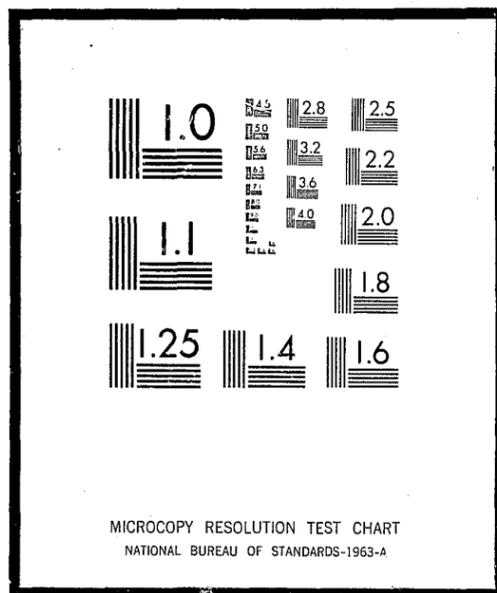


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U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

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NOTES FOR STATEMENT
BY THE SOLICITOR GENERAL OF CANADA,
THE HON. WARREN ALLMAND,
ON MOTIONS WITH RESPECT TO
PAROLE AND TEMPORARY ABSENCE

JUNE 1st, 1973

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for release: 11:00 a.m.

Honourable Members are well aware of public criticism stemming from the fact that some inmates, while on parole or temporary leave of absence, have committed offences. Additionally, there have been serious questions raised with respect to both inmate grievance procedures and staff morale within our penitentiaries.

I should therefore like to take this opportunity to outline to the House immediate measures which will help prevent abuses of our release programmes, provide for a more adequate means of investigating inmate grievances, and describe steps which will improve working conditions and morale of employees working in penitentiaries.

In recent years, both parole and temporary absences have played an important role in the process of rehabilitating inmates. Parole is a procedure whereby an inmate of a penitentiary may be released, before the expiration of his sentence, so that he may serve the balance of his sentence in society, but under appropriate guidance and surveillance to help him lead a law-abiding life. It is a transitional step between close confinement in an institution and absolute freedom.

In recent years day parole, requiring an inmate to return to prison periodically, or after a specified period of time has been widely used. The National Parole Board has granted day paroles for the purpose of enabling inmates to pursue specified educational, cultural or job training activities which were not available within the institution and which, in the opinion of the Parole Board, would assist in the inmate's rehabilitation.

When the Penitentiary Act was amended in 1961, Parliament conferred upon the Commissioner of Penitentiaries and individual institution directors the authority to authorize temporary leaves of absence for inmates for three or 15 days. It was intended that such leaves of absence, either with or without escort, were to be granted for medical, humanitarian or rehabilitation reasons.

Since 1961, therefore, inmates could be released to the community both under the authority of the National Parole Board or the Canadian Penitentiary Service. Because the criteria for selection of inmates by these two agencies have not necessarily been the same, there has been some difficulty. The differences in criteria arises not only because of the different statutory authorities under which they operate, but also because the considerations that apply in assessing an inmate for temporary absence differ from those applicable to parole. Inevitably, this has led to confusion in the public mind. Moreover, there are certain legal complexities that bring into question the operation of a large portion of the temporary absence programme. The most difficult problem concerns what are commonly called "back-to-back" temporary absences, a practice developed in recent years whereby inmates are released on successive leaves of absence over an extended period of time, generally for rehabilitative purposes.

I have therefore made the following decisions:

- (1) IN THE FUTURE, THE CANADIAN PENITENTIARY SERVICE WILL CEASE THE PRACTICE OF PROVIDING "BACK-TO-BACK" TEM-

PORARY ABSENCES FOR INMATES IN FEDERAL PENAL INSTITUTIONS.

This involves a change in the Canadian Penitentiary Service directives and does not require an amendment to the legislation. The Penitentiary Service will continue to operate a temporary absence programme under Section 26 of the Penitentiary Act to provide three and 15 day absences for medical, humanitarian, and rehabilitation purposes, with or without an escort.

