO A YOUNG WOMAN'S DEATH

INTRODUCTION

On January 22, 2020, Marylène Levesque, a 22-year-old woman, was violently murdered in a hotel room in the Quebec City suburb of Sainte-Foy. Later the same day, Eustachio Gallese confessed to the murder. At the time of the premeditated killing of Ms. Levesque, Mr. Gallese was serving a sentence for the second-degree murder of his wife Chantale Deschênes, committed in 2004. Mr. Gallese had been granted day parole by the PBC in March 2019, several months prior to the murder of Ms. Levesque, and had been living at Maison Painchaud, a community residential facility. On February 27, 2020, Mr. Gallese pled guilty to first-degree murder for killing Ms. Levesque and was sentenced to life in prison with no chance of parole for 25 years.

In light of this tragedy, on February 5, 2020, the House of Commons adopted the following motion:

That the House: (a) condemn the decision of the Parole Board of Canada that led to a young woman's death by an inmate during day parole in January of this year; and (b) instruct the Standing Committee on Public Safety and National Security to conduct hearings into this matter, including a review of the changes made by the government in 2017 to the board's nomination process, with the view to recommend measures to be taken to ensure another tragedy such as this never happens again.¹

Prior to the prorogation of Parliament on August 18, 2020, the House of Commons Standing Committee on Public Safety and National Security (the Committee) held two hearings on this matter: on March 10 and 12, 2020. On October 8, 2020, the Committee passed the following motion:

That, pursuant to Standing Order 108(2), the committee undertake a study of the Parole Board and circumstances that led to a young woman's death, and that the evidence and documentation received by the committee during the First Session of

1 House of Commons, *Journals*, 5 February 2020.



the 43rd Parliament on the subject be taken into consideration by the committee in the current session.²

Over the course of the study, from March 10, 2020 to June 14, 2021, the Committee heard testimony from 18 witnesses and held 7 meetings.

This report contains four sections describing the facts relating to this event and summarizing the testimony heard from witnesses:

- 1) Introduction;
- 2) Chronology of Events;
- 3) Description of the Evidence;
- 4) Conclusion.

All the members of the Committee wish to express their sincere condolences to the family and friends of Marylène Levesque. Commissioner Anne Kelly of the CSC and Chairperson Jennifer Oades of the PBC also offered their condolences in their testimony.³ This tragic occurrence brought to light concerns with the corrections, parole and justice systems, as well as the circumstances of sex workers in Canada. This report seeks to identify and respond to these concerns providing recommendations for changes, in addition to those provided by the BOI, necessary to avoid future tragedies.

CHRONOLOGY OF EVENTS

October 21, 2004—Eustachio Gallese murders Chantale Deschênes.⁴

December 16, 2006—Eustachio Gallese is convicted of second-degree murder and sentenced to life imprisonment with no possibility of parole for 15 years.⁵

2 House of Commons, Standing Committee on Public Safety and National Security [SECU], *Minutes of Proceedings*, 8 October 2020.

3 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 13, 25 January 2021, 1535 (Ms. Anne Kelly, Commissioner, Correctional Service of Canada); SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 13, 25 January 2021, 1540 (Ms. Jennifer Oades, Chairperson, Parole Board of Canada).

4 *Gallese c. R.*, 2009 QCCA 1071 (CanLII).

5 *Gallese c. R.*, 2009 QCCA 1071 (CanLII).

March 26, 2019—Eustachio Gallese is granted day parole by the Parole Board of Canada.

September 19, 2019—Eustachio Gallese's day parole is extended by the Parole Board of Canada for 6 months and his application for full parole is denied.

January 22, 2020—Eustachio Gallese murders Marylène Levesque.

February 3, 2020—The Parole Board of Canada and Correctional Service Canada convene a Joint Board of Investigation to conduct an independent investigation of the incident.

February 27, 2020—Eustachio Gallese pleads guilty to first degree murder in relation to the death of Marylène Levesque and is sentenced to life in prison with no possibility of parole for 25 years.

January 21, 2021—The Parole Board of Canada and Correctional Service Canada provide the Joint Board of Investigation report to the House of Commons Standing Committee on Public Safety and National Security.

DESCRIPTION OF THE EVIDENCE

1. The Decision to Release and Continue Day Parole for Eustachio Gallese

The PBC and CSC both had a role to play in Mr. Gallese's day parole, though these roles were distinct. Catherine Latimer, Executive Director of the John Howard Society of Canada, explained that the PBC and CSC share responsibility for offender release. She stated:



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

...

The Parole Board of Canada decides when people should be released if they are eligible, what conditions apply to their release and whether conditional releases should be revoked. They're the decision-makers. They're pretty much reliant on evidence coming from CSC in terms of the factors upon which their decisions should be based.⁶

Mary Campbell, former Director-General of the Corrections and Criminal Justice Directorate at Public Safety Canada, explained:

The Parole Board of Canada is responsible for decision-making, period. Once they make a decision about a case, it is handed over to CSC to supervise and manage, and they are to come back to the Parole Board if something is starting to go off the rails or needs to be changed. The board has no role to play while the person is in the community under that supervision. The board relies on the information that CSC brings to them. That's fundamental to understanding this case.⁷

Both Jennifer Oades, Chairperson of the PBC and Anne Kelly, Commissioner of CSC, emphasized that public safety is the paramount consideration for their organizations when managing offenders, as per the *Corrections and Conditional Release Act*.⁸

Eustachio Gallese was initially granted day parole in a PBC hearing on March 26, 2019. When granting day parole to Mr. Gallese, the PBC imposed several conditions, including, notably "reporting all intimate sexual and non-sexual relationships and friendships with females to his parole officer."⁹ The BOI report explains that while on parole Mr. Gallese made "visits to a massage parlour for sexual purposes on more than one occasion, three of which were authorized by his CMT [case management team]."¹⁰ The BOI report found

6 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 5, 12 March 2020, 0905 (Ms. Catherine Latimer, Executive Director, John Howard Society of Canada).

7 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1710 (Ms. Mary E. Campbell, As an individual).

8 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 4, 10 March 2020, 0845 (Ms. Jennifer Oades) and 0855 (Ms. Anne Kelly). See also *Corrections and Conditional Release Act*, S.C. 1992, c. 20, s. 3.1 and 100.1.

9 Eustachio Gallese Parole Board of Canada Pre-Release Day Parole Hearing Decision, 26 March 2019, p. 2.

10 Correctional Service Canada and Parole Board of Canada, *Correctional Service of Canada—Parole Board of Canada National Joint Board of Investigation into the Release and Supervision of an Offender on Day Parole Charged in Relation to a Serious Incident in Sainte-Foy, Quebec, on January 23 2020* [Board of Investigation Report], p. 3.

that these visits “were a contributing risk factor in the incident given the offender’s history of domestic violence.”¹¹

The decision by the case management team to provide Mr. Gallese the permission to attend a massage parlour for sexual purposes was critiqued by several witnesses. Dave Blackburn, a former PBC member, stated he had “never seen a strategy like that used in my entire career”¹² and did not see how it “could have represented a social reintegration perspective.”¹³ The decision was also renounced by Commissioner Kelly who expressed:

I want to be clear. The Correctional Service of Canada doesn’t condone offenders seeking sexual services. In my 37 years with the service, I can firmly attest to the fact that this isn’t something that we, as an organization, endorse in how we manage offenders. I’ve made this clear throughout my organization.

Immediately following the tragic incident, I ordered a nation-wide review of all community supervision strategies to ensure that they’re sound, appropriate and consistent with the policies and that they serve to protect public safety.¹⁴

In reaching its initial decision to release Mr. Gallese, the PBC members responsible took into consideration a long list of factors, including submissions made at the hearing, a report documenting Mr. Gallese’s successful previous unescorted absences, his family’s support, his criminal history and completion of correctional programming, negative drug tests, assessments of the risk of recidivism and psychological assessments, among others.¹⁵ Chairperson Oades, in explaining the PBC’s decision-making process, referred to section 102 of the *Corrections and Conditional Release Act*, which states that:

The Board [PBC] or a provincial parole board may grant parole to an offender if, in its opinion,

(a) the offender will not, by reoffending, present an undue risk to society before the expiration according to law of the sentence the offender is serving; and

11 Board of Investigation Report, p. 3.

12 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 5, 12 March 2020, 0855 (Mr. Dave Blackburn, former member of the Parole Board of Canada, As an individual).

13 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 5, 12 March 2020, 0855 (Mr. Dave Blackburn).

14 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 13, 25 January 2021, 1535 (Ms. Anne Kelly).

15 Eustachio Gallese Parole Board of Canada Pre-Release Day Parole Hearing Decision, 26 March 2019, pp. 3–7.



(b) 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.¹⁶

On September 19, 2019, the PBC conducted a hearing to determine if Mr. Gallese’s day parole should be continued and whether he should be granted full parole. His request for full parole was denied, but day parole was continued by the PBC. According to the BOI report, information about Mr. Gallese’s visits to massage parlours was “discussed at length”¹⁷ in the hearing, and the PBC members “explicitly prohibited him from attending that type of establishment and noted that they were relying on the CMT [case management team] to ensure that these activities no longer occurred.”¹⁸

The BOI report found, with respect to the PBC members who made decisions about the release and continuation of day parole for Mr. Gallese, that:

[T]he PBC had all the relevant and available information at its disposal at the time of the hearings to render a sound decision and that the information was of quality. The BOI did not note any shortcomings in relation to compliance with legislation or the PBC policies that informed the Board members’ decision-making.¹⁹

The BOI report did, however, find that the written decision of the PBC on 19 September 2019 did not fully reflect “the entirety of what was said at the hearing.”²⁰ Chairperson Oades said new refresher training would be provided to PBC members on decision-writing to address this concern.²¹

In spite of the BOI finding that there were no errors made by the PBC, two witnesses criticized or questioned the PBC’s decision to continue Mr. Gallese’s release, whereas others suggested it was an appropriate and informed decision. Dave Blackburn, a former member of the PBC, suggested that this decision demonstrated “both a lack of experience and a lack of judgment”²² by the two Parole Board members. He expressed:

In my view, day parole should have been rescinded immediately, pending the Correctional Service providing more information on that strategy. That way, the risk could

16 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 4, 10 March 2020, 0930 (Ms. Jennifer Oades); *Corrections and Conditional Release Act*, S.C. 1992, c. 20, s. 102.

