



PAROLE BOARD OF CANADA DECISION

OFFENDER INFORMATION :

Name : **EVANS, ROGER WAYNE**

TYPE OF REVIEW :

- FULL PAROLE - PRE RELEASE (PANEL)
- DAY PAROLE - PRE RELEASE (PANEL)

PANEL INFORMATION :

OBSERVER (S) PRESENT (except during deliberations) : **NO**
 EXCLUDED FROM PART OF HEARING : **NOT APPLICABLE**
 REASON : **NOT APPLICABLE**

ASSISTANT PRESENT : **YES**
 ELDER /ADVISOR : **YES**

FINAL DECISIONS :

FULL PAROLE - PRE RELEASE	DENIED	2023-03-17
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DAY PAROLE - PRE RELEASE	GRANTED	2023-03-17
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Day parole granted for six months.

LEAVE PRIVILEGES :

LEAVE PRIVILEGE FOR **DAY PAROLE - PRE RELEASE - REGULAR**

AS PER CBRF AND PBC POLICY

As per the rules and regulations of the community based residential facility or other location, not to exceed Parole Board of Canada policy.

SPECIAL CONDITIONS :

DAY PAROLE - PRE RELEASE

Condition	Status
<ul style="list-style-type: none"> • NOT TO CONSUME ALCOHOL Not to consume, purchase or possess alcohol. 	IMPOSED
<ul style="list-style-type: none"> • FOLLOW TREATMENT PLAN Follow treatment plan/ program to be arranged by your parole supervisor including, but not limited to, the areas of substance abuse and emotions management. 	IMPOSED
<ul style="list-style-type: none"> • DO NOT ENTER DRINKING ESTABL. Not to enter establishments where the primary source of income is derived from the sale or consumption of alcohol. 	IMPOSED

PREVIOUSLY IMPOSED SPECIAL CONDITION(S) STILL IN EFFECT : NOT APPLICABLE

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NEW INFORMATION SHARED WITH THE OFFENDER : NOT APPLICABLE

REASONS FOR DECISION(S) :

The Parole Board of Canada (the Board) reviewed your case by way of a hearing to make a decision about your day parole and full parole. The Board notes you requested an Elder Assisted hearing.

To make its decision, the Board must determine whether you will not, by reoffending, present an undue risk to society before the expiration of your sentence according to law. The Board must also consider whether your release will contribute to the protection of society by facilitating your reintegration into society as a law-abiding citizen.

Applying these criteria to the factors in your case, the Board grants day parole for a period of 6 months and denies full parole. The Board describes its reasons below.

Brief Overview of Current Sentence

You are a 66 year old first time federal offender of Indigenous heritage, serving a sentence of 2 years and 6 months for Manslaughter – Use Firearm. You are subject to a lifetime weapons prohibition and a DNA order.

In the early morning of 01 August of 2018, you claim you accidentally discharged a firearm which resulted in the death of your adult son. You and your son were both intoxicated at the time, and there were no witnesses present. The deceased was discovered several hours later by the property owner when he attended your residence. When you did not answer the door he entered the home, discovered the victim's body, and called police. When they arrived they found you in the living room in your underwear, appearing to have just woken up. You were arrested and later provided a statement indicating you had picked up the rifle to put into the trailer and it went off. You could not recall when the shooting occurred and reported no argument had occurred between you and the victim. The index offence is not the only offence in which you have caused serious harm, but it represents an escalation in the severity of the harm caused, this being your only offence to result in a death.

During sentencing the judge noted aggravating factors including not being licensed to possess the firearm; your criminal record which includes a conviction for aggravated assault; and your advanced state of intoxication when you handled the firearm. Mitigating factors included your somewhat advanced age; significant gap in your criminal offending; and expressed remorse.

You have no outstanding charges or active appeals, and no immigration issues.

