

PRE-RELEASE DECISION PROCESS

STANDARD OPERATING PRACTICES (SOPs)

(700-07)

Issued under the authority of the Commissioner
of the Correctional Service of Canada

2003-06-20

Authorities

Corrections and Conditional Release Act:

- s. 27 (Information Sharing)
- s. 99(1) (Day Parole)
- s. 102 (Full Parole)
- s. 126 (Accelerated Parole Review)
- s. 133(4.1) (Statutory Release, Residency Condition)

Corrections and Conditional Release Regulations:

- s. 102 (Correctional Plans)

Cross-Reference

NPB Policy Manual

Objectives

- 1 To provide a sound and complete information base for decision-makers, including the analysis of institutional, community and professional evaluations.
- 2 To ensure cases are prepared in a manner consistent with the policies and the requirements of both Correctional Service of Canada (CSC) and the National Parole Board (NPB).

Principles

- 3 The principles that shall guide the Service in preparing cases for decision are:
 - a) that the protection of society be the paramount consideration in the correctional process;
 - b) that in assessing risk, the CSC take into account the static factors involved, the offender's identified dynamic factors, the programs in which he/she participated, actions taken respecting the offender, and progress made against the offender's Correctional Plan;
 - c) that decisions be based on a Correctional Plan for each offender involving both the institution and community. Risk assessment and management are ongoing processes; they start upon the admission of the offender to the institution and continue until sentence expiry;
 - d) that the correctional policies, programs and practices of the CSC respect gender, ethnic, cultural and linguistic differences and are responsive to the special needs of aboriginal people, as well as to the needs of other groups of offenders with special requirements, while taking into account factors specific to the offender;
 - e) that the CSC encourage the offender's positive links with the community and facilitate his or her reintegration into the community at the earliest possible time consistent with public safety;

- f) that the CSC pursue the least restrictive measures consistent with the protection of the public and offender's ability to comply with the conditions of the release;
- g) that the CSC respect the principles of fundamental justice and the right to an interpreter;
- h) that the offender be provided with all the information to be considered in the taking of the decision;
- i) that the CSC take all reasonable steps to ensure that the information it uses concerning offenders be as accurate, up-to-date and complete as possible.

TIMEFRAMES

- 4 ***Note: See SOPs 700-04, "Offender Intake Assessment and Correctional Planning", for procedures applying to:***
- ***offenders serving 4 years or less who are eligible for accelerated parole review (APR);***
 - ***other offenders serving 3 years or less who apply for day and/or full parole during the Intake Assessment process.***

In the case of provincial offenders applying for parole, case preparation timeframes will normally be 4 months from receipt of parole application.

- 5 In all cases, the Parole Officers in the institution and the community must communicate during every stage of the process, from completing the release plan to writing the Community Strategy up to finalizing the Assessment for Decision.

DAY AND FULL PAROLE – APR OFFENDERS SERVING 4 YEARS OR LESS, AND NON-APR OFFENDERS SERVING 3 YEARS OR LESS WHO HAVE APPLIED FOR DAY AND/OR FULL PAROLE DURING THE INTAKE PROCESS

- 6 A Correctional Plan Progress Report (CPPR) will have been created by the Parole Officer in the Intake Unit to initiate a request for a Community Strategy.
- 7 The Parole Officer in the community shall complete the Community Strategy (for more details, refer to SOPs 700-03, "Assessments Completed by the Community"), which shall include the frequency of contact and any necessary special condition(s) to effectively manage the risk. The Parole Officer in the community shall also prepare the Assessment for Decision and make a recommendation. Where the same Parole Officer must prepare both the Community Strategy and the Assessment for Decision, the Community Strategy shall be contained within the Assessment for Decision, using the Content Guidelines in Annex 700-07C.
- 8 The CPPR and Assessment for Decision, as well as any other documents to be used in the decision-making process, shall be shared with the offender and submitted to the National Parole Board, along with an Information Sharing Checklist, no later than 3 months prior to the day parole eligibility date for APR offenders serving 4 years or less and no later than 21 days prior to the first day of the hearings scheduled at the institution for non-APR offenders serving 3 years or less.

DAY AND FULL PAROLE – NON-APR OFFENDERS SERVING MORE THAN 3 YEARS AND THOSE SERVING 3 YEARS OR LESS WHO HAVE NOT APPLIED FOR DAY AND/OR FULL PAROLE DURING THE INTAKE PROCESS

- 9 The Parole Officer in the operational unit in charge of the offender shall complete a Correctional Plan Progress Report (CPPR) and request a Community Strategy from the area where the release will be effected, four months prior to the date of the scheduled hearing.
- 10 The Parole Officer in the community shall complete the Community Strategy within 30 calendar days of the request (for more details, refer to SOPs 700-03, "Assessments Completed by the Community"). The Community Strategy shall include frequency of contact and any necessary special condition(s) to effectively manage the risk.
- 11 Upon completion of the Community Strategy, the Parole Officer in the institution shall complete the Assessment for Decision and make a recommendation.
- 12 The CPPR and Assessment for Decision, as well as any other documents to be used in the decision-making process, shall be shared with the offender and submitted to the National Parole Board, along with an Information Sharing Checklist, no later than 21 days prior to the first day of the hearings scheduled at the institution.

