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## ARCHIVÉE - Contenu archivé

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Solicitor General  
Canada

Solliciteur général  
Canada

questions

VICTIMS

HV  
6250.3  
.C2  
V58  
1993

answers

about corrections

and conditional release



Canada

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HV  
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## A message from the Solicitor General of Canada

For many victims, their first exposure to crime is also their first exposure to the criminal justice system and it's an experience, coming on top of the original trauma of the crime, that can be bewildering and sometimes frightening.

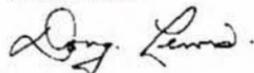
For several years, the federal government has been working with the provinces, territories and all components of the criminal justice system to promote greater sensitivity to victims and their needs. We want to ensure that the system deals with victims in a sympathetic and humane manner.

We have already made a giant step in this direction with the new *Corrections and Conditional Release Act* which became law on November 1, 1992. For the first time the rights of victims have been formally recognized in federal correctional legislation. Victims now have a legitimate and essential voice in the federal corrections and parole process.

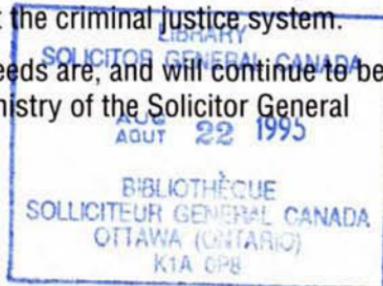
Another way we can help is to produce this handbook which answers questions that victims and their families often ask about corrections and conditional release.

The handbook was produced by the National Parole Board, the Correctional Service of Canada, and the Ministry Secretariat after extensive consultation with victims and victims' groups across the country. It is part of our continuing effort to ensure that victims' rights are respected throughout the criminal justice system.

Victims' rights and needs are, and will continue to be, a priority with the Ministry of the Solicitor General of Canada.



Doug Lewis



## **MISSION STATEMENTS**

### **National Parole Board**

The National Parole Board, as part of the criminal justice system, makes independent, quality conditional release and pardon decisions and clemency recommendations.

The Board, by facilitating the timely reintegration of offenders as law-abiding citizens, contributes to the protection of society.

### **Correctional Service of Canada**

The Correctional Service of Canada, as part of the criminal justice system, contributes to the protection of society by actively encouraging and assisting offenders to become law-abiding citizens, while exercising reasonable, safe, secure and humane control.

### **Solicitor General Secretariat**

The Solicitor General Secretariat helps to promote and maintain a Canadian society in which all persons can feel protected from threats to personal and national security and from infringements upon their rights and freedoms.

The Secretariat contributes to this Ministry objective by advising and assisting the Solicitor General in discharging his or her responsibilities for:

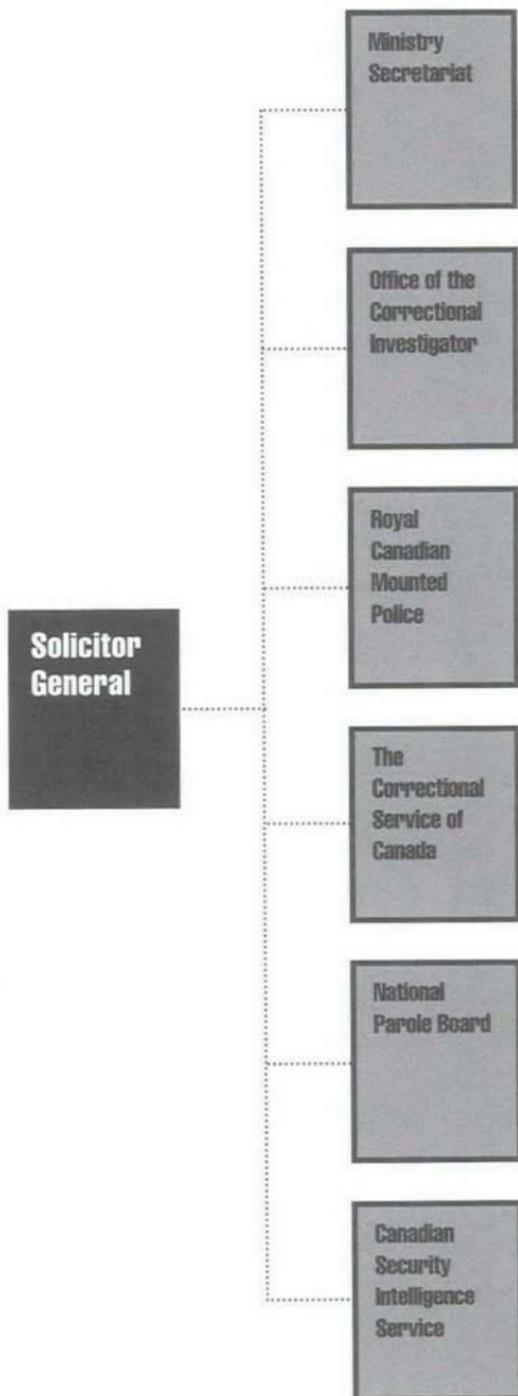
- providing direction to the agencies of the Ministry;
- exercising national leadership in policing, law enforcement, security, corrections and conditional release; and
- answering in Cabinet and Parliament for the Ministry.

The producers of this booklet would like to thank the many people across the country who have taken the time to read and give their comments before publication. Everyone who made recommendations helped to improve its quality.

Our consultations reflected the need for diverse approaches for sharing information with victims and their organizations. This booklet, therefore, is one of several publications that may be of interest to both individuals and organizations. Several shorter leaflets dealing with only one topic may be most appropriate for use by some with specific interests or concerns.

This booklet is intended as an enduring reference about corrections, conditional release, and more generally the criminal justice system. Further, it is intended as a contribution to a framework for partnership among all who are concerned with protection of society and rehabilitation as a part of that protection. Some parts of this booklet may not be as easy to read or to interpret against a specific situation as we would like. It is difficult to find the most appropriate balance between simplicity and accuracy in describing arrangements that must apply to a wide range of situations and conditions.

