



PAROLE BOARD OF CANADA DECISION

OFFENDER INFORMATION :

Name : **HOLZ, JUSTIN**

[REDACTED]

[REDACTED]

TYPE OF REVIEW :

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

PANEL INFORMATION :

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

ASSISTANT PRESENT : **YES**
 ELDER /ADVISOR : **NO**

FINAL DECISIONS :

DAY PAROLE - PRE RELEASE GRANTED 2020-04-15
 day parole granted at eligibility date

FULL PAROLE - PRE RELEASE GRANTED 2020-04-15
 full parole granted at eligibility date

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

FULL PAROLE - PRE RELEASE

Condition	Status
<ul style="list-style-type: none"> • NOT TO CONSUME ALCOHOL Not to consume, purchase or possess alcohol. 	IMPOSED

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

NEW INFORMATION SHARED WITH THE OFFENDER : NOT APPLICABLE

Name : **HOLZ, JUSTIN**



REASONS FOR DECISION(S) :

Mr. Holz, the Parole Board of Canada (the Board) reviewed your case by way of a video hearing review to make a decision about your day and full parole.

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. 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 upon your eligibility date and grants full parole upon your eligibility date. The Board describes its reasons below.

At age 36, you are serving a custodial sentence of 2 years and 6 months for Dangerous Operation of Motor Vehicle Causing Death. Your sentence began on October 30, 2019. You are subject to a three-year driving prohibition.

On October 10, 2017, you attended a pub with your work colleagues and were consuming alcohol. Shortly after leaving the pub, you were speeding through town and struck one pedestrian after swerving to avoid hitting a second pedestrian. The victim was propelled 16.14 meters, he hit a cement container resulting in a fractured skull and broken neck. You sped away from the scene and drove to a parking lot from which you called the police approximately 10 minutes after hitting the victim. The victim died of his injuries at the hospital. A blood alcohol reading taken 4 hours after the incident resulted in a reading which was below the legal limit.

The Judge at sentencing noted the tragedy of the case and the devastating impact to the victim's family who had suffered previous trauma and difficulties. The Judge also noted your acceptance of responsibility and the impact of the offence on your career and your family. The Judge accepted the joint recommendation of Crown and your counsel as it was within the reasonable range.

The Board has read and reviewed the victim impact statements on file presented at court by the victim's family members. The family member's describe their family being broken apart due to the death of the victim. One family member expressed their loss of trust of persons in authority, another described having to take medication to cope and another described her fear for the safety of other family members. The Board acknowledges the victims have suffered immeasurable harm because of your actions. The Correctional Service of Canada (CSC) deems serious harm has been met.

You have no prior criminal history. A number of additional charges related to the index offence were stayed.

Following the index offence, you were released in the community on a promise to appear and undertaking. You resided with your family for two years without incident until your sentencing date. You attended court as required and followed all conditions of your release. You also obtained alternate employment in the financial services industry.

You were raised by your parents, and did not experience any violence or abuse during your childhood. You are married with two children. You had a career in law enforcement for eight years at the time of the index offence. You self reported being diagnosed with Post Traumatic Stress Disorder and Mild Clinical Depression, and as a result of the index offence your conditions started to manifest but you were taking prescribed medication. You reported suicidal ideation for a period of time. You did not meet the criteria for a psychological risk assessment. During your



incarceration you have not required the need for prescription medication.

You scored 2 on the Criminal Risk Index (CRI). Research found that 6% of male federal offenders in this range committed an offence within 3 years of release. You scored 15 on the Statistical Information on Recidivism (SRI), indicating that 4 out of 5 offenders will not commit an indictable offence after release.

The CSC assesses you as low imminent risk for spousal violence and a low risk to the public at large.

The CSC identified static risk factors as low. The CSC identified dynamic risk factors as substance abuse and personal emotional as low need for improvement. The dynamic risk factors as education/employment, associates, community functioning, and attitude as no immediate need for improvement. The dynamic risk factor of martial/family is assessed as an asset to community adjustment.

Your poor decision making to be under the influence of alcohol had a negative affect on your cognitive and physical abilities. File information suggests you live a pro-social lifestyle and the current offence is a one-time incident that resulted in a tragedy.

CSC has screened you out of programming due to your SIR/CRI score and you are assessed low level of risk to reoffend.

You accept full responsibility for your actions and you demonstrate a high degree of remorse and empathy for the victim's family. During community supervision, you committed to a life free of alcohol and other intoxicants, living a stable and law abiding life. The impact of incarceration has been significant and the possibility of being re-incarcerated in the future is a strong deterrent for you.

Due to your former occupation, there were incompatibility concerns with other offenders and you requested a transfer to another institutional region. You have maintained institutional employment. You have not incurred any institutional charges or displayed negative behaviour. You are working well with your Case Management Team (CMT) and are engaged in your correctional plan.

You have requested a release to the Prairie Region due to your positive community supports. Your Institutional Parole Officer recommended a day parole release to an "other location" would be suitable for you due to the safety concerns relating to incompatibility issues with other parolees due to your employment history. The Community Parole Office and the screened Community Residential Facilities also noted the same concerns.

Your preferred release location would be to reside with [REDACTED], and alternatively with [REDACTED]. Community Assessments were completed with [REDACTED]; they are all assessed as pro-social supports who can provide moral, emotional and financial assistance. Your wife is supportive of you and is willing to work with CSC to ensure you are complaint with your conditions.

You do not have confirmed employment, but are hoping to return to your previous position or to pursue further educational studies.

The CSC is supportive of overnight leave privileges while on release to an "other location" due to your low level of need and risk, allowing you to spend time with your family away from the home/residence for periods of time, if deemed suitable. The community parole officer (CPO) recommends that community supervision should be more frequent to aid in overall structure and



monitoring on a conditional release to an “other location”.