DAY AND FULL PAROLE – APR OFFENDERS SERVING MORE THAN 4 YEARS

- 13 The Parole Officer in the operational unit in charge of the offender shall complete a Correctional Plan Progress Report and request a Community Strategy from the area where the release will be effected, five months prior to the Day Parole eligibility date.
- 14 The Parole Officer in the community shall complete the Community Strategy within 30 calendar days of the request (for more details, refer to SOPs 700-03, "Assessments Completed by the Community"). The Community Strategy shall include frequency of contact and any necessary special condition(s) to effectively manage the risk.
- 15 Upon completion of the Community Strategy, the Parole Officer in the community shall complete the Assessment for Decision and make a recommendation. Where the same Parole Officer must prepare both the Community Strategy and the Assessment for Decision, the Community Strategy shall be contained within the Assessment for Decision, using the Content Guidelines in Annex 700-07C.
- 16 The CPPR and Assessment for Decision, as well as any other documents to be used in the decision-making process, shall be shared with the offender and submitted to the National Parole Board, along with an Information Sharing Checklist, no later than 3 months prior to the day or full parole eligibility date.

STATUTORY RELEASE CASES

- 17 The Parole Officer in the operational unit in charge of the offender shall complete a Correctional Plan Progress Report and request a Community Strategy from the area where the release will be effected, 6 months prior to the offender's statutory release date.

- 18 The Parole Officer in the community shall complete the Community Strategy (for more details, refer to SOPs 700-03, "Assessments Completed by the Community"), which shall include the frequency of contact and any necessary special condition(s) to effectively manage the risk. The Parole Officer in the community shall also prepare the Assessment for Decision and make a recommendation in cases where special conditions are to be recommended. Where the same Parole Officer must prepare both the Community Strategy and the Assessment for Decision, the Community Strategy shall be contained within the Assessment for Decision, using the Content Guidelines in Annex 700-07C.
- 19 The CPPR and/or Assessment for Decision, as well as any other documents to be used in the decision-making process, shall be shared with the offender and submitted to the National Parole Board, along with an Information Sharing Checklist, no later than 60 days prior to the offender's statutory release date unless there is a recommendation for residency condition. In those cases, documents must be sent to NPB at least 60 days prior to the scheduled hearing, along with a copy of form CSC/SCC 1218 signed by either the Regional Deputy Commissioner or Assistant Deputy Commissioner (see Annexes 700-07A and 700-07B).

GENERAL PRE-RELEASE ASSESSMENT PROCESS

- 20 The following steps are to be used in the preparation of all cases for decision.
- a) **Collection and verification of information:**
- Ensure that all **critical information**, defined as the information specified in paragraph 10 a) to g) of SOPs 700-02, "Intake Information Collection", is received or confirm that it is unavailable. Update the Case Documentation Checklist.
 - Update the **Criminal Profile** if necessary (see SOPs 700-04, "Offender Intake Assessment and Correctional Planning").
 - **Request a Psychological Assessment** (see paragraphs 21 - 32).
 - The **Preventive Security** Officer and Preventive Security file must be consulted for all reviews. Record information in the CPPR.
 - Review Program Performance Evaluation Report(s) and Casework Records (including Observation Reports) and record the analysis in the CPPR.
 - Verify
 - **outstanding charges and appeals;**
 - **immigration status:** Checks must also be made to determine whether the offender is named in a detention order issued pursuant to section 105 of the *Immigration Act*. If the offender is subject to a deportation order, the status of the immigration file must be established to determine the scheduled deportation date;
 - **requirement for interpreter:** language of hearing.
- b) **Update the Correctional Plan Progress Report** (refer to SOPs 700-05, "Progress Monitoring – Institution"). This part of the process includes:
- Interview with the offender.
 - Case Conference / Team consultation.

- Complete the CPPR: If a CPPR was updated within the previous 6 months, the most recent CPPR can be used for the case review if it includes the release plan. If not, the update would contain a reference to the most recent CPPR and the current release plan.
- c) **Request a Community Strategy** (refer to SOPs 700-03), if required.
- Only one Community Strategy should be requested at a time. The request should be related to the release plan supported by the Case Management Team (CMT); only one community office should address every component of the release plan. The Parole Officer in the institution should liaise with the receiving parole office responsible for completing the Community Strategy to ensure that they can accommodate the proposed release plan. In cases where the offender has submitted an application for release but the CMT is not supportive of a release, the offender's proposed release plan should be used to determine where to direct the request for a Community Strategy.
- d) **Sharing of information:**
- Use the Information Sharing Checklist (ISC), taking care to ensure that all of the reports used in the decision-making process are shared with the offender, subject to the provisions on withholding information in subsections 27(3) or 141(4) of the CCRA. Submit the ISC to the decision-making authority with the Assessment for Decision.

PSYCHOLOGICAL ASSESSMENTS

Requirements

- 21 Psychological assessments will not normally be required for:
- provincial offenders; or
 - offenders eligible for accelerated parole review.