17 Board of Investigation Report, p. 22.

18 Board of Investigation Report, p. 22.

19 Board of Investigation Report, p. 7.

20 Board of Investigation Report, p. 86.

21 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 13, 25 January 2021, 1540 (Ms. Jennifer Oades).

22 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 5, 12 March 2020, 0915 (Mr. Dave Blackburn).

have been properly assessed. Mr. Gallese could also have been placed under house arrest, with permission to go to work only.²³

Another former PBC member, Michel Lafrenière, similarly testified that, in his opinion, the decision-makers in this case lacked sufficient experience.

When the tragic event that brings us here today occurred, there were not enough experienced board members at the Parole Board of Canada, forcing it to have board members with little experience hear complicated cases, like that of Mr. Gallese. I noted that, in the first ruling, the board members had eight months of experience and, in the second ruling, 14 months. That is little experience for such complex cases.²⁴

In contrast to these perspectives, Mary Campbell, a former Director-General of CSC, expressed a broadly supportive perspective of the parole board decision stating that “[i]t’s one of the best decisions I’ve ever read, and I’ve read quite a few.”²⁵ She elaborated by adding that:

Two years later and 500 miles away, I guess that sure, you might have made a different decision. However, again, the law and the facts really supported the decision that they made that day, and they did not ignore the seriousness of it.

...

When we talk about how things could have been different or who could have done something differently or better, those two decisions, in my mind, are not the problem here; it was the supervision that Mr. Gallese was under.²⁶

With respect to the timing of Mr. Gallese’s release, Chairperson Oades explained to the Committee that the PBC “can’t speed up the process”²⁷ She noted that the law “provides a framework from which board members must make their decisions,”²⁸ supplemented by risk assessment tools developed by experts from around the world.²⁹

23 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 5, 12 March 2020, 0915 (Mr. Dave Blackburn).

24 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 23, 14 April 2020, 1615 (Mr. Michel Lafrenière, Retired lawyer, As an individual).

25 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1710 (Ms. Mary E. Campbell).

26 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1710 (Ms. Mary E. Campbell).

27 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 4, 10 March 2020, 0910 (Ms. Jennifer Oades).

28 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 4, 10 March 2020, 0905 (Ms. Jennifer Oades).

29 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 4, 10 March 2020, 0905 (Ms. Jennifer Oades).



2. Supervision of Eustachio Gallese in the Community

Once granted parole, offenders continue their sentence under the supervision of CSC in the community and subject to conditions, which Commissioner Kelly explained is important because “research consistently shows that the gradual, structured and supervised release process represents an effective means of facilitating a safe and successful reintegration.”³⁰ Indeed, the *2019 Corrections and Conditional Release Statistical Overview* notes that “[t]he rate of violent reoffending of federal day parole supervision periods has been very low in the last five years, averaging 0.2%.”³¹

Following his release on day parole, Mr. Gallese lived at the Maison Painchaud community residential facility in Sainte-Foy, Quebec where his direct supervision was provided by a clinical worker employed by the facility, rather than by a parole officer employed by CSC.³² Criminologist Philippe Bensimon explained to the Committee that there are two distinct types of housing facilities for offenders on parole: Community Residential Facilities (CRF), like Maison Painchaud where Mr. Gallese lived, which are “provincial halfway houses under contract with the federal government,”³³ and Community Correctional Centres (CCCs) which “have federal staff, i.e., federal parole officers”³⁴ and are “highly structured halfway houses with curfews.”³⁵

David Henry, criminologist and Director General of the Association des services de réhabilitation sociale du Québec explained:

Halfway houses are undeniably successful when it comes to social reintegration. A study conducted in 2014 by a student from the Université de Montréal's criminology department established the recidivism rate, with or without violence, at 1.25% over the course of a stay.³⁶

Mr. Bensimon was of the opinion with respect to CCCs that “their specialty is to work with sex offenders, organized crime members, and people who require close

30 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 4, 10 March 2020, 0900 (Ms. Anne Kelly).

31 *2019 Corrections and Conditional Release Statistical Overview*, 2020, p. 101.

32 See: SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 4, 10 March 2020, 0930 (Ms. Anne Kelly).

33 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 5, 12 March 2020, 0935 (Mr. Philippe Bensimon, Criminologist, as an individual).

34 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 5, 12 March 2020, 0935 (Mr. Philippe Bensimon).

35 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 5, 12 March 2020, 0935 (Mr. Philippe Bensimon).

36 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1705 (Mr. David Henry, Director General, Criminologist, Association des services de réhabilitation sociale du Québec).

supervision, which you don't have in a CRC [CRF]."³⁷ He expressed the view that there are not enough CCCs or staff and suggested that the decision to place Mr. Gallese in a CRF may have been made "because there aren't enough community correctional centres"³⁸ and suggested that "it's a monetary issue"³⁹ because it "costs less to send an inmate to a CRF than to a CCC."⁴⁰

George Myette, Executive Director of the 7th Step Society of Canada expressed that: "I do not believe that contracted parole supervision presents an undue risk to the community, if proper protocols are followed and there is clear communication in all directions."⁴¹

David Neufeld, National Vice-President and Regional Vice-President of the Correctional Service of Canada Community—Parole Board of Canada (West), Union of Safety and Justice Employees, explained that:

In terms of community resources and managing risk in the community, it's absolutely crucial that we have organizations we can link with to provide referrals for our offenders in managing cognitive deficiencies or those things that trigger their criminal behaviour—that they are able to get the help they need.⁴²

The BOI report explains that Mr. Gallese's direct supervision at the Maison Painchaud CRF was conducted by a clinical worker, and he "confirmed to the clinical worker that he had visited a massage parlour"⁴³ but "[i]n addition to the monthly frequency that was approved by his CMT [case management team], Gallese admitted to police investigators that he sometimes went there several times a week."⁴⁴ The BOI concluded that

Gallese's visits to a massage parlour for sexual purposes had allowed him to meet the victim. The correlation between visiting such locations and the encounter that

37 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 5, 12 March 2020 (Mr. Philippe Bensimon).

38 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 5, 12 March 2020, 0850 (Mr. Philippe Bensimon).

39 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 5, 12 March 2020, 0850 (Mr. Philippe Bensimon).

40 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 5, 12 March 2020, 1015 (Mr. Philippe Bensimon).

41 SECU, *Evidence*, 2nd Session 43rd Parliament, Meeting 23, 14 April 2021, 1610 (Mr. George Myette, Executive Director, 7th Step Society of Canada).

42 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1725 (Mr. David Neufeld, (National Vice-President and Regional Vice-President, Correctional Service of Canada Community—Parole Board of Canada (West), Union of Safety and Justice Employees).

43 Board of Investigation Report, p. 35.

44 Board of Investigation Report, p. 35.



resulted in a sexual and emotional relationship was a contributing risk factor in the incident.”⁴⁵

The BOI report also found that there were “shortcomings”⁴⁶ with respect to caseworkers’ contact with collateral contacts in the community to verify Mr. Gallese’s activities.⁴⁷

Some witnesses testified that, in their opinions, the community supervision that Mr. Gallese received was a problem. Mary Campbell expressed that: “[i]t is very evident that there were flaws in the community supervision; had they been rectified, tragedy might have been avoided.”⁴⁸

With respect to the BOI report findings, Commissioner Kelly stated:

I’ve worked as a probation officer and as a parole officer. Clearly, it’s absolutely critical to corroborate what the offender says. There were some major shortcomings in this case.⁴⁹

George Myette, Executive Director of the 7th Step Society of Canada, expressed that:

I can only state that predicting human behaviour is not an exact science in many respects, but with adequate assessment and preparation, proper supervision, and follow-up with clear communication, the chance of this happening again is unlikely.⁵⁰

3. The Joint Board of Investigation Report

The PBC and CSC convened a Joint Board of Investigation (BOI) on February 3, 2020, to investigate the decision-making and actions of PBC and CSC employees pertaining to the tragic murder of Marylène Levesque. The BOI report identified concerns with the community supervision Mr. Gallese received from CSC and its contractors. It made five recommendations regarding CSC and made zero recommendations to the PBC.

45 Board of Investigation Report, p. 35.

46 Board of Investigation Report, p. 64.

47 Board of Investigation Report, p. 64.

48 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1715 (Ms. Mary E. Campbell).

49 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 13, 25 January 2021, 1600, (Ms. Anne Kelly).

50 SECU, *Evidence*, 2nd Session 43rd Parliament, Meeting 23, 14 April 2021, 1610 (Mr. George Myette).

Several issues were identified in the BOI report with respect to the supervision of Mr. Gallese in the community by his case management team (CMT), including:

- the failure of the CMT to properly assess pre-incident indicators and implement interventions to manage risk;
- insufficient collection of information in Mr. Gallese's file;
- the decision to permit Mr. Gallese to visit a massage parlour for sexual purposes and the failure to recognize the risk this posed and to intervene;
- the failure of Mr. Gallese's caseworker to verify information provided by the offender through collateral contacts;
- insufficient supervision of offenders by Maison Painchaud staff and a failure to identify elevated risk in case management conferences; and
- confusion about the community supervision roles and responsibilities of CSC and CRF staff and deficits in communication between the two.⁵¹

The BOI report provided five recommendations addressed to CSC, which included:

- changes to information collection policies for offender management to ensure all relevant documentation is provided for offenders;
- changes to community offender management policies to ensure quality control measures with collateral contacts to verify that offender reports are being confirmed;
- domestic violence training provided in initial and ongoing training for parole officers;
- development of a new case conference instrument; and

51 See: Board of Investigation Report.



- the removal of direct supervision from the Maison Painchaud CRF, to be taken over by CSC, and the review of the service models of CRFs engaged in the direct supervision of offenders.⁵²

The BOI made no recommendations with respect to the PBC.

Chairperson Oades explained that boards of investigation have been convened in the past in 2008 or 2009 and 2012.⁵³ She explained, with respect to the process, that:

When something goes wrong, we want to find out what's going on and see if there are things we can do to improve.”

...

We try to get people who are somewhat knowledgeable about our business and who can provide some independent advice on where things went wrong and where there are areas we can improve.⁵⁴

When questioned about the qualifications and make up of the team who conducted the investigations leading to the BOI report, Commissioner Kelly and Chairperson Oades provided evidence that the co-chair investigators were criminology professors not associated with CSC or PBC and that they were supported by a national investigator from CSC who was a former area director; a former assistant warden in operations; and a PBC employee.⁵⁵

Michel Lafrenière expressed concerns that the BOI would not be viewed as sufficiently independent from the agencies it was investigating:

The problem with these types of investigations is public perception. They give the impression that they are completely internal investigations, that they are only about investigating the organization. I would welcome an external investigation as well, if only to reassure the public and to show that the investigation is being done independently.

