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COMMISSIONER'S DIRECTIVE 712-1

In Effect: 2015-06-18
Last Review: 2015-04-23
Due for Review: 2017-06-18

Pre-Release Decision-Making

PROGRAM ALIGNMENT	Correctional Interventions
OFFICE(S) OF PRIMARY INTEREST	Correctional Operations and Programs Sector
ONLINE @	<ul style="list-style-type: none"> • http://infonet/cds/cds/712-1-cd-eng.pdf • http://infonet/cds/cds/712-1-cd-fra.pdf • http://www.csc-scc.gc.ca/text/plcy/cdshtm/712-1-cd-eng.shtml • http://www.csc-scc.gc.ca/text/plcy/cdshtm/712-1-cd-fra.shtml
AUTHORITIES	<ul style="list-style-type: none"> • <i>Corrections and Conditional Release Act</i> (CCRA), sections 3, 3.1, 4, 15.1, 26, 27, 54, 81, 84, 93(2), 94(1), 102, 119, 120, 120.1, 120.2, 120.3, 121, 122, 123, 124, 127, 131, 133, 140 and 142 • <i>Corrections and Conditional Release Regulations</i> (CCRA) • <i>Criminal Code</i>, sections 748 and 748.1
PURPOSE	<ul style="list-style-type: none"> • To provide direction for pre-release decision-making
APPLICATION	Applies to staff involved in case preparation and pre-release decision-making
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RESPONSIBILITIES

1. The Assistant Deputy Commissioner, Correctional Operations, may, pursuant to [subsections 131\(4\)](#) and [133\(4.4\)](#) of the CCRA, consent in writing to an inmate's residency requirement in a penitentiary, including a Community Correctional Centre.
2. The Institutional Head/District Director will:
 - a. ensure that a process is in place for updating Correctional Plans
 - b. ensure policies and procedures for high profile offenders are followed pursuant to [CD 701 – Information Sharing](#)
 - c. ensure processes outlined in [CD 784 – Information Sharing Between Victims and the Correctional Service of Canada](#) are respected.
3. The Institutional Head will establish processes for the approval and recording of:
 - a. accompaniment of inmates to their release destination
 - b. early discretionary release ([subsection 93\(2\)](#) of the CCRA)
 - c. temporary accommodation ([subsection 94\(1\)](#) of the CCRA).
4. The Deputy Warden will establish a process for timely psychiatric assessments and referrals.
5. The Assistant Warden, Interventions, and the Area Director will establish notification processes for requesting and/or completing case management reports. These processes will be communicated to the Assistant Deputy Commissioner, Correctional Operations, to ensure regional consistency, while taking into account site specific considerations.

6. The Parole Officer will:
 - a. process inmate applications and legislated reviews for conditional release within the prescribed timeframes (see [Annex I](#))
 - b. ensure inmates are informed of their rights as set out in [section 84](#) of the CCRA and outlined in [GL 712-1-1 – CCRA Section 84: Application Process](#)
 - c. collaborate with their counterparts in the pre-release case preparation and recommendation process
 - d. ensure that all information relevant to decision-making is shared with the inmate pursuant to [CD 701 – Information Sharing](#)
 - e. in the absence of an Aboriginal Community Development Officer, work with the Aboriginal Liaison Officer and the community Parole Officer to develop [section 84](#) release plans
 - f. consider [victim information](#), as well as any victim statements provided pursuant to [subsection 133\(3.1\)](#) of the CCRA, for the purpose of case preparation for pre-release decision-making processes.

7. The Aboriginal Liaison Officer will:
 - a. support and promote the provision of [sections 81](#) and [84](#) of the CCRA from within the institution, as outlined in [GL 712-1-1 – CCRA Section 84: Application Process](#)
 - b. liaise with Aboriginal Community Development Officers in the development of release plans that are consistent with the offender's Correctional Plan
 - c. document and share Elder's comments and recommendations
 - d. liaise with the Parole Officer in the development of release plans consistent with the Aboriginal continuum of care and the offender's Correctional Plan.

8. The Aboriginal Community Development Officer will:
 - a. support and promote involvement of Aboriginal communities in release planning
 - b. liaise with the Aboriginal Liaison Officer in the development of release plans consistent with the Aboriginal continuum of care and the offender's Correctional Plan
 - c. liaise with the Parole Officer in the development of release plans that are consistent with the offender's Correctional Plan.

PROCEDURES

General Pre-Release Assessment Process

9. Case preparation will begin according to the timeframes identified in [Annex B](#).
10. The intake Parole Officer will initiate the pre-release assessment process in the following cases:
 - a. inmates serving three years or less who have applied for day parole during the intake process
 - b. inmates with a full parole eligibility date within six months of completion of intake.
11. The institutional Parole Officer will initiate the pre-release assessment process in the following cases:
 - a. inmates applying for day parole or approaching parole eligibility dates
 - b. inmates who have applied for an unescorted temporary absence or work release
 - c. inmates approaching statutory release
 - d. detained inmates approaching review, including offenders subject to a [long-term supervision order](#) approaching their warrant expiry date.
12. The Parole Officer will:
 - a. inform the inmate of his/her rights pertaining to the decision-making process
 - b. develop a release plan with the inmate focusing on the objectives of the Correctional Plan
 - c. consult the area parole office at the proposed destination to confirm resource availability, if required
 - d. ensure the Case Documentation Checklist is complete
 - e. request additional assessments and/or reports as required
 - f. review the Preventive Security file, and where applicable, consult the Security Intelligence Officer
 - g. ensure information pursuant to [section 26](#) of the CCRA is provided to the Victim Services Unit (refer to Annex D of [CD 784 – Information Sharing Between Victims and the Correctional Service of Canada](#))