Brief Overview of Criminal and Conditional Release History

Your criminal history is not particularly long, with the first conviction on your Finger Print Sheet occurring in 1988 at about age 31. Of concern, however, is the extent to which violence has been an enduring facet of your offending from your first conviction to the most recent, and including convictions for Assault (1988), Assault (1993), Aggravated Assault (2007), and the index offence of Manslaughter (2022). You also have a stayed charge of Possession of a Weapon (1987). You have no convictions for breaches of trust and after being arrested for the index offence you successfully completed bail until you were sentenced in May 2022, a period of about 4 years.

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At the hearing today you admitted that for the first year of your bail you returned to drinking alcohol, - you stated you “climbed into a whiskey bottle”. However, at some point after about a year you had decided you had enough of this, and made a commitment to maintaining sobriety. Since that point your commitment has only grown stronger both as a result of your own conviction, but more recently with the help of programming, and cultural supports such as the Elder who served at your hearing today.

Social History

You identify as Métis but have had little connection with your Indigenous heritage and were raised without exposure to the traditions and history of your culture. Your mother left your family when you were a young child. Your father was unable to raise you and your sibling so you were both removed at about age 2 or 3 and resided with a maternal aunt and uncle. You suffered physical, emotional and verbal abuse over a prolonged period by your aunt. You quit school and left the home at about age 15 to live with your father where you were exposed to heavy alcohol consumption. You are not close with your brother, but maintain regular contact with a half sister.

You have had two long term relationships including with the mother of your victim. You met her in 1972 and your son was born in 1977. You divorced in 1985 and have had no further contact with her. When the RCMP contacted her about the index offence she advised them you had been violent towards her on many occasions including pointing a rifle or shotgun at her head. You deny these allegations. You have been employed as a truck driver for about 45 years, and about a year and a half with your current employer. Your employer describes you as an exemplary employee.

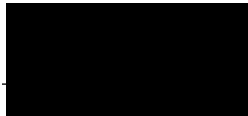
You have historically struggled to manage your anger, and appear to become aggressive when under the influence of alcohol. You acknowledge your addiction to alcohol and how it contributes to your offending, and you believe there is a relationship between your childhood abuse, neglect, and trauma and your offending. At the hearing today you became quite emotional recalling the abuses you experienced as a child. Given your experiences during your developmental years and the adult influences in your life, it is not surprising that like them, you turned to alcohol and drugs to cope with unpleasant experiences and emotions. At the hearing it was evident that your commitment to Indigenous cultural and spiritual pursuits has helped you with your grief. You specifically mentioned participating in a “Wiping Away Your Tears” ceremony. Your social history helps to inform your pattern of offending, your institutional behaviour, and your rehabilitation. Aspects of your social history will be referred to throughout this decision as appropriate.

Psychological/Psychiatric Information/Actuarial Measures of Risk to Reoffend

You did not meet the criteria for a psychological risk assessment, but a psychiatric assessment was completed at trial. While this report is more than two years old and no longer valid according to policy, the report offers observations that stand the test of time. For instance, the author found no chronic psychiatric issues and identified alcohol as your main risk factor for future violence which corresponds with the results of the Dynamic Factor Identification and Analysis – Revised (DFIA-R) completed during intake where you were assessed with a moderate need for improvement in the domain of Substance Abuse.

In light of this finding, she recommended you abstain from alcohol and participate in related interventions such as obtaining a sponsor and attending AA meetings, participating in substance abuse counselling, or getting related assistance from any Employee Assistance Program you might have access to through your employer.

The result of the Spousal Assault Risk Assessment (SARA) suggest you present a low risk for spousal violence.



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Institutional Behaviour/Progress Towards Correctional Plan Objectives

During your incarceration, there have been no concerns with your behaviour. You have not received any institutional charges nor have you been involved in any incidents. Reports indicate you regularly attend Alcoholics Anonymous (AA) meetings, church services, and you maintain part time institutional employment. You are residing in the indigenous healing unit and are engaged in the Pathways initiative including meeting with the Elder, attending ceremonies, and meeting the expectations of the program. According to file information, you are using your time productively and are described as polite and respectful in your interactions with security staff.

