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A Guide to Conditional Release for Penitentiary Inmates

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National Parole
Board Canada

A Guide...

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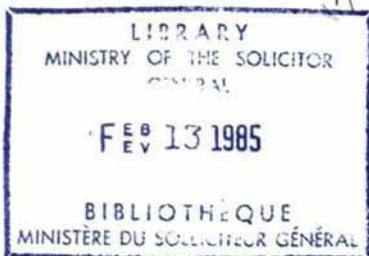


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FOREWORD

This handbook was prepared especially for you, a penitentiary inmate, as an outline of the federal conditional release system, especially parole. It describes standards of eligibility, the steps to the various kinds of release: temporary absence, day parole, full parole, and mandatory supervision. It also points out your responsibilities.

A conditional release is made to help you reintegrate into the community and adapt yourself to a normal life there. Before the Board makes its decision, your case is given a detailed assessment and this includes consideration of such things as the degree of risk involved in your release.

Reintegration will not always be easy for either you or the community. Once you are selected for parole you will have a great deal of help to call on. However, there will be some restraints. You will have certain specific obligations besides those usual, legal, and social responsibilities that every citizen faces. Both the Board and the community expect that you will accept those obligations and responsibilities. In turn, you should be given the consideration and opportunities due to all responsible citizens.

As you read this booklet, keep in mind that eligibility for release depends on the sentence you are serving and when you were sentenced. The booklet does not offer a full description of each release but you can get more information about

these from your classification or living unit officer, your parole officer, and directly from the National Parole Board.

Because a part-time or full-time release into the community is a serious matter, you should not rely entirely for information on inmates who have never been before the Board, or inmates who have had parole and lost it and, certainly, do not rely on rumor. It is the Board members who grant parole. Ask us the questions.



W.R. Outerbridge, Chairman.

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INTRODUCTION

Parole means you are released from prison to serve the remainder of your sentence in the community, under certain conditions. This is a simple definition and does not cover the various types of release, eligibility, conditions, supervision, or the many other aspects of what is called the parole system. These will be touched on in this guide.

Recently, Parliament changed the laws which affect the parole and penitentiary systems. No doubt you are wondering how this will affect you. These changes are contained in this booklet. You will notice, for instance, the explanation of judicial review which is a result of Bill C-84, that became the Criminal Law Amendment Act (No. 2) 1976. The guide also describes the new system for temporary absences, some of which are now granted by the National Parole Board, by the Criminal Law Amendment Act, 1977 (Bill C-51) parts of which became law in the fall of 1977, the remainder coming into effect in the spring of 1978.

This guide to community release does not go into all the details of the system but your classification, living unit or parole officer, and the Board, are there to answer your questions.

THE NATIONAL PAROLE BOARD

The National Parole Board is an independent body, composed of 26 full-time members who have absolute authority to grant, deny or revoke day parole and full parole and to revoke mandatory supervision. They also authorize unescorted temporary absences. And, they set down the conditions by which you must abide while on release.

Full-time Board members are appointed by Government for a definite term of office and come from a wide variety of backgrounds: journalist,

police chief, professor, social worker, John Howard Society worker, Indian chief, psychologist, ex-inmate, chaplain, armed services officer, lawyer, and criminologist.

By the appointment of community Board members, who with the other members will review preventive detention, indeterminate, and life cases there is an even greater variety of experience.

The full-time Board members are located throughout five regions of Canada and at the Ottawa headquarters.

The regional offices and their addresses are:

ATLANTIC REGION
National Parole Board
P.O. Box 1370
Moncton, New Brunswick
E1C 8P6

QUEBEC REGION
National Parole Board
505 Sherbrooke Street East
Montreal, Quebec
H2L 4N3

B.C. & YUKON REGION
National Parole Board
Room 230
4664 Lougheed Highway
Burnaby, B.C.
V5C 5T5

ONTARIO REGION
National Parole Board
382 King Street East
Kingston, Ontario
K7K 2Y2

PRAIRIE REGION & N.W.T.
National Parole Board
Financial Building
No. 505
Saskatoon, Saskatchewan
S7K 0E9

Headquarters for the Board
is in Ottawa at:
340 Laurier Ave. West,
Ottawa, Ontario
K1A 0R1

TYPES OF RELEASE

There are basically four types of release:
temporary absence,
day parole,
full parole, and
mandatory supervision.

TEMPORARY ABSENCES

Temporary absence, escorted or unescorted, is the first type of release you will probably experience. It is an occasional release from the institution for medical, humanitarian or rehabilitative reasons.

Under the legislation passed in 1976 and 1977 authority for some temporary absences was transferred to the Board. Approval for TAs for some lifers became Board responsibility July 26, 1976 and in March 1, 1978 it was given responsibility for all unescorted TAs, for all other inmates.