- h. if there is a victim notification request flag, request [victim information](#) from the Victim Services Unit, including [victim statement](#) pursuant to [subsection 133\(3.1\)](#) of the CCRA
 - i. update the Correctional Plan in consultation with the inmate and request a Community Strategy, if required.
- 13. If a Community Strategy (or Community Assessment as applicable) is required, the institutional Parole Officer will:
 - a. notify the area parole office when the Community Strategy or the Community Assessment has been requested
 - b. in the case of dual destinations, direct the Community Strategy to the area parole office responsible for supervising the longer release period that the Parole Officer is supporting and request a Community Assessment from the other destination.
- 14. In cases where the inmate's reintegration potential is rated as low and the Case Management Team is not supporting the release, a Community Strategy is not required unless the inmate is:
 - a. pursuing a release under the provisions of [section 84](#) of the CCRA
 - b. being released on statutory release, or
 - c. being released at warrant expiry and is subject to a [long-term supervision order](#).
- 15. Depending on the length of time an inmate has been in an institution other than his/her parent institution, or in provincial custody due to court orders, the respective Institutional Heads and/or District Director will determine the responsibility for case preparation.

Community Strategy

- 16. The Community Strategy (see [Annex H](#)) will be completed within 30 days of the request. Exceptions require documented approval from the Parole Officer Supervisor and will be limited to those cases where information from another location is required.
- 17. When day parole or statutory release with residency cannot be accommodated due to unforeseen reasons at the community-based residential facility in the destination area, the receiving office will redirect the request within seven days following consultation with the requesting facility. If the Community Strategy is not redirected, the parole office will request a Community Assessment from the alternate destination.
- 18. The Community Assessment will be completed as soon as possible so as not to delay the completion of the Community Strategy and the Assessment for Decision.

19. The results of the Community Assessment will be incorporated into the Community Strategy and the Assessment for Decision by the initial receiving parole office.
20. For statutory release reviews, the Community Strategy will address any need for early discretionary release and, if applicable, [section 84](#) of the CCRA.
21. The community Parole Officer will consult with the institutional Parole Officer and the inmate when required, prior to finalizing the Community Strategy.
22. During the development of the Community Strategy for Aboriginal offenders, when appropriate, the Parole Officer will consult with the Aboriginal Community Liaison Officer, in locations where one is in place.
23. The community Parole Officer is responsible for the recommendation of [special conditions](#) to the Parole Board of Canada (PBC).
24. Where the community Parole Officer is responsible for completing the Community Strategy, he/she will consider [victim information](#), as well as any [victim statements](#) provided pursuant to [subsection 133 \(3.1\)](#) of the CCRA, and will recommend the imposition of any condition that is reasonable and necessary to protect the victim. When such a statement has been provided, the Parole Officer will provide a clear rationale on the reasons to recommend such a condition or not (refer to [Annex H – Community Strategy Guide](#)).
25. The community Parole Officer will notify the institution once the Community Strategy is complete.

Assessment for Decision

26. The community Parole Officer will complete a combined Community Strategy/Assessment for Decision report in the following cases:
 - a. inmates serving three years or less who have applied for day parole during the intake process
 - b. inmates who reach full parole eligibility within six months of completion of the intake assessment process
 - c. inmates being released on statutory release or who will be subject to a [long-term supervision order](#) where special conditions are recommended.
27. The institutional Parole Officer will complete the Assessment for Decision for all other cases pursuant to [Annex E](#), within 30 days of completion of the Community Strategy (or shorter time frame as may be required by law or policy).

28. Only one Assessment for Decision will normally be completed in cases where a statutory release coincides with a day and/or full parole review. In such cases, the community Parole Officer will complete the Assessment for Decision within nine months of the application.
29. When a condition to reside in a Community Correctional Centre on statutory release is recommended or imposed, the Parole Officer will request approval from the Assistant Deputy Commissioner, Correctional Operations, using the form [Regional Consent – Statutory Release with Residency](#) (CSC/SCC 1218) (see [subsection 131\(4\)](#) of the CCRA). This is not required when recommending residency for offenders subject to a [long-term supervision order](#).
30. Upon receipt of new information which would change the recommendation, the original completing operational unit will complete a new Assessment for Decision.
31. If the new information does not change the recommendation, the Parole Officer receiving the information will complete an addendum to the Assessment for Decision, following consultation with their counterpart.

Changes to PBC Approved Release Plan

32. If there is a significant change to a release plan approved by the PBC prior to release, the original completing operational unit will submit an Assessment for Decision, recommending “Change Conditions”.