Readers who are left with unanswered questions or who wish further information are invited to contact any of the agencies whose addresses appear at the back of this booklet.



## **INTRODUCTION**

Too often, the impression has been that offenders were the sole concern of those administering the correctional system.

In recent years, however, victims of crime have raised questions which have forced all of us to ask: are victims the forgotten people in the criminal justice system?

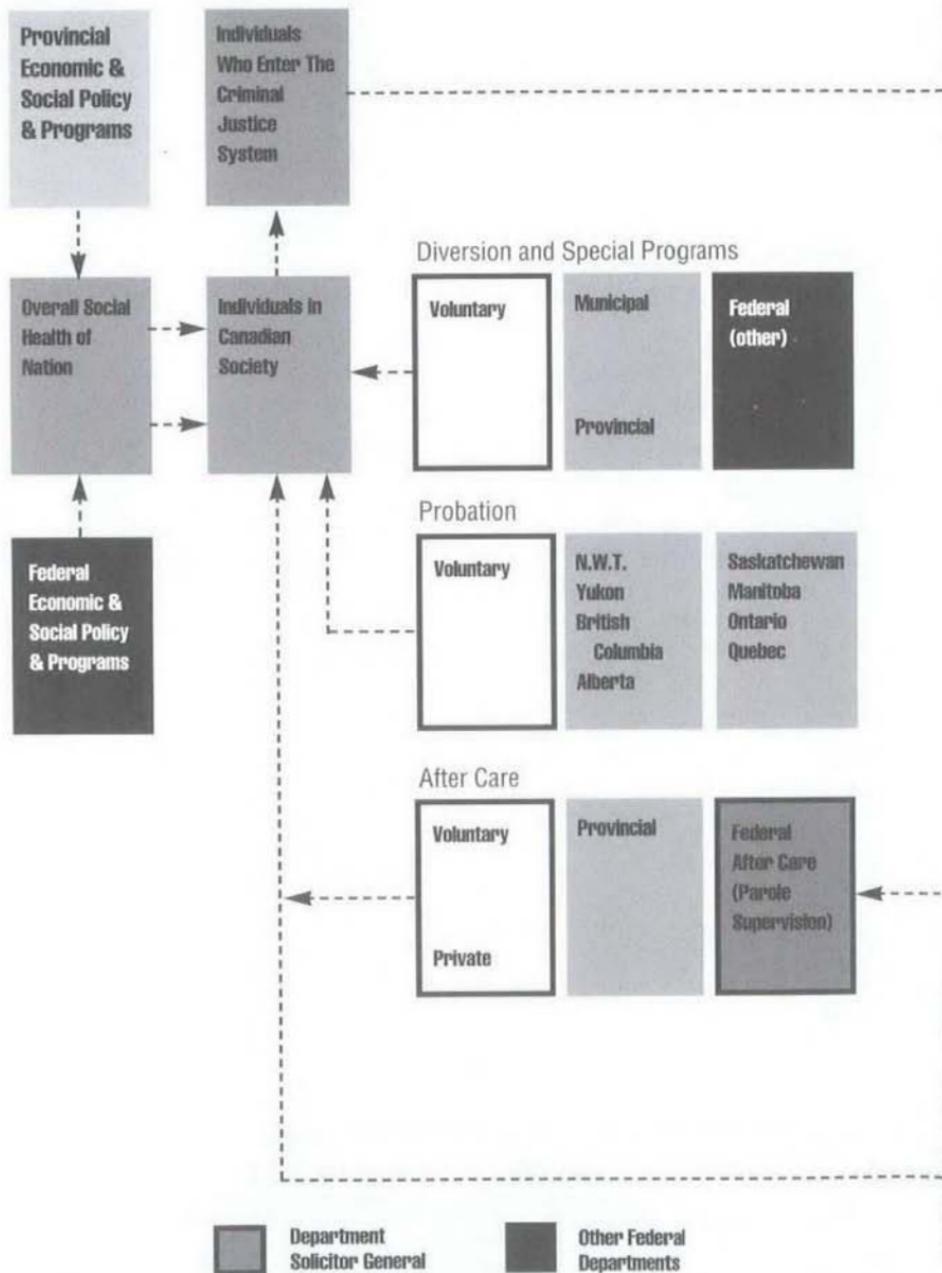
The answer is no, they are not. The National Parole Board and the Correctional Service of Canada recognize that victims and their relatives have suddenly been forced into contact with the criminal justice system after usually traumatic events and often for the first and only time in their lives. The Corrections and Conditional Release Act recognizes victims as an important part of the criminal justice system. The Act enables victims to follow the offender's movement through the correctional system, to be aware of the decisions made by the National Parole Board and the Correctional Service of Canada about that offender, and to ensure that victims are provided with certain information on request.

By law, the National Parole Board must review offenders for some form of conditional release after they have served a portion of their sentence. Protecting society, including the victim, the victim's family, and the community is the main consideration in whether to grant parole or deny statutory release.