The CSC is supporting your day parole and full parole release to other location based on the community support and incompatibility issues in the CRF's due to your employment history. The CSC is recommending the following special conditions remain in place for the duration of day parole and/or full parole release: 1) not to consume, purchase or possess alcohol.

At your video hearing, you were advised of the decision criteria, the options available to the Board and the process that would be followed during the hearing. You did have an assistant present and agreed to go ahead with the hearing.

Your institutional parole officer (IPO) stated 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. She reviewed the aggravating and mitigating factors in your case with the Board. She noted that you were approved for a compassionate escorted temporary absence in February 2020 that proceeded without issue. In addition to the one recommended condition your IPO also recommended a condition to not operate a motor vehicle to mirror the court imposed driving prohibition.

Following your IPO's presentation, you spoke to the additional recommended condition and said that you were prepared to follow any condition imposed by the Board. You noted that if you were granted day parole the court imposed driving prohibition would go into effect upon your release and having the ability to drive. You said if the Board imposed the condition during your release the 3 year prohibition would not take effect until the end of your sentence.

At your hearing, you described the index offence in a manner consistent with the information on file. You said you only drank four beers but when pressed by the Board you acknowledged they were “pints” in the 12 to 16 ounce range. You said you would drink with colleagues from work about once a week. You agreed that based on “extrapolation” of your breath alcohol tests you would have been over the legal limit at the time of the offence. You explained your reason for speeding was to get home in time to put your children to bed. You also said you were influenced by “peer pressure” of your colleagues to stay at the pub longer than you intended.

You maintained you were primarily a social drinker and did not have a problem with alcohol. You said you have maintained your sobriety and not had a drink since the night of the offence.

You told the Board your decision to flee the scene was based on the location of the offence, near a known security threat group (STG) bar and the fact you were wearing a golf shirt that identified your affiliation to law enforcement. You said you were immediately aware of the location having worked in the area for 6 years and you had knowledge of assaults occurring in that area.

You did not know why there was a three-hour delay in administering a breath demand and maintained you recognized there was no point in trying to delay the test. You indicated some police officers may have been disciplined for the delay but you had no part in requesting a delay.

The Board found you to be genuinely remorseful for your actions in describing the impacts of your offence on the victim's family. You discussed immediately seeking counselling for yourself during your time in the community, first to deal with thoughts of self-harm, then coming to grips with killing the victim and finally preparing to spend time in prison. You told the Board you intend to continue to attend counselling in the community.

You told the Board you did not fight the termination of your employment and after taking 15 months to get disclosure of your case you instructed your lawyer of your intention to plead guilty to



the offence. You said you are looking forward to returning to your family, as you have not seen your children since your sentence began. You also told the Board about your plans for employment and attending school to improve your employment prospects.

Your assistant who is also your spouse spoke at the hearing. She described her on-going support for you and said that you are now a different man. She said you are more aware of your strengths and weaknesses; furthermore, you have put great effort into all your endeavours including participating in counselling, finding work and coaching sports for your child.

After reviewing your file and listening to what was said at the hearing, the Board has weighed a number of factors in your case. The Board notes its concerns about the catastrophic outcome of an easily preventable situation that was a direct result of your poor decision-making. The Board also acknowledges the harm suffered by the victim's family and friends as well as the broader public's negative perception of law enforcement because of your actions.

The Board has also considered a number of factors that serve to mitigate your risk of reoffending. You have no prior criminal history and you have lived a primarily pro-social and positive life. The Board finds you accept responsibility for the offence and you do not minimize your behaviour. The Board agrees with CSC's assessment that you are a low risk, low needs offender. You have demonstrated your ability to abide by conditions in the community in the two years prior to beginning your sentence and this fact increases the Board's confidence you would be compliant with conditions on parole. You have maintained your sobriety in the community and you have sought out professional supports to manage emotional stressors you have experienced. You have a strong group of positive family supports and the Board finds you have a viable release plan for both day and full parole.

The Board has considered the relevant factors in your case and finds that your limited criminal history, your low risk to reoffend, your compliance in the community, your sobriety and your release plan are sufficient for the Board to conclude that you will not present an undue risk to society if released on day or full parole. The Board also finds that your release will contribute to the protection of society by facilitating your reintegration into society as a law-abiding citizen.

The Board grants day parole upon your eligibility date to "other location" until the date of your full parole. The Board grants full parole upon your eligibility date.

The Board authorizes leave privileges as per the rules and regulations of the community based residential facility or other location, not to exceed Parole Board of Canada policy. You have a number of familial supports who were identified as positive and pro-social individuals and maintaining contact with them will serve to assist with your reintegration into society.

The Board imposes the following condition on both your day and full parole because it is reasonable and necessary in order to protect society and to facilitate your successful reintegration into society.

1. Not to consume, purchase or possess alcohol.

Your use of alcohol prior to the offence impaired your judgement and limited your ability to safely operate your motor vehicle. Abstaining from alcohol is an important risk management strategy that will reduce your risk to re-offend.

The Board imposes this special condition for the duration of your sentence or until modified or removed by a future Board.



DECISION(S) AND VOTES :

DAY PAROLE - PRE RELEASE

GRANTED

2020-04-15

Board Member	Vote	Vote Date
D'SOUZA, K. W.	GRANTED	2020-04-15
MACKENZIE, I. F.	GRANTED	2020-04-15

FULL PAROLE - PRE RELEASE

GRANTED

2020-04-15

Board Member	Vote	Vote Date
D'SOUZA, K. W.	GRANTED	2020-04-15
MACKENZIE, I. F.	GRANTED	2020-04-15

SIGNATURES :

D'SOUZA, K. W.

Board Member Signature Date

MACKENZIE, I. F.

Board Member Signature Date