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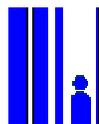
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# An Information Guide *to Assist Victims*

## *Federal Corrections and Conditional Release*



Canada 

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## **A Message from the Solicitor General of Canada**

The Government of Canada is committed to giving victims a legitimate and essential voice throughout every stage of the criminal justice system.

Victims become involved with the criminal justice system at a time of crisis, often following tragic events. Crime often takes an enormous physical, financial and emotional toll on its victims. It is therefore imperative that governments and their officials respond to victims with compassion and respect for their dignity.

This information guide was produced by the Department of the Solicitor General of Canada in collaboration with the Correctional Service of Canada and the National Parole Board. It provides information on federal corrections and conditional release procedures and it highlights ways in which victims of crime can obtain specific information about offenders. It also explains how victims may contribute to critical decisions made by the Correctional Service of Canada and the National Parole Board.

Victims' rights and needs are, and will continue to be, a priority for the Portfolio of the Solicitor General of Canada. We will continue to promote a balanced approach and ensure that victims have a meaningful role in the criminal justice system.

The Honourable Lawrence MacAulay  
Solicitor General of Canada

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# **An Information Guide to Assist Victims**

## **Federal Corrections and Conditional Release**

### **A. Introduction**

The *Corrections and Conditional Release Act (CCRA)* governs the Correctional Service of Canada, which is responsible for supervising federal offenders in custody and in the community. It also governs the National Parole Board, whose Board members assess risk of re-offending and decide whether to release offenders into the community. The *CCRA* recognizes victims of crime as an important part of the criminal justice system and gives victims of crime an opportunity to participate in the federal corrections and conditional release process. It entitles victims who make a request to be provided with certain information about the offender who has harmed them and to be informed about decisions made by the Board and the Service about that offender. The *CCRA* also provides victims with opportunities to present information that may contribute to specific key decisions.

This booklet provides information about the legal entitlements of victims of crime, the resulting obligations of both the Correctional Service of Canada and the National Parole Board, and explains how victims can provide information to, or receive information from, the Board or the Service. General information about an offender's path through the correctional system after the court has sentenced them is also provided in order to enable victims and the general public to understand and anticipate the usual steps that occur.

### **Legal Definition of Victims of Crime**

The *Corrections and Conditional Release Act (CCRA)* allows victims to obtain certain information about offenders which would usually be protected by the *Privacy Act*. Therefore, the *CCRA* includes definitions of the persons who may be given this information. A victim is defined as someone to whom harm was done or who suffered physical or emotional damage as the result of an offence. When a victim has died, or is unable to act for themselves (for example, the person is ill, a child) a spouse, partner, relative or person responsible for the victim may request and receive information. Information can also be released to people harmed by the offender, whether or not the offender was prosecuted or convicted, if a complaint was made to the police or the Crown.

Victims may authorize someone to act for them. The Correctional Service of Canada or the National Parole Board will recognize someone as a representative of a victim (e.g., friend, chaplain) if the victim gives them written authorization.

## **Federal and Provincial/Territorial Jurisdictions**

As a general rule, the Correctional Service of Canada is responsible for the administration of sentences for offenders serving *two years or more*. The correctional service of the province/territory where the offender was sentenced is responsible for the administration of sentences of *less than two years*.

This booklet provides information for victims of crime who have been harmed by an offender who has received a sentence of *two years or more* or who is under the jurisdiction of the Correctional Service of Canada or the National Parole Board.

The National Parole Board has jurisdiction to grant, deny or revoke the parole of offenders serving *less than two years* in all provinces and territories, except British Columbia, Ontario and Quebec where provincial parole boards have been established. Victims should, therefore, contact provincial parole boards for information in those circumstances.

For information on offenders serving two years or more, please contact the regional office of the National Parole Board (toll free) or the Victim Liaison Co-ordinator at the CSC regional headquarters. A complete list of contacts is included at the end of this booklet.

## **B. Victims' Rights**

### **Disclosure of Information to Victims**

The Correctional Service of Canada and the National Parole Board do not *automatically* inform victims about an offender's case. The law specifies that this information will be given only upon request. The request must clearly identify the offender. Some victims prefer not to receive any further information about the offender.

Anyone, including a victim or a victim's family, can ask for basic publicly available information about an offender, such as:

- the offence of which the offender was convicted and the court that convicted the offender;
- when the sentence began and the length of the sentence; and
- the eligibility and review dates of the offender for unescorted temporary absences, day parole and full parole.

Victims, who meet the definition as set out in the law and who request to be registered may, however, receive additional information that is not usually disclosed to the public. At present more information may be released if the Chairperson of the National Parole Board or the Commissioner of the Correctional Service of Canada (or delegated staff) determines that 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 an NPB 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 travelling to that destination;
- whether the offender is in custody and, if not, why not; and
- whether or not the offender has appealed a decision of the Board, and the outcome of that appeal.

Registered victims may also ask to receive ongoing information so they may be informed of changes such as an offender's move from one institution to another. If victims want ongoing information, they must ensure that the National Parole Board (NPB) and Correctional Service of Canada (CSC) have their current address(es) and telephone number(s). For further information about victim notification, please contact your local NPB office or CSC Victim Liaison Co-ordinator. A complete list of contacts is included at the end of this booklet.

For information about proposed changes to provide for additional information sharing to victims please refer to the Government Response to the Parliamentary Standing Committee on Justice and Human Rights Committee's report entitled "The Corrections and Conditional Release Act: A Work in Progress." Recommendations 36 and 37 in Annex A, at the end of this booklet.

## **Information Provided by Victims**

The Correctional Service of Canada and the National Parole Board are always appreciative of receiving information about offenders, safety concerns of the victim or other persons, as well as information regarding the impact the offence has had on the victim, their family and/or the community. Victims are encouraged to provide Victim Impact Statements, information regarding the physical, emotional or financial impact of the offence and, any other relevant information.

Information can be provided to the Correctional Service of Canada or the National Parole Board for their consideration at any time. Victims may also contact a CSC Victim Liaison Co-ordinator or NPB Regional Communications Officer to provide information.

Their roles and responsibilities include the following:

- receive requests for information from victims;
- obtain information from police and other sources to ascertain victim status;
- inform victims in writing of their status, and their entitlements as well as information about both CSC and NPB;
- provide notifications to victims pertaining to their specific case;
- maintain information regarding victim contacts as required;
- ensure that relevant information provided by victims is forwarded to decision-makers and offenders;
- inform victims about other sources of information such as the NPB Decision Registry and access to NPB hearings as observers;
- refer victims requesting counseling and/or other services to appropriate community or other resources;
- may accompany victims to/during parole board hearings and debrief victims following a parole hearing that the victim has attended.

### **The Correctional Service of Canada**

The Correctional Service of Canada has a legal obligation to gather relevant information about offenders from a variety of sources, including the courts and the police. If the victim has filed a Victim Impact Statement at sentencing, the Service is

required by law to obtain a copy. This information must be used to assist in the evaluation of an offender's overall risk and programming needs, to make decisions on the institutional security level required to protect society and to make decisions as to whether an offender should be released on a temporary absence or a work release. In the absence of a Victim Impact Statement and if the victim wishes, a Community Assessment may be completed by a community parole officer. A Community Assessment is a report that captures complete, accurate and quality information that assists in every activity related to the offender's progress. Victim information is also taken into consideration when the Service makes a recommendation to the National Parole Board as to whether an offender should be granted a conditional release such as parole.

