

“MINIMUM” PAROLE AND TEMPORARY RELEASES

The Committee has recommended in Chapter IV that both statutory and earned remission be abolished. This has a significant bearing on two particular release procedures for federal inmates who are not granted discretionary parole. Mandatory supervision and minimum parole are determined, at least in part, by the amount of remission credited to an inmate. For provincial inmates, short parole is closely tied to remission procedures.

Defining a New “Minimum” Parole

MANDATORY SUPERVISION. Mandatory supervision is the conditional release of a federal inmate who was not granted an ordinary parole, the term of such release being equal to the amount of remission, both earned and statutory, credited to him provided that it exceeds sixty days.

This procedure was criticized as unfair in submissions by inmates to the Committee.¹ While on the one hand, the inmate is credited with remission for good conduct, on the other, he is forced to accept mandatory supervision which, in his view, takes his “good time” away from him. If the present remission system is abolished, this contradiction disappears and there would no longer be any basis on which to calculate the period of supervision. It would be simple, however, to designate arbitrarily a point in the sentence when an inmate shall be released under mandatory supervision to serve the remainder subject to parole conditions. But, there are additional matters related to mandatory supervision which must be considered.

Present inequities in the treatment of federal and provincial inmates in the use of mandatory supervision were pointed out in Chapter IV. The provision applies only to federal inmates. This means that they are required to complete the original sentence handed down by the court whereas the provincial inmate is given an unconditional release after approximately two-thirds of his sentence. The Committee regards any system that imposes a conditional release on some inmates and not on others as unfair.

We are also concerned about the “mandatory” aspect of mandatory supervision because of the difficulty of imposing supervision on an inmate who is unwilling to cooperate with a supervisor. The lack of at least a minimal commitment on the part of the inmate raises questions as to the value of supervision for such a person.

MINIMUM PAROLE. Minimum parole is also determined, in part, by the amount of remission credited to an inmate. It is a release procedure whereby a federal inmate exchanges a short period of incarceration for a longer period of supervision. He is given one month on parole for each year of his sentence up to a maximum of six months. In addition, he is required to serve his statutory and earned remission time under supervision. Such a procedure is available only to inmates in federal institutions except those serving life or preventive detention or whose remaining sentence is less than one year.²