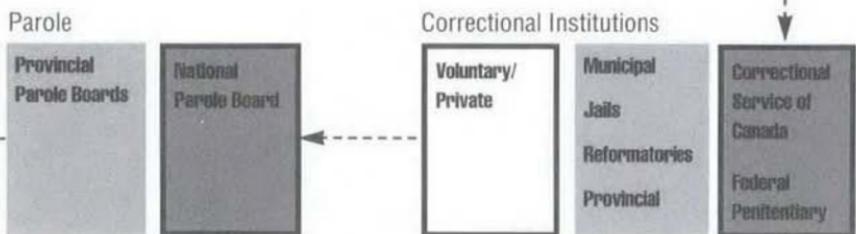
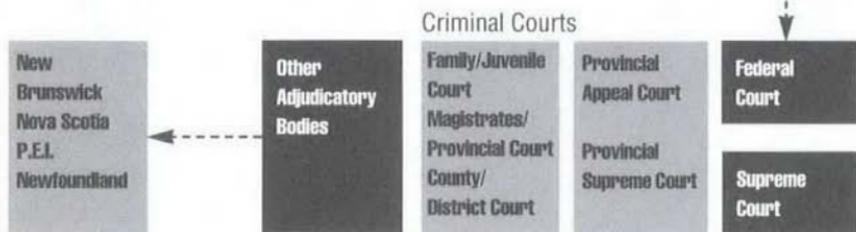
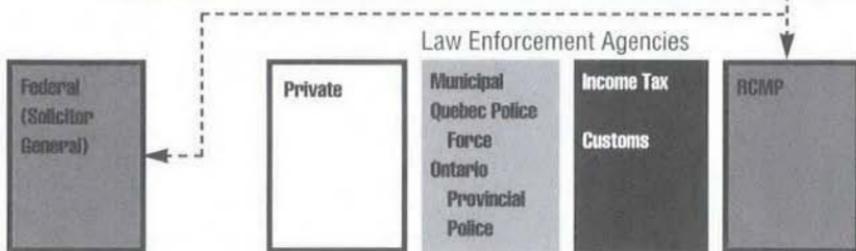
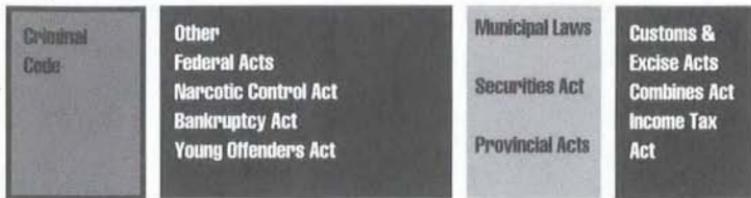
This booklet is not a guide to the Canadian criminal justice system. It introduces the reader to the roles of the organizations responsible for offenders and the ways in which an offender can be released from prison through conditional release. It also answers questions about how victims can be involved in the release system and the type of information they may receive about a particular offender. This booklet tries to answer questions commonly asked by victims and their families.

