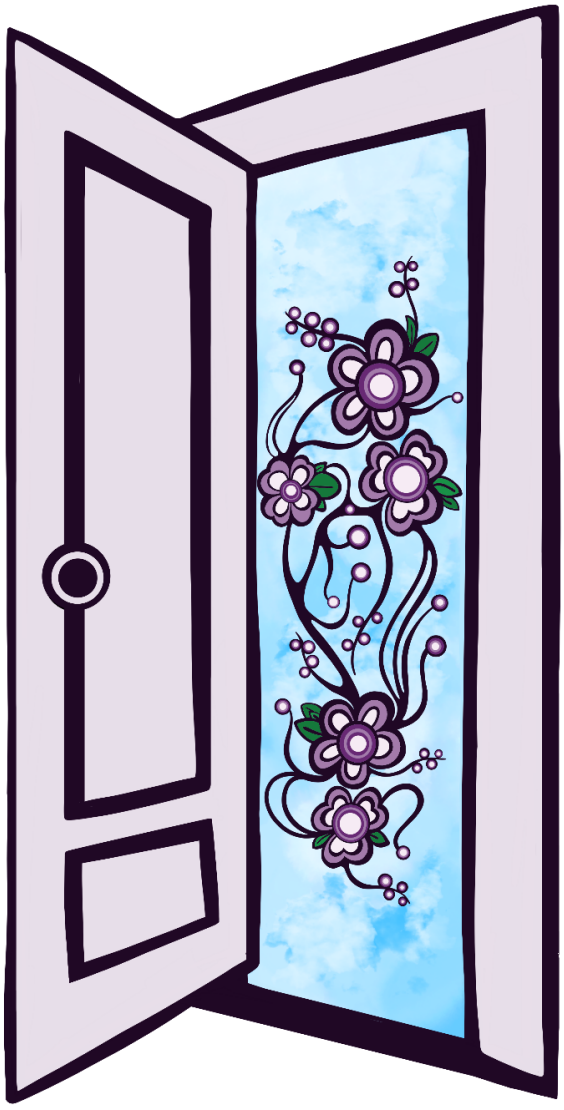
Community in Action

Understanding Conditional Release and Parole

A handbook for federally sentenced women and gender diverse people to navigate release from prison and being on parole
developed by the Canadian Association of Elizabeth Fry Societies



Acknowledging our Commitments to Indigenous Peoples

The Canadian Association of Elizabeth Fry Societies (CAEFS) office is on the traditional and unceded territory of the Algonquin Nation, which is colonially known to many as Ottawa, Ontario. Algonquin territory remains home to many First Nations, Inuit, and Métis peoples from across Turtle Island. While our main office is in this territory, our work is done across the country and so, our work takes place on the traditional territories of many different nations.

Every day, we work to acknowledge our relationship to this land and to colonialism, and to work in solidarity with Indigenous people– especially by paying critical attention to the ways that our work environments continue to reproduce colonial logics.
The connection between colonization and the criminalization of Indigenous people is irrefutable and has led to a crisis of incarceration and disproportionate punishment for Indigenous women and gender-diverse people.

The path forward to stopping this crisis must address the root causes and put Indigenous self-determination at the centre of all solutions. We echo the wisdom of calls from Indigenous communities to the Canadian Government to implement the calls to action from the reports released by the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG), Royal Commission on Aboriginal Peoples (RCAP), and the Truth and Reconciliation Commission.

TABLE OF CONTENTS

INTRODUCTION

Welcome to the Community in Action Handbook!

Achieving public safety through practices in prison and in the community that help you to return to your community is the primary goal of Canada's prison system. This handbook is designed to provide you with tools and knowledges that can help you re-enter the community at the earliest possible time in your sentence. It is designed to help you understand the legal framework behind the processes of community re-entry, with a focus on your rights and the government's responsibilities.

This handbook is divided into sections marked by HEADINGS and Subheadings. The goal of each section is to help you understand community re-entry and parole processes. It is written from a rights-based perspective: **we want you to be empowered to know your rights, and to have the tools to put the law (your rights) into action.** We explain relevant federal law because this is the type of law that is used to regulate the federal prison system. We also explain some relevant **international protocols and declarations**, as well as **calls to action and recommendations from national commissions and inquiries**, as well as **written commitments and priorities that the Canadian government has made**. We explain and include these because they can help you through everything that happens to you as you re-enter community and live on parole: from your release planning in prison to living in the community under parole conditions. You will see in some sections that there are highlighted boxes with the heading **USE THE LAW!** In these sections, we provide quotes and summaries of relevant laws, protocols, and government commitments for you to use as you have conversations with parole officers and develop your release plan, and as you move through re-entry processes and parole.

Use of Language – take note

CAEFS is intentional with our language. We never use the word offender, and we always use affirming, gender inclusive language. In this document, especially in the cases where we are quoting laws, policies and statutes, we will be replacing offender and inmate with [person], [federally sentenced person] or [incarcerated people]. The word offender implies an ongoing state of badness, deviance, and criminality. You are or were incarcerated because of a specific conviction, and regardless of the circumstances that led you to where you are today, we will not define you by your conviction.

UNDERSTANDING YOUR RIGHTS RELATED TO COMMUNITY RE-ENTRY AND PAROLE

As a federally sentenced person, **you maintain all the human, legal, and constitutional rights that apply to everyone in Canada, except those which are necessarily removed to administer sentence** (specifically, the right to liberty)**.** Even in restricting some of your rights, the government must always **use the least restrictive measures possible** and **must do everything in their power: to support your community reintegration in culturally appropriate manners**, **to consider your mental and physical health needs, and to consider your context as women and /or gender diverse person**.
All decisions made by the Correctional Service of Canada (CSC), including community parole officers and the Parole Board of Canada (PBC), **must focus on safely returning you into the community and treating you humanely while you experience your sentence. Community reintegration is the objective of Canada's prison system** and from your first day in prison, **release planning and community alternatives to incarceration should be centered.** As you move back into the community, the parole conditions and restrictions placed on you should be limited and proportional to a demonstrated risk. **Decisions made about you need to be made in a fair, and forthright manner, with your input centered.** As you live successfully in the community, **conditions should be gradually removed to support your community reintegration**.

Throughout this handbook, we will outline laws and legal principles that are relevant to your release, and to being on parole. We will start by discussing the Canadian Charter of Rights and Freedoms ("the Charter"). The Charter outlines fundamental rights and freedoms that all people in Canada have, including Fundamental Freedoms, Democratic Rights, Mobility Rights, Legal Rights, Equality Rights, and Official Language Rights.
The Charter applies to everyone, regardless of whether they are in a provincial/territorial or federal prison or on parole. All other laws and practices in Canada must follow the principles laid out in the Charter and if it is not in line with the Charter, it can be challenged in court. Below is a summary of your rights and freedoms, focusing on areas that are especially important for you to understand as you navigate release and parole.

