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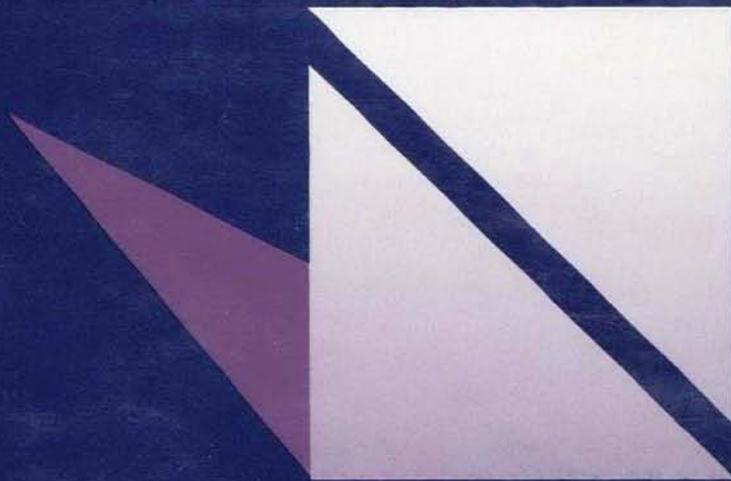
Gouvernement  
du Canada

National  
Parole Board

Commission nationale des  
libérations conditionnelles

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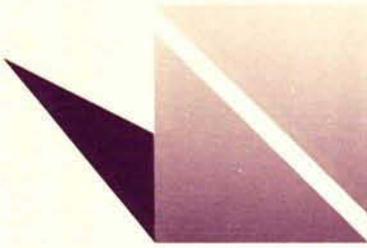
# THE NATIONAL PAROLE BOARD



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9308  
N33  
1987

Canada





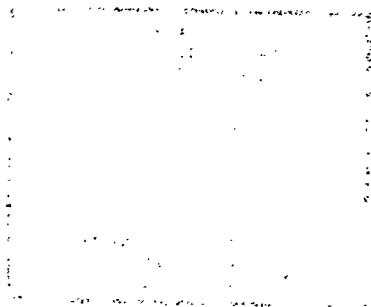
Canada National Parole Board

HV  
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### MISSION STATEMENT

The National Parole Board, as part of the Criminal Justice System, makes independent, quality conditional release decisions and clemency recommendations. The Board, by facilitating the timely reintegration of offenders as law-abiding citizens, contributes to the protection of society.

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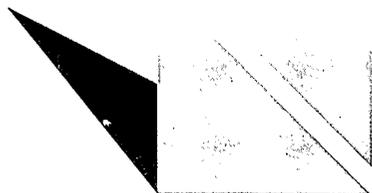
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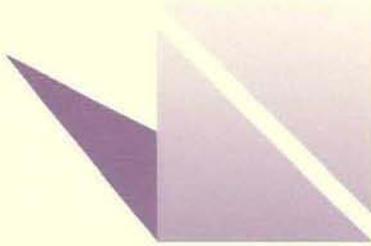
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## ORIGIN OF PAROLE

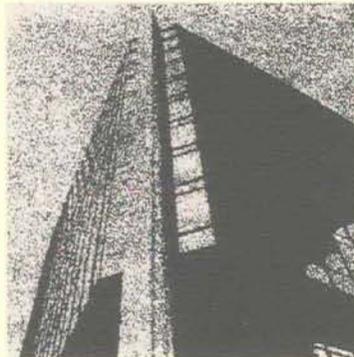
Parole, a French word meaning formal promise, is used to describe the conditional release of prisoners to serve part of their sentence in the community. The concept of conditional release of inmates on parole reaches back centuries, traceable to the original systems of conditional pardon, clemency indenture (contract), transportation of criminals and Ticket-of-Leave.

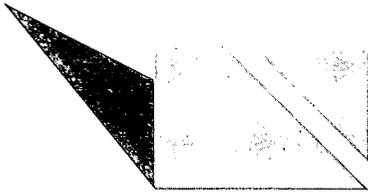
In 1617, an Order of the English Privy Council made it government policy to transport convicts overseas. Soon, these convicts were being sent to the new world as indentured servants. After serving their time or purchasing their freedom, many of them remained to become settlers.

At the time of the American Revolutionary War, England began sending convicts to New South Wales in Australia, where the Governor was given the power of conditional pardon which evolved into the Ticket-of-Leave system, adopted in England in 1853.

The Ticket-of-Leave is at the root of the "good time" or remission principle. It was the last step of a graded system through which convicts had the opportunity to earn freedom. Progress was measured by "marks" earned through good conduct and labor. The steps were:

1. Strict imprisonment
2. Work on chain gangs
3. Periods of partial freedom
4. Ticket-of-Leave, during which the convict was required to report to the local constabulary and conform to a series of rules. No one, however, was assigned to enforce the rules.