# The Canadian Criminal Justice System

## Jurisdictions and Responsibilities



Body of Criminal Laws

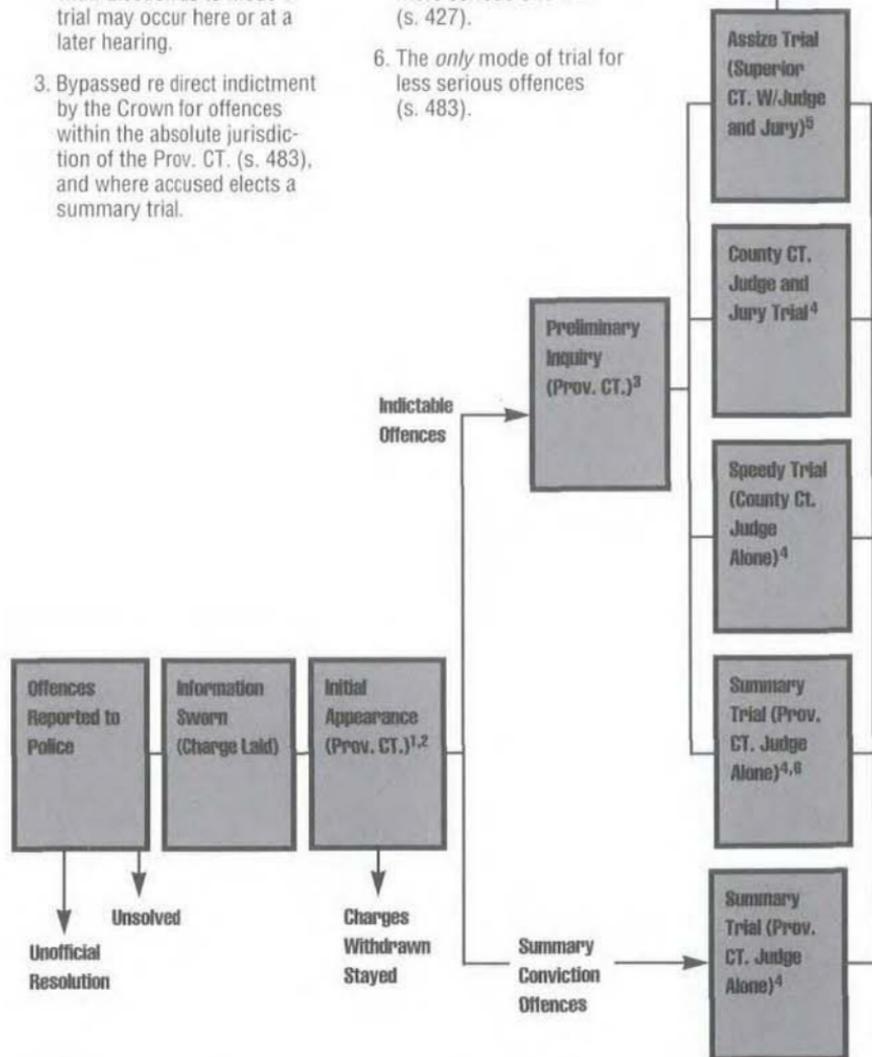


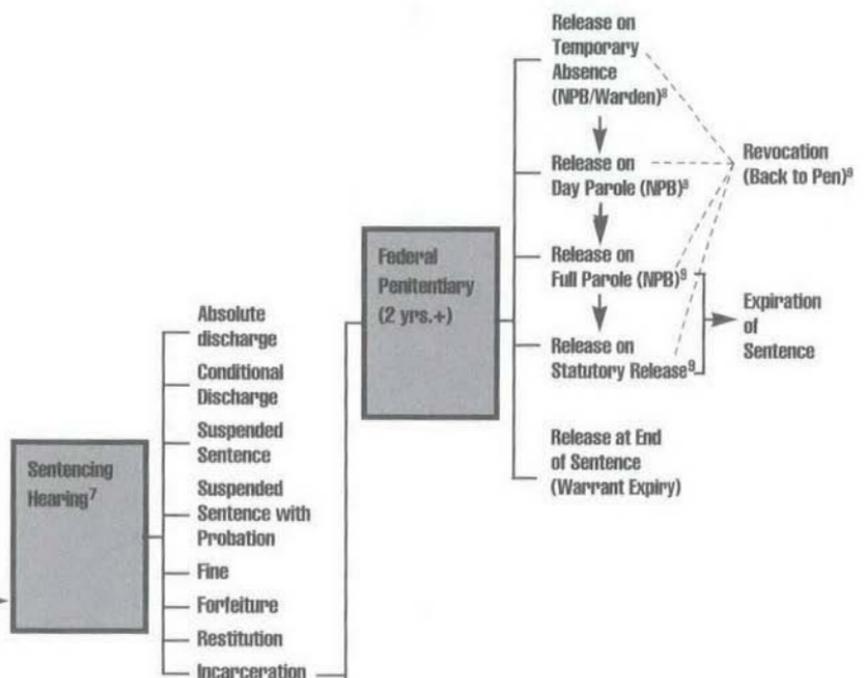
Provincial or Municipal Governments
  Private & Voluntary Agencies

## Flow of Cases through the Canadian Criminal Justice System

1. Appearance compelled by summons, arrest, or appearance notice.
2. Initial sorting and judicial interim release (bail) are dealt with. Election as to mode of trial may occur here or at a later hearing.
3. Bypassed re direct indictment by the Crown for offences within the absolute jurisdiction of the Prov. CT. (s. 483), and where accused elects a summary trial.
4. Charges may be withdrawn, stayed, or result in an acquittal in any mode of trial.
5. The *only* mode of trial for more serious offences (s. 427).
6. The *only* mode of trial for less serious offences (s. 483).

Charges may be withdrawn, stayed, or result in acquittal<sup>4</sup>





7. Not all dispositions are available regarding all offences.

8. NPB-National Parole Board.

9. Revocation of any type of conditional release results in the offender being returned to the penitentiary.

10. Decision of a screening committee making a recommendation to the regional director of corrections.

11. Revocation of any type of conditional release results in the offender being returned to prison.

## **Does parole really work?**

Parole is society's only means of returning offenders to the community at the time judged most favourable with control, supervision, and support. It is discretionary, not automatic, and usually it is successful. Approximately 14,000 federal offenders are in prison at any given time. Even without parole, between 80 and 90 per cent of these offenders would return to the community within six years. They would finish their sentence and return to society.

Experience has shown that offenders who are part of a program of gradual release from imprisonment do much better than those released into the community at the end of their sentence and are less likely to return to prison.

# 1

## **After the judge passes sentence, does the court have anything more to do with the person convicted?**

After conviction, if the court orders a period of incarceration, that is, sends an offender to prison for a certain period of time, either federal or provincial correctional authorities administer the sentence (see question 3).



Offenders convicted of first degree murder are not eligible for parole consideration for 25 years. The sentencing judge may set parole eligibility at between 10 and 25 years for offenders convicted of second degree murder.

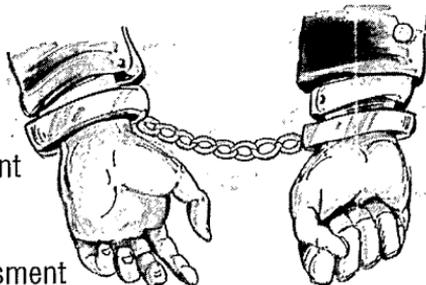
When serving a life sentence for murder for which parole eligibility is 15 years or more, offenders may apply for a judicial review. That is, they can appear before a judge and jury of a superior court of criminal jurisdiction to request a reduction of the number of years they must serve before being eligible for parole. A jury of 12 people must agree by a majority of two-thirds if parole eligibility is to be reduced. Offenders must apply for a judicial review; it is not automatic and they may only apply after serving at least 15 years.

The sentencing court may also determine the period that offenders convicted of a serious drug offence or a violent offence must serve before becoming eligible for parole. In these cases the court may specify that the portion of the sentence that must be served before parole eligibility is one-half or 10 years, whichever is less.

2

## **Are the police involved with the offender after the trial?**

The police usually transport an offender found guilty and sentenced to imprisonment to the local detention centre. They provide information for assessment when the offender is admitted to a penitentiary and are also asked to provide information for assessment when the offender is being considered for conditional release. The police will be notified of any conditional release. In some cases, an offender will have to report regularly to both the parole supervisor and the police. Of course, the police will again become involved if the offender is suspected of any further criminal activity.



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## **After sentencing, who is responsible for the offender?**

If the sentence is imprisonment, there are two possibilities:

- The Correctional Service of Canada is responsible for all offenders sentenced to two years or more. The Service determines whether the offender will be a maximum, medium, or minimum security inmate.
- If the sentence is less than two years, the correctional service of the province or territory where the trial was held determines the institution in which the offender will serve the sentence.

An inmate may be transferred from one institution to another for security or program-related reasons.

The federal and provincial criminal justice systems have exchange of service agreements. These agreements may allow an offender to serve all or part of a sentence in a provincial institution, even when serving more than two years, or in a federal institution if serving less than two years.



### **What part does the Correctional Service of Canada play?**

The Correctional Service of Canada is responsible for:

- the care and custody of offenders during imprisonment;
- providing programs that contribute to the successful return of offenders to the community as law-abiding citizens;
- preparing inmates for release; and
- supervising offenders on parole and statutory release (see question 11).

