2.9.3 The parole system

Parole is a means by which an inmate in any correctional institution in Canada, if he gives definite indication of his intention to reform, can be released to finish his sentence in the community. The purpose of parole is the protection of society through the rehabilitation of the inmate. The true purpose of corrections should be the reformation of the offender and not merely vengeance or retribution. Nevertheless, the National Parole Board is as much concerned with the protection of society as with the reformation of the offender and supervision is as much a part of the parole system as is guidance. The Board selects inmates who show a sincere intention to reform and assists them to do so by granting parole. The inmate then is allowed to serve the remainder of his sentence in society but under supervision and 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 nine members, including a chairman and vice-chairman, who are appointed for periods of 10 years. Additionally, there are 10 ad hoc members appointed for periods of up to five years. The Board has its headquarters in Ottawa and is establishing regional boards in each of five geographic regions of Canada (Atlantic, Quebec, Ontario, the Prairies and Northwest Territories, and British Columbia and the Yukon Territory). It has jurisdiction for parole over any adult inmate of any prison in Canada who has been convicted of an offence under any federal statute and it 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 seven years, whichever is less, although he must serve at least nine months of his sentence. Eligibility for an inmate who forfeited his parole by conviction for an indictable offence comes after he either serves one half of his new term, which is made up of the remainder of his sentence plus any new sentence, or after he serves seven years, whichever comes first. 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.

Anyone sentenced to preventive detention as an habitual criminal or dangerous sexual offender has his case reviewed at least once a year — under the criminal code — to see if he should be granted parole. An offender sentenced to life for a crime other than murder becomes eligible for parole after serving seven years.

No inmate sentenced for murder may be released on full parole by the Board without the approval of the Governor in Council. Although eligibility dates may be seven or 10 years for murderers sentenced before January 1, 1974, all offenders sentenced for murder on or after that date will become eligible only after serving a minimum of 10 years. However, eligibility will depend on the time stipulated by the sentencing Court and that may be fixed at any time between 10 and 20 years.

Unless an inmate in a federal institution 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