Your Constitutional (Charter) Rights

Protection from Cruel and Unusual Punishment and Protection Against Unreasonable Laws

There are two very important Charter principles related to parole: your protection from cruel and unusual punishment and your protection from unreasonable laws. The Charter protects everyone against unreasonable laws that could lead to imprisonment or harm their physical safety – this includes laws and practices that regulate parole. For all laws, **there must be a rational link between the law's purpose and its effect on people's liberty**. Laws and practices imposed by the parole system must not negatively and / or frivolously interfere with your rights to life, liberty, or security of the person. Conditions of parole must not amount to torture and must not be excessive or abusive in nature. Additionally, sentences of imprisonment must match the seriousness of the crime committed. For example, an extremely long prison sentence is not appropriate for a very minor crime. If you feel that your Charter rights have been violated in the administration of your sentence, it is important to document this in writing and to provide associated examples. Please refer to this handbook's section on filing complaints / grievances while on parole for more information.

USE THE LAW! Summary of Key Charter Rights and Freedoms

Section 2 of the Charter establishes that everyone has the following fundamental freedoms:
- freedom of conscience and religion,
- freedom of thought, belief, opinion, and expression, including freedom of the press and other media of communication,
- freedom of peaceful assembly; and
- freedom of association.

Section 7 of the Charter establishes that everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Section 8 of the Charter establishes that everyone has the right to be secure against unreasonable search or seizure.

Section 9 of the Charter establishes that everyone has the right not to be arbitrarily detained or imprisoned.

Section 10 of the Charter establishes that everyone has the right on arrest or detention:
- to be informed promptly of the reasons thereof,
- to retain and instruct counsel without delay and to be informed of that right; and
- to have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful.

Section 12 of the Charter establishes that everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

Section 15 of the Charter establishes that every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination, specifically without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Section 6 of the Charter establishes that Canadian citizens have the right to enter, remain in, and leave Canada. Canadian citizens and permanent residents have the right to live or seek work anywhere in Canada. Governments in Canada can't discriminate based on what province someone used to live or currently lives in.

Your Human Rights

In addition to maintaining constitutional rights, **you also have human rights** in Canada while under federal sentence, and these rights are protected by laws made by federal, provincial, and territorial governments.

Since the Correctional Service of Canada (CSC) is a federal agency, including the community corrections division which oversees parole, **The Canadian Human Rights Act** (CHRA) is the law that you should turn to if you suspect a condition of parole, or a practice of a parole officer is violating your human rights. The CHRA protects all people in Canada from harassment and/or discrimination based on their race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and/or conviction for which a pardon has been granted.

The CSC is required to follow the CHRA. If **conditions related to your release and/or life on parole are different for you because of one of the protected grounds,** your human rights may be being violated.

If you feel that any of the rights mentioned above are being violated, then you can file a complaint with the Canadian Human Rights Commission. However, like all forms of redress, your complaint will be much stronger and more likely to be accepted by the Commission if you have written documentation of your issue. Meaning as best as you can, you need **to establish written evidence** supporting your claim that your rights are being violated. This can include emails and reports, as well as complaints and/or grievances that you file as a first step in the process.

Substantive Equality – The Government's Obligation to Meet Your Social and Cultural Needs in Prison, in Parole Hearings, and on Parole

Section 4(d) of the **Corrections and Conditional Release Act (CCRA)** states that federally sentenced people "**retain the rights of all members of society, except those that are, as a consequence of the sentence, lawfully and necessarily removed or restricted."**
Section 4(g) says that "**correctional policies, programs, and practices must respect gender, ethnic, cultural, religious and linguistic differences, sexual orientation and gender identity and expression, and are responsive to the special needs of women, Indigenous persons, visible minorities, persons requiring mental health care and other groups."**
In a 2018 Supreme Court of Canada Case called Ewert v Canada, the Court stated that section 4(g) of the CCRA requires CSC to "pursue substantive equality" for the groups that are identified in section 4(g).

The court stressed that CSC must "**ensure that its practices, however neutral they may appear to be, do not discriminate against Indigenous persons," and that CSC must account "for the unique systemic and background factors affecting Indigenous peoples, as well as their fundamentally different cultural values and world views".**

Using International Declarations and Protocols

The international declarations and protocols that we include in this book come from the United Nations (UN). The UN is an international organization founded in 1945 with 193 country members around the world. The purpose of the UN is to increase cooperation between countries and to maintain global peace and security.
UN declarations and protocols are developed to provide global leadership to resolve humanitarian concerns, and to direct systems of international law. It is helpful to reference these in your self-advocacy, especially if you are using the complaint/grievance process.

USE THE LAW! Summary of Key UN Declarations and Protocols *the following rules are summaries and thus, are represented in brackets. They are not direct quotes.

The Nelson Mandela Rules: The UN Standard Minimum Rules for the Treatment of [incarcerated people], known as the Nelson Manela Rules, gives guidance to policy makers, legislators, sentencing authorities and prison staff to establish good principles and practice for the treatment of incarcerated people and for the management of the prison. These rules were first adopted in 1957, and in 2014 were revised. These rules, though non-gender specific, are known to have been established with male [incarcerated people] in mind. That is one of the reasons the Bangkok Rules (see below) were created – to address women-specific requirements.

Risk and Needs Assessment

- Rule 89 (outlines the requirement for individualization of treatment and suitability of placement according to security group)
- Rule 93 (similar security classes grouped together to facilitate their treatment and social rehabilitation)
- Rule 94 (program of treatment to be prepared according to needs, capacities and disposition as soon as possible after admission)

Conflict resolution/disciplinary/sanctions

- Rule 38(1) (administration is encouraged to use conflict prevention, mediation or any other alternative dispute resolution mechanism to prevent disciplinary offences or to resolve conflicts)
- Rule 36 (use the least restrictive measures possible to maintain security of operations)
- Rule 39(2) (disciplinary action should be proportionate to the offence and proper record keeping of all disciplinary sanctions should be kept)

Legal representation

- Rule 53 (incarcerated people can have access to and allowed to keep in their possession without access by the prison administration, documents related to their legal proceedings)
- Rule 61 (adequate opportunity, access, time and facilities to visit/communicate/consult with legal advisor of choice, for any reason, confidentially)

The Bangkok Rules: The UN Rules on the Treatment of Women [incarcerated people] and Non-custodial Measures for Women [incarcerated people], known as the Bangkok Rules, are meant to guide decisions made at the legislative and policy level to meet the specific needs of women in case of imprisonment. The UN adopted the Bangkok Rules in 2010, being the first international instrument that provided specific and detailed guidelines and responding to gender specific needs of women in the criminal justice system, as well as the children of these women. These rules affirm that prison is usually an ineffective, and often damaging solution to offending by women, hindering their social reintegration and ability to live productive and law-abiding lives following release. Many rules encourage non-custodial measures – in recognition that women are imprisoned due to intersectionality stemming from poverty, intimate partner violence, mental ill-health, drug dependency, and/or discrimination and as such, do not pose a security risk to the public.

