

MYTHS AND REALITIES

How Federal Corrections Contributes to Public Safety

— 2ND EDITION —



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public safety

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See legislation for legal interpretation.

FOREWORD

Myths and Realities is intended to provide straightforward, factual information about correctional issues and related subjects which are of concern to all Canadians. This publication is intended to challenge myths, address public misconceptions and promote greater understanding about how corrections contributes to public safety. Crime is devastating to the individual, the victim and to society as a whole. The Correctional Service of Canada is committed to continually find ways to reduce the likelihood of re-offending. Hopefully, this publication will help increase Canadians' confidence that offenders can and do return safely to the community, as responsible, law-abiding citizens.

Because this publication is based on factual information, it relies heavily on statistics from a variety of sources. In these cases, the source and year are cited. Please remember, however, that statistics change. Updates can be obtained by visiting the Correctional Service of Canada's Internet site, at the address listed at the back of this publication.

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GET THE FACTS
ABOUT CRIME...

I

MYTH

Violent crime is on the rise in Canada.

REALITY

Although the rate of violent crime in Canada increased by 3% in 2000, it accounts for a relatively small portion of all criminal incidents recorded by the police each year. Of the 2.4 million *Criminal Code* incidents (excluding traffic and drugs incidents) reported in 2000, 13% were violent crimes.

Source: Logan, R. *Crime Statistics in Canada, 2000*, Juristat, Vol. 21 No. 8, Ottawa: Canadian Centre for Justice Statistics, 2001, p. 1, 4.

2

MYTH

Homicide rates are as high in Canada as they are in the United States.

REALITY

False! Homicide rates are generally three to four times lower in Canada than in the United States. In 2000, Canada's homicide rate was 1.76 per 100,000 population. In that same year, it was 5.5 per 100,000 population in the United States.

Source: Fedorowycz, O. *Homicide in Canada – 2000*, Juristat, Vol. 21 No. 9, Ottawa: Canadian Centre for Justice Statistics, 2001, p. 3.

3

MYTH

Most violent crimes involve weapons.

REALITY

False! In 2000, only one violent incident in seven involved a common weapon (i.e. firearm, knife, blunt instrument, or other piercing or cutting object). The presence of these weapons in the commission of violent crimes declined from 20% in 1995 to 15% in 2000.

Source: Ottawa: Canadian Centre for Justice Statistics, 2001.

4

MYTH

Firearms are almost always used to commit murder.

REALITY

False! In 2000, 183 (33.8%) of 542 homicides were committed with a firearm. Other methods included stabbing (27.5%), beating (23.4%), strangulation (7.2%), fire (0.6%), and poisoning (0.7%).

Source: Fedorowycz, O. *Homicide in Canada – 2000*, Juristat, Vol. 21 No. 9, Ottawa: Canadian Centre for Justice Statistics, 2001, p. 7.

5

MYTH

Since capital punishment was abolished in 1976, the incidence of homicide has increased.

REALITY

False! Canada's homicide rate has declined since capital punishment was abolished in 1976. In 2000, there were 542 homicides in Canada – 16 fewer than in 1998, and 159 fewer than in 1975 (i.e. one year prior to the abolition of capital punishment).

Source: Logan R. *Crime Statistics in Canada, 2000*, Juristat, Vol. 21 No. 8, Ottawa: Canadian Centre for Justice Statistics, 2001, p. 6.

6

MYTH

Most homicides are committed by strangers.

REALITY

False! In 2000, only 17% of solved homicides were committed by strangers. This low rate has remained relatively stable over the past decade. Of the remaining solved homicides committed in 2000, 32.3% of victims were killed by a spouse, parent or other family member, and 50.5% were killed by an acquaintance.

Source: Fedorowycz, O. *Homicide in Canada – 2000*, Juristat, Vol. 21 No. 9, Ottawa: Canadian Centre for Justice Statistics, 2001, p. 11.

MYTH

Canada's biggest cities have the highest crime rates.