Mandatory referral criteria for all other offenders

- 22 Psychological assessments are mandatory for offenders who meet any of the following criteria:
- persistent violence (three or more convictions for a Schedule I offence);
 - gratuitous violence;
 - referrals for detention;
 - conditional release reviews for offenders with indeterminate or life sentences;
 - high risk sex offenders (those with two or more sexually related convictions; untreated or drop out; deviant arousal from phallometry (paraphilia); use of a weapon).

Discretionary referral criteria

- 23 Referrals will be initiated only when existing treatment summaries are not sufficient to assess progress in relation to the offender's Correctional Plan and/or community management strategies in the following cases:

- mental disorder;
- suicide risk (including institutional history of self-injury);
- high need.

Currency of psychological assessments

- 24 A pre-release psychological assessment will be considered to be current for a period of **two years**.

Post-treatment/program assessments

- 25 If there has been program participation, a further assessment will be required to address the influence of the program on the offender and the extent of change, if any, in the risk posed by the offender. This may be a post-treatment report completed by a psychologist, parole officer or program officer, if the issues of extent of change and risk are specifically addressed. Normally, following completion of intensive or intermediate treatment or a low intensity program for sex offenders delivered or recommended by a psychologist, the Board will require a post-treatment assessment completed by a psychologist or certified treatment professional.
- 26 If, after two years the offender has not participated in any such programming, subsequent assessments may be updates of the initial pre-release assessment.
- 27 A more recent assessment will be required if the institutional behaviour of the offender has resulted in charges related to violent behaviour.

Psychiatric Assessments

- 28 At least one psychiatric assessment is required for any offender with a life or indeterminate sentence. This may be a thorough assessment completed for the courts. Since psychiatric assessments address mental illness or disorder and mental capacity, such assessments will provide information to CSC on intervention strategies which are needed by the offender. Reports are required on the results of any psychiatric treatment interventions with respect to any impact on the risk presented by the offender.
- 29 A new psychiatric assessment is also required for offenders with a life minimum or indeterminate sentence when they first apply for any type of conditional release other than a medical or compassionate escorted temporary absence. In the case of an offender assessed as mentally disordered and requiring treatment, this pre-release psychiatric assessment will be considered current until the offender participates in the recommended treatment. Another psychiatric assessment is not required for offenders who do not meet these criteria.
- 30 A psychiatric assessment will be obtained for any offender when recommended by a psychologist.
- 31 When a mental health condition which requires medication or professional intervention to reduce the risk posed by the offender has been identified, and the offender is non-compliant, a further report will not be required.

- 32 The Board shall be informed when an offender is taking medication which modifies behaviour. Information about the effect of the medication, the attitude of the offender to continuing use of the medication, and possible changes in the risk posed should the offender stop using the medication is required to assist in risk assessment.

SPECIFIC DECISION AND RELEASE PROCEDURES

- 33 In all Assessment for Decision reports, the final risk assessment must address both the actuarial scores as well as a consideration of clinical factors. Where the actuarial measures are inconsistent with the clinical appraisal, it is important that the assessment specify why this is the case.
- 34 All Assessment for Decision reports should reflect an analysis of all relevant information about the offender's case. For offenders previously incarcerated in federal institutions, care should be taken to obtain and use the relevant information from archived files.

Day Parole and Full Parole

- 35 Subsection 99(1) of the CCRA defines day parole as: "*the authority granted to an offender (...) to be at large during the offender's sentence in order to prepare the offender for full parole or statutory release,...*"

Eligibility	<p>Day Parole:</p> <ul style="list-style-type: none"> • Greater of 6 months before PED or 6 months from the date of sentence. • Accelerated parole review: the greater of 1/6 of the sentence or 6 months from the date of sentence. • Life minimum: normally 3 years before PED*. • Life maximum: 6 months before PED. • Indeterminate: 3 years. <p>Full Parole:</p> <ul style="list-style-type: none"> • Normally 1/3 of sentence (both APR and regular). • Judge ordered 1/2 of sentence. • Life minimum: 1st degree murder - 25 years*; 2nd degree murder – 10 to 25 years*. • Life maximum: 7 years. • Indeterminate: 7 years (as of August 1997). • Eligibility for judicial review: 15 years (except multiple murders). <p>* These are different if the offender was under 18 years of age at the time of the offence. Differences also exist depending on when the offender was sentenced.</p>
Authority	The NPB has exclusive authority over all day parole or full parole reviews.
Hearing	<p>The NPB must grant a hearing for all first reviews for regular day or full parole, on or before the offender's parole eligibility date and every two years thereafter, unless the offender waives this right.</p> <p>In the case of accelerated parole review, offenders cannot waive this review, and no hearing is required.</p>
Assessment for Decision:	<p>Address each criterion specifically: <i>Integrate pertinent information from psychological or psychiatric assessments,</i></p>

CONTENT
GUIDELINES

**Regular Day and
Full Parole**

GSIR score and other actuarial information where appropriate.

Purpose of Report:

- Self-explanatory.

Include the following note:

The reader should refer to the last CPPR to identify the offender's main static and dynamic factors as well as the progress that he or she has made. The reader should also refer to the Community Strategy prepared for this review in order to identify proposed supervision strategies and special conditions.

