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Government  
of Canada

Gouvernement  
du Canada

National  
Parole Board

Commission nationale des  
libérations conditionnelles

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# *SOME PEOPLE SAY...*



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*To live in fear of crime is to be a victim of crime. Unfortunately many Canadians think that we have much more violence and dangerous crime in Canada than is actually the case. This is unfortunate because fear of crime on the part of Canadians reduces the quality of their lives.*

*Parole is probably seen by many as a programme that increases the risk of living in Canada instead of what it really is: a way of contributing to the protection of society.*

*Parole has been proven to be a successful way of reintegrating offenders who have been sentenced to imprisonment and who are going to be released, in any event, sooner or later.*

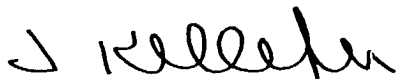
*Incarceration is very expensive and in Canada we have relatively more people in prison than is the case in most other democratic countries. The National Parole Board will help us ensure that our resources are spent in a way that best contributes to the protection of society by releasing inmates who no longer represent an undue risk of reoffending.*

*Fear is often caused by the unknown. This publication is aimed at reducing unnecessary fear of crime by answering some important questions about parole. It makes the National Parole Board more accessible, and conditional release more understandable.*

*"Some People Say . . ." is also a sign of the National Parole Board's desire to demonstrate accountability to the public and to get Canadians involved in improving the delivery of its programmes.*

*I commend the following pages to you and also recommend that you accept the invitation to get in touch with the Board if you need more information, or if you feel that you can contribute to the quality of its work.*

*I want to assure you that all components of my ministry — the Secretariat, the Royal Canadian Mounted Police, the Canadian Security Intelligence Service, the Correctional Service of Canada and the National Parole Board — are working hard together for a safer Canada.*



James Kelleher  
*Solicitor General of Canada*

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***MISSION  
STATEMENT OF  
THE NATIONAL  
PAROLE BOARD***

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.





## *SOME PEOPLE SAY . . .*

### *Parole should be abolished . . .*

Parole contributes to the protection of society by helping deserving inmates reintegrate into society. This means getting re-established in the community with the control and support of supervision, and, where deemed appropriate, special conditions.

In jurisdictions where parole has been abolished, experience shows that inmates are being released earlier on "time-off for good behaviour", without the benefit to the public, and to the offender, of supervision and assistance.

### *Parole doesn't work . . .*

Experience has demonstrated the opposite. The supervision and support provided through conditional release are clearly effective. In fact:

- On average, about 70 per cent of those released on full parole successfully complete their sentence in the community. About half of the remaining 30 per cent are returned to penitentiary short of committing a new offence.
- Nearly 82 per cent of those released on day parole meet the conditions of their release without incident.
- Nearly 100 per cent of those granted temporary absence honour the conditions of their release.

### *Parole decisions are made by faceless bureaucrats . . .*

National Parole Board members are citizens who have distinguished themselves in various fields of endeavour, such as criminology, law, journalism, law enforcement, business, and so forth, before being appointed to the Board. Their selection is based on a set of qualifications developed by the Solicitor General of Canada.



## *SOME PEOPLE SAY . . .*

No individual Board member determines whether an inmate should be released. The number of Board members required to vote in each case is determined by the length of the sentence, and it ranges from two to four.

### *Parole is automatically granted . . .*

The Parole Board is under no obligation to release any inmate at any time. The Parole Act gives the Board the absolute discretion to grant or deny parole to inmates who have served a certain portion of their sentences. The Board, in arriving at any decision, considers the risk the offender may present to the community, and the long-term protection of society. If parole is granted, the Board has the power to revoke it and return the inmate to prison should the level of risk become unacceptable.

### *The parole system is expensive . . .*

The cost of supervision on parole is one tenth the cost of keeping an inmate incarcerated.