Alternative to detention and imprisonment

- Rule 57 (the development and implementation of appropriate responses to women [incarcerated people] that considers history of victimization and caretaking responsibilities)
- Rule 58 (avoiding the separation of women from the families and communities, including pretrial and sentencing alternative, when appropriate and possible)
- Rule 60 (the allocation of appropriate resources to combine non-custodial measures with interventions to address common entry-points to the system)
- Rule 64 (non-custodial sentences for pregnant women and women with dependent children preferred where possible and appropriate

Post-sentencing dispositions

- Rule 63 (decisions regarding parole should favourably consider [incarcerated] women's caretaking responsibilities, as well as their specific social reintegration needs

Location

- Rule 4 (as much as possible, incarcerated women should be placed as close to their home, if that is their preference, for caretaking responsibilities, [if applicable], social rehabilitation, and appropriate programs and services)

- Rule 26 (contact with families/children and legal reps encouraged and facilitated by all reasonable means including measures to counterbalance disadvantages faced by women located far from their homes)

Classification and individualization

- Rule 40 (administration must develop and implement classification methods that ensure appropriate and individualized planning, geared towards early rehabilitation and reintegration)
- Rule 41 (gender sensitive risk assessment that considers harmful effects of high security measures, enables information about backgrounds such as violence – not to be used punitively, caretaking responsibilities, appropriate mental health accommodations).

Reintegration

- Rule 45 (use home leave, open prisons, halfway houses, and community-based programs and services to the maximum extent possible to ease transition to liberty, reduce stigma, and to re-establish connections with families at the earliest stage possible)
- Rule 46 (prison authorities to design and implement comprehensive pre – and post-release reintegration programs)
- Rule 47 (additional supports following release for psychological, medical, legal and practical help to ensure successful social reintegration, in partnership with community)
- Rule 55 (pre – and post-release services that are appropriate and accessible to Indigenous women and women from ethnic and racial groups, in consultation with the relevant groups)

The Rights of Federally Sentenced Indigenous People

If you are Indigenous, Inuit, or Métis, the processes you experience in prison including all decision making about your release into the community and the conditions of your life on parole, must consider factors and principles related to your Indigenous rights, cultural context, and needs. The requirement to consider your Indigenous rights and context is outlined in section 79.1 of the **Corrections and Conditional Release Act. Sections 79-84** can be used to support you as you navigate release from prison and should be referenced in your release planning and in redress processes (i.e. requests, complaints, and grievances). **Please refer to the section of this handbook on documenting your needs and self advocacy for further detail.**

USE THE LAW! Reference the Corrections and Conditional Release Act Sections 79-84

Factors to be considered

CCRA 79.1 (1) In making decisions under this Act affecting an Indigenous [person], the Service shall take the following into consideration:
(a) Systemic and background factors affecting Indigenous peoples of Canada.
(b) Systemic and background factors that have contributed to the overrepresentation of Indigenous persons in the criminal justice system and that may have contributed to the [incarcerated person]'s involvement in the criminal justice system; and
(c) The Indigenous culture and identity of the [person], including [their] family and adoption history.

Exception — risk assessment

(2) The factors described in paragraphs (1)(a) to (c) are not to be taken into consideration for decisions respecting the assessment of the risk posed by an Indigenous [person] unless those factors could decrease the level of risk.

Programs

CCRA 80 Without limiting the generality of section 76, the Service shall provide programs designed particularly to address the needs of Indigenous [persons]

Agreements

CCRA 81 (1) The Minister, or a person authorized by the Minister, may enter into an agreement with an Indigenous governing body or any Indigenous organization for the provision of correctional services to Indigenous [persons] and for payment by the Minister, or by a person authorized by the Minister, in respect of the provision of those services.

Placement of [person]

(3) In accordance with any agreement entered into under subsection (1), the Commissioner may transfer a [person] to the care and custody of an appropriate Indigenous authority, with the consent of the [person] and of the appropriate Indigenous authority.

Advice

CCRA 83 (1.1) If the Service considers it appropriate in the circumstance, it shall seek advice from an Indigenous spiritual leader or elder when providing correctional services to an Indigenous [person], particularly in matters of mental health and behaviour.

Release into Indigenous Community

CCRA 84 If an [incarcerated person] expresses an interest in being released into an Indigenous community, the Service shall, with the [person]'s consent, give the community's Indigenous governing body:

a) adequate notice of the [person]'s parole review or their statutory release date, as the case may be; and
b) an opportunity to propose a plan for the [person]'s release and integration into that community.

Gladue Reports

When an Indigenous person is charged with a crime, the judge must consider what is referred to as the Gladue Factors found in section 718.2 of the Criminal Code. In doing so, a judge can account for the historical and ongoing harms of Indigenous peoples which should be used as a contextual and mitigating factor; from your sentencing through to community re-entry.

If you had a Gladue Report at your sentencing, this report should be used to support you in your release planning. **If you did not have a Gladue Report done at the time of your sentencing, you can still request one post-sentencing.** Your institutional parole officer is required to take into consideration all the information that is in your Gladue Report when preparing, updating or changing any information or recommendations to support your release into community at the earliest possible point.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

The United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIP) was adopted by the UN in 2007, outlining the rights of Indigenous peoples globally. It serves as a framework of minimum standards for the survival, dignity, and well-being of the world's Indigenous peoples. Canada initially did not sign on and support UNDRIP, however it was finally adopted in 2010 and received Royal Assent in 2021. Though UNDRIP is not binding as a treaty in Canada, it is viewed as an important guidepost for the government to consider in working towards reconciliation.

The following section lists **written commitments from the Department of Justice website**[1], that describe both the Correctional Service of Canada and the Parole Board of Canada's commitment to enacting UNDRIP recommendations. You can raise these commitments as helpful tools in your self-advocacy to navigate your release process and life on parole.

USE THE LAW! Reference the government's commitments to UNDRIP

60. **Correctional Service of Canada will continue to:**

- Reduce the disproportionate Indigenous population in correctional facilities through consultation, education, funding and cooperation for policing and restorative justice initiatives
- Expand existing Section 81 Healing Lodge capacity, identify geographical gaps to capitalize on developing additional Healing Lodges and revisit communities that previously expressed interest in a Section 81 Healing Lodge
- Provide effective, culturally competent, and non-discriminatory interventions and reintegration support for Indigenous people
- Provide programs, policies and practices designed to respect gender, ethnic, cultural, and linguistic differences and are responsive to the special needs of Indigenous [people].
- Work in collaboration with northern communities and Inuit stakeholder in shaping the Anijaarniq Strategy to address the needs of Inuit [people] to support successful reintegration into their home communities
- Promote the Indigenous […] Reintegration Contribution and review existing proposals to assist in meeting the reintegration and healing needs of Indigenous [people]
- Provide employment and employability on-the-job and vocational training to Indigenous [people] through CORCAN
- Actively participate in whole of government and pan-Canadian initiatives, such as the Indigenous Justice Strategy and the Federal Framework to Reduce Recidivism Communicate with the peoples who have been harmed by crime and give them the opportunity to communicate with the [person] who harmed them through the Correctional Service of Canada's Restorative Opportunities
- Collaborate with the Learning and Development Branch of Correctional Service of Canada to formally educate staff about Indigenous peoples
- Proactively incorporate the requirement to consider Indigenous Social History as part of its decision-making framework. (Correctional Service of Canada)

[1] From the United Nations Declaration on the Rights of Indigenous Peoples Act – Action Plan 2023-06-20_UNDA_Action_Plan_EN.pdf (justice.gc.ca) 2023-2028 Action Plan

61. **Support the safe and successful reintegration of Indigenous people in the criminal justice system into the community by:**

- Looking to reduce overrepresentation of Indigenous people in the criminal justice system by supporting rehabilitation and safer communities (including through culturally appropriate interventions), through the Federal Framework to Reduce Recidivism
- Collaborating with stakeholders to provide tailored supports for community reintegration
- Continuing to invest in Indigenous-led community corrections programming, through the Indigenous Community Corrections Initiative, to address the overrepresentation of Indigenous people in corrections and the criminal justice system by supporting community-led alternatives to custody and reintegration projects responsive to the unique circumstances of Indigenous people in Canada.
- Continuing to support culturally-appropriate programs, led and designed by Indigenous organizations, to ensure appropriate attention and accountability towards Indigenous issues in the correctional systems and addressing overrepresentation of Indigenous people in prison (particularly women).