NOTE: *If a Community Strategy is not required, the writer must add the CPPR content concerning the offender's progress and release plan in this area.*

Risk assessment:

This section should not contain excerpts of other reports, but instead should focus on risk analysis and conclusions. The assessment should include positive and negative factors that are pertinent to the current review, determined through the analysis of the following:

- **Probability of re-offending:** Determine the risk of re-offending by analyzing the General Statistical Information on Recidivism, the offender's reintegration potential and the progress he or she has made, as well as the offender's ability to control his or her offence cycle. The offender's frequency of offending and crime-free periods, as well as the results from his or her psychological and psychiatric assessments must also be analyzed.
- **Severity of re-offending:** Determine the severity of re-offending by taking into account the history of violent behaviour, the usual type of criminal behaviour, behaviour displayed in the institution, and offence descriptions found in police reports.
- **Risk management:** Explain how the proposed community strategy will allow (or not allow) the level of risk to remain acceptable to society and indicate how the proposed special conditions are necessary for proper risk management.
- **Offender's level of commitment:** Explain the offender's level of commitment (or lack thereof) to his or her supervision plan, taking into account his or her current attitude and overall ability to meet commitments while on different types of releases (Parole, Temporary Absences, Probation, Bail)
- **Overall level of risk:** determine an overall level of risk, taking into account the probability and seriousness of re-offending, risk management and the offender's level of commitment.

If parole is not recommended, explain the changes the offender can make to reduce his or her potential risk.

Dissenting opinion:

Include all dissenting opinions from all staff members involved with case preparation, as well as the underlying reasons for them.

	<p>Final Recommendation: Indicate your final recommendation and any relevant details associated with it (e.g., duration, destination, special conditions).</p>
<p>Assessment for Decision: CONTENT GUIDELINES</p> <p>Accelerated Parole Review: (*)</p>	<p>Purpose of Report: ➤ Self-explanatory.</p> <p>Risk of violence <i>To assess this criteria, the following items must be considered. Integrate implications of psychological or psychiatric assessments, GSIR score and other actuarial information where appropriate.</i></p> <ul style="list-style-type: none"> ➤ Stress factors likely to lead the offender to behave in a violent manner. ➤ Information contained in psychiatric and/or psychological reports indicating the existence of a mental illness or disorder likely to lead the offender to commit an offence involving violence before the expiration of the offender's sentence according to law. ➤ The offender's propensity to violence as shown by: <ul style="list-style-type: none"> - any violent behaviour noted in the offender's file, young offender's file, provincial records, police reports and the circumstances surrounding the offence; - the seriousness of previous offences; - reliable information showing that the offender has problems controlling his or her anger to the point that it could lead the offender to commit an offence involving violence; - evidence that the offender uttered threats to commit violence; - use of a weapon during the commission of an offence; - an attitude of indifference toward criminal behaviour or the effects of criminal behaviour on victims. ➤ Offender's criminal history in the context of membership in an organized crime group or criminal gang. ➤ Attempts by the offender to reduce his or her potential for future violent behaviour. <p><u><i>Provide one of three possible conclusions supported by evidence:</i></u></p> <ul style="list-style-type: none"> • In the absence of evidence of previous criminal behaviour involving weapons or violence and any indications of a propensity to violence, there are no reasonable grounds to believe that the offender is likely to commit an offence involving violence before the expiration of the offender's sentence according to law. • Although the offender has previously engaged in violent behaviour, given a specific set of circumstances (interval between previous behaviour and the present time, absence of similar behaviour, official documentation explaining circumstances of previous behaviour, sentencing related to previous behaviour) , there are no reasonable grounds to believe that the offender is likely to commit an offence involving violence before the expiration of the offender's sentence according to law. • As developed in the analysis above, there are reasonable

	<p>grounds to believe that the offender is likely to commit an offence involving violence before the expiration of the offender's sentence according to law.</p> <p>Proposed Plan: <i>Include an analysis and assessment of the offender's release plan, community management strategies proposed to address the offender's risk and needs, as well as the rationale for any proposed special conditions.</i></p> <p>Dissenting opinion: Specify any differences of opinion and the underlying reasons.</p> <p>Final Recommendation: Indicate your final recommendation and any relevant details associated with it (e.g., duration, destination, special conditions).</p>
Decision Sharing	The NPB must share the decision with the offender. The CSC is involved in conveying the decision to the offender.
Release Procedures	<ul style="list-style-type: none"> • Update the Standard Profile. • Issue the certificate and inform police (CPIC). • Inform the supervising office serving the location where the release is to occur, of the conditions and the date and time when the offender is to report to the office. • Inform the offender that failure to report to the office by the prescribed date and time may result in the suspension of parole.
Redress	In the event of a negative decision, the offender may challenge the decision by submitting a request for review to the NPB Appeals Division.
New Information	If new information is received that has an impact on risk assessment and/or appropriateness of release plan, a new Assessment for Decision must be completed, shared with the offender and forwarded to the decision-making authority. If the new information does not change the recommendation, an Addenda to the Assessment for Decision must be completed.

* In the case of an offender who has been granted an accelerated day parole release, the Parole Officer in the community must prepare the case for the accelerated full parole eligibility date according to regional agreements with NPB. In the case of an offender who has been denied an accelerated day parole release, he is no longer eligible for an accelerated full parole release and is thus treated as a regular full parole case.

