

APPENDIX

[Translation]

Brief to the Senate Standing Committee on Legal and Constitutional Affairs, concerning the Study on the Parole System.

Submitted by the Psychologists
of the Canadian Penitentiary Service
Quebec Region.

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Foreword

The main function of the National Parole Board at the present time is to determine whether parole should be granted in the case of each prisoner in federal institutions, unless a prisoner informs the Board in writing that he does not wish to be granted parole (paraphrased from: The Senate of Canada, proceedings of the Standing Senate Committee on Legal and Constitutional Affairs, no. 12, Dec. 1971, p. 12:39).

Therefore, before granting parole, the NPB must be assured that the inmate has taken maximum advantage of his stay at the penitentiary, that his rehabilitation will be helped by parole, and that his release is not an undue risk for society.

Moreover, NPB states that a prisoner must have served one third of his sentence before he may be granted parole.

Recently, Mr. A. Therrien, vice-president of NPB, told us that this body has not been created for the purpose of treating criminals; he saw the role of NPB as that of studying each case with the help of various sources of information, reports and inquiries, and of having to assess the capacity of a prisoner to take advantage of release on parole. Mr. Therrien added that the present membership of the Board was in accordance with the various trends in society and that through such representation, NPB was in a position to make decisions in line with the wishes of society in general.

These few remarks that we have been able to gather give us the image of an agency limited in its role, its perspectives and its orientation, based on almost no principle that we could consider as basically firm and logical. In practical terms indeed, this means that NPB, after studying a case, makes a decision, and if the prisoner is released, the Board takes the responsibility of supervising him. Any support that the Board could grant to the parolee comes as an added feature, and not as an obligation that it may wish to discharge itself of, and not as a prime aim, since that would become a treatment perspective.

Thus, we believe that the criteria used by NPB to grant parole are vague and contradictory; we make the following recommendations as a reaction against the present status of penitentiary institutions and NPB. We have considered the present status of penitentiary institutions because we cannot dissociate the parole system from that status.

I—General principles and definition

(a) Basic principles:

We recommend:

1. That the purpose of a release on parole meet the objective that institutions should aim at, that is rehabilitation of the prisoner.

2. That parole be granted specifically on the basis of continuing a treatment which actually was initiated in the institution itself. Parole should be the last stage in the rehabilitation process.

3. Finally, a third principle must be added to the first two; parole remains and must remain a treatment stage always taking into account protection of society. Such protection must first be assured in an immediate sense when treatment has not given positive results; it is then necessary for such treatment to be continued in an institution and not on parole. This protection must then be assured in a wider sense by the fact that true protection of society is based on true rehabilitation of those of its members who do not comply with its code.

(b) Role of the Institutions

Because we consider the Institution as having the first responsibility in the rehabilitation process before such responsibility is passed to the parole service, we recommend:

1. That institutions be fully responsible for the rehabilitation programs. Because, in our opinion, parole is one stage in rehabilitation, it is those responsible for the treatment who would see to it that each individual go through various stages leading to parole and full release.

2. That prisoners be granted parole when they are ready and not, as is presently the case, when they have served part of their sentences. A particular prisoner will be ready when specialists in the institutions and those who later will be responsible for him in society come to the conclusion that this individual may enter the next stage in his rehabilitation.

3. That in view of this objective, institutions be no longer classified according to the security levels only, but according to the treatment requirements and the personality of the sentenced individual.

Thus, instead of having maximum, medium or minimum security institutions, we recommend that institutions be classified according to the following:

—*control institutions*: for the non-adherent or someone who cannot adequately function without being closely supervised by other persons.

—*participation institution*: for the co-operative person or those who can engage in a rehabilitation process. Participation in the preparation of the institution program could be partly done by the prisoner.

—*youth institution*: for sentences individual of 25 years and under. At this age, a person has a particular behavioural pattern and particular needs.

—*psychiatric institution*: for anyone who needs very specialized treatment because of lack of intellectual resources or very serious affective problems.

—*semi-open houses*: for those who progressively return to society with daytime parole and for those who, although regularly paroled, experience difficulties and run the risk