62. **Support Indigenous people during the conditional release process by continuing to:**

- Provide training to staff and Board members of the Parole Board of Canada (PBC) to support cultural competency, including Indigenous Cultural Responsiveness Training. Offer culturally adapted hearing processes to increase responsivity to the needs of Indigenous people and non-Indigenous people who have demonstrated a commitment to an Indigenous way of life through the involvement of Elders and Cultural Advisors and the Indigenous community at PBC hearings
- Reflect in policy the requirement for Board members to consider social history factors in every decision taken involving an Indigenous [people], and to demonstrate consideration of those factors in their reasons for decision where applicable
- Reflect in policy the requirement for Board members to consider culturally appropriate community alternatives in decision-making for Indigenous peoples. (Parole Board of Canada)

Reference Guide to Indigenous Rights and Commitments

The following section provides a reference chart to relevant sections of UNDRIP, as well as the Calls for Justice from Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG), and the Calls to Action from the Final Report of the Truth and Reconciliation Commission of Canada (TRC)

For Issues regarding Indigenous justice system oversight

- MMIWG, Section 5.7 (independent, Indigenous civilian police oversight bodies)
- MMIWG, Section 5.10 (recruit/train Indigenous justice officers)
- MMIWG, Section 5.12 (Increased Indigenous representation in the courts)
- MMIWG, Section 5.23 (regarding accountability in the form of a Deputy Commissioner for Indigenous Corrections)
- MMIWG, Section 9.3 (Increased Indigenous representation in policing)
- MMIWG, Section 14.10 (expanding the role of Elders)
- MMIWG, Section 14.11 (mother-child programming)
- TRC, Section 32 (minimum sentencing discretion)
- TRC, Section 34 (FASD reforms)
- TRC, Section 50, 55 (Indigenous training and data)

- UNDRIP, Article 18 (Indigenous representation)
- UNDRIP, Article 19 (Indigenous consent before adopting legislation)
- UNDRIP, Article 34 (Right to Indigenous oversight)

Recognizing an Indigenous approach to justice

- MMIWG, Section 5.1 (regarding the implementation of recommendations from The Canadian Justice System from two key reports)
- MMIWG, Section 5.11 (culturally appropriate justice practices)
- MMIWG, Section 5.14 (impact of mandatory minimum sentences)
- MMIWG, Section 5.15 (Gladue reports)
- MMIWG, Section 5.16 (Indigenous options for sentencing)
- MMIWG, Section 5.20 (Implementation of CCRA Sec. 79 to 84.1)
- MMIWG, Section 5.22 (a call to return to the key principles set out in Creating Choices)
- MMIWG, Section 14.1 (options for decarceration)
- MMIWG, Section 14.5 (Gladue Reports)
- MMIWG, Section 14.8 (Indigenous specific programming)
- UNDRIP Action Plan, Sections 61, 62 (reduce incarceration, support reintegration)
- TRC, Section 35-37 (Healing lodges, supports, parole)
- TRC, Section 42 (Indigenous justice system recognition as a treaty right)
- UNDRIP, Article 8 (1) (Right to not be assimilated)

CONDITIONAL RELEASE

What is Conditional Release?

Conditional release is the legal term used to describe all the kinds of releases (or leaves) from penitentiaries that can occur before your sentence ends. These types of leave allow you to have a gradual release from prison. In this section we will explain each type of conditional release and relevant legal principles about them. Remember that from the moment you enter a penitentiary, **community re-entry is the objective, and all decisions must be made with a mind to alternatives to custody**. This means that you (and the CSC) should be thinking about pathways out of prison whenever a decision is being made, from the moment you enter the system. From work to education to family and community contact, you can apply for, and be considered for, community-based programs and services as alternatives to what is available in the penitentiary. It is important to know that people who participate in gradual release have much higher likelihoods of being successful in the community.

Escorted Temporary Absences (ETAs)

An escorted temporary absence (ETA) is a leave from prison with supervision. Supervision can either be provided be CSC staff, or an authorized CSC citizen escort. **All individuals are eligible for escorted temporary absences, regardless of sentence type, length and security classification** - including ETAs for personal, professional, compassionate, and medical leave. Sometimes, an institution will tell you that they will not support you for ETAs before a specific point in your sentence, but this does not mean that you are not legally eligible. Even if you are classified as maximum security, ETAs are an option that are legally available for you. That said, legal eligibility does not guarantee that the CSC will support your request. For example, a person with a maximum-security classification is highly unlikely to have their ETA request approved by the warden because you would be required to go with two uniformed staff and be in restraints. This is a primary reason that ETAs are commonly thought to be only for people with lower security classifications. Remember though, you are legally eligible at all security classifications. There are certain instances, such as attending a funeral or visiting a terminally ill family member, when not

leaving the institution could have a long-term or lifelong impact on your wellness and/or your relationships in the community.

You can apply for professional development or community contact ETAs as an alternative to a penitentiary-based option. You can also apply for an ETA with or without the support of your institutional parole officer. The most important part of the application process is ensuring that you have **a strong plan in place.**

If you do not have a life and/or indeterminate sentence, the warden will normally be the decision-maker. If you have a life sentence and you have not passed your day parole eligibility dates and have not been previously approved by the Parole Board of Canada, the Parole Board of Canada will be the decision-maker.

Unescorted Temporary Absences (UTAs)

An unescorted temporary absence (UTA) is a type of leave where you go into the community with no supervision. Activities that can be included in a UTA include, but are not limited to: going to work, visiting with family, or attending a community event. Some UTAs will have you returning to the penitentiary at night while others may involve going into the community for a period of days, normally staying with family or at a halfway house. People become eligible for UTAs at different points in time, depending on your sentence type and length. For people with life sentences, you become eligible for UTAs on the same day that you become eligible for day parole. For people with fixed sentences *(you have been sentenced to a specific number of years and you have a warrant expiry date*), your eligibility dates should follow this calculation:

- For sentences of two years plus one day to three years: UTA eligibility is 6 months into the sentence.
- If your sentence is three years or longer: UTA eligibility is at 1/6th of the sentence.

Work Releases

A work release is a type of conditional release that involves you being approved to work or provide a community service outside the institution. Work releases can be classified as both ETAs and UTAs. This means that if you are not yet at your UTA eligibility dates, you can still be approved for a work release though you would have to be supervised by an individual who is approved to be a CSC citizen escort. Work releases are an excellent opportunity for you to gain approval to leave prison and work in the community. Work releases support you in beginning your community re-entry and helping you to prepare

for parole. If you have identified a location where you would like to participate in a work release, ask your parole officer for a work release application form to begin the process, if the forms are not readily available to you.

