



POST-RELEASE DECISION PROCESS

STANDARD OPERATING PRACTICES (SOPs)

(700-10)

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

2003-06-20

Authorities

Corrections and Conditional Release Act
Corrections and Conditional Release Regulations

Cross-References

Commissioner's Directive 566-11 – Urinalysis Testing in the Community

NPB Pre- and Post-Release Decision Policies

Overview

- 1 The decision-making process is an important component of community-based supervision. When a situation arises that may compromise the offender's ability to comply with parole conditions and/or raise the risk to public safety, the Parole Officer must respond by promptly re-assessing the case, by discussing it with the person with delegated authority, by informing, where required, the decision-making authority (National Parole Board (NPB), and/or by suspending, if only temporarily, the offender's parole.
- 2 In comparison, when an offender's situation improves, the decision-making process is used to recommend a relaxation of the conditions of release.
- 3 Finally, the decision-making process is used in the case preparation of offenders on day parole.
- 4 The sharing of information with the offender is part of every decision-making process. The Information Sharing Checklist shall be used in the sharing of all reports with the offender. The Information Sharing Checklist shall be forwarded to the National Parole Board with an Assessment for Decision.
- 5 If some information cannot be fully shared with the offender, according to sections 27 or 141 of the *Corrections and Conditional Release Act (CCRA)*, a Protected Information Report can be prepared. When a Protected Information Report is prepared, a "gist" of the information shall be included in the Assessment for Decision report.
- 6 The decision-making process shall be used in the following situations:
 - a) Breach of conditions/Increase in the level of risk;
 - b) Suspension of day parole/full parole/statutory release;
 - c) Direct revocation;
 - d) Changes to conditions;
 - e) Case preparation: day parole to full parole/statutory release.
- 7 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.

BREACH OF CONDITIONS/INCREASE IN THE LEVEL OF RISK

Procedures

- 8 The Parole Officer must immediately inform the person with delegated authority upon learning that there exists reliable information that the offender has breached a condition of parole or statutory release, has tested positive for a urinalysis, or has refused/is incapable of providing a urine sample.
- 9 The Parole Officer must interview the offender in person to gather an explanation for the behaviour, assess any motivation to rectify the situation, and discuss a work plan suitable for keeping the risk at an acceptable level.
- 10 While recognizing that protection of society is the paramount consideration in any decision, the Parole Officer and the person with delegated authority shall consider all reasonable alternatives to suspension in order to manage the offender's reintegration effectively, such as:
 - more intensive supervision, including increasing frequency of contacts;
 - disciplinary interview;
 - directions and special instructions;
 - amendment to special conditions.
- 11 A report (Assessment for Decision) must be sent to the NPB stating the recommended risk management strategy for addressing the situation in the following cases:
 - Any breach of a condition of release that may indicate an increase in the offender's level of risk;
 - Any breach of a special condition;
 - Positive results for a urinalysis, or an inability or refusal to provide a urine sample;
 - Any other situation that gives reason to believe the risk level has increased.
- 12 If there are reasons to believe that suspension of parole is needed to prevent a breach of condition or to protect society, the suspension process must be initiated.

STANDARDS

Timeframes

- 13 The National Parole Board must receive the Assessment for Decision report within **three working days** from the moment the Parole Officer becomes aware of the breach of condition or becomes aware of a situation that gives reason to believe the risk level has increased.

Content

- 14 Content guidelines for the Assessment for Decision are provided in Annex 700-10A.

SUSPENSION OF DAY PAROLE, FULL PAROLE OR STATUTORY RELEASE

Process

- 15 The process for suspending day parole, full parole or statutory release has the following steps:
- Issuing a warrant of suspension and apprehension;
 - Post-suspension interview;
 - Review Correctional Plan Progress Report;
 - Cancellation of suspension or referral to the NPB;
 - Assessment for Decision;
 - Post-suspension hearing.

Issuing a Warrant for Suspension and Apprehension

- 16 Following the issuance of a suspension warrant, the Parole Officer shall provide all available information to the police that will assist in the timely apprehension of the offender.
- 17 The manager of the operational unit shall ensure that there is a system in place that guarantees regular efforts are made to locate an offender at-large. With the agreement of the police this may involve contact with the offender's family, known associates, other government agencies, or other locales where the offender may have made contact. This effort shall be documented in the Casework Record.
- 18 In the event of suspension of the offender, the person with delegated authority shall ensure that the Board receives a copy of the suspension warrant **within the first working day following the suspension**.
- 19 The designated person also has the authority to withdraw warrants of suspension before they are executed, unless the suspension warrant was directed to be issued by a NPB member or NPB staff, in which case the member or staff person must approve.
- 20 The person who issued the suspension warrant or another person with delegated authority shall ensure that the offender's suspension status is resolved as quickly as possible within the timeframes set out in subsection 135(3) of the *Corrections and Conditional Release Act*.

