

# Parole in Canada: 2013




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## Legal Background


- The Parole Act was repealed and replaced November 1, 1992 by the Corrections and Conditional Release Act but remains for reference purposes.
- PBC is an independent release decision body (not under the umbrella of Corrections).
  - The offender will not, by re-offending, present an undue risk to society AND the release of the offender will contribute to the protection of society by facilitating their reintegration into society.
- Decisions on all federal offenders ( $\geq 2$  year sentences) and 8 provinces.





## Selection & Appointment of Board Members

- Applicants are pre-screened by Regional Vice Chair; candidates successful at written exam go to interview; successful candidates go on list.
- Appointed by the Minister (Privy Council Office - non-partisan, public service support to the Prime Minister and Cabinet).
- Since 1994 no appointments have been made to individuals NOT on the list.



## Board Member Backgrounds

- Criminal justice
  - Retired police chiefs
  - Corrections staff
  - Lawyers
- NGO
  - Volunteers
- Private/Other
  - Industry leaders
  - Educators
- Victim rights advocates

## Selection & Appointment of Board Members

- Key competencies considered:
  - Adaptability
  - Teamwork
  - Interpersonal Skills
  - Time Management
  - Sensitive to Diversity
  - Values and Ethics
  - Oral Communication
  - Written Expression
  - Reading Comprehension



## Current Complement

- 40 full-time, 34 part-time members
- Part-time appointments (3 years + 3 year renewable term)
- Full-time appointments - maximum of 10 years (3 + 5 + 2)



## Training

- New Board Members - 2 week in-class training (twice annually)
  - EBP, decision making, decision writing, interviewing, policy and legal issues, code of professional conduct.
- Shadowing & mentoring
- Annual training meeting



## Eligibility for Parole

- Determinate sentences
  - UTA/Day Parole – 6 months prior to FP eligibility
  - Full Parole – 1/3 of sentence or 7 years
  - Statutory Release – 2/3 of sentence
- Indeterminate sentences
  - Determined by courts at sentencing (10-25 years)
  - First degree murder – 25 years



## Types of Decisions

- \* ETAs (Lifers, indefinite sentences)
- \* UTAs (serious harm or child victim cases)
- \* Conditional release
- Conditions upon release (SR with residency)
- Detention to WED
- \* Record Suspensions & Clemency



Note: \* Denotes by offender application. ALL offenders are eligible for parole.

## Numbers of Decisions

|               | Number | Grant rate | Direction |
|---------------|--------|------------|-----------|
| ▪ ETAs        | 174    | 76%        | ↑         |
| ▪ UTAs        | 525    | 69%        | ↓         |
| ▪ Day Parole  | 4610   | 68%        | ↑         |
| ▪ Full Parole | 3491   | 29%        | ↑         |
| ▪ Residency   | 2309   |            | ↑         |
| ▪ Detention   | 330    | 92%        | ↑         |



## Other Considerations

### 1 Vote

- Post suspensions decisions.
- Imposing special conditions on SR.
- Imposing special conditions for LTSO cases.
- Modifying or removing special conditions.
- Accepting postponement requests.

### Community Assessments

- Assess degree of support (family, residence, employment)
- Investigate victim concerns
- Contact police

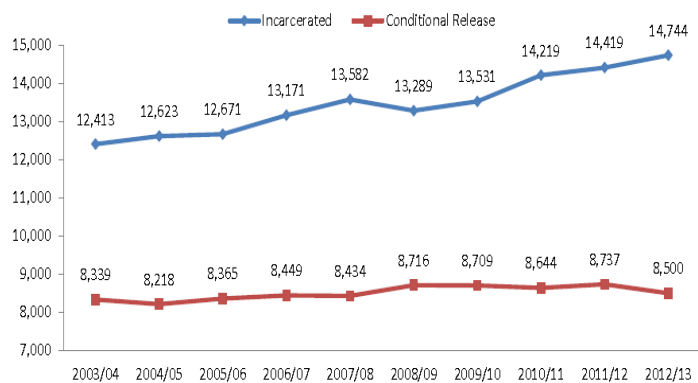
### 2 Votes

- All other decisions 2 votes.



