

THE PAROLE TIMELINES



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Queen's
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TIMELINE



GENERAL ELIGIBILITY TIMELINE

Day Parole:

Offenders become eligible after serving the longer of:

- (a) all but 6 months before full parole eligibility or
- (b) 6 months.

Full Parole:

Offenders generally become eligible after serving the lesser of:

- (a) one-third of their sentence or
- (b) 7 years of their sentence.

Statutory Release (SR):

Offenders are entitled to be released and remain at large after serving two-thirds of their sentence. Persons detained by the Parole Board until their Warrant Expiry Date or who are serving indeterminate sentences do not get SR.

If offenders are unaware of the dates of their sentence, parole eligibilities and/or their statutory release, the information is contained in many official documents that they receive from CSC or they can ask their Parole Officer for the information.¹

This figure provides a visual timeline of the general eligibility rules for day parole, full parole and statutory release and only applies to offenders whose sentences do not fall under exceptions to the general rule.

DAY PAROLE

Day parole allows offenders to engage with the community. Offenders must return to a community-based facility at the end of each day and meet with their Parole Officer on a regular basis while released on day parole.² Day parole may be granted to an offender for up to **6** months at a time and may be continued after subsequent review by the Parole Board.³

The Correctional Service can suspend parole if an offender fails to follow their conditions and the offender may be readmitted to an institution.⁴ The offender would be scheduled for a Post-Suspension Hearing for the Board to review their case to determine if risk is still manageable.

ELIGIBILITIES

GENERAL RULE

Offenders who are serving sentences of **2** years or more generally become eligible for day parole after they serve the longer of (a) all but **6** months before they become eligible for full parole or (b) **6** months.⁵

EXCEPTION: OFFENDERS SERVING INDETERMINATE SENTENCES

Offenders who are serving *indeterminate sentences* become eligible for day parole after serving (a) all but **3** years before the offender is eligible for full parole [sentenced on or after August 1, 1997] or (b) **3** years [sentenced before August 1, 1997].

EXCEPTION: OFFENDERS SERVING LIFE SENTENCES

Offenders who are serving *life sentences* as a minimum sentence are barred from receiving parole for a specified number of years and are not eligible for day parole until they have served all but the final **3** years of their parole ineligibility. Those serving life as a maximum sentence are eligible for day parole **6** months before their full parole eligibility.

APPLICATIONS

DAY PAROLE APPLICATION TIMELINE

Applying for day parole:

Applications must be submitted at least **6 months** before the offender has served two-thirds of their definite sentence.

Postponing Day Parole Hearings:

Offenders can postpone their hearing by submitting the postponement form to the Parole Board. This should be done as soon as possible before the hearing.

Withdrawing Applications for Day Parole:

If an offender wishes to withdraw their application for day parole, they generally must do so at least **15 days** before the hearing.

If offenders are unaware of the dates of their sentence, parole eligibilities and/or their statutory release, the information is contained in many official documents that they receive from CSC or they can ask their Parole Officer for the information.⁶

This figure provides a visual of the general rules on submitting, postponing or withdrawing applications for day parole. Offenders who decide to withdraw their application within the **14-day** period leading up to their day parole hearing are able to do so if their withdrawal is necessary and they were unable to withdraw earlier due to circumstances beyond their control.

APPLICATIONS

Day parole applications must be submitted at least **6** months before the offender has served two-thirds of their sentence.⁷ The offender must submit his application to his Parole Officer who should ensure that their application is submitted to the Parole Board to be considered for day parole. Although the Parole Board must review an offender's application within **6** months of receiving it, they are not required to review an offender's application prior to **2** months before the offender becomes eligible for day parole.⁸

WITHDRAWAL OF APPLICATIONS

Offenders looking to withdraw their applications for day parole must typically submit the withdrawal form at least **15** days before their review date unless the withdrawal is necessary and they were unable to meet the time requirements due to circumstances that were beyond their control.⁹ The Parole Board might decide to proceed with the hearing if the offender does not meet this timeframe and the Board finds that this timeframe could have been met.