Escorted TAs for medical reasons are granted by the director of the institution. Unescorted TAs for medical reasons are the responsibility of the Board.

Escorted TAs for humanitarian or rehabilitative reasons are granted by the director of the institution, except for certain inmates sentenced to life for murder whose release is subject to Board approval. Unescorted TAs for humanitarian or rehabilitative reasons are the responsibility of the Board.

The Board may delegate some of its authority for TAs to a director of an institution, including the authority to cancel a specific TA that is part of an approved plan. However, no changes may be made to a release plan without Board approval.

Types

Medical

A temporary absence might be granted for medical reasons when the medical staff believe you need medical care that cannot be provided in the institution. This includes such services as surgery, examination by a specialist, dentistry, and treatment.

Humanitarian

Temporary absences might be granted for:

- funeral services of immediate family member;
- a visit to an immediate family member who is seriously ill;
- special events such as graduation or religious ceremonies that normally call for family participation;
- court appearances;
- provision of support in certain instances of hardships being endured by family members where your presence would be beneficial.

Rehabilitative

Temporary absences might be granted:

- for visits with family or to community residential centres to enhance potential success on parole or mandatory supervision;
- for an interview with possible employers or landlords before release;
- to attend a lecture or seminar, or function in connection with special studies or interest;
- to undergo an examination or assessment, not available in the institution;
- for a community service project by a group or individually;
- to make arrangements for personal business activities;
- to attend social, cultural, or recreational activities;

- to visit the nearby community to ease change from confinement to freedom;
- to coincide with date of release on parole or mandatory supervision when that date falls on a weekend or statutory holiday.

Eligibility (unescorted TA)

If you are serving a sentence for a definite number of days and entered the penitentiary before March 1, 1978, you will be eligible for an unescorted TA six months after you set foot in the prison.

Example:

sentenced to	9 years	
entered penitentiary		Feb. 1, 1978
TA eligibility		Aug. 1, 1978

If you came in on or after that date, you become eligible six months after you were sentenced or at one-half the time you must serve before your eligibility date for full parole, whichever is the longer of the two periods.

Example:

sentenced to	9 years	May 1, 1978
full parole eligibility	$(\frac{1}{3} \times 9)$ 3 yrs.	May 1, 1981
TA eligibility	$(\frac{1}{2} \times 3)$ 1½ yrs.	Nov. 1, 1979

If you were sentenced to preventive detention, as an habitual criminal or as a dangerous sexual offender before October 15, 1977 you become eligible one year after sentencing.

If you were sentenced to detention for an indeterminate period as a dangerous offender, on or after that date, you become eligible three years after sentencing.

If you are serving a life sentence for a crime other than murder and you entered the penitentiary before March 1, 1978, you are eligible in six months. If you came in on or after that date, you become

eligible three years before your full parole eligibility date, which means four years after sentencing.

Example:

sentenced to	life	May 1, 1978
full parole eligibility	7 years	May 1, 1985
TA eligibility	(7-3)	May 1, 1982

If you are serving a life sentence for murder and you were sentenced before January 1, 1974, you became eligible three years after entering the penitentiary. If you were sentenced on or after that date, you become eligible three years before your full parole eligibility date, which is sometime between 10 and 25 years, depending on the order of the Court or the category of murder. In case of a medical emergency, you may be granted an unescorted TA, whether you are eligible for TAs or not, if you were sentenced before January 1, 1974. If you were sentenced on or after that date you must be eligible. If not, you would be escorted.

The Board is also involved in applications for escorted releases of persons serving life for murder. If you were sentenced before July 26, 1976 the Board will review your application for an escorted TA for humanitarian or rehabilitative reasons and make a recommendation to the institution director. The director is the one who makes the final decision to release. If you were sentenced on or after that date, any escorted TA for humanitarian or rehabilitative reasons must be approved by the Board.

After revocation of parole or mandatory supervision, you won't be considered for an unescorted TA for six months or for one-half the time to be served before your next parole review date, whichever is the longer time. However, the Board may have set a definite date when it revoked your release.

After a Board decision to deny parole, you will not be considered for an unescorted TA for 30 days. Nor will you be considered for an unescorted TA if you are in custody under a warrant of suspension awaiting a Board decision on a revocation. And you will not be granted an unescorted TA for rehabilitative reasons if you are on day parole.

Applications for unescorted TAs should be made on the new form, NPB 60.

If your unescorted TA is for less than one day you do not report to a supervisor. On longer unescorted TAs you report to a parole officer or a member of an after-care agency.

You should also keep in mind that a TA plan does not automatically lead to a day parole program or a full parole.