Urinalysis Prior to Release on Parole

33. If an offender has been granted parole by the PBC but has not yet been released, and the offender provides a positive urinalysis test result, or refuses or fails to provide a urine sample when demanded pursuant to [section 54](#) of the CCRA, the institutional Parole Officer will immediately inform the PBC and submit an Assessment for Decision recommending either “Cancellation” of parole or “No Action”.

Psychological Risk Assessment – Mandatory Referral Criteria for Inmates

34. A psychological risk assessment is mandatory (if one has not already been completed) for inmates who meet any of the following criteria:
 - a. [persistent violence](#)
 - b. [gratuitous violence](#)
 - c. referrals for detention
 - d. conditional release reviews for inmates with indeterminate or life sentences, or

- e. sex offenders identified in the Specialized Sex Offender Assessment as:
 - i. high risk offenders, or
 - ii. moderate risk offenders who remain untreated or have dropped out of the program.
35. If an inmate meets the criteria for Specialized Sex Offender Assessment, and one was not completed, the inmate must be assessed prior to a referral to the PBC for consideration of conditional release.

Psychological Risk Assessment – Discretionary Referral Criteria

36. Referrals for a psychological risk assessment will be made only when existing treatment summaries are not sufficient to assess the progress in relation to the inmate's Correctional Plan and in the following cases:
- a. mental disorder
 - b. suicide risk/self injury, where the assessment will assist in clarifying the risk posed by the inmate, or
 - c. high need.
37. A pre-release psychological risk assessment is considered to be current for a period of two years.

Psychiatric Assessments

38. A psychiatric assessment will be requested when:
- a. psychiatric treatment intervention impacts on the risk presented by the inmate
 - b. an inmate serving a life or indeterminate sentence first applies for any type of conditional release other than a medical or compassionate escorted temporary absence, or
 - c. it is recommended by a Psychologist.

CCRA Section 84 Pre-Release Process

39. When an inmate expresses an interest in pursuing a release pursuant to [section 84](#) of the CCRA, the institutional Parole Officer will work with the Elder, Aboriginal Liaison Officer, Aboriginal Community Development Officer and the community Parole Officer and complete the required tasks outlined in [GL 712-1-1 – CCRA Section 84: Application Process](#).

40. In consultation with the Aboriginal Community Development Officer, the Aboriginal Liaison Officer will assist the inmate in preparing a letter to the Aboriginal community to which he/she intends to be released ([Annex C](#)).
41. The Aboriginal Liaison Officer will forward a copy of the inmate's letter and signed [Consent for Disclosure of Personal Information – \(Inmate\)](#) (CSC/SCC 0487) to the Area Director of the release destination.
42. The Aboriginal Community Development Officer will notify the Aboriginal community of the provisions of [section 84 \(Annex D\)](#).
43. The Aboriginal Community Development Officer will meet with the community representatives and will:
 - a. share relevant inmate-related information
 - b. consult with them in the development of the release plan
 - c. document the release plan in a Community Assessment.
44. The institutional Parole Officer will include the release plan in the Correctional Plan and request a Community Strategy.
45. The community Parole Officer will integrate the proposed release plan into the Community Strategy.
46. The Parole Officer completing the Assessment for Decision will consult with the Elder, the Aboriginal Liaison Officer and/or the Aboriginal Community Development Officer.

Automatic Parole Reviews

47. The timeframes for day and full parole reviews by the PBC are set out in [sections 122](#) and [123](#) of the CCRA.
48. For offenders convicted of an “[offence involving violence](#)” (refer to CCRA definition in [Annex A](#)), automatic parole reviews by PBC will occur in accordance with [subsections 123\(5.1\)](#) and [123\(5.2\)](#) of the CCRA.

Parole Applications

49. Inmates may apply for parole following a negative PBC decision:
 - a. one year following the decision

- b. any earlier time as prescribed by the [Regulations](#), or
- c. any earlier time determined by the PBC (for example, when CSC is supporting a release or as otherwise provided by PBC policy or direction by the PBC).

Postponement/Withdrawal/Waivers

50. Inmates may postpone, withdraw and/or waive their right to a review and/or hearing as outlined in [CD 712-3 – Parole Board of Canada Reviews](#).

Parole by Exception

51. The institutional Parole Officer will consider all release options for inmates who meet the criteria identified in [section 121](#) of the CCRA.
52. Inmates serving a life sentence imposed as a minimum punishment or an indeterminate sentence are not eligible for parole by exception unless they are terminally ill. Those inmates seeking exceptional release for other reasons can make a request for a record suspension under the *Criminal Code* or the exercise of the Royal Prerogative of Mercy.
53. The inmate will submit an application for parole by exception unless:
- a. the inmate is mentally or physically incapable of doing so
 - b. release is being proposed without the inmate's consent, e.g. extradition, or
 - c. urgent circumstances require flexibility.
54. When the parole by exception is proposed for health-related reasons, the institutional Parole Officer will initiate the pre-release process. The Assessment for Decision will be completed pursuant to [Annex E](#). The rationale for release must be clearly supported by medical/psychiatric evidence.
55. If the PBC determines the criteria of [section 121](#) of the CCRA are not met, the review will be discontinued.
56. If the PBC agrees to review the case under section 121 of the CCRA, the PBC will proceed with a consideration of granting day or full parole.

