



Government  
of Canada

Gouvernement  
du Canada

National Parole  
Board

Commission nationale des  
libérations conditionnelles

# Parole:

## Contributing to Public Safety



**Produced and Published by  
The National Parole Board**

Communications Directorate  
National Parole Board  
410 Laurier Avenue West  
Ottawa, Ontario  
K1A 0R1

Cat. No. JS92-41 / 1996  
ISBN 0-662-62619-2

Revised August 2009

# Table of Contents

1. <b>Introduction</b>	5
2. <b>Preface</b>	
• Correctional Service of Canada	5
• National Parole Board	
3. <b>Mission Statement of the National Parole Board</b>	6
4. <b>Defining Parole</b>	7
• What is Parole?	
• What is the purpose of parole?	
• What are the principles guiding parole?	
5. <b>Criminal Justice System: The Role of Parole</b>	10
• What is the NPB and what is its role in the criminal justice system?	
• Who are Board Members?	
• Does the court have anything more to do with the person after sentencing?	
• Does the National Parole Board make judicial review decisions?	
• Are the police involved with the offender after the trial?	
• After sentencing, who is responsible for the offender?	
• What part does the Correctional Service of Canada play?	
6. <b>Types of Release</b>	8
• What are the different types of conditional release?	
• Is statutory release the same as parole?	
• Does the National Parole Board have authority to grant statutory release?	
7. <b>Parole Eligibility</b>	11
• When is an inmate eligible for parole consideration?	
• How does an offender apply for parole?	
• What is accelerated parole review?	
• Can an offender serving a life sentence for murder be considered for parole?	
i. First degree murder	
ii. Second degree murder	
iii. Manslaughter	
iv. Young offenders	
8. <b>The Decision Process</b>	13
• How do parole boards decide if an offender should be granted parole?	
• What are the policies that guide National Parole Board members in making decisions about parole?	
• Specific factors	

<b>9. Victims</b>	14
<ul style="list-style-type: none"><li>• How is a victim defined in legislation?</li><li>• How does someone request information about an offender?</li><li>• Is a victim or the family of a victim informed when a person convicted of a crime is granted conditional release?</li><li>• Does the Board consider victim information in conditional release decisions?</li><li>• Can a victim present their information in person at a Parole Board hearing?</li><li>• Will information from victims or others be kept confidential?</li></ul>	
<b>10. Board Hearings</b>	16
<ul style="list-style-type: none"><li>• Can anyone apply to attend a Board Hearing?</li><li>• Can someone get a copy of a National Parole Board decision?</li><li>• Is an offender allowed to have an assistant at a hearing?</li><li>• If conditional release is denied, can the offender appeal?</li></ul>	
<b>11. In the Community</b>	18
<ul style="list-style-type: none"><li>• Who supervises offenders when they are on conditional release?</li><li>• What is community supervision?</li><li>• What are the standard conditions of release?</li><li>• Can other conditions be added?</li><li>• What is a pardon under the <i>Criminal Records Act</i>?</li><li>• What is the Royal Prerogative of Mercy?</li></ul>	

## Introduction

This document explains how conditional release, in general, and the National Parole Board, in particular, contribute to public safety through quality decision making on the various forms of release during an offender's sentence. It provides information on topics related to the subject of parole and other forms of conditional release.

We hope that this document will assist you in gaining a greater understanding of the conditional release system and its role in contributing to public safety through the safe reintegration of offenders into the community.

## Preface

Responsibility for federal corrections in Canada is shared between two agencies within the Department of Public Safety Canada – the National Parole Board (NPB or the Board) and the Correctional Service of Canada (CSC). Both agencies operate under the *Corrections and Conditional Release Act (CCRA)*.

### Correctional Service of Canada (CSC)

CSC is responsible for managing penitentiaries which house offenders serving sentences of two years or more. CSC is also responsible for assessing and managing risk, delivering offender programs, and making recommendations to the NPB regarding release decisions. CSC also supervises offenders in the community who have been granted conditional release, as well as offenders with long term supervision orders, and those on statutory release.

### National Parole Board (NPB)

The NPB is an independent administrative tribunal that has exclusive authority under the CCRA to grant, deny or revoke parole or, under certain circumstances, to order the detention of offenders subject to statutory release. The Board can also impose special (or additional) conditions on offenders under conditional or statutory release or long term supervision orders.