To sum up:

Sentence fixed definite number of days	Eligible After Serving
— before Mar. 1, 1978	— 6 months after entering penitentiary
— on or after Mar. 1, 1978	— 6 months after sentencing or ½ time before full parole eligibility date, whichever is longer
indeterminate	
— habitual or DSO before Oct. 15, 1977	— 1 year after sentencing
— dangerous offender, on or after Oct. 15, 1977	— 3 years after sentencing
life (non-murder)	
— before March 1, 1978	— 6 months after entering penitentiary
— on or after March 1, 1978	— 3 years before full parole eligibility date (4 years after sentencing)
life (murder)	
— before Jan. 1, 1974	— 3 years after entering penitentiary

- on or after Jan. 1, 1974 — 3 years before full parole eligibility date (may be anytime between 10 and 25 years)
- exceptions
- on day parole — not eligible for rehabilitative reasons
- parole denied — 30 days
- release suspended — eligible but not considered
- release revoked — eligible but not considered until 6 months or ½ time to new parole review date (whichever longer) or at date set by Board).

DAY PAROLE

Day parole is a limited form of parole designed to assist you to prepare for a full parole or mandatory supervision release.

Usually, it is granted for a specific purpose or program and for a limited period of time. While on day parole, you would at first continue living at your institution or, perhaps, in a community correctional centre or a community residential centre.

Many inmates apply for day parole to participate in work projects. Such projects enable them to earn the money they will need to start life in the community again. Others apply for day parole to take a course which is not available in the institution but which is necessary to upgrade their qualifications for employment. Others, with special problems, might apply for day parole to participate in an alcohol or family counselling seminar.

These are only examples. Day parole programs are as individual and different as the inmates who apply. If you are interested in day parole, seek the assistance of your classification or living unit officer in developing a day parole program which will assist you to gradually re-enter the community.

A day parole is usually granted for a maximum period of four months. As you near the end of your release period your parole officer will prepare a report for the Board describing what and how well you have been doing. As well, this report will describe any changes to your day parole program which you have requested.

For example, you may have finished your upgrading course, and are requesting that you be allowed to look for employment or to spend one weekend a month with your family. Again, the changes requested are as different as the inmate who requests them.

The Parole Board then reviews your case and decides whether there is value in renewing your day parole and if so, what changes might be made.

Day parole is ended by:

- expiry; it simply ends and is not renewed by the Board. (your day parole certificate shows the expiry date);
- termination; ended normally because the original purpose of the day parole can no longer be met, (example: a day parole for a work project would be terminated if the project ended before the expiry of the day parole);
- revocation; if the conditions of the day parole release are violated or likely to be violated. (see Conditions and Revocation).

If your day parole application is denied, you may apply again at any time and your application will be reviewed within four months of its arrival at the regional Board office.

Eligibility

If you are serving a definite sentence of two and less than 12 years, you are eligible for day parole after serving six months or one-half the time to be served before full parole eligibility, whichever period is longer.

Example:

sentenced to	9 years	Feb. 1, 1977
full parole eligibility ($\frac{1}{3} \times 9$)	3 years	Feb. 1, 1980
day parole eligibility ($\frac{1}{2} \times 3$)	1½ years	Aug 1, 1978

If your sentence is definite and 12 years or more you will be eligible for day parole two years before your full parole eligibility date.

Example:

sentenced to	15 years	Feb. 1, 1977
full parole eligibility ($\frac{1}{3} \times 15$)	5 years	Feb. 1, 1982
day parole eligibility (5-2)		Feb. 1, 1980

If you are serving a maximum life sentence for a crime other than murder, you are eligible for day parole five years after sentencing.

If you are serving a minimum life sentence (murder) you are eligible for day parole three years before your full parole eligibility date.

Example:

full parole eligibility	Feb. 1, 1981
day parole eligibility	Feb. 1, 1978

The third year before full parole eligibility will probably be used for temporary absences, the second year for special projects, and the last year before full parole eligibility for a regular day parole program.

If you are serving a sentence of preventive detention and were sentenced before October 15, 1977, you are eligible for day parole after serving one year. If you were sentenced to detention for an indeterminate period on or after that date, you must serve three years before becoming eligible.

Example:

i) sentenced to preventive detention before Oct. 15, 1977	
sentenced	Feb. 1, 1977
full parole eligibility	Feb. 1, 1978
day parole eligibility	Feb. 1, 1978

ii) sentenced to detention for an indeterminate period on or after Oct. 15, 1977

sentenced	Feb. 1, 1978
full parole eligibility	Feb. 1, 1981
day parole eligibility	Feb. 1, 1981

If your day parole is either terminated or revoked for violation of release conditions, the Board will consider another one but you may be considered a poorer risk.

After revocation of full parole, you may be considered for a day parole when you serve a minimum of six months or one-half the time before the date set for your eligibility date for full parole.