Post-suspension Interview

- 21 Although offenders are normally interviewed by their Parole Officer, the designated person who issued the warrant may decide to have another individual conduct the interview.
- 22 The purpose of the post-suspension interview with the offender is to:
- a) inform the offender of the reasons for the suspension;
 - b) give the offender an opportunity to explain his or her conduct;

- c) discuss with the offender the alternatives to revocation, including details of possible release plans, in order that the plans may be further investigated prior to referral to the Board for a decision;
 - d) inform the offender of his or her right to have a hearing before the NPB and to have an assistant present;
 - e) inform the offender of his or her right to be informed at least 15 days in advance of the hearing of the relevant information that the Board will take into consideration;
 - f) obtain the completed waiver form (NPB 79).
- 23 If the offender was suspended as a result of new charges, the Parole Officer must provide the offender with the following warning prior to obtaining information concerning the charges:
- “It is my duty to inform you that you need not say anything. You have nothing to hope from any promise in favour and nothing to fear from any threat whether or not you say anything. Anything you do say may be used against you as evidence. Do you understand?”
- 24 The results of the post-suspension interview must be entered in the Assessment for Decision Report.
- 25 After the post-suspension interview, the Parole Officer must initiate the community investigation, and the findings must be entered in the Assessment for Decision. However, if the offender presents a realistic, new release plan to a different area, the officer must request a Community Assessment. Content guidelines are in SOPs 700-03, "Assessments Completed by the Community".

Review Correctional Plan Progress Report

- 26 The Correctional Plan Progress Report must be reviewed and updated, if necessary to change any ratings.
- 27 In cases where the offender is apprehended in a different region or area from the one in which the suspension warrant is issued, the office responsible for supervising the offender shall update the Correctional Plan Progress Report. If ratings do not require a change, the office responsible for supervising the offender shall complete a summary of the progress on supervision in a Casework Record. The updated Correctional Plan Progress Report or Casework Record shall be completed within 5 working days of the execution of the warrant. The supervising Parole Officer and the Parole Officer responsible for completing the Assessment for Decision shall maintain close communication on the matter.
- 28 When the circumstances leading to the suspension are related to a new offence, and the offender remains in the community following a cancellation of the suspension, the Parole Officer in the community shall update the Criminal Profile (see SOP 700-04, "Offender Intake Assessment and Correctional Planning", section on Criminal Profile Update, for content guidelines). The Parole Officer in the community shall inform the Sentence Manager of the releasing institution, or the current institution if the offender has been reincarcerated, of the outstanding charge. If the offender is returned to the penitentiary, the update of the Criminal Profile is the responsibility of the Parole Officer in the

institution.

- 29 In cases where the intent is to refer the case to the NPB and the turnaround for the new statutory release date is less than six months, the Parole Officer in the community shall include a Community Strategy in the Assessment for Decision. The Assessment for Decision shall also include any recommended special conditions for the upcoming release. This may be a reaffirmation of the previously accepted supervision plan.

Cancellation of Suspension or Referral to the NPB

- 30 Following the offender's return to custody, the CSC must either cancel the suspension or refer the case to the NPB for decision within the following timeframes:
- a) in the case of an offender serving a sentence of two years or more, **within 30 days** after the recommitment or such shorter period as the Board directs;
 - b) in the case of an offender serving a sentence of less than two years, **within 14 days** of the offender's recommitment or such shorter period as may be directed by the Board.
- * The Board will not routinely review a case to determine the requirement for an earlier referral. However, the Board does have the option to request an earlier referral if the extraordinary circumstances of a case so warrant.
- 31 Notwithstanding the prescribed 30-day or 14-day timeframes, the suspension period should be limited to the time required to investigate and prepare an alternate release plan, including the conditions under which the offender can reasonably be returned to parole or statutory release.
- 32 The normal suspension/revocation procedures will apply when a new conviction is registered against a conditionally released offender. If cancellation of suspension is being considered, consultation with the sentence manager should occur so as to verify the consequences of such a decision in light of the additional sentence.
- 33 Where a person with delegated authority **cancels** the suspension of an offender's parole, the Board must be informed of this decision as soon as possible but no later than the next working day. The Board must be given reasons for the cancellation **within three working days** using the **Assessment For Decision** form. The report shall include a recommendation.
- 34 The designated person has the jurisdiction to cancel a suspension, except if the suspension was issued by the NPB or **if the case has already been referred to the Board.**
- 35 The most common circumstances for cancelling a warrant of suspension include the following:
- a) new information modifies the risk assessment;
 - b) new information modifies the reasons for the suspension;