REALITY

False! In 2000, an analysis of the 25 Census Metropolitan Areas (CMAs) revealed that these urban areas had an overall rate of *Criminal Code* violations similar to smaller cities, towns, and rural areas. When examining specific offences, in 1996, CMAs had higher rates of attempted murder, robbery, breaking and entering, motor vehicle theft, and prostitution. In contrast, non-CMA areas had higher rates of sexual assault, common assault, weapons and explosive offences, and impaired driving.

Definition of CMAs: A CMA is an urbanized core of at least 100,000 people, and includes adjacent rural and urban areas that have a high degree of economic and social integration. The 25 Canadian CMAs in 2000 were: Toronto, Montréal, Vancouver, Ottawa, Hull, Edmonton, Calgary, Québec, Winnipeg, Hamilton, Kitchener, St. Catharines-Niagara, London, Halifax, Victoria, Windsor, Saskatoon, Regina, St. John's, Chicoutimi-Jonquière, Sudbury, Sherbrooke, Saint John, Trois-Rivières and Thunder Bay. Due to mapping difficulties, Oshawa was not included in the analysis.

Sources: Du Wors, R. *The Justice Data Factfinder*, Juristat, Vol. 17 No. 13, Ottawa: Canadian Centre for Justice Statistics, 1997, p. 3.

Logan R. *Crime Statistics in Canada 2000*, Juristat, Vol. 21 No. 8, Ottawa: Canadian Centre for Justice Statistics, 2001, p. 5, 18.

8

MYTH

Seniors are most often victimized by violent crime.

REALITY

False! In 2000, seniors (65+) were victimized in 1.8% of all violent criminal incidents. Persons between the ages of 15 and 24, on the other hand, were victims of violent crime in 28.8% of cases. Although persons within this age group are most likely to be victimized, ironically, they are least likely to express concern with crime. It is important to note, however, that while seniors are less likely to be victimized, the physical, emotional, and economic consequences of victimization may be much more severe than for younger persons.

Sources: Canada. Statistics Canada, Canadian Centre for Justice Statistics. "Revised Uniform Crime Reporting Survey", in Solicitor General Canada, *Corrections and Conditional Release Statistical Overview*, Ottawa: Ministry Corrections Statistics Committee, 2001, p. 13-14.

Canada. Environics Research Group (1991), in Griffiths, C. and S. Verdun-Jones, *Canadian Criminal Justice: Second Edition*, Toronto: Harcourt Brace & Company, Canada Inc., 1994, p. 28.

9

MYTH

Most sexual assaults against women are committed by strangers.

REALITY

False! In 1999, 23% of sexual assaults against women were committed by strangers. In that year, 32% were victimized by a casual acquaintance, and 24% by a family member.

Source: Canada. Policing Services Program, Canadian Centre for Justice Statistics, 2000

IO

MYTH

Most crimes are reported to the police.

REALITY

False! Victimization survey data reveals that less than four in ten incidents are reported to police. There are many reasons why victims may not report. Examples include: perception that police cannot help, belief that the incident involves a personal matter, and fear of reprisal from the aggressor.

Generally speaking, if a crime does not involve losses of high value, bodily injury (or serious threat of bodily injury), victimization by a stranger, or breaking and entering, most victims do not report the crime to the police.

Source: Besserer, S. and C. Trainor, *Criminal Victimization in Canada, 1999*, Juristat, Vol. 20 No. 10, Ottawa: Canadian Centre for Justice Statistics, 2000, p.1, 11, 12.

II

MYTH

Sex offenders commit sex crimes over and over again.

REALITY

One follow-up study of released federal sex offenders revealed that one-third were convicted of a new criminal offence. Of these, less than one in 10 were reconvicted of a new sex offence.

Source: Wilson, R. J., Stewart, L., Stirpe, T., Barrett, M., and Cripps, J.E. (2000). Community based sexual offender management: Combining parole supervision and treatment to reduce recidivism. *Canadian Journal of Criminology*, 42, 177-188.

MYTH

Most youth crimes involve violence.