### *The National Parole Board is responsible for all persons serving a sentence in the community . . .*

On an average day, there are about 81,000 persons on conditional release in the community. The breakdown is as follows:

- 5,023 (6%) are on day or full parole granted by the National Parole Board.
- 1,674 (2%) have been released on mandatory supervision.
- 2,335 (3%) are on parole granted by one of three provincial parole boards.
- 71,880 (89%) are on probation, a court disposition.





## *SOME PEOPLE SAY . . .*

### *Parole reduces the sentence imposed by the courts . . .*

The court sets the length of the sentence. Parole affects only the way of serving the sentence; it does not shorten or lengthen the sentence imposed by the court. Once the sentence is handed down it is up to the correctional agencies to determine the level of control they will impose on the offender.

For instance, the Correctional Service of Canada decides whether the inmate will go to a maximum, medium, or minimum security institution and the Parole Board, according to requirements found in law, determines whether a portion of the sentence should be served under supervision in the community.

### *Parole is used to reduce penitentiary population . . .*

Prison population is not a factor considered by the National Parole Board in reviewing an inmate's application for parole. The overriding factor is whether the offender would represent an undue risk to society if paroled.

### *Sixty per cent of all prisoners are released on parole . . .*

Over the past ten years, the percentage has been between 30 and 40 per cent.



## SOME PEOPLE SAY . . .

*Murderers are paroled after serving only a couple of years of their sentence . . .*

The length of time that murderers must serve before becoming eligible for parole has increased steadily since 1968. Eligibility dates, however, are not a guarantee that inmates will be released; these dates establish only when the Board must review the cases:

- Life for murder before January 4, 1968; parole eligibility is seven years.
- Life for murder January 4, 1968, to January 1, 1974; parole eligibility is 10 years.
- Life: death penalty commuted before January 1, 1974; parole eligibility is 10 years.
- Life for murder, January 1, 1974, to July 26, 1976; parole eligibility is set at between 10 and 20 years; *judicial review possible at 15 years.*
- Life: death penalty commuted January 1, 1974, to July 26, 1976; parole eligibility is set at 10 to 20 years; *judicial review possible at 15 years.*
- Life: death penalty *not* commuted by July 26, 1976; parole eligibility is set at 25 years; *judicial review possible at 15 years.*
- Life for 1st degree murder on or after July 26, 1976; parole eligibility is 25 years; *judicial review possible at 15 years.*
- Life for 2nd degree murder on or after July 26, 1976; parole eligibility is set at 10 to 25 years (as determined by the sentencing judge); *judicial review possible at 15 years.*



## SOME PEOPLE SAY . . .

### *A life sentence is 25 years . . .*

The 25 years refers to the time which must be served by 1st degree murderers before they become eligible for parole.

A life sentence is just what it says: a sentence that never ends. Lifers who are eventually paroled remain subject to conditions and supervision for the rest of their lives. A breach of conditions, or behaviour that gives the Board cause for concern may result in the individual being returned to penitentiary at any time.

Anyone sentenced to life imprisonment who must serve more than 15 years before parole eligibility may apply after 15 years for a judicial review by a judge and jury who may confirm the original eligibility date, reduce the time to be served before eligibility, or declare the inmate eligible for parole immediately.

### *Offenders get weekend passes right away . . .*

There are two types of temporary absence: escorted temporary absences and unescorted temporary absences.

Generally, inmates may be allowed to leave the penitentiary *with an escort* at any time for medical or humanitarian reasons. Such reasons might include the need to obtain medical assistance that is not available within the institution, or to attend the funeral of a family member. Risk, however, is always the determining factor.

Unescorted temporary absences are subject to prescribed waiting periods which vary with the length of the sentence. Eligibility for such absences occurs at one-half the time before full parole eligibility, for all offenders except lifers.

Temporary absences are not necessarily on weekends.



## SOME PEOPLE SAY . . .

*Offenders out on weekend passes are responsible for a lot of our crime . . .*

More than 99 per cent of those granted a temporary absence fully respect the terms and conditions of their release.

