

# REDUCING REOFFENDING – IDENTIFYING RISKS AND DEVELOPING SOLUTIONS

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## I. CORRECTIONS AND CONDITIONAL RELEASE IN CANADA

As a background, the population of Canada is approximately 38 million people with a median age of 41.1 years. Canada is a bilingual country with English and French as its official languages. It is a multicultural society with about 5 per cent of the population being Indigenous.

The Parole Board of Canada (herein referred to as the PBC) is an independent administrative tribunal that, as part of the Canadian criminal justice system, is responsible for making decisions with respect to conditional release and record suspension (pardons), as well as recommendations for clemency. The PBC contributes to the protection of society by facilitating, as appropriate, the timely reintegration of offenders and the sustained rehabilitation of individuals into society as law-abiding citizens. Public safety is the primary consideration in all PBC decisions.

The PBC works in partnership with the Correctional Service of Canada (herein referred to as the CSC) and both organizations are guided by the same federal legislation, the *Corrections and Conditional Release Act* (CCRA). In Canada, the CSC is responsible for managing and overseeing federal prisons, community based residential facilities, as well as providing for the supervision of offenders in the community by parole officers. In contrast, the PBC is responsible for making conditional release decisions for offenders serving sentences of two years or more, or offenders serving custodial sentences of six months to two years less a day in provinces and territories in Canada that do not have their own parole board. The PBC is comprised of approximately 90 Board members (full-time and part-time) which include the Chairperson, and the Executive Vice-Chairperson. Board members are appointed by the Government of Canada for 3- or 5-year terms and these terms can be renewed. Board members at the PBC represent the diversity of the community and come from a wide range of professional backgrounds (criminologists, lawyers, police, psychologists, social workers, businesspersons, academics, etc.). By law, Board members are independent in their decision-making responsibilities and make their decisions free from outside influence or interference. In the discharge of their official duties and at all other times, Board members are expected to conduct themselves in a manner that promotes respect for the law and public confidence in the fairness, impartiality and professionalism of the Parole Board of Canada.

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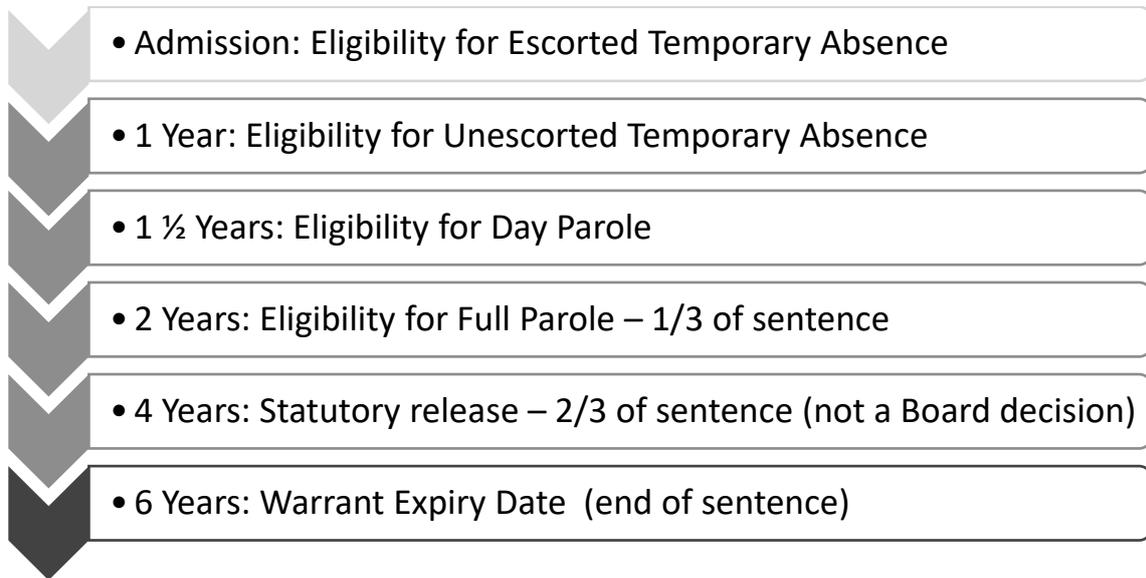
\* Chairperson, Parole Board of Canada. The following report is supplemental to the presentation by the Chairperson of the Parole Board of Canada, Jennifer Oades, at Workshop 2 “Reducing Reoffending—Identifying Risks and Developing Solutions” on 8 March 2021. Additional information about the Parole Board of Canada can be obtained at <<https://www.canada.ca/en/parole-board.html>>.

The legislation (CCRA) under which the PBC operates sets out the purpose of conditional release, which is to contribute to the maintenance of a just, peaceful and safe society by means of decisions on the timing and conditions of release that will best facilitate the rehabilitation of offenders and their reintegration into the community as law-abiding citizens. The paramount consideration for correctional processes by the CSC and decisions by the PBC is the protection of society. The legislation is highly prescriptive and sets various aspects in managing an offender under sentence as well as the requirements and authorities for conditional release including but not limited to: decision-making criteria, types of release, eligibility for release, as well as the time frames for conducting conditional release reviews.

