

## APPENDIX

## JOHN HOWARD SOCIETY OF CANADA

73 Colin Avenue, Toronto 7, Ont.

May 1st, 1972.

The Standing Senate Committee on  
Legal and Constitutional Affairs,  
Ottawa, Ontario.

Honourable Sirs:

## PAROLE

In the United Nations Department of Social Affairs Monograph of 1954 parole is defined "as the conditional release of a selected convicted person before completion of the term of imprisonment to which he has been sentenced. It implies that the person in question continues in the custody of the State or its agent and that he may be reincarcerated in the event of misbehaviour. It is a penological measure designed to facilitate the transition of the offender from the highly controlled life of the penal institution to the freedom of community living. It is not intended as a gesture of leniency or forgiveness."

It is a development of the treatment principles of social work applied to penological practice in the return of the offender to the community and blends the use of the authoritative aspects of the parole status and conditions with the treatment objectives of the supervisor who should be operating from fundamental principles of social work to the fullest extent possible compatible with his training and experience.

Parole is essentially an administrative mechanism involving an assessment of the inmate's ability to re-integrate in the free society with reasonable assurance that society will be adequately protected. It is axiomatic that almost all inmates eventually return to the free world regardless of their fitness for release. Hence it is better that a man return to his community under supervision and with the feeling that his endeavours in the institution have been recognized and more ready to co-operate in his re-establishment because he has had a "break". Effective use of parole may do much to solve the problem of the recidivist, since effective work may often be accomplished with his actual problems on release in the non-custodial atmosphere of post-release supervision.

The advantages of release by parole involve:

- (1) Supervision on release with greater hope for adjustment in home, job and community,
- (2) the positive and constructive endeavour of inmates to work for parole by cooperative participation in the treatment and training programs of the institution,
- (3) the reduction of the custodial phase of long sentences which may well do more harm than good if served entirely in the prison since such sentences breed hopelessness, hostility and, eventually on release, in too many instances, almost complete dependency and inability to cope with the problems of living in society.

- (4) the protection of society by the release of the inmate with the feeling that he has been given trust and that his potentialities for "making good" have been given recognition,
- (5) the positive attitude that can be engendered in the disciplinary management of the institution by the knowledge that parole can be obtained by all classes of inmates in a sufficient number of cases as to encourage hope and effort.

It is noted that there are three basic elements in the granting and acceptance of parole. These are the conditional remission of part of the sentence, an element of contract between the grantor and the parolee who agrees to the conditions of the parole on the basis of the period of his sentence which is remitted from imprisonment, and the agreement by the parolee to accept supervision of his life and activities while he is continuing to serve the sentence of the court under conditional freedom.

As a by-product, though not part of the function of parole, there is the amelioration of the effects of inequality of sentencing which is the product of great tension and bitterness among the populations of the penal institutions and may be due to the lack of consistent sentencing policy in the courts across the country. In addition there is the saving of custodial costs amounting to over \$10,000.00 per inmate per year as against the relatively small cost of a few hundred dollars for supervision in the community and the positive participation of the parolee as a wage-earner responsible for his family and as a taxpayer.

## PARTICIPATION OF AFTER-CARE AGENCIES

In the Criminal Law Quarterly of February, 1960, A.M. Kirkpatrick, then Executive Director of the John Howard Society of Ontario, wrote:

"The release of the offender is also a matter of utmost importance since he should not be kept in prison purely for punitive reasons when he may, in fact, be at the point of readiness to return to social and economic productivity. If a man is kept too long in prison when he is ready to be released he may become either very greatly embittered and hostile or, on the other hand, extremely dependent and incapable of forming any coherent plan or carrying it out when he returns to the community. Imprisonment should be regarded as a cast placed on a leg to assist the reunion of shattered bones but to be removed as soon as indicated to avoid secondary damage to muscles by atrophy due to disuse.

"Experience has indicated that there should be increased reliance on parole as the method of release, and this calls for