POSTPONEMENT OF HEARINGS

Offenders that wish to postpone their hearing should fill-out and submit a postponement form as soon as possible once they have made their decision and should ensure that they have a reason for their request.¹⁰ For example, they wish to complete their program before seeing the Board.

Further, when additional relevant information becomes available to the Parole Officer and there is insufficient time to share the information prior to an offender's hearing, the offender's Parole Officer will inform the Parole Board members and the offender of the information during the hearing. This may result in a postponement or adjournment when necessary.¹¹

FULL PAROLE

Full parole provides offenders with an opportunity to serve the remainder of their sentence in the community. Offenders on full parole must report regularly to their Parole Officer and notify their Parole Officer if there are changes to their release plan or lifestyle. The Correctional Service can suspend parole if an offender breaches a condition or risk otherwise becomes unmanageable and the offender may be readmitted to an institution.¹² The offender would be scheduled for a Post-Suspension Hearing for the Board to review their case to determine if risk is still manageable. The Parole Board may also cancel or terminate an offender's parole if there is new information or information that they could not have reasonably known at the time parole was granted.¹³

ELIGIBILITIES

An offender becomes eligible for full parole once they have served the lesser of either (a) **1/3** or (b) **7** years of their sentence.¹⁴

EXCEPTION: OFFENDERS SERVING INDETERMINATE SENTENCES

Offenders who are serving *indeterminate sentences* who were sentenced on or after August 1, 1997 become eligible for full parole after serving **7** years of their sentence.¹⁵ If they were sentenced before August 1, 1997, they become eligible after **3** years.

EXCEPTION: OFFENDERS SERVING LIFE SENTENCES FOR MURDER

Offenders who are serving *life sentences* without eligibility of parole for a specified number of years are not eligible for full parole until they have served the number of years that their sentence requires them to serve in prison.¹⁶

APPLICATIONS

Offenders serving **2** years or more are automatically scheduled for a full parole review within **6** months of their eligibility date.¹⁷ Offenders who have waived their first automatic hearing can re-apply for a hearing whenever they decide to see the Board and the Board will schedule a hearing within **6** months of their application.¹⁸

FULL PAROLE APPLICATION TIMELINE

Applying for Full Parole:

Offenders serving sentences of 2 years or more are automatically scheduled for a full parole review within 6 months of their eligibility date.

Waiving One's Right to Full Parole:

Offenders who wish to waive their right to a full parole review must fill out the waiver form. If the offender changes their mind and wishes to see the Board, then they must speak to their Parole Officer and submit their revocation in writing.

Withdrawing Applications for Full Parole:

If an offender applied for and wishes to withdraw their application for full parole, then they must typically do so at least 15 days before their hearing.

Postponing Full Parole Reviews:

Offenders may request a postponement by using the postponement form. Once offenders have made their decision, they should submit their form as soon as possible and ensure that they have a reason for their request.

Re-applying for Full Parole:

If the Board decides not to grant day or full parole, then they must conduct another full parole review within 2 years [or 5 years if the offender committed violent offences] of the day of the review. The offender may choose to apply sooner, but cannot apply within 1 year of having parole denied.

WITHDRAWALS

Offenders who applied for full parole and wish to withdraw their application for full parole must do so at least **15** days before their review date unless the withdrawal is necessary and it was impossible for the offender to withdraw earlier. The Parole Board might decide to proceed with the hearing if the offender does not meet this timeframe and the Board finds that this timeframe could have been met.

WAIVERS

Offenders are entitled to waive their right to a hearing for full parole review or a full parole review altogether by writing to the Board using the waiver form.¹⁹ When an offender has requested to waive their right to a parole review, the Parole Officer will make every effort to ensure that the waiver is completed at least **4** months before the review date.²⁰ *Dangerous* or *sexual offenders* who are serving *indeterminate sentences* cannot waive their right to a parole review [paper decision], but they may waive their right to a hearing.²¹ If an offender has waived their right to a hearing and later changed their mind, then the offender must speak to their Parole Officer as soon as possible to submit their revocation of waiver in writing to the Board to confirm the change.

