

# Parole

## Summary

The *Corrections and Conditional Release Act* governs the operations of the Parole Board of Canada and the Correctional Service of Canada. The protection of the public is the paramount consideration in all decisions relating to the treatment and release of inmates. Parole and statutory release are forms of release from prison where the inmate continues to serve part of a sentence while living in the community under strict supervision. The terms and conditions are designed to serve the interests of the community and the individual.

## The Parole Board of Canada

The **Parole Board of Canada** is an independent administrative tribunal that has the power to grant, deny or revoke all forms of parole applicable to the offenders who are serving jail sentences.

## Types of Release

There are four types of release: **Temporary Absence, Day Parole, Full Parole** and **Statutory Release**.

### *Temporary Absence*

A **temporary absence (TA)** is a temporary release from prison for a specified period of time. It is usually short, occasional and carries no promise of release on parole. TAs are usually granted for medical, humanitarian or rehabilitative reasons, and are usually the first form of release granted to an inmate.

During release, an inmate may be unescorted (**UTA**) or accompanied by an escorting officer (**ETA**). ETAs can be granted to offenders at any time during their sentence. Most ETAs are at the discretion of the Correctional Service of Canada, while others must be approved by the Parole Board of Canada. Offenders that are serving jail sentences of three years or more are eligible for UTAs after serving one-sixth of their sentences. Offenders that are serving jail sentences of two to three years are eligible for UTAs after serving six months. Offenders serving life sentences are eligible for UTAs three years before their full parole eligibility date. Offenders classified as maximum-security inmates are not eligible for UTAs.

### *Day Parole*

**Day parole** is a program that helps prepare offenders for their eventual return into the community under full parole or statutory release. Offenders live outside the institution, often in a community-based residential facility or halfway house, and report to authorities at specified times.

Offenders are eligible for **day parole** six months before their **full parole**

## Lesson Plan Overview

Criminal law is an area of law that deals with criminal offences and consequences when someone is found guilty.

This lesson plan introduces students to parole and the different types of release as well as the factors the Parole Board considers before releasing an inmate.

## Activities & Discussion Questions:

- 1) Create a chart that sets out when an inmate is eligible for a temporary absence (after serving how much time, based on length of sentence).
  - 2) Create a chart that sets out when an inmate is eligible for day parole and full parole.
  - 3) Read about Manitoba's Compensation for Victims of Crime Program  
<https://www.gov.mb.ca/justice/crown/victims/compensation.html>
  - 4) Take a look at Myths and Realities about Parole and Statutory Release:  
<https://www.canada.ca/en/parole-board/corporate/publications-and-forms/parole-decision-making-myths-and-realities.html>
- Were you surprised by any of the information?
- 5) Complete the Quiz.

## Glossary

**Day Parole** - a program that helps offenders prepare for return to the community under full parole or statutory release. Offenders live outside the institution and report to authorities at specified times.

eligibility date or six months into the sentence, whichever is greater. Offenders serving life sentences are eligible three years before their **full parole** eligibility date.

### **Full Parole**

**Full parole** is a full-time conditional release of an inmate under the supervision of a parole officer. **Full parole** lasts until the end of the inmate's sentence, unless revoked. Paroled inmates serving life sentences may remain on parole for life.

Most offenders become eligible for **full parole** after serving one-third of their jail sentences or seven years, whichever is less. However, judges are able to lengthen the time offenders spend in prison for certain offences by delaying eligibility for parole until they have served one half of their sentence. It applies only where offenders have been sentenced to a term of imprisonment of two years or more.

Parole eligibility for offenders that are serving a life sentence is set by a judge at the time of sentencing. Offenders convicted of first-degree murder are not eligible for parole until after 25 years. Offenders convicted of second-degree murder will be eligible for parole after a period of 10 to 25 years (to be determined by the judge at the time of sentencing).

### **Statutory Release**

A federal offender is usually entitled to serve the last third of their sentence in the community under **statutory release**. The date is automatically set at the two-thirds point of the sentence. **Statutory release** is not available to offenders serving life or indeterminate sentences.

The purpose of **statutory release** is to allow offenders to reintegrate into the community under supervision before their sentences expire.

Offenders released under **statutory release** must comply with certain conditions under the supervision of a parole officer. Failure to obey could mean suspension and revocation of **statutory release** and a return to prison.

### **Eligibility for Parole**

**Parole** is not an automatic process, since the **Parole Board of Canada** has the discretion to grant or deny the release of any eligible inmate. Each case is thoroughly reviewed before a decision is made.

The inmate's record, the parole officer's assessment, police reports, psychological profiles, social agency reports and letters from concerned individuals are all examined by the Board, which follows a specific procedure in making its decision.

### **Factors Considered by the Parole Board**

When considering any form of conditional release, the **Parole Board** investigates:

1. The details of the inmate's criminal record, including the pattern and

**ETA** - Escorted Temporary Absence.

**Full Parole** - full-time conditional release of an inmate under the supervision of a parole officer.

**Parole Board of Canada** - independent, administrative tribunal that can grant, deny or revoke all forms of parole.

**Statutory Release** - offenders are usually entitled to serve the last third of their sentence in the community under statutory release. Offenders must comply with certain conditions under the supervision of a parole officer.

**Temporary Absence** - TA - temporary release for a specified period of time.

**UTA** - Unescorted Temporary Absence.

### **Relevant Law:**

*Corrections and Conditional Release Act*

- frequency of offences, any crime-free periods and the nature and seriousness of the most recent offence;
2. The inmate's willingness to change their criminal behaviour, including remorse and acceptance of responsibility and any concrete action which has been taken in this regard;
  3. The inmate's release plan, including employment opportunities, arrangements for accommodation and community supports and resources; and
  4. The possible effect on the community if the inmate violates the parole conditions or commits another offence.

When the investigation is complete, the Board begins its review. The inmate is allowed to present their case and the Board will usually ask questions in an attempt to clarify the information obtained as a result of its investigation. The inmate may have their counsel present at the parole hearing.

### Conditions of Release

A number of conditions apply to all persons who are on **parole** and **statutory release**. These conditions are put into place to make sure that the inmate understands the responsibility that comes with release. They ease the transition of the inmate into a free environment and, at the same time, provide some protection for the community.

A parole officer makes sure that the conditions are obeyed. A violation of any of the conditions can result in suspension and perhaps revocation of the release. Certain mandatory conditions apply to all inmates who are released on parole, including:

1. Report to a parole officer;
2. Obey the law and keep the peace;
3. Not own or possess any weapon; and
4. Report any change of family, domestic or financial situation to their parole officer.

In addition to these mandatory conditions, the inmate may have to obey some special conditions designed to control behaviour and to encourage the successful completion of the period of supervision. For example, the inmate may be required to not use alcohol or other substances, not associate with certain people, not frequent certain places and participate in counselling, treatment, or random urinalysis.

An inmate can ask the Board to change or remove a condition of release.

### Suspension or Revocation of Parole

Suspension of parole or mandatory supervision occurs because of a violation of the release conditions, a conviction for a new offence, or because there are reasonable grounds to believe that the parolee is returning to criminal activity and is a risk to the public.

### Victims of Crime

Victims of crime are recognized in the federal corrections and parole process. They will be kept informed of an offender's prison and parole status, if requested. Information from victims can be considered by the Board at a parole hearing. Also, victims can apply for financial assistance to attend parole hearings.