The NPB has authority to make conditional release decisions for offenders in federal and territorial prisons. The Board also makes parole decisions for offenders serving sentences of less than two years in provinces that do not have their own parole boards (only the provinces of Quebec and Ontario have their own parole boards).

In deciding on any conditional release, the Board makes a thorough assessment of all relevant aspects of the case to determine whether or not release of the offender will constitute an undue risk to public safety and whether release of the offender will contribute to the protection of society by facilitating their reintegration into society as a law-abiding citizen.

Other NPB responsibilities include making decisions on whether to issue, grant, deny or revoke a pardon under the *Criminal Records Act (CRA)* and making clemency recommendations to the Government of Canada.

## Mission Statement of the 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 contributes to the protection of society by facilitating as appropriate, the timely reintegration of offenders as law-abiding citizens.

## Parole: Contributing to Public Safety

### Defining Parole

#### Q. What is parole?

**A.** Parole is a carefully constructed bridge between incarceration and return to the community. It is a form of conditional release that involves a thorough review of information and assessment of risk. This requires that Board Members review the facts of a case and decide whether or not an offender may be permitted to return to the community before the end of the sentence of incarceration.

Parole allows some offenders to continue to serve the balance of their sentence outside of the institution. Parole does not mean that offenders are completely free, without supervision. It does mean that they have an opportunity, under the supervision and assistance of a parole officer, to become contributing members of society, providing they abide by the conditions of their release. If the conditions of parole are not met, the Board has the power to revoke the parole and return the offender to prison.

#### Q. What is the purpose of parole?

**A.** Canada, like many countries, has made conditional release programs part of its criminal justice system. Most offenders in our country are serving definite sentences and will eventually return to the community. A **definite sentence** means that there is an end or completion date to the sentence, known as a **warrant expiry date**. Offenders must be released when they complete their sentence. Some offenders, however, are serving indeterminate or life sentences that never end.

*Rehabilitative efforts, leading to a gradual and controlled release, in most cases, provide a more effective way of protecting the public than would a more sudden release of offenders, at sentence expiry, without assistance and supervision.*

The concept of parole is based on the belief that a gradual, controlled, and supported release helps offenders better re-integrate into society as law-abiding citizens and helps contribute to a safer society. This concept is supported by long-term studies.

**Q. What are the principles guiding parole?**

**A.** The *Corrections and Conditional Release Act (CCRA)* lists six principles that apply directly to boards of parole:

1. Protection of society is the most important consideration in any conditional release decision.
2. All relevant information must be considered.
3. 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.
4. Parole boards will make the least restrictive decision consistent with the protection of society.
5. Parole boards will adopt and be guided by appropriate policies and Board Members will be given appropriate training.
6. 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.

## Criminal Justice System: The Role of Parole

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

**A.** The Board is an administrative tribunal that has exclusive authority under the *Corrections and Conditional Release Act (CCRA)* to grant, deny, cancel, terminate or revoke parole, or to detain offenders subject to statutory release in certain circumstances. The Board may impose special (or additional) conditions during an offender's release, such as remaining in a specified geographical area, abstaining from alcohol and staying away from criminal associates. These Board imposed conditions are used to mitigate risk factors and facilitate an offender's successful reintegration into the community.

The *CCRA* and its regulations direct the National Parole Board to make conditional release decisions for offenders in federal and territorial institutions. The Board also makes parole decisions in provinces that do not maintain their own parole boards. Ontario and Québec are the only provinces with their own parole boards.

In addition, the Board makes decisions on whether to issue, grant, deny or revoke a pardon under the *Criminal Records Act (CRA)* and makes clemency recommendations to the Minister of Public Safety Canada, who submits the recommendations to Cabinet.

The National Parole Board does not have jurisdiction over young offenders (younger than 18 years of age) unless tried as adults in an adult court, or over offenders serving only intermittent sentences (weekends).

**Q. Who are Board members?**

**A.** Board Members are men and women from across Canada who are committed to excellence in corrections and conditional release. As a group, the members bring a wide range of professional experience from such fields as corrections, policing, psychology, and law, as well as business, social and community work.