### **The National Parole Board**

The National Parole Board considers information from victims that can help to assess whether an offender's release may pose a risk to society. The NPB 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 NPB must decide whether to detain an offender in custody until the end of the sentence 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 the offender's release plans and conditions necessary to manage a particular risk that the offender might present, especially if the offender will be near the victim or is a member of the victim's family. The NPB may, for example, impose a special condition for the offender not to contact a victim or not to be in the presence of children.

### **Disclosure of Information Provided by Victims**

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. Personal information on victims, such as personal addresses and phone numbers, are NOT shared with offenders. If victims have concerns about the offender knowing that they provided information, they should be sure to discuss these concerns with the CSC or the NPB. The victim can then decide whether to provide information or not.

### **Attending National Parole Board Hearings**

Hearings are held for most Board decisions, such as whether to grant, deny or revoke parole. Anyone can apply to observe a hearing of the National Parole Board. Applications should be made in writing and 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 a penitentiary. A support person can accompany the victim. Victims should ensure that they apply for their chosen support person to be approved for

entry into a penitentiary at least 60 days before the hearing. Victims are responsible for their travel expenses related to attending NPB hearings. While it is rare, applications may be refused if security is a concern, space is limited, or the applicant is under 18 years of age.

## **Oral Presentation by Victims at National Parole Board hearings**

Effective July 2001, victims became entitled to make an oral presentation to the National Parole Board. Victims have the choice to read their written statement at the hearing or to record it on audio or videotape for presentation should they be unable to attend or prefer this option. These statements provide victims the opportunity to present information directly to Board members about the continuing impact of the crime and any safety concerns they may have.

In order to meet the sharing of information requirements, the Board requires the statement in writing thirty days before the hearing or, if translation is required, forty-five days before the hearing date. The oral presentation must be consistent with the information that was shared.

A statement should be concise, normally taking not more than ten minutes to read. Victims may make their presentation either at the beginning or the end of the hearing. A statement should provide information that is relevant to assessing the risk presented by an offender. The victim may want to speak about:

- The continuing impact of the crime for which the offender was convicted. This could include information about the physical, emotional, medical and financial impact of the crime on the victim or their children and family members and others who are close to them.
- Concerns the victim may have for their safety, their family or the community's safety with regard to the offender should he or she be released, explaining why the victim believes there may be a risk.

Hearings are held in the official language of the offender. However, victims may present the statement in either English or French. The Board will arrange for the statement to be translated into the language to be used at the hearing. Victims may submit their statement in a language other than French or English; the Board will have it translated. Normally, a victim must be age eighteen or over to present a statement in person at a hearing. Exceptions will be considered on a case by case basis.

For further information about presenting an oral statement at a National Parole Board hearing, please contact the NPB office nearest to you. A complete list of contacts is included at the end of this booklet.

## **Obtaining a Copy of a National Parole Board Decision**

National Parole Board decisions, including reasons for the decisions, are available from the Board's decision registry. These decisions concern conditional release, return to prison, detention, and the decisions and reasons made by the Appeal Division of the Board. Decisions are only available while the offender is under sentence.

Anyone interested in a specific case may make a request in writing to the National Parole Board for a copy of a conditional release decision made after November 1, 1992. The Board will withhold information that may jeopardize the safety of someone, reveal a confidential source of information, or adversely affect the return of an offender to society as a law-abiding citizen.

Decisions made by heads of federal correctional institutions concerning temporary absences and work releases are not included in the NPB decision registry

## **Victims' right not to be contacted by Inmates**

The Correctional Service of Canada has a telephone monitoring system that can authorize or prevent communications between inmates and members of the public. Moreover, the Service monitors incoming and outgoing offender mail. Upon request, every effort will be made to prevent an inmate from communicating with victims, or any member of the public, by telephone or mail. Any person who does not wish to be contacted by a federal inmate can ask the Correctional Service of Canada to stop the unwanted communications.

For information about proposed changes to prevent unwanted communications from offenders in federal correctional institutions please refer to the Government Response to the Parliamentary Standing Committee on Justice and Human Rights Committee's report entitled "The Corrections and Conditional Release Act: A Work in Progress." Recommendation 40, Annex A, at the end of this booklet.

## **Victim/Offender Mediation**

Victim Offender Mediation is a process that provides victims of crimes with the opportunity to safely and confidentially gain information about the crime and about the offender, express the full impact of the crime on their lives, get answers to questions they have and achieve a greater sense of closure on some issues. The mediation process is entirely voluntary and explicitly flexible. It does not necessarily aim to involve parties in a face-to-face meeting. The pace and extent of involvement is determined by the participants. Interventions can include:

- support, counselling, legal transmission of needed information to both parties (where that information is freely provided for such release);
- indirect communication by means of letters and/or video tapes
- direct communication through one or more face-to-face meetings facilitated by a trained mediator/facilitator;
- aftercare: follow-up support, as desired and appropriate, for both parties.

These interventions are not meant for all crime victims nor for all offenders and an assessment is always a part of the process. Protocols are in place which are highly sensitive to participant needs and readiness to proceed.

There are a variety of Victim-Offender Mediation/Dialogue programs in Canada. When an offender is in the federal correctional system, victims who are interested in learning more about victim offender mediation/dialogue or surrogate processes may contact: the Restorative Justice and Dispute Resolution Unit, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario K1A 0P8 Tel. (613) 947-4980. This Unit can also provide suggested referrals to independent and confidential mediator/facilitators who work with serious crime situations.

## **CSC Community Engagement Sector**

In April 2001, the CSC created a new sector at its headquarters in Ottawa. This sector has a special responsibility to work actively with citizens and communities to promote new initiatives and partnerships, increased understanding and active involvement. The new sector includes a small victims unit which will focus specifically on this particular group of citizens to encourage ways of fostering better service, communication and consultation.

Please refer to the list of contacts at the end of this booklet for further information.

## **Other types of victim input and involvement with CSC**

Some of the ways in which victims have become involved with CSC include the following activities:

- Victims sit on a Victim Advisory Committee in some parts of Canada;
- Victims sit on Citizen Advisory Committees to the Correctional Service of Canada;
- Victims assist with Victim Sensitivity training for CSC staff and Victim Awareness programs for offenders;
- Victims provide input into policy development; and
- Victims are debriefed following CSC/NPB investigations and are provided with a copy of the report.

## **C. An Offender's Sentence: From Start to Finish**

This section describes the stages that an offender is likely to encounter during his or her sentence. It starts with the events immediately following sentencing, reviews the various steps required for an offender to obtain a conditional release in the community, and finishes with the completion of an offender's sentence. For example, in most cases a sentence of 12 years does not require that the offender remain in prison for 12 years. However, the offender will be under the supervision of the Correctional Service of Canada for the entire 12 years.

### **The Offender's Sentence Commencement Date (Day one)**

After an offender has been found guilty, the presiding judge determines the sentence to be imposed and indicates its length. It is not uncommon for an offender to be convicted of several offences at one time. In this situation, the judge may order that sentences be served at the same time (concurrently), or one after the other (consecutively).

### **Transition Period from a Provincial Jail to a Federal Penitentiary (Up to 15 days)**

The offender may have been kept in custody before trial or sentencing. If so, this will normally have been in a provincial correctional facility. Other offenders may have been in the community on bail. At the moment a sentence of imprisonment is imposed, the offender will remain in, or be immediately taken into, provincial custody.

An offender who has just been sentenced to a penitentiary term (two years or more) may remain in a provincial institution for up to 15 days before being transferred into a penitentiary. This 15-day period allows federally sentenced offenders to attend to their personal affairs, including in some cases filing an appeal, before being transferred to a federal penitentiary.