Deportation and Removal Orders

57. Deportable inmates, who are incarcerated in Canada, remain eligible for conditional release. In addition to regular case preparation, the institutional Parole Officer will consult with immigration

authorities to determine the status of any removal and/or detention orders and to exchange risk-related information.

58. If an inmate has been ordered removed, the unescorted temporary absence and day parole eligibility dates become the same as the full parole eligibility date pursuant to [subsection 128\(4\)](#) of the CCRA. This does not apply to offenders serving a life sentence without eligibility for parole for a specified number of years that is imposed as a minimum punishment. In these cases, eligibility for day parole and unescorted temporary absence is still determined by [section 746.1](#) of the *Criminal Code* subject to [subsections 119\(1.1\)](#) and [119\(1.2\)](#) and [paragraph 115\(1\)\(a.1\)](#) of the CCRA.
59. If, prior to an inmate's release on day parole, a removal order alters the day parole eligibility date, the Parole Officer will submit a new recommendation to the PBC.

Accompaniment of Inmates

60. The institutional Parole Officer will assess the need to have the inmate accompanied to his/her destination. For destinations involving multiple transition points (e.g., airports, bus stations), the assessment will include the need to have the inmate accompanied to these interim destination points and/or through to the final destination, and if applicable, consultation with the responsible community parole office. If appropriate and agreed to by the inmate, the recommendation regarding accompaniment will be documented within the release plan. Inmates who may benefit include those on statutory release, those subject to a [long-term supervision order](#), or any inmates where an accompaniment would assist in the inmate's safe transition to the community. For inmates with mental or physical health needs, consultation with Health Care Services professionals will occur to assess the need for clinical accompaniments.
61. The Institutional Head or delegate will review the recommendation and make the final decision regarding accompaniment.

Early Discretionary Release Prior to the Statutory Release Date or Warrant Expiry Date

62. In accordance with [subsection 93\(2\)](#) of the CCRA, when an inmate's return to the community on statutory release or warrant expiry date will be facilitated by an earlier release, the Institutional Head will consider authorizing an earlier release of up to five days.
63. As part of statutory release planning, the institutional Parole Officer will discuss early discretionary release (EDR) with the inmate, particularly if the scheduled release date falls on a Friday or the day before a statutory holiday. The application for EDR will normally be submitted at this time. The Correctional Plan Update for release will include a review of factors for EDR pursuant to [Annex G](#).
64. Prior to an inmate's scheduled release at warrant expiry, the Parole Officer will discuss EDR with the inmate. If the inmate applies for EDR the institutional Parole Officer will consult with the community Parole Officer at the release destination prior to completing an Assessment for Decision ([Annex G](#)).

65. The decision regarding EDR will normally be made at least 15 days prior to the requested early release date.
66. If an EDR was not approved and new information comes to light warranting a reassessment, the Parole Officer will re-initiate the EDR process.
67. If an EDR cannot be completed due to unforeseen reasons, the Parole Officer will cancel the request and proceed with a new Assessment for Decision pursuant to [Annex E](#) or [Annex G](#), whichever applies.
68. The Chief, Sentence Management, will be advised if an EDR is authorized or cancelled.

Temporary Accommodation in Penitentiary

69. Inmates may submit a request for temporary accommodation in writing to the Institutional Head.
70. The assigned Parole Officer will complete an Assessment for Decision to address the inmate's application for temporary accommodation pursuant to [Annex F](#).
71. The Parole Officer will advise Sentence Management of the decision to grant temporary accommodation. If an inmate subsequently requests to be released, Sentence Management will be informed immediately and the inmate will be released at the earliest opportunity, following normal release procedures pursuant to [CD 712-4 – Release Process](#).
72. Offenders who remain in or return to a penitentiary under the temporary accommodation provisions retain their parole or statutory release status even though they are deemed to be inmates under the CCRA.

High Profile Offenders

73. If a review involves an offender with a high profile flag, the procedures regarding high profile offenders will be followed pursuant to [CD 701 – Information Sharing](#).

ENQUIRIES

74. Strategic Policy Division
National Headquarters
Email: Gen-NHQPolicy-Politi@csc-scc.gc.ca

Commissioner,

Original Signed by:
Don Head

ANNEX A

CROSS-REFERENCES AND DEFINITIONS

CROSS-REFERENCES

[CD 001 – Mission of the Correctional Service of Canada](#)

[CD 700 – Correctional Interventions](#)

[CD 701 – Information Sharing](#)

[CD 702 – Aboriginal Offenders](#)

[CD 704 – International Transfers](#)

[CD 705-5 – Supplementary Intake Assessments](#)

[CD 710 – Institutional Supervision Framework](#)

[CD 710-1 – Progress Against the Correctional Plan](#)

[CD 712 – Case Preparation and Pre-Release Framework](#)

[GL 712-1-1 – CCRA Section 84: Application Process](#)

[CD 712-3 – Parole Board of Canada Reviews](#)

[CD 712-4 – Release Process](#)

[CD 726 – Correctional Programs](#)

[CD 784 – Information Sharing Between Victims and the Correctional Service of Canada](#)

[CD 800 – Health Services](#)

[CSC Palliative Care Guidelines](#)

[International Transfer of Offenders Act](#)

[Decision-Making Policy Manual for Board Members](#)

DEFINITIONS

Aboriginal social history: the various circumstances that have affected the lives of most Aboriginal people. Considering these circumstances may result in alternate options or solutions and applies only to Aboriginal offenders (not to non-Aboriginal offenders who choose to follow the Aboriginal way of life). These circumstances include the following (note that this is not an exhaustive list):

- effects of the residential school system
- sixties scoop into the adoption system
- effects of the dislocation and dispossession of Inuit people
- family or community history of suicide
- family or community history of substance abuse
- family or community history of victimization
- family or community fragmentation
- level or lack of formal education
- level of connectivity with family/community
- experience in the child welfare system

- experience with poverty
- loss of or struggle with cultural/spiritual identity.