REALITY

Of the 100,861 youths charged with *Criminal Code* offences (excluding traffic offences) in 2000, 22.4% of them were charged with violent crimes. Minor assaults accounted for more than half of the violent crimes committed by youth. The remaining 75% of youth were charged with other *Criminal Code* offences such as break and enter, motor vehicle theft and mischief.

Source: Logan R. *Crime Statistics in Canada, 2000*, Juristat, Vol. 21 No. 8, Ottawa: Canadian Centre for Justice Statistics, 2001, p. 20.

MYTH

The public believes that courts are too lenient on offenders.

REALITY

While many Canadians believe that the courts are too lenient on violent, repeat offenders, both Canada's incarceration rate and length of sentence are higher than in most other countries. In 2000, the incarceration rate in Canada was 118 inmates per 100,000 general population.

It is important to distinguish between violent and non-violent crimes when asking people about their perception of sentencing practices. If this distinction is made, the public is more likely to recommend sentences that parallel those imposed by the courts. If, on the other hand, this distinction is not made, the vast majority of Canadians will express their desire for harsher penalties.

Sources: Roberts, J. V. and L. J. Stalans. *Public Opinion, Crime, and Criminal Justice*, United States of America: Westview Press, A Division of Harper Collins Publishers, Inc., 1997, p. 208.

Canada. University of Toronto. Centre of Criminology. *An Exploration of Ontario Residents' Views of Crime and the Criminal Justice System*, Toronto: University of Toronto, 1998.

Solicitor General Canada; Prison Statistics England and Wales 2000, Home Office Research, United Kingdom; Prison Statistics in 2000, Bureau of Justice Statistics, United States Department of Justice.

MYTH

Violent offences are the most common type of offences heard by adult criminal courts.

REALITY

False! Violent offences accounted for 20.8% of adult court cases in 1998-99. Of these, more than half (57.2%) were for minor assault. Less than 1% involved homicide or attempted murder cases.

Non-violent cases comprised the bulk of adult court cases (79.2%), most of which involved crimes against property (25.6%) and other *Criminal Code* offences (28.1%) such as failure to appear. Impaired driving was the most frequent type of case heard (12.2%).

Source: Roberts J.V. and C. Grimes, *Adult Criminal Court Statistics, 1998-99*, Juristat, Vol. 20 No. 1, Ottawa: Canadian Centre for Justice Statistics, 2000, p. 3.

MYTH

Increasing the severity of sentences will deter criminals from offending.

REALITY

While it is often argued that longer sentences will deter offenders, empirical research in the United States, Canada and Europe over the last 30 years, has shown that longer sentences are not associated with reduced recidivism, but may rather be related, with a small *increase* in recidivism.

Many researchers have stated that the *certainty* of punishment exerts a greater deterrent impact on potential offenders than does the *severity* of punishment (i.e. increasing the likelihood of conviction is more likely to bring about reductions in crime than tougher sentencing practices).

Sources: Gendreau, P., C. Goggin, and F. C. Cullen. *The Effects of Prison Sentences on Recidivism (User Report 1999)*, Ottawa: Solicitor General Canada, 1999.

Von Hirsch, A., A. Bottoms, and P. O. Wikström. *Criminal Deterrence and Sentence Severity: An Analysis of Recent Research*, Portland, Oregon: Hart Publishing, 1999.

Friedland (1990), Gibbons (1992), and Howe and Brandau (1998), in Griffiths, C. and S. Verdun-Jones, *Canadian Criminal Justice: Second Edition*, Toronto: Harcourt Brace & Company, Canada Inc., 1994, p. 28.

Roberts, J. V., and L. J. Stalans. *Public Opinion, Crime, and Criminal Justice*, United States of America: Westview Press, A Division of Harper Collins Publishers, Inc., 1997, p. 46.

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MYTH

The majority of adult criminal court cases do not result in conviction.

REALITY

False! The majority of adult criminal court cases (excluding Superior Court cases) result in conviction. In 1998-99, a guilty verdict for at least one charge was reported in approximately two-thirds of all cases tried (62%). Of the remaining cases, 32% resulted in a stay/withdrawal, 2.5% resulted in an acquittal, and 3.4% resulted in an *other* disposition (e.g. not criminally responsible or waived in/out of province/territory).