POSTPONEMENT OF HEARING

Offenders that wish to have their hearing postponed should fill-out and submit a postponement form as soon as possible once they have made their decision and should ensure that they have a reason for their request.²²

Moreover, when additional relevant information becomes available to the Parole Officer and there is insufficient time to share the information prior to the offender's hearing, the offender's Parole Officer will inform both the Board members and the offender of the information during the hearing. This may result in a postponement or adjournment when necessary.²³

WHAT HAPPENS IF PAROLE IS DENIED?

If the Parole Board reviews an offender's case and decides not to grant parole, then the Board must conduct another review within **2** years of the review [this

includes Dangerous Offenders]. This review cycle will continue until (a) the offender is released on full parole or statutory release, (b) the offender's sentence expires or (c) less than **4** months are left before the offender's statutory release date.²⁴

If the Parole Board reviews an offender's case who is serving a sentence of **2** years or more for an offence involving violence* and decides not to grant parole or if the offender waived their right to a hearing then the Parole Board shall conduct another review within **5** years of the day on which the review took place or the day that the review was scheduled to take place (whichever was later). This cycle will continue until (a) the offender is released on full parole or statutory release, (b) the offender's sentence expires or (c) less than **4** months are left before the offender's statutory release date.²⁵

An offender may apply for a review sooner in both of the aforementioned scenarios, but may not apply within **1** year of their previous review.²⁶ It is not clear however that the Parole Board will schedule an in-person hearing in every case.

*Offence involving violence refers to murder or any offence set out in Schedule I²⁷

STATUTORY RELEASE

ELIGIBILITY

Offenders that have been sentenced for one or more offences on or after November 1, 1992 are entitled to be released and remain at large after completing two-thirds of their sentence.²⁸

SUSPENSION AND REVOCATION OF PAROLE OR STATUTORY RELEASE

Offenders who are on parole or statutory release may (a) have their parole or statutory release suspended, (b) be apprehended and/or (c) be readmitted to custody, if an offender breaches a condition of parole or statutory release or the Board or CSC deems it reasonably necessary to suspend the offender's parole or statutory release to prevent the breach of a condition(s) and/or protect society.²⁹ If an offender receives an additional sentence other than a conditional sentence that is being served in the community or an intermittent

sentence while they are on parole, then their parole or statutory release is automatically suspended when they are sentenced.³⁰

If the matter is referred to the Parole Board [it will be if an additional sentence as above was imposed], and if the Parole Board is satisfied that the offender will present an undue risk to society by reoffending before their sentence is over, then the Board will terminate or revoke the offender's parole or statutory release. If the Board does not find that the offender will present an undue risk to society by reoffending, then the Board will cancel the suspension.³¹

RECALCULATION OF STATUTORY RELEASE

An offender's statutory release date is recalculated if an offender's parole or statutory release is revoked. The offender then becomes re-eligible for parole and statutory release. Statutory release will be recalculated as follows:

- a) after the offender has served two-thirds of the remaining portion of their sentence from the time that they were readmitted to custody; or
- b) if the offender received an additional sentence after he or she was readmitted, the offender will receive statutory release after he or she has served two-thirds of the remaining portion of their sentence including the additional sentence.³²

REAPPLYING FOR PAROLE ONCE PAROLE OR STATUTORY RELEASE IS REVOKED

Once an offender's parole or statutory release has been revoked, the Parole Board is not required to conduct a review within the year after the previous release was revoked.³³