In summary:

Sentence	Eligible After Serving
2 and less than 12 years	— either 6 months or ½ the time to be served before full parole eligibility date, whichever is the longer period
12 years or more	— all but 2 years before full parole eligibility date
indeterminate habitual or DSO, before Oct. 15, 1977	— 1 year (though release be some time after that)
dangerous offender	— 3 years (though release may be some time after that)
life (non-murder)	— 5 years
life (murder)	— 3 years before eligibility date for full parole.
revocation (full parole)	— eligible but not considered until 6 months or ½ time to be served before full parole eligibility date

FULL PAROLE

Eligibility

Most inmates are eligible for full parole review after one-third of their sentence has been served. Parole eligibility dates are set by the Criminal Code and Parole Act regulations.

Within six months of your admission to a penitentiary, staff at the regional Board office will tell you your parole eligibility date. If you have any questions about parole eligibility send a letter to the verification clerk at the regional office.

Any increase or decrease in your sentence usually affects this date. You will be notified if this happens and informed of your adjusted parole eligibility date.

If you are serving a definite sentence (not life, preventive detention, or indeterminate), your case will be reviewed not later than the date when you have served one-third of your sentence or seven years, whichever is the shorter period.

Example:

sentenced to	9 years	Feb. 1, 1977
full parole eligibility ($\frac{1}{3} \times 9$)	3 yrs.	Feb. 1, 1980

However, if you were sentenced for an offence that involved violent conduct, you may have to serve one-half (not one-third) of your sentence or seven years before becoming eligible, whichever is the lesser period.

Your offence is considered to have involved violent conduct if:

- the sentence for your offence could have been 10 years or more and you were sentenced to five or more,
- your offence seriously endangered the life or safety of anyone or it resulted in serious bodily harm or severe psychological damage to anyone.

Therefore, if you were sentenced on or after June 1, 1978, for an offence involving violent conduct as just described and if that sentence came less than 10 years after the end of an earlier sentence of five years or more for an offence involving violent conduct, for which you could have been sentenced to 10 years or more, you will be considered for parole when you have served one-half (not one-third) of your sentence or after seven years, whichever is the lesser period.

If you were declared to be an habitual criminal or a dangerous sexual offender and are serving a sentence of preventive detention, the Board must, under the Criminal Code, review your case at least once a year to see if you should be granted parole.

If you were sentenced to detention for an indeterminate period as a dangerous offender, you become eligible for parole consideration three years after the date you were taken into custody. Under the Criminal Code, once you reach your eligibility date the Board must review your case every two years to see if you should be granted parole.

You should consult with your classification officer, parole officer, or the Board if you are serving a life sentence. Eligibility for lifers is calculated from the day of arrest, covering the time spent in custody regarding the offence. As you can see from the summary at the end of this section, your parole eligibility date may come at some time between 7 and 25 years, depending on what kind of life sentence you have and when it was given. If you were sentenced for murder on or after January 1, 1974 you should read the section on judicial review, which follows.

Judicial Review (life sentences)

If you were sentenced to life for murder on or after January 1, 1974 and the sentencing court sets your parole eligibility at more than 15 years you may

apply for a judicial review after you have served 15 years of that sentence.

This means that you may apply to the Chief Justice in the province or territory where you were sentenced to have your parole eligibility date revised to an earlier date.

A review of your case would then be made by a Superior Court judge and jury. Your character, behaviour in prison and the nature of your offence would be considered. A decision to reduce your parole eligibility or declare you immediately eligible would require a two-thirds vote of the jury. If the jury decided not to reduce the period of time you might serve before eligibility, it might set a date for another appeal to the Chief Justice.

However, keep in mind that even if you were declared eligible for parole, this only means that you could apply and would be considered by the Board. It does not guarantee that the Board will grant you a parole.

If your parole was revoked, you are still eligible for parole but you will not be considered for at least six months. However, you will be considered at some time within the two year period following revocation. If your release was revoked and you were also given another term of imprisonment for a new offence, your review date will be calculated differently. You should write to the Board if you have any questions about your new parole eligibility date.

The time needed to prepare and study a case is about six months.

A summary:

Sentence	Eligible After Serving
2 years or more	1/3 of sentence, or 7 years, whichever is less
5 years or more (involving violent conduct)	1/2 of sentence, or 7 years whichever is less
preventive detention (as a habitual criminal or dangerous offender)	1 year

detention of an indeterminate period (dangerous offender)	3 years
lifers, note:	calculated from the day of arrest covering time in custody
life (as a maximum for crime other than murder)	7 years
life (death for murder commuted before January 1, 1974)	10 years
life (death for murder commuted on or after January 1, 1974 and before July 26, 1976)	10 to 20 years as indicated by sentencing court, with possible review after 15 years
life (death for murder, not commuted by July 26, 1976)	25 years with possible review after 15 years
life (for murder before January 4, 1968)	7 years
life (for murder on or after January 4, 1968 and before January 1, 1974)	10 years
life (for murder on or after January 1, 1974 and before July 26, 1976)	10 to 20 years as indicated by sentencing court with possible review after 15 years
life (for first degree murder on or after July 26, 1976)	25 years, with possible review after 15 years
life (for second degree murder on or after July 26, 1976)	10 to 25 years as indicated by sentencing court, with possible review after 15 years.
revocation	eligible but not considered earlier than 6 months, no later than 2 years
revocation plus new sentence	eligibility depends on new sentence and new term of imprisonment.