I'm not criticizing the work that was done, I'm criticizing the perception it gives.⁵⁶

52 Board of Investigation Report, pp. 4–6.

53 SECU, [Evidence](#), 43rd Parliament, 2nd Session, Meeting 13, 25 January 2021, 1635-1640 (Ms. Jennifer Oades).

54 SECU, [Evidence](#), 43rd Parliament, 2nd Session, Meeting 13, 25 January 2021, 1640 (Ms. Jennifer Oades).

55 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 13, 25 January 2021, 1710 (Ms. Anne Kelly); SECU, [Evidence](#), 2nd Session, 43rd parliament, Meeting 13, 25 January 2021, 1710 (Ms. Jennifer Oades).

56 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1700 (Mr. Michel Lafrenière).

In response to the findings in the BOI report, Commissioner Kelly explained to the Committee that CSC was taking steps including:

- “strengthening our information collection procedures and policies,”⁵⁷
- reviewing CSC’s community supervision policy and developing a template for re-assessment of offender risk, which will include elements, like collateral contacts, that must be included in case conferences.⁵⁸
- taking steps to “move to a single community supervision model for federal offenders,”⁵⁹
- that Maison Painchaud would no longer supervise federal offenders and that CRF contracts in Quebec would be reviewed “with a goal of returning all direct supervision responsibilities for federal offenders to CSC.”⁶⁰

She explained that CSC has developed a “Management Action Plan” to address the findings and recommendations in the BOI report.⁶¹

To address deficits in the community supervision of offenders, criminologist Philippe Bensimon recommended: “[q]uadruple the federal parole officers in the community and have them meet with inmates in provincial halfway houses.”⁶²

4. The Parole Board of Canada’s Appointment Process, Composition and Structure

The Committee heard that PBC members are appointed to full-time or part-time positions for a fixed period of time. Ms. Campbell explained that members of the PBC are appointed for a fixed term of 3 or 5 years and that some appointments are renewed but others are not.⁶³ She also explained that the PBC is

57 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 13, 25 January 2021, 1540, (Ms. Anne Kelly).

58 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 13, 25 January 2021, 1540, (Ms. Anne Kelly).

59 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 13, 25 January 2021, 1535 (Ms. Anne Kelly).

60 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 13, 25 January 2021, 1535 (Ms. Anne Kelly).

61 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 13, 25 January 2021, 1535 (Ms. Anne Kelly). See: Correctional Service Canada, [Management Action Plan](#), 18 January 2021.

62 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 5, 12 March 2020, 0920 (Mr. Philippe Bensimon).

63 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1735 (Ms. Mary E. Campbell).



required by law to have a board that reflects the community. That means different ethnic backgrounds, different race, different gender, different life experience, and it's done regionally. You're [members of the PBC] appointed to a region.⁶⁴

She suggested that in some cases a member's term may end because the PBC is required to find a balance reflective of the diversity of each region.⁶⁵ Chairperson Oades explained that PBC members "have diverse backgrounds spanning the fields of criminology, law, corrections, education, psychology, social work and the private sector, to name but a few,"⁶⁶ and noted that:

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.⁶⁷

Concerns about the composition, appointment process and workload of the PBC were raised by some witnesses. Mr. Bensimon explained that the number of PBC members hearing each murder case had declined over time and he recommended returning to three members for each murder case.⁶⁸

Mr. Lafrenière stated that the PBC

is almost the only organization that is incapable of keeping its most experienced members and is constantly being imposed new board members, as if it had a revolving door or positions with ejection seats."⁶⁹

He explained that his own appointment to the Board was not renewed in 2018 and described his concerns about the turnover in PBC members and its effect on the experience level of members:

I will now talk to you about what happened a bit more recently. From 2015 to 2017, no board member's term was renewed, which led to a shortage of board members and a significant workload overload, to the point where public safety was sometimes jeopardized. After that, 2017–2018 saw an influx of new board members. The Parole Board of Canada has, of course, a good training plan for new board members: two

64 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1735 (Ms. Mary E. Campbell).

65 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1735 (Ms. Mary E. Campbell).

66 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 4, 10 March 2020, 0850 (Ms. Jennifer Oades).

67 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 4, 10 March 2020, 0850 (Ms. Jennifer Oades).

68 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 5, 12 March 2020, 0955 (Mr. Philippe Bensimon).

69 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1615 (Mr. Michel Lafrenière).

weeks in Ottawa and three weeks in the regions. However, that is still basic training, with the rest being acquired through ongoing training over the years and through daily experience. I know from experience that it takes from 18 to 24 months for a board member to feel comfortable with the system and become independent. During that period, new board members are usually provided with support, paired with board members with five, 10, 15 and even 20 years of experience.⁷⁰

Chairperson Oades explained the selection process for PBC 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.

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.

...

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.⁷¹

Chairperson Oades further explained that change in PBC membership is common:

[W]henver 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.⁷²

70 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1615 (Mr. Michel Lafrenière).

71 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 4, 10 March 2020, 0850 (Ms. Jennifer Oades).

72 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 4, 10 March 2020, 1015 (Ms. Jennifer Oades).



Chairperson Oades also expressed that members have “a full workload”⁷³ and said she would like to see an increase in PBC members from the 78 sitting PBC members in March 2020, to 90 members.⁷⁴

5. Parole Board of Canada and Correctional Service Canada Training

While both the CSC and CRF workers met their respective qualification and training requirements, there were significant differences between the quality of training required for CRF clinical workers when compared to CSC parole officers and there was no recent or ongoing training on domestic violence for CSC case management workers.⁷⁵

According to the findings of the BOI report, direct supervision of offenders conducted by the Maison Painchaud CRF was not at the same level as that conducted by CSC, training for CRF caseworkers was less and they did not have the same level of clinical supervision as was provided to parole officers.⁷⁶

With respect to the PBC, the BOI report broadly found that the members complied with the law and policy when making their decisions and had the necessary information and training available to make sound decisions.

The BOI found that, overall, the PBC had all relevant and available information at its disposal at the time of the hearing to render a sound decision and that the information was of quality. The BOI did not note any shortcomings in relation to the compliance with legislation or the PBC policies that informed the Board members’ decision-making. The BOI found that the Board members who made the conditional release decisions on March 26, 2019, and September 19, 2019, met all of the PBC training requirements and had the level of knowledge required to perform their tasks. The BOI believed that the PBC training plan for new Board members was well structured and complete.⁷⁷

Witnesses described the process for training and supervising new PBC members and parole officers with the CSC and discussed potential improvements to these processes. Witnesses also discussed ways in which ongoing training for PBC members could be improved.

73 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 4, 10 March 2020, 1035 (Ms. Jennifer Oades).

74 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 4, 10 March 2020, 0915 (Ms. Jennifer Oades).

75 Board of Investigation Report, p. 69.

76 Board of Investigation Report, p. 77.

77 Board of Investigation Report, p. 7-8.

5.1 Parole Board Training

In terms of the training provided to new members of the PBC, Chairperson Oades stated that it takes “close to six months to a year to get a board member completely ready to vote on all different types of votes.”⁷⁸ Ms. Sylvie Blanchet described, in detail, the training that new board members receive:

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 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 [van Ginhoven] is the regional director general [for Quebec] 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.⁷⁹

Chairperson Oades also emphasized the supervisory role of a vice-chairperson:

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

78 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 4, 10 March 2020, 1015 (Ms. Jennifer Oades).

79 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 4, 10 March 2020, 1020 (Ms. Sylvie Blanchet, Executive Vice-Chairperson, Parole Board of Canada).



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.⁸⁰

The BOI report found that all PBC members who were involved in the decisions relating to Mr. Gallese had completed all required training.⁸¹

The BOI report provided no recommendations for the PBC.⁸² However, it did find that:

In the decision made on September 19, 2019, and finalized on September 20, 2019, the BOI noted a considerable disparity between the decision shared verbally with the offender at the hearing and the written one. The written decision contained a summary of a number of important elements. However, the information relating to the permissions granted to Gallese by the CMT to visit massage parlours for sexual purposes, as well as the explicit interdiction by Board members to frequent such parlours, as expressed at the hearing, are not clearly identified. Reading only the written decision could cause confusion because it does not reflect the entirety of what was said at the hearing.⁸³

In her testimony, Chairperson Oades described the findings made with respect to the PBC and the actions that they are taking to address the report:

They include the following: that the board members who made these decisions had the level of knowledge necessary to perform their tasks and met all of the board's training requirements; that our training plan for new board members is well structured and complete; that the board members correctly applied the law and clearly set out the reasons for the additional conditions they imposed in keeping with board policy; that the board members fully applied the risk assessment framework in accordance with policy in both the March and September decisions; that the board had at its disposal all the relevant and available information for sound decision-making; that board members were in compliance with the law and policy related to the decision-making; and that the September 2019 written decision did not fully reflect what occurred at the hearing, although this discrepancy was not identified as a factor in Ms. Levesque's death.

Importantly, the report acknowledges that the board members in this case explicitly prohibited the offender from visiting massage parlours for sexual purposes. While there

80 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 4, 10 March 2020, 0950 (Ms. Jennifer Oades). Section 150(2) of the CCRA states: "A Vice-Chairperson for a division is responsible to the Chairperson for the professional conduct, training, and quality of decision-making of Board members assigned to that division."

81 Board of Investigation Report, pp. 98-99.

82 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 13, 25 January 2021, 1540 (Ms. Jennifer Oades).

83 Board of Investigation Report, p. 86.

are no recommendations for the board, as part of our ongoing commitment to continuous improvement and quality decision-making, the board has initiated refresher training sessions on decision writing.⁸⁴

5.2 Correctional Service Canada and Maison Painchaud Community Residential Facility Training

Commissioner Kelly explained that parole officers receive 4.5 weeks of training and are also offered five days of continuing professional development every year, with “a lot of emphasis on risk assessment.”⁸⁵ However, the BOI report found that the training received by CRF case workers was not comparable to that provided to parole officers.⁸⁶

The BOI report noted that CSC employees did not have specific training on domestic violence⁸⁷ and recommended that such training be provided.⁸⁸ This training will be further discussed in the section “Violence Against Women and Sex Workers.”