The Service also collects and provides information relevant to release decision making and to the supervision of offenders. This information goes to the National Parole Board, provincial governments, provincial parole boards, the police, and others authorized by the Service to supervise offenders.

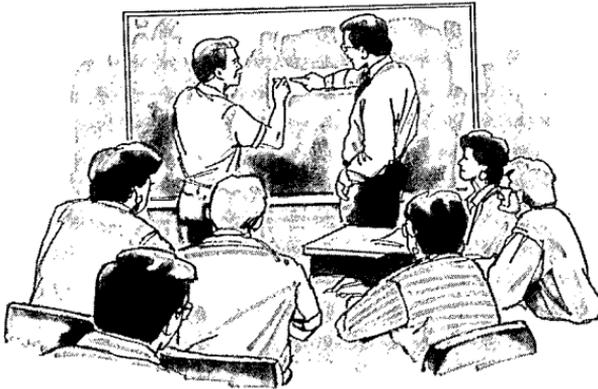
Some measures of the Correctional Service of Canada's effectiveness in managing its responsibilities are

reflected in, for example, the low rate of escapes from institutions, the successful completion of temporary absences, the relatively few incidents in the community that involve offenders, and reduced criminal activity after offenders return to the community.



### **How does the Correctional Service of Canada help offenders return to society and obey the law?**

The Correctional Service of Canada provides treatment programs to help offenders change their behaviour. Services within institutions include treatment for substance abuse, antisocial and violent behaviour, mental illness, and sexual deviancy. In addition, educational and vocational programs help offenders develop the attitudes and skills they need for life after prison.



### **What is the National Parole Board, and what is its role in the criminal justice system?**

The *Corrections and Conditional Release Act* and its Regulations empower the National Parole Board to make conditional release decisions for offenders in federal and territorial institutions. The Board also makes

parole decisions in provincial institutions, except in Quebec, Ontario, and British Columbia, which maintain their own provincial parole boards. The Board is an administrative tribunal that has exclusive authority to grant, deny, terminate, or revoke parole, and to deny or revoke statutory release in certain circumstances (see questions 12 and 13).

The National Parole Board does not have jurisdiction over young offenders (younger than 18 years of age according to the *Young Offenders Act*) unless tried as adults in an adult court (see question 16) or over offenders serving only intermittent sentences (weekends).



### **Who are Board members?**

The government appoints men and women from all walks of life and from all regions of Canada as members of the National Parole Board. As a group, the members bring a wide range of professional experience from such fields as business, criminology, psychology, medicine, social work, and community work.

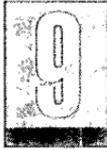




## **What is parole?**

Parole is the form of conditional release that requires discretion. That is, it requires a panel of Board members to review the facts about a case and decide whether an offender is likely to obey the law if permitted to return to society before the end of the sentence.

Parole allows prisoners to serve the final part of their sentence under supervision in the community, provided they abide by certain conditions. Canada has had some form of conditional release system since 1899.



## **What is the purpose of parole?**

Canada, like most countries, has made conditional release programs part of its criminal justice system. Most offenders in our country are serving definite sentences; that is, a term of imprisonment lasting for a specific number of days, months, or years. They must be released when their term is finished.

The concept of parole is based on the belief that a gradual, controlled, and supported release of offenders is, in most cases, safer for society. Unconditional release at the end of a person's sentence neither protects society nor allows for control, supervision, or guidance.



## **What are the principles guiding parole?**

The *Corrections and Conditional Release Act* lists six principles that apply directly to boards of parole:

- protection of society is the paramount consideration in any conditional release decision;
- all available, relevant information must be considered;

- parole boards enhance their effectiveness through the timely exchange of relevant information among criminal justice components and by providing information about policies and programs to offenders, victims, and the general public;
- parole boards will make the least restrictive determination consistent with the protection of society;
- parole boards will adopt and be guided by appropriate policies and board members will be given appropriate training; and
- offenders must be given relevant information, reasons for decisions, and access to the review of decisions to ensure a fair and understandable conditional release process.



**The word "parole" is used so much it's confusing. What exactly are the types of conditional release?**

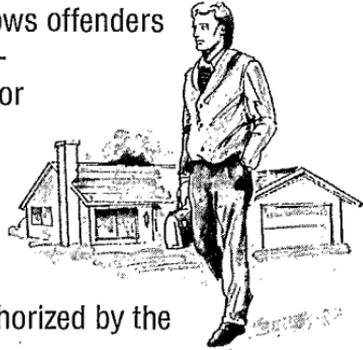
The types of conditional release are: temporary absence (escorted, unescorted, and work release), day parole, full parole, and statutory release.

**Temporary absence:** A temporary absence is usually the first type of release an offender is granted. With or without escort, temporary absences may be granted for various reasons, including for work in community service projects, contact with the family, personal development, or medical consultations.

**Work release:** Heads of federal correctional institutions may release selected offenders on a structured program for a specified period for work or for community service. Offenders are supervised during the work release.

**Day parole:** Day parole allows offenders to participate in community-based activities to prepare for release on full parole or statutory release.

Offenders on day parole must return nightly to an institution or a halfway house unless otherwise authorized by the National Parole Board.



**Full parole:** Full parole allows the offender to serve the remainder of the sentence under supervision in the community.

**Statutory release:** By law, most federal inmates must be released with supervision after serving two-thirds of their sentence. Offenders serving life or indeterminate sentences are not eligible for statutory release.

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### **Is statutory release the same as parole?**

No. Most federal inmates are released automatically by law on statutory release after serving two-thirds of their sentence if they have not already been released on parole. Parole, on the other hand, is at the discretion of the National Parole Board. Whether on parole or statutory release, offenders are supervised in the community and will be returned to prison if they are believed to present an undue risk to the public.