EXAMPLE RECALCULATION OF STATUTORY RELEASE

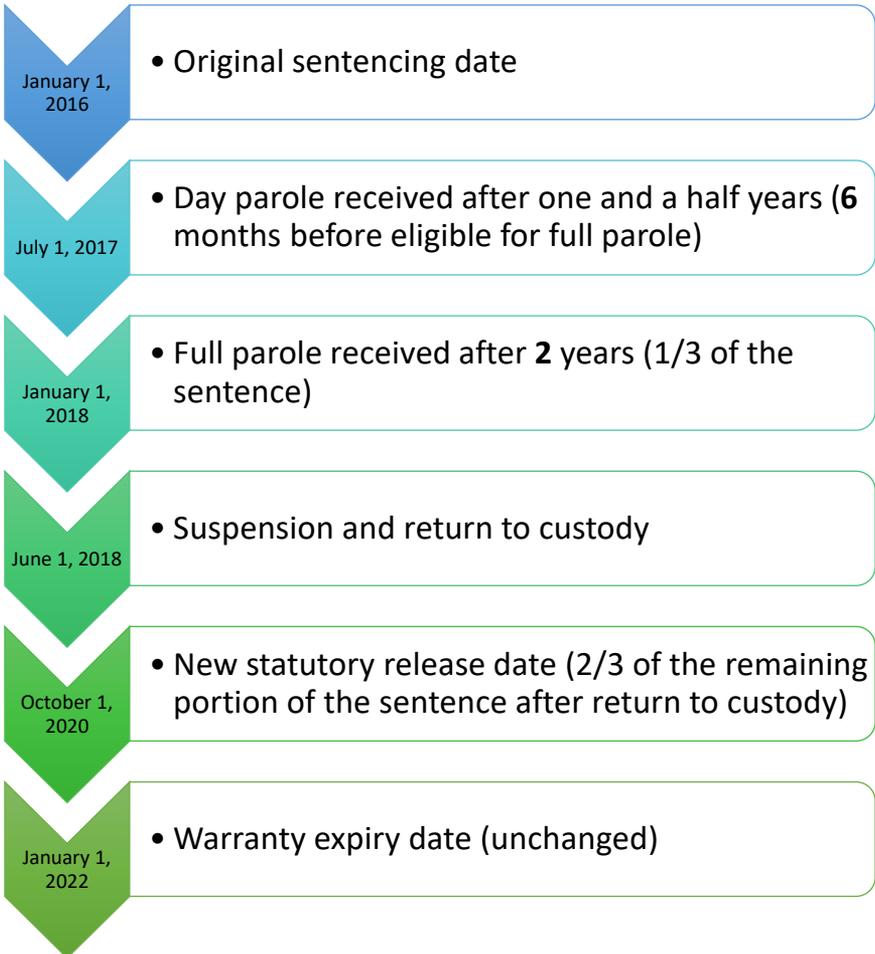
The following is a hypothetical scenario to illustrate how statutory release is recalculated:

An offender is sentenced on January 1, 2016 to **6** years for drug related offences. He receives day parole after **1 ½** years, on July 1, 2017. He receives full parole after **2** years, on January 1, 2018. As part of his parole conditions he

is forbidden from having or doing drugs. He goes to a party and uses cocaine. The next day he is asked to provide a urine sample and it returns positive for cocaine. His parole is suspended on June 1, 2018 and he is returned to custody. He sees the Parole Board and they revoke his parole.

His original statutory release date was January 1, 2020. His warrant expiry date remains the same at January 1, 2022. When re-calculated from June 1, 2018, his new statutory release date is October 1, 2020.

TIMELINE



ESCORTED TEMPORARY ABSENCES (ETA)

WHAT IS AN ETA?

For a period of predetermined days, an inmate will be accompanied by a staff member or other person authorized by the Warden in the community. ETAs can be granted for:

*Medical reasons, Administrative reasons, Family contact, Community service, Personal development for rehabilitation purposes, Compassionate reasons*³⁴

GRANTING CRITERIA³⁵

1. If the inmate will not present an undue risk to society by re-offending on the absence
2. If it is desirable for their personal development for rehabilitative purposes, compassionate reasons, administrative reasons, community service
3. The inmate's behaviour under sentence does not prevent authorizing the ETA
4. A structured plan for the absence has been prepared.

HOW LONG CAN AN ETA BE AUTHORIZED FOR?³⁶

A temporary absence can be for:

1. An unlimited period if it is authorized for medical reasons, or;
2. A period of not more than **5** days [plus travel time potential], or;
3. A period of more than **5** days, but not more than **15** days if for any reason other than medical (with Commissioner's approval)
4. No more than **15** days if serving a life sentence .