The BOI report found that the training received by CRF case workers was not comparable to that provided to parole officers,⁸⁹ and concluded that this “disparity in training requirements” was a factor in its determination that the supervision of Mr. Gallese “did not meet the minimum expectations of adequate case management.”⁹⁰

6. Victims' Rights

As part of the study on the Parole Board of Canada and the circumstances that led to a young woman's death, the Committee heard from several witnesses who raised concerns about victims' rights in the context of the corrections and parole systems.

84 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 13, 25 January 2021, 1540 (Ms. Jennifer Oades).

85 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 4, 10 March 2020, 1005 (Ms. Anne Kelly).

86 Board of Investigation Report, p. 69.

87 Board of Investigation Report, p. 69.

88 Board of Investigation Report, p. 73.

89 Board of Investigation Report, p. 69.

90 Board of Investigation Report, p. 69.



Considerations for victims' rights have been part of Canadian law since April 23 2015, when the [Victims Bill of Rights Act](#) was given Royal Assent.⁹¹ When the Act came into force,⁹² victims of criminal acts were granted certain rights, such as the right to information, protection, participation and restitution, which are all part of the [Canadian Victims Bill of Rights](#) (CVBR).

According to Nancy Roy, a lawyer who advocates for victims' rights, the introduction of the CVBR did not necessarily result in better treatment for victims and their families. Loved ones and families "receive little information about the dangers,"⁹³ and their voices "are always silenced."⁹⁴ Ms. Roy also described the heavy emotional toll on victims of criminal acts and their families:

Those in these situations [victims and their families] must go through shock, grief and the media's coverage of the drama that afflicts them. They are hardly ever prepared for it. A long, often unfamiliar legal process follows. That process often happens months, even years, after the tragedy. It drains them financially because a large majority have to pay the costs of the legal process.

Then comes the sentencing and incarceration of the person who has torn a dear one from a family and loved ones.⁹⁵

According to Ms. Roy, "the extent of some rights set out in the *Canadian Victims Bill of Rights* needs to be better understood" within the legal system today.⁹⁶

Ms. Roy identified a number of concerns involving victims' rights during her appearance before the Committee, particularly the lack of opportunities to participate in a

91 Most of the provisions and amendments in the *Victims Bill of Rights Act*, including the creation of the *Canadian Victims Bill of Rights* (CVBR) and the amendments to the *Corrections and Conditional Release Act* (CCRA), the *Criminal Code*, the *Canada Evidence Act* and the *Employment Insurance Act*, came into effect on 23 July 2015. The remaining amendments to the CCRA came into effect on June 1 2016 by Order in Council.

92 A victim is defined in section 2 of the [Canadian Victims Bill of Rights](#) (CVBR) as being "an individual who has suffered physical or emotional harm, property damage or economic loss as the result of the commission or alleged commission of an offence." If the victim is dead or incapable of acting on their own behalf, their loved ones may act on the victim's behalf. Pursuant to section 3 of the CVBR, the victim's spouse or common-law partner of at least one year at the time of the victim's death, a relative or dependant of the victim, or an individual who has in law or fact custody of the victim or a dependant of the victim, can exercise a victim's rights under the CVBR.

93 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1720 (Ms. Nancy Roy, Senior Counsel and Board Director, As an Individual).

94 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1730 (Ms. Nancy Roy).

95 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1720 (Ms. Nancy Roy).

96 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1720 (Ms. Nancy Roy).

meaningful way and the lack of information shared with victims as part of the legal process and the administration of justice.

She said her experience with the PBC is what made her realize that victims' rights within the corrections and parole systems are still very limited. Ms. Roy explained:

When I accompany families to Parole Board hearings—some families I've been accompanying for decades—I am reminded that the only right they have is to read a statement to the board members. The statement is often given to the inmate. Families do not have the right to ask the board members questions, they do not have the right to give their opinions, and they feel as though their being there is not taken into account. It must be, but I don't think parole board members have adequate training on issues related to violence and the effects these crimes have on victims' families.⁹⁷

As a result, Ms. Roy recommends a greater focus on relevant training for members of the PBC in the areas of violence and the effects of violent crime on victims' families.⁹⁸

Ms. Campbell explained that, in her view, the role of victims and their families at a parole hearing is restricted by legislative limits. That is why she spoke about the importance of amending legislation to allow victims to participate more fully during parole hearings:

The role of the victim is to explain the harm that was done and any current safety concerns that they have; it's not intended to influence the actual decision. It's very similar to victim impact statements at the time of sentencing."⁹⁹

Ms. Roy said, "[m]ore consideration must be given to the victims' loved ones; they must be consulted and what they have to say about the impact of the crime must be heard."¹⁰⁰ She added that

the whole justice system needs to turn its focus to the rights of these victims and potential victims, rights that should never be overlooked. Whether it's the correctional system or the parole system, victims have to be given more consideration. We have the *Canadian Victims Bill of Rights*, but unfortunately, victims have no idea where to turn to assert most of those rights, including the right to restitution.¹⁰¹

97 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1755 (Ms. Nancy Roy).

98 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1720 (Ms. Nancy Roy).

99 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1805 (Ms. Mary E. Campbell).

100 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1720 (Ms. Nancy Roy).

101 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1800 (Ms. Nancy Roy).



During their testimony, Ms. Roy and Ms. Campbell both proposed that training sessions be provided for Parole Board members and CSC employees.

Mr. David Henry expressed, however, with respect to the Maison Painchaud CRF, that:

As you said, it's a very special case. It isn't always possible to make generalizations based on a very special case. Maison Painchaud has been around for 53 years. You can imagine the thousands of residents who have been housed and guided by Maison Painchaud over the past 53 years. As far as I know, in 53 years, only one person has committed a murder during their stay at the halfway house: Eustachio Gallese. It's really a special case.¹⁰²

According to Ms. Roy and Ms. Campbell, training sessions should cover the effects of violent crimes and victim advocacy. Ms. Roy noted that:

In my opinion, the board members had neither the knowledge nor the appropriate training to read the signs, the precursors of the violence that was clearly apparent. Training on the cycle of violence and the expertise of our organizations could have been very useful for that decision or in the training of those board members.¹⁰³

Meanwhile, Ms. Campbell emphasized that the recommendation to introduce more training on violence is important:

I was shocked to read the inquiry report's comment that parole officers did not have specific training in domestic violence. I think the recommendation is a very solid one, and I think the recommendation should be taken up not just by CSC and the parole officers but also by the Parole Board and the board appointees.

The education has to be both initial and ongoing.¹⁰⁴

Lastly, on the topic of protecting victims, Ms. Roy suggested that, instead of increasing oversight of the parole system, the focus should be on the risk assessment before the offender is released. She described the situation as follows:

The problem actually comes before the release, during the risk assessment. That requires professional training and skills that are up to the task of detecting the potential dangers. So I am recommending some urgent changes.

First, decisions must be made exclusively with a view to protecting victims or potential victims when there are any doubts or any possibility of harm or reoffending.

102 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1735 (Mr. David Henry).

103 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1720 (Ms. Nancy Roy).

104 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1755 (Ms. Mary E. Campbell).

Second, board members and those involved in violence against women need more training, especially in terms of the cycles of violence and the effects on community resources. The Barreau du Québec, of which I am a member, along with other professional bodies, requires a minimum number of continuing education hours.¹⁰⁵

7. Violence Against Women and Sex Workers

Witnesses appearing before the Committee highlighted the role that a lack of consideration for the safety of women, and in particular for sex workers, may have played in the circumstances that led to the death of Ms. Levesque. They also provided suggestions for ways in which training could be improved to help PBC members and parole officers better understand different types of violence, and the impact of violence against women and sex workers. Witnesses also highlighted the need for women and sex workers to be properly consulted in the development of this training.

Multiple witnesses addressed the issue of the criminalization of sex work in Canada and suggested that the legislation in place contributes to putting sex workers at risk and may have done so in this particular case.

7.1 Consideration for the Safety of Women and Sex Workers

Ms. Sandra Wesley, Director General, Stella, l'amie de Maimie, testified that violence against women is not given proper consideration in the criminal justice system:

When it comes to violence against women, it's an area that's particularly mistreated in the criminal justice system at every step. We are in solidarity with a lot of the demands of women who experience intimate partner violence, in terms of the criminal justice system simply not being able to address that. A lot of men are violent towards women and only towards women, and that's not addressed.¹⁰⁶

Regarding the decision to allow Mr. Gallese to see sex workers, Ms. Wesley expressed a belief that the safety of women was not properly taken into account:

The decision was based mostly on his behaviour with other prisoners in prison. We know that men who are violent towards women and only towards women and only in

105 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1725 (Ms. Nancy Roy).

106 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1640 (Ms. Sandra Wesley, Director General, Stella, l'amie de Maimie).



intimate and sexual settings tend to be well-behaved around other men, and that's not in any way an indicator of their risk to reoffend.¹⁰⁷

Mr. Myette shared his opinion that: “any case in which there is intimate partner violence has to be looked at even more closely than in other forms of murder.”¹⁰⁸

Ms. Wesley also added that there was a particular disregard for sex workers in this situation:

It seems pretty clear that this man was a particularly high risk and that it was considered acceptable to put sex workers in the position of facing that risk, while other women were not considered to be good candidates for being around this man.¹⁰⁹

Ms. Wesley further added that the PBC's decision with respect to Mr. Gallese “was not in any way based on any consideration whatsoever for the lives of sex workers.”¹¹⁰ She further added that

if anything, the objections that the Parole Board seemed to have about this man purchasing sex were rooted in a general sense that sex work is wrong and not a sense that sex workers are women who could be put in danger if they interact with him.¹¹¹

7.2 Training Regarding Violence Against Women and Sex Workers

Certain witnesses suggested that more training in the area of violence against women, intimate partner violence and violence against sex workers was needed for PBC members and parole officers. The BOI report recommended:

Since specific training on domestic violence, which is essential for good risk management, is not an integral part of parole officer training, the BOI recommends that CSC integrate training on domestic violence into the Parole Officer Induction Training (POIT) and that this training be offered during the Parole Officer Continuous Development (POCD) training.¹¹²

Mary Campbell testified:

107 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1625 (Ms. Sandra Wesley).

