

ing some of his responsibilities, can be restored without loss of these functions.

Revocation generally occurs where there is a behavioural problem rather than a violation of the law than would call for forfeiture which is incurred on the conviction for an indictable offence for which the offender is liable to imprisonment for two years or more. Hence revocation should be considered where the parolee's behaviour constitutes a threat to society, negates or drastically reduces the value of parole supervision; or is essentially damaging to the parolee himself.

There have been long delays on some suspension cases when the Parole Board is required to make a decision as to revocation. This may extend the suspension beyond the fourteen day period which is within the authority of the parole service officer without reference to the Parole Board. This should be avoided at all costs as it is a period of great uncertainty for the parolee involving all his relationships in the community. If the suggested changes in regard to the respective functions of the Parole Board and the parole service staff should come about the process of revocation should be accelerated.

It is sometimes suggested that parolees should have the right to appeal with counsel to the Parole Board in case of suspension. This overlooks the fact that this is part of a treatment which is preferable both from the point of view of the parolee, who might face far more serious consequences, and of society which again may suffer the consequences of another criminal act.

The case of revocation is, however, somewhat different and there would appear to be justification for an immediate hearing of the inmate by the Parole Board panel if possible at the time of revocation if this could be done without undue delay or, at least, by way of appeal at an early date. At present the inmate may ask for a hearing at the next meeting of the panel in the institution which may be as much as two months later. This is a long time to spend in custody, particularly if the parolee is bitter about the procedure and reasons for his re-incarceration. The use of counsel at such a hearing or appeal is not considered desirable as this would introduce an adversary procedure into what is essentially a treatment process based on cooperation by all parties in the interests of the parolee and the community.

#### LOSS OF REMISSION

The provision that the parolee loses his statutory and earned remission if he is returned to prison seems illogical since, while on parole instead of in prison, he is still serving the time to which he was sentenced. It seems more equitable that he should be credited with all the time he is able to serve in the community without being convicted of breaking the law or violating his parole conditions. Hence on return to the institution he should have to serve only the remainder of the time specified by the Court.

It can be argued that such a procedure would remove the main sanction towards good behaviour while on parole. At present the parolee has a great deal to lose in the event of revocation or forfeiture. But this is emphasizing the control aspect of parole and neglecting the positive restorative aspect in which he is rewarded day by day as he successfully completes his agreement in a cooperative way. It is also anomalous that, once served, the penitentiary

service cannot take away earned remission but that under the parole regulations this can be done.

#### STATUTORY SUPERVISION

This affects the period during which, in the past, no further controls nor obligations were placed on the ex-inmate following his release on expiry of sentence which occurs at the time when his combined earned and statutory remission are deducted from his legal sentence. Since he is credited with twenty-five per cent of his sentence on entry to the penitentiary and can earn three days a month earned remission, it means that his expiry date is roughly at about two thirds of his sentence.

The inmate is given no choice regarding mandatory supervision and unlike the parolee makes no contract with the authorities in which he is, in effect, saying that for extra time granted on parole he will abide by the parole conditions. The inmate under mandatory supervision is subject to the same conditions and penalties as a parolee including reporting to the police and to parole supervisory officers.

It will probably be found by experience that reporting to police or supervisors will be most difficult to enforce since these men are so highly mobile and transient that many of them would not make such reports on a consistent basis. To make the program meaningful and effective the parole service would be under obligation to issue warrants for their arrest and undoubtedly many such warrants would be outstanding from coast to coast.

In the Study previously cited by Lois James there seems to be some corroboration of this view: "Inmates generally felt that other prisoners would have the most difficulty in keeping rules about drinking and getting drunk, but saw their own major problem as "not leaving the town or city". While many inmates considered employment as important in obtaining a parole, most of them claimed that employment was not difficult to obtain or to keep". Experience to date appears to indicate that the assumption as to mobility is correct.

Reporting to parole supervisors on this statutory basis would probably be of a perfunctory and minimal nature more resembling "checking in" than supervision as it is now understood and practiced in relation to parole cases. It is unlikely that there would be as careful individualizing of the inmate's needs, plans and potentials or the development of an effective supervisory relationship having meaning and content.

We suggest that it would be possible to obtain the desired control by designating this as a period of "conditional freedom". If during this period of "conditional freedom" the ex-inmate should be convicted of another indictable offence it would be quite feasible to amend the regulations so that he would forfeit, without further judicial procedure, the remaining part of his "good time" and serve it consecutively with the time awarded under the new sentence. This would effectively penalize those who do offend and would provide a strong deterrent for all men released under such "conditional freedom". It would have the advantage of being enforceable and would necessitate no administrative organization nor cost.

As the institutions improve their methods of diagnostic appraisal and their training and treatment programs, the number of men