

Ipsa Facto

Where an inmate is arrested on a suspension warrant under subsection 24(3) of the *Parole Act* it is necessary that the inmate be brought before a person designated by the Chairman of the Parole Board. Only parole officers are designated under this subsection and therefore a parole officer must personally view the inmate. The parole officer need not be the same officer who issued the warrant.

Subsection 22(3) of the *Parole Act* provides that a case must be reviewed within 14 days after the recommitment of the parolee to custody. Generally, the 14 days start running on the day the inmate is arrested on the warrant. Where the inmate is arrested on other charges, the 14 days start when the suspension warrant is executed. However, efforts should be made to review the case as soon as possible after the original incarceration.

It is possible under section 22 of the *Parole Act* for a warrant to be prepared and sent by facsimile machine to a different location, signed by a designated person and then executed. However, it is not legally possible for the **signed** version of the warrant to be faxed and then executed. Subsection 22(1) requires an original signature on the face of the warrant and this is not satisfied if the warrant is merely a facsimile copy. The arrest of an inmate may be supported by a facsimile warrant since subsection 24(2) permits a peace officer to arrest an individual where the peace officer believes, on reasonable and probable grounds, that a warrant has been issued. This will not, however, avoid the requirement to have the original copy for the execution of the warrant.