108 SECU, *Evidence*, 2nd Session 43rd Parliament, Meeting 23, 14 April 2021, 1630 (Mr. George Myette).

109 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1625 (Ms. Sandra Wesley).

110 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1625 (Ms. Sandra Wesley).

111 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1625 (Ms. Sandra Wesley).

112 Board of Investigation Report, p. 73.

Parole officers will say to you, “Look, I have a caseload that’s far too high already. I don’t have time in my day. I have so many reports to fill out,” and so on. Again, I think that’s something for parliamentarians to take into account. Are they resourced to properly do their job? We know that the community side of CSC is a minuscule part of the CSC budget. Less than 5% goes to the community side. I think that is tragic. I think more training, especially on domestic violence...

If I were you, frankly, I would call CSC back in a few months and say, “Well, what have you done? What is the training? What have you implemented? What’s your plan?” to find out and to hold their feet to the fire on that one.¹¹³

Ms. Josianne Grenier, Development Assistant, Projet Intervention Prostitution Québec Inc., added that it is necessary that there be training that focuses specifically on sex workers.¹¹⁴

In testimony to the Committee following the release of the BOI report, Commissioner Kelly stated that:

The service will also be implementing new training on intimate partner violence. This training will complement existing training on spousal assault risk assessment and will be required for all parole officers and their supervisors to help them assess and manage the offenders’ risk.¹¹⁵

Ms. Wesley testified that her group is glad that there will be training on intimate partner violence for parole officers, but added:

that doesn’t address the case here of Marylène Levesque, who was a sex worker who was murdered at work, so not in the context of an intimate partner relationship. We think that should be included. When I heard about this training, my first thought was that obviously, once again, they will talk about us without ever consulting us regarding what should be said in that training and how that should be implemented.

I think it goes beyond training. We need actual policy changes. We need to review why we incarcerate people, what we do with them while they’re incarcerated, how we identify those who can’t be rehabilitated, and what conditions we can put on them.¹¹⁶

113 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1755 (Ms. Mary E. Campbell).

114 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1645 (Ms. Josianne Grenier, Development Assistant, Projet Intervention Prostitution Québec Inc.).

115 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 13, 25 January 2021, 1540 (Ms. Anne Kelly).

116 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1640 (Ms. Sandra Wesley).



7.3 Criminalization of Sex Work

Ms. Grenier and Ms. Wesley both spoke to the broader issues relating to sex work, and the protection of sex workers that this case has brought to light. Both stressed their belief in the need to legalize sex work in Canada. Ms. Grenier described the importance of examining the safety of all sex workers:

Marylène Levesque’s murder received considerable media coverage, not only because she was a beautiful woman with blond hair and blue eyes, but also because the circumstances surrounding her murderer revealed potentially glaring institutional failings. Many sex workers are killed in Canada, ranging from Indigenous and racialized individuals to people who are trans and those living in poverty. Their cases, however, do not draw the same media attention, and the authorities may not try quite as hard to find the perpetrators. It is clear, then, that other factors need to be examined if the safety of all sex workers really does matter. One of those factors is the legislation governing prostitution—legislation that has undeniably fallen short of its objective, protecting workers.¹¹⁷

Ms. Wesley tied this particular case to the criminalization of sex work:

Specifically in the case of Marylène Levesque, many parts of this story are very clearly tied to the criminalization of sex work. We can look at the fact this man had been a client of a massage parlour on several occasions and had been banned from that massage parlour because he was violent. It was impossible for that massage parlour at the time to call the police or to call the Parole Board because sex work is criminalized and calling the police on a violent client usually means maybe people getting arrested, people losing their source of income, attracting more police repression to our workspaces. As sex workers, it’s not possible for us to do that. If they had been able to contact the police or the parole officer when he first acted violently towards a sex worker, he would have been sent back to prison and would not have had the opportunity to escalate his violence and murder Marylène Levesque.¹¹⁸

Ms. Grenier laid out additional ways that the criminalization of sex work endangers sex workers:

First, criminalizing clients of the sex trade has done nothing to end the demand, or even curb it, for that matter. Truth be told, it puts sex workers at risk because clients, who are scared of being caught, bring workers to places that are more isolated—places where help is not available and it is harder to escape. It also prevents workers from taking the time to vet clients before getting in the car with them, since the client is in more of a hurry.

117 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1610 (Ms. Josianne Grenier).

118 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1615 (Ms. Sandra Wesley).

On top of that is the fact that the act is seldom enforced. In Quebec, for instance, just 233 clients have been charged since 2014, fewer than 40 clients a year. It can't be said that the legislation has had a positive impact. All it has done is prevent sex workers from better protecting themselves.

The same is true for the criminalization of third parties who may benefit from the sex work of others. In fact, that aspect of the legislation was deemed unconstitutional by an Ontario judge less than a year ago.¹¹⁹

She added the following:

Consider this. Had Marylène been able to meet her client at the massage parlour, in the presence of a third party who was keeping watch, it is reasonable to think that the perpetrator would not have had time to stab her 30 times and kill her, regardless of his criminal history or the conditions of his release.¹²⁰

Ms. Wesley further expressed that:

There has been absolutely no evidence of any rehabilitation in this case. I know there seems to be a desire to turn the death of the sex worker into some sort of indictment of the criminal justice system, to have a more repressive and punitive approach. Sex workers do not stand for that.

We are against carceral and punitive approaches even for the people who commit acts of violence against us. We believe in rehabilitation, not at all cost, but in a meaningful, intelligent, dedicated way to minimize incarceration, and to eventually get to a point where we drastically reduce the number of crimes that are committed and the amount of violence that exists in our community. We know that punishment is not the solution.

Please do not use our deaths and the violence that we experience to push an agenda to further incarcerate us in our community.¹²¹

Ms. Campbell expressed that, in her opinion, danger caused by current sex work laws should be addressed. She stated:

You had very good testimony from two sex trade workers, and I thought they made some very useful points about how the current laws around sex work really cause danger to a lot of the workers. I would hope that you and your colleagues on the justice

119 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1610 (Ms. Josianne Grenier).

120 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1615 (Ms. Josianne Grenier).

121 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1655 (Ms. Sandra Wesley).



committee would have a look at the current legislation. The comments they made were very useful.¹²²

8. Correctional Programs and Rehabilitation

The Committee heard from a number of witnesses about the rehabilitation of inmates and the importance, for the safety of the public, of having progressive rehabilitation programs in correctional institutions.

8.1 Preparing Inmates for Release Through the Rehabilitation and Gradual Release Program

Mr. Henry highlighted the importance of parole in offender rehabilitation:

I believe that parole is a key social rehabilitation measure. Giving someone parole, guidance and supervision in the community ensures the safety of our communities. We can assess the person when they come out of custody and see how they're progressing in the community. If they become disorganized, if they fail to comply with their intervention plan or if they don't commit to their social reintegration, it's always possible to suspend their pa- role.

Parole helps protect our communities. The statistics speak for themselves. A person granted parole is less likely to reoffend than a person granted statutory release after serving two-thirds of their sentence. A person granted statutory release is less likely to reoffend than a person incarcerated until the end of their sentence.¹²³

According to Mr. Myette, Mr. Gallese's situation is a concrete example of the lack of assistance available to inmates before they are released. He believes the rehabilitation program could be improved to incorporate a more gradual release process for inmates:

To me, there are some safeguards that can be built in there, and a more gradual release.

I speak from my own experience, having been in an institution and thinking that the minute I walked out the door, my problems were solved. That's a pretty common misconception that a lot of offenders have, because their problems aren't solved. Life suddenly hits you squarely in the face, and a lot of the issues that you might have dealt with beforehand are still there.

...

122 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1740 (Ms. Mary E. Campbell).

123 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1730 (Mr. David Henry).

I think that preparation before release is really important. It's not just from the CSC programs that are delivered in the institution; I think exposure to community influences is really the key factor.¹²⁴

Meanwhile, Ms. Wesley testified about the clear shortcomings involving rehabilitation and risk assessment in Mr. Gallese's case.¹²⁵ She provided the following explanation:

[T]he first mistakes in this case date from the very first time this man was ever arrested for violence against women and from every time after that. From what we've seen from the record, he was essentially warehoused in a prison for 15 years and then let out without any meaningful rehabilitation. We don't believe in a punitive carceral approach. We believe in serious meaningful rehabilitation and in finding ways to make sure that if someone has been incarcerated, on the day they come out they are in a different position.¹²⁶

According to Mr. Myette, a more gradual release process and better preparation for integrating into the community could be beneficial for inmates serving long sentences:

[P]eople in an institution, especially if they're serving a life sentence, do become institutionalized. Their reference points are within the institution. It doesn't matter what kind of programming they're getting if they have no contact with the outside world. It doesn't mean that their initial problems were fixed just because they spent 10, 15 or even 20 years, in some cases, in an institution. The real preparation comes as the person is cascaded from maximum—which most life sentences start as—down to minimum security. The last period, especially in minimum security, is exposure to the community and to people who come in as volunteers and help that individual to be able to start to develop. That is a primary issue, especially if the person's had issues in the past with interpersonal relationships. Then of course, if you have addiction issues, the person has to deal with that, so the process has to start well before the person is ever released.¹²⁷

During her testimony, Ms. Wesley also raised concerns about how this incident could negatively affect people from marginalized groups trying to get parole in the future:

I'm quite concerned that one of the outcomes of this will be to make it harder for inmates to get out on parole. We know that a majority of people trying to get parole are in prison because of poverty, colonialism and racism. We know that Indigenous people are overrepresented and Black people are overrepresented. Is the outcome going to be

124 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1630 (Mr. George Myette).

125 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1625 (Ms. Sandra Wesley).

126 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1640 (Ms. Sandra Wesley).

127 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 23, 14 April 2021, 1630 (Mr. George Myette).



that the actions of this one white man will lead to more problematic incarcerations of Black and indigenous people? We're quite concerned about that.

We need meaningful reform, not simply training and statements against the sex industry.¹²⁸

8.2 Parole Officer Training

Many witnesses mentioned the importance of the work of parole officers and rehabilitation programs in reintegrating offenders in society. According to David Neufeld, there is a need to “[give] the time to those offenders and [meet] with them to understand who they are, their backgrounds, what brought them into their criminal activities and what it’s going to take to ensure that they stay out of crime.”¹²⁹

The evidence given by Stanley Stapleton, the National President of the Union of Safety and Justice Employees, and by Mr. Neufeld showed that federal parole officers often have extremely heavy caseloads, and the recommendations they make are not always taken into account. Their statements demonstrate how these shortcomings undermine the safety of Canadian society as a whole.