*Murders have increased since capital punishment was abolished in 1976 . . .*


Data on homicide show a slight decrease both in numbers and rates since 1975.

*Homicide in Canada, by legal type, that is murder, manslaughter, infanticide, 1975-1984*

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Year	Total homicides	Murder	Man-slaughter	Infanticide
	No.	No.	No.	No.
1975	701	636	64	1
1976	668	614	49	5
1977	711	628	78	5
1978	661	592	58	11
1979	631	587	39	5
1980	593	493	97	3
1981	648	601	44	3
1982	668	622	42	4
1983	682	625	51	6
1984	667	621	41	5

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## *Homicide Number and Rate Changes, 1975-1984*

From 1983 to 1984

- The number of homicide offences decreased from 682 to 667 (-2.2%).
- The homicide offence rate per 100,000 population decreased by 3.3% (2.74 to 2.65).

From 1975 to 1984

- The number of homicide offences decreased by 4.9% from 701 to 667.
- The homicide offence rate per 100,000 population decreased by 14.2% (3.09 to 2.65).


## *1985-1986 Statistics*

A total of 561 homicide offences (victims) were reported in Canada in 1986, down 20% from the 704 recorded in 1985. The number of homicides in 1986 represented the lowest reported figure since 1973 and was 15% below the average annual number of homicides (663) for the previous 10 years, 1976 to 1985.

The 1986 homicide rate of 2.19 per 100,000 population was substantially lower than both the corresponding 1985 rate of 2.78 and the 1976-1985 average rate of 2.75. In fact, the 1986 homicide rate was the lowest since 1971.

The 561 homicides in 1986 were classified as follows, according to initial police reporting: 524 murders, 34 manslaughters and three infanticides.

Total homicides declined between 1985 and 1986 in all provinces/territories except for Manitoba and the Northwest Territories, where increases occurred, and Alberta, where



there was no change. The most noticeable changes between the two years occurred in Quebec (a decrease of 31%), Ontario (a decrease of 28%) and Manitoba (an increase of 81%).

In 1986, the Yukon and Northwest Territories had the highest homicide rates per 100,000 population, while Prince Edward Island and Newfoundland showed the lowest rates. This follows the trend exhibited over the last 10 years.

A total of four police officers were murdered in 1986, which is consistent with the average number of police officers murdered each year from 1976 to 1985.

These figures show that Canada compares favourably with Western countries which also enjoy low murder rates.

Canadian Centre for Justice Statistics, Statistics Canada.

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*SOME QUESTIONS  
AND  
ANSWERS*



## **WHAT IS PAROLE?**

Parole is the release of selected inmates from confinement to continue serving their sentence in the community under varying degrees of supervision.

## **WHAT IS THE BOARD'S MANDATE?**


An independent component of the Ministry of the Solicitor General, the National Parole Board has absolute jurisdiction over decisions regarding the conditional release of federal inmates. It also makes decisions on cases of inmates in provincial institutions in those provinces without provincial boards. At present, provincial parole boards exist only in Quebec, Ontario, and British Columbia.

The Board also makes investigations and recommendations for pardon and for the exercise of the Royal Prerogative of Mercy.

The powers of the Board are derived from the Parole Act and Regulations for parole matters, and from the Criminal Records Act for clemency matters. Other statutes that confer jurisdiction on the Board are the Penitentiary Act for temporary absences, the Prisons and Reformatories Act, and the Criminal Code of Canada.

By law, the Board is required to review the cases of all federal inmates when they become eligible for parole and every two years thereafter (every year for certain categories) until parole is granted or the inmate is released under mandatory supervision. Inmates in provincial jails must apply for parole review. Each case is considered on its merits and the Board renders its decisions only after a full and complete investigation in co-operation with the Correctional Service of Canada.