During this transitional period, a federal parole officer meets the offender to conduct a preliminary assessment. The purpose of this assessment is to note any immediate and critical concerns (suicide, offender's physical and mental health), gather relevant information and identify the offender's community supports. The information that the community supports provide will assist correctional staff to verify information provided by the offender and identify problem areas, which will require attention during the period of incarceration (e.g. substance abuse, family violence).

## **Offender Intake Assessment and Correctional Planning (Up to 70 days)**

At the end of the 15 days (or less if the offender agrees), the offender will normally be transferred under guard to the closest federal regional reception centre. A reception centre is a special penitentiary, or part of a penitentiary, dedicated to the assessment of offenders. The offender then undergoes a comprehensive assessment called the Offender Intake Assessment (OIA) within 70 calendar days from the offender's sentence commencement date. The purpose of the OIA is to:

- complete a comprehensive profile of an offender's criminal and social history;
- assess the risk posed by the offender;
- identify the problem areas which need to be addressed to reduce the risk of re-offending;
- complete the Correctional Plan outlining how the problem areas will be addressed throughout the sentence; and
- recommend a security classification and initial penitentiary placement.

During the OIA, factors that led the offender into criminal behaviour are identified, as are areas in the offender's life that, if changed, can reduce the risk of re-offending. The results of the OIA are documented in the Correctional Plan, which will serve as a basis to monitor the offender's progress throughout the sentence. It outlines and prioritizes the areas that must be addressed to reduce an offender's likelihood of re-offending and to prepare him or her to safely reintegrate into society.

## **Placement to a Penitentiary (After 70 days or less)**

Upon the completion of the Offender Intake Assessment, the offenders are transferred to a penitentiary corresponding to their security classification and program needs. Offenders are assigned to an institutional parole officer who will implement the offender's Correctional Plan, follow-up on their progress and assist them in preparing for their eventual safe reintegration into the community. Offenders are required to follow their Correctional Plan, which lays out the programs and activities that are required in order to reduce their risk of re-offending upon release. Failing to follow their Correctional Plan, which includes an expectation of positive behaviour in the institution, reduces an offenders' chances of being granted parole or other conditional releases.

## **Transfers of Offenders (Throughout sentence)**

At any time during their sentence, offenders may be transferred to higher or lower security institutions to meet their individual security requirements and program needs. Offenders should be serving their sentences at the lowest level of security considered

necessary to meet their individual program needs and security requirements. Most offenders will be transferred to lower security institutions during their sentence. This process of “cascading” offenders to lower security institutions (i.e., maximum, medium and minimum) assists the Correctional Service of Canada and the National Parole Board to assess the readiness of offenders to safely reintegrate into society. As discussed on page 3, victims may in some instances be informed where the offender is serving his or her sentence.

For information about proposed changes to provide victims with additional information on offender transfers please refer to the Government Response to *The Corrections and Conditional Release Act* Sub-committee on Corrections and Conditional Release Act of the Standing Committee on Justice and Human Rights - Recommendation 37 located in Annex A at the end of this booklet.

## **Daily Routine**

In an institution, an offender’s day is ruled by the routine of the institution. On an average weekday, an offender has approximately six hours during which he or she might take part in activities. Offenders can be involved in programs, education, institutional employment (working in the kitchen, institutional maintenance, or cleaning), vocational training or CORCAN (see next section for details). The following schedule depicts a typical inmate weekday:

- 06:45 – inmate count
- 07:00 – breakfast
- 08:00 – go to program, work or back to the cell
- 11:45 – return to cell for inmate count and lunch
- 13:00 – go to the program, work or back to the cell
- 16:30 – return to the cell for inmate count and then supper
- 18:00 – go to recreation, cultural events, self-help groups
- 22:30 – night inmate count
- 23:00 – lock-up

In addition to the four formal inmate counts, informal counts, without interruption of activities, take place several times in a day and are compared with the formal counts. During the night, correctional officers continually make their rounds and must ensure that every inmate is in his or her cell.

## **Programs Offered to Offenders (Throughout sentence)**

The Correctional Service of Canada helps offenders work on factors related to their criminal behaviour in order to reduce their chances of re-offending upon release, thereby contributing to public safety. Every offender has a Correctional Plan that defines

their individual programming and treatment needs. The plan and the progress of the offender are reviewed regularly, to determine whether the goals are being met, and to identify any change in the offender's risk to society. The Service makes use of community resources and stresses the importance of continuity between institutional programming and services offered as follow-up in the community once an offender is released.

Several main institutional and community programs have been developed. The majority of offenders have needs in one or more of these areas.

**Living Skills Programming** consists of a series of six programs to meet the needs of offenders throughout their sentences and prepare them for reintegration into the community. These programs are cognitive skills training, living without violence, parenting skills training, anger and emotion management, and community integration.

**Substance Abuse Intervention** consists of a range of alcohol and drug programs. The Offender Substance Abuse Pre-Release Program (OSAPP) teaches skills to help reduce the likelihood of an offender abusing drugs or alcohol after leaving a federal institution. An intervention program called "Choices" is offered in the community to provide support and expand on lessons learned during OSAPP. For Aboriginal offenders, the Aboriginal Substance Abuse Program is now well established as a core program.

**Sex Offender Treatment Programs** focus on identifying the nature and pattern of the offender's behaviour and provide self-management and control skills to help reduce the risk of re-offending. Institutional programs are of high, moderate, or low intensity or maintenance, while community programs are either structured (for higher risk individuals) or based on maintenance/relapse prevention. Program placement is based on the offender's risk to re-offend, treatment needs, motivation to participate in treatment and the ability of the program to meet these targets.

**Violence Prevention Programs** are intensive programs for violent offenders. They are directed toward offenders who are at high risk for violent behaviour. The goal of the programs is to improve participants' skills to avoid the use of violence to solve problems and to reduce the risk for future violence. A follow-up maintenance program exists to assist offenders to consolidate and maintain gains and to further refine and apply their personalized plans to prevent violence. The program is not designed to address sexually violent or family violent offenders, who are served by other programs specially designed for these offenders.

**Family Violence Programs** target those who are abusive in family situations and those at risk of becoming abusive. These programs provide information and teach specific skills for reducing the incidence of family violence among the offender population. This involves educational and intervention programming in institutions and the community.

**Aboriginal Programs** have been developed to meet the unique needs and rights of Aboriginal offenders and focus on parenting, substance abuse, cognitive skills training,

spiritual services, liaison with Aboriginal communities, and on the Balanced Lifestyles and Way of Life.

**Women Offenders Programs** include living skills, substance abuse, survivors of abuse/trauma, and literacy and continuous learning programs. Innovative programs, such as the mother-child program, are also offered.

**Ethnocultural Programs** focus on promoting the meaningful participation of offenders from various cultural or ethnic groups in the Service's core programs, so that cultural or ethnic values, beliefs, learning styles and communications methods are respected and understood.

**Education Programs** include adult basic education and secondary, vocational and post-secondary education. They also include programs that help offenders to learn employment skills that will increase their chances of finding employment after their release to the community. Offenders may be required to pay part or the full cost of their participation in a post secondary educational program.

**Industrial and Agribusiness Program (CORCAN)** provides offenders with work experiences and training designed to closely copy private sector work environments. Participants manufacture and produce a wide range of industrial and agricultural business commodities, which are marketed to federal, provincial and municipal governments, and non-profit organisations. CORCAN programs also include community-based short-term employment and job placement initiatives.