All notices of vacancies for full-time and part-time Board Members' positions are advertised in the Canada Gazette, which outlines the criteria and qualifications each member must possess. The National Parole Board provides input to the appointment process by screening and interviewing selected candidates, then providing recommendations to the Minister of Public Safety Canada. Ultimately, Board Member appointments are a Cabinet decision.

**Q. Does the court have anything more to do with the person after sentencing?**

**A.** Not in most cases. After conviction, if the court orders the incarceration of an offender for a certain amount of time, either federal or provincial correctional authorities administer the sentence. The court may become re-involved if an offender, having served 15 years of a life sentence for first or second-degree murder, applies for a Judicial Review under Section 745 of the *Criminal Code*.

A Judicial Review allows certain offenders serving life sentences to apply to have their parole eligibility date reduced. Upon receipt of an offender's application for Judicial Review, the Chief Justice of the province where the conviction took place must designate a judge on the High Court of Justice to empanel a Provincial Superior Court jury of 12 persons. During the hearing, the jury must consider the character of the applicant, the circumstances of the offence for which the person was convicted and the conduct while serving the sentence. The jury must be unanimous in its decision. It may change the parole eligibility date to anywhere between 15 and 25 years, or deny any reduction, whereby an offender may reapply at a later date. The eligibility date cannot be reduced below 15 years.

The court may, at sentencing, order persons found to be a "long-term offender" to be supervised in the community by CSC for a period not exceeding ten years following the sentence expiry date. The long-term supervision order is subject to conditions fixed by the NPB. If a breach of conditions occur, the CSC parole officer may suspend the offender and the case may be referred to the NPB. The Board may, following an assessment, recommend that an information be laid (charges) with the provincial/territorial Attorney General charging the offender with an offence under section 753.3 of the *Criminal Code*. LTSO provision is aimed specifically at high-risk violent sex offenders.

**Q. Does the National Parole Board make judicial review decisions?**

**A.** No. The Board has no role in the judicial review process. Furthermore, if the jury decides to reduce the parole eligibility date of an offender, the decision does not mean that the offender will automatically be released on parole. The offender must still apply for parole through the regular process. The case would then be reviewed by the Board which, upon a thorough assessment of the risk, will decide whether the offender will be granted parole.

**Q. Are the police involved with the offender after the trial?**

**A.** The police provide information for assessment when the offender is admitted to a penitentiary and when the offender is being considered for conditional release. The police are notified of any conditional or statutory release. In most cases, an offender will have to report regularly to both the parole supervisor and the police. Of course, the police would become involved if the offender is suspected of any further criminal activity, and the Board is also notified.

**Q. After sentencing, who is responsible for the offender?**

**A.** If the sentence is imprisonment there are two possibilities:

- 1) The Correctional Service of Canada is responsible for the administration of sentences for offenders serving two years or more; or
- 2) If the sentence is less than two years, the correctional service of the province or territory where the trial was held is responsible for the administration of the sentence and 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.

**Q. What part does the Correctional Service of Canada play?**

**A.** The Correctional Service of Canada is responsible for:

- the care, custody and control of offenders during imprisonment;
- providing programs that contribute to the successful return of offenders to the community as law-abiding citizens;
- providing the National Parole Board with case information and recommendations to assist it in release decisions;
- some conditional release decision-making authority, i.e. work releases, escorted and unescorted temporary absences; and
- supervising offenders on parole, statutory release and Long Term Supervision Order.

## Types of Release

### Q. What are the different types of conditional release?

A. The types of conditional release include the following: temporary absence (escorted and unescorted), day parole, full parole, and statutory release.

**Temporary absence:** A temporary absence is usually the first type of release an offender will be 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 reasons.

**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 a community based residential facility or halfway house unless otherwise authorized by the National Parole Board.

**Full Parole:** Full parole is granted at the discretion of the National Parole Board after a thorough risk assessment. Full parole allows an offender to live in the community in his/her own accommodation. The offender is subject to strict conditions, providing the offender with an opportunity to demonstrate that they can be a law-abiding member of society.

**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.

**Long-Term Supervision Order (LTSO):** This provision is aimed specifically at high-risk violent sex offenders. The court may, at sentencing, order persons to be found a "long-term offender". The long-term supervision order is subject to conditions fixed by the NPB. Offenders are supervised in the community by CSC for a period not exceeding ten years following the sentence expiry date.

