

The Committee recognizes the difficulties of supervision and control in cases when the inmate rejects the idea of parole and fails to commit himself to such a release procedure. We therefore agree that an inmate be entitled to refuse minimum parole. When he refuses minimum parole, he is making a statement of intent. His unwillingness to accept it could be interpreted as indicative of his attitude. This should be explored with him since he may change his mind.

Recommendations

42. An inmate who refuses release on minimum parole should not be eligible for temporary parole or temporary absence for rehabilitative reasons.

43. At any point after serving two-thirds of his sentence, an inmate who had previously refused minimum parole may request it and serve the remaining portion of his sentence on minimum parole.

44. Inmates serving a minimum parole of at least two months should be subject to all conditions applicable to inmates released on discretionary parole.

The level of supervision and conditions of minimum parole must be the same as those applying to the inmate who is granted discretionary parole. (See Chapter VIII.) Although the Committee believes that all inmates, regardless of the length of sentences, should receive minimum parole, we recognize the difficulties in attempting to supervise very short terms.

Recommendation

45. An inmate serving a minimum parole of less than two months should not be subject to supervision, suspension and revocation, but his parole should be subject to forfeiture upon commission of an indictable offence.

An inmate who has not been granted discretionary parole should, within a reasonable period of time prior to his minimum parole entitlement date, be advised of such date, as fixed by the parole authority, so that he may arrange for his release on minimum parole.

Our suggestions for implementing minimum parole procedures in the three possible situations are as follows.

All inmates serving sentences of six months or more would be subject to automatic case examination. If discretionary parole is denied, either by decision of the parole authorities or because the inmate has not applied for parole, he should be advised of the decision. We suggest that the parole authorities advise him of his minimum parole entitlement date at the same time.

For inmates serving less than six months, there would be no automatic case examination. Therefore, if he applies for parole and it is denied, the parole authority should, at the time of advising him of parole denial, also advise him of his minimum parole entitlement date.

If an inmate serving less than six months does not apply for parole, the responsibility for advising him of his minimum parole entitlement date should lie with the provincial official responsible for institutions through an automatic case examination procedure. An