**Chaplaincy Program** helps offenders of many faiths to gather in worship to freely celebrate their rituals and feast days. Each penitentiary has at least two chaplains working closely with offenders and members of the community. Chaplains are required to exercise their ministry in a multi-faith setting, and contracts for chaplaincy services are held with the Roman Catholic, Protestant, Jewish, Muslim, Sikh and Buddhist faith communities.

Some offenders may refuse to participate in the above programs. It should be noted, however, that their refusal to participate in these programs could delay their return to the community. For example, the National Parole Board may deny parole to an offender who refused to participate in programs or failed to benefit from treatment.

## **Conditional Releases**

Since most offenders will eventually return to the community, the best way to protect the public is to help offenders reintegrate into society through a gradual and supervised release. This section reviews the conditional releases available to the Correctional Service of Canada and the National Parole Board to assist offenders to safely reintegrate into the community.

## **Temporary Absences**

Temporary absences (escorted or unescorted) are granted for one of the following reasons: medical, administrative, community services, family contacts, personal development for rehabilitative purposes or compassionate reasons (such as to attend a funeral).

### **Escorted Temporary Absence (Any time during the sentence)**

Escorted Temporary Absences (ETA) are granted to allow inmates to obtain treatment that is unavailable in penitentiary, to attend critically ill family members and to prepare for other types of conditional release. During these absences, an offender is escorted by a Correctional Service of Canada staff member or a trained citizen escort.

Inmates are eligible for an ETA at any time during the sentence. The duration of an ETA varies from an unlimited period for medical reasons to not more than 15 days for any other specified reason. Wardens typically authorize ETAs. In certain instances involving offenders serving life sentences, National Parole Board approval is required.

### **Unescorted Temporary Absence (1/6 or 6 months into the sentence, whichever is greater)**

An Unescorted Temporary Absence (UTA) is a short-term release to the community. Most inmates in the penitentiary system are eligible for UTAs at one-sixth of the sentence or six months into the sentence, whichever is greater. A UTA can be for an unlimited period for medical reasons and for a maximum of 60 days for specific personal development programs. Typically, UTAs last two or three days to allow the offender to visit his or her family. Maximum security offenders are not eligible for UTAs.

The National Parole Board, the Commissioner of Corrections and institutional heads (i.e., Wardens) have authority to grant UTAs in specified circumstances. Public safety is always of paramount importance in these decisions.

### **Work Release (1/6 or 6 months into the sentence, whichever is greater)**

Work release is a release program allowing a penitentiary inmate to work for a specified duration in the community on a paid or voluntary basis while under supervision. Generally, an inmate is eligible for work release when he or she has served one-sixth of the sentence or six months, whichever is greater. The institutional head has authority to grant a work release of up to a maximum period of 60 days under specified conditions that always include supervision. Correctional authorities grant work release to carefully selected inmates who perform work and services of benefit to the community such as painting, general repairs and maintenance of community centres, or homes for the

elderly. Work release is one of the first steps in the safe, gradual reintegration of offenders into society. Offenders in maximum security institutions are not eligible for work release.

## **Parole**

Parole is a form of conditional release that allows some offenders to serve part of their sentence in the community, provided they abide by certain conditions. Parole is a privilege not a right. The National Parole Board has discretion whether or not to grant parole once an offender has served the proportion of the sentence required to become eligible for a review by the Board. In determining whether to grant parole, Board members carefully review information provided by victims, the courts, correctional authorities and the offender. In arriving at a decision, the Board considers a number of factors, but above all, the protection of society. Board members must be satisfied that the offender will not pose an undue risk to the community and will follow specific conditions.

### **Conditions, Suspension and Revocation**

When released, all offenders must adhere to certain standard conditions set out in the release certificate (official written authorization to be in the community). Any offender released on parole or statutory release must abide by the following conditions:

- upon 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 identity card provided by the releasing authority and produce them upon request for identification to any police or parole officer;
- report to the police as instructed by the parole supervisor;
- advise the parole supervisor of the offender's address of residence on release and thereafter report immediately:
  1. any change in address of residence;
  2. any change in occupation, including employment, vocational or educational training, and volunteer work;
  3. any change in the family, domestic, or financial situation; and
  4. any change that may reasonably be expected to affect the offender's ability to comply with the conditions of parole or statutory release.
- not own, possess, or have the control of any weapon, as defined in the *Criminal Code*, except as authorized by the parole supervisor;

- for an offender released on day parole, return to the penitentiary or community residential facility at the date and time on the release certificate; and
- for an offender released on a temporary absence, return to the penitentiary from which the offender was released at the date and time provided for in the absence permit.

Special conditions may also be imposed by the National Parole Board to control behaviour. These may include curfews, restrictions on movement, prohibitions on drinking, participation in a treatment program and prohibitions on associating with certain people (such as former victims, children, or convicted criminals). Victims may want to provide information that would help determine the conditions that are imposed. They can do so by contacting the Correctional Service of Canada or the National Parole Board.

The Correctional Service of Canada can take action if it believes the offender is violating release conditions or may commit another crime. It can suspend the release and return the offender directly to prison until the risk is reassessed. Some offenders may remain in prison if the National Parole Board revokes their parole. Others may be released again but under more severe restrictions and after more supervision or community support services are in place.

**Accelerated Parole Review  
(1/6 or 6 months into the sentence, whichever is greater)**

"Accelerated review" provides a streamlined process of review for day parole and full parole for some *first-time* federal offenders. The National Parole Board must, by law, release the offender under day parole at six months or one-sixth of the sentence, whichever is longer, and under full parole at one-third of the sentence, unless the Board has reasonable grounds to believe the offender will commit a violent offence before the end of his or her sentence.

It is important to note that not all first-time offenders are eligible for accelerated review. For example, offenders who have committed a violent offence, or a serious drug or an organized crime related offence where the court has set parole eligibility at one-half of the sentence are not eligible. Moreover, any offender whose day parole has been revoked is not eligible for accelerated parole review.

**Day Parole  
(6 months into the sentence or 6 months before full parole eligibility,  
whichever is later)**

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 an institution or a halfway house unless otherwise authorized by the National Parole Board.

The eligibility date for review for day parole is also earlier than for full parole. Most federal inmates are eligible for day parole at either six months into the sentence or six months before full parole eligibility, whichever is later. Day parole is normally granted for up to a maximum of six months. Those serving a life sentence (for first and second degree murder) and Dangerous Offenders (see Special Eligibility section below) are eligible three years before the full parole eligibility date.

**Full Parole**  
**(1/3 of the sentence or 7 years, whichever is less)**

Full parole is a conditional release that allows an offender to serve the remainder of a sentence in the community. Under this form of release, an offender may live with his or her family, work and contribute to society. Although no longer required to return to the institution, the offender remains under supervision and must continue to abide by certain conditions. Generally, an inmate serving a definite sentence is eligible for full parole at one-third of the sentence or seven years, whichever is less.

**Statutory Release**  
**(2/3 of the sentence)**

By law, offenders not considered likely to commit a serious offence (see Detention below) must be released after serving two thirds of their sentence. The National Parole Board may add conditions to those imposed on all offenders to protect society and assist the offender begin a new life. Parole officers supervise these offenders in the community like all others on conditional release.

Not all inmates are entitled to statutory release. For example, those serving a life sentence and Dangerous Offenders (see Special Eligibility section below) are excluded from this type of conditional release.

**Detention**  
**(2/3 to end of sentence)**

Upon a referral by the Correctional Service of Canada, the National Parole Board may order that an offender be detained in prison beyond his or her statutory release date. The Board may order the offender detained until the expiry of the sentence. The Board must be satisfied that if the offender is released in the community, he or she is likely to commit an offence causing death or serious harm, a sexual offence involving a child, or a serious drug offence before the end of the sentence.