If full parole is granted before your parole eligibility date, you will be released as soon as is reasonably possible after that day. You'll be given a parole certificate listing the conditions of your

release. You will be asked to sign this certificate to show that you understand the conditions and intend to abide by them. (see Conditions).

While in the community you will report regularly to a supervisor (usually a parole officer) and to the police. Your parole will last until your sentence ends, including any periods of remission. If you are serving a life or preventive detention sentence, or a sentence of detention for an indeterminate period, you will be on parole for the rest of your life.

A deportation order against you is not put into effect while you are in custody nor while you are on day parole or a temporary absence. However, if you are granted full parole, because you are eligible and ready for release, the order will then come into effect and you will be taken to a port of departure for deportation.

If you indicate that you will go to a foreign country of which you are a citizen or to one that will accept you, you will be escorted to a port of departure to ensure you leave the country. The normal criteria for full parole eligibility and release also apply.

In either case — deportation or voluntary departure — if you return to Canada before your sentence ends, your parole will be suspended while the Board considers whether to revoke it and return you to prison.

If full parole is denied, the Board will either set another parole review date at sometime within the next two years or review your case no later than two years after the denial. You will be notified of this date.

The setting of another review date, means that your case will be reviewed again for full parole. Although it is not necessary that you apply it would be helpful to you if you tell the Board what your plans are and how circumstances have changed since your last review. However, if you do not want to be considered you should tell the Board in writing.

MAKING THE DECISION

Interview

Soon after you apply for full parole or day parole a parole officer will be assigned to discuss your release plans.

This interview is your opportunity to discuss all those things that you feel are important to support your application. The parole officer, in turn, will have questions to ask you and will want to discuss your plans for the future. He/she will be interested in learning about your family, your health and your employment prospects. Also, he/she will want to know about the goals you have set for yourself and how you expect to reach them.

Based on this interview, and other information on your file, the parole officer will then write a report for the Board to consider when reviewing your case.

Review by the Board

An important part of the decision-making is the review of your case, which is simply a study of the information about you the Board has on its file. A review of your case must be made by at least your full parole eligibility date and is usually made within the three-month period before that day. If the Board denies full parole at this review, it will continue to review your case at least once every two years. Unless you indicate in writing that you do not want parole this review will continue until you are paroled or released because of statutory and earned remission or mandatory supervision.

The first review for an unescorted release, either a TA or a day parole, may include a hearing. The first review for full parole will include a hearing. Any other reviews that follow may involve one too. Hearings are explained in the next section.

The information you supply in your application of request for release is most important. The Board must know what your plans are, how you are going

to achieve them and who is going to help you. On the basis of this information and the interview with you, a parole officer may investigate your release plans by talking to your family, friends, and future employer. This is to help the Board build as complete a picture as possible of the community to which you will be returning and to let it know your strengths and weaknesses there. Incomplete plans or an inaccurate description of them may only lead to a delay of your review until this information is gathered. (see Reserved, at the end of this section).

As well, the Board reviews the following information from your files:

- criminal record;
- police reports;
- a report describing your education, family life and employment;
- psychological and psychiatric assessments if made;
- letters and representations on your behalf from family, friends, employers, and so on;
- your juvenile criminal history, probation reports if available;
- the sentencing judge's comments;
- reports from institutional staff regarding your behaviour, attitude, work habits, etc.;
- the parole officer's report;
- reports from social agencies you might have had contact with;
- medical reports.

It's not always possible to have all of this information. But, every effort is made to obtain it because the Board wants to have as complete a picture of you as is possible before making a decision.

The Hearing

A parole hearing is a discussion between you and Board members. The hearing will be informal and you are encouraged to state your own case. The

Board members will also wish to ask you questions. It is important that you be open and straight-forward with them. Normally, an inmate's classification or living unit officer and parole officer are also present at the hearing.

The hearing will last approximately 30 minutes after which you will be asked to leave the room while the Board members discuss your case.

You will then be called back in and if possible (see Voting in this section) the decision will be given to you. If the members decide not to release you, they'll give the reasons for that negative decision. If other members must review your case the decision will not be made at that time but when all the necessary number of members have reviewed it.