Source: Roberts J. V. and C. Grimes, *Adult Criminal Court Statistics, 1998-99*, Juristat, Vol. 20 No. 1, Ottawa: Canadian Centre for Justice Statistics, 2000, p. 9.

17

MYTH

The proportion of women involved in crime has increased significantly over the past decade.

REALITY

The percentage of women involved in crime has increased very slightly over the past decade. Approximately 18% of adults charged in 1997 were women, an increase of 2% from 1986 and 5% from 1977. In 2000-2001, women represented 5.4% of admissions to federal institutions, an increase of 1.4% from 1996-97.

Sources: Finn, A., S. Trevethan, G. Carrière, and M. Kowalski. *Female Inmates, Aboriginal Inmates, and Inmates Serving Life Sentences: A One Day Snapshot*, Juristat, Vol. 19 No. 5, Ottawa: Canadian Centre for Justice Statistics, 1999, p. 3.

Canada. Solicitor General Canada, *Corrections and Conditional Release Statistical Overview*, Ottawa: Ministry Corrections Statistics Committee, 2001, p. 38.

18

MYTH

Parole reduces the sentence imposed by the courts.

REALITY

False! Parole does not reduce the sentence imposed by the courts – it affects the way in which a sentence is served. Federal offenders are normally eligible to be considered for full parole after serving one-third of their sentence, or seven years, whichever is less. Inmates released on parole serve the remainder of their sentence in the community under supervision. Under no circumstances are parolees granted unconditional freedom.

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MYTH

A life sentence does not mean life in Canada.

REALITY

False! A life sentence means life – never again will an offender serving a life sentence enjoy total freedom. Although “lifers” may not spend the rest of their lives within an institution (i.e. they may eventually be paroled), they will always remain subject to conditions and supervision. Should an offender breach these conditions or engage in behaviour that gives the National Parole Board cause for concern, he or she may be returned to prison at any time.

MYTH

Canada imprisons fewer criminals than most other countries.

REALITY

False! Canada's incarceration rate is high by international standards. In 2000, the incarceration rate in Canada was 118 per 100,000 general population. While Canada's incarceration rate is exceeded by the United States (699), it is higher than most Western European countries such as Scotland (115), Germany (97), France (89), Switzerland (79), and Finland (52).

Source: Solicitor General Canada; Prison Statistics England and Wales 2000, Home Office Research, United Kingdom; Prison Statistics in 2000, Bureau of Justice Statistics, United States Department of Justice.

MYTH

Most men in federal prisons have served a previous federal sentence.

REALITY

False! Most men offenders have not served a previous federal sentence although they may have served a provincial term. On March 25, 2001, 62.5% (7,804) of men federal offenders were serving their first federal sentence. Of the remainder, 23.2% (2,899) were serving their second federal sentence, and 14.3% (1,791) had served at least two previous federal sentences.

Source: Canada. Correctional Service Canada, Offender Management System, March 25, 2001.

22

MYTH

The cost of incarcerating men and women offenders is the same.

REALITY

False! It costs a lot more money to incarcerate women than it does men, largely because their numbers are fewer and the legal requirement to provide program and service equity. In 1999-2000, the average annual cost of incarcerating men offenders in federal institutions was \$67,686. Broken down by security level of the institution, the average annual cost of incarcerating a male offender was \$96,740 for maximum security institutions, \$60,673 for medium security institutions, \$53,634 for minimum security institutions, and \$29,921 for community correctional centres. In 1999-2000, the average annual cost of incarcerating women offenders in the regional facilities for women was \$115,465.

Source: Canada. Correctional Service Canada. *Cost of Maintaining Offenders – Fiscal Year 1999-2000*, Ottawa: Finance, Correctional Service Canada, 2000.

23

MYTH

Correctional programming does not help to rehabilitate offenders and it is therefore a waste of money.

REALITY

Research indicates that offenders who participate in targeted treatment programs are less likely to re-offend upon release than offenders who do not participate in such programs. For example, higher risk offenders who received treatment, regardless of whether they were released inmates or probationers were associated with 50 percent reduction in recidivism.