- c) new conditions or a new release plan reduce the risk to the community to an acceptable level;
 - d) loss of jurisdiction due to late referral or warrant expiry date.
- 36 To permit prompt release of the offender, the Board or another person with delegated authority shall forward to the head of the institution holding the offender a notice of cancellation or suspension of day parole, full parole or statutory release or an electronically transmitted copy of this notice.

Assessment for Decision

- 37 The Assessment for Decision must be forwarded to the NPB as soon as possible accompanied with the **Reasons for Suspension** form, the Correctional Plan Progress Report, if completed and, if any, the Community Assessment.
- 38 In cases where the offender is apprehended in a different region or area from the one in which the suspension warrant is issued, the area or region in which the offender was apprehended is responsible for completing the Assessment for Decision. The supervising Parole Officer and the Parole Officer responsible for completing the Assessment for Decision shall maintain close communication on the matter.
- 39 In the case of a referral, the Assessment for Decision which is forwarded to the NPB **SHALL** include an assessment of the case and a recommendation. The assessment must be based on information available at the time of the completion of the report and should specifically address the risk posed by the offender. In cases where there is very little information available, the assessment need not be lengthy.
- 40 Should it be determined that, on the basis of the facts relating to the decision to suspend, there are reasonable grounds to believe that the offender is likely to commit:
- an offence causing death or serious harm;
 - a sexual offence involving a child, or;
 - a serious drug offence;
- the case shall be **referred for detention**, but **only once the Board has decided to revoke release**. If, as a result of the revocation, there are fewer than six months remaining until the new statutory release date, the case shall be submitted as a **Commissioner's referral**, using new information as grounds for the referral.
- 41 When a **referral for detention** is appropriate, the Parole Officer in the community shall prepare the Assessment for Decision where the offender remains in provincial custody and/or where the new statutory release date after revocation is in less than six months, unless otherwise agreed between the community and the institution. In all other cases, the **referral for detention** shall be the responsibility of the Parole Officer in the institution.
- 42 If, after the Assessment for Decision has been forwarded to the NPB, additional information is received which would modify the initial recommendation, and the Board has not yet rendered a decision on the case, a **new** Assessment for Decision based on the additional information must be forwarded to the Board, including the new recommendation. If the additional information does not modify the initial recommendation, it should be documented in an Addenda to Assessment for Decision and forwarded to the Board.

- 43 Where there is a referral, a loss of jurisdiction on the part of the Board will occur, making it necessary to release the offender immediately, if:
- a) the Assessment for Decision does not include an assessment of the case and a recommendation; or
 - b) the referral is not submitted to the NPB within the specified timeframes.
- 44 The Assessment for Decision shall be concise and focus on the essential elements of the case, avoiding repeating information already reported in the Community Assessment, if completed. The Board shall be referred to this document. Yet, the Parole Office must ensure that the information required pursuant to the NPB pre-release and post-release decision policies has been considered.

Content

- 45 Content guidelines for the Assessment for Decision in the case of a suspension are set out in Annex 700-10A.

Post-suspension Hearing

- 46 The suspended offender receives a post-suspension hearing unless he or she waives that right. The form entitled "Waiver" (NPB 79) shall be completed at the time of the post-suspension interview if the offender wishes to waive the post-suspension hearing or waive the right to be provided with information.
- 47 If feasible, the offender's Parole Officer in the community should attend the hearing. Otherwise, another Officer with a thorough knowledge of the case shall attend the hearing. The Officer attending the post-suspension hearing is responsible for obtaining all information pertaining to the offender's term of supervision and the circumstances leading to the suspension.
- 48 If the suspended offender is in custody at a provincial institution, the designated CSC Parole Office should either arrange to hold the hearing at the institution or arrange to transfer the suspended offender to a federal institution.