- (2) FOR THOSE INMATES WHO ARE NOW ON SUCCESSFUL "BACK-TO-BACK" TEMPORARY ABSENCES OR WHERE IN THE FUTURE EXTENDED ABSENCES ARE CONSIDERED NECESSARY OR DESIRABLE BY PENITENTIARY AUTHORITIES, PROVISION WILL BE MADE FOR A GREATER USE OF DAY PAROLE UNDER THE PAROLE ACT.

This will enable inmates to continue their education, accept employment, and generally pursue their rehabilitation outside the institutions.

- (3) LEGISLATION WILL BE INTRODUCED AT THE EARLIEST OPPORTUNITY TO AMEND THE PAROLE ACT TO PERMIT THE APPOINTMENT OF 10 ADDITIONAL AD HOC MEMBERS OF THE PAROLE BOARD.

These 10 members will be assigned in teams of 2 to the five regions of Canada and will deal primarily with day parole and panel hearings in the institutions.

This step will enable the National Parole Board to deal with a considerable backlog of cases that require detailed consideration and simultaneously satisfy the new volume of decisions on day parole that will come before the members.

- (4) THE APPROPRIATE REGULATIONS UNDER THE NATIONAL PAROLE ACT WILL BE CHANGED SO THAT AN INMATE WILL BE REQUIRED TO SERVE ONE-THIRD OF HIS SENTENCE OR SEVEN YEARS, WHICHEVER IS THE LESSER, BEFORE HE BECOMES ELIGIBLE FOR PAROLE.

Previously inmates became eligible for parole after they had served one-third of their sentence or four years, whichever term was less. Concern has been expressed that the premature release of inmates on parole contributes to an unacceptably high rate of parole violations, and that those who have violated their conditions of parole previously are permitted to again become eligible for parole at too early a date. This change in the parole eligibility period will affect primarily offenders serving long terms, that is, of more than 12 years.

- (5) THE NATIONAL PAROLE ACT REGULATION WILL BE CHANGED SO THAT THOSE WHO HAVE FORFEITED THEIR PAROLE WILL HAVE TO SERVE ONE-HALF OF ANY NEW TERM OF IMPRISONMENT OR SEVEN YEARS BEFORE BEING AGAIN CONSIDERED FOR PAROLE.

This will prevent an offender who has forfeited his parole by committing an indictable offence from being reconsidered for parole before he has completed a large part of his total sentence. Under the present regulation an inmate who has forfeited his parole and has his parole revoked is eligible for parole consideration after serving one-third of his total term of imprisonment or four years, whichever period is completed first.

The two above-mentioned changes apply to inmates currently in our institutions. I am mindful of the fact that some inmates who had been making good progress towards their rehabilitation in the community might feel aggrieved by these changes. Any such case could be favourably considered by the National Parole Board where justified because of special circumstances resulting from these modifications.

- (6) STEPS HAVE BEEN TAKEN TO INCREASE THE NUMBER OF CLASSIFICATION, VISITING AND CORRESPONDENCE OFFICERS WITHIN THE CANADIAN PENITENTIARY SERVICE, AS WELL AS THOSE MEMBERS OF THE STAFF WHO ARE CONCERNED WITH THE SOCIAL DEVELOPMENT OF INMATES.

More visiting and correspondence officers will provide additional opportunity for family and friends to meet and communicate with inmates within institutions. Additional classification officers will ensure that individual inmates receive appropriate diagnostic

and counselling service as well as providing for closer screening of applications for temporary absence, day parole and full parole. Social development and activity officers are required to enrich institutional programmes of leisure-time activities. The steps that have been taken to improve programmes within the penitentiary system have included, as I mentioned, the use of temporary absences and day parole to gain access to rehabilitative resources in the community for individual inmates.