Source: Bonta, J., Wallace-Capretta, S., and J. Rooney (2000). A Quasi-Experimental Evaluation of an Intensive Rehabilitation Supervision Program. *Criminal Justice and Behavior*, 27, 312-329.

MYTH

Offenders are not trained for jobs while in prison.

REALITY

False! A number of programs are offered in prisons that teach offenders employment skills. CORCAN is one of the most recognized correctional employment programs in Canada. Through its five business lines (agribusiness, construction, manufacturing, services, and textiles), CORCAN provides offenders with work experiences and training designed to closely replicate private sector work environments.

CORCAN provides full-time employment training to about 4,000 inmates in 32 federal institutions across the country.

Source: Canada. Correctional Service Canada. *CORCAN Annual Report 2000-2001*, Ottawa: CORCAN, 2001.

Federal inmates sit around and do nothing all day.

REALITY

Inmates are expected to participate in a wide variety of educational, employment, and treatment programs while in prison. These programs are designed to address factors identified as contributing to their criminal behaviour. While the Correctional Service of Canada cannot force inmates to participate in correctional programs, incentives have been put in place to encourage involvement.

Throughout the sentence, it is expected that the offender will work towards changing his or her criminal behaviour. The offender's progress in meeting the requirements of the correctional plan is monitored continually and is a primary consideration in any decision related to the offender. For example, an inmate's level of pay is directly related to his or her involvement in the programs outlined in their plan. Inmates do not earn top rates of pay (\$6.90 per day) until they are actively involved in, or have completed, *all* of the requirements set out in their Plan. Inmates who refuse to work, participate in institutional programs, are in disciplinary segregation, or participate in a shut down may have their pay suspended. An allowance of \$2.50 per day is provided to inmates who are unable to participate in a program assignment for reasons beyond their control.

Source: Canada. Correctional Service Canada. *Commissioner's Directive 730 – Inmate Program Assignment and Payments*, Ottawa: Correctional Service Canada, 1999, p. 5-6.

GET THE FACTS
ABOUT COMMUNITY
CORRECTIONS
AND CONDITIONAL
RELEASE...

MYTH

Statutory release is the same as parole.

REALITY

False! While statutory release and parole are both forms of conditional release that require offenders to conform to a set of release conditions and supervision, statutory release is a legal provision that requires *most* offenders to serve the final third of their sentence in the community. Parole, on the other hand, is subject to a discretionary decision made by the National Parole Board. Inmates are normally eligible to be considered for parole after serving one-third of their sentence, or seven years, whichever is less.

Offenders on both forms of release may be returned to prison if they commit a new offence or fail to abide by their release conditions.

MYTH

Temporary absences may be granted to inmates for just about any reason, regardless of the risk that they pose to society.

REALITY

False! Temporary absences may only be granted to inmates for specific reasons, including: medical, humanitarian, family contact, community service, parental responsibility, and personal development relating to rehabilitation. Temporary absences may be escorted or unescorted. For escorted absences, the offender is accompanied by one or more security officers or by a trained volunteer from the community.

While all inmates may be considered for escorted temporary absences for medical or humanitarian purposes, only inmates classified as medium or minimum security may be considered for temporary absences for reasons relating to family contact, community service, parental responsibility, or personal development for rehabilitation purposes. Public safety is always the most important consideration in any pre-release decision.

While inmates may apply for unescorted temporary absences at any time, these absences are subject to a prescribed waiting period that varies with the length of an inmate's sentence. Eligibility for unescorted temporary absences generally occurs when an inmate is halfway toward his or her full parole eligibility date.

There were a total of 42,453 escorted and unescorted temporary absences in 2000-2001. Of those, 99.9% were completed successfully.

Source: Canada. Solicitor General Canada, *Corrections and Conditional Release Statistical Overview*, Ottawa: Ministry Corrections Statistics Committee, 2001, p. 78.

28

MYTH

Parole is used to reduce the federal prison population.

