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Parole Board of Canada
516 O'Connor Drive
Kingston, Ontario
K7P 1N3

Attn: Maureen Gauci, Board Member

COPY

Dear Ms. Gauci

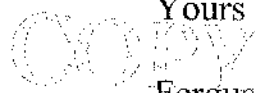
Re: Protocol for parole by exception in the event of COVID-19

Please forgive me if this letter would best be directed elsewhere, and , in that event, please pass it on.

I have received inquiries from prisoners and their loved ones about early release in the face of the pandemic. I have cited s. 121 of the CCRA¹, and stated that, in my experience, parole by exception is already rare. I have stated my view that a general early release will have to be by a political decision. I understand that has happened in Italy, but their circumstances are more severe at least presently.

One thing that I believe should be prepared by CSC and the PBC is an expeditious protocol for applying for parole by exception when COVID-19 presents itself in a penitentiary prisoner. That seems inevitable and likely very soon. Is there already any such plan and, if so, can it be shared with me as a lawyer who wants to be ready to assist? Any such plan should include immediate quarantine, and a method of communicating with legal counsel, applying for release, and being reviewed including a hearing if needed, without risk of spreading the virus. Arguably, paragraph 121(1)(c) would envision both individual and public health concerns.

I thank you for your attention and consideration and look forward to a response.

Yours Truly

 Fergus J. (Chip) O'Connor

i CCRA section 121 reads as follows: Corrections and Conditional Release Act, SC 1992, c 20,

Exceptional cases

- **121 (1)** Subject to section 102 — and despite sections 119 to 120.3 of this Act, sections 746.1 and 761 of the *Criminal Code*, subsection 226.1(2) of the *National Defence Act* and subsection 15(2) of the *Crimes Against Humanity and War Crimes Act* and any order made under section 743.6 of the *Criminal Code* or section 226.2 of the *National Defence Act* — parole may be granted at any time to an offender
 - **(a)** who is terminally ill;
 - **(b)** whose physical or mental health is likely to suffer serious damage if the offender continues to be held in confinement;
 - **(c)** for whom continued confinement would constitute an excessive hardship that was not reasonably foreseeable at the time the offender was sentenced; or
 - **(d)** who is the subject of an order of surrender under the *Extradition Act* and who is to be detained until surrendered.
- **Exceptions**
 - (2)** Paragraphs (1)(b) to (d) do not apply to an offender who is
 - **(a)** serving a life sentence imposed as a minimum punishment or commuted from a sentence of death; or
 - **(b)** serving, in a penitentiary, a sentence for an indeterminate period.