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Corrections head questioned how Mendicino was kept in dark over Bernardo transfer

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Minister of Public Safety Marco Mendicino speaks to reporters following a cabinet meeting on Parliament Hill in Ottawa on Tuesday, June 20, 2023.

SEAN KILPATRICK/THE CANADIAN PRESS

Days after Public Safety Minister Marco Mendicino shared his outrage on social media over the transfer of notorious serial killer Paul Bernardo to a medium-security prison, the head of Canada's federal prison system asked the department whether the politician had been told of the move.

Anne Kelly, the commissioner of the Correctional Service of Canada, also reached out to Mendicino directly to let him know that she had seen the tweet in which he voiced his concern over the move and offered to arrange a meeting.

The back-and-forth emails between federal officials and Mendicino himself in the days leading up to and after Canadians learned of the transfer were released to The Canadian Press through the Access to Information Act.

The public safety minister and his staff have been under heavy scrutiny over the past month as more details have emerged about the timeline of the prison transfer. Questions have also swirled around who knew what when, with the Opposition Conservatives demanding that Mendicino resign.

Bernardo, known as the "Schoolgirl Killer," is serving a life sentence for the kidnapping, torture and murders of 15-year-old Kristen French and 14-year-old Leslie Mahaffy in the early 1990s near St. Catharines, Ont. He was also convicted of manslaughter in the December 1990 death of 15-year-old Tammy Homolka, the younger sister of his then-wife, Karla Homolka. Bernardo also ultimately admitted to sexually assaulting 14 other women.

Karla Homolka pleaded guilty to manslaughter and was released in 2005 after completing a 12-year sentence for her role in the crimes committed against French and Mahaffy.

On June 2, news leaked that Bernardo had been quietly transferred three days earlier to the medium-security La Macaza Institution, about 190 kilometres northwest of Montreal. He was initially an inmate at the Kingston Penitentiary in Ontario and later spent about a decade at the Millhaven Institution, a maximum-security prison just outside Kingston.

The day word of Bernardo's transfer got out, [Mendicino posted a statement on Twitter](#) describing the correctional service's "independent decision" as "shocking and incomprehensible." He also said he planned to raise "the transfer decision process" with Kelly and expected the correctional service to "take a victim-centred and trauma-informed approach" in such cases.

Two weeks later, the correctional service revealed it had first told Mendicino's office about the possibility of a transfer in early March and then again in late May after a date for the move had been set. Prime Minister Justin Trudeau was briefed on May 29, the day the transfer took place, while Mendicino has said he found out the next day.

One of the emails released to The Canadian Press shows that Kelly herself reached out to Shawn Tupper and Tricia Geddes, the deputy minister and associate deputy minister of public safety, respectively, three days before the transfer was scheduled to go ahead.

“I had said I would confirm the transfer with you. It will occur next week,” Kelly wrote on May 26 in an e-mail with “High Profile Offender” in the subject line.

She told them the federal Public Safety Department, Mendicino’s office, the Privy Council Office and the Prime Minister’s Office “have been advised” and that “we have media lines ready.”

Tupper replied just minutes later to thank Kelly for the confirmation.

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A spokeswoman for Mendicino’s office has confirmed it was first asked about Bernardo’s possible transfer by a staffer in Trudeau’s office, who learned of the matter from the PCO.

The documents show Kelly wrote directly to Mendicino on the afternoon of Sunday, June 4, two days after the minister’s first public statement on the matter.

“Hello minister, saw your tweet,” Kelly wrote. “I remain available to meet with you.”

Mendicino responded within 10 minutes: “Yes, we’ll co-ordinate a call.”

The next day, Mendicino told reporters that he had spoken with Kelly and told her that he was “profoundly concerned and ... shocked by this decision.” The correctional service then said the decision to reclassify and transfer Bernardo, which was made according to a legislated set of criteria, was under review.

The newly released documents then show Kelly wrote back to Tupper and Geddes on June 6 to check whether Mendicino’s office had been advised of Bernardo’s transfer, as she was being asked the same question by the clerk of the Privy Council.

“I understand from my staff that someone at (the Public Safety Department) said (the minister) had not been notified,” she wrote in an e-mail with the subject line “PRIVATE – Transfer.”

“We have a notification process in place as you know and we certainly followed it.”

Mendicino has acknowledged [his staff made a mistake in not informing him](#), but denied it was done to intentionally keep him in the dark.

The minister [has not divulged how he went uninformed](#), but has announced plans to issue a directive saying the public safety minister is to be told of such transfers directly.

Conservative Leader Pierre Poilievre said Mendicino should issue a similar directive to ensure people convicted of multiple murders, like Bernardo, must serve out their entire sentence in maximum-security prison.

The Liberal government says it needs to be careful not to interfere with the independence of the correctional service – a position with which criminal justice experts and other lawyers agree.

The Correctional Service of Canada has not yet provided an update on its review of Bernardo's transfer.

Tim Danson, a lawyer representing the French and Mahaffy families, has said they want the decision reversed, adding it happened around the anniversary of Leslie Mahaffy's kidnapping and death.

The Canadian Press has reached out to the correctional service, the Privy Council and Mendicino's office for comment on the newly released documents, but has yet to receive a response.