DIRECT REVOCATION

- 49 The Board may revoke a conditional release when:
- no suspension warrant was issued;
 - no suspension warrant executed or
 - the recommendation was to cancel a suspension or take no action on a breach of condition.

Where the NPB decides to directly revoke an offender's release when no suspension warrant was issued or executed, the person with delegated authority must issue a warrant of revocation and apprehension, which launches the post-revocation process.

- 50 There shall be a post-revocation interview with the offender. If significant new information is obtained in the interview, the Parole Officer conducting the interview shall prepare an Addenda to an Assessment for Decision and submit it to the Board. If no new information is obtained, a Casework Record should be completed documenting the fact that the interview occurred.
- 51 The NPB shall hold a post-revocation hearing using the same rules that apply to a post-suspension hearing.

CHANGES TO CONDITIONS

Principles

- 52 The risk to society is the paramount factor to consider in any decision to change conditions of release. The conditions imposed on an offender on parole/statutory release should always represent the least restrictive measure.
- 53 The Board may change a condition of release where a change in the level of risk means that the condition is no longer reasonable or necessary. Conditions may be changed for any offender, including offenders with long periods of supervision or who are serving a life or indeterminate sentence.
- 54 Only the Board may relieve an offender from any condition imposed by regulation on all offenders or change such conditions.
- 55 Where the Board has imposed special conditions of release, it is up to the Board to determine if there are grounds for cancelling, changing or adding to them.

Process

- 56 The Parole Officer shall submit a request to change the conditions where he/she deems that such action is needed to manage the risk and promote the offender's social reintegration.
- 57 The offender is entitled to submit comments to the NPB. The Board shall consult with the supervisor prior to studying the offender's request.
- 58 The request for change and an assessment must be presented using the Assessment for Decision form.
- 59 Content guidelines for the Assessment for Decision are provided in Annex 700-10A.

CASE PREPARATION: DAY PAROLE TO FULL PAROLE/STATUTORY RELEASE

Principles

- 60 For the principles guiding the Service in preparing cases for release decisions, refer to SOPs 700-07, "Pre-Release Decision Process".

Procedures

- 61 Review
- program reports;
 - Casework Record;
 - psychological report.
- 62 Update the offender's progress. This includes:
- interview with offender;
 - case conference (with supervisor, CRF and/or programs staff, psychologist, etc);
 - reporting on progress in the "update" section of the Assessment for Decision.
- 63 Request a Community Strategy, and Community Assessments, if required. However, unless there is substantial change in the release plan, modifications in the original Community Strategy, such as changes in conditions, may be presented in the Assessment for Decision.
- 64 Complete the Assessment for Decision.
- 65 Content guidelines for the Assessment for Decision are provided in Annex 700-10A.

Timeframes

- 66 The National Parole Board must receive the Assessment for Decision report at least four weeks before the end of the day parole, except for cases serving life sentences, where the report shall be received by the Board six weeks before the end of the day parole.

Commissioner,

Original signed by:

Lucie McClung

ANNEX 700-10A
CONTENT GUIDELINES FOR THE
ASSESSMENT FOR DECISION - COMMUNITY

BREACH OF CONDITIONS/ INCREASE IN THE LEVEL OF RISK

Appraisal	<p>Purpose of Report:</p> <ul style="list-style-type: none">• Self-explanatory. <p>Offender Progress under Supervision:</p> <ul style="list-style-type: none">• Summarize the offender's progress on supervision since the most recent Correctional Plan Progress Report <p>Circumstances surrounding the breach/increase in the level of risk:</p> <ul style="list-style-type: none">• Details of the circumstances. <p>Offender's motivation:</p> <ul style="list-style-type: none">• Based on the offender's behaviour during supervision, assess his motivation to comply with release conditions in the future. <p>Actions taken to deal with risk:</p> <ul style="list-style-type: none">• The actions taken by the Parole Officer to deal with risk. <p>The least restrictive measure:</p> <ul style="list-style-type: none">• It is the least restrictive measure for controlling the risk of re-offending until the warrant expiry date. <p>Final Recommendation:</p> <ul style="list-style-type: none">• Indicate your final recommendation and any relevant details associated with it (e.g., special conditions).
------------------	--