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### **Does the National Parole Board have authority over statutory release?**

Although the National Parole Board does not have the authority to grant statutory release because it is automatic, the Board may add conditions to those imposed

on all offenders to protect society and assist the offender to return successfully to the community. It may also prevent the release of an offender in certain circumstances.

The *Corrections and Conditional Release Act* authorizes the National Parole Board, following a referral by the Correctional Service of Canada, to detain in custody until the end of the sentence, or to place under strict residential conditions anyone likely to commit an offence causing death or serious harm to another person or to commit a serious drug offence before the end of the sentence. The law requires the Board to review such decisions annually.



### **What is accelerated review?**

The *Corrections and Conditional Release Act* requires some offenders who are serving their first term in a penitentiary to be released on full parole after they have served one-third of their sentence. These offenders must be released on full parole unless the National Parole Board finds reasonable grounds to believe the offender is likely to commit an offence involving violence before the end of the sentence. Accelerated review applies only where:

- the offender is serving the sentence for a nonviolent offence; or
- the offender is serving the sentence for a serious drug offence for which the judge did not set parole eligibility at one-half of the sentence.

A person serving a sentence for murder, an offence involving violence, or a serious drug offence for which the judge set eligibility at one-half of the sentence, is not eligible for accelerated review.

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### **When is an inmate eligible for parole consideration?**

For full parole, an offender must usually serve the first third or the first seven years, whichever is less, of any sentence of imprisonment before being eligible for parole. Exceptions include offenders serving life (see question 17) or indeterminate sentences, or those who have had a longer eligibility period set by the court when they were sentenced (see question 1).

Offenders generally become eligible for day parole six months before they may be considered for full parole.

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### **What is the difference between probation and parole?**

Probation is a sentence imposed by a judge, usually instead of, but sometimes in addition to, a term of imprisonment. It allows a person to live in the community under the supervision of a probation officer.

Parole, which allows a person to live in the community under the supervision of a parole officer, may be granted after the offender has served part of the sentence in an institution. The decision to grant parole is the responsibility of a board of parole.

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### **Can an offender serving a life sentence for murder ever be considered for parole?**

Yes. A short explanation of the legal meaning of homicide and murder is necessary.

“Homicide” is the general term applied to all situations in which one person causes the death of another. Justifiable or accidental homicide is not a crime.

Culpable homicide is a crime. It can be either first or second degree murder, or manslaughter.

Eligibility dates for offenders sentenced to life imprisonment before 26 July 1976, vary considerably. Since then, when the legislation was amended, the two categories of murder (first and second degree) carry with them specific parole eligibility dates:

**First degree murder:** First degree murder includes all planned and deliberate murders and certain other murders (for example, 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 for 25 years. They become eligible for unescorted temporary absences and day parole three years before their full parole eligibility date.

**Second degree murder:** Second degree murder is any murder that is not first degree murder. The sentencing judge determines when people convicted of second degree murder are eligible for consideration for parole, between 10 and 25 years. Inmates incarcerated for second degree murder become eligible for consideration for unescorted temporary absences and day parole three years before their full parole eligibility date.

**Manslaughter:** Manslaughter is any culpable homicide that is neither first nor second degree murder. The judge may sentence someone convicted of manslaughter to any term deemed appropriate – anywhere from some number of months to life.

Anyone convicted of murder who must serve more than 15 years before full parole eligibility may apply after 15 years for judicial review by a Superior Court judge and a jury who may advance parole eligibility dates (see question 1).

People who are paroled while serving life sentences will remain on parole for life unless parole is revoked. Without a grant of parole, the offender will usually remain imprisoned for life.



**Young offenders:** Offenders under 18 years of age transferred by the youth court to an adult court and sentenced after 15 May 1992 to life imprisonment for murder are eligible to be considered for parole only after serving five to ten years of the sentence as determined by the judge of the convicting court. They become eligible for unescorted temporary absences and day parole after serving 80 per cent of the time they must serve before being eligible for full parole.



### **How do parole boards decide if an offender should be granted parole?**

The protection of society is of paramount concern to all parole boards. They will grant parole only if in their opinion:

- the offender will not, by committing another offence, present an undue risk to society before the end of the sentence; and
- the release of the offender will contribute to the protection of society by facilitating return to the community as a law-abiding citizen.

Most parole decisions of the National Parole Board are made after a hearing with an offender, which is held in the institution where the offender is incarcerated. However, some decisions are made on the basis of a file review.

The National Parole Board has adopted decision policies to help Board members make decisions about conditional release.



## **What are the policies that guide National Parole Board members in making decisions about parole?**

The goal of all parole decisions is the protection of society. The National Parole Board looks at protection in the long and short term. In the short term, the Board examines whether there is an undue risk to society if the offender is released. To meet the longer term goal, the Board considers whether parole would help the offender return to the community as a law-abiding citizen. The Board has developed detailed policies to guide this task of risk assessment.

National Parole Board policies require that Board members systematically review the risk an offender might present to society if released. To assess risk, the policies require slightly different review processes for two types of offenders:

Category 1: Offenders who have committed serious offences, usually involving violence; and

Category 2: Offenders who have committed other offences.

### **Step 1 – preliminary risk assessment**

The first step has two parts. First, Board members review all available information about the offender to make a preliminary assessment of risk. This will include information about:

- details of the offence;
- criminal history;
- social problems, such as alcohol or drug use and family violence;
- mental status, especially if it affects the likelihood of future crime;

- performance on earlier releases, if any; and
- information about the offender's relationships and employment.

Second, Board members consider a statistical probability of an offender to reoffend. They look at how often new offences are committed by a group of offenders with characteristics and histories similar to those of the person under review.