Statutory Release with Special Conditions

Authority	The NPB is responsible for imposing special conditions. In cases where no special condition is recommended, no <i>Assessment for Decision</i> need be prepared.
Hearing	Hearings are conducted at least 2 months before the Statutory Release Date.
Assessment for Decision:	<p>Purpose of Report:</p> <ul style="list-style-type: none"> ➤ Self-explanatory.

<p>CONTENT GUIDELINES</p>	<p>Special Conditions : <i>Justify the necessity for each special condition recommended</i></p> <p>Residence requirement : <i>To make a recommendation, consider the following elements:</i></p> <ul style="list-style-type: none"> • Stress factors likely to lead the offender to behave in a violent manner. • Information concerning efforts by the offender to mitigate or reduce the risk of violent behaviour. • Information contained in psychiatric and/or psychological reports indicating the existence of a mental illness or disorder likely to lead the offender to commit an offence involving violence before the expiration of the offender's sentence according to law. • The offender's propensity to violence as shown by: <ul style="list-style-type: none"> - Any violent behaviour as shown by the offender's file, Young Offender's file, provincial records, police reports and the circumstances surrounding the offence; - the seriousness of previous offences; - reliable information showing that the offender has problems controlling his or her anger to the point that it could lead the offender to commit an offence involving violence; - explicit threats of violence uttered by the offender; - use of a weapon during the commission of an offence; - an attitude of indifference toward criminal behaviour or the effects of criminal behaviour on victims. <p><i><u>In addition to the above, address the following criteria that apply specifically to residency:</u></i></p> <ul style="list-style-type: none"> • The offender is identified as requiring a gradual reintegration into the community following the period of incarceration. • Accommodation is identified as a need area and a residency condition is a requirement to meet that need. • Bed space is available in a suitable facility. • Access to the community. • Approval of the RDC for residency in a CCC. <p><i><u>Comment on the following alternatives and explain why they are not sufficient to manage the risk:</u></i></p> <ul style="list-style-type: none"> • More frequent reporting to PO, police, volunteers, CBRF staff, etc. • More frequent community and collateral contacts. • Curfew at the offender's home (with means to control the curfew). • Intensive supervision program or team. • Special conditions. <p>If the offender meets the criteria for a residence requirement, you must include the statement that "In the absence of such a condition, the offender will present an undue risk to society by committing an offence listed in Schedule I before the expiration of the offender's sentence according to law (133 (4.1) of the CCRA).</p>
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	<p>Dissenting opinion: Specify any differences of opinion and the underlying reasons.</p> <p>Final Recommendation: Indicate your final recommendation and any relevant details associated with it (e.g., duration, destination, special conditions).</p>
Decision Sharing	The NPB must share the decision with the offender. The CSC is involved in conveying the decision to the offender.
Release Procedures	<ul style="list-style-type: none"> • Update the Standard Profile. • Issue the certificate and inform the police (CPIC). • Inform the supervising office serving the location where the release is to occur, of the conditions and the date and time on which the offender must report to the office. • Inform the offender that failure to report to the office by the prescribed date and time may result in the suspension of release.
Redress	In cases of a negative decision, the offender may challenge the decision by submitting a request for review to the NPB Appeals Division.
New Information	If new information is received that has an impact on risk assessment and/or appropriateness of release plan, a new Assessment for Decision must be completed, shared with the offender and forwarded to the decision making authority. If the new information does not change the recommendation, an Addenda to the Assessment for Decision must be completed.

Statutory Release without Special Conditions

- 36 In these cases a Correctional Plan Progress Report and a Community Strategy have to be completed. No Assessment for Decision is required.
- 37 Release procedures:
- a) Update the Standard Profile.
 - b) Issue the certificate and inform the police (CPIC).
 - c) Inform the supervising office serving the location where the absence is to occur, of the conditions and the date and time on which the offender must report to the office.

- 38 Inform the offender that failure to report to the office by the prescribed date and time may result in the suspension of parole.

Commissioner,

Original signed by:

Lucie McClung

ANNEX 700-07A
AUTHORITY TO CONSENT TO OFFENDER
RESIDENCY REQUIREMENT IN A PENITENTIARY

- 1 Pursuant to subsection 131(4) of the *Corrections and Conditional Release Act*, Regional Deputy Commissioners and Assistant Deputy Commissioners may exercise the Commissioner's authority under that paragraph to consent in writing to an offender's residency requirement in a penitentiary.
- 2 With respect to subsection 133(4.4) of the CCRA, Regional Deputy Commissioners and Assistant Deputy Commissioners may exercise the Commissioner's authority under that paragraph to consent in writing to an offender's residency requirement in a Community Correctional Centre.

ANNEX 700-07B POTENTIAL STATUTORY RELEASE WITH RESIDENCY PREPARATION

Authority

Corrections and Conditional Release Act, subsection 133(4.1)

Principles

- 1 Statutory Release is normally a non-discretionary form of release in that the Correctional Service of Canada and the National Parole Board are obligated to proceed with such a release unless there is sufficient evidence to support the detention of the offender.
- 2 While conditions may be applied to the supervision of statutory release, the application of a residency condition is not the same as other special conditions. Special conditions are applied to reduce the likelihood the offender will commit any offence. A residency condition, however, should only be recommended when you are satisfied that, in the absence of such a condition, the offender will present an undue risk of committing a Schedule I offence.
- 3 While the institution is the logical source for information about the offender's initial risk level and progress in reducing that risk level, the community is the logical source of information about how the offender can be most safely managed in the community.