Mr. Stapleton described the situation as follows:

There is no doubt that federal parole officers who work directly with the offenders while they are incarcerated play a crucial role in making recommendations about the conditions for the offender’s release. Ultimately, however, these are just recommendations. That being said, parole officers play a pivotal role in preparing offenders and advancing public safety. Sadly, however, they are not always treated that way. In the case of a violent offender, such as someone who has murdered his or her spouse, you might think that parole officers are given more time to carefully assess the background and circumstances of an offender with a history of committing a homicide. This is not the case. Caseloads are extremely heavy in federal corrections, and no distinctions are made based on complexity or the violent past of the offender.¹³⁰

Mr. David Neufeld expressed that:

One of the major cuts we saw a number of years ago was in relation to that of psychological counselling for offenders in the community. Again, as you can imagine, with highly complex cases needing access to psychological intervention, on top of a meaningful contact that should be taking place with not only parole officers but also

128 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1640 (Ms. Sandra Wesley).

129 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1720 (Mr. David Neufeld).

130 SECU, *Evidence*, 2nd Session 43rd Parliament, Meeting 14, 1 February 2021, 1710, (Mr. Stanley Stapleton, National President, Union of Safety and Justice Employees).

with correctional program officers we have in the community who are delivering programs to these offenders, we also have other needs, such as access to residential substance programs.

These are things that were cut as a result of the need to reduce the budget, and these are absolutely crucial pieces to our overall intervention plans and making sure that when these offenders are being released to the community, they have the supports they need.

Really, when it comes down to what Corrections does, we understand that people have the ability to change and that we have a responsibility and accountability to managing risk. However, we need those resources in place to ensure that no matter how long that particular offender has been in the community that we're fully aware of what they are doing with their time, making sure they are getting the help they need, and making sure that if they are living next to you or to me or your friends or your family, we can be confident that we know what they are doing, how they are using their time, and, of course, that they are not falling back into their old criminal behaviour.¹³¹

Based on what Ms. Wesley shared with the Committee, it is not only inmate rehabilitation programs that need to be updated, but also the policies governing rehabilitation programs, so that the work of parole officers is better supported. She said, "We need to review why we incarcerate people, what we do with them while they're incarcerated, how we identify those who can't be rehabilitated, and what conditions we can put on them."¹³²

CONCLUSION

The senseless murder of Marylène Levesque, a vibrant 22-year-old woman, by a convicted murderer granted day parole at the time of the killing, has revealed concerns with the criminal justice system's management of offenders in the community. Witnesses provided valuable testimony that shone light on concerns surrounding the PBC, community supervision of offenders by CSC, violence against women and sex workers and domestic violence in Canada and the rehabilitation of offenders.

131 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1725 (Mr. David Neufeld).

132 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 14, 1 February 2021, 1640 (Ms. Sandra Wesley).

APPENDIX A LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee’s [web page for this study](#).

Organizations and Individuals	Date	Meeting
Correctional Service of Canada Anne Kelly, Commissioner Alain Tousignant, Senior Deputy Commissioner	2021/01/25	13
Parole Board of Canada Sylvie Blanchet, Executive Vice-Chairperson Jennifer Oades, Chairperson	2021/01/25	13
Association des services de réhabilitation sociale du Québec David Henry, Director General, Criminologist	2021/02/01	14
Projet intervention prostitution Québec inc. Josianne Grenier, Development Assistant	2021/02/01	14
Stella, l'amie de Maimie Sandra Wesley, Executive Director	2021/02/01	14
Union of Safety and Justice Employees David Neufeld, National Vice-President and Regional Vice-President Correctional Service of Canada Community and Parole Board of Canada – West Stanley Stapleton, National President	2021/02/01	14
7th Step Society of Canada George Myette, Executive Director	2021/04/14	23
As an individual Mary E. Campbell Michel Lafrenière, Retired Lawyer Nancy Roy, Senior Counsel and Board Director	2021/04/14	23

APPENDIX B LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee’s [web page for this study](#).

43rd Parliament—1st Session

Organizations and Individuals	Date	Meeting
Correctional Service of Canada Anne Kelly, Commissioner Larry Motiuk, Assistant Commissioner Policy Alain Tousignant, Senior Deputy Commissioner	2020/03/10	4
Parole Board of Canada Sylvie Blanchet, Executive Vice-Chairperson Jennifer Oades, Chairperson Martin J. van Ginhoven, Regional Director General Quebec Region	2020/03/10	4
As an individual Philippe Bensimon, Criminologist Dave Blackburn, Former Member at Parole Board of Canada	2020/03/12	5
John Howard Society of Canada Catherine Latimer, Executive Director	2020/03/12	5

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* ([13-14-23-33-35](#)) from the 43rd Parliament, 2nd Session and ([4-5](#)) from the 43rd Parliament, 1st Session is tabled.

Respectfully submitted,

Hon, John McKay
Chair

Liberal Supplemental Report to the Standing Committee on Public Safety & National Security Report on the Parole Board of Canada and the Circumstances that led to a Young Woman’s Death:

The Liberal Members of the Standing Committee on National Security and Public Safety are generally in agreement with the report on the tragic death of Marylène Levesque.

We feel that the Correctional Service of Canada – Parole Board of Canada National Joint Board of Investigation report, which was co-chaired by two criminologists independent of the Correctional Services of Canada (CSC) and the Parole Board of Canada (PBC) should be fully implemented. It is important to note the independent investigation did not find any errors with the Parole Board of Canada, but did make recommendations for CSC.

During the course of the study, we heard from witnesses about the precarious position that the previous Harper government has put sex workers in and this needs to be addressed. We also heard that better supports could be provided for parole officers working in the community. Therefore, we recommend that the Government of Canada:

Recommendation 1

That the Government of Canada implement all recommendations found in the Correctional Service of Canada – Parole Board of Canada National Joint Board of Investigation report into the release and supervision of an offender on day parole charged in relation to a serious incident in Sainte-Foy, Quebec on January 23, 2020.

Recommendation 2

That the Government of Canada review best practices for corrections and parole in other countries.

Recommendation 3

That the Government of Canada encourage Correctional Service Canada to increase the number of Parole Officers in the community, to review and improve Parole Officer training and oversight to ensure they can effectively manage their caseloads, to pay Parole Officers when they are required to work overtime and to ensure that Parole Officers are adequately replaced when on leave; and that the Government of Canada ensure that Correctional Service Canada has the appropriate funding to do so by reallocation of resources of otherwise.

Recommendation 4

That the Government of Canada review the legislation regarding sex work in Canada.

Recommendation 5

That the Government of Canada encourage Correctional Service Canada and the Parole Board of Canada to develop mandatory training for Parole Officers and Parole Board Members on domestic and intimate partner violence, sex work and sexual assault, in consultation with sex workers and women and gender rights organizations.

Recommendation 6

That the Government of Canada encourage Correctional Service Canada to review and enhance vocational programming for inmates in federal prisons, to ensure that training is appropriate to the needs and abilities of inmates.

DISSENTING REPORT OF THE CONSERVATIVE PARTY OF CANADA

NO RESPONSIBILITY, NO ACCOUNTABILITY A SYSTEM THAT FAILED TO PROTECT WOMEN AND VULNERABLE PERSONS

INTRODUCTION

Members of the Conservative Party of Canada are concerned by the lack of consideration for victims of crime by the Parole Board of Canada (PBC), the Correctional Service of Canada (CSC) and Liberal members of Parliament throughout this study. The top priority of these agencies, as well as the House and its Members of Parliament, is to protect the safety of Canadians. The Government's inaction will prevent meaningful reforms at the PBC and the CSC that are supposed to protect Canadians from dangerous offenders like Eustachio Gallese.

Throughout this study, heads of both organizations and Liberal MPs minimized the failures of the system. These systemic failures led to the death of an innocent young woman, Ms. Marylène Lévesque. That Liberal MPs also tried to discredit certain testimony that highlighted the issues should be denounced in the strongest terms.

Conservatives are concerned that without both a strong commitment to transparency and an acknowledgement of the institutional failures within CSC and the PBC, other victims will pay with their lives. Without a clear plan to implement changes to the law and end a culture of complacency, we cannot expect different results.

Eustachio Gallese was a repeat offender who was sentenced to life in prison, with parole available after 15 years, for the murder of his wife and a history of violence towards women. It is shocking that he was released without adequate supervision, that he was permitted to break the law, and that this government has not held anyone responsible.

1. APPOINTMENTS PROCESS AT THE PAROLE BOARD OF CANADA

Changes to the appointment process

Board members represent a check to ensure that dangerous offenders are not released if they are a threat to innocent or vulnerable Canadians. The appointment of Parole Board members and good conduct of these agencies are the responsibility of the Prime Minister who chairs Cabinet and the Minister of Public Safety who recommends the appointment of Members. The Prime Minister and the Minister are responsible for the failure of the new system and the lack of leadership. Members of the committee heard from expert witnesses of the purge of experienced parole Board members. After its election in 2015, the Liberal Government dismantled the appointment system resulting in months of delays before appointing new members. Experienced board members were

not renewed leading to a shortage of resources. The backlog and lack of experience impacted the quality of decisions rendered:

“From 2015 to 2017, no board member's term was renewed, which led to a shortage of board members and a significant workload overload, to the point where public safety was sometimes jeopardized.”¹

Shortage of board members with experience

The experience shortages reduced the number of Parole Board members who had the necessary experience to render decisions on complex cases, including those involving inmates with a serious conviction. Michel Lafrenière, an experienced former Board member who sat during these difficult times highlighted how the lack of experience of the new members led to the decision to maintain Gallese on day parole:

“I noted that, in the first ruling, the board members had eight months of experience and, in the second ruling, 14 months. That is little experience for such complex cases.”²

Warnings sent by members of the Parole Board

In November 2017, eight Parole Board members in Quebec sent a letter of concern to the Prime Minister, the Minister of Public Safety and the Clerk of the Privy Council about shortages and the consequences on protecting public. They expressed “deep concern regarding the reappointment process for Board members, which we feel lacks transparency and is inappropriate under the current circumstances.”³ The Board members went on to state that:

“An organization like ours.... requires a sufficient number of experienced members with a strong track record in order to pass along corporate memory, train new Board members, whose learning curve extends from 12 to 24 months, and maintain the very high quality of decisions needed to protect the public”⁴.