Day Parole

The purpose of day parole is to move you into the community in a structured way. This normally includes living at a halfway house, also known as a community-based residential facility (CBRF), or another approved location (see the sections **Parole to Other Location).** If you live in a halfway house, there will be rules imposed by the halfway house that you will be expected to follow, in addition to your parole conditions. There is more information about halfway houses in this handbook's section called **Conditions in Halfway Houses**.

Your **day parole eligibility** date will occur prior to your full parole eligibility date. If you have a life sentence, you will be eligible for day parole 3 years before you become eligible for full parole. Your day parole and UTA eligibility dates will be the same date. As a life sentenced person, you can work with your parole officer to prepare you for day parole at your earliest parole eligibility date. This is best accomplished by participating ETAs prior to your day parole eligibility dates.

If you have a fixed sentence (with a warrant expiry date) you will likely be eligible for day parole 6 months before your full parole eligibility date.

Full Parole

On full parole, you will live at your own residence and have more autonomy than people on day parole. The frequency that you must check in with a parole officer can be reduced, and you can start to apply for more of your conditions to be changed and/or removed. People with fixed sentences (sentences with warrant expiry dates) are typically eligible for full parole at 1/3rd of your sentence, or 7 years, whichever is less. For life sentenced people, your full parole eligibility is determined at sentencing.

Parole to Other Location

'Parole to other location' came into effect in the CCRA in 2011. 'Parole to other location' allows you to request a day parole location of your choosing (private home or alternative location) rather than a halfway house. In the law, Parole to Other Location is as follows: "**Release on day parole to a location other than a penitentiary, community-based**

residential facility (CBRF) or provincial or territorial correctional facility. Another location may include a private home or private facility that has not been designated as a CBRF."

To be approved, the Parole Board members must be persuaded that your plan is reasonable and that a sufficient degree of supervision would be in place. Parole Board members will pay extra attention to whether your plan consists of a release to a small or remote community (where a halfway house may not be available) and the unique needs and circumstances of women, Indigenous people, and other groups with special requirements, including aging people. To determine whether the proposed location adequately addresses your risk, all relevant available information including your release plan and community supervision strategies along with the amount of time to be spent at the location will be considered by the Board. If a halfway house is available in the area you want to be released to, you will need to demonstrate why different location is a better option to meet your needs.

Statutory Release

At 2/3rds of most fixed sentences, individuals will be released without a parole hearing onto statutory release. Prior to your statutory release date, you will be provided with the conditions of your release **which may include a residency requirement**. A residency requirement means that you must live at a halfway house. This condition is imposed when the Parole Board believes that without having this condition in place, you would present an undue risk to society by committing an offence listed in Schedule I of the CCRA or an offence under section 467.11, 467.12 or 467.13 of the Criminal Code before the expiration of your sentence.

A residency requirement needs to be time-limited and can only be imposed for as long as the Parole Board believes an undue risk is present. If you have a residency requirement **and you can demonstrate that you do not pose the risk associated with the condition**, speak to your parole officer and begin the process of applying to have your residency requirement removed.

Having a strong, clear release plan

A well thought out and clear release plan will be strongest way to help yourself have a successful application for conditional release. A strong plan will also help you gain your case management team's support for your release and prepare for your parole hearing. You will increase your chances of being successful in any of these applications if you can

demonstrate that you meet the legal requirements for release. Specifically, you will be successful if you can demonstrate that:

1. Releasing you into the community will not pose an undue risk to society, and
2. That your release will serve the objective of the prison system namely, your successful reintegrating you into the community.

There are many components to a strong release plan. Consider:

- Where you want to live
- Your educational/professional goals
- Who your community supports are
- What your connections to cultural and/or spiritual communities will be
- Any programs or support communities you want to participate in that connects to the goals of your correctional plan.

A great way for you to build a release plan is by becoming involved with volunteer programs. These programs and organizations can become your bridge to the community and can help you to develop support and direction for your release plan.

PAROLE HEARINGS

Preparing for Success in Parole Hearing

You cannot guarantee the outcome of any parole hearing, but there are steps you can take to increase your chances of success. Understanding how the Parole Board makes decisions will help you prepare the information that they need to grant your parole. In this section, we share information about your rights on parole, and about the criteria used to make decisions.

USE THE LAW! Understand your rights, an excerpt from the Parole Board of Canada (PBC) Resource, "Helpful Information for Parole Applicants"

You have the right to:

- Receive all information that the PBC will use to make their decision in your case.
- Be heard or make a written submission to tell the Board members what you want them to know about you and consider when making their decision.
- Have the hearing conducted in English or French.
- Have an interpreter if neither English nor French is not your first language.
- Have an assistant present—either from the community or within the institution, who can support you and advise you before you answer questions and who may also make a statement on your behalf. An assistant can be your family member, a friend, lawyer, a community support, or another person you would like to have there to support you (speak to your Parole Officer to request a copy of the PBC pamphlet "Offender Assistants" at PBC Hearings).
- Be advised of observers present.
- Invite community supports to observe your hearing. (Note: All observers must fill out an application form and be approved by the PBC.)

Parole Board members must adhere to the law when making decisions about your liberty, especially the Corrections and Conditional Release Act, sections 100, 100.1, 101 and 140(10.1). **Section 2** of the Parole Board Decision Making Policy Manual outlines all the steps Board members follow when determining if they can approve your parole. This manual must be available on institutional computers, and if you are in the community, it is available online. If you do not have access to it, please ask your parole officer and/or a CAEFS representative for a copy. We encourage you to become familiar with section 2 as part of your preparation for parole. You cannot guarantee the outcome of any parole hearing, but there are steps you can take to ensure you have the best chance possible. Understanding how the Parole Board makes decisions will increase your chances of success, so that you can be prepared with the information that they need in order to grant you parole.

USE THE LAW! Criteria for Approving/Denying Parole

7. Board members should assess all relevant factors* within the following risk-related domain areas to determine whether they have an aggravating, mitigating or neutral effect on the [incarcerated person]'s risk to re-offend:

a) Criminal and conditional release history
b) Self-control
c) Programming
d) Institutional and community behaviour
e) Personal change
f) Release plan
g) Case- specific factors

8. Board members will consider discordant information** during their assessment, including where the structured measures of the risk to re-offend, the clinical judgment and/or the Parole Officer's assessment yield different recommendations.

9. Board members will consider any systemic and background factors that may have contributed to the [incarcerated person]'s involvement in the criminal justice system, in particular when reviewing the case of an Indigenous or Black [person].

10. In accordance with paragraph 101(a) of the CCRA, Board members will consider relevant information obtained from the [person] in writing or at the hearing, if applicable.

**Please note that 'level of accountability' is no longer a factor used in decision making. This update supports people with wrongful conviction claims to avoid being pressured into a false confession to gain parole*

***Discordant information: Information that is contradictory or not aligned.*

Parole Support Letters

Obtaining parole support letters from people and organizations in the community who support your re-entry is a strong tool you can use to assist your community reintegration. When asking someone to write a parole support letter for you, they may be familiar with the process, or it may be new to them. You can provide them with this template to draft their letters:

- **Who they are:** Their introduction should include their position in the community and all relevant titles and experience that will demonstrate for the Parole Board their suitability as a support for you.
- **Their support of your application:** Following their introduction, they should state their support for your application for release.
- **How they know you:** They should share how they know you, which will help the Parole Board to understands the context in which the writer will support you.