### Q. Is statutory release the same as parole?

A. No. Contrary to parole, which is a discretionary decision made by the National Parole Board, 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. While subject to statutory release, offenders are supervised in the community and will be returned to prison if they are believed to present an undue risk to public safety.

### Q. Does the National Parole Board have authority to grant statutory release?

A. No. Statutory release is a legal requirement. However, the Board may add certain conditions to contribute to the protection of society. It may also revoke a release if there is a breach of a condition or detain an offender in certain circumstances. There are rigorous legislative requirements surrounding the detainment of an offender past their statutory release date. The *Corrections and Conditional Release Act (CCRA)* authorizes the National Parole Board, following a referral by the Correctional Service of Canada, to detain in custody until the end of

the sentence, any offender who meets the detention criteria, which is that the offender is likely to commit before the end of the sentence:

- an offence causing death or serious harm to another person;
- a sexual offence involving a child; or
- a serious drug offence.

The law further requires the Board to review detention orders annually.

## Parole Eligibility

### Q. When is an inmate eligible for parole consideration?

A. 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 full parole. Different rules apply for offenders serving life sentences for murder or indeterminate sentences.

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.

Federal offenders generally become eligible for day parole six months before their full parole eligibility date or three years in cases of offenders serving life sentences.

### Q. How does an offender apply for parole?

A. Within six months of the offender's admission, the *Correctional Service of Canada (CSC)* will send the offender a Notification of Parole Eligibility Dates. This will include eligibility dates for unescorted temporary absences, day and full parole and the projected statutory release date.

CSC is responsible for preparing the offender's case for the National Parole Board (NPB) to consider at the first parole eligibility date and for any further reviews. CSC provides NPB with a complete package, which includes details about the offender's previous criminal history, most recent offence, behaviour while incarcerated and evidence of change. It also includes information such as police reports, judge's comments, victim impact statements, program reports, psychiatric/psychological assessments and the opinions of other specialists. This information helps NPB make an objective and well-informed decision.

### Q. What is accelerated parole review?

A. The *Corrections and Conditional Release Act (CCRA)* introduced accelerated parole reviews which require some federal 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. By law, these offenders must be released on full parole unless the National Parole Board determines that the offender is likely to commit an offence involving violence before the end of the sentence.

Accelerated parole review applies only where:

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

**Q. Can an offender serving a life sentence for murder be considered for parole?**

**A.** Yes. However, a short explanation of the legal meanings of homicide and murder is necessary to fully explain the different types of sentences where the offence involves death.

"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 as a minimum sentence before July 26, 1976, vary considerably. Since then, the legislation has been amended, and the two categories of murder (first and second degree) carry with them specific parole ineligibility dates:

**First degree murder:** First degree murder includes all planned and deliberate murders and certain other murders (for example, but not limited to: 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, however, after serving 15 years offenders may apply to have the eligibility date reduced under Section 745 of the *Criminal Code* (See: "[The Role of Parole](#)" section, [Judicial Review question](#)). They become eligible for unescorted temporary absences and day parole three years before their full parole eligibility date. An offender may apply for escorted temporary absences after admission to a federal institution.

**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, which can be set between 10 and 25 years. The Judicial Review provisions also apply for second degree murder if the parole eligibility date is set beyond 15 years ([See: "The Role of Parole" section, Judicial Review question](#)). 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 a number of months to a maximum of life. Offenders who are paroled while serving life sentences remain on parole for life unless parole is revoked. Without a grant of parole, the offender remains imprisoned for life.

**Young offenders:** In murder cases, some offenders under 18 years of age are transferred by the youth court to an adult court and sentenced to life imprisonment without eligibility for parole until the offender has served:

- Five to seven years for a person under the age of 16 at the time of the offence;

- Ten years, in the case of a person convicted of first degree murder who was 16 or 17 years of age at the time of the offence; and
- Seven years, in the case of a person convicted of second degree murder who was 16 or 17 years of age at the time of the offence.

## The Decision Process

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

**A.** The protection of society is the paramount consideration in any decision of release.

The Board will grant parole only if in their opinion:

- the offender will not 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 his/her 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 that is usually held in the institution where the offender is incarcerated. However, some decisions are made on the basis of a parole case file review.

The National Parole Board continues to review its policies and to support research designed to assist Board members in making quality conditional release decisions.