**Long Term Offender Designation**  
**(Up to 10 years after end of sentence)**

An offender designated by the courts as a Long Term Offender at a special sentencing hearing will be sentenced to a penitentiary sentence *and* an additional period of long term community supervision up to a maximum of ten years. A court can impose

long-term supervision on offenders convicted of specific sexual offences where, in the court's judgement, the risk presented by the offender can be managed in the community through appropriate supervision.

Every Long Term Offender who is in the community is subject to standard conditions, but special conditions can be added by the National Parole Board to ensure close supervision of the offenders, such as mandatory participation in counselling. The Correctional Service of Canada provides the community supervision.

## **Special Eligibility**

### **Life Imprisonment for Murder**

Eligibility dates for offenders sentenced to life imprisonment as a minimum sentence before July 26, 1976, vary considerably. Since then, when the law was changed, the two categories of murder (first and second degree) carry with them specific parole ineligibility dates:

- *First degree murder*: Persons convicted of first degree murder receive life sentences and are not eligible for full parole for 25 years.
- *Second degree murder*: The judge who sentences an offender convicted of second degree murder must impose a life sentence and determines when they are eligible for consideration for parole. This time can be set anywhere between 10 and 25 years.

These offenders 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. After the eligibility periods have elapsed, if the National Parole Board considers that the offender will not pose an undue risk to the community, the Board may grant him or her some form of conditional release and, if these are successful, eventually full parole. Should the offender continue to pose an undue risk to society, he or she will remain in federal custody to serve the life sentence.

Offenders who are paroled while serving life sentences remain on parole for life unless parole is revoked and they are returned to prison. Without a grant of parole, the offender remains imprisoned for life.

### **Judicial Review**

After serving 15 years most offenders sentenced to a life sentence with a parole eligibility date of greater than 15 years may apply to the courts to have the eligibility date reduced under Section 745 of the *Criminal Code* (Judicial Review). Changes introduced in 1997 exclude offenders who have been convicted of more than one murder from making an application for review of their parole ineligibility period. If a unanimous jury,

sitting in the province where the offender was convicted, find there is enough evidence that the offender has been sufficiently rehabilitated to justify allowing consideration for conditional release, the offender's parole eligibility dates may be lowered. If lowered, the decision to grant or deny a conditional release remains with the National Parole Board. A victim may provide information at a judicial review hearing either orally or in writing.

### **Dangerous Offenders**

Part XXIV of the *Criminal Code* sets out an exceptional procedure to have an offender declared to be a dangerous offender and sentenced to an indeterminate (no set date for release) sentence of imprisonment. The dangerous offender provisions in the *Criminal Code* were amended in August 1997. Before August 1, 1997, dangerous offenders were subject to an indeterminate sentence but the court was authorized to impose incarceration for a fixed period; the first parole review occurred three years into the sentence, with subsequent reviews every two years. Since the 1997 amendments, the court must impose an indeterminate sentence, with the first parole review at seven years; subsequent reviews occur every two years. Under the *Criminal Code*, this sentence is available only for certain offences, such as serious personal injury offences. In considering whether to declare an accused a “dangerous offender”, the court examines whether the evidence establishes: (1) a pattern of repetitive or aggressive behaviour such that the accused constitutes a threat to the safety of the public; or (2) that the accused has shown a failure to control his or her sexual impulses and will likely cause injury or pain to other persons. Whether, and under what conditions, the offender will ever be released is decided by the National Parole Board.

## **D. Community Corrections**

Gradually releasing offenders from prison and helping them adjust to life beyond prison walls is called community corrections. Such work is essential because experience has shown most offenders are more likely to become law-abiding citizens if they participate in a program of gradual, supervised release.

### **Supervision, Programming and Community Involvement**

Supervision is the direct monitoring of offenders. The National Parole Board makes the decision (except for most Temporary Absences or Work Releases) to release the offender, but the Correctional Service of Canada supervises the offender. Supervision is carried out mainly by parole officers employed by the Service and sometimes by agencies under contract, such as the John Howard Society, the Elizabeth Fry Society or the Salvation Army. All offenders on conditional release are supervised no matter where they live – whether in the city or remote parts of the country. The degree of supervision will depend on the individual. Offenders who are considered to be a higher risk to society will require close monitoring and more frequent contacts. Those who are lower risk, require less. In monitoring offenders, correctional staff rely on many sources of information – police, families, program staff, employers, victims and others. By being aware of the offender's situation, correctional staff can help ensure that he or she stays on track. They can take action when the offender breaks rules, or help solve problems that could, if not addressed, lead to a new crime.

Research shows that supervision alone does not help offenders change. Supervision along with good programming does. Offenders on community releases, therefore, may be expected to participate in programs tailored to their needs. Some programs help them cope with daily living, relationships and emotions. Some offenders upgrade educational or employment skills. Some deal with specific issues such as sexual offences and alcohol or drug abuse. Programs in the community build on the gains that the offender has already made by taking part in prison programs.

Agencies and individuals in the community also deliver programs or add to program activities. They act as counsellors, role models, and support networks. In addition, community involvement means something larger – the community's willingness to accept back those offenders who reform themselves. Offenders' success in starting afresh depends partly on their own efforts and partly on the opportunities the community at large provides.

## **Key Players in Community Corrections**

### **Parole Officers**

The parole officer is the key link with supervised offenders in the community and is crucial to managing offender risk. The job is part police officer, part social worker. Parole officers must be flexible, enforcing strict controls in some cases, acting as counsellors in others, depending on each offender's needs.

Parole supervision is based on a professional relationship with each offender and on a study of the risk factors that contribute to the individual's criminal behaviour. The parole officer ensures the offender follows his or her Correctional Plan by:

- regular visits with the offender, with or without advance notice;
- contacts with family, police and employers; and
- getting feedback on an offender's progress by checking with persons who may be assisting the offender in a program.

If the offender breaches parole conditions or seems likely to do so, the parole officer can take disciplinary measures, which may include taking the necessary steps to send that person back to jail.

Parole officers are guided in their work by rules and standards. Parole officers routinely write reports on the progress of each offender and discuss cases that require additional attention with their supervisors. Officers work together with many community agencies to help secure stable housing, employment, income, and positive personal contacts.

Each parole officer is responsible for, on average, a caseload of 25 to 30 offenders. The caseload may be considerably lower if the offenders require intensive supervision.

### **Community Networks**

The skills, resources and experiences of many different people are needed to deal with offenders' complex problems and needs. Therefore, the Correctional Service of Canada draws upon a broad range of organizations and individuals – family members, psychologists, employment counsellors, educators, and others – to assist in community correctional work. Such community networks contribute to both supervision and support.

In some cases, volunteers can play an important role in correctional efforts. They enrich and supplement supervision by establishing positive relationships with offenders, helping them to socialize and providing links to the community. In some parts of the country – usually remote areas – volunteers are used extensively to complement the work of parole officers.

## **The Parole Office**

The Correctional Service of Canada operates 64 local parole offices, each responsible for a specific geographical area and the management of offenders within it. An office normally consists of a director, parole officers, and support staff. Together with community networks, the local office works to: assess offenders, assist offenders through programs, and ensure that the level of supervision is appropriate to the risks and needs presented by each case. The local parole office is the base from which most of community corrections take place.