The letter underlined the risks of compromising the mandate of the PBC: “Our primary mandate is to protect the public and we fear that this mandate is currently at risk.” Out of concern for the long-term effectiveness of the board they proposed “a shortened process be launched quickly for positions that are coming up for reappointment in the coming months, as stated by the Board Chairperson, to maintain a level of experience and knowledge that will ensure a high degree of safety for Canadians.” No response from the Prime Minister, the Minister of Public Safety nor the Clerk of the Privy Council was provided.

Dr. Dave Blackburn explained that the lack of experience contributed to put additional burden on the workload of the members, but also other personnel:

¹ SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 23, 14 avril 2021 (Michel Lafrenière, Retired Laqyer, and former Board member, Parole Board of Canada).

² Ibid.

³ Letter (translation). See also [House of Commons Debates](#), 43rd Parliament, 1st Session, Volume 149, Number 14 (4 February 2020).

⁴ Translation of the letter sent in French.

“It had an impact on the members and the hearing officers. In fact, some of them went on sick leave at that time.... experienced members left. Let's not forget that some positions remained unfilled in 2016, 2017 and 2018. This created an overload for the members who were still there.”⁵

Political Influence

Conservatives are concerned by the testimonies that appointments to the Board are being politicized. We were informed of politically-connected appointments and political staff participation in the process at every step. The new appointment system was politically influenced by the Prime Minister’s Office (PMO), who took part in interviews with candidates and were part of the selection committee included a PMO staffer:

“The new process was unique, in that it included a selection committee member from the Prime Minister's Office.... the executive vice-chairperson appointed in 2018, Sylvie Blanchet, whose husband had a well-known relationship with an influential Liberal minister from New Brunswick, also sat on the selection committee. The inclusion of Ms. Blanchet and a member of her staff allowed the Prime Minister to influence the decisions about who would and would not be shortlisted for appointment.”⁶

RECOMMENDATIONS

That the House of Commons direct an appropriate study to review the new appointment process implemented by the federal government, given:

- **the large number of issues that have arisen from the flawed process;**
- **pressure put on board members to resign due to a change of power in 2015; and**
- **the backlog of appointment vacancies across government.**

That the Government of Canada cease its purge of experienced board members.

That the Government of Canada appoint board members to the Parole Board who are professionals of diverse backgrounds and have experience with law enforcement and the criminal justice system, understand victims’ rights and are sensible to their reality.

That the Government of Canada apply the merit criterion when renewing a Parole Board member to ensure a level of quality and experience and to prevent purges, such as the recent one, that put at risk the quality of decisions and the safety of the public.

That all board members recently appointed be required to sit with an experienced board member during the first 18 months of their mandate, as was the case before 2017 and that the mentoring of recently appointed Parole Board members be obligatory and re-enforced during these 18 months.

2. ACCOUNTABILITY AND RESPONSIBILITY AT THE PBC

The Chairperson of the PBC declined to accept responsibility for the renewal of Gallese’s day parole, even though Gallese violated the conditions of his parole. Instead, the

⁵ SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 05, 12 mars 2020 (Dave Blackburn, Professor at UQO and former Parole Board Member, Parole Board of Canada).

⁶ Ibid.

internal investigation by the PBC and the CSC pointed the finger at unnamed, front-line workers and absolved the Board and executives of responsibility.

Lack of criminal law knowledge and absence of consideration of victims

The PBC Chairperson Jennifer Oades declared that “board members were in compliance with the law”⁷. However, the fact that Gallese had violated the law by purchasing sexual services brings up questions.

The CPC finds it unacceptable that Board Members lacked understanding in criminal law. Experienced former Board members suggested there should have been a different decision when informed of Gallese’s release plan allowing the purchase of sexual services despite an order to avoid any relationship with women:

“I think that somewhat different decisions could have been made and that the members did not really have all the experience needed to see the entire range of decisions available to them, as decision-makers, at that time.”⁸

According to Mr. Michel Lafrenière, a former member with twenty years on the Parole Board, the special condition of psychological monitoring contained in the decision (Spring 2019) was not implemented. Mr. Lafrenière also underlined problems with the fact that a verbal condition (prohibition on massage parlors) was imposed instead of a written one. This verbal condition “gives a great deal of leeway to the parole officer, who can take various types of action and decide not to suspend the inmate. In such cases, they have no obligation to inform the board.”⁹

Moreover, special written conditions appear “on the certificate of release that the inmate must carry at all times. In addition, if police officers stop the inmate, they have access to the system, which allows them to know which prohibitions have been imposed. They can therefore proceed with the suspension and notify the Correctional Service of Canada.”¹⁰ Mr. Lafrenière explained “none of that information was included in the written decision, which meant the service was not aware of the actual situation....It also kept the information from any future board members called upon to make decisions, as well as future parole officers, since multiple officers are known to take turns on a single case.”¹¹

The Conservative Members believe this is clear evidence that the purge of experienced members has impacted public safety. PBC did not train its new members specifically on appropriate understanding towards vulnerable women, or victims of sexual exploitation. No inquiry was ever made by the Parole Board about the women Gallese purchased

⁷ SECU, Evidence, 2nd Session, 43rd Parliament, Meeting 13, 25th January 2021, (Michel Lafrenière, Retired Lawyer, and former Board member, Parole Board of Canada).

⁸ SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 23, 14th April 2021, (Michel Lafrenière, Retired Lawyer, and former Board member, Parole Board of Canada).

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

sexual services from and no warning about his past was ever provided to the places he frequented.

RECOMMENDATIONS

That all necessary measures be taken to ensure the independence of the Parole Board of Canada from Correctional Service Canada.

That all board members recently appointed be required to sit with an experienced commissioner during the first 18 months of their mandate, as was the case before 2017 and that the mentoring of recently appointed Parole Board members be obligatory and re-enforced during these 18 months.

That the Government acknowledge the fact that the decision to release Mr. Gallese was a misguided decision, given the information provided before the Committee, and that this case be used to inform all future decisions by the Board in order to avoid similar murders.

That all Parole Board members receive advanced training within the next 12 months on the rights and protection of victims of crime, including:

- **domestic violence and sexual exploitation of women and minors;**
- **legislation pertinent to offenders, including but not limited to the Criminal Code, the Corrections and Conditional Release Act, and the Canadian Victims Bill of Rights;**
- **the needs of victims of crime; and**
- **the re-victimization of victims;**

and that a minimum amount of training hours per year be required for Parole Board members.

That, in the future, the Chairperson of the Parole Board and the Commissioner of Correctional Service Canada be held responsible, before Parliament, when a federal offender on parole commits a serious, violent crime—including murder—and that their organization reports the circumstances of those deaths to Parliament.

That the Corrections and Conditional Release Act be amended to specify that criminal acts disqualify individuals applying for release from being approved by Correctional Service Canada officers or Parole Board members. In addition, amend the Act to provide that, if they become aware of such a behaviour, Parole officers must immediately inform the Parole Board; and, if the Parole Board is informed of an illegal act, it must immediately revoke the release of the offender and reassess the case.

3. CORRECTIONAL SERVICE OF CANADA

Error in judgement from multiple CSC members

Parole officers made a serious error in judgement and broke the criminal code by endorsing Mr. Gallese's visits to massage parlors. Criminologist Dr. Philippe Bensimon made the following observations:

"Allowing a serious offender convicted of murder to repeatedly solicit services of a sexual nature for remuneration is an indictable offence punishable by a \$1,000 fine under subsection 286.1(1)(a)(ii) and \$5,000 for a repeat offence under subsection 286.1(1)(b). By authorizing him to visit a massage parlour, the Correctional Service of Canada made itself his pimp. The authorization was signed by the parole officer and co-signed by the authorities in place, that is, quality assurance officer and the immediate superior."¹²

Failure of the Community Residential Centre

Mr. Gallese's situation was exacerbated by his presence at Maison Painchaud, a community residential centre (CRC). In testimony, Commissioner of CSC Anne Kelly blamed the provincial community facility which was contracted to and approved by CSC. However, the redacted report of the National Joint-Board of investigation revealed failures at CSC to ensure appropriate training of personnel and monitoring of parolees at Maison Painchaud, which did not monitor his curfews as would have been required at a federal community corrections centre.

Parole Officers Abandoned by the CSC

Mr. Stanley Stapleton, National President, Union of Safety and Justice Employees, revealed serious vulnerabilities within the CSC. He testified that *"Canada's correctional system is stressed and nearing a breaking point, with the majority of parole officers asserting that their working conditions often prevent them from properly assessing, supervising and preparing offenders for their safe return to society."*¹³ He also explained that *"High offender caseloads, chronic understaffing and significant changes to correctional programs and services are cited as presenting insurmountable challenges to the managing of offenders' risk."*¹⁴

"In the case of a violent offender...you might think that parole officers are given more time to carefully assess the background and circumstances of an offender with a history of committing a homicide. This is not the case."¹⁵

He detailed a series of vulnerabilities, including the following:

- Parole officers do not have the time to assess the risks of offenders like Gallese;
- They can wait months if not years before obtaining court documents;
- Privacy considerations prevent the release of material from police agencies and such other relevant bodies as victim services and children's aid; and

¹²SECU, [Evidence](#), 1st Session, 43rd Parliament, 5th Meeting, 12 March 2020, (Dr. Philippe Bensimon, Criminologist)

¹³ SECU, [Evidence](#), 2nd session, 43rd Parliament, 14th Meeting, February 1, 2021 (Stanley Stapleton, National President, Union of Safety and Justice Employees).

¹⁴ Ibid.

¹⁵ Ibid.

- Parole officers need leading-edge training on an annual basis that equips them with the best assessment tools.

RECOMMENDATIONS

That community supervision arrangements in transition houses for dangerous offenders like Eustachio Gallese be eliminated and that funding to Correctional Service Canada to increase the number of offenders supervised in Community Correctional Centres be increased.

That the collection and exchange of information on serious offences be simplified and facilitated between Correctional Service Canada, the Parole Board of Canada and the provinces.