## PAROLE IN CANADA

In 1899, the Canadian government introduced legislation patterned after the English Ticket-of-Leave Act that made it possible for penitentiary inmates to be released before the end of their sentences at the discretion of the Governor-General. The intention of the legislation was to provide a mechanism by which young and first offenders could be removed from the corruptive influence of the penitentiary and be given a second chance to lead a productive and law-abiding life.

Speaking of the new legislation in 1898, the Prime Minister of the day recognized the problem of readjustment to the free community faced by discharged inmates of a penal institution. Conditional liberation was an obvious method of bridging the gap between the rigid controls and restraints of institutional life and the freedom and responsibilities of community life.

The Ticket-of-Leave, or licence, set out the conditions of the release. These conditions were to include registration with the Chief of Police in any county or district visited by the convict; abstinence from any violation of the law; no habitual association with "notoriously bad characters", and abstinence from any "idle and dissolute" life. While continuous surveillance was the underlying principle of Ticket-of-Leave, no provision existed in the legislation to ensure that surveillance would be carried out. Similarly, no criteria for eligibility were set out, nor was any provision made to ensure equity in the granting of Tickets-of-Leave.

When the Ticket-of-Leave Act first came into force, Canada was a sparsely settled country, and it was not easy to develop a system of close parole supervision. Much reliance was placed upon a provision in the Act for monthly reporting by the parolees to the local police. The need for

some form of guidance was recognized, and the Salvation Army's Prison Gates Section undertook to take on the task of parole supervision.

In 1905, Brigadier W.P. Archibald, head of the Prison Gates Section, joined the Department of Justice as the first Dominion Parole Officer. He visited penal institutions, interviewed inmates, checked their character references and served as the liaison between the Department of Justice and the RCMP, local police and the Prison Gates Section of the Salvation Army.

The administration of the Ticket-of-Leave Act was handled by officers of the Department of Justice who were to form a section in the Department in 1913, known as the Remission Branch, and later, the Remission Service. The expansion of the Ticket-of-Leave system and the increased use of parole continued through the World War I years.

Economic recession, high unemployment and a sudden increase in crime rates struck immediately following the war, as did dramatic social changes brought about by rapid urbanization in the 1920s. These changes all combined to precipitate demands for greater severity in the criminal justice system. Despite Remission Service records that showed only 2.2 per cent of prisoners granted Ticket-of-Leave between 1899 and 1922 had committed an offence while on parole, conditional release programs came under strident attack.

In 1924, Michael Gallagher was appointed Chief of the Remission Service and ordered to reduce the number of Tickets-of-Leave being granted. In his first year in office the number of releases fell by half, and in 1927, he reported that while 1,400 tickets had been granted in 1923-24, only 750 per year had been granted since then.

By the 1930s, penal reformers were questioning the punitive orientation of the penitentiary system, and a series of riots at Kingston Penitentiary brought demands for a review of the system. In 1936, a Royal Commission headed by Justice Joseph Archambault was appointed to enquire into and report on all aspects of the penal system in Canada. His report, made public in 1938, criticized the system as being operated on the principle of punishment and recommended that rehabilitation become the purpose of incarceration.

The depression years were marked by a large increase in the prison population. The outbreak of World War II in 1939 brought a concurrent increase in the number of Tickets-of-Leave granted to offenders to join the Armed Forces or to accept employment in war industry through what was known as the "Special War Purposes Ticket-of-Leave."

A number of the Archambault report recommendations were adopted in the post-war era, a time of economic prosperity and of renewed

faith in the potential for social change through the application of science and technology. In corrections there was expansion of institutional facilities for rehabilitation purposes and in the growth of professional aftercare services. Vocational training and educational courses were introduced into penitentiaries, and psychologists, social workers and other specialists were hired to assist inmates. The Salvation Army expanded and developed its services, and the John Howard and Elizabeth Fry Societies and other agencies became involved in parole supervision. The increasing availability of guidance and supervision services underlined the importance of making the supervision of parolees an integral part of the Ticket-of-Leave system itself, and thus a part of the conditional release of all persons on parole.

In 1953, a Committee of Inquiry into the Remission Service was appointed. The committee's report, which became known as the Fauteux Report, recommended the creation of a National Parole Board.

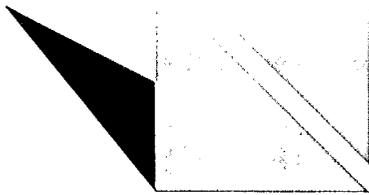
It was on February 15, 1959, that the Parole Act was proclaimed, transferring the authority to grant the conditional release of offenders to an independent Board with Members appointed by the Governor in Council.

At that time, the Board comprised 5 members located in Ottawa, and a field staff known as the National Parole Service, with regional offices in Vancouver, Winnipeg, Toronto, Kingston, Montreal and Moncton. Over the years, and based on a growing number of inmates and parolees, parole service offices were established across the country.

