



## PAROLE BOARD OF CANADA DECISION

### OFFENDER INFORMATION :

Name : **SIM, KERRY MARIE**

FPS : ██████████

Legally known as : **SIM, KERRY MARIE**

Institution : ██

FILE NO : ██████████

### TYPE OF REVIEW :

- DAY PAROLE - PRE RELEASE (PAPER)

### PANEL INFORMATION :

OBSERVER (S) PRESENT (except during deliberations) : **NO**

EXCLUDED FROM PART OF HEARING : **NOT APPLICABLE**

REASON : **NOT APPLICABLE**

ASSISTANT PRESENT : **NO**

ELDER /ADVISOR : **NO**

### FINAL DECISIONS :

DAY PAROLE - PRE RELEASE

CONTINUED

2021-07-14

Day parole is continued for six months with special conditions imposed.

### LEAVE PRIVILEGES :

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

Expanded leaves -- "five and two" -- continue to be authorized so that you may continue to demonstrate change in a less restricted model of release and create a more normal environment for family life that the Board considers protective in your case.

### SPECIAL CONDITIONS :

**DAY PAROLE - PRE RELEASE**

| Condition  | Status  |
|--|---------|
| <ul style="list-style-type: none"> <li>NOT TO CONSUME ALCOHOL<br/>Not to consume, purchase or possess alcohol.</li> </ul>  | IMPOSED |
| <ul style="list-style-type: none"> <li>NOT TO CONSUME DRUGS<br/>Not to consume, purchase or possess drugs other than prescribed medication taken as prescribed and over the counter drugs as recommended by the manufacturer.</li> </ul>       | IMPOSED |
| <ul style="list-style-type: none"> <li>FOLLOW TREATMENT PLAN<br/>Participate in one-to-one counselling to address risk-related issues of anxiety and emotions management as a result of the changing dynamics of your relationship.</li> </ul> | IMPOSED |
| <ul style="list-style-type: none"> <li>NO CONTACT WITH CERTAIN PERSON<br/>No contact with any person you know or have reason to believe is involved in criminal activity and/or substance abuse.</li> </ul>                                    | IMPOSED |
| <ul style="list-style-type: none"> <li>FOLLOW TREATMENT PLAN<br/>Follow treatment plan/program to be arranged by your parole supervisor in the areas of substance abuse, trauma and reintegration stressors.</li> </ul>                        | IMPOSED |
| <ul style="list-style-type: none"> <li>NO CONTACT WITH VICTIM(S)<br/>No direct or indirect contact with any member of the deceased victim's family.</li> </ul>   | IMPOSED |

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

**NEW INFORMATION SHARED WITH THE OFFENDER : NOT APPLICABLE**

**REASONS FOR DECISION(S) :**

Your file is before the Parole Board of Canada (the Board) with recommendations from the Correctional Service of Canada (CSC) to continue your day parole for an additional six months with expanded leave privileges.

The Board must decide whether your continued release will constitute an undue risk to society and whether it will contribute to the protection of society by facilitating your reintegration as a law-abiding citizen.

In making the decision to continue day parole for six months with expanded leave privileges, the Board has considered the following information:

You are 38 years of age and serving a life sentence for Second Degree Murder referred to as the 'index offence'. You were a young teenager when you committed the index offence and raised to adult Court. You were initially convicted in 2000, but successfully appealed. A second trial resulted in a hung jury. You were convicted again in 2005 after a third trial. The Supreme Court of Canada upheld the conviction in 2009. A DNA order, lifetime weapons prohibition and publication ban were imposed.

In November 1997, you and several other teenagers swarmed and attacked the 14 year old female victim in an area where a bridge spans a body of water. The attack was described as brutal and the victim tried to escape. But, you and your male co-accused caught her and continued to assault her. You reportedly dragged her to the water and held her head under for several minutes. The victim drowned. You pushed the victim's body further into the water and left. Her body was not discovered for several days. File information indicates that you bragged about what you had done,

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but when questioned by the police you only admitted being in a small fight with the victim.

The Judge who sentenced you in 2005 referred to the “senseless, virtually remorseless barbarity of the crime.” The Judge also described the murder as a prolonged and brutal swarming of a defenceless victim. They remarked you had played a central role in the initial swarming and a crucial role in the murder.