Factors Considered

When reviewing your case the Board takes the following factors into consideration:

- your criminal record, kinds of offences and their pattern, and length of crime-free periods between convictions;
- the nature of your current offence and how serious it was;
- what understanding you appear to have of the situation that brought you to prison, and what you have done about it;
- what you have done while in prison including training, educational and employment upgrading activities;
- institutional behaviour, offences;
- if you were previously released on temporary absences or day parole, how well you did;
- whether you have any previous parole violations;
- what your relationship with family and friends is like;
- what plans you have for employment or training and how definite they are;

- what plans you have made for release including:
 - where you would live;
 - who, outside, could and would help you;
 - how you feel your plans will keep you out of trouble;
 - the possible effect on the community if you were to return to a life of criminal activity;
 - your personality, particularly your presence or absence of potential for physical harm to a member of the community.

The Board has learned over the years that good performance in the institution does not guarantee good performance on the street. It's not a matter of risk or no risk in releasing you. It's the degree of risk you present to the community and how that is likely to be increased by the way you deal with problems on the street.

If it has been less than six months since your last hearing for full parole, it is unlikely that another will be scheduled. In this case, a decision will be made based on the information you supply in your application, the parole officer's report of his/her interview with you and the information already on your file.

If it has been from six months to less than two years since your last parole hearing, the Board will review your application and reports received to determine whether you will be scheduled for a parole hearing.

A parole hearing is always scheduled if it has been two more years since you were last interviewed by the Board.

Voting

Each member of the Board has one vote of equal weight with the votes of every other Board member. In the event of a tie, however, the chairman of the Board may either ask for an additional vote to break it or cast the additional vote himself.

The following table shows the minimum number

of members who must vote to release an inmate with a particular sentence on full, day parole or temporary absence.

- 2 votes —Inmates serving a single or aggregate term of imprisonment of less than 5 years.
- 3 votes —Inmates serving a single or aggregate term of imprisonment of 5 years but less than 10 years.
- 5 votes —Inmates serving a single or aggregate term of imprisonment of 10 years or more, including life as a maximum.
- 7 votes —Inmates serving
 - a minimum sentence of life imprisonment (murder);
 - preventive detention;
 - detention for indeterminate period.

In all cases, except those serving life for murder or an indeterminate period of detention, a simple majority (one-half plus one) of the required votes is needed to authorize temporary absence or to grant day parole or full parole. For lifers or persons serving indeterminate periods, two-thirds of the members voting must say yes before any release is made.

When three or five votes are needed for a TA the first release requires all the votes. For others that follow, only two votes will be needed.

When two or three members are required to vote, the release is denied if two of the votes are negative. When five or seven votes are needed, no release is made if three of the votes are negative. Normally, the minimum number of members must review the case but in five or seven vote cases, if the first three votes are negative, the review is ended at that point and no release is made.

At least two members are required to vote for revocation of day parole, full parole, or mandatory supervision.

Anytime a case is to be voted on by more Board members than are in a region, the file and all material will be sent to the Board headquarters for the other votes. This is why it sometimes takes as long as several months for a final decision to be made.

Community Board Members

Representatives of the community now act as full Board members and participate in any decisions made in the case of inmates serving life for murder, or sentences for an indeterminate period as habitual criminals, dangerous sexual offenders, or dangerous offenders.

They are persons drawn from the community and they will have a vote equal to that of the regular Board members, who will also participate in the decision.

Reserved

The Board will reserve its decision if it needs more information to complete the review. The review will continue and the decision will be made when it has the information. Usually, there is not another interview and you will be notified of the decision by mail.

MANDATORY SUPERVISION

By law, most inmates may have their time in prison shortened by as much as one-third, subtracted from the end of the term. This "good time" is called remission and may be served on the street under what is called mandatory supervision.

This may apply to you if:

- you were sentenced to or transferred to a federal institution on or after August 1, 1970;
- you are serving a definite sentence (not a life or preventive detention sentence or a sentence of indeterminate detention);
- you have more than 60 days of remission to your credit;

— you are not on full parole.

Certain inmates are eligible for early release because of remission, without mandatory supervision. The sentence administrator at your institution will be able to determine if you are one of them.

On admission to the penitentiary the sentence administrator of that institution will have informed you of your mandatory supervision release date. This date is calculated on the assumption that you will not lose or fail to earn any remission. If you do, your mandatory supervision release date will be recalculated by the sentence administrator and you will be notified of the new date.

When you are released on mandatory supervision, you are still serving your sentence but serving it on the street instead of in an institution. You will be issued a mandatory supervision certificate and asked to sign it to show that you understand and intend to abide by the conditions listed.

While serving your sentence on mandatory supervision you will be required to report to a supervisor (usually a parole officer) and keep the conditions of your release, which are like the parole conditions, listed in the next section of this guide.

In the past, inmates were automatically released on their mandatory supervision release date. However, with the changes to the law on October 15, 1977 you now have the option of remaining imprisoned during your mandatory supervision period. If you choose this option and at a later date wish to be released, you will be released on mandatory supervision as soon as reasonably possible (during the normal working hours of a week day).