Amendments to the Parole Act in 1969, increased the number of Board Members to nine, and further legislation in 1974, provided for the expansion of the Board to 19 members, and the re-introduction of panel hearings (interviews with Board Members) for inmates seeking parole. Hearings had been attempted briefly between 1969 and 1971 and suspended because of the inadequate number of Board Members. The Board established offices in five regions of the country, at Burnaby, Saskatoon, Kingston, Montreal and Moncton, from which Board Members travel to penitentiaries to conduct parole hearings.

In 1977, legislation known as the "Peace and Security Package" provided for the administrative severance of the Parole Board from the Parole Service, with the Service becoming part of the Penitentiary Service, which later was renamed the Correctional Service of Canada. The number of Board Members was increased to 26, and Community Board Members were introduced to the Board operations. These Community Members are representatives of local police forces, provincial, municipal or local governments, professional, trade or community associations, and serve on a part-time basis, participating in parole decisions concerning release decisions of any inmate serving a life sentence as a minimum punishment, or an indeterminate sentence.

In 1986, legislation increased the maximum number of regular Board Members to 36 and authorized the NPB to retain in custody until warrant expiry, or place under strict residential conditions, beyond a release date that would have been established by earned remission, those inmates considered likely to cause serious harm to another person. The legislation further tightened up release on Mandatory Supervision, a type of supervised "time off for good behaviour."



## THE BOARD

### Membership

The National Parole Board is made up of 36 full-time Members who are appointed for a period of up to ten years by the Governor in Council (the Cabinet) upon the recommendation of the Solicitor General. Temporary Members may also be appointed to assist in the event that a Member is absent or unable to act, or to help the Board through periods of unusually heavy case loads. Members may be reappointed. One of the Members is designated as Chairman and Chief Executive Officer, another as Vice-Chairman.

The present Members have experience in criminology, psychology, social work, law, corrections, law enforcement and journalism. Major ethnic groups are also represented.

In addition to these Members, representatives from police forces, local governments, business and industry, professional associations, trade unions, or community associations are also called upon, in certain cases, to assist in the Board's decision-making process. These representatives are known as Community Board Members and are appointed by the Solicitor General to the regional offices of the Board. They act with the same authority as regular Board Members when release is being considered for offenders serving a life sentence for murder or an indeterminate sentence.

### Organization

The National Parole Board is an agency within the Department of the Solicitor General, as are the Correctional Service of Canada, the Royal Canadian Mounted Police and the Canadian

Security Intelligence Service. It is independent in the exercise of its decision-making role, except, of course, for the ultimate control of Parliament, through the exercise of its legislative function.

In addition to its headquarters in Ottawa, the Board has five regional offices from which Board Members travel to the institutions to conduct parole hearings. Board Members are also called upon to make recommendations to the Solicitor General concerning the granting of pardons.

The Correctional Service of Canada is responsible for preparing reports on the cases that come before the Board and for providing supervision of those granted parole or released on mandatory supervision, under terms defined by the Board.

### Jurisdiction

The Board has exclusive jurisdiction and absolute discretion to grant, deny, terminate or revoke day parole and full parole for inmates in both federal and provincial prisons, except for cases under the jurisdiction of provincial parole boards. The Board is ultimately responsible for the granting of unescorted temporary absences; in some instances, however, the Board delegates its authority to grant unescorted temporary absences to Wardens of institutions. In certain cases, the Board has authority over escorted temporary absences which are otherwise the responsibility of the Correctional Service of Canada. The Board also has the authority to deny release under Mandatory Supervision in cases which are deemed to represent a continuing threat to cause serious harm to another person, and to revoke Mandatory Supervision.

The Board has jurisdiction over persons who are serving a sentence of imprisonment as a result of any federal offence and who are serving their sentence in a penitentiary, or in a provincial institution in provinces that do not have their own parole board. It has no jurisdiction over juveniles as determined by the Young Offenders Act, or over anyone in custody who is serving a sentence intermittently.

### Authority

Parole may be granted, pursuant to the Parole Act, when:

- the requirement of the law or regulations with regard to the time that must be served before parole eligibility has been met;
- the release of the inmate on parole would not constitute an undue risk to society;
- the reform and rehabilitation of the inmate will be aided by the grant of parole;
- in the case of full parole, the inmate has derived the maximum benefit from imprisonment.

Under the Act, the Board has the authority to impose the conditions under which the parolee, or offender under mandatory supervision, will live in the community.

The Board is also required, when requested by the Solicitor General to do so, to make enquiries with regard to the Royal Prerogative of Mercy.

In addition, the Board has the responsibility, under the Criminal Records Act, to make recommendations to the Solicitor General concerning applications for pardon.

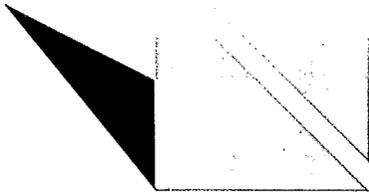
### Provincial Parole Boards

Since September 1978, interested provinces have had the authority to establish their own parole boards, with jurisdiction over all inmates serving a definite sentence in their own provincial institutions. To date, Ontario, Quebec and British Columbia have established their own Parole Boards.