Victim impact statements were submitted to the Court from members of the deceased victim's family. The statements describe the devastating impact of the victim's murder on her family, but also speak of how the victim was a gift from God who gave joy and happiness to her family as they watched her grow. The harm that your criminal actions caused the deceased victim's family was severe and on-going.

Prior to the index offence you had been aggressive at school. [REDACTED]

You were granted bail for approximately three years. Reportedly you abided by your bail conditions but you were charged with Assault Causing Bodily Harm in 2004 after you assaulted a person you met in a park while you were drinking alcohol. The charge was stayed.

Your family history has been considered by the Board. You had a difficult childhood, witnessed violence and experienced emotional abuse. Your parents divorced when you were 11 years old. As a teenager, you associated with negative peers, smoked marijuana and drank alcohol heavily. You demonstrated aggressive and defiant behaviour in school.

During the first part of your sentence your institutional behaviour was poor. You intimidated other offenders and demonstrated serious behavioural problems. Later in custody you did not follow institutional rules and engaged in aggressive behaviour. Your behaviour in federal custody was initially inconsistent, with intermittent drug use between 2011 and 2015. In 2009, you were involved in a fight with another inmate although no institutional charges resulted.

Your behaviour improved over time. You became pregnant in 2016 during a private family visit. The Board authorized escorted temporary absences that you completed successfully. You upgraded your education, remained employed, completed a construction course and obtained various certificates.

Several professional assessments have been completed during your sentence. There is a therapy report on file from 2018. However, the most recent psychological assessment was completed in 2016. The psychologist assessed your risk for violence over the long term in the high-moderate range. The psychologist commented that your risk would increase if you were to use substances or associate with negative peers.

You completed correctional programming while incarcerated. The most recent institutional program you successfully completed was done in October 2017. At the time you had demonstrated a period of stability and had been incident free since 2015. Reports indicate you began to develop a more positive self identity at that time, being a mother. You successfully completed the community self management program in December 2018. The program facilitator commented positively on your progress and noted your commitment to raising your child, which she considered a protective factor.

Having determined your risk on day parole would not be undue, the Board granted day parole in



November 2017. Your day parole has been continued at regular intervals since that date the most recent of which was in December 2020. You gave birth to a second child in October 2019. The Board notes your partner is a former federal offender. In earlier reports and decisions he was noted to be a positive support and the relationship was considered stable. However, the most recent Assessment for Decision (A4D) reports emerging concerns. CSC states in recent months the pressure and stressors of being a mother and maintaining a household seems to be catching up with you and you have demonstrated hyperactivity and high anxiety.

According to the A4D your partner has lost his job, you are experiencing financial issues, and your relationship is now described as “strained.” While you remain living together and are trying to “work it out” the Board has noted and considered the increased stress in your life at this time.

The CSC report that your contributing risk factors have increased in need. Your contributing risk factor of personal/emotional orientation now requires a moderate level of improvement; your need has increased from a low need. You have been noted to have reacted from a place of heightened anxiety and as a result have been re-referred to the self management program.

Your marital/family factor has also increased as a result of relationship struggles; file information states your partner has become unemployed and struggled with drug problems. No physical abuse has been reported and you are continuing to live together at this time. While you had commented that your children were not safe with your partner, official reports state that the Case Management Team (CMT) took your allegations seriously and determined your allegation of abuse had no merit. Rather, they believe it was a magnified reaction and heightened anxiety.

It appears to the Board that your CMT is well informed of the dynamics of your relationship, your emotional stability and your dynamic risk/needs at this time. Your CMT has not pointed to escalated risk to you, your children or the public and is continuing to actively and closely monitor the relationship. You have participated in couples' counselling which was conducted over the phone. CSC indicates more support in this area is recommended. The Board put its mind to this recommendation.

The Board notes that your frequency of contact has been increased and that on-going collateral contact with your psychologist, Community Residential Facility (CRF) staff and community support is being used to assess your capacity to cope day to day. Your CMT report no issues with compliance, no concerns about substance abuse and a good working relationship with you. Your accountability is medium, and your motivation level and reintegration potential are high.

On day parole continued you will remain at the same CRF where you currently reside with expanded leave privileges. You are required to spend two nights a week at the CRF and five nights a week at your own home. You have completed ‘five and two’ leave privileges with no identified concerns and your CMT reports that the extended leave privileges have greatly assisted your reintegration. File information indicates you have the support of your common law spouse, his mother and your own mother.