## **Community-based Residential Facilities**

A Community-based Residential Facility is a halfway house owned and operated either by a non-governmental agency or by the Correctional Service of Canada. Each agency-owned facility contracts with the Service to provide accommodation for, and counselling and supervision of, 15 to 30 offenders who are usually on Day Parole. The contract sets out detailed requirements regarding levels of control and assistance. There are about 150 such facilities under contract each year, preparing offenders for Full Parole – the least structured form of release to the community.

In addition, the Service operates 16 of its own Community-based Residential Facilities. In these, the director, parole officers and support staff work as a team, often in co-operation with community partners, to supervise and provide programs for offenders and typically prepare them for Full Parole.

## **E. Contacts for Obtaining Further Information**

### **Correctional Service of Canada**

**National Headquarters**  
340 Laurier Avenue West  
Ottawa, Ontario K1A 0P8

Community Engagement Sector  
(613) 947-7309

**Regional Headquarters (Atlantic)**  
1045 Main Street 2<sup>nd</sup> Floor  
Moncton, New Brunswick  
E1C 1H1  
Reception Phone: (506) 851-6313

Regional Victim Liaison Co-ordinator  
(506) 851-2483

**Regional Headquarters (Quebec)**  
3 Place Laval 2<sup>nd</sup> Floor  
Chomedey, City of Laval, Quebec  
H7N 1A2  
Phone: (450) 967-3333

Regional Advisor, Victim Liaison  
(450) 967-3354

**Regional Headquarters (Ontario)**  
Project Officer  
440 King Street West  
P.O. Box 1174  
Kingston, Ontario K7L 4Y8  
Reception Phone: (613) 545-8298

Regional Victim Liason Coordinator  
(613) 634-3857

Joint Victim Services Unit 1-800-518-8817

**Regional Headquarters (Prairies)**  
2313 Hanselman Place  
P.O. Box 9223  
Saskatoon, Saskatchewan  
S7K 3X5  
Reception Phone: (306) 975-4850

Manager, Victims Issues  
(306) 975-4244

**Regional Headquarters (Pacific)**  
32560 Simon Avenue  
P.O. Box 4500 2<sup>nd</sup> Floor  
Abbotsford, British Columbia  
V2T 5L7

Regional Victim Liaison Coordinator  
(604) 870-2712

## **National Parole Board**

National Office  
Leima Building  
410 Laurier Avenue West  
Ottawa, Ontario  
K1A 0R1  
Phone: (613) 954-7474

Pacific Region  
32315 South Fraser Way, 3<sup>rd</sup> Floor  
Abbotsford, British Columbia  
V2T 1W6  
Phone: 1 (888) 999-8828

Prairies Region  
101-22<sup>nd</sup> Street E., 6<sup>th</sup> Floor  
Saskatoon, Saskatchewan  
S7K 0E1  
Phone: 1 (888) 616-5277

Ontario Region  
516 O'Connor Drive  
Kingston, Ontario  
K7P 1N3  
Phone: 1 (800) 518-8817

Québec Region  
Guy-Favreau Complex – West Tower  
200 René Lévesque Blvd West  
10<sup>th</sup> Floor, Suite 1001  
Montréal, Québec  
H2Z 1X4  
Phone: (514) 283-9925 or 1 (877) 333-4473

Atlantic Region  
1045 Main Street, Unit 101  
Moncton, New Brunswick  
E1C 1H1  
Phone: 1 (800) 265-8644/8744

## **Provincial/Territorial Victim Services Offices:**

### **Yukon**

Victim Services  
Department of Justice  
Government of the Yukon  
P.O. Box 2703(J-7)  
Whitehorse, Yukon  
Y1A 2C6  
Phone: 1 (867) 667-8500

### **British Columbia**

Victim Services Division  
302 – 815 Hornby Street  
Vancouver, British Columbia  
V6Z 2E6  
Phone: (604) 660-5199  
Victim information Line: 1(800) 563-0808

Criminal Injury Compensation Program  
Unit 215-5200 Hollybridge Way  
P.O. Box 5350  
Vancouver, British Columbia  
V7C 4N3  
Lower mainland (604) 244-6400  
Toll free outside Mainland 1(800) 661-2112 (Local 6400)

### **Alberta**

Director, Victims, Regulatory & Support Services  
Public Security Division  
10<sup>th</sup> Floor, J.E. Brownlee Building  
10365 – 97 Street  
Edmonton, Alberta  
T5J 3W7  
Phone: (780) 427-3457

## **Alberta (cont'd)**

Manager, Victims' Programs  
Public Security Division  
10<sup>th</sup> Floor, J.E. Brownlee Building  
10365 – 97 Street  
Edmonton, Alberta  
T5J 3W7  
Phone: (780) 427-3460

Manager, Victims Financial Benefits and Administration  
10<sup>th</sup> Floor, J.E. Brownlee Building  
10365 – 97 Street  
Edmonton, Alberta  
T5T 3W7  
Phone: (780) 427-7217

## **Northwest Territories**

Victims Co-ordinator  
Community Justice Division  
Government of the Northwest Territories  
Department of Justice  
P.O. Box 1320  
Yellowknife, NWT  
X1A 2L9  
Phone: (867) 920-6911

## **Saskatchewan**

Director  
Saskatchewan Justice Victims' Services  
1874 Scarth Street, 6<sup>th</sup> Floor  
Regina, Saskatchewan  
S4P 3V7  
Phone: (306) 787-3500

## **Manitoba**

Director, Public Safety Branch  
Manitoba Justice  
200 – 379 Broadway  
Winnipeg, Manitoba  
R3C 0T9  
Phone: (204) 945-8165

Victim Services and Compensation Co-ordinator  
1215 – 405 Broadway  
Winnipeg, Manitoba  
R3C 3L6  
Phone: (204) 945-3365

Manager, Court Service for Victims  
1410 – 450 Broadway  
Woodsworth Building  
Winnipeg, Manitoba  
R3C 3L6  
Phone: (204) 945-4589

## **Ontario**

Unit Manager  
Victim Services Unit  
Ministry of the Solicitor General  
2 Carleton Street, Suite 1817  
Toronto, Ontario  
M5B 1J3  
Phone: (416) 325-3265

Victim/Witness Assistance Programme  
Ministry of the Attorney General  
720 Bay Street, 9<sup>th</sup> Floor  
Toronto, Ontario  
M5G 2K1  
Phone: (416) 326-2429  
Ontario Victim Support Line 1(888) 579-2888

## **Nunavut**

Assistant Director for Community Justice  
Victims Assistance Committee  
P. O. Box 800  
Iqualuit, Nunavut  
X0A 0H0  
Phone: 1 (867) 979-6000

## **Québec**

Substitut en chef du procureur général  
Bureau d'aide aux victimes d'actes criminels  
1200, route de l'Église  
Sainte-Foy (Québec)  
G1V 4M1  
Phone: 1 (418) 646-6548

## **New Brunswick**

Program Consultant  
Victim Services and Restorative Justice  
Department of Public Safety  
P.O. Box 6000  
Fredericton, New Brunswick  
E3B 5H1  
Phone: 1 (506) 444-4674

## **Prince Edward Island**

Provincial Manager  
Victim Services  
Office of the Attorney General  
3 Queen Street, 2<sup>nd</sup> Floor  
P.O. Box 2000  
Charlottetown, Prince Edward Island  
C1A 7N8  
Phone: 1 (902) 368-4582

## **Prince Edward Island (cont'd)**

Victim Services  
Office of the Attorney General  
263 Harbour Drive  
Suite 19, 2<sup>nd</sup> Floor  
Summerside, Prince Edward Island  
C1N 5P1  
Phone: 1 (902) 888-8217/8218