(Earlier, Ontario and British Columbia had parole boards with jurisdiction limited to the paroling of inmates serving the indefinite portion of a definite/indefinite sentence. This particular type of sentence existed only in Ontario and British Columbia.)

It occasionally happens, under a transfer agreement between the federal government and the provinces, that inmates serving sentences of two years or more are found in provincial institutions. The National Parole Board maintains its jurisdiction over these cases in provinces that do not have a provincial Board. In Ontario, Quebec and British Columbia, provincial Boards have jurisdiction over these inmates, except for those serving life or indeterminate sentences.

The provincial boards are bound by the provisions of the *Parole Act*, and its attending Regulations that specifically apply to provincial boards. The provinces may develop their own rules and regulations to tailor the administration of the Act to their particular needs, provided that they do not conflict with the *Parole Act* or Regulations.



## TYPES OF RELEASE

A temporary absence (TA) is usually the first release a penitentiary inmate will be granted. Temporary absences are granted for medical, rehabilitation, or humanitarian reasons. They may be with or without escort. Escorted temporary absence means that an inmate, either by himself or herself, or as a member of a group, is accompanied by an escorting officer. Except for certain categories of inmates and conditions, escorted temporary absences are under the authority of the Correctional Service of Canada. Unescorted temporary absences are the responsibility of the National Parole Board. In certain instances of inmates serving sentences of less than five years, the Board has delegated its authority in this area to the Wardens of an institution.

The frequency and duration of temporary absences vary. Inmates from Maximum and Medium security institutions may be granted temporary absences that do not exceed 48 hours per month; inmates from minimum security institutions may be granted 72 hours per month.

### Day Parole

Day Parole is usually granted to any inmate the Board considers will be a potential candidate for full parole. Inmates on day parole must return periodically (usually every night) to the institution, a community correctional centre or a community residential centre (halfway house). Day parole may be granted for a maximum of twelve months but is usually granted for periods of four to six months for one of the following reasons:

- to allow an inmate to complete education or training, when facilities are not available in the institution;

- to give an inmate the opportunity to take part in forestry projects, a community service, harvesting;
- for re-acquaintance with family;
- to help an inmate re-adjust to life outside prison.

Day parole serves to diminish the shock and bewilderment caused by an abrupt release from an institution and provides an opportunity for an inmate to develop adequate plans, job, accommodation, or to re-establish family ties. Of equal importance, day parole gives the Board an opportunity to assess how well an inmate might do if released full time, under conditions of more intensive supervision than apply with full parole, and which facilitate a quick return to custody if conduct deteriorates. A successful day parole may lead to full parole.

### Full Parole

Full parole is the full-time conditional release of an inmate. An individual paroled is allowed to serve his or her sentence in the community until its expiry, unless he or she fails to adhere to the conditions of release or the Board has sufficient grounds to believe that he or she is returning to criminal activity, or the parolee actually commits a new crime. In such circumstances, parole is suspended and may be revoked.

## Mandatory Supervision

Mandatory Supervision does not apply to offenders serving life or indeterminate sentences, or to inmates sentenced or transferred to penitentiary before July, 1970.

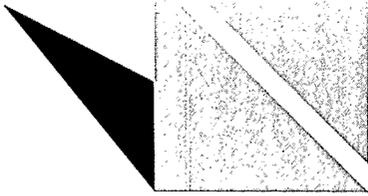
Most penitentiary inmates who are not released on parole are entitled by law to serve in the community, under supervision, the time accumulated by statutory or earned remission. Remission, commonly known as "time off for good behaviour", can be as much as one-third of an inmate's sentence. An inmate is not required to accept release under mandatory supervision and may remain in the institution until the expiry date of his or her sentence.

Initially, all offenders except those serving life or indeterminate sentences accumulated remission credits and were automatically released to serve the remission time in the community but subject to mandatory supervision.

Legislation adopted July 24, 1986, authorizes the National Parole Board, according to established criteria and procedures, to retain in cus-

tody and until warranty expiry, or place under strict residential conditions, those inmates considered likely to commit an offence causing death or serious harm to another person before the end of their sentence. Inmates who have committed an offence causing serious harm in the past but who are not judged by the Parole Board as posing a high risk to commit a similar offence prior to the end of their sentence are released on Mandatory Supervision, but will not be entitled to earn remission again if that first release is revoked. In effect, it allows those inmates only one chance in the community under Mandatory Supervision.





## ELIGIBILITY FOR PAROLE

### Temporary Absence

Parole eligibility is based on the length of a sentence as specified by the Parole Act and Regulations or the Criminal Code. Eligibility, however, does not commit the National Parole Board to grant conditional release. Even when an inmate becomes eligible for a particular type of release, the Board has the discretion to grant or deny that release; it is never an automatic process.