## **Step 2**

After completing a preliminary risk assessment, the Board members look at specific factors such as:

- psychological or psychiatric reports (The Board must have a report from a psychologist and sometimes a psychiatrist to make a decision about an offender in the first category. Although the Board does not require these reports for offenders who committed offences in the second category, the Board may ask for them in any case.);
- opinions from professionals and others such as aboriginal elders, judges, police officers, and other information that indicates whether release would present an undue risk to society;
- information from victims;
- whether the offender has received and benefited from appropriate treatment for any disorder diagnosed by a professional;
- whether the offender has taken part in and benefited from programs that help offenders become law-abiding citizens, such as substance abuse counselling, life skills, native spiritual guidance and elder counselling, literacy training, employment, social and cultural programs, and programs that help offenders deal with family violence issues;

- whether the offender shows a good understanding of the seriousness and the effects of the offence; and
- whether the offender's release plan shows control and support and is realistic and confirmed.

After considering all of this information and usually holding a hearing with the offender, Board members make a decision whether to grant parole. If denied, another review date may be set. If release is granted, the Board may add conditions to those already required by law. To impose additional conditions, such as a requirement not to drink alcohol, it must be considered necessary to manage risk and be related to the offender's criminal behaviour.



### **Can a victim's information be considered in conditional release decisions?**

The Board will review information from victims that can help to assess whether an offender's release may pose a risk to society. The Board is interested in information that will assist in assessing the offender's understanding of the effect of the offence and whether that person is likely to reoffend. In cases of statutory release, where the Board must decide whether to detain an offender, information about the serious harm suffered by victims is critical for the Service and the Board.

Information from victims is also helpful when it is directly relevant to assessing conditions necessary to manage a particular risk that the offender might present, and the offender's release plans, especially if the offender will be near the victim.

Victims are encouraged to provide this information as soon as possible after sentencing. Contact any of the offices listed in the back of this booklet.

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### **Will information from victims be kept confidential?**

The National Parole Board and the Correctional Service of Canada are required by law to share with the offender any information that will be considered during the decision-making process. Information cannot be used if it is not shared with the offender. Exceptions to this rule are rare; they include extraordinary situations, such as the safety of a person, the security of a correctional institution, or the jeopardy of an ongoing investigation.

**22**

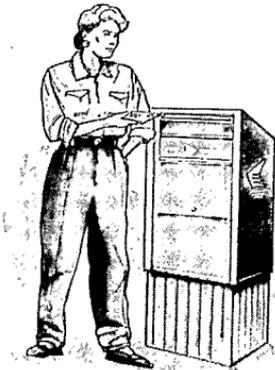
### **Who is a victim?**

The *Corrections and Conditional Release Act* defines a victim as someone to whom harm was done or who suffered physical or emotional damage as the result of a crime. The law considers relatives victims when the victim has been killed or is unable to be responsible for some reason such as age or illness.

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### **How does someone request information about an offender?**

Victims should write to request information from either the National Parole Board or the Correctional Service of Canada. If asked, the National Parole Board or the Correctional Service of Canada must release certain information to victims and may release certain other information.



Because the release of certain information about offenders is limited to victims as defined in the law, the request should clearly identify the offender and the crime committed. If guidance is needed, any of the offices of the National Parole Board or the Correctional Service of Canada may be contacted at the addresses and telephone numbers listed at the back of this booklet.

A victim or, in some cases, a victim's family can request and will receive basic information about an offender, including:

- when the sentence began and the length of the sentence; and
- the eligibility and review dates of the offender for unescorted temporary absences and parole.

More information may be released if the Chairperson of the National Parole Board or the Commissioner of the Correctional Service of Canada determines that the interest of the victim outweighs any invasion of the offender's privacy that could result from the disclosure.

Such information may include:

- the location of the penitentiary in which the sentence is being served;
- the date, if any, on which the offender is to be released on unescorted or escorted temporary absence, work release, parole, or statutory release;
- the date of any hearing for the purpose of a review for possible detention;
- any of the conditions attached to the offender's unescorted temporary absence, work release, parole, or statutory release;
- the destination of the offender when released on any temporary absence, work release, parole, or statutory

release, and whether the offender will be in the vicinity of the victim while travelling to that destination;

- whether the offender is in custody and, if not, why; and
- whether or not the offender has appealed a decision of the Board, and the outcome of that appeal.

In addition, when an offender has been transferred from a penitentiary to a provincial correctional facility, the name of the province in which the provincial facility is located may be disclosed.

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**Is a victim or the family of a victim informed when a person convicted of a crime is granted conditional release?**

No, not automatically; this information will be given only upon written request. Some victims prefer to have no further knowledge of the offender. A victim or a victim's family must ask for information.

**25**

**Can victims receive ongoing information?**

Yes. Victims must make the request in writing and ensure that the National Parole Board or the Correctional Service of Canada has their current address and telephone number.

**26**

**Can information be given to people other than victims?**

The same information that can be released to victims (see question 23) can also be given to other people. However, they must satisfy the Chairperson of the National Parole Board or the Commissioner of the

Correctional Service of Canada that they suffered harm or physical or emotional damage because of an offender's act, whether or not the offender was prosecuted or convicted for that act. If they have made a complaint to the police or the Crown attorney or an information was laid under the Criminal Code then the person will be given formal recognition and provided the same information as if the offender had been convicted of the offence.

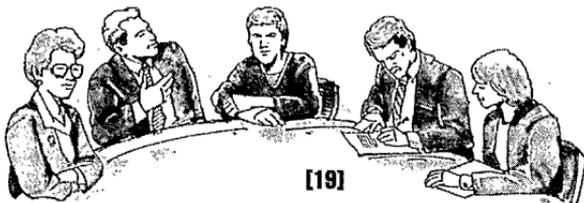
27

### **Can a victim attend a Board hearing?**

Yes, usually. Most people who have applied in writing to attend a conditional release hearing will be allowed to attend the hearing, but only as an observer. Generally, no one under 18 years of age will be allowed to observe a hearing; however, exceptions are possible. No observer can participate in the hearing in any way or be present while the Board members discuss their decision. Victims who wish to give information for the Board to consider when making a release decision may write to the Board before the review. The Board is required to consider the views of the offender when deciding whether or not to let someone observe the hearing.