- (7) STEPS ARE BEING TAKEN TO PROVIDE ADDITIONAL STAFF FACILITIES, SUCH AS CONFERENCE ROOMS, LIBRARIES, LOCKERS, LOUNGE AND SHOWER FACILITIES, TO IMPROVE WORKING CONDITIONS FOR EMPLOYEES IN OUR PENITENTIARIES.

Programmes of inmate rehabilitation cannot be achieved without good relations between staff and inmates. A great deal of effort has been and will continue to be expended on establishing the best possible conditions for the reform of the inmate but I fully realize that where staff, for one reason or another, are dissatisfied in terms of their working conditions, the prospects of useful staff-inmate relationships tend to diminish. While it is true that the Penitentiary Service is now unionized and a collective agreement exists, there are other areas not subject to negotiation where we could improve staff conditions.

I need not remind all Honourable Members that those who have chosen to work in our penitentiaries are among our most devoted public servants. Since they work with some of the most difficult elements of society, they are often under great stress. I sincerely believe that by improving facilities we will help relieve some of the pressures on our penitentiary staff, and by increasing the number of officers throughout the system, we are going to eliminate the necessity for much of the overtime that is unavoidable when institutions remain understaffed.

- (8) TO ASSURE THE IMPARTIAL INVESTIGATION OF INMATE COMPLAINTS AND GRIEVANCES, I HAVE RECEIVED AUTHORITY, UNDER PART II, SECTION 6 OF THE INQUIRIES ACT, TO CREATE THE POSITION OF THE CORRECTIONAL INVESTIGATOR.

Both the Archambault and the Swackhamer Commissions recommend visiting committees to assist in the impartial consideration of inmate grievances. While I feel that this is a valuable suggestion, I am certain the creation of the Correctional Investigator's position will better accomplish these goals.

The appointee will assure that inmate grievances are dealt with at an early stage and on a basis that is satisfactory, generally speaking, to the inmate, the penitentiary staff, and to the Canadian

public. The appointee will report directly to the Solicitor General. The Correctional Investigator's duties will be to investigate complaints of federal penitentiary inmates and to make recommendations concerning those complaints. The Investigator will also be authorized to enquire on her own initiative but will be relieved of the necessity of making an investigation if she is satisfied that the complainant has not sought legal or administrative remedy for his complaint until the normal process of grievance has been exhausted. This official will be required to make an annual report to the Solicitor General who will table it in the House of Commons, subject to the deletion of any material that might adversely affect the security of Canada or any penitentiary, and the civil liberties or privacy of individuals.

- (9) MISS INGER HANSEN HAS BEEN APPOINTED CANADA'S FIRST CORRECTIONAL INVESTIGATOR.

Miss Hansen has broad experience in both the field of criminal law and corrections generally and I believe that her distinguished background will assure her success as Correctional Investigator.

These are recommendations that are calculated to deal with some federal correctional problems on a short-term basis in the field of penitentiary services, temporary absences and parole. For the

long-term, more profound changes may be necessary. I should remind the House that there is a Report of the Task Force on the Release of Inmates under the chairmanship of Mr. Justice Hugessen to be made public shortly which requires detailed consideration because it raises a number of important issues that could only be dealt with by substantial changes in current legislation. Similarly, a Committee of the Other Place is conducting enquiries into the entire question of the release of inmates, whether on parole or temporary absence. Finally, there is the Justice and Legal Affairs Committee of this House which just a few days ago has assumed the task of carrying out an inquiry into our penitentiary system, including parole and temporary absence. All of these reports will be considered in depth as part of an ever-expanding development of federal corrections in Canada.

As I stated above, I do not contend that the policies I have announced today are the long-term answers to our problems in the field of corrections. In due course, we will have to deal with some of the other more complex questions, but these measures I have discussed are designed to provide immediate solutions for some immediate problems. They will, I hope, help to assure the public and Parliament that this Government is determined to demand both security and rehabilitation from our release programmes, while at the same time protecting the rights of inmates and creating better working conditions for our penitentiary employees.

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