A federal inmate serving a definite sentence other than life, usually becomes eligible for consideration for full parole after serving one-third of the sentence or after seven years, whichever comes first. Review by the Parole Board is automatic once the eligibility date is reached.

Eligibility for day parole and unescorted temporary absence ranges from six months after sentencing or one half the time before the eligibility date for full parole, whichever is greater, for those sentenced to definite terms of imprisonment, to three years before full parole eligibility in the case of murderers sentenced to life.

The Board must review the cases of inmates serving sentences of preventive detention and declared habitual criminals or dangerous sexual offenders once a year. In cases of offenders serving indeterminate sentences as dangerous offenders an initial review is required after 3 years, and every two years thereafter.

### Provincial Boards

An inmate serving a sentence of less than two years in a provincial institution under federal law, may be paroled by the National Parole Board when the inmate is not under the jurisdiction of provincial parole board. Eligibility for full parole

normally comes after one third of the sentence has been served; however, the National Parole Board reviews the case only if it receives an application.

### Habitual Criminals

Anyone declared to be an habitual criminal before October 15, 1977, and serving a sentence of preventive detention, must have his case reviewed by the Board once a year, in accordance with provisions of the *Criminal Code*. On that date, the category of habitual criminal was abolished and replaced with a broader category designated Dangerous Offender.

### Dangerous Sexual Offenders

The Board is also required to review, once a year, the cases of offenders sentenced before October 15, 1977, to an indeterminate term as a Dangerous Sexual Offender. On that date the category of Dangerous Sexual Offender was abolished and also replaced by the Dangerous Offender category.

### Dangerous Offenders

Since October 15, 1977, the courts may impose indeterminate sentences on any individuals they consider to be dangerous offenders, i.e., that is, those offenders who have been convicted of serious personal injury offences and have a history of persistent aggressive or violent behaviour.

A Dangerous Offender becomes eligible for parole three years after being declared such and must have his case reviewed at that time and every two years thereafter.

### Lifers

An offender sentenced to life imprisonment for a crime other than murder becomes eligible for full parole consideration after seven years.

Eligibility dates for offenders sentenced to life imprisonment before July 26, 1976 vary considerably (see centrefold eligibility chart for details).

Since July 26, 1976, there are two categories of murder: first and second degree. First degree murder covers all planned and deliberate murders and certain other murders (murder of a police officer, a prison employee or any other person authorized to work in a prison, while on duty).

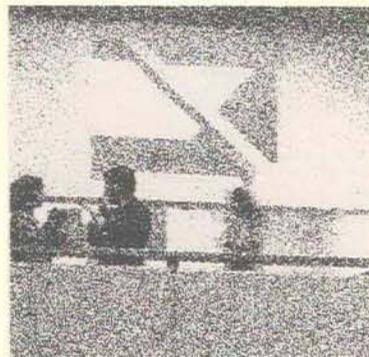
Persons convicted of first degree murder are not eligible for full parole consideration for 25 years. They become eligible for temporary absences and day parole three years before their full parole eligibility date.

Second degree murder (a crime of passion for example) is any murder that is not first degree murder.

Eligibility for full parole consideration for second degree murderers is determined by the sentencing judge at between 10 and 25 years of the sentence. They become eligible for unescorted temporary absences and day parole three years before their full parole eligibility date.

Anyone convicted of murder who must serve more than 15 years before full parole eligibility may apply after 15 years for a judicial review by a Superior Court judge and a jury to either reduce the remaining period before eligibility, or to be declared eligible for parole immediately.

Persons serving life sentences who are paroled will remain on parole for life.



## Parole by Exception

The Parole Regulations allow for the paroling of inmates (excluding categories such as Dangerous Offenders and murderers) before their parole eligibility date in exceptional circumstances, namely:

- (a) the inmate is terminally ill;
- (b) the inmate's physical or mental health is likely to suffer serious damage if he or she continues to be held in confinement; or
- (c) the penalty constitutes an excessive hardship that was not reasonably foreseeable at the time the inmate was sentenced;
- (d) the inmate completed a program recommended by the sentencing court or has satisfied specific objectives of the sentence expressly stated by the sentencing court; or
- (e) the inmate is subject to a deportation order under the *Immigration Act 1976*, or an order to be surrendered under the *Extradition Act* or the *Fugitive Offenders Act*, where the order requires that the inmate be detained until deported or surrendered.

## The Decision to Release

A decision on whether to grant or deny an inmate conditional release is rendered by the Board only after it has completed a clearly defined course of action. Procedural safeguards designed to protect both the inmates and the community are a singularly important element of the process.