The Board establishes the terms and conditions deemed necessary for the protection of society. It has the power to revoke the release of any individual who has breached any of the conditions of parole.

## **HOW MANY BOARD MEMBERS ARE THERE?**

The National Parole Board comprises 36 full-time members who are appointed for a period of up to 10 years by the Governor in Council (the Cabinet) on the recommendation of the Solicitor General. Temporary members may also be appointed to assist the Board in its duties. 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 a variety of fields, such as criminology, psychology, social work, law, corrections, law enforcement and journalism.

Besides these members, representatives from police forces, local governments, business and industry, professional associations, trade unions, or community associations are called upon, in certain cases, to assist in the Board's decision-making process. These members are known as community board members and are appointed by the Solicitor General to the regional offices of the Board. They act as regular Board members when release is being considered for inmates serving life for murder, or inmates serving sentences of preventive detention as dangerous offenders, dangerous sexual offenders, or habitual criminals.



## WHAT ARE THE PRINCIPLES BEHIND PAROLE?


- Parole is a component of the justice system, established to protect society by providing supervised release to deserving inmates.
- Consideration for parole is a right granted to persons serving sentences of incarceration.
- Receipt of parole is a privilege.
- The concept of parole is based on the principle that the majority of offenders have the potential to function as law-abiding citizens.
- The granting of parole respects the intent of the sentence while changing the circumstances under which the sentence is served.
- A grant of parole imposes conditions on release to control the risk offenders represent, and to promote opportunities for personal decision-making.

## WHEN DOES AN INMATE BECOME ELIGIBLE FOR PAROLE?

After serving one sixth of his or her sentence (except for life, indeterminate sentences or sentences of 12 years or more), an inmate is eligible for day parole, which is usually granted for a six-month period and generally requires that nights be spent either in prison or in a community residential facility such as a halfway house or a community correctional centre.

*Day parole* gives inmates exposure to constructive activity (work, study) and allows contact with family and friends; it is usually granted to persons considered to be candidates for full parole.

*Full parole* may be granted once an inmate has served one third of his or her sentence or seven years, whichever is less. Under full parole, the person does not have to return nightly to an institution, but must report regularly to a parole supervisor and in certain cases, to the police.



The one-third eligibility does not apply to lifers and persons serving indeterminate sentences.

## **IS PAROLE AUTOMATICALLY GRANTED?**


Parole, far from being a right, is a privilege. More often than not, an inmate is refused parole the first time and must wait for a future review of his or her case by the Board. In fact, only about four in ten inmates who apply are ever granted full parole. Parole can be suspended, revoked, or terminated if the conditions of release are violated by an inmate.

It is the *Criminal Code* that prescribes eligibility dates for parole for inmates serving life sentences for murder or high treason, and for those serving indeterminate sentences as dangerous offenders, dangerous sexual offenders, or habitual criminals. In all other cases, the eligibility dates are set out in the *Parole Regulations*.

## **WHAT FACTORS ARE CONSIDERED IN GRANTING PAROLE?**

When reviewing any case, the Board takes the following factors into consideration:


- the criminal record, kinds of offences and their pattern, and length of crime-free periods between convictions;
- the nature of the current offence and how serious it was;
- what understanding the inmate appears to have of the situation that led to prison, and what has been done about it;
- what the inmate has done to improve while in prison including training, educational and employment upgrading activities;
- institutional behaviour;

- 
- the degree of success during any prior temporary absence or day parole;
  - whether the inmate has any previous supervision violations;
  - the nature of the inmate's relationship with family and friends;
  - what plans the inmate has for employment or training in the community;
  - personality, particularly the potential risk of the offender committing a criminal offence while on release in the community;
  - what plans the inmate has for release including:
    - a place to live;
    - who, outside, could and would help;
    - plans to avoid trouble;
    - the possible threat to the community if he or she should revert to criminal activity.