Procedure

- 4 Normally, not later than six months prior to the offender's statutory release date, the Parole Officer in the institution will prepare a Correctional Plan Progress Report.
- 5 When circumstances such as a recent revocation or a delayed detention review result in there being less than six months before the statutory release date, the Correctional Plan Progress Report shall be prepared immediately following any outstanding decision in the offender's case.
- 6 The CPPR shall specifically identify any outstanding areas of behaviour that the Parole Officer in the community should consider in developing a supervision strategy for the offender. All information considered important for assessing appropriate supervision strategies in the community should be passed on, including suggested special conditions and opinions on residency if they are considered appropriate.
- 7 Sources of support for the offender and a likely release destination shall be included in the CPPR. Any previous experience the offender has had with those sources of support should be noted, along with any potential additional sources of support identified by either the Parole Officer or the offender.

- 8 The Parole Officer in the institution shall request that a Community Strategy be prepared by the parole office in the community where the release is likely to occur. In situations where there is insufficient time to formally request a Community Strategy, the Parole Officer in the institution shall liaise with the parole office to initiate the request. There should be no situation where a Community Strategy is not generated or developed. Where the same Parole Officer must prepare both the Community Strategy and the Assessment for Decision, the Community Strategy shall be contained within the Assessment for Decision, using the Content Guidelines in Annex 700-07C.
- 9 The Parole Officer receiving the request is responsible for following through and ensuring that a statutory release supervision plan is completed for the offender. This shall include consultation with the Parole Officer in the institution.
- 10 In preparing the Community Strategy the Parole Officer in the community will establish the initial level of supervision frequency and intensity required to safely integrate the offender into the community.
- 11 Supervision without special conditions is the least restrictive form of statutory release supervision while statutory release with residency is the most restrictive form of community supervision. Therefore, when developing the Community Strategie / Assessment for Decision for the offender, the Parole Officer shall consider options including, but not limited to:
 - a) requiring more frequent formal reporting to the parole supervisor, the police, and or others in the community such as volunteers, church officials, CRF staff, etc.;
 - b) conducting more frequent community and collateral contacts;
 - c) imposition of curfews at the offender's home, including a means of verification such as having a CRF or community supervisor contact the offender by phone to verify compliance or have the offender call into a CRF or other location with a display phone;
 - d) referral to an intensive supervision team, where available;
 - e) imposing written instructions for short term situations; and
 - f) recommending special conditions be imposed by the NPB for longer term management of a risk factor.
- 12 In determining whether the offender is likely to commit a Schedule I offence prior to the expiry of the current sentence, the parole officer shall rely on the "Guidelines for Assessing the Likelihood of the Commission of a Schedule I Offence" contained in SOPs 700-19, "Detention". This consideration shall include whether there has been a persistent pattern of Schedule I offences, any medical or psychological/psychiatric evidence to suggest a Schedule I offence is likely to occur, or reliable evidence the offender is planning a Schedule I offence. It is imperative that the parole officer does not confuse the *possibility* that a Schedule I offence *might* occur with the need to *logically establish* that a Schedule I offence is *probable or likely* to occur.
- 13 When the Parole Officer preparing the Community Strategy / Assessment for Decision believes residency is required to prevent a Schedule I offence, the Parole Officer shall:
 - a) indicate why alternate supervision strategies will not be sufficient to prevent the offender from committing a Schedule I offence ;
 - b) clearly identify the types and extent of the offender's behaviour that make residency necessary to prevent a Schedule I offence;
 - c) identify one or more specific facilities where the residency could be provided;

- d) clearly identify how residency in each facility would reduce the likelihood of a Schedule I offence through control, supervision, and/or programs;
 - e) identify what changes the offender would need to demonstrate in order for the residency condition to be removed and how those changes would be assessed;
 - f) estimate the length of time the residency condition would need to be in place, assuming the desired changes were achieved. This estimate will set the timeframe for reviewing the case with the NPB for removal of the residency condition. If the Parole Officer does not later submit for a “terms and conditions altered decision” to remove the residency condition, it would remain in force until either there was such a submission or the offender reached their warrant expiry date.
- 14 When the Parole Officer in the community is unable to identify a local residential facility to accommodate the offender, he/she shall locate the nearest appropriate facility that can accommodate the offender. When more than one facility can meet the offender’s needs, the Parole Officer shall indicate which could best meet the needs of the case. This may include consultation with the institutional parole officer and the offender, but will not result in the Community Strategy being returned to the institution to request an additional Community Strategy.
- 15 Where a CRF is not willing to accept an offender with a proposed condition to reside, the Parole Officer in the community shall complete the Community Strategy, note the refusal and the rationale and send a new Community Strategy request (if necessary) to another resource. More than one accommodation site may be explored on the Community Strategy request.
- 16 The Parole Officer in the community will liaise with the Parole Officer in the institution to share the results of the Community Strategy and determine whether any new information has become available since the time the request for the Community Strategy was made. The Parole Officer’s report shall incorporate any new information into the report (if necessary), and conclude with a description of the supervision strategy for the offender, including any recommended conditions for NPB review.
- 17 The Community Strategy is finalized, quality controlled, and locked. The Parole Officer in the community shall prepare the Assessment for Decision. Where the same Parole Officer must prepare both the Community Strategy and the Assessment for Decision, the Community Strategy shall be contained within the Assessment for Decision, using the Content Guidelines in Annex 700-07C.
- 18 The Parole Officer in the community shall notify the institution by fax or email when the Community Strategy and Assessment for Decision are complete.
- 19 The Institution shall issue the certificate, advise the supervising office of the date and time of release and notify the police, upon receipt of the NPB decision.
- 20 Regional policy shall describe the process for obtaining the Deputy Commissioner’s approval of a CBRF for residency purposes in situations where CSC has not recommended residency, but the NPB has imposed a residency condition on the statutory release.