## Studying the Case

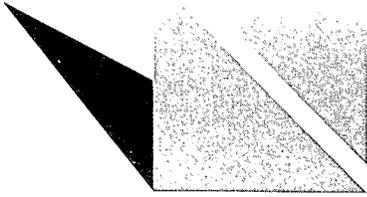
The Board studies each case in-depth before arriving at a decision on the type of release, i.e., temporary absence, day parole or full parole. It studies a file on the inmate which contains infor-

mation gathered from many sources. The file consists of a number of reports and documents, the major ones being:

- the inmate's criminal record (known as the fingerprint statement or FPS);
- a police report describing in detail the offence, the effect of the crime on the victim, and the role that the offender (and any accomplices) played;
- institutional reports written by social workers, correctional officers, shop instructors and staff;
- reports from the social agencies that have dealt with the inmate;
- the parole officer's report assessing the reaction of the community to which the inmate wishes to return (community assessment);
- the case management team's report based on a detailed interview with the inmate;
- an up-to-date police report with an opinion about the possible return of the inmate to the community;
- psychological profiles and assessments and any psychiatric reports;
- sometimes, a statement from the judge who sentenced the inmate;
- letters from family members, friends, employers and others.

## Sharing of Information

With the exception of certain information protected under Section 17 of the Parole Regulations, such as information from a confidential source the disclosure of which could be injurious to the physical safety of the informer, the Board advises the individual of the information in its possession that it considers relevant to its decision to grant or not to grant parole.



## THE DECISION TO RELEASE

The major elements that Board Members take into consideration when making a decision are:

- the criminal record, kinds of offences and their pattern, and length of crime-free periods between convictions;
- the nature and seriousness of the current offence;
- the inmate's understanding of his criminal behaviour and the concrete action he has taken to change;
- the inmate's accomplishments while incarcerated; training, participation in activities, grades obtained;
- the inmate's behaviour when granted a temporary absence release or day parole if it applies;
- previous parole violations;
- the inmate's relationship with his family and friends;
- his release plan: for instance where he or she would live, who could help him outside, what plans he has for employment or training, how definite they are, and how he or she feels all of these will keep him or her out of further trouble with the law;
- the possible effects on the community if he or she were to commit another crime.

### The Hearing

Once the investigation is completed, the Board begins its review, which usually includes a hearing. Two Board members attend hearings for cases involving sentences of two years or more, and a panel of four Board Members decides on cases involving lifers or persons serving indetermi-

nate sentences. Two Board Members constitute a panel for provincial inmates who are serving sentences of less than two years.

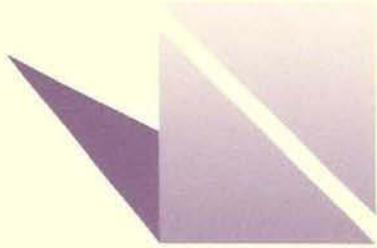
A hearing is held not only with inmates being considered for full parole, but for inmates who apply for unescorted temporary absence or for day parole. The hearing, which usually lasts at least 30 minutes, allows the Board Members to ask questions of the inmate and seek clarification of matters contained in the case file and previously studied by the Board Members. The hearing provides a revealing dimension to the Board's evaluation of the case that could never be achieved by file study.

The experience of the Board over the past several years has been that parole has been granted in about 40% of cases of inmates in federal institutions and in about 50% of cases of inmates who apply in provincial institutions.

Three Board Members must conduct hearings to review cases involving the possible detention of offenders who would otherwise be released on Mandatory Supervision.

### Voting

All Board Members have an equal vote, and for each type of sentence a minimum number of votes is needed to grant parole. The length of the sentence determines the number of votes required. Any Board Member may request, and the Chairman may approve, that more than the minimum number of Members vote on a particular case.



## SUPERVISION

When the Board has decided to grant conditional release, the inmate must sign a document which prescribes the conditions of his or her release. In addition to the standard conditions, the inmate may be given some special conditions related to a particular behavioural pattern (for instance, not to frequent certain places).

The Correctional Service of Canada is responsible for supervising inmates released on parole by the Board and for those who are released subject to mandatory supervision. The Correctional Service either supervises inmates directly or provides supervision through private after-care agencies such as the John Howard Society and the Elizabeth Fry Society.

In general, the method of supervision and the reporting frequency are determined by the parole supervisor, subject to established standards.

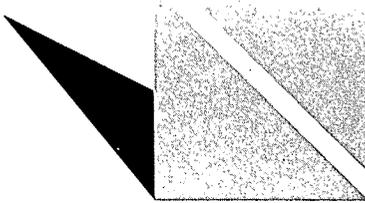
### Mandatory Terms and Conditions

The mandatory terms and conditions that the Board is deemed to have imposed in respect of any inmate released on parole or subject to mandatory supervision are that the inmate:

- on release, travel directly to his or her place of residence, as noted on the parole or mandatory supervision certificate;
- report to the parole supervisor immediately on release and thereafter as instructed by the parole supervisor;
- remain at all times in Canada, within territorial boundaries prescribed by the parole supervisor;
- obey the law and keep the peace;

- inform the parole supervisor immediately on arrest or being questioned by the police;
- report to the police as instructed by the parole supervisor;
- advise the parole supervisor of his or her address on release and thereafter report immediately
  - (i) any change in the address of residence;
  - (ii) any change in the normal occupation, including employment, vocational or educational training and volunteer work;
  - (iii) any change in the family, domestic or financial situation, and
  - (iv) any change which may reasonably be expected to affect his or her ability to comply with the terms and conditions of parole or mandatory supervision; and
- not own, possess or have the control of any weapon, as defined in the *Criminal Code*, except as authorized by the parole supervisor.