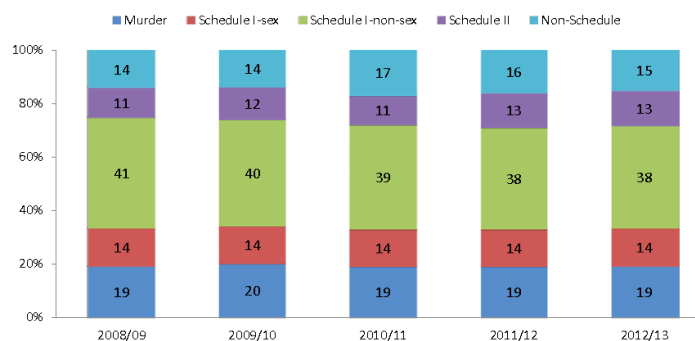
## Federal Offender Population

Figure 1. Federal Offender Population (as of April 14, 2013)



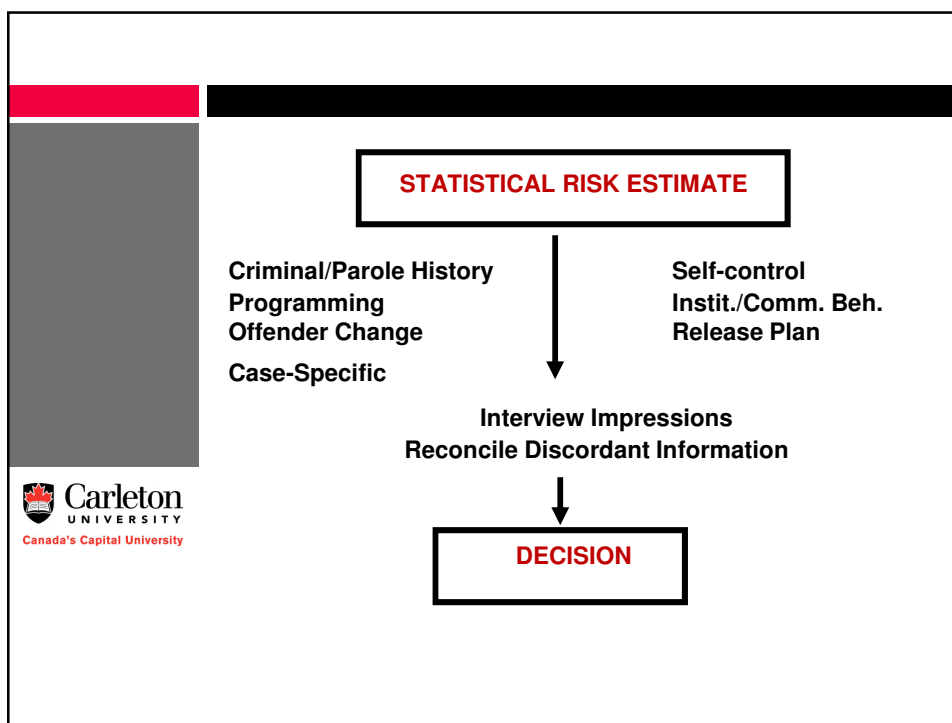
## Offence Types

Figure 7. Offence Profile of the Federal Incarcerated Population



## DECISION MAKING PROCESS

Policy changes from research on Risk Assessment Framework, a structured decision making approach.



### Assistance & Observers at Hearings

- Offenders are permitted assistants at panel hearings.
- Assistants can be lawyers (paid by Legal Aid) but they cannot function as legal counsel (cross-exam witnesses).
- In 2012/13, the number of hearings with observers increased (to 1,441; +18%), as did the number of observers at the Board's hearings (to 3,524; +26%) compared to 2011/12.

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## Appeals

- There is a separate Appeals Division to whom offenders can appeal the process and/or the decision.
- For paper decisions, all documents are reviewed but for panel decisions, audiotapes are also reviewed.
- In 2012-13, 613 applications of which 78% were accepted for review. Of those reviewed, 63 modified decisions were made.