Dangerous Offender: an offender who is subject to a designation by the court under [section 753](#) of the *Criminal Code*.

Gratuitous violence: excessive violence beyond that which is “required” to meet an end, or evidence of sadistic behaviour, torture.

Long-term supervision order: an order imposed by the court as a sentencing option to an offender designated as a Dangerous Offender pursuant to [section 753](#) of the *Criminal Code* or as a Long-Term Offender pursuant to [section 753.1](#) of the *Criminal Code*. The offender who has received such an order is supervised in accordance with the CCRA. The long-term supervision order commences when the offender has finished serving all sentences for offences for which he/she had been convicted. The period of supervision to which the offender is subject at any time must not total more than 10 years.

Offence involving violence: as defined in [subsection 123\(8\)](#) of the CCRA, this means murder or any offence set out in Schedule I.

PBC Review: a file review or a hearing.

Persistent violence: three or more Schedule 1 offences where each conviction leads to a sentence of at least six months duration and where the offences occurred on different days.

Postponement: a written request from an offender to delay his/her PBC review.

Special condition: a condition imposed by the decision-maker to manage risk and enhance public safety when an offender is under a conditional release or is subject to a long-term supervision order.

Victim Information: victim-related information, provided either in writing or verbally, for consideration as part of the overall case management process. This would include information provided by the victim and/or other sources. This also includes the court Victim Impact Statement, when available.

Victim Statement: a written statement provided by the victim, pursuant to [subsection 133\(3.1\)](#) of the CCRA, describing the harm done or loss suffered as a result of the commission of an offence or the continuing impact of the commission of the offence on the victim – including any safety concerns – or commenting on the possible release of the offender, including any requests for non-association and/or geographic restriction conditions. The statement will be considered in the pre-release decision-making process for consideration to impose conditions to protect the victim.

Waiver: a written statement by an offender forfeiting his/her legal right to a specific PBC review.

Withdrawal: a written request by an offender who no longer wishes to have their application for a temporary absence, a day parole or a full parole reviewed by the Parole Board of Canada.

ANNEX B

TIMEFRAMES FOR CASE PREPARATION

Type of Review	BF – Start of case preparation prior to eligibility or review date	CPU/CP completed and sent to PBC; Request a CS	CS completed; Start Assessment for Decision (AfD); or CS/AfD completed & sent to PBC	AfD completed and sent to PBC	Primary Information Sharing Checklist (CSC/SCC 1199) and/or Information Sharing Checklist Update (CSC/SCC 1197) and Procedural Safeguard Declaration (CSC/SCC 1198) finalized and sent to PBC
Inmates serving three years or less who have applied for day parole or are eligible for full parole within six months of the completion of the intake process	Six months or earlier	Five months	Four months	Three months	No later than 28 days prior to the first day of the hearings scheduled at the institution
Responsibility	Intake Parole Officer	Intake Parole Officer	Community Parole Officer	Community Parole Officer	Intake Parole Officer or institutional Parole Officer
Regular day parole or full parole (including provincial cases in federal custody under an ESA agreement)	Five months	Four months	Three months	Two months	No later than 28 days prior to the first day of the hearings scheduled at the institution
Responsibility	Institutional Parole Officer	Institutional Parole Officer	Community Parole Officer	Institutional Parole Officer	Institutional Parole Officer
Statutory release or long-term supervision order approaching warrant expiry date	Earlier than six months	Six months	Five months	Four months	60 days prior to a scheduled hearing. Must include form CSC/SCC 1218 signed by Regional Deputy Commissioner or Assistant Deputy Commissioner
Responsibility	Institutional Parole Officer	Institutional Parole Officer	Community Parole Officer	Community Parole Officer	Institutional Parole Officer

ANNEX C**SAMPLE LETTER FROM INMATE TO INITIATE SECTION 84 OF THE CCRA**

[Inmate's name] [Address] [City] [Postal Code]
[Date]

[Name of Aboriginal community]
Attention: [Agency or community contact]
[Address]
[City]
[Postal Code]

Re: Section 84 of the Corrections and Conditional Release Act (CCRA)

Dear [Agency or community contact]:

I am writing to you in regard to [section 84](#) of the CCRA which states:

84. If an inmate expresses an interest in being released into an aboriginal community, the Service shall, with the inmate's consent, give the aboriginal community

- a) adequate notice of the inmate's parole review or their statutory release date, as the case may be, and*
- b) an opportunity to propose a plan for the inmate's release, and integration into, that community.*

[Section 84](#) of the CCRA allows for Aboriginal communities to participate in the release planning and reintegration of their members before and after they are released.