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

**A.** National Parole Board policies require that Board Members systematically review the risk that an offender might present to society if released.

#### **Initial risk assessment:**

First, Board Members review all available and relevant information about the offender to make an initial assessment of risk. This will include:

- 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;
- information about the offender's relationships and employment;
- psychological or psychiatric reports, in some cases;
- opinions from professionals and others such as police, judges, aboriginal elders, and other information that indicates whether release would present an undue risk to society; and,
- information from victims.

Board Members also consider the statistical probability of an offender to re-offend. 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.

**Specific factors:**

After this initial assessment, the Board looks at such specific factors as:

- institutional behaviour;
- information from the offender that indicates evidence of change and insight into criminal behaviour and management of risk factors;
- benefit derived from programs that the offender may have taken, such as substance abuse counseling, sex offender treatment programs, life skills, native spiritual guidance and elder counseling, literacy training, employment, social and cultural programs, and programs that help offenders deal with family violence issues;
- appropriate treatment for any disorder diagnosed by a professional; and
- the offender's release plan.

After considering all of this information and usually after holding a hearing with the offender, Board Members make a decision whether to grant parole. If release is granted, the Board may add conditions to those already required by law, based on the principle of the least restrictive option that is consistent with the protection of the public. To impose a special condition, such as a requirement not to drink alcohol, the condition must be considered reasonable and necessary to manage risk and be related to the offender's criminal behaviour.

## Victims

**Q. How is a victim defined in legislation?**

**A.** The *Corrections and Conditional Release Act (CCRA)* 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 that relatives or legal guardians are victims when the actual victim of the offence has been killed or is unable to respond, e.g. illness or injury caused by the offence.

The same information that can be released to victims may also be given to certain others who 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 the act. If they have made a complaint to the police or the Crown Attorney, or information was laid under the Criminal Code, they may be given the same information they would receive had the offender been convicted.

**Q. How does someone request information about an offender?**

**A.** Victims may write to request information from either the National Parole Board or the Correctional Service of Canada. Upon request, NPB or CSC will release specific information to victims.

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, victims are invited to call the toll-free victim information line at 1-866-789-INFO (4636) or contact any of the offices of the National Parole Board or the Correctional Service of Canada.

Like any member of the public, 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, day and full parole.

Victims, however, are eligible to receive additional information that is not readily disclosed to the public when the interest of the victim clearly 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 purposes of a review;
- 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 traveling 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.

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

**A.** No, not automatically. This information will be given only upon written request. Some victims prefer to receive no further information on the offender. A victim or a victim's family must ask for information.

Victims may also request to receive ongoing information so they may be informed of changes such as an offender's move from one institution to another, or the grant of a conditional release. If victims want ongoing information, they must ensure that the National Parole Board and Correctional Service of Canada have their current address and telephone number.

**Q. Does the Board consider victim information in conditional release decisions?**

**A.** Yes. The Board considers 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 re-offend. In cases where the Board must decide whether to detain an offender, information about the harm suffered by victims is critical for the Correctional Service of Canada and the National Parole Board.

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

**Q. Can a victim present their information in person at a Parole Board hearing?**

**A.** Yes, victims have a voice at Parole Board hearings. They have the opportunity to present a prepared statement directly to the Board Members about the continuing impact of the crime and any concerns they have for their safety or the safety of the community. A victim may also choose to present his/her statement via audio or video recording.

The Department of Justice's Policy Centre for Victim Issues (PCVI) administers a Victims Fund, available to registered victims with CSC or NPB who wish to attend hearings of the offender who harmed them. For information and assistance you may call 1-866-544-1007.

**Q. Will information from victims or others be kept confidential?**

**A.** The National Parole Board and the Correctional Service of Canada are required by law to disclose to the offender any information that will be considered during the decision-making process. Exceptions to this rule are rare; they include situations such as jeopardizing the safety of a person, the security of a correctional institution, or an ongoing investigation. In those cases, a gist of the information may be prepared and shared with the offender. Generally, information cannot be used if it is not disclosed to the offender; however, in extraordinary cases where a gist would connect the information to the source, and jeopardize the person's safety, the Board can decide to use the information without sharing it in any way.

## Board Hearings

**Q. Can anyone apply to attend a Board hearing?**

**A.** Yes. Anyone who wishes to observe a hearing should apply as early as possible, preferably 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.