PREPARING FOR RELEASE

Even though the classification, living unit, and parole officers may gather information to help the Board in its review, there are things that you should

do to prepare for your release, whether it is to be parole or mandatory supervision. For instance, contact your family for their help in making arrangements, write to future employers to confirm job plans, or contact the registrar of a school you plan to attend. In any case, there are certain things that you will need. Some of these, such as a copy of your birth certificate or your social insurance card, you may already have. You may begin the process of obtaining the others while you are still in prison. Since licence requirements and health plans vary from province to province, you should consult with your classification officer or living unit officer and with appropriate officials in the province or territory where you intend to live.

Every Canadian citizen should have a social insurance number. It is needed for filing your income tax return and for your future employers to make deductions for unemployment insurance. It may be used as identification. You may obtain an application for a card with your number from the nearest Unemployment Insurance Commission office of the federal government. There is no charge for either a new or a replacement card.

Unemployment insurance benefits may be available to you if you were a previous contributor to the unemployment insurance fund for a certain period while working. Your local unemployment insurance office can also provide you with these details.

A birth certificate card may be useful as identification and may be obtained from the province of your birth. A letter to the provincial department responsible should include your name in full, the date and place of your birth, and the full name of your mother and father including your mother's family name. There is usually a small fee for this certificate.

In the province or territory where you intend to live, there will be a medical service plan. This will be administered by the department of health or social affairs, or by a special commission. You may apply for membership while in prison and it may be wise to do so well before you are released, so that you will be covered on your release date. There will also be a hospital insurance plan, perhaps available from the same agency. There may be some residential requirements before benefits are available. There may also be some premiums to pay. The agency will provide you with more detailed information.

A driver's licence may be essential in helping you obtain a job. If you do not have a licence you must take a test to qualify for one. This normally involves a written test on the rules of the road, a vision test, a knowledge of highway signs, and a road test. The provincial or territorial agency concerned with motor vehicles will give you more information. That agency will also tell you what to do if your licence was suspended and you wish to have it reinstated.

In all of these things, your classification officer, living unit officer, or your parole officer will be able to offer you guidance.

CONDITIONS

While on parole, day parole or mandatory supervision you must abide by the conditions of your release. As listed on your certificate, these are:

- to remain until expiry of sentence under the authority of the designated representative of the National Parole Board;
- to proceed forthwith directly to the area as designated in the instructions and, immediately upon arrival, report to the supervisor and after to the police as instructed by the supervisor;
- to remain in the immediate designated area and not to leave this area without obtaining permission beforehand from the representa-

tive of the National Parole Board, through the supervisor;

- to endeavour to maintain steady employment and to report at once to the supervisor any change or termination of employment or any other change or circumstances such as accident or illness;
- to obtain approval from the representative of the National Parole Board, through the supervisor before:
 - a) purchasing of motor vehicle,
 - b) incurring debts by borrowing money or instalment buying,
 - c) assuming additional responsibilities, such as marrying,
 - d) owning or carrying fire-arms or other weapons.
- to communicate forthwith with the supervisor or the representative of the National Parole Board if arrested or questioned by police regarding any offence;
- to obey the law and fulfill all legal and social responsibilities.

In addition to these conditions, the Board members may add special conditions to your release if they feel it necessary. Examples of such conditions are "to abstain from alcohol use" if you have an alcohol problem or perhaps "not to associate with Mr. X" if that person has repeatedly led you into trouble in the past. The Board does not wish to impose extra restrictions, which will put pressure on you that is not necessary. Special conditions are used only when the Board is concerned about some area of your life and feels the special conditions will help ensure your success on the street.

Violation of a special condition means your release will be suspended. (see Suspension and Revocation).

Day parolees always have the following condition added to their certificate:

"I understand that if I escape or do not return to the institution or centre, at the time indicated therein my day parole may be suspended or terminated. If my day parole is terminated I shall become subject to arrest on a charge under the Criminal Code of being Unlawfully at Large or Escape as the case may be."

The conditions listed may seem very restrictive. However, you should remember that though released from the institution, you are still serving your sentence. In any case, these conditions may be applied with some flexibility to suit your individual circumstances.

SUPERVISION

As soon as you are released you must go immediately to the community where you will be living and report to your supervisor. You may also have to report to the police.

Your supervisor may be an officer of the National Parole Service, a representative of a private after-care agency, an officer of a provincial probation service or a volunteer in the community. But, whoever supervises you, the National Parole Service has the final responsibility for your supervision and the selection of your supervisor.

Many people confuse the National Parole Board with the National Parole Service. The Board decides whether or not to parole a person. The Parole Service helps prepare the background to each case for the Board to study and it is responsible for supervising inmates released either on parole by the Board or on mandatory supervision.

