

The inmate then is allowed to serve the remainder of his sentence in society, but under supervision, subject to certain restrictions and conditions. The Board is not a reviewing authority and is not concerned with the propriety of the conviction or the length of the sentence; this is the function of the court. Nor is parole granted for clemency or mercy.

The National Parole Board is composed of a chairman and eight other members. It has jurisdiction for parole over any adult inmate of any prison in Canada who was convicted of an offence against an Act of the Parliament of Canada and has authority to revoke or suspend any order made under the criminal code prohibiting any person from operating a motor vehicle. It has no jurisdiction over a child under the Juvenile Delinquents Act, or an inmate serving a sentence for a breach of a provincial statute, such as a liquor control Act.

Through the Parole Act, the National Parole Board is involved in the pardon granting process under the Royal Prerogative of Mercy, when asked to do so by the Solicitor General of Canada. This concerns free pardons, ordinary pardons, and remissions of fines, forfeitures, or penalties. Under the Criminal Records Act (RSC 1970, c.12, 1st Supp.) the Board also has specific responsibilities for investigations and recommendations concerning pardons of people who were convicted and subsequently rehabilitated. Under that Act a pardon may be granted two years after the end of a sentence for a summary offence or five years after a sentence for an indictable offence.

A person is sent to a federal institution if his sentence of imprisonment is two years or more, or to a provincial institution if his sentence is less than two years. All inmates can become eligible to apply for parole and need not obtain the services of a lawyer to do so. The date of parole review, to grant or refuse parole, for an inmate in a federal penitentiary is set within six months of his entry into the institution. If the sentence is under two years, the inmate is eligible for parole after one third of the sentence is served; if the sentence is two years or more, the inmate is eligible after one third of the sentence is served or after four years, whichever is less, although he must serve at least nine months of his sentence. The Board has the authority to grant an earlier release in exceptional circumstances where the case is deserving and where the best interests of the community and the inmate will be served. Where the sentence is for life, eligibility comes after seven years. If the inmate is serving a life sentence where the death sentence has been commuted, or a life sentence as a minimum punishment, parole cannot be granted until ten years of the sentence have been served; in both cases consent for parole must be given by the Governor in Council.

Unless an inmate advises the Board in writing that he does not want parole, the Board will review his case every two years, whether he applies or not, until he is either granted parole or his sentence is served. However, once eligible for parole, the inmate may apply at any time. An inmate in a provincial institution must either apply or have someone apply on his behalf. When an application is received an investigation lasting about four months is begun and the results presented to the Board for decision. In addition, a representative of the Board interviews the inmate.

The decision of the Board about any one inmate is based on reports it receives from the police, from the trial judge or magistrate and from various people at the institution who deal with him. Reports are also obtained, when available, from a psychologist or a psychiatrist and, if necessary, a community investigation is conducted to secure as much information as possible about his family and background, his work record and his position in the community. From these reports, an assessment is made to determine whether or not he has changed his attitude and is likely to lead a law-abiding life.

When all the reports are received and the community investigation completed, they are analyzed and presented to the Board for consideration. Parole for inmates in provincial institutions is granted or refused on the basis of these reports and investigations. For the inmate in a federal institution there is one more step before the Board makes its decision. He is interviewed by a panel of two or more Board members before his parole eligibility date to clarify or amplify his reasons for requesting parole and other aspects of his case that may have come to light through the reports and investigations.

A person on parole is under the care of a supervisor in one of the Board's 34 district offices, an after-care agency worker, or a probation officer. If he violates the conditions of his parole or commits a further offence or misbehaves in any manner, the Board may suspend or revoke his parole and return him to the institution to serve the part of his sentence that was