REALITY

False! The size of Canada's federal prison population is not a factor considered by the National Parole Board in reviewing an inmate's application for parole. The overriding factor is whether the offender, if paroled, has a greater chance to successfully reintegrate in the community.

29

MYTH

Administrators of correctional institutions are required to respect a 50/50 quota between incarcerated and community populations.

REALITY

False! The ratio between the incarcerated and community populations has remained steady (around 60/40) since 1997. Not only are there no quotas, it would be contrary to both the Correctional Service of Canada's (CSC) mandate and legal obligations. CSC does not have the authority to release offenders on its own.

The decision to release offenders has always been the responsibility of the National Parole Board (NPB), a separate agency of the Portfolio of the Solicitor General of Canada. CSC officials can and do advise the NPB as to what would be best for the community and for offenders who are eligible for conditional release, but the decision is solely for the NPB to take.

30

MYTH

National Parole Board members are political patronage appointees.

REALITY

False! National Parole Board members are not political patronage appointees. Vacancies are advertised, and interested candidates must apply for positions with the National Parole Board. Candidates who possess the necessary qualifications are interviewed and appointed, as appropriate. The selection criteria for Board members include a wide range of necessary knowledge and abilities, including knowledge of the criminal justice system in general and, in particular, corrections and conditional release.

31

MYTH

Offenders released on parole are free to live their lives as they please.

REALITY

False! All offenders on parole remain under the supervision of the Correctional Service of Canada in cooperation with its criminal justice partners. They must also respect some conditions established for their parole such as: remain in Canada within prescribed territorial boundaries, keep the peace, be of good behaviour and obey the law, report to a parole supervisor and the police as required, keep the parole supervisor informed of changes in residence or employment, and refrain from criminal associations and contacts. If deemed necessary, special conditions may also be imposed. The National Parole Board can, for example, require an offender to refrain from the use of alcohol and/or non-prescribed drugs, or to attend a treatment or training program.

If the conditions of parole are not met, the Parole Board has the power to revoke the release and return the offender to prison.

MYTH

Parole is automatically granted when an inmate becomes eligible for parole consideration.

REALITY

False! Just because an offender is eligible for parole does not mean that his or her release will be granted. Members of the National Parole Board (NPB) are under no obligation to release an inmate at any time. The law gives the National Parole Board absolute discretion to grant or deny parole. In arriving at a decision, the NPB considers the risk that the offender may present to the community. Protection of society is the most important consideration in any conditional release decision.

In 2000-2001, the grant rate for full parole was 42.5%.

Source: Canada, Solicitor General Canada, *Corrections and Conditional Release Statistical Overview*, Ottawa: Ministry Corrections Statistics Committee, 2001, p. 59.

MYTH

Most offenders commit new crimes while on parole.

REALITY

False! Most offenders do not commit new crimes while on parole. A review of the 1,796 cases where a full parole ended in 2000-2001 reveals that:

- in 1,333 cases (74.2%), the terms of release were successfully completed;
- in 288 cases (16%), parole was revoked for breach of conditions (see Myth 31). In fact, if parole is revoked due to a breach of conditions, it is seen as a positive indicator of the Correctional Service of Canada's and National Parole Board's ability to protect the public, as the offender was prevented from committing a new crime;
- in 150 cases (8.4%), parole was revoked for commission of a new non-violent offence; and

- in 25 cases (1.4%), parole was revoked for commission of a new violent offence.

The number of offenders who meet the terms and conditions of their release provides impressive evidence of the effectiveness of the parole system in Canada.

Source: Canada. Solicitor General Canada, *Corrections and Conditional Release Statistical Overview*, Ottawa: Ministry Corrections Statistics Committee, 2001, p. 72.

34

MYTH

Victim information is not considered by the Correctional Service of Canada or the National Parole Board.

REALITY

False! In making decisions about the management and potential release of offenders, the Correctional Service of Canada and the National Parole Board both consider information that pertains to the safety concerns of victims, as well as information regarding the impact that the offence has had on victims, their families and their communities.

