

Reality Check T

Contributing to the factual knowledge of Canadians about crime and criminal justice.

THE JOHN HOWARD SOCIETY OF CANADA

PREPARED BY THE JOHN HOWARD SOCIETY OF ONTARIO

“Parole as a Privilege to be Earned rather than a Right to be Demanded”

The claim:

Getting a parole is too easy. Even those who have violated parole many times in the past get it.

The reality:

Under the current system, parole is not a right and must be earned.

There are two forms of parole in the federal system:

1. *day parole* which typically requires the offender to live in a halfway house - he/she is allowed to participate in community activities, such as work or school, during the day but must return to the halfway house at night. Some offenders do their day parole out of a prison (typically a minimum security facility) and, in exceptional cases, other residential options may be used when no halfway house exists. As well, the offender is supervised by a parole officer in the community and must abide by conditions set down by the National Parole Board; and
2. *full parole* which allows the offender to live in his/her own place of residence. The offender is supervised by a parole officer in the community and must abide by conditions set down by the National Parole Board.

Eligibility to apply for day parole is:

- for those serving a definite sentence,
 3. one-sixth of the sentence, if the person is serving his/her first term in a federal prison and whose offence is non-violent; or
 4. six months prior to full parole eligibility, if the person is a repeat federal offender or a violent offender.
- for those serving a life sentence:
 5. three years prior to full parole eligibility.

Eligibility to apply for full parole is:

- for those serving a definite sentence,
 6. one-third of the sentence or seven years, whichever is less; or
 7. one-half of the sentence, if at the time of sentencing the judge exercises the option of delaying the parole eligibility for those convicted of violent or serious drug offences.
- for those serving a life sentence,
 8. 25 years for first degree murder, unless reduced through a Judicial Review; or
 9. between 10 to 25 years, determined at the time of sentencing, for second degree murder.

These dates determine when someone is eligible to have their case reviewed by the National Parole Board, the decision-making body for any form of parole. Eligibility does not mean that parole is granted at this time. Recent statistics show that almost half (48%) of those granted day parole received it after their full parole eligibility date. On average, of those who are granted parole, they have served 39% of their sentence prior to being granted full parole.

And fewer people are being granted parole. Figures from the National Parole Board show that between 1993/94

and 1998/99, the number of prisoners granted day parole decreased by 13% and full parole by 18%. Almost one-half of prisoners released annually are released, not on parole but on Statutory Release. (All offenders, with the exception of those detained by a decision of the National Parole Board, are released on Statutory Release under supervision at two-thirds of the sentence.)

The process to obtain parole is demanding. When one enters federal prison, an assessment is made identifying risks and needs and a correctional plan is developed accordingly. The plan outlines what the prisoner must do to reduce the risks and meet the needs identified. The plan usually identifies programs that should be taken to address "criminogenic factors" or, in plain language, what has been identified as being connected with the criminal behaviour of that individual. Such programs include Cognitive Skills Training, Living Skills, Literacy Programs, Sex Offender Treatment Programs, Substance Abuse Intervention and Family Violence Programs. One must have completed the programs identified in the correctional plan or be re-assessed to indicate that the program is no longer needed before parole is granted. Often, waiting lists for these programs will mean a delay in a person's application for parole beyond his/her eligibility date.

As well, consideration for parole is based on institutional behaviour. If there are problems with a prisoner's behaviour in the institution, his/her chances of gaining release on any form of parole are remote. In fact, it is likely that some form of intervention, such as attendance in a program to address this behaviour, and a period of good behaviour will be required prior to any support for parole is given. Getting to a security level which indicates good behaviour and an assessment by correctional staff that the risk posed by the individual is manageable are prerequisites for parole consideration. If a person starts out as a maximum security inmate, he/she would need to do what is necessary to obtain a lower security classification and then demonstrate that he/she can function without problems in a lower security institution. Transfers take time and effort on the part of the prisoner.

The person's record on past paroles is given emphasis. Past failures on gradual release generally make it harder for the prisoner to be granted parole. For the individual to be granted parole, the National Parole Board would require solid indication that the factor(s) that led to failure had been addressed. This could include successful completion of a program to address the factors, a significant period of good behaviour in the institution or other measures which would demonstrate to the National Parole Board that the person understood that change in their attitudes and behaviour were necessary.

Typically, especially for offenders who are serving long sentences, temporary absences would be required prior to the granting of parole, not only to show that the individual can function without incident in the community but also to confirm plans for release, i.e., acceptance at a halfway house. For many and again particularly those serving a long sentence and whose offence led to significant harm, the process of release is very gradual. For example, for offenders serving a life sentence, only after a successful series of temporary absences under escort, a successful series of unescorted absences and a period of time on day parole, living in a halfway house, without incident would the person be granted full parole. This process from escorted temporary absences to full parole in the case of lifers usually takes years.

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