## **WHAT ARE TYPICAL PAROLE 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
    - any change in the address of residence;
    - any change in the normal occupation, including employment, vocational or educational training and volunteer work;
    - any change in the family, domestic or financial situation;
    - 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.

### **WHAT IS THE SUCCESS RATE OF PAROLE?**

- On average, about 70 per cent of those released on full parole successfully complete their sentence in the community.
- Nearly 82 per cent of those released on day parole meet the conditions of their release without incident.
- Nearly 100 per cent of those granted temporary absence honour the conditions of their release.

### **WHEN DOES A MURDERER'S SENTENCE END?**

A person convicted of murder is automatically given a life sentence, and even if parole is granted, he or she will always remain under parole supervision.

Parole means only that he or she may serve the never-ending sentence in the community.



## WHAT IS MANDATORY SUPERVISION?

Mandatory supervision, introduced August 1, 1970, is intended to provide the same degree of control and assistance to those inmates being released for good behaviour (earned remission) as to those released on parole.

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.

Mandatory supervision is designed to assist offenders in making the transition to law-abiding behaviour upon their return into the community, and to allow for the return to penitentiary of those who violate the conditions of their release or commit, or are suspected of being about to commit, new crimes.

Mandatory supervision, also known as "time-off for good behaviour", can amount to as much as one third of an inmate's sentence. The Parole Act was amended in 1977, to give inmates subject to mandatory supervision the choice of remaining in an institution to complete their sentence. Inmates choosing not to be released on mandatory supervision may subsequently be released if more than 60 days remain in the sentence.

Inmates serving life or indeterminate sentences cannot earn time-off for good behaviour.



## **WHAT DID BILL C-67 CHANGE?**

Legislation adopted July 24, 1986, authorizes the National Parole Board, in accordance with established criteria and procedures, to retain in custody until warrant 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.

The Board may order certain violent offenders to remain incarcerated until the end of their sentence rather than being released on mandatory supervision.

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, those inmates are allowed only one chance in the community under mandatory supervision.

Only a small number of offenders will be detained because very few have committed this type of crime and are likely to do so again.

Inmates may still, however, choose to remain in an institution to complete their sentence.

## **WHAT HAPPENS TO LOW-RISK INMATES?**

Statutory authority for the timely release of low-risk inmates into community programs with strengthened supervision and assistance is provided for in the law, consistent with the protection of society.




## HOW ARE HIGH-RISK INMATES IDENTIFIED?

The Correctional Service of Canada will systematically review the cases of all inmates serving a sentence for one of the following offences listed in the Criminal Code (number indicated):

- causing injury with intent (paragraph 79(2)(a) )
- use of a firearm during commission of an offence (section 83)
- pointing a firearm (subsection 84(1) )
- prison breach (section 132)
- manslaughter (section 219)
- attempt to commit murder (section 222)
- causing bodily harm with intent (section 228)
- overcoming resistance to commission of offence (section 230)
- assault (section 245)
- assault with a weapon or causing bodily harm (section 245.1)
- aggravated assault (section 245.2)
- unlawfully causing bodily harm (section 245.3)
- assaulting a peace officer (section 246)
- sexual assault (section 246.1)
- sexual assault with a weapon, threats to a third party or causing bodily harm (section 246.2)
- aggravated sexual assault (section 246.3)
- kidnapping (section 247)
- robbery (section 303)
- arson (section 389)
- setting fire to other substance (section 390)
- setting fire by negligence (section 392)
- conspiracy to commit murder (paragraph 423(1)(a) )

and an offence under any of the following sections of the Criminal Code as they read immediately before January 4, 1983:



- 
- rape (section 144)
  - attempt to commit rape (section 145)
  - indecent assault on female (section 149)
  - indecent assault on male (section 156)
  - common assault (section 245)
  - assault with intent (section 246)

Following the review of a case, the Correctional Service will refer it to the Board if the case meets the established criteria for detention, according to the Parole Act, as amended in 1986.