Upon my release, I am planning to be released to [name of community] and am seeking your assistance with my release and reintegration plans. I would appreciate it if you could support me by approving a representative from the community to assist me with this process.

I am committed to re-establishing myself in the community. I would like to provide you with further details about myself, my plans and ways in which you can facilitate this process. Please respond to this request in writing at the above address.

I look forward to your reply.

[Salutation]

signature

[Inmate's name]

c.c. Institutional Parole Officer/Primary Worker
Area Director, Parole
File

ANNEX D**SAMPLE LETTER FROM ABORIGINAL COMMUNITY DEVELOPMENT OFFICER
TO INFORM COMMUNITY OF SECTION 84 OF THE CCRA PROCESS**

Dear Sir/Madam:

I am writing to provide you some information about the provision of [section 84](#) of the *Corrections and Conditional Release Act*.

You should by now have received a letter from xxx who is an inmate at xxx Institution. (A copy of [inmate name] letter is attached for your convenience.) Mr. [inmate's name] has been sentenced to a period of incarceration in a federal institution.

Day and/or Full Parole

He/she will be eligible to make application to the Parole Board of Canada for day parole on xx, and to make application for full parole on xx.

Statutory Release

He/she will be eligible for statutory release on XX.

In order to be safely released into the community the Parole Board will consider a number of factors. An important factor is the work Mr. Xx has done while in the institution to address the factors leading up to his/her criminal behaviour in order to reduce the risk of re-offending. Another is the community environment to which he/she will be released, and the programs, services and support that will be available to him/her.

[Section 84](#) of the *Corrections and Conditional Release Act* makes special provision for inmates applying to be released to an Aboriginal community. It says that, where an inmate is applying for release or eligible for statutory release to an Aboriginal community, and he/she consents, CSC must inform the Aboriginal community of this application and provide the community with an opportunity to propose a plan for his/her release into the community. I have attached a brochure that provides more detailed information on [section 84](#) as well as a series of questions and answers to help you understand how it works.

[Section 84](#) does not obligate the community to prepare a plan; however, we believe that good community involvement and support for an inmate are important to success upon release. I encourage you to work with Mr. XX and myself in preparing such a plan. To give you an idea of what such a plan might involve, I have attached a copy of a guide designed to assist communities in this process.

Please feel free to contact me if you have any questions. I can be reached at xx.

Yours sincerely,

[Aboriginal Community Development Officer Name]

**Attachments: Questions and Answers on Section 84 of the CCRA
Guide to Preparing a Release Plan under Section 84 of the CCRA**

ANNEX E

ASSESSMENT FOR DECISION REPORT GUIDE – OVERALL ASSESSMENT (FOR PAROLE/STATUTORY RELEASE/LONG-TERM SUPERVISION ORDER)

PREAMBLE

The **Overall Assessment** must provide the decision-maker with an assessment that supports a recommendation concerning release and/or special conditions. The assessment is based upon information and analysis derived from other key case management documents but, in particular, the Criminal Profile, Correctional Plan or Correctional Plan Update and the Community Strategy. Using this information, the assessment must consider the relationship among the various factors as well as their relative weight in formulating and justifying a recommendation.

The assessment must contain information that is up to date, relevant, accurate and complete. It must be balanced, containing both positive and negative aspects of the case. The assessment must reconcile the discordant information while providing a recommendation with a clear rationale and justification based upon the Risk Assessment Framework.

Conceptually, there are two sets of related questions that the assessment must address for the decision-maker:

Has the offender's Correctional Plan been successfully implemented and has it been effective?

In other words, what changes in the offender's attitudes and/or behaviour have occurred since the beginning of the sentence and what effect have these changes had on the offender's risk level? Has the offender been motivated to change and has he/she been engaged in the correctional planning process? How does the offender demonstrate his/her understanding of his/her crime cycle? In the case of an Aboriginal offender who has been engaged in Pathways or cultural interventions, what changes are observable?

Is the proposed release plan and supervision strategy adequate to address the offender's outstanding risk, support his/her reintegration and ensure a safe release?

In other words, how will the available programs and/or interventions mitigate risk? If there is a Healing Plan on file, how has the offender been engaged in the plan? What other positive community supports (including family, friends, Aboriginal community, employers, volunteers, agencies) are available? Are there negative aspects to consider in the release environment? Can the specific areas of risk be effectively managed by the Parole Officer and others in the Case Management Team? How can the offender's behaviour and special conditions be effectively monitored? How do victim concerns impact the release plan?

ASSESSMENT FOR DECISION REPORT HEADINGS

State the purpose for the assessment and identify any relevant documentation that must be read in conjunction with it, including the Criminal Profile Report, the most recent Correctional Plan Update and, if available, the most recent Community Strategy.

The following areas must be evaluated as well as their relative weight in formulating and justifying a recommendation. Explain how each of these relevant factors aggravates risk, mitigates risk or has no impact on risk and discuss the cumulative impact of these factors against the actuarial scores/results.

The [Pre/Post-Release Assessment for Decision Tool](#) should be consulted for a comprehensive listing of the factors that are relevant when completing the Overall Assessment.