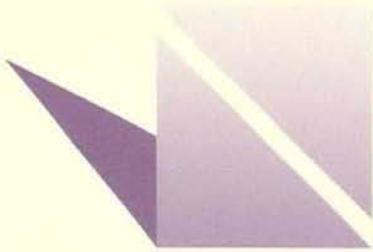
The Board may also impose special conditions, as deemed appropriate.

The conditions apply to all parolees, day parolees and inmates released on mandatory supervision and are designed to ensure, among other things, that careful thought is given to assuming additional responsibilities. Violation of any of these conditions or of any special condition may result in suspension and perhaps revocation of the release by the Board.

These conditions place certain restrictions on the freedom of the parolee or person under mandatory supervision. However, the change

from the controlled environment of a prison to the relatively free one of the community is not always easy, and the conditions serve as a protection not only for society but also for the offender. A parole supervisor is responsible for ensuring that the person he or she supervises abides by the conditions of the contract.

An inmate may request to be relieved by the Board from compliance with a mandatory term or condition of parole or mandatory supervision or that the Board vary the term or condition.



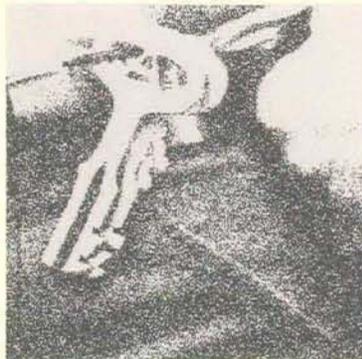
## SUSPENSION AND REVOCATION

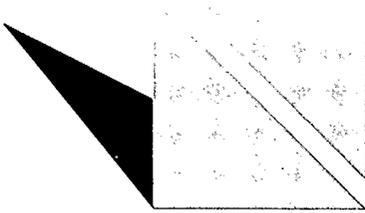
Suspension of parole or mandatory supervision occurs because of a violation of the release conditions or because there are reasonable grounds to believe that a continuation of the release will entail a risk to the public.

When conditional release is suspended, the parolee or person on mandatory supervision is returned to custody and an investigation is started immediately. At any time during the following 14 days the suspension may be cancelled if it is determined that the reasons for the suspension are not of continuing concern. However, when it is deemed a serious case it is referred to the Board, which has the authority to cancel the suspension or revoke the release. Revocation is not ordered at least until the offender has had a chance to make representations to the Board at a

post-suspension hearing. The hearing is conducted as soon as practical after the case has been referred to the Board. If the release is revoked or terminated the person is returned to penitentiary.

Eligibility for consideration of future release depends on the nature of the revocation and the nature of the events that resulted in the revocation. When revocation is not accompanied by a new sentence, the next review date for full parole will be in two years. After revocation, if the inmate is given a new sentence, the first sentence and the new one are calculated together as one term, and an eligibility date is calculated.





## RE-EXAMINATION OF DECISIONS

When the Board denies parole to an inmate, revokes release on mandatory supervision or parole, denies the inmate release on mandatory supervision, or imposes residency in a community-based residential facility as a condition of mandatory supervision or one-chance mandatory supervision, the inmate may request that the Board re-examine the decision.

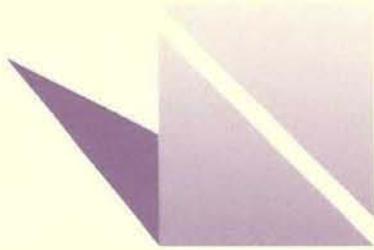
When the Board votes not to recredit the remission to an inmate whose parole has been revoked, the inmate may request that the decision be re-examined by the Board Appeal Division.

Requests for re-examination are usually made when the inmate feels that:

- there was significant information available at the time of the review which was not considered by the Board when it reached its decision;
- there is new information which has a direct bearing on the case and which was not available at the time;

- there was an error made by the Board either in law or in fact;
- the reasons given by the Board do not support the decision.

Members of the Board who did not participate in the original decision will re-examine the case and may uphold, modify, or reverse that decision.



## REREDITING REMISSION

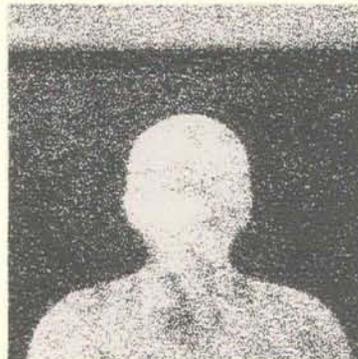
The Board has the authority to determine whether to recredit some or all of an inmate's earned remission accumulated on or after October 15, 1977, and standing to his credit at the time he was granted parole.