- **Any positive things they know about you:** Your support should include all the wonderful things they know about you in their letter. They should be as specific as possible and use actual examples.
- **The nature of the community support they can provide to you**: They should clearly list any support they can give you as you re-enter the community. Being as specific as possible is the most helpful! For example, will they support with phone calls, positive leisure time, driving you to appointments? Your likelihood of success is increased by a strong and structured plan that is detailed and persuasive. The Parole Board needs to have confidence with your plan and support network.

Culturally Assisted Hearings and the Impact of Race and Cultural Assessment Reports

Indigenous and Black individuals, and non-Indigenous individuals committed to an Indigenous way of life, may request culturally responsive hearings (Elder-Assisted Hearings and Community-Assisted Hearings) which include the participation of an Elder or Cultural Advisor. Elders and Cultural Advisors can provide important information such as information related to culture, traditions, and/or ceremonies to Board members and may facilitate ceremonies on request, such as a smudge.

In preparation for your parole hearing, you can also make a written request to have an Impact of Race and Cultural Assessment Report (IRCA) be prepared ahead of your hearing to help the Parole Board with understanding the systemic factors that have influenced your life. Note that IRCA is also sometimes referred to as a Black Social History Assessment.

PAROLE SUSPENSION, REVOCATION AND APPEALS

Parole Suspension and Revocation

Your community parole officer may suspend your parole if they suspect you have violated your conditions, or if they believe you pose an undue risk in the community; however, the CSC has a duty to administer the conditions of federal sentences in the least restrictive manner possible. Suspending your parole must be not considered if there are viable and less restrictive alternatives that address any perceived risk or suspicion while allowing you to remain in the community.

If your parole officer suspects that you have violated a parole condition, or if they have indicated that they are considering suspending your parole, or have suspended your parole, a very helpful step to take is submitting, in writing, **a less restrictive plan** to address this perceived risk while keeping you in the community. Your plan should include the following sections:

1. **Perceived Risk:** Documentation of the perceived risk, as claimed by your parole office
2. **Less Restrictive Alternatives to Re-incarceration:** List a number of things you can do in the community, including programs you could take or supports that can help you to show that you are addressing the perceived risk. For example, if addiction is the identified risk, you might include a relevant treatment option. If you have used, treatment and consent to periodic urinalysis testing could be included.
3. **Law / policy:** Using the principles shared throughout this book, as well as by searching laws and Commissioner's Directives (CDs) online, it can be helpful to include relevant laws and policies, but this is not required.

The most important thing is that the parole office receives, in writing, less restrictive alternatives which they must then consider.

Reach out to CAEFS if you need support in developing this structured plan. Once the plan is complete, attach the plan in a word or pdf document in an email and send to the parole office and ask for a case management meeting to discuss. If you would like, you can also request that CAEFS and /or other supports be present at this meeting.

You should also consider initiating the complaint process at this time so that there is a written record of the harms that risk of suspension and/or suspension have caused to your stability in the community.

If your parole is suspended by your community parole officer, the Parole Board Decision Making Policy Manual outlines how the Parole Board will decide whether to cancel your suspension and allow you to remain in the community, or to revoke your parole and re-incarcerate you. In addition to submitting a less restrictive plan to keep you in the community, you should also be making a written submission to the parole board ahead of your revocation hearing.

USE THE LAW! Canceling Suspensions or Revoking Parole

Cancellation, Revocation and Termination Following a Suspension

3. Following a Suspension of Parole or Statutory Release, in accordance with subsection 135(5) of the CCRA, the Board will review the case of an [incarcerated person] upon referral and:

a) If the Board is satisfied that the [person] will present an undue risk to society by re-offending before the expiration of their sentence according to law the Board will terminate the parole or statutory release if the undue risk is due to circumstances beyond the [person]'s control, or revoke it in any other case
b) If the Board is not satisfied that the [person] will present an undue risk to society by re-offending before the expiration of their sentence according to law, cancel the suspension; or
c) If the [person] is no longer eligible for parole or entitled to be released on statutory release, cancel the suspension or terminate or revoke the parole or statutory release.

4. In determining whether the legal criteria are met, Board members should consider whether the [person]'s risk has changed since release and, if applicable, re-incarceration.

5. Board members will consider all relevant factors, including, but not limited to:

a) The reasons for decision for the release, if applicable.
b) The [person]'s progress in addressing their risk factors and needs since release.
c) The [person]'s behaviour since release, including while unlawfully at large and since re-incarceration, if applicable.
d) The history and circumstances of breaches of release conditions, suspensions or revocations during the current or previous periods of conditional release.
e) Documented occurrences of drug use, positive urinalysis results or failures or refusals to provide a sample since release.
f) Alternative measures implemented or proposed to manage the [person]'s risk to re-offend.
g) The release plan and community supervision strategies proposed for continuing the release; and
h) The Parole Officer's overall risk assessment and recommendation, including proposed release conditions.

6. When assessing information about the [person's] behaviour since release, Board members should consider any similarity to previous patterns of offending.

If your parole has been suspended, it is important that you address each of the sections outlined in the **USE THE LAW!** box above, taken from the Parole Board Decision Making Manual. The Board can only legally revoke your parole if they consider each of these sections and conclude that keeping you in the community would present an undue risk to society, **and only if** they believed that there is a risk that cannot be managed.

The stronger your written submissions are to oppose a suspension, the stronger your chance of remaining in the community is.

If you have too many restrictions on parole, and/or if you have conditions longer than risk is present, this may increase your chances of being suspended for a behaviour that is not actually "risky", but which technically breaches your parole conditions. Please refer to the section of this handbook called **Varying and Removing Parole Conditions** for information about how to have parole conditions removed pro-actively.

Appealing a Decision Made by the Parole Board of Canada

Decisions made by the Parole Board of Canada are subject to all the laws we have explained throughout this handbook, including the Charter, the Human Rights Act, and the Corrections and Conditional Release Act. The Parole Board publishes a detailed decision-making policy, available online, that outlines the criteria that they use when making their decisions. Most decisions made by the Parole Board of Canada can be appealed. If you have a decision from the Board that you believe is unfair, you can review the criteria in the Parole Board of Canada Policy Manual to assist you with writing an appeal (see the **USE THE LAW!** section below).

To appeal a PBC decision, you or a person acting on your behalf will need to:

1. Submit to the PBC's Appeal Division a completed PBC appeal decision form.
2. Include clear and detailed reasons as to why you believe the Board's decision was unfair and connect this to one of the recognized grounds for appeal.
3. Include all the information you can and be as specific as possible. For example, do not simply state that the decision was based on incomplete information, explain exactly what information provided what not included or applied. For example: "The Board members did not consider all information available to them. In their decision, they did not acknowledge programs I successful completed, (list names of programs and dates of completion).

4. Include all supporting documents and specific details that you can. Remember, you must demonstrate that any appeal you write is connected to a permitted ground for appeal.
5. File the appeal within two months of receiving the decision.