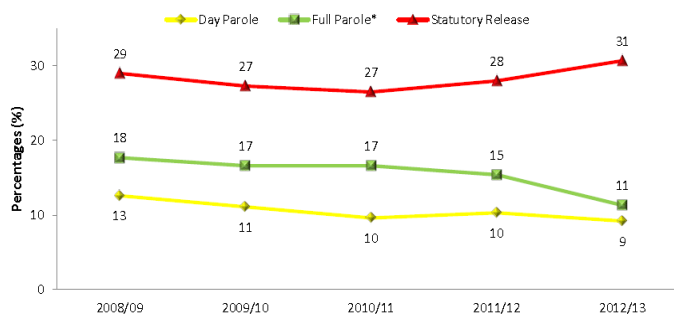
## Record Suspensions (Pardons)

- Bill C-10 amended the CRA and increased waiting time to 5 years for all summary convictions and 10 years for all indictable offences.
- Sexual offenders with minors and those with more than 3 indictable offences now ineligible.
- 19,523 applications & 52 Royal Prerogative of Mercy in 2012-13.
- 58% of record suspensions accepted.



## Performance – Technical Violations

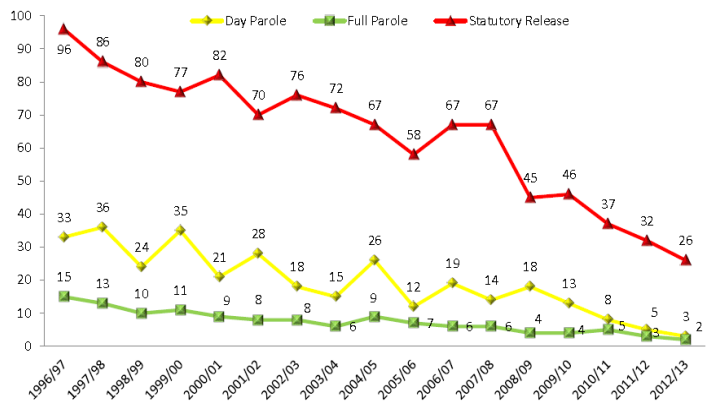
Figure 33. Revocation for Breach of Condition Rates for Federal Conditional Release



\* Includes determinate sentences only.

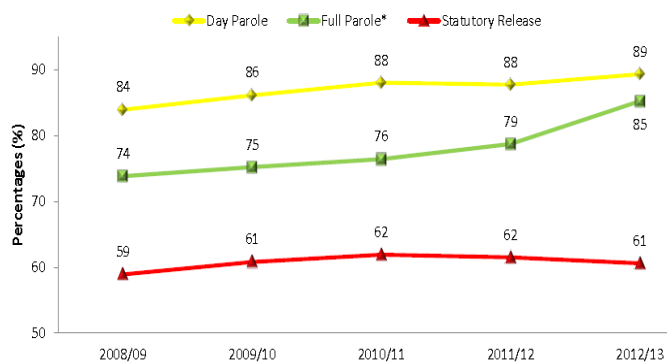
## Performance – Violent Failure

Figure 31. Rates of Conviction for Violent Offences per 1,000 Supervised Offenders



## Performance – Successful Completion

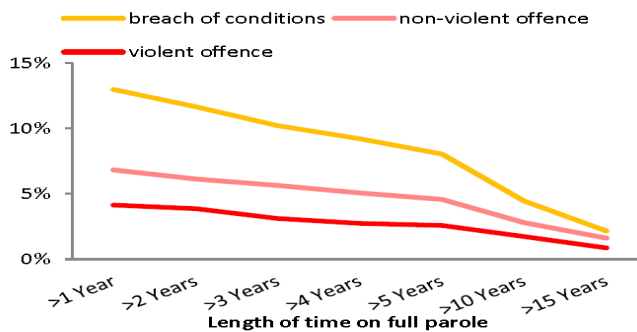
Figure 32. Successful Completion Rates for Federal Conditional Release



\* Includes determinate sentences only.

