

APPENDIX "A"

**CANADA'S
PAROLE SYSTEM**

**A PRESENTATION TO THE SUB-COMMITTEE OF
THE STANDING SENATE COMMITTEE ON LEGAL
AND CONSTITUTIONAL AFFAIRS**

by

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Chairman,

National Parole Board

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CANADA'S PAROLE SYSTEM

Honourable Senators:

I am very pleased to be here today to explain to you the duties and obligations of the National Parole Board and how these duties and obligations are carried out. I welcome this opportunity because despite our efforts to explain parole to everyone concerned, there is always a great deal of misunderstanding about it. During the course of your examination, senior members of the staff of the Board will be made available to you should you wish to explore, in depth or in any detail, the operations of the Board.

**I—LEGAL BASIS OF THE NATIONAL PAROLE
SYSTEM**

The cornerstone of our operations is the Parole Act which was proclaimed in force on February 15, 1959. The

Act established a National Parole Board. The Board is now made up of nine permanent members including the Chairman. The Chairman is the Chief Executive Officer of the Board and has supervision over and direction of the work and the staff of the Board. The Headquarters of the Board is in Ottawa, however, panels of the Board travel to the federal institutions and interview inmates who have applied for parole or who have had their parole revoked.

The Act provides that the Board must review and determine whether parole should be granted in the case of every inmate who is committed to a penitentiary, unless the inmate advises the Board in writing that he does not wish to be granted parole. Further, every application received requesting parole from inmates imprisoned in a provincial institution must be considered. There is also the duty of reviewing, once in every year, the case of every inmate who is serving a term of imprisonment of preventative detention. Under the Act the Board must review the case of every inmate whose parole has been suspended for over 14 days and either revoke the parole or continue it.

While the Board's prime function is determining whether or not parole should be granted, the Board is also called upon, under the Act, to make decisions relating to the revocation or suspension of any sentence of whipping or any Order made under the Criminal Code prohibiting any person from operating a motor vehicle. Finally, any inquiry desired by the Solicitor General of Canada, in connection with a request for clemency, is made by the Board. These requests relate to the grant of pardons based on innocence, the remission of fines, penalties, forfeitures or estreated bail.

Under the Criminal Records Act, a duty is placed on the Board to cause proper inquiries to be made in connection with any application for the grant of a pardon under that Act and to make recommendations as to whether or not a pardon should be granted.

The National Parole Board has, with two exceptions, exclusive jurisdiction and absolute discretion to grant, refuse to grant or revoke parole in the case of any person who is under a sentence of imprisonment imposed pursuant to an Act of the Parliament of Canada. The exceptions are in the Provinces of British Columbia and Ontario where the courts may impose, in addition to a fixed term of imprisonment, an indeterminate period. The Provincial Parole Board in those provinces may parole an inmate during the period he is serving his indeterminate sentence. The National Parole Board has jurisdiction over the definite part of such sentences.

While the Board has absolute discretion to grant parole, free from any outside influence, the Act sets out guidelines and limitations. The Board must be satisfied before granting parole that the inmate has derived the maximum benefit from prison, that reform and rehabilitation of the inmate will be aided by parole and that the release of the inmate on parole does not constitute an undue risk to society.

Under the Act the Governor in Council has made regulations prescribing the portion of the term of imprisonment that an inmate must serve before parole may be granted. Generally speaking, this period is one-third of the term of imprisonment imposed, or four years, whichever is the