USE THE LAW! Understanding PBC Appeal Criteria

Grounds for appeal*:

- The decision did not comply with a fundamental principle of justice.
- The decision contained an error of law.
- The decision breached or failed to apply a PBC policy.
- The decision was based on inaccurate or incomplete information; or,
- The PBC acted without jurisdiction, beyond its jurisdiction, or failed to exercise its jurisdiction.

Decisions that can be appealed:

- Day and/or full parole denied.
- Revocation of day parole, full parole or statutory release.
- Special conditions on day parole, full parole, or statutory release.
- Escorted/Unescorted Temporary Absence not authorized.
- Decision to confirm direct revocation of parole or statutory release; and,
- Detention reviews.

Decisions that cannot be appealed:

- When you are within 90 days of your statutory release date or warrant expiry date.
- The appeal you submitted is received more than two (2) months after the PBC made the decision.
- The appeal is moot because a new decision has been rendered.
- Your parole or statutory release was suspended.
- The appeal is premature in cases where the PBC imposes special conditions not recommended by CSC.
- Decision to directly revoke parole or statutory release.
- Long-Term Supervision decisions; and,
- Case management decisions made by CSC.

Grounds for Appeal – Explained

***Principles of Fundamental Justice**: The Board has a duty to provide you with a fair hearing and follow what is called "principles of fundamental justice". The principles of fundamental justice means that the Board must:*

- *Provide you with the information they are going to use at your review hearing in writing and in the official language of your choice, at least 15 days before the day of the Board's review. The CSC is responsible for giving you this information.*
- *Allow you to have an assistant present at your hearing.*
- *Allow you to have your hearing conducted in your preferred official language. (The official languages of Canada are French and English).*
- *If you do not speak or understand one of the official languages enough that you understand everything that is happening at the review hearing, you are entitled to have an interpreter with you.*

***An Error in Law**: The Board must follow the law (specifically the Corrections and Conditional Release Act) when making decisions at review hearings. If the Board does not follow the law, you can appeal the decision. You can also*

appeal a decision if the Board misinterpreted the law. Misinterpreted, in this case means that the Board applied the law incorrectly to make a decision. In your appeal document, you have to list the section/sections of the law (CCRA) that the Board did not follow, or misinterpreted.

Inaccurate or Incomplete Information: *A Board decision is also appealable if it is considered unreasonable and is not supported by the information available about your case.*

Jurisdiction Error: *The Board can only make decisions based on the Corrections and Conditional Release Act (CCRA). This means that the CCRA is the "jurisdiction" directing all Board decisions. There are three jurisdictional errors that make a Board decision invalid and therefore appealable:*

- *The Board based it decision on something not included in the CCRA. This is considered a decision "outside its jurisdiction".*
- *The Board did not use a section of the CCRA that could be applied to your review. This means the PBC "failed to exercise its jurisdiction".*
- *The Board made a decision that the CCRA does not allow it to make. This is considered a decision "beyond its jurisdiction".*

VARYING / REMOVING PAROLE CONDITIONS

As you are released into the community, you will be given parole conditions that you will have to abide by. **There are two types of parole conditions, special and standard conditions.** Every person receives the same standard conditions, which are outlined in section 161 of the Corrections and Conditional Release Regulations (CCRR).
Special conditions exist to impose *additional restrictions* on people on parole and **are meant to be time-limited and connected to a demonstrated risk.** Special conditions are decided by the PBC at parole hearings.

As you live in the community*, and this is especially important for people on parole for longer periods of time and for people with life and/or indeterminate sentences,* most parole conditions (including most of the standard parole conditions applied to every person on parole) can be amended and/or removed with approval by the Parole Board of Canada**. On parole, your parole officer is responsible for overseeing your conditions on parole, but the Parole Board of Canada is responsible for removing and/or varying all parole conditions.**

USE THE LAW! PBC Policy to Remove a Standard or Special Parole Condition

The following section is quoted from the Parole Board of Canada Decision Making Policy Manual (latest version: January 2024)

Varying or Removing a Special Condition

16. In accordance with paragraphs 133(6)(b) and 134.1(4)(b) of the CCRA, the Board may vary or remove any special condition imposed on the UTA, parole, statutory release or long-term supervision of a [federally sentenced person]
17. Board members will determine whether the condition or part of the condition is no longer reasonable and necessary in order to protect society and to facilitate the [federally sentenced person]'s reintegration into society or no longer reasonable and necessary in order to protect the victim.
18. In determining whether to impose, vary or remove a special condition in cases where the [federally is already in the community, Board members should give particular consideration to behaviour that relates to an increase or decrease in the level of risk to the community since the [federally sentenced person]'s release. Exceptions apply in instances where a change in condition(s) is a result of the Board's review of the [federally sentenced person]'s written representations, where the Board imposed conditions that were not recommended by CSC.
19. Board members will consider all relevant factors, including, but not limited to:
a. the [person]'s progress in addressing their risk factors and needs since release;
b. the degree of stability in the [person]'s release plan or current situation;
c. stressors/factors in the release environment that may increase the risk of re-offending and the [person]'s needs in relation to these factors; and

d. whether the [person] has addressed the major factors for which the condition has been imposed.

Varying or Relieving from Compliance with a Standard Condition

20. Pursuant to subsections 133(2) and 134.1(1) of the CCRA, every person released on a UTA, parole or statutory release, or required to be supervised by a long-term supervision order, is subject to the standard conditions prescribed in section 161 of the Corrections and Conditional Release Regulations (CCRR).

21. In accordance with paragraphs 133(6)(a) and 134.1(4)(a) of the CCRA, the Board may vary or relieve [a person] from compliance with any of the standard conditions of release.

22. Board members will consider all risk relevant information to determine whether a deviation from the condition is warranted.

23. The Board should not relieve an [person] from compliance with the following conditions:
a. obey the law and keep the peace
b. report immediately to the Parole Officer and thereafter as instructed; and
c. report immediately to the Parole Officer any change in the address of residence.

When the Parole Board decides if they will vary or remove a parole condition, they must consider all relevant information. This is why it is very important for you to make a submission on your own behalf. In your submission, write a detailed letter to the board explaining:

- Why you would like a condition to be varied or removed.
- Provide as much detail as you can regarding the progress that you have made reintegrating into community.
- Include any negative impacts or consequences that the parole conditions are causing for you. Clearly connect negative impacts to your ability to reintegrate, focusing on your ability to access your family, education, good work, and positive leisure time.
- Be specific and use examples where possible.
- Focus on why risk is no longer present. For example, if you have completed a program in the community, or demonstrated stability in your employment, education, relationships, or otherwise, include this as evidence to demonstrate why it is not necessary for the condition to be imposed any longer.

You may apply to remove or vary a standard or special parole condition with or without the support of your community parole officer. However, the Board will require an assessment for decision from your parole officer. We recommend, where possible, beginning the process by emailing your parole officer with your desire to remove or vary a condition. Communicating across email ensures that there is a documented record of your requests, and their responses. The Board will consider the recommendations put forward by your community parole officer though the Board is the decision maker. If you do not have the support of your community parole officer, you should address this is neutral language in your submission. Be respectful, but clear with why you disagree.