Research and Canadian experience demonstrate that the gradual and controlled release of offenders facilitates their safe reintegration back into the community. It is for this reason that Canada relies heavily on a system of gradual release where offenders are provided varying levels of supports and structure depending on their risk factors and needs. In Canada, the system of corrections and conditional release is a continuum of services between prison and the community. Given the vast majority of offenders are serving fixed prison sentences and eventually return to their communities, the community is where one can see the true measure of a successful corrections and conditional release system.

In Canada, there are various types of conditional releases that include temporary absences, day parole, full parole and statutory release. Both escorted and unescorted temporary absences from prison can also be granted/approved for a period of a few hours to a number of days for such purposes as attending medical appointments, court appearances, community service programmes, facilitating family contact and/or attending programmes in the community such as addictions counselling. Day parole can be granted by the PBC for a period of up to 6 months (which can be extended) and is designed to provide more structure for an offender such as requiring them to reside at a community-based residential facility. Full parole is a more expanded release which enables the offender to reside at their own residence. Both day and full parole releases require the offender to adhere to a set of standard conditions such as reporting to a parole officer, remaining within the geographic supervision district, etc. Offenders can also be required to adhere to special conditions that are imposed by the PBC to address risk factors and facilitate an offender's safe reintegration back into the community. Special conditions can include requiring an offender to abstain from alcohol, attend specific programmes, and/or avoid certain persons, etc. Throughout an offender's release in the community, they are supervised by a CSC parole officer. Conditional releases can be suspended, terminated or revoked. With the exception of offenders serving a life or indeterminate sentence, or those detained to their warrant expiry date, an offender is automatically released on statutory release after serving two-thirds of their sentence and this is not a Board decision. However, similar to parole, an offender who is released on statutory release must abide by standard and any special conditions imposed by the PBC. Offenders on statutory release are supervised by a CSC parole officer until the sentence expires. While statutory release is not granted by the PBC, it can be suspended and revoked by the PBC.

## II. TIME FRAMES FOR CONDITIONAL RELEASE IN CANADA – EXAMPLE USING A SIX-YEAR SENTENCE

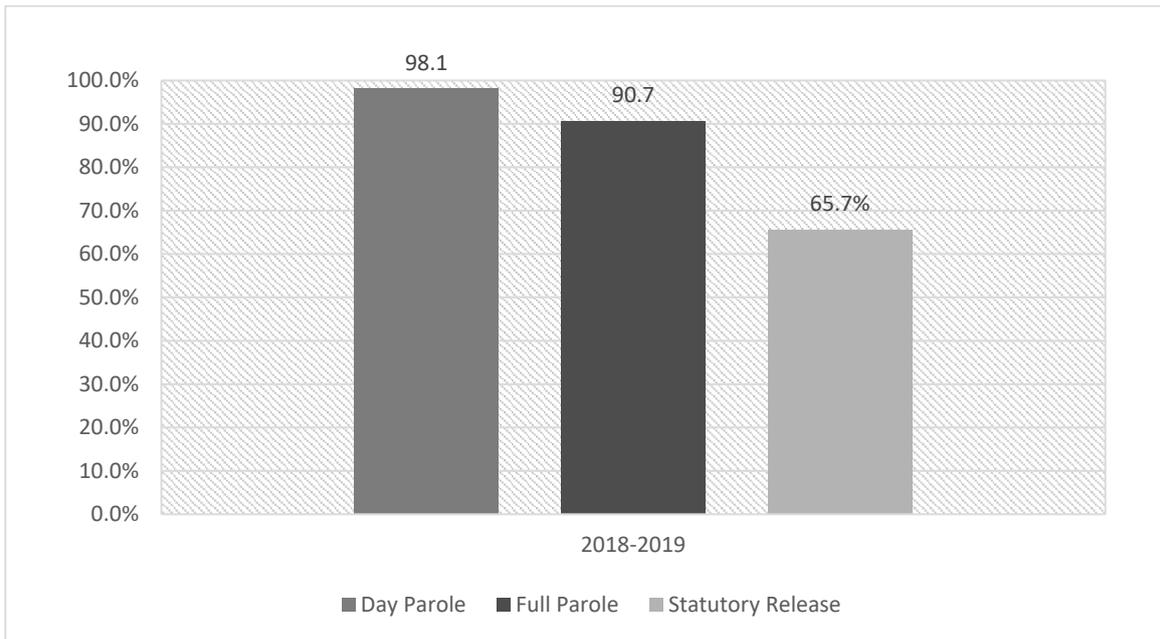


Last year, the total federal offender population in Canada was approximately 23,400 of which 13,200 were incarcerated and about 10,200 were in the community under some form of supervision. There were about 1,400 federal women offenders of which approximately 600 were incarcerated and 800 in the community. Women represent approximately 6 per cent of the federal offender population (41% are indigenous). Indigenous people represent 25.5 per cent of the total federal offender population (incarcerated and on conditional release). Over the last five years, the population of federal offenders under some form of community supervision has increased by 11 per cent.