Most people who have applied in writing to attend a conditional release hearing will be allowed to attend the hearing as observers. In fact, hearings are not limited to those who have a vested interest in the case.

Generally, no person under 18 years of age will be allowed to observe a hearing. However, exceptions are possible. Also, observers will be asked to leave the hearing room while the Board Members discuss their decision.

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

- 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 member 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 need for the offender to return successfully to society; and
- may endanger the security and good order of the institution.

The Board Members may ask an observer to leave at any time, if they believe it is necessary to ensure the effective conduct of the hearing.

**Q. Can someone get a copy of a National Parole Board decision?**

**A.** The National Parole Board keeps a record of all its decisions, including the reasons for the decisions. 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 (CSC) concerning temporary absences and work releases are not included in the decision registry.

Anyone interested in a specific case may request, in writing to the National Parole Board, a copy of a NPB decision (made after 1 November 1992). For the Board to be able to release information about offenders, anyone requesting information must give the reason for the request. Also, the Board will not release decisions on offenders who have served their sentences and are no longer in custody.

The only information the Board will withhold is that which may jeopardize the safety of an individual, reveal a confidential source of information, or adversely affect the return of an offender to society as a law-abiding citizen.

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

**A.** An offender may choose to have someone present as an assistant. This person may advise the offender during the hearing or address, on behalf of the offender, the members of the Board. The assistant could be, but is not limited to, a friend, a relative, a member of the clergy, an elder, or a prospective employer or lawyer.

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

**A.** Yes. Any offender, or someone acting on behalf of the offender, may appeal the decision to the Appeal Division of the National Parole Board. An offender may appeal a decision within 60 days of the date of the decision being appealed.

The role of the Appeal Division is to ensure that:

- The law and Board policy are respected,
- The rules of fundamental justice are adhered to, and
- The Board's decisions are based upon relevant, reliable and persuasive information.

Only an offender can appeal a Board's decision.

## In the Community

### **Q. Who supervises offenders when they are on conditional release?**

**A.** The Correctional Service of Canada (CSC) is responsible for supervising offenders on conditional release from a penitentiary as well as provincial offenders granted parole by the Board. In addition, CSC is responsible for supervising offenders who have Long Term Supervision Orders.

### **Q. What is community supervision?**

**A.** Community supervision involves monitoring and helping the offender to reintegrate into society. 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 their conditions of release, they may be returned to prison.

### **Q. What are the standard conditions of release?**

**A.** Any offender released on parole or statutory release must abide by 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 to 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.

**Q. Can other conditions be added?**

**A.** In addition to the standard conditions of release, the National Parole Board may impose other special conditions that it sees as necessary in managing the offender's risk, such as abstain from alcohol, geographic restrictions, etc. These special conditions are monitored and enforced during the offender's supervision by the offender's parole officer.

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

**A.** The *Criminal Records Act (CRA)* was adopted by Parliament to help people who were once convicted of a criminal offence, have completed their sentence and demonstrated that they are responsible citizens. The National Parole Board has the authority to grant, deny or revoke a pardon for convictions under federal acts or statutes.

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 prior approval from the Public Safety Minister.

A pardon ceases to exist automatically if an offender is later convicted of an indictable offence. The Board may revoke a pardon if an offender receives a summary conviction, if they are no longer of good conduct, or if it finds that a deceptive statement was made, or relevant information was concealed at the time of the application.

A pardon does not guarantee a person entry or visa privileges to another country. Before they go, individuals should contact the authorities of any country they wish to visit to find out what they need to do to enter that country.

U.S. and other non-Canadian citizens are not eligible for a pardon unless they were convicted of a crime in Canada.

Eligible individuals can apply for a pardon by completing a Pardon Application and submitting it to the National Parole Board.

**Q. What is the Royal Prerogative of Mercy?**

**A.** Clemency through the Royal Prerogative of Mercy is an exceptional remedy which may be granted where there exist circumstances of extreme hardship or inequity beyond that intended by the Courts, or out of proportion to the nature and the seriousness of the offence.

The National Parole Board conducts the investigations into the merits of the applications and makes a recommendation to the Public Safety Minister. Where the Minister supports the grant of clemency, he submits his recommendation to the Governor-in-Council or, in some cases, to the Governor General of Canada who will make the final decision.