The Correctional Service of Canada is required to consider existing information from the victim, the victim impact statement, and any information provided by the victim about the offender when evaluating an offender's overall risk and programming needs, in making decisions relating to the institutional security level required to protect society, and in assessing whether or not an offender should be released on a temporary absence or a work release. Victim information is also taken into consideration when the Correctional Service of Canada makes a recommendation to the National Parole Board regarding the conditional release of an offender.

The National Parole Board considers information from victims in helping to assess whether an offender's release may pose a risk to society. In cases where the Board must decide whether to detain an offender in custody until the end of his or her sentence, information about the harm suffered by victims is critical. Information from victims is also important when it is directly relevant to assessing the offender's release plans and when identifying conditions necessary to manage

a particular risk that the offender might present (especially if the offender will be near the victim or is a member of the victim's family).

Since July 1, 2001, victims, as defined in sections 2 and 142(3) of the *Corrections and Conditional Release Act*, may present a statement at National Parole Board hearings either in person, or they can choose to present it on an audio or videotape.

Source: Canada. National Parole Board. *Parole decision-making Myths and Realities*, Ottawa: National Parole Board, 2001.

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MYTH

Victims cannot obtain information about an offender.

REALITY

False! While the Correctional Service of Canada and the National Parole Board do not automatically provide victims with information about an offender's case, certain information can be requested. In instances in which the victim has died, or is unable to act for themselves (e.g. if the person is ill or is a child), a relative or person responsible for the victim may receive information. Victims may also authorize an individual to act on their behalf.

A victim can request basic information about an offender, including:

- the sentence commencement date and length; and
- the eligibility and review dates for unescorted temporary absences, day parole and full parole.

The Chairperson of the National Parole Board or the Commissioner of the Correctional Service of Canada *may* provide additional information if it is felt that the interest of the victim clearly outweighs any potential invasion of the offender's privacy that could result from the disclosure. Such information may include:

- the location of the penitentiary in which the sentence is being served;
- the date, if any, on which the offender is to be released on

- unescorted or escorted temporary absence, work release, parole, or statutory release;
- the date of any hearing for the purposes of a review;
 - the date on which the offender becomes eligible for parole;
 - any of the conditions attached to the offender's unescorted temporary absence, work release, parole, or statutory release;
 - the destination of the offender when released on any temporary absence, work release, parole, or statutory release, and whether the offender will be in the vicinity of the victim while traveling to that destination;
 - whether the offender is in custody and, if not, why; and
 - whether the offender has appealed a decision of the Parole Board, and the outcome of that appeal.

Source: Canada. Solicitor General Canada, Correctional Service Canada, National Parole Board. *Victims and Federal Corrections: An Information Guide to Assist Victims*, Ottawa: Solicitor General Canada, 1999.

36

MYTH

Public safety is not an important consideration when deciding whether or not to release an offender into the community.

REALITY

False! Public safety is the number one consideration in all decisions relating to the release of federal offenders.

MYTH

There is a loophole in the law that allows first degree murderers to be *automatically* paroled before serving their full sentences.

REALITY

False! Section 745.6 of the *Criminal Code* stipulates that where an offender has served at least 15 years of a life sentence for murder, he or she can apply to the Court for a reduction in the number of years of imprisonment that must be served before becoming eligible for parole consideration. While this provision has been in the law since 1976, it was modified in 1997 to prevent multiple murderers, who committed one or more of their murders after January 9, 1997, from applying. Now the offender's application must be prescreened by the Court to determine whether there is a reasonable prospect that the application will succeed. If the case proceeds to Court, the jury's decision to reduce the number of years of imprisonment without parole eligibility must be unanimous (though the degree of reduction is subject to a two-thirds majority).

Under no circumstances are successful applicants automatically paroled. This process only establishes an earlier date at which the offender may apply to the National Parole Board for release on parole. In arriving at a decision, the National Parole Board considers the risk that the offender may present to the community. Protection of society is the most important consideration in any conditional release decision.

Less than 25% of eligible inmates actually apply to have their parole eligibility dates reduced. Up until June 2000, only 103 decisions had been rendered under this provision of the *Criminal Code*. The period of parole ineligibility was reduced in 84 cases.

HOW TO REACH US

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