The Board remains concerned with the severity and brutality of the index offence in which a young woman violently lost her life at your hands. The Board has also considered your aggressive and intimidating behaviour toward others when you were young. The Board notes the stayed charges and the linkage of that incident with the consumption of alcohol. The Board has weighed your problematic behaviour including drug use when you were incarcerated.

The Board has considered your current state of increased anxiety and stress which is linked to your relationship. The Board is particularly concerned with the mention of drug problems with your spouse given his status as an ex-offender and your misuse of drugs in the past. The Board finds



the relationship needs careful monitoring to ensure the safety of your children, yourselves and the public. The Board notes that added interventions and support (counselling) have been initiated but finds that an additional special condition, specific to one-to-one counselling, is warranted to ensure you have the supports you need to manage your emotional reactions and anxiety without resorting to harmful reactions or being triggered to use drugs or alcohol to cope.

The Board notes you have completed seven periods of day parole without suspension or breach. You are a mother to two children and appear to be dedicated to raising your children in a pro-social and safe environment. You have completed programming and made gains both inside the institution and in the community. You have been re-referred to the women's self management program and to couples' counselling. You have the support of your CMT and your CRF for a day parole continued and authorization of expanded leave.

While the Board has concerns about your recent increase in need, the Board does not find there is information on your file that indicates your heightened anxiety has resulted in increased risk at this point. The Board does find you require enhanced support.

Having weighed and considered to all these factors, the Board has determined that the weight of the positive elements of your case are sufficient to counter the weight of on-going concern. The Board finds that because you are remaining sober, working well with your CMT, accessing professional supports, continuing to demonstrate satisfactory stability as a mother, utilizing your family support network, and demonstrating the maintenance of positive change, it has sufficient reliable and persuasive information to determine that day parole continued in your case will not constitute an undue risk and will continue to facilitate your reintegration into the community as a law-abiding member of society.

Accordingly the Board continues day parole for six months.

Expanded leaves -- "five and two" -- continue to be authorized so that you may continue to demonstrate change in a less restricted model of release and create a more normal environment for family life that the Board considers protective in your case.

The Board imposes the following special conditions on day parole:

1. Participate in one-to-one counselling to address risk-related issues of anxiety and emotions management as a result of the changing dynamics of your relationship.
2. Follow treatment plan/program to be arranged by your parole supervisor in the areas of substance abuse, trauma and reintegration stressors.

You have been reacting with heightened anxiety. While not recommended by CSC the Board has imposed two separate "treatment" conditions to ensure your emotional stability is monitored and supported through one-to-one counselling and treatment. Treatment and counselling is intended to support your use of positive coping strategies and support your well-being and reintegration.

3. Not to consume, purchase or possess alcohol.

4. Not to consume, purchase or possess drugs other than prescribed medication taken as prescribed and over the counter drugs as recommended by the manufacturer.

Sobriety is a crucial element of your risk reduction strategy. You have completed treatment in the past as a result of substance abuse issues. If you were to use alcohol or drugs your risk to reoffend would increase and your capacity to manage your emotions would be reduced.



5. No contact with any person you know or have reason to believe is involved in criminal activity and/or substance abuse.

You committed the index offence with others. Your partner has a criminal past and CSC reports there are concerns regarding drug taking. If you associate with anyone involved in crime or substance abuse your risk to reoffend or relapse will increase.

6. No direct or indirect contact with any member of the deceased victim's family.

Your criminal offending resulted in the death of a young girl. Her family was profoundly impacted by the loss of their child. They have the right to grieve and heal without any unwanted contact from you.

These special conditions are specific to your risk to reoffend and to protect the victim's family. As such they are necessary and reasonable. They are imposed for the duration of your day parole unless removed or modified by a future Board.

**DECISION(S) AND VOTES :**

| <b>DAY PAROLE - PRE RELEASE</b> | <b>CONTINUED</b> | <b>2021-07-14</b> |
|---------------------------------|------------------|-------------------|
| Board Member                    | Vote             | Vote Date         |
| DAWSON, C. A.                   | CONTINUED        | 2021-07-12        |
| SCOTT, K. .                     | CONTINUED        | 2021-07-14        |

**SIGNATURES :**

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DAWSON, C. A.

\_\_\_\_\_  
Board Member Signature Date

\_\_\_\_\_  
SCOTT, K. .

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Board Member Signature Date