In 2019-2020, the PBC made 21,982 conditional release decisions and 10,415 pardon/record suspension decisions. Over the last 10 years, the successful completion rates have been increasing for all types of conditional release, while revocations for breaches of conditions, non-violent and violent reoffending have been decreasing.

In 2018-2019, 99 per cent of federal offenders completed their day parole successfully without reoffending. Similarly, the success rate for full parole was 97.4 per cent. The success rate for Statutory Release is somewhat lower at 65.7 per cent given that this is a nondiscretionary (automatic) release that is not granted by the PBC.

### III. SUCCESSFUL COMPLETION RATES FOR FEDERAL OFFENDERS



The high rates of success of conditional release within Canada can be attributed to a number of factors that include but are not limited to: a gradual and structured release framework, quality case information, an evidence-based risk assessment framework, highly qualified Board members, specialized Board member training and evidence-based supervision strategies.

Canada's systems of structured releases ensure offenders have varying levels of support, and supervision during their transition from prison into the community. Board members undergo extensive training and mentoring that can take 6 to 8 months to complete. Board member training is based upon a rigorous, evidence-based risk assessment framework. In addition, PBC decisions are based on extensive and high-quality case information that include police reports, criminal records, court reports, judges' comments, court transcripts, victim impact statements, institutional programme, psychological and/or psychiatric risk assessment reports, institutional security information, as well as community-based information from family, potential employers and halfway houses. Board members are required to review all relevant and available information when making a conditional release decision. The PBC also holds hearings with offenders to gather additional information from the offender, the offender's assistant, and the parole officer about the offender's criminal history, programme participation, and release plan. The PBC has also adapted its hearings for offenders with special needs that include offering elder-assisted hearings for Indigenous offenders, should they want one, as well as having hearings that are gender and trauma informed which is particularly important for women offenders and those with mental health issues. Board members also consider victim impact statements as part of their decision-making and can impose conditions the board considers reasonable and necessary in order to protect a victim. Finally, the supervision of offenders is conducted by CSC parole officers who utilize evidence-based supervision strategies and have a manageable caseload of about 30 offenders to 1 parole officer.

#### **IV. OPENNESS AND ACCOUNTABILITY**

Openness and accountability are important within the Canadian model of corrections and conditional release so much so that it is entrenched in legislation (CCRA). An environment of openness and accountability for the PBC includes:

- the ability for the general public to observe a parole hearing;
- the ability for the general public to access the written decisions of the Board;
- the ability for registered victims to receive information about the offender that harmed them, observe PBC hearings, and submit and read a prepared victim impact statement for consideration by Board members in their decision-making and;
- the ability for victims to receive additional information about the offender that harmed them such as: the offences, length of sentence, eligibility dates for conditional release, location of the penitentiary, date of hearing, reason for release, date and destination of release, and conditions of release.

In 2019-2020, the Parole Board had over 31,000 contacts with victims. During this same time frame, 4,998 persons observed PBC hearings (of which 743 of these observers were victims).

In addition to information provided by attending hearings, the PBC also provides copies of its decision through its decision registry to victims, members of the public, and the media. The sharing of decisions contributes to a better public understanding of PBC decision-making and promotes openness and accountability. Last year the PBC provided 6,970 decisions through its decision registry.

#### **V. PARTNERSHIPS AND PUBLIC AWARENESS**

The PBC and CSC continually seek to forge and foster community partnerships. Partnerships are the foundation of an improved understanding of conditional release by stakeholders both within and outside the criminal justice system and are an essential element to the safe reintegration of offenders back into their communities. Numerous non-government agencies play a critical role through the provision of residential services, halfway houses, programmes and counselling for offenders. The list of agencies involved within the Canadian criminal justice system is extensive, and includes, but is not limited to: the Salvation Army, the Canadian Association of Elizabeth Fry Societies, l'Association des services de réhabilitation du Québec, the John Howard Society, St. Leonard's Society, the Native Women's Association of Canada, and many others. Communicating effectively with both the general public and partners within the criminal justice system is important. For a number of years, the CSC and PBC have contributed to a Judicial Institute programme entitled "Judges to Jails" where judges, as a part of their training, spend five days learning about corrections and conditional release by speaking with prison and parole staff, visiting prisons, remand centres, halfway houses, observing PBC hearings and speaking with offenders. Through this programme, judges are able to observe CSC operations and the Board's decision-making framework in real time. The "Judges to Jails" programme has been an invaluable opportunity to share information and knowledge with the judiciary so

that they can better understand the complexities of the federal system of corrections and conditional release.

In closing, strong partnerships both within and outside the criminal justice system lead to safer communities, and an improved understanding and public acceptance. These partnerships are integral to supporting desistance and an offender's successful transition back into the community.