ANNEX 700-07C COMBINED COMMUNITY STRATEGY AND ASSESSMENT FOR DECISION CONTENT GUIDELINES

ACCELERATED PAROLE REVIEW

Purpose of Report:

- Self-explanatory.

Risk of Violence

To assess this criteria, the following items must be considered. Integrate implications of psychological or psychiatric assessments, GSIR score and other actuarial information where appropriate.

- Stress factors likely to lead the offender to behave in a violent manner.
- Information contained in psychiatric and/or psychological reports indicating the existence of a mental illness or disorder likely to lead the offender to commit an offence involving violence before the expiration of the offender's sentence according to law.
- The offender's propensity to violence as shown by:
 - any violent behaviour noted in the offender's file, young offender's file, provincial records, police reports and the circumstances surrounding the offence;
 - the seriousness of previous offences;
 - reliable information showing that the offender has problems controlling his or her anger to the point that it could lead the offender to commit an offence involving violence;
 - evidence that the offender uttered threats to commit violence;
 - use of a weapon during the commission of an offence;
 - an attitude of indifference toward criminal behaviour or the effects of criminal behaviour on victims.
- Offender's criminal history in the context of membership in an organized crime group or criminal gang.
- Attempts by the offender to reduce his or her potential for future violent behaviour.

Provide one of three possible conclusions supported by evidence:

- In the absence of evidence of previous criminal behaviour involving weapons or violence and any indications of a propensity to violence, there are no reasonable grounds to believe that the offender is likely to commit an offence involving violence before the expiration of the offender's sentence according to law.
- Although the offender has previously engaged in violent behaviour, given a specific set of circumstances (interval between previous behaviour and the present time, absence of similar behaviour, official documentation explaining circumstances of previous behaviour, sentencing related to previous behaviour), there are no reasonable grounds to believe that the offender is likely to commit an offence involving violence before the expiration of the offender's sentence according to law.
- As developed in the analysis above, there are reasonable grounds to believe that the offender is likely to commit an offence involving violence before the expiration of the offender's sentence according to law.

Analysis and Assessment of the Community Strategy

- Notification to third party;

- Living arrangements: suitability;
- In the case of a Community-Based Residential Facility:
 - Whether the CBRF has reviewed the background information;
 - Acceptance or rejection by the facility;
 - Availability of bed space and the proposed date accommodation will be available for the offender;
 - The profile of the current population and programs at the CBRF (only if the facility is not well known by the NPB);
 - CBRF concerns and suggestions for conditions and approaches to supervision;
 - Leave privileges (each case should be reviewed to determine if leave privileges can be granted in accordance with NPB policy. If so, this should be clearly stated. If the recommendation is to expand or limit privileges, a rationale must be included).
- Employment;
- Community support;
- Comments from police;
- Proposed supervision plan, including the objectives and programs envisioned;
- Proposed special conditions: *Justify whether or not special conditions are required and provide the rationale for the necessity of each proposed special condition.*
- Level of intervention (frequency of contacts to be applied upon offender's release to the community) (**by completing Post-Assessment Level of Intervention within the Reintegration Potential Reassessment screen of OMS**);
- Consultation with the Parole Officer in the institution (name).

Dissenting Opinion:

Specify any differences of opinion and the underlying reasons.

Final Recommendation:

Indicate your final recommendation and any relevant details associated with it (e.g., duration, destination, special conditions).

REGULAR PAROLE - NON-APR OFFENDERS SERVING 3 YEARS OR LESS WHO HAVE APPLIED FOR DAY AND/OR FULL PAROLE DURING THE INTAKE PROCESS

Address each criterion specifically:

Integrate pertinent information from psychological or psychiatric assessments, GSIR score and other actuarial information where appropriate.

Purpose of Report:

- Self-explanatory.

Risk assessment:

This section should not contain excerpts of other reports, but instead should focus on risk analysis and conclusions. The assessment should include positive and negative factors that are pertinent to the current review, determined through the analysis of the following:

▪ **Probability of re-offending:**

Determine the risk of re-offending by analyzing the General Statistical Information on Recidivism, the offender's reintegration potential and the progress he or she has made, as well as the offender's ability to control his or her offence cycle. The offender's frequency of offending and crime-free periods, as well as the results from his or her psychological and psychiatric assessments must also be analyzed.