To address those factors that contributed to your offence it was recommended you successfully complete the ICPM Indigenous Multi-Target Moderate Intensity program which you did in February 2023. During the program you were assessed with five risk factors/personal target areas with each being in need of "a lot of improvement". Upon conclusion of the program you achieved slight improvement in each of these areas, and now require "some improvement". Similarly, your self-management plan was assessed as needing "some improvement". It was, however, encouraging that prior to the program you were of the opinion you could still drink intermittently or on weekends and that you did not have a problem with alcohol. Upon conclusion of the program you were in agreement that you could not drink anymore, and you had plans for how you would preserve your sobriety in the community. Consistent with your social history, Indigenous teachings and resources were an instrumental part of this plan.

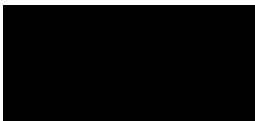
Consistent with the improvement achieved in programming, your ratings on the DFIA-R also reflect progress. Since intake you have improved from a moderate to a low need for improvement in the area of Substance Abuse; and from a low to no need for improvement in the domain of Attitude. You also improved from a medium to high level of accountability and motivation. You continue to be rated with a moderate need for improvement in the domain of Personal/Emotional orientation; a low need for improvement in the domain of Education/Employment, and no need for improvement in the domain of Associates. However, since intake you have also been identified with additional levels of need in the domains of Marital/Family relations, and Community Functioning.

You continue to be assessed with a high need for intervention based on static factors, and a medium need for intervention based on dynamic factors.

Release Plan

For day parole, you have been accepted to two Community Residential Facilities (CRF) in [REDACTED] including one with a residential substance abuse program. You would like to get an AA sponsor, and attend AA and Wellbriety meetings. You have expressed interest in pursuing a Section 84 release, and are supported for a release to [REDACTED] so that you may move forward in your healing journey and work towards your reintegration back to the community. Alternatively, you have been accepted to substance abuse treatment programs on Vancouver Island and in the Fraser Valley.

At the hearing today you were made aware that your preferred residential substance abuse treatment program was in the process of relocating, and wouldn't be available until the end of summer. Given this situation you expressed interest in participating in the residential substance abuse program offered at one of the CRFs that accepted you for residence, but you offered you would also still be willing to consider the other program once it is back up and running. Your assistant offered his advice, reporting he thought this would be a good idea for you given your commitment to Indigenous culture and spirituality.



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You identified several community supports including your siblings, your mother, a friend in the vicinity of your preferred release destination, and a former employer. You would like to renew your driver's licence so you can return to truck driving, but you are also currently collecting a pension. Upon return to the community you will be referred to the Indigenous Community maintenance program and will have access to the Indigenous Community Liaison Officer (ICLO) for community referrals and support. You will also have access to Indigenous resources and spiritual and cultural pursuits.

You did not provide release plans for a potential full parole release.

Correctional Service of Canada's (CSC) Recommendation

Your Case Management Team (CMT) is supportive of a day parole release, however full parole is not recommended. While your history of violence is of concern, you appear to be genuinely remorseful for your criminal behaviour and have made efforts to address your contributing factors during your incarceration. Your CMT believes your risk is manageable on day parole with the outlined release plan in place. Leave privileges are recommended, and the CSC has also recommended the imposition of four special conditions.

Victim Considerations

The victim, your son, died as a result of the index offence. Your release plan and the location of the two CRFs in [REDACTED] that accepted you for residence do not present any proximity concerns. There haven't been any requests for "no contact" as a consequence of the index offence. You are not believed to present any increased risk to members of the victim's family as a result of the index offence.

Hearing Summary

At your in-person hearing you confirmed you received the information package from the Board that included an overview of your rights, information about what to expect during the hearing process, the decision criteria and options available to the Board. You indicated you had no additional questions prior to the start of the hearing. You did have an assistant present and agreed to go ahead the hearing.

Your institutional parole officer (IPO) advised that no new risk relevant information has come forward since the writing of the Assessment for Decision. Your IPO presented a verbal summary of your case that was consistent with file information.