4. NATIONAL JOINT BOARD OF INVESTIGATION REPORT

Need for independent and external investigations

Conservative Members denounce the lack of independence and transparency of the National Joint Board of Investigation. Dr. Philippe Bensimon¹⁶, said that “In (my) view, only an external and completely independent investigation involving access to all the case files can work.”¹⁷ Likewise, Michel Lafrenière also recommended an external investigation to reassure the public and to show that the investigation is being done independently.¹⁸ These words resonate with the Correctional Investigator who also recommended an independent and external inquiry.

RECOMMENDATIONS

That the Minister of Public Safety direct the Parole Board of Canada and the Correctional Service of Canada to always disclose Boards of Investigation to the Standing Committee on Public Safety and National Security (SECU) in a timely manner, that the documents be provided in confidence, and that they not contain any unnecessary redaction.

That Correctional Service Canada and the Parole Board report to Parliament and before this committee on the implementation of the recommendations in the current report within 12 months.

¹⁶ Dr. Bensimon has a doctorate in criminology. He worked for 27 years with the Correctional Service of Canada, including 15 years in five different penitentiaries as a parole officer and acting clinical coordinator. He also worked for 12 years in operational research at CSC. Dr. Bensimon taught criminology for 20 years at the University of Ottawa and the Université de Montréal.

¹⁷ SECU, *Evidence*, 1st Session, 43rd Parliament, 5th Meeting, 12 March 2020, (Dr. Philippe Bensimon, Criminologist)

¹⁸ SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 23, 14th April 2021, (Michel Lafrenière, Retired Lawyer)

That the Government of Canada establish a fully independent and public review of the circumstances that led to Marylène Lévesque’s death, and that it be tabled before June 2022.

That independence and transparency become mandatory criteria in the creation of every Parole Board and Correctional Service Canada investigation panel. While it is essential that the Parole Board and Correctional Service Canada be involved and support the National Joint Board of Investigation, the participation of senior members of both agencies in daily operations and document production and review lacks the level of independence to provide certainty and confidence in the decisions

That the Standing Committee on Public Safety and National Security acknowledge that actions of the Commissioner of Correctional Service Canada, the Chairperson of the Parole Board of Canada, and the Minister of Public Safety did not meet the expectations of the Committee to provide full, accurate, and timely information in a transparent manner, and that the Minister of Public Safety provide a more transparent protocol for future reporting to Parliament.

5. VICTIMS

Conservatives are appalled that victims of crime have not been a priority or consideration at Parole Board nor in the management cases of the CSC. This lack of respect for victims of crime is also manifest in the redacted and confidential report prepared by the National Joint Board of Investigation.

Members see an urgent need to rebalance the system to re-prioritize the rights of victims. This requires cultural changes at the PBC and the CSC, improved transparency, and consulting with victims to inform them of their rights and the process.

It was apparent that the training of parole officers and Board members on the needs and rights of victims was deficient. A long-term approach to training is necessary in order to change the culture and give victims a strong voice.

RECOMMENDATIONS

That the Government of Canada amends legislation to ensure the Parole Board and Correctional Service Canada take action to inform and protect a potential victim of violence, or someone who may be placed at risk by an offender in the community.

That both the Parole Board and Correctional Service Canada accept responsibility for their roles and apologize to victims concerning the murder of Ms. Marylène Lévesque.

That the future joint boards of investigation include a mandatory seat for a victims’ representative to avoid reports upholding the actions of the organization, despite clear failings. Further, the Federal Ombudsman for Victims of Crime be always consulted for every joint investigation on the murder of a victim committed by an offender on parole.

That the Government of Canada adds the principle of the protection of the victims in addition to the protection of society as the paramount consideration for Correctional Service Canada as part of the corrections process in the *Corrections and Conditional Release Act*.

That victims of crime be provided with more information on offenders and their right to receive Correctional Service Canada's notifications on the status of an offender.

That the Government of Canada put in place a comprehensive and effective complaint mechanism, allowing victims and the Federal Ombudsman for Victims of Crime to file complaints related to Parole Board of Canada and/or Correctional Service Canada, and that effective tools to inform victims of their right to make complaints be developed and made readily available.

That the Government of Canada prioritize the 5-year review of the Canadian Victim Bill of Rights.

That the Government of Canada examine the need to create a public register of recidivist or high-risk offenders.

CONCLUSION

Victims have lost confidence in the system and its credibility has been seriously shaken after the facts were made public. Unfortunately, the redacted report from the National Joint Board of Investigation has not been made public. Many questions remain unanswered. Canadians expect clear answers about the failings of CSC and the PBC, and about what will be done to ensure that women are protected in Canada.

The current system that allowed vulnerable women to be exploited by parolees and exposed to dangerous situations must change. The daughter of Gallese's first victim¹⁹ murdered in a domestic violence assault was very clear when she declared that urgent actions are required, including a reform of the appointment process, a change of leadership at the Parole Board and at the Correctional Service.

Standing Committee on Public Safety and National Security

Shannon Stubbs, M.P.

Glen Motz, M.P.

Damien C. Kurek, M.P.

Tako Van Popta, M.P.

¹⁹ Journal de Québec, «'On est victimes de la même personne', dit la fille de la première victime d'Eustachio Gallese », <https://www.journaldequebec.com/2020/01/26/on-est-victimes-de-la-meme-personne-dit-la-fille-de-la-premiere-victime-deustachio-gallese>

Bloc Québécois Supplementary Report to the SECU Committee for the Study on the Parole Board of Canada and the Circumstances That Led to a Young Woman's Death

The death of Marylène Lévesque touched us all deeply. This young woman was cowardly murdered by a recidivist killer who should never have been in the community. Marylène Lévesque's avoidable death was a tragedy that compels us to overhaul our parole system to ensure such an event never happens again. These last few months have shown how widespread violence against women is, as Quebec has experienced a wave of femicides. We must move beyond partisan politics and do everything in our power to put an end to violence against women.

In the absence of a consensus and in order to present a report before the end of this session of Parliament, the Committee decided that the various parties would submit their recommendations to the House of Commons in supplementary reports. The Bloc Québécois recommendations arising from this study and the evidence heard are listed below.

- That the Parole Board of Canada (PBC) require that an experienced Board member be present when decisions are made about a dangerous sexual offender and that three Board members be required for cases with higher levels of dangerousness.
- That all Board members and workers receive a minimum number of hours of ongoing training on the cycles of violence and different types of violence.
- That, at the end of their training, new Board members be paired with an experienced Board member for a total of 18 months of training and pairing, which is the time needed for a Board member to be prepared to do their job.
- That a minimum of one-third of sitting Board members have more than 18 months of experience during an appointment process in order to maintain a minimum number of experienced persons on the Board.

- That the PBC encourage Board members to consult previous decisions in similar cases when making a parole decision in cases with higher levels of dangerousness.
- That the number of parole officers and community parole officers be increased.
- That high-risk offenders be rehabilitated in federal social reintegration centres rather than community residential centres.
- That appeal decisions be posted online.
- That universal conditions of parole be eliminated and that all conditions be adapted to the offender in accordance with statute and that the conditions be achievable.
- That an independent review of the instructions to parole officers be conducted to ensure that they comply with statute and PBC conditions.
- That victims be offered greater support, including by giving them more information and consulting them before and after an inmate is paroled.
- That the Government of Canada examine the need to create a public register of recidivist or high-risk offenders.
- That the collection and exchange of information on serious offences be simplified and facilitated between Correctional Service Canada (CSC), the PBC and the provinces.

In addition, the Bloc Québécois agrees with some of the recommendations or parts of recommendations of other members on the committee. These recommendations are set out below.

- That the Government of Canada implement all recommendations found in the CSC–PBC National Joint Board of Investigation report into the release and supervision of an offender

on day parole charged in relation to a serious incident in Sainte-Foy, Quebec, on January 23, 2020.

- That the Government of Canada encourage CSC to increase the number of parole officers in the community, to review and improve parole officer training and to conduct oversight to ensure they can effectively manage their caseloads; and that the Government of Canada ensure that CSC has the appropriate funding to do so by reallocation of resources or otherwise.
- That the Government of Canada review best practices for corrections and parole in other countries.

The Bloc Québécois would like to thank all the witnesses and groups that took part in this important study. Violence against women must end, and we need to make sure that Marylène Lévesque did not die in vain. Partisan concerns have to be set aside. This report must lead to institutional changes that will prevent this kind of tragedy from recurring.

The Parole Board of Canada and the Circumstances that Led to a Young Woman's Death

Supplementary Report of the New Democratic Party

New Democrats support the report and make the following recommendations.

Recommendation 1

That the Government of Canada encourage the Parole Board of Canada and the Correctional Service Canada to complete annual performance reviews of Parole Board members and Parole Officers respectively.

Recommendation 2

That the Government of Canada review best practices for corrections and parole in other countries.

Recommendation 3

That the Government of Canada encourage Correctional Service Canada to increase the number of Parole Officers in the community, to review and improve Parole Officer training and oversight to ensure they can effectively manage their caseloads, to pay Parole Officers when they are required to work overtime and to ensure that Parole Officers are adequately replaced when on leave; and that the Government of Canada ensure that Correctional Service Canada has the appropriate funding to do so by reallocation of resources or otherwise.

Recommendation 4

That the Government of Canada prioritize the 5-year review of the Canadian Victim Bill of Rights.

Recommendation 5

That the Government of Canada fully decriminalize sex work in Canada.

Recommendation 6

That the Government of Canada encourage Correctional Service Canada and the Parole Board of Canada to develop mandatory training for Parole Officers and Parole Board Members on domestic and intimate partner violence, in consultation with sex workers and women and gender rights organizations.

Recommendation 7

That the Government of Canada encourage the Correctional Service Canada and Parole Board of Canada to conduct reviews of all policies and practices to ensure that they are in compliance with the Corrections and Conditional Release Act.

Recommendation 8

That the Government of Canada implement all recommendations found in the Correctional Service of Canada – Parole Board of Canada National Joint Board of Investigation report into the

release and supervision of an offender on day parole charged in relation to a serious incident in Sainte-Foy, Quebec on January 23, 2020.

Recommendation 9

That the Government of Canada establish a fully independent review of the circumstances that led to Marylène Lévesque's death.

Recommendation 10

That the Government of Canada encourage Correctional Service Canada to review and enhance vocational programming for inmates in federal prisons, to ensure that training is appropriate to the needs and abilities of inmates.

Recommendations 11

That the Government of Canada expedite a review of the *Criminal Records Act* with a view to provide expungement of criminal records for all cannabis possession offenses, which would relieve Parole Board of Canada of any responsibilities in this area.