### **HOW IS A HIGH-RISK POTENTIAL DETERMINED?**

In determining the high-risk potential, the National Parole Board will consider four major factors:

- 1) a persistent pattern of violent behaviour;
- 2) psychiatric or psychological evidence that there is a likelihood of committing violent offences causing death or serious harm prior to the end of the sentence;
- 3) reliable information that the inmate is planning to commit a violent offence causing death or serious harm prior to the end of his or her sentence;
- 4) the availability of supervision programmes offering adequate protection to society.



## **IN DETENTION REVIEW CASES, WHAT OPTIONS ARE AVAILABLE TO THE BOARD?**

When the Board finds that the inmate is likely to cause death or serious harm prior to the end of his or her sentence, it may order the inmate detained or release the inmate to a community-based residential centre and impose residence as a condition.

When the Board finds that the inmate is not likely to cause death or serious harm prior to the end of his or her sentence, but met all other criteria for referral by the Correctional Service, the inmate is released on one-chance mandatory supervision.

Should the Board find that the inmate does not meet all other criteria for referral, the inmate is released under normal mandatory supervision and the one-chance provisions do not apply.

An offender who has been ordered detained is not eligible for parole.

## **WHAT IS THE DETENTION HEARING PROCESS?**

In each case the National Parole Board will schedule a hearing at which the inmate may have an assistant (friend, relative, lawyer, clergyman, etc.). Information relevant to the decision will be disclosed to the inmate in writing, in advance of the hearing. The hearing allows Board members to discuss the pertinent information with the inmate to raise questions and to seek clarification as required. Inmates are encouraged to state their case and to respond to the points under discussion.



A copy of the Board's decision, of any order, detention or one-chance mandatory supervision and any other conditions imposed, along with the reasons for the decision, will be given to the inmate. The hearings will be recorded.

### **CAN INMATES APPEAL DETENTION ORDERS AND ONE-CHANCE MANDATORY SUPERVISION?**

Inmates may appeal detention orders and one-chance mandatory supervision to the Board's Appeal Division. The Board must review detention orders at least once a year. The Board may lift a detention order or vary conditions imposed on inmates where residence or one-chance mandatory supervision applies.



## **SOME PEOPLE SAY . . .**

*The National Parole Board is impossible to get in touch with and to get information from . . .*

The National Parole Board is accessible through its headquarters Communications Division and five regional offices. The addresses and telephone numbers are:

**Headquarters:** National Parole Board  
340 Laurier Avenue West  
Ottawa, Ontario  
K1A 0R1  
(613) 995-1308

**Atlantic Region:** National Parole Board  
777 Main Street, 3rd Floor  
Moncton, New Brunswick  
E1C 1E9  
(506) 857-6345

**Quebec Region:** National Parole Board  
Guy Favreau Complex  
200 Dorchester Blvd West  
Montreal, Quebec  
H2Z 1X4  
(514) 283-4584

**Ontario Region:** National Parole Board  
86 Clarence Street  
Kingston, Ontario  
K7L 1X3  
(613) 545-8351

**Prairies Region:** National Parole Board  
229-4th Avenue, 6th Floor  
Saskatoon, Saskatchewan  
S7K 3X5  
(306) 975-4228



**Pacific Region:** National Parole Board  
4664 Lougheed Highway,  
Room 230  
Burnaby, British Columbia  
V5C 5T5  
(604) 666-2121

*Publications, audio-visual material and resource persons for presentations are available from all of the above-listed offices.*

*For more information on the Ministry of the Solicitor General, please call in Ottawa:*

<b>National Parole Board</b>	<b>995-1308</b>
<b>Correctional Service of Canada</b>	<b>993-7501</b>
<b>Royal Canadian Mounted Police</b>	<b>993-1085</b>
<b>Canadian Security Intelligence Service</b>	<b>993-9620</b>
<b>Ministry Secretariat</b>	<b>991-2814</b>