## **Nova Scotia**

Victims' Services Division  
Department of Justice  
5151 Terminal Road, 4<sup>th</sup> Floor  
Halifax, Nova Scotia  
B3J 2L6  
Phone: 1 (902) 424-8785  
Victims' Services 1 (902) 424-3309  
Criminal Injuries Counselling Program 1 (902) 424-4651  
Toll-free inside Nova Scotia: 1-888-470-0773

## **Newfoundland and Labrador**

Provincial Manager  
Victims Services  
Department of Justice  
P.O. Box 8700  
315 Duckworth Street  
St. John's, Newfoundland  
A1B 4J6  
Phone: 1 (709) 729-0900

## **Department of Justice Canada**

Policy Centre for Victim Issues  
Department of Justice Canada  
Suite 870, Place de Ville, Tower B  
112 Kent Street  
Ottawa, Ontario  
K1A 0H8  
Phone: (613) 957-4690

## **Annex A - Proposed Changes Relating to Victims**

On May 29, 2000, the Parliamentary Standing Committee on Justice and Human Rights Committee issued a comprehensive report entitled "The Corrections and Conditional Release Act: A Work in Progress". The report was the culmination of an in-depth review by the Committee that included public hearings with of broad cross-section of individuals and groups with an interest in the corrections system, including: police, victims and victim groups, prosecutors, defence attorneys, offender assisting agencies, corrections staff, parole board members, unions and offenders.

The report contained fifty-three recommendations to improve the corrections and conditional release processes, including six pertaining specifically to victims. The recommendations of the Committee relating to victims, and the Government response that identifies the Government's plans are included below. During March 2001, the Department of the Solicitor conducted consultations with victims of crime to receive input on how to implement these changes in a manner that would most effectively meet their needs. As these changes are implemented, this information guide will be revised accordingly.

### **VICTIMS' RIGHTS**

The movement to provide more inclusive processes for victims continues to gain momentum in Canada. In this context, the Standing Committee report, "Victims' Rights - A Voice - Not a Veto", addressed the importance of greater involvement by victims in the corrections and conditional release systems. The Government of Canada is now committed to taking further steps to address the concerns of victims and is currently engaged in a variety of efforts to move towards a more comprehensive strategy and relationship with victims. Within the Ministry of the Solicitor General, considerable advances have been made to recognize and respond to the needs of victims, particularly since the implementation of the *Corrections and Conditional Release Act*.

The Correctional Service of Canada and the National Parole Board have developed a number of services and initiatives to assist victims. Both agencies provide information to victims as stipulated in the *Corrections and Conditional Release Act* through Victim Liaison Co-ordinators in all CSC institutions and parole offices, and National Parole Board Regional Community Liaison Officers. CSC and NPB operate joint Victims Units in the Ontario and Pacific regions, and share a national database to provide timely information exchange. Victims are allowed to attend National Parole Board hearings as observers, and to access NPB decisions through a decision registry that, by providing the reasons for decisions, serves as a source of additional information about the offender who harmed them. CSC has experience with victim-offender mediation services and supports such restorative approaches when appropriate. In addition, both agencies have continued to learn from victims and their advocates through consultations, and joint educational initiatives with victims. Victim sensitivity training for CSC and NPB employees and

publications directed to victims have been developed. CSC and NPB also liaise with provincial victim service providers.

In order to build on progress to date, the Ministry recognizes the need for development of a comprehensive strategy based on consultation and involvement of all relevant stakeholders with particular emphasis on victims and their advocates. The strategy must provide balance, addressing the respective needs, concerns, and privacy rights of both victims and offenders. The strategy must also take into account that the Ministry through its agencies is not mandated to be the sole or primary service provider to victims. Rather the Correctional Service of Canada and the National Parole Board are key partners with other levels of government and community based groups who must work collaboratively to co-ordinate and provide improved information and services for victims.

Victims have told the government that what they want is more information, more access to information earlier in the process, more opportunities to be heard, and more opportunities to provide information. All these things can best be achieved with an approach that seeks to understand and address the underlying needs that create these requests and interests. The underpinning of the Government's strategy will be to endorse an open, citizen-centered approach that begins at the first opportunity that the Government has, through its agencies, to be of assistance to the victim and to promote, with the general public, understanding of our mandate.

The Government is committed to exploring a delivery structure that uses a co-ordinated approach through both NPB and CSC, giving both clarity and focus to the concerns and needs of victims. The development, design and operation of this structure will be guided by the strategy, and will consider the views of, and links to, relevant stakeholders and partners. There is broad support for consultations with victims and victims' groups with respect to the effectiveness of implementation of any new initiatives.

The Government also recognizes that restorative justice is an emerging approach in which some victims have a significant interest and where their views must be part of the consultative process. Both CSC and NPB are looking into the potential for initiatives that would contribute to community healing for all parties and to enhanced safety achieved through a more balanced approach to the needs of victims, offenders and the community. A criminal justice system that is more inclusive, accountable, reparative and collaborative would continue to evolve. The responses to the recommendations in this Chapter are in keeping with the strategic direction described earlier.

### **RECOMMENDATION 36**

**The Sub-committee recommends that paragraphs 26(1)(b) and 142(1)(b) of the *Corrections and Conditional Release Act* be amended to allow for the provision to victims, as defined in the Act, of offender information related to offender program participation, offender institutional conduct, and new offences committed by a conditionally released offender resulting in reincarceration.**

## **Response: Action to be taken**

The Government recognizes the desire of some victims to receive additional information about the offender who harmed them and accepts the principles underlying this recommendation. A number of measures to provide victims with additional information will be pursued including:

- providing information to victims about new offences committed by a conditionally released offender resulting in federal reincarceration;
- providing victims with information and the reasons for transfer of the offender who harmed them and, where the transfer will place the offender in a minimum security institution, advance notification of the transfer wherever possible;
- providing access, for consultation purposes, to audiotape recordings of National Parole Board hearings. Information regarding the offender's conduct and participation in programs will be available through this medium; and
- expanding the ability to communicate more directly and effectively with victims of crime, and providing information to victims through creation of a national CSC/NPB Victim Unit and expanding regional services within their respective mandates.

However, the Government takes note of the concerns expressed in *Victims' Rights - A Voice - Not a Veto* that releasing information about offenders' program participation throughout the sentence could result in an inordinate loss of privacy that could run the risk of infringing the Charter of Rights. It is believed that providing additional information about transfers will be indicative of the offender's institutional conduct and the progress, or lack thereof, he or she may be making, is relevant to risk assessment, and would be a specific and defined expansion of releasable information.

With respect to the final part of this recommendation, the Government accepts the recommendation of the Committee that all new offences committed by a conditionally released offender resulting in federal reincarceration be provided to victims.

Victims may now be notified whether or not an offender is in custody and in addition would be told about the offences resulting in federal reincarceration. However, in some cases, offenders commit an offence while on conditional release but may only be convicted after they have reached warrant expiry date. Such information is not provided to CSC if the offender receives a provincial sentence. As mentioned in the preamble to this Chapter, the Government is committed to working collaboratively with victims, victims' advocacy groups, and other levels of government to ensure, as far as possible, a seamless service delivery for victims. This area will therefore be further explored within those venues.

Finally, it should be noted that section 8(2)(m) of the *Privacy Act* permits the release of personal information in the public interest based on specific criteria. This option is available to the Commissioner of Corrections and the Chairperson of the National Parole Board when the public interest clearly outweighs the loss of privacy, for example, when the victim may be considered to be at risk from the offender.