At the hearing today you presented as both genuine and committed to your sobriety. You brought notes with you about some of the things you had learned in programs, or through teachings with the Elder. You were respectful, you listened attentively to the questions asked, and offered thoughtful answers. You listened with respect as both Elders at the hearing offered you their opinions and advice.

During the discussion of future releases you offered that you had given it considerable thought and don't think a full parole would be in your best interests. You offered that upon return to the community you are essentially going to have to rebuild your entire life, and you think having the support and structure of a CRF while on a day parole would be of some assistance to you during this endeavour.

What was clearly evident to the Board was the importance of culturally appropriate teachings and

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resources to your release plan, and the extent to which you have committed yourself to Indigenous culture. You spoke with pride of your Métis ancestry and of the joy you experienced researching your culture, and it was with some enthusiasm that you received further information about your heritage from the PBC Elder who is also of Métis ancestry.

When the proposed special conditions for your day parole were read to you, you understood them and foresaw no difficulty complying with them. You also acknowledge that in addition to any special conditions you would still also be required to follow any and all court orders, which includes a firearms prohibition.

Your assistant, who is also your Elder, reviewed with the Board the work he has done with you at addressing and understanding the trauma of your past, your commitment to following the "Red Road," and the role your teachings and cultures will play in assisting you with your reintegration efforts and managing your risk, in particular the risk associated to alcohol use.

The Board Elder shared with you his guidance and wisdom as well as teachings related to the Metis culture and the role of the Metis in the history of Canada.

Decision and Rationale

The Board notes you did not provide any written representations for this review.

Based upon a review of all relevant file information and as a result of today's hearing, the Board grants day parole for a period of 6 months. It is the Board's opinion you will not present an undue risk to society if released on day parole and that your release will contribute to the protection of society by facilitating your reintegration into society as a law-abiding citizen. The Board denies full parole at this time. These decisions are based upon the following considerations.

Violence has been an enduring facet of your criminal history, right from the first offence on your FPS sheet to the index offence. Your offences have previously caused serious harm but there has been an escalation in the harm caused, your index offence being the first occasion in which you caused the death of another person.

You have a long history of abusing of alcohol. You are more likely to commit crime, and to be violent when under the influence of alcohol as you were at the time of the index offence.

Even after the index offence you were of the opinion that alcohol is not a problem for you and that you would be able to continue drinking alcohol. You admit you "climbed into a whiskey bottle" for about a year after the index offence and while on bail.

Despite this, you remained in the community on bail for a duration of about 4 years without reoffending, which compares very favourably to the 6 month duration of a day parole.

While in custody you successfully completed recommended programming, and achieved progress in all five of your identified risk factors. Similarly, you demonstrated progress in the DFIA-R ratings assigned to you, as well as the ratings for your level of accountability and motivation. You now agree you can never drink again, and you have maintained your sobriety for about three years now.

You have demonstrated a sustained commitment to Indigenous culture as evidence by your successfully completion of the Indigenous ICPM program stream, your participation with the Elder, your involvement in the Pathways initiative, and the extent to which cultural teachings were incorporated into your coping skills and self-management plan.

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At trial the psychiatrist recommended you get a sponsor and participate in AA meetings and this recommendation was incorporated into your release plan. You have been accepted at a CRF with a residential substance abuse program, and you have positive community supports, a guaranteed source of income, and employment prospects. The CSC is in support of your proposed release.

At the hearing today you reported an enthusiasm for learning. You reported having derived benefit from provincial programs like Violence and Aggression, and Anger and Emotions Management. You successfully completed CSC recommended programming with good reports of performance, and are motivated to participate in residential substance abuse programming. Given your history of program performance there is every reason to believe you will benefit from this experience.

You have now maintained your sobriety for a period of about 3 years which is longer than the duration of a day parole. However, a large portion of this sobriety was achieved within a multi-level security institutional setting with immediate access to supports and services, and limited access to alcohol. By comparison, in the community you may not have such ready access to available supports and services, and are likely to have far more opportunities to consume alcohol. Consequently, the Board believes residence in a CRF presents as the best option for your transition to the community, - offering you more immediate support and service as you learn to contend with the increased opportunities to consume alcohol. In this light, a full parole is considered premature as it wouldn't offer you the same level of support or structure while you contend with the increased access to alcohol. As you were on bail for about 4 years you have demonstrated your ability to remain in the community as a law abiding citizen for a duration of time that exceeds a 6 month day parole. This bodes well for your potential to succeed on a day parole.