Criminal History and Conditional Release History

Assess the relevant aspects of the criminal history and conditional release history.

If the offender is Aboriginal, explain how his/her Aboriginal social history has impacted his/her criminal history and how the historical treatment of Aboriginal people has affected the offender's community, the family and the offender. Assess the Aboriginal social history – including effects of the residential school system – to determine what culturally appropriate/restorative measures are available and/or will be put in place in the community to assist the offender.

Institutional/Community Behaviour

Assess the offender's overall behaviour in the institutional or community setting.

If the offender is Aboriginal and following a traditional path, how is the offender working with the Elder? Engaging in ceremony? How has the offender responded positively to the direction of the Elder? Of the Aboriginal Liaison Officer?

Correctional Plan Progress and Offender Engagement

Assess the degree of impact of the programs and other interventions that have been provided on each of the targeted dynamic risk factors. The key consideration is whether there has been a reduction in risk.

For Aboriginal offenders following a traditional path, how did programs and interventions take account of the offender's culture and background, including Elder involvement and interest in [section 81](#) or [84](#) options?

Release Plan and Supervision Strategy

If combined Community Strategy/Assessment for Decision, incorporate the Community Strategy.

Assess the offender's release plan, highlighting strengths and weaknesses as well as the proposed supervision strategy.

For Aboriginal offenders who are interested in following a traditional path, what culturally appropriate programming is available, including involvement of Elders, Aboriginal Community Liaison Officers, home community or different Aboriginal community ([sections 81](#) and [84](#) of the CCRA)? What are the appropriate resources available in the community? If, for any reason, their home community is not considered suitable, how would a different Aboriginal community provide a higher level of support?

Assess [victim information](#) and indicate how the release plan will mitigate any identified risk. Pursuant to [subsection 133\(3.2\)](#) of the CCRA, if a [victim statement](#) has been provided pursuant to [subsection 133\(3.1\)](#) of the CCRA, consider whether any conditions are reasonable and necessary to protect the victim; the reasons to recommend a condition or not must be documented. If such a statement has not been provided, nothing precludes the author from recommending any conditions pursuant to [subsection 133\(3\)](#) of the CCRA.

If a case is made for a residency condition for an offender on statutory release, particular care must be taken to ensure that the legislated criteria are met. It is not enough to state that residency will be beneficial; the Parole Officer must be able to demonstrate that, in the absence of a residency condition, the offender will present an undue risk to society. This requires both establishing how the residency condition will ensure that there is not an undue risk and demonstrating that other possible supervision strategies are insufficient to manage risk.

If a case is made for a residency condition for an offender subject to a [long-term supervision order](#) the Parole Officer must demonstrate that the condition is both reasonable and necessary in order to protect society and to facilitate the successful reintegration into society of the offender. Residency conditions for an offender subject to a [long-term supervision order](#) may only be imposed for a maximum of 180 days.

Recommendation(s)

ANNEX F

ASSESSMENT FOR DECISION FOR TEMPORARY ACCOMMODATION – REPORT OUTLINE

INTRODUCTORY STATEMENT/CASE STATUS

Provide a brief statement of the purpose of the report.

RISK ASSESSMENT

a. Risk Factors

Briefly analyze the inmate's risk factors, specific to the offence cycle as outlined in the Correctional Plan. Incorporate actuarial assessments (e.g. SIR-R1) and reintegration potential.

b. Plan for Temporary Accommodation

Inmate's reason for request (per inmate's written application and interview), proposed duration of temporary accommodation.

OVERALL ASSESSMENT

Provide an overall assessment incorporating the following elements, as applicable and appropriate:

- i. nature and gravity of the offence and the degree of responsibility of the offender
- ii. victim concerns (if applicable)
- iii. consultation with Security Intelligence Officer, where applicable (e.g., incompatibles and affiliations) (if there are no concerns, a statement should be made to that effect)
- iv. recent professional opinions regarding temporary accommodation such as health care, mental health, psychological information, police comments and/or previous CSC decisions (if applicable)
- v. previous PBC decision (nature and purpose, all relevant comments, specific reference to relevant issues noted in the decision, including demonstrating how concerns/issues previously raised have/have not been addressed)
- vi. inmate engagement
- vii. consider elements of Aboriginal social history (if applicable)
- viii. confirm security classification
- ix. assess how temporary accommodation will assist in the protection of society and the inmate meeting the objectives of his/her Correctional Plan.

DISSENTING OPINION

RECOMMENDATION

ANNEX G**ASSESSMENT FOR DECISION FOR EARLY DISCRETIONARY RELEASE
PRIOR TO STATUTORY RELEASE DATE OR WARRANT EXPIRY DATE – REPORT OUTLINE****INTRODUCTORY STATEMENT/CASE STATUS**

Provide a brief statement of the purpose of the report.

