

Recommendation

72. Dangerous offender legislation should provide for preventive detention for an indeterminate period as now provided for dangerous sexual offenders and habitual criminals.

The Committee believes that a minimum period of incarceration prior to parole for dangerous offenders should be set by law. This ensures that a dangerous offender will be treated like other offenders who must serve at least one-third of their sentences. It is important, too, that an adequate period of time be provided for assessment and treatment within an institution.

Recommendation

73. Dangerous offenders should be required to serve a minimum of ten years before being eligible for discretionary parole.

Dangerous offenders should be treated like other inmates in such parole matters as his right to apply for parole, right to refuse parole, collection of data and case examination, subsequent examinations and review procedures. (See Chapter VI.)

Considerable emphasis must be placed on the question of risk since all inmates incarcerated under dangerous offender legislation would, at least initially, be considered high risks. Supervision must be more intense than in other parole cases because of the element of risk and the fact that dangerous offenders have been incarcerated for a period of at least ten years. A high degree of control may be necessary particularly during the early parole period.

Their eligibility for temporary parole should be set at one-half of the time required before eligibility for discretionary parole. (See Chapter VII.) This applies to all inmates and, for dangerous offenders, it would be five years. They will not, of course, be eligible for minimum parole since their term of imprisonment is indeterminate.

In view of the element of risk involved, we believe that parole decisions in the case of dangerous offenders should be reviewed by the Headquarters Division of the federal parole authority. In the recommended system, the Headquarters Division would have authority to change decisions made at the regional level.

Recommendation

74. The Headquarters Division of the federal parole authority should review all decisions of Regional Divisions in the case of the dangerous offender.

Murderers

Individuals sentenced to life imprisonment as a minimum punishment, or to life imprisonment following commutation are necessarily a special category of offenders. Their incarceration as well as their parole are subject to special legislation.

The *Criminal Law Amendment (Capital Punishment) Act* enacted in November, 1973 provides that a person sentenced to life imprisonment for murder or a person whose death sentence was commuted to imprisonment for life, shall not be released on parole