Reasons for Special Conditions

The CSC recommended the imposition of four special conditions including 1. Not to consume alcohol, 2. Not to consume drugs, 3. Not to enter drinking establishment, and 4. Follow treatment. The Board imposes three of these special conditions plus another that was not recommended by the CSC. The Board will not be imposing the special condition relating to the consumption of drugs as there is no information to suggest drugs contributed to the index offence, or that drug use has been a significant contributor in past offences. At the hearing today you admit to having previously used marijuana, but this has not had the same negative impact as alcohol. The primary issue, as agreed to by the psychiatrist at trial and by you at the hearing, is alcohol. Consequently, a special condition relating to the consumption of drugs would not represent the least restrictive alternative with which to provide for public safety. This is not to suggest you will be allowed to abuse drugs, only that a special condition is not required to deal with any such behaviour.

The following special conditions are being imposed on your day parole because they are considered reasonable and necessary in order to protect society, and facilitate your successful reintegration into society. These conditions are imposed for the duration of your day parole. The Board may remove or modify any special condition(s) upon receipt of a recommendation from CSC.

1. Not to consume, purchase or possess alcohol.
2. Not to enter establishments where the primary source of income is derived from the sale or consumption of alcohol.

You have a long history of alcohol abuse. Alcohol has been a contributing factor in each of your offences, and you admit that when under the influence you are more likely to be violent and more likely to reoffend. Similarly, you agree that being in a drinking establishment would challenge your commitment to sobriety, and create a high risk situation for you. The Board notes your conviction



for Aggravated Assault (2007) involved you getting into an argument in a drinking establishment and then stabbing the victim outside the bar. At the hearing today your referred to this situation as having been “jumped by 5 guys outside a bar.” These special conditions are directly related to your pattern of offending and are reasonable and necessary to prevent reoffending.

3. Follow treatment plan/ program to be arranged by your parole supervisor including, but not limited to, the areas of substance abuse and emotions management.

According to your DFIA-R ratings you were originally assessed with a medium need for improvement in the domains of Substance Abuse and Personal/Emotional Orientation. Although you made progress in recommended ICPM programming you only made slight improvement overall, and your self-management plan was also assessed as needing some improvement. Consequently it has been recommended that you complete related maintenance programming. Similarly, the psychiatric report at trial recommended you participate in AA meetings and/or substance abuse counselling or programming. Similarly, according to your DFIA-R ratings, you still require a medium level of improvement in the domain of Personal/Emotional orientation. It is therefore reasonable that you be required to participate in treatment/programming to address the areas of substance abuse and emotions management. This special condition is directly related to your pattern of offending, and is necessary to prevent future reoffending.

Leave

The Board authorizes leave privileges in accordance to PBC policy and CRF rules and regulations. Overnight leave privileges will remain at the discretion of the parole supervisor and require a positive Community Assessment on file with the offender's identified destination.

DECISION(S) AND VOTES :

FULL PAROLE - PRE RELEASE

DENIED

2023-03-17

Board Member	Vote	Vote Date
HUNT, D. .	DENIED	2023-03-17
NASH, R. .	DENIED	2023-03-17

DAY PAROLE - PRE RELEASE

GRANTED

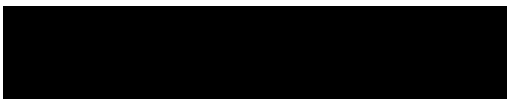
2023-03-17

Board Member	Vote	Vote Date
HUNT, D. .	GRANTED	2023-03-17
NASH, R. .	GRANTED	2023-03-17



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SIGNATURES :

HUNT, D. .

Board Member Signature Date

NASH, R. .

Board Member Signature Date

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