CONDITIONS IN HALFWAY HOUSES

Successful parole may necessitate spending time in a halfway house. Halfway houses have rules that you will be expected to follow, in addition to the conditions of your parole. While all halfway houses have different rules based on their program models, here are two common ones you can expect to encounter:

- **Location changes:** Be prepared to be asked to call the halfway house and update them every time you move from one location to another. For example, if you are going to the grocery store then to a restaurant, you may have to call the halfway house when leaving the grocery store to let them know where you are going next. Sometimes, if you are at the same location for a longer period, such as at work, you may be asked to call and check-in at specific times, such as lunch/break or every four hours.
- **Curfew:** Upon your release from prison, you will be given a curfew. The halfway house has a duty to explain to you the conditions that can spark a suspension of your parole. For example: if you fail to meet your curfew and do not contact them to inform them of the reason you may be late, the halfway house can call the national monitoring center, which can lead to the suspension of your parole.

Both curfews and location changes may be gradually relieved over time, as you demonstrate your stability in the community and in accordance with the halfway house's rules. Do not hesitate to ask the staff at the halfway house about length and expectations of conditions, including how and when they may be relieved. Remember, all conditions and rules you experience on parole are subject to the law and if you feel a condition is working against the goals of your wellness or reintegration, you have access to the complaint/grievance system in the community on parole, just as you do while you are incarcerated. All halfway houses need to make complaint/grievance forms available to federally sentenced residents.

COMMMUNITY PAROLE OFFICERS

You will have to have ongoing contact with parole officers, for as long as you are on parole. How often you have to report to a parole officer is outlined in the CSC policy (commissioner's directive) 715 "Community Supervision", and is included below in the **USE THE LAW!** box.

Your community parole officer will usually be your only point of contact with the prison system. Though most decisions are communicated verbally during meetings with your parole officers, **we recommend always sending as much information via email as possible, as this creates an evidentiary (written) record** of the exchanges between you**. Please consider making important requests in writing,** in addition to in person requests. For example, if you want to ask about having a parole condition amended or removed or, if there is something important you would like to discuss, an email outlining details can facilitate a meaningful discussion and ensures an adequate paper-trail.

If you believe a community parole officer might feel upset with a request for information in writing, we advise that you calmly let your community parole officer know that receiving information in writing is helpful for you for future review and in case your parole officer changes. Parole officers in the community often change without notice.

CSC has an obligation under the CCRA to provide fair and transparent decision making, and decisions must be accompanied by written reasons outlining why the decision was made. You have the right to ask for all decisions in writing.
Keeping written records can be helpful if you ever need to file a complaint or grievance about a decision made by your community parole officer. If the conversation happened during a meeting and there is no proof of it, it will be difficult for you to be successful in a grievance.

If you believe that your community parole officer is acting in a way that violates your charter rights, your human rights, your legal rights as a federally sentenced person, or in a way that makes you uncomfortable, we recommend that you stay calm and comply with the direction, and then initiate solutions using law and policy. If you are comfortable, you can begin by contacting the parole office and asking for a meeting with the parole area supervisor. Alternatively, you can file a complaint directly to their office.

USE THE LAW! Know the Policy about Parole Officer Reporting Frequency

CSC Commissioner's Directive (CD) 715-1 Community Supervision

20. Levels of intervention are determined according to the criteria indicated below:

- **Level I (Intensive Supervision**) – A minimum of eight face-to-face contacts per month is required when the following three criteria are met:
- the [individual] is on statutory release
- their reintegration potential is rated as low at intake and at release
- their static or dynamic factors are assessed as high
- when one of the following criteria is met:

a. the [federally sentenced person] is granted one-chance statutory release, or
b. the [federally sentenced person] is released from custody at warrant expiry date and subject to a long-term supervision order

Level A - A minimum of four face-to-face contacts per month is required when the level of intervention on either static or dynamic factors is assessed as high.

Level A - Residency – A minimum of four face-to-face contacts per month between the Parole Officer and the [person] is required when the Level I (Intensive Supervision) criteria is met and the [person] is residing in one of the following CBRFs: a CCC, a Community Residential Facility (CRF), or a Treatment Centre; this does not include "other location".

Level B - A minimum of two face-to-face contacts per month between the Parole Officer and the [federally sentenced person] is required when the highest level of intervention on either static or dynamic factors is assessed as medium.

Level B - Residency – A minimum of two face-to-face contacts per month between the Parole Officer and the [federally sentenced person] is required when the Level A criteria is met and the [person] is residing in one of the following CBRFs: a CCC, a CRF, or a Treatment Centre; this does not include "other location".

Level C - A minimum of one face-to-face contact per month with the Parole Officer is required when the level of intervention on both static and dynamic factors is assessed as low.

Level C - Residency – A minimum of one face-to-face contact per month between the Parole Officer and the [federally sentenced person] is required when the Level B criteria is met and the [person] is residing in one of the following CBRFs: a CCC, a CRF, or a Treatment Centre; this does not include "other location".

Level D - A minimum of one face-to-face contact every two months between the Parole Officer and the [federally sentenced person] may be approved for [someone] who meets the following conditions: the [person] has been under supervision at level C for a minimum of one year, not including any time spent on day parole & the [person's] Correctional Plan indicates that programming, counselling or other interventions are not required.

Level E - A minimum of one face-to-face contact between the Parole Officer every three months may be approved for an [person] who has been under level D supervision for a minimum of one

FILING COMPLAINTS / GRIEVANCES ON PAROLE

You have access to the complaint/grievance system in the community as a federally sentenced person on parole. All decisions made by your community parole officer, all decisions that are made by the CSC (for example policy level decisions), and all the things that you experience in a halfway house are subject to the grievance process.
If you believe a decision made about you on parole has violated the law or policy, or your rights broadly, you have the right to a fair grievance system to address this that is free of repercussions.

The CSC has standardized forms to file complaints and grievances, but they do not provide sufficient space to include the details. If you do not have access to the forms through your parole officer or halfway house, you can find them online.
We recommend that you record your name and information, then in the body of the form write “please see attached” and write your complaint in a separate typed word document.

We recommend that you organize your complaint/grievance into 5 sections. This template is simply a suggestion, and is meant to provide you with a tool to submit a strong complaint/grievance:

Summary: begin by including a few clearly written sentences describing the nature of your complaint.
Background: explain all the relevant details, the ‘who, what, why, when, where, and how’.
Impacts: clearly share all the ways that the issue has caused you harm. This can span physical, mental, emotional, economic, legal, cultural, spiritual and beyond. Include any ways that the issue is preventing you from fully reintegrating into society.
Law/Policy: Using the principles shared throughout this book, as well as by searching laws and Commissioner’s Directives (CDs) online, include relevant laws and policies. Reach out to CAEFS if you would like assistance with selecting the right ones to support your grievance/complaint.
Remedies: Ask for solutions! Be specific and don’t be shy. Ask for resolutions that meet your needs.

If your complaint is about the behaviour of your community parole officer or a decision they have made, we advise you to email your complaint/grievance to your city's parole office supervisor. However, if your complaint is about a policy that regulates parole, you will need to file a final level grievance, and this will need to be emailed to CSC headquarters.
You can always reach out to a CAEFS representative if you are unsure who to direct your grievance to. We are also here if you want support through the process. We can be included on the email that you send with your complaint, to help ensure that you do not experience repercussions for filing a complaint/grievance.

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