RISK ASSESSMENT**a. Risk Factors**

Briefly analyze the inmate's risk factors, specific to the offence cycle as outlined in the Correctional Plan. Incorporate actuarial assessments (e.g. SIR-R1) and reintegration potential.

b. Factors to Be Considered and Plan for Early Discretionary Release

Incorporate the following as applicable:

- √ purpose and objectives to be achieved
- √ level of needs and community functioning
- √ mental health issues
- √ programming needs and access to community resources
- √ family support with respect to early discretionary release
- √ comments from Community Strategy, if applicable, including the area parole office's support/lack of support for early discretionary release
- √ destination and accommodation
- √ mode of transportation, travel time, expected arrival time
- √ reporting requirements/instructions upon arrival at destination
- √ rationale and recommendation for accompaniment to release destination, if deemed necessary.

OVERALL ASSESSMENT

Provide an overall assessment incorporating the following elements, as applicable and appropriate:

- i. nature and gravity of the offence and the degree of responsibility of the offender
- ii. victim concerns (if applicable)
- iii. consultation with Security Intelligence Officer, where applicable (e.g., incompatibles and affiliations) (if there are no concerns, a statement should be made to that effect)

- iv. recent professional opinions regarding early discretionary release such as health care, mental health psychological information, police comments and/or previous CSC decisions (if applicable)
- v. previous PBC decision (nature and purpose, all relevant comments, specific reference to relevant issues noted in the decision, including demonstrating how concerns/issues previously raised have/have not been addressed)
- vi. inmate engagement
- vii. consider elements of Aboriginal social history (if applicable)
- viii. assess how an early discretionary release will assist in the protection of society.

DISSENTING OPINION**RECOMMENDATION**

ANNEX H

COMMUNITY STRATEGY GUIDE

The purpose of the Community Strategy is to assess the offender's release plan and to propose a supervision strategy that will manage the offender's risk. It is closely linked to the Correctional Plan since it outlines the goals and expectations for the offender in the event of a community release.

Release Plan

Indicate the various contacts, their relationship to the offender, and the nature of the potential support. Confirm that contacts have been informed that information they provide will be shared with the inmate. However, if the identity of the contact requires protection, this information will be documented in a Protected Information Report. In such a case, the contact will be informed that a "gist" of the information will be shared with the inmate if the information is used in decision-making.

Confirm the accommodation plan and comment on its suitability. If the proposed accommodation is at a community-based residential facility, provide the results of the screening review as well as any recommendations from the facility. Provide information from any other community support, including prospective employers, spouse, family, friends, partners, agencies and volunteers. In the case of an Aboriginal offender, provide any information with respect to supports outlined in a [section 84](#) agreement made with either a home community or alternate Aboriginal community.

Where applicable, consult the Community Security Intelligence Officer and the local police forces. Provide any police comments (if applicable). Determine and/or confirm whether there are victim concerns in the release destination.

For Aboriginal offenders who do not have a [section 84](#) release plan, document the results of a consultation with the Aboriginal Liaison Officer (in locations where there is an Aboriginal Liaison Officer).

Supervision Strategy

Explain and justify the proposed supervision strategy, indicating a plan for mitigating each risk factor. Make reference to programs and other interventions, indicating how these will allow the risk to be managed.

Comment on the appropriateness of the employment or education plan, if one exists, and whether it will support reintegration.

If special conditions are required, provide a justification for each one, indicating why it is necessary and how it is linked to the risk of reoffending and will serve to mitigate the risk. Indicate the circumstances under which the condition could be removed and how long the condition may be required.

Assess [victim information](#) and indicate how the release plan will mitigate any identified risk. Pursuant to [subsection 133\(3.2\)](#) of the CCRA, if a [victim statement](#) has been provided pursuant to [subsection 133\(3.1\)](#) of the CCRA, consider whether any conditions are reasonable and necessary to protect the victim; the reasons to recommend a condition or not must be documented. If such a statement has not been provided, nothing precludes the author from recommending any conditions pursuant to [subsection 133\(3\)](#) of the CCRA.

Outline the techniques and strategies for monitoring the offender's behaviour, including the frequency of contact with the offender. Indicate which collateral contacts will be needed to assist in monitoring the offender's behaviour as well as extent of contact required.

Specify the kind of evidence that would indicate an escalation in risk and the strategy to mitigate that risk.

For Aboriginal offenders, include culturally appropriate/restorative interventions appropriate to their Aboriginal social history.

Overall Assessment

Based on the information provided above, provide an overall assessment about whether release is warranted.

ANNEX I**PAROLE ELIGIBILITY DATES****ELIGIBILITY DATES**

1. Day parole eligibility dates are normally:
 - a. the greater of six months before full parole eligibility date (FPED) or six months from the date of sentence
 - b. life minimum: normally three years before FPED*
 - c. life maximum: six months before FPED
 - d. indeterminate: three years prior to FPED (which is normally seven years).
2. Full parole eligibility dates are normally:
 - a. 1/3 of sentence
 - b. judge ordered ½ of sentence
 - c. life minimum: first degree murder – 25 years*, second degree murder – 10 to 25 years*

(Note: As of December 2011, when individuals are convicted of more than one first or second-degree murder, a judge can impose consecutive parole ineligibility periods pursuant to [subsection 745.51\(1\)](#) of the *Criminal Code*.)
 - d. life maximum: seven years
 - e. indeterminate: seven years (as of August 1997)
 - f. eligibility for judicial review (if applicable): 15 years (except multiple murders).

* These are different if the inmate was under 18 years of age at the time of the offence. Differences also exist depending on when the inmate was sentenced.