### **RECOMMENDATION 37**

**The Sub-committee recommends that subparagraph 26(1)(b)(ii) of the *Corrections and Conditional Release Act* be amended to allow for the Correctional Service of Canada to advise victims (as defined in the Act) in a timely manner, and wherever possible in advance, of the planned, anticipated, or scheduled routine transfer of inmates.**

#### **Response: Action to be taken**

The Correctional Service of Canada recognizes the interest of some victims in transfers of offenders, and in particular transfers which could place the offender in the vicinity of the victim and in a situation where he or she could have access to the community. Each year, offenders make thousands of applications for transfer and CSC makes thousands of transfer decisions. In addition, anticipated decisions may be subject to change. Full implementation of this recommendation would be confusing and of limited utility to victims and would be a significant administrative burden.

The Government intends to take action to make information about all transfers, and a brief reason for any transfer, available under paragraph 26(1)(b), shortly after the transfer takes place. This would considerably expand the scope of the information currently available to victims. Only in cases where the release of this information could jeopardize the safety of any person or the security of the institution would it not be released.

In addition, when a planned, anticipated, or scheduled routine transfer would place the offender in a minimum security institution where the offender could have access to the community, the Government will explore procedures to provide notification 'in a timely manner, and wherever possible in advance', of the transfer. This approach would target transfers that could alarm victims who are afraid of the offender being in their area.

This expansion of available information would be particularly useful to victims of offenders serving longer sentences who may not have access to information from NPB decisions until a number of years after their sentence. The Government will initiate a dialogue with victims to determine how these new measures can be as responsive as possible to their needs.

### **RECOMMENDATION 38**

**The Sub-committee recommends that the *Corrections and Conditional Release Act* be amended to facilitate victim access, for consultation purposes at Correctional Service or Parole Board offices, to audiotape recordings of Parole Board hearings.**

#### **Response: Action to be taken**

The Board, in consultation with the Correctional Service, will develop processes to facilitate access by victims to hearing tapes in a way that will enhance their understanding of the decision-making process. Some restrictions may be necessary consistent with the concept that this initiative is to respond to victims who are not able to attend the hearing.

For example, that only the most recent hearing tape would be made available, tapes could only be listened to while the offender was under sentence, and that some tapes might not be accessible due to safety and security concerns. It should be noted that the quality and clarity of hearing tapes is often problematic, and steps will be taken to make improvements.

### **RECOMMENDATION 39**

**The Sub-committee recommends that the *Corrections and Conditional Release Act* be amended to allow victims, as defined in section 2 and section 99, to presumptively attend and personally read statements, at the beginning of Parole Board hearings, that set out the impact of the offence on them since the offender's conviction, or any concerns they have about the conditions of any release. Such victims should also be able to present their statements on audiotape or videotape.**

**Response: Action to be taken**

The Government will provide victims with the opportunity to read a victim impact statement during the initial phase of a conditional release hearing. Currently victims have a presumptive right to attend Board hearings. The *CCRA* states that the Board shall allow observers to attend hearings unless there are demonstrated security or privacy concerns, and it is very rare for an application to be denied. Additionally, the Board already accepts written, audiotaped and videotaped submissions for consideration in decision making.

This ensures the interests of victims are recognized and that the inquisitorial nature of Board hearings is preserved. The Board believes that this process will best serve the exchange of information and contribute to the risk assessment process.

An increase in the number of victims attending hearings when they are allowed to read a statement is anticipated. This initiative is complex. The Government will respect the needs of victims including assistance obtaining statements, providing information about the hearing process and their participation, and accompanying and briefing them before, during and after the hearing.

*\*\* Note: July, 2001 implementation (see Oral Presentation by Victims at National Parole Board hearings, page 6)*

## **RECOMMENDATION 40**

**The Sub-committee recommends that the Solicitor General of Canada, in conjunction with the Correctional Service of Canada and the National Parole Board, develop a comprehensive strategy to prevent any unwanted communications from offenders in federal correctional institutions, especially with victims.**

### **Response: Action to be taken**

Section 95 of the *Corrections and Conditional Release Regulations* now enables an institutional head to prevent an inmate from communicating with a person by mail or telephone, if the recipient submits in writing their desire not to receive any communication from the inmate.

Further to the above, CSC has operated an inmate telephone system, for the last three years, which limits the telephone numbers to whom an inmate may place a call. If CSC is alerted that a victim, or any member of the public, is receiving unwanted telephone calls, the number can be removed from the inmate's approved list. There are some limitations to the system in that 3-way calling cannot be prevented but if CSC is advised that this is occurring, steps will be taken to address the problem. Also, advances in technology may allow further refinements to be made to the system in the future. With respect to offenders on conditional release, the National Parole Board may impose a 'no contact' condition if it is warranted. Violation of such a condition may result in reincarceration.

The Ministry will enhance its communication efforts to victims to ensure that every effort is made to inform victims who are currently registered, as well as those registering for the first time, of their right to stop unwanted communication from offenders. One such initiative is the upcoming publication of A Handbook for Victims that will provide general information on the corrections and conditional release process as well as an explanation of victims' entitlements, including the right to prevent unwanted communication from offenders.

As well, the creation of the CSC/NPB Victims' unit proposed in response to recommendation 41 could serve as a venue to gather information and continue to improve on the action being taken based on advances in technology or other emerging initiatives.

## **RECOMMENDATION 41**

### **The Sub-committee recommends that:**

**(a) the *Corrections and Conditional Release Act* be amended by adding part IV to establish the victims' information and complaints office, to have jurisdiction over**

**victim-related activities of both the Correctional Service of Canada and the National Parole Board;**

**(b) this office be empowered to both provide information to victims as defined in the Act and to receive, investigate, and resolve individual and system-wide victim complaints; and**

**(c) the office be empowered to table its special and annual reports containing Correctional Service and Parole Board comments on its findings and recommendations, simultaneously with the Solicitor General of Canada and Parliament. The Act should provide for the referral for consideration of such special and annual reports to the appropriate standing committee of the House of Commons.**

**Response: Action to be taken**

The Government accepts the goals and purpose of the recommendation, but does not support the need for an independent body to provide victims' information and respond to complaints. The National Parole Board and the Correctional Service of Canada are accountable for delivery of legally mandated services. The Government believes victims will receive more comprehensive and timely information by enhancing and expanding services provided to victims and the resources for providing these services. The needs of victims will thus be addressed more effectively and efficiently.

The Government will examine an enhanced administrative structure that will respond to victims' needs for timely and accurate information within the strategy outlined in the preamble to this Chapter. It is proposed that a national CSC/NPB unit for victims be created:

- to provide initial information and to perform a broker or referral function, directing the inquiry to the appropriate NPB regional office or CSC operational unit;
- to receive complaints and rectify problems;
- to provide a 'victims' lens' at the national level for both NPB and CSC;
- to ensure the needs of victims, relative to the needs of offenders, are brought to the attention of other government departments;
- to develop information for dissemination to victims and the general public;
- to complement the work being done by the Department of Justice's Policy Centre for Victims Issues;
- to provide input into the development of training materials; and
- to provide reports annually to the Solicitor General.

NPB Regional and CSC institutional and community victim services officers would continue to be the primary sources of ongoing information about the status of the offender. They would also provide support to victims who choose to read a statement at NPB hearings, or access hearing tapes. This co-ordination of expanded functions would provide a seamless and comprehensive service to victims in contact with the Board or the Correctional Service.

These services for victims will take advantage of existing and emerging technologies to ensure a comprehensive service is available across the country

The Government supports the avenues of complaint currently available to victims through the Commissioner or Chairperson, the Minister, or Members of Parliament.

A detailed model to efficiently meet the needs of victims will be examined and consultations will be undertaken.