At your first meeting after release, you and your supervisor will work out the arrangements for future contact. At first, you will see each other frequently (perhaps once a week). If things go well for you contacts may become less frequent.

Your supervisor has a dual role. He/she is there to help you adjust to a normal life in the community and to watch your progress ensuring that the community is protected from a return to criminal activity by you.

Your supervisor will be someone with special training, contacts and a familiarity with the problems you will face. He/she is there to give you a supporting hand and offer ideas and counselling which if used by you will greatly assist your adjustment.

SUSPENSION AND REVOCATION

Full parole, day parole and mandatory supervision may be suspended if you have broken one or more of the conditions of your release or if there are reasonable grounds to believe you are likely to commit an offence.

If your release is suspended, you will be arrested and imprisoned, probably in a jail in the place where you are arrested. Within 10 days you will be interviewed by a parole officer who will tell you why you were suspended and discuss your version of the circumstances that led to your arrest.

Within 14 days of your arrest the National Parole Service will either cancel the suspension and re-release you, or refer your case to the Parole Board for a decision about revocation of your release. Revocation means the release is ended and you are returned to prison to continue serving your service there.

If your case is referred to the Board, it will not revoke the release until 15 days after it receives the referral and during this time you may apply to the Board's office in your region for a hearing. This would take place as soon as possible after your application and you will be given at least 14 days notice. Normally, two members would meet with you to discuss the reasons for considering revoca-

tion. If you do not request a hearing, the Board will proceed with its consideration of your case.

Within 15 days after the Board revokes your release, you will be told of the decision in writing and when you will be eligible to be considered for parole again.

The sentence administrator of your institution will re-calculate your sentence, establish your new mandatory supervision release date and inform you.

If your day parole, full parole, or mandatory supervision is revoked, you may ask for a re-examination of the decision (see Re-examination, in this section).

Revocation means that you will be returned to a penitentiary to serve all the time that remained on your sentence the day you were released, less:

- the number of days you spent on release after October 15, 1977;
- the number of days you were in custody for suspension before, on, or after that date;
- all the remission you will earn before the Penitentiary Act is amended in 1978;
- any remission that you earned while in custody under suspension, after October 15, 1977.

You will also earn remission while serving the rest of your sentence.

When the amendment to the Penitentiary Act comes into effect statutory remission will no longer be credited, when an offender enters a penitentiary. All remission from the date the amendment takes effect must be earned. However, the Board has the discretion to recredit all or part of any statutory remission you had when released on parole or mandatory supervision and all or part of any remission you earned between the date of the amendment and the day you were released, if it feels the loss of remission would be a real hardship for you.

RE-EXAMINATION

If you receive one of the following decisions:

- full parole denied;
- day or full parole revoked;
- mandatory supervision revoked;

and you feel:

- that there was significant information available at the time of your hearing which was not considered by the Board when it reached its decision;
- that there is new information which has a direct bearing on your case and which was not available to the Board members at the time they made the decision;
- that there was an error made by the Board either in law or in fact;
- that the reasons given by the Board for the decision do not support the decision;

you may request a re-examination of that decision. In addition, the Board chairman may direct that a re-examination be conducted for any special reason.

The Board will re-examine the decision if it receives a request within 30 days after you have been notified of its decision. The re-examination will be made by Board members who did not participate in the original decision. Material on which the first decision was made will be examined, as will other relevant information not available at the time.

All requests for re-examination should be sent to the Chairman, National Parole Board, 340 Laurier Avenue West, Ottawa, Ontario. K1A 0R1.

PARDON

It is possible, under the Criminal Records Act, to be granted a pardon if you lead a law-abiding life after your sentence ends.

If you were convicted of a summary offence, you may apply two years after your sentence ends. The waiting period is five years from the date your

sentence officially ends, if you were convicted of an indictable offence.

If you apply, an investigation will be ordered by the Board who will then make a recommendation to the Governor in Council (the Cabinet). The investigation and consideration of your case for pardon may take from five to eight months.

The purpose of a pardon is to remove some of the consequences of a conviction that continues to be a bad reflection on the character of someone who has re-integrated himself into the community.

If a pardon is granted, any record of your conviction in any federal government department is sealed and kept apart from others. A pardon indicates that after a thorough inquiry, a person is known to be leading a law-abiding life.

When your waiting period as indicated above has expired, you may request pardon application forms from any regional parole Board office.

SUCCESS

You can succeed on parole and re-establish yourself in the community. Others have.

In deciding to let you return to the community before the end of your sentence the Board makes an assessment of the risk. If it does release you, then you are expected to keep the conditions. By granting you parole, the Board is saying that it believes you can succeed. The majority of parolees do in fact make it; in the last few years more than 70 per cent of the people who finished parole did so successfully.

In the end, it is really up to you. It's easy to see that violation of release conditions means trouble not only for you but for people you care about. The choice is yours. The responsibility is yours.