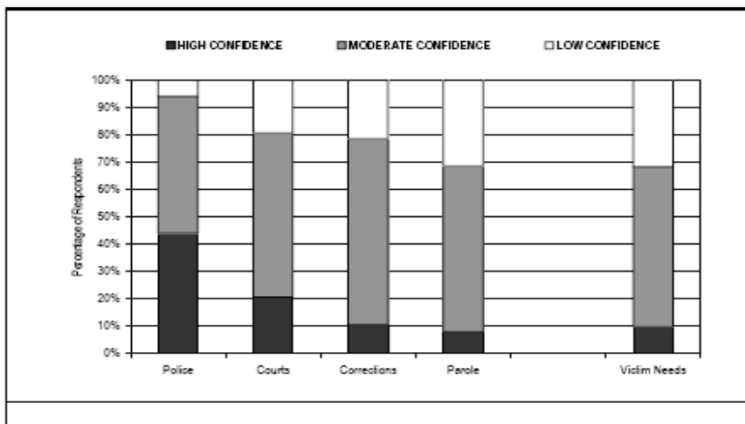
## Performance - Lifers

Figure 40. Revocation Rates for Federal Offenders Serving Indeterminate Sentences on Full Parole (between 1994/95 and 2012/13)



## Public Perceptions of the Criminal Justice System

(Source: Latimer and Desjardins, 2007)

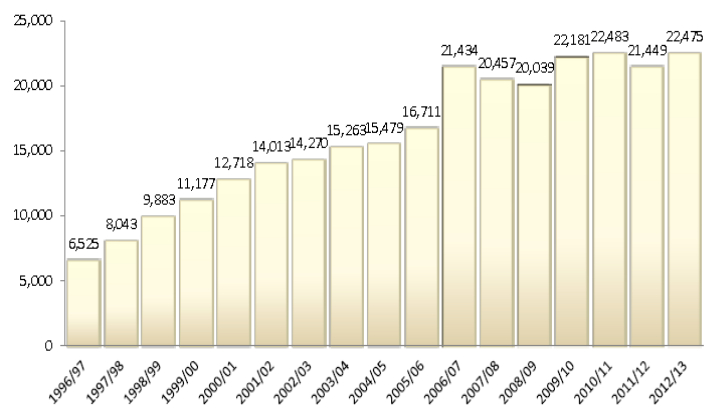


## Victim Issues

- Since July 1, 2001, victims of crime have been permitted to read prepared statements at PBC parole hearings. On June 13, 2012, the right of the victims to present a statement at parole hearings was entrenched in law.
- In 2012/13, victims made 254 presentations at 140 hearings, 31 more presentations than the previous year.
- In person (90%), video conferencing (6%), audiotape presentations (3%) and DVD presentations (1%).

## Supporting Victims

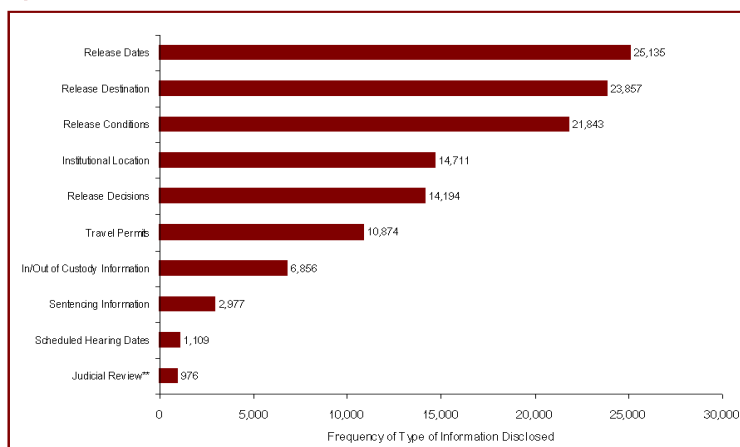
Figure 46. Parole Board of Canada Contacts with Victims



## Providing Information to Victims

RELEASE INFORMATION IS THE MOST COMMON TYPE OF INFORMATION PROVIDED DURING A NOTIFICATION TO REGISTERED VICTIMS\* WITH CORRECTIONAL SERVICES CANADA

Figure F6



Source: PRIME-Victims; Correctional Service Canada

## Challenges

- Workload (4 panel hearings per day).
- Over-representation of Aboriginal offenders (Circle hearings)
- Legislation changes
- Government crime agenda
- Public perception
- Appointment process limits termination of Board members
- Renewal process is uncertain



## New Initiatives

- Electronic files (cloud environment)
- Video-conferencing