▪ **Severity of re-offending:**

Determine the severity of re-offending by taking into account the history of violent behaviour, the usual type of criminal behaviour, behaviour displayed in the institution, and offence descriptions found in police reports.

▪ **Offender's level of commitment:**

Explain the offender's level of commitment (or lack thereof) to his or her supervision plan, taking into account his or her current attitude and overall ability to meet commitments while on different types of releases (Parole, Temporary Absences, Probation, Bail)

▪ **Risk management:**

Community Strategy

- Notification to third party;
- Living arrangements: suitability;
- In the case of a Community-Based Residential Facility:
 - Whether the CBRF has reviewed the background information;
 - Acceptance or rejection by the facility;
 - Availability of bed space and the proposed date accommodation will be available for the offender;
 - The profile of the current population and programs at the CBRF (only if the facility is not well known by the NPB);
 - CBRF concerns and suggestions for conditions and approaches to supervision;
 - Leave privileges (each case should be reviewed to determine if leave privileges can be granted in accordance with NPB policy. If so, this should be clearly stated. If the recommendation is to expand or limit privileges, a rationale must be included).
- Employment;
- Community support;
- Comments from police;
- Proposed supervision plan, including the objectives and programs envisioned;

- Proposed special conditions: *Justify whether or not special conditions are required and provide the rationale for the necessity of each proposed special condition.*
- Level of intervention (frequency of contacts to be applied upon offender's release to the community) (**by completing Post-Assessment Level of Intervention within the Reintegration Potential Reassessment screen of OMS**);
- Consultation with the Parole Officer in the institution (name).

Explain how the proposed community strategy will allow (or not allow) the level of risk to remain acceptable to society and indicate how the proposed special conditions are necessary for proper risk management.

▪ **Overall level of risk:**

Determine an overall level of risk, taking into account the probability and seriousness of re-offending, risk management and the offender's level of commitment.

If parole is not recommended, explain the changes the offender can make to reduce his or her potential risk.

Dissenting opinion:

Include all dissenting opinions from all staff members involved with case preparation, as well as the underlying reasons for them.

Final Recommendation:

Indicate your final recommendation and any relevant details associated with it (e.g., duration, destination, special conditions).

STATUTORY RELEASE WITH SPECIAL CONDITIONS

Purpose of Report:

- Self-explanatory.

Community Strategy

- Notification to third party;
- Living arrangements: suitability;
- In the case of a Community-Based Residential Facility:
 - Whether the CBRF has reviewed the background information;
 - Acceptance or rejection by the facility;
 - Availability of bed space and the proposed date accommodation will be available for the offender;
 - The profile of the current population and programs at the CBRF (only if the facility is not well known by the NPB);
 - CBRF concerns and suggestions for conditions and approaches to supervision;
 - Leave privileges (each case should be reviewed to determine if leave privileges can be granted in accordance with NPB policy. If so, this should be clearly stated. If the recommendation is to expand or limit privileges, a rationale must be included).
- Employment;
- Community support;
- Comments from police;
- Proposed supervision plan, including the objectives and programs envisioned
- Level of intervention (frequency of contacts to be applied upon offender's release to the community) **(by completing Post-Assessment Level of Intervention within the Reintegration Potential Reassessment screen of OMS)**;
- Consultation with the Parole Officer in the institution (name).

Special Conditions :

Justify the necessity for each special condition recommended

Residence requirement :

To make a recommendation, consider the following elements:

- Stress factors likely to lead the offender to behave in a violent manner.
- Information concerning efforts by the offender to mitigate or reduce the risk of violent behaviour.
- Information contained in psychiatric and/or psychological reports indicating the existence of a mental illness or disorder likely to lead the offender to commit an offence involving violence before the expiration of the offender's sentence according to law.
- The offender's propensity to violence as shown by:
 - Any violent behaviour as shown by the offender's file, Young Offender's file, provincial records, police reports and the circumstances surrounding the offence;
 - the seriousness of previous offences;
 - reliable information showing that the offender has problems controlling his or her anger to the point that it could lead the offender to commit an offence involving violence;
 - explicit threats of violence uttered by the offender;
 - use of a weapon during the commission of an offence;
 - an attitude of indifference toward criminal behaviour or the effects of criminal behaviour on victims.

In addition to the above, address the following criteria that apply specifically to residency:

- The offender is identified as requiring a gradual reintegration into the community following the period of incarceration.
- Accommodation is identified as a need area and a residency condition is a requirement to meet that need.
- Bed space is available in a suitable facility.
- Access to the community.
- Approval of the RDC for residency in a CCC.

Comment on the following alternatives and explain why they are not sufficient to manage the risk:

- More frequent reporting to PO, police, volunteers, CBRF staff, etc.
- More frequent community and collateral contacts.
- Curfew at the offender's home (with means to control the curfew).
- Intensive supervision program or team.
- Special conditions.

If the offender meets the criteria for a residence requirement, you must include the statement that "In the absence of such a condition, the offender will present an undue risk to society by committing an offence listed in Schedule I before the expiration of the offender's sentence according to law (133 (4.1) of the CCRA).

Dissenting opinion:

Specify any differences of opinion and the underlying reasons.

Final Recommendation:

Indicate your final recommendation and any relevant details associated with it (e.g., duration, destination, special conditions).