Although the Board welcomes observers, sometimes it will not be able to grant a request to attend a hearing. The Board must deny a request if an observer's presence:

- is likely to disrupt the hearing;
- is likely to hinder the Board's ability to assess the case;



- might adversely affect someone who has given information to the Board, including victims or members of the victim's or offender's families;
- is likely to upset the balance between the observer's or the public's interest and the public's need for the offender to return successfully to society; and
- may endanger the security and good order of the institution.

The Board's decision whether to admit an observer to a hearing is final; however, it is possible to apply to attend other National Parole Board hearings:

If permitted to observe, conditions may be imposed on observers to ensure the integrity of the hearing process. The Board members may ask an observer to leave at any time.

Anyone who wishes to observe should apply as early as possible, at least 60 days, before the hearing to permit the security check that is required by law before a visitor can be admitted to an institution.



### **Can someone get a copy of a parole decision?**

The National Parole Board records its decisions, including reasons for the decisions, in a data bank called the decision registry. These decisions concern conditional release, return to prison, detention, and the decisions and reasons made by the Appeal Division of the Board. Decisions made by heads of federal correctional institutions concerning temporary absences and work releases are not included in the decision registry.

Victims interested in a specific case may write to the National Parole Board for a copy of a conditional release decision (made after 1 November 1992). For the Board to be able to release information about offenders, victims must explain why they are interested in the case

and the reason for requesting the information. The Board must withhold information that might jeopardize the safety of someone, reveal a confidential source of information, or adversely affect the return of an offender to society as a law-abiding citizen.

**29**

**Is an offender allowed to have an assistant at a hearing?**

An offender can have someone provide advice, make a presentation on behalf of the offender, and answer questions from the Board. The assistant could be, for example, a friend, a relative, a lawyer, a member of the clergy, an elder, a prospective employer, or a member of the penitentiary staff.

**30**

**If conditional release is denied, can the offender appeal?**

Yes. Any offender, or someone acting for the offender, may ask the Appeal Division of the National Parole Board for a re-examination of a conditional release decision.

**31**

**Who supervises offenders once they are out on conditional release?**

The Correctional Service of Canada is responsible for supervising most offenders on conditional release from a penitentiary. Provincial correctional services in Quebec, Ontario, and British Columbia are responsible for supervision of offenders released from provincial institutions in those provinces.

Supervision is also provided by contract with provincial governments and non-government agencies such as the Salvation Army, the John Howard Society, the Elizabeth Fry Society, the St. Leonard's Society, and some native organizations.



## **What is community supervision?**

Community supervision involves monitoring and helping the offender to obey the law. The parole supervisor reviews the offender's file and sets a schedule to meet with the offender, gives instructions, may contact community resources and the police, and may visit the offender's family, friends, employer, or others.

If offenders do not abide by the conditions, they may be returned to prison. Approximately one-half of all offenders returned to prison while on conditional release are returned solely for a violation of a condition of release, not because of a new crime.



## **What are the conditions of release?**

Any offender released on parole or statutory release must agree to the following conditions:

- on release, travel directly to the offender's place of residence as set out in the release certificate and report to the parole supervisor immediately 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 if arrested or questioned by the police;
- always carry the release certificate and the identity card provided by the releasing authority and produce them on request for identification to any peace or parole officer;
- report to the police if and as instructed by the parole supervisor;

- advise the parole supervisor of the offender's address of residence on release and thereafter report immediately:
  - any change in address of residence;
  - any change in occupation, including employment, vocational or educational training, and volunteer work;
  - any change in the family, domestic, or financial situation; and
  - any change that may reasonably be expected to affect the offender's ability to comply with the conditions of parole or statutory release;
- not own, possess, or have the control of any weapon, as defined in the Criminal Code, except as authorized by the parole supervisor; and
- for an offender released on day parole, return to the penitentiary at the date and time on the release certificate.

Those released on a temporary absence must also:

- return to the penitentiary from which the offender was released at the date and time provided for in the absence permit.



### **Can additional conditions be applied to the regular release conditions?**

The Correctional Service of Canada can recommend and the Board may impose conditions, such as prohibiting the offender from contacting the victim or victim's family, if necessary. The National Parole Board will consider requests from victims to impose conditions. Victims may write the National Parole Board or the Correctional Service of Canada.

35

**If a person threatens someone while on parole or statutory release, or commits a crime, can anything be done?**

Yes. Call the police immediately. Give details of the time, place, and nature of the threat or crime.



36

**What is a pardon under the Criminal Records Act?**

Parliament passed the *Criminal Records Act* to help people who were once convicted of a criminal offence who have completed their sentence and have shown that they are responsible citizens. The Act permits the National Parole Board to issue, grant, deny, or revoke a pardon for convictions under federal acts or regulations.

If a pardon is in force, any federal agency or department that has records of convictions must keep those records separate. They may not disclose the information in the record without permission from the Solicitor General of Canada.

A pardon automatically ceases to have effect if an offender is later convicted of an indictable offence. The Board may revoke a pardon for summary convictions, poor behaviour, or if it finds that a deceptive statement was made or relevant information was concealed at the time of application.

37

**What is a victim crisis unit?**

A victim crisis unit, sometimes called a victim assistance unit, is a service offered by many of the police forces



and some other organizations across Canada. Some services include:

- information and public legal education for victims;

This includes information about existing legal and community services, the criminal justice system, and crime prevention.

- training and education for volunteers;

Police departments often screen and train volunteers who provide the front-line service.

- community liaison;

Community groups provide local police with everything from innovative ideas on crime prevention to products such as portable phones, pagers, and vehicles that can be used in the field.

and

- crisis intervention.

Many police departments have victim crisis units to assist crime victims who find themselves in trauma.

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