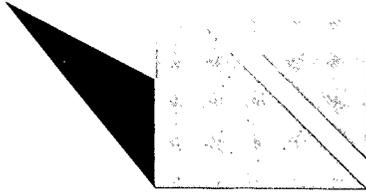
All earned remission credited before October 15, 1977, and standing to the inmate's credit at the time he or she was granted parole is automatically recredited.

Remission may be recredited when revocation becomes necessary because of circumstances beyond an inmate's control such as:

- a) a parolee voluntarily requests revocation, despite compliance with all release conditions, because he or she cannot cope with problems while in the community,
- b) a parolee involuntarily breaches special conditions imposed concerning his or her release plan because it is no longer feasible and a satisfactory alternative release plan cannot be developed,
- c) a parolee is no longer eligible for parole because of an error in the setting of his or her parole eligibility date.

Remission may also be recredited by the Board where the behaviour which led to the revocation was in itself considered not serious enough to warrant a total loss of remission. Normally only part and not all of the remission should be recredited in these circumstances.





## PARDONS

Any person who has ever been convicted or found guilty of an offence under an act or regulation of the Parliament of Canada, such as the *Criminal Code*, *Narcotic Control Act*, *Food and Drug Act*, or *Income Tax Act*, may apply for a pardon under the *Criminal Records Act*. Once a pardon has been granted, the records of the conviction in question are kept separate and apart by the federal agencies or departments that have custody of them, and these records may not be disclosed without the permission of the Solicitor General of Canada.

Eligibility for a pardon is calculated from the date a sentence imposed was fully satisfied, whether it was a fine, a period of incarceration, or a period of probation. The prescribed waiting period varies between one and five years, depending on the seriousness of the offence and the type of conviction (summary conviction or conviction under indictment).

If the offence was punishable on summary conviction, the waiting period is two years. If the person was found guilty and given a conditional discharge, the waiting period is one year from the date the probation period ended; if it was an absolute discharge, the time is one year from the date the discharge was handed down.

If the offence was indictable, the waiting period is five years from the date the sentence was satisfied. If the person was given a conditional discharge, the waiting period is three years from the date the probation period ended; if it was an absolute discharge, the time is three years from the date the discharge was handed down.

A pardon is not required for charges that were withdrawn or dismissed because they are not recorded as convictions. Absolute or conditional discharges are not recorded as convictions, but they may, however, require a pardon.

A pardon indicates that, after a thorough investigation, the person is considered to be of good behaviour and that the conviction or finding of guilt for the offence should no longer reflect adversely on his or her character. It may also remove any disqualification that came about under any Act of Parliament or related regulation as a result of the conviction. All records relating to the conviction in the possession of any federal agency are set apart and may not be revealed without approval of the Solicitor General.

If the pardon is subsequently revoked for bad behaviour, for another conviction, or because a false statement was made to obtain the pardon, the records will be returned to the active files. The provisions for setting records apart do not apply to provincial or municipal jurisdictions unless similar legislation is adopted in the province where the conviction took place. A pardon does not permit a person to declare that he or she does not have a criminal record.

## ELIGIBILITY TABLE

Length of Sentence	Time to be Served Before Eligibility		
	Temporary Absence	Day Parole	Full Parole
0 to 2 years less a day	N/A	½ time before PED	1/3 of sentence
2 to 5 years	If entered penitentiary before March 1/78, 6 months after entrance; on or after March 1/78, 6 months after sentencing or ½ time before PED, whichever is longer.	For 2 to 12 year sentences, 6 mos. or ½ time to PED whichever is longer  For sentences of 12 years or more, 2 years before PED	1/3 of sentence or 7 years whichever is less except if violent conduct (described in the Parole Act and Regulations) is involved, then it is: ½ of sentence or 7 years whichever is less
5 to 10 years			
10 years or more excluding life sentences			
Life as a maximum punishment (for crimes other than 1st or 2nd degree murder)	If entered penitentiary before March 1/78, 6 months after entrance; on or after March 1/78, 3 years before PED	5 years	7 years
Preventive detention (as a habitual or dangerous sexual offender)	1 year	1 year	1 year
Detention for an indeterminate period (since Oct. 15/77 as a dangerous offender)	3 years	3 years	3 years
Life for murder before Jan. 4/68	3 years after entered penitentiary	3 years before PED	7 years
Life for murder Jan. 4/68 to Jan. 1/74			10 years
Life: death commuted before Jan. 1/74			
Life for murder, Jan. 1/74 to July 26/76	3 years before PED		10-20 years; Judicial Review possible at 15 years
Life: death commuted by Jan. 1/74 to July 26/76			
Life: death not commuted by July 26/76			25 years; Judicial Review possible at 15 years
Life for 1st degree murder on or after July 26/76			
Life for 2nd degree murder on or after July 26/76			10-25 years; Judicial Review possible at 15 years

**NOTE:** PED refers to full parole eligibility date. It is calculated from sentencing date except for lifers where it is calculated from date of arrest.