SUSPENSION OF DAY PAROLE, FULL PAROLE OR STATUTORY RELEASE

<p>Appraisal</p>	<p>Purpose of Report:</p> <ul style="list-style-type: none"> • Self-explanatory. <p>Offender Progress under Supervision:</p> <ul style="list-style-type: none"> • Summarize the offender's progress on supervision since the most recent Correctional Plan Progress Report <p>Detention Criteria: <i>The offender's day parole, full parole or statutory release suspension shall be reviewed for possible detention referral only where there are new charges or where the case is referred to NPB for a decision.</i></p> <p>The assessment shall then include an analysis of the criteria specified in the <i>Act</i> to the effect that the circumstances that led to the suspension appear or do not appear to lead to reasonable grounds to believe that the offender is likely to commit:</p> <ul style="list-style-type: none"> - an offence causing death or serious harm, - a sexual offence involving a child, or - a serious drug offence. <p><u>Where the criteria are not met, a short analysis is all that is required.</u></p> <p><i>Assess the advantages and disadvantages of the various release options. The assessment shall consider the following factors. <u>The information reported in the Community Assessment (if completed) shall not be repeated:</u></i></p> <p>Reasons/circumstances for the suspension:</p> <ul style="list-style-type: none"> • Was the release suspended for circumstances beyond the offender's control? • The relationship between the present circumstances of suspension and the principal contributing factors. • Previous suspensions during current sentence (number and brief description of circumstances). (This information is needed by the Board in order to consider a delay of the cancellation of the suspension.) • Results of the post-suspension interview, including the offender's explanation of the circumstances leading to suspension.
	<p>Offender's attitude and progress:</p> <ul style="list-style-type: none"> • The offender's attitude toward supervision since release. • The offender's progress in relation to his Correctional Plan. • In view of the offender's conduct after release, is there an undue risk to society? • What is the least restrictive measure for controlling the risk of reoffending until the warrant expiry date? <p>Other Information:</p>

	<ul style="list-style-type: none">• Other information from the community. <p>Release Plan:</p> <ul style="list-style-type: none">• The various, anticipated post-suspension actions and the offender's reaction to them.• The offender's new release plans.• The most realistic release plans, including information from the Community Assessment received from another area.• The special conditions to be imposed, where applicable (least restrictive measure, taking into consideration identified risk factors and the protection of the public). <p>Final Recommendation:</p> <ul style="list-style-type: none">• Indicate your final recommendation and any relevant details associated with it.
--	---

CHANGE CONDITIONS

Appraisal	<p>Purpose of Report:</p> <ul style="list-style-type: none">• Self-explanatory. <p>Offender Progress under Supervision:</p> <ul style="list-style-type: none">• Summarize the offender's progress on supervision since the most recent Correctional Plan Progress Report <p><i>The assessment shall be based on the following factors:</i></p> <p>Offender's progress:</p> <ul style="list-style-type: none">• The offender's behaviour while on release.• The degree of stability in the offender's release plan or current situation.• The presence of stresses which might effect the offender's future behaviour.• Evidence that the offender has addressed the major factors that contributed to criminal involvement. <p>The least restrictive measure:</p> <ul style="list-style-type: none">• It is the least restrictive measure for controlling the risk of re-offending until the warrant expiry date. <p>Final Recommendation:</p> <ul style="list-style-type: none">• Indicate your final recommendation and any relevant details associated with it.
------------------	--

CASE PREPARATION: DAY PAROLE TO DAY PAROLE CONTINUED/FULL PAROLE/STATUTORY RELEASE

<p>Appraisal</p>	<p>Purpose of Report: ➤ Self-explanatory.</p> <p>Update:</p> <ul style="list-style-type: none"> • Summarize the offender's progress on supervision since the most recent Correctional Plan Progress Report • If a new Community Strategy is not required, any modifications to the details of the original Community Strategy must be described here. • If a new Community Strategy is required, and the same Parole Officer is preparing the Community Strategy and the Assessment for Decision, the content of the new Community Strategy can be entered here. <p>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:</p> <ul style="list-style-type: none"> ▪ 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. <p><i>If full parole is not recommended, explain the changes the offender can make to reduce his or her potential risk.</i></p>
-------------------------	--

	<p>Dissenting opinion:</p> <ul style="list-style-type: none">➤ Include all dissenting opinions from all staff members involved with case preparation, as well as the underlying reasons for them. <p>Final Recommendation:</p> <ul style="list-style-type: none">➤ Indicate your final recommendation and any relevant details associated with it (e.g., duration; destination; special conditions). <p>If no special conditions are recommended for Statutory Release, no Assessment for Decision has to be completed.</p>
--	---