SERVING A *LIFE SENTENCE*? YOU CAN STILL GET AN ETA

DETAINED OFFENDERS: An offender who is detained by the Parole Board until their warrant expiry date is not eligible to be released on an ETA except for medical or administrative reasons³⁷.

UNESCORTED TEMPORARY ABSENCE (UTA)

An unescorted temporary absence can be granted for the same reasons as an ETA. How long a UTA can be for depends on a few factors:³⁸ UTAs for medical reasons may be authorized for an unlimited time. UTAs for personal development or community service reasons can be granted for a maximum of **15** days, maximum **3** times a year for a *medium security offender* and maximum **4** times a year for a *minimum-security offender*. Specific personal development programs may be for longer periods.

MINIMUM TIME TO BE SERVED³⁹

LIFE SENTENCES AND INDETERMINATE SENTENCES:

Generally full parole eligibility date less **3** years. There are some exceptions. Contact Queen's Prison Law Clinic if you have questions: 613-546-1171.

MOST OTHER OFFENDERS⁴⁰

The longer of: (i) **6** months, and (ii) $\frac{1}{2}$ of the period the offender needs to serve in order to reach their full parole eligibility date.

MAXIMUM SECURITY OFFENDERS AND DETAINED OFFENDERS:

Maximum security offenders are not eligible for UTAs⁴¹.

An offender who is detained by the Parole Board until their warrant expiry date is not eligible to be released on a UTA.

LENGTH OF TIMES UTAS MAY BE AUTHORIZED FOR

MEDIUM SECURITY OFFENDERS⁴²

A UTA for community service or personal development reasons can be authorized for a maximum of **15** days, no more than **3** times a year.

UTA for reasons other than medical or personal development may be authorized for a maximum of 48 hours (**2** days) per month.

FOR MINIMUM-SECURITY OFFENDERS⁴³

A UTA for community service or personal development reasons can be authorized for a maximum of **15** days, no more than **4** times a year.

A UTA for reasons other than medical or personal development may be authorized for a maximum of 72 hours (**3** days) per month.

UTA APPLICATIONS⁴⁴

Cannot submit an application prior to the **12-month** period before the offender's eligibility date for an unescorted temporary absence. Only **1** UTA application every **6** months is required to be reviewed by the releasing authority. There is an exception if the UTA is for *medical reasons*.

WORK RELEASE

WHAT IS A WORK RELEASE?

Work release is a structured release program for a specified amount of time for work or community service outside the penitentiary. To apply for work release, offenders will need to complete the application for work release and submit it to their Parole Officer.

ELIGIBILITY⁴⁵

Only inmates who are eligible for unescorted temporary absences are eligible to apply and be considered for work release. *Maximum security inmates*, and inmates who are in custody beyond their Statutory Release Date [detained] are not eligible to be considered for work release.

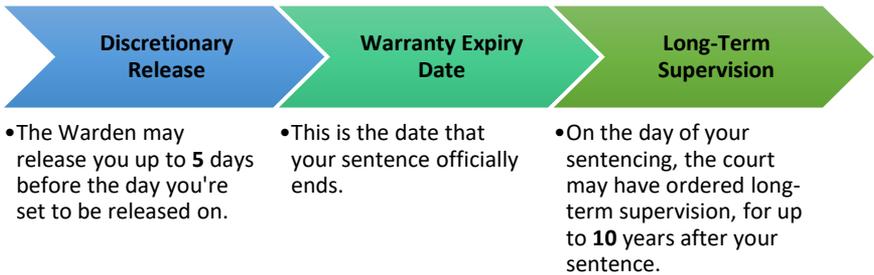
GRANTING CRITERIA⁴⁶

If the Warden is of the opinion that:

1. The inmate will not present an undue risk to society by reoffending during a work release
2. It is desirable for the inmate to participate in a structured program of work or community service in the community

3. The inmate’s behaviour while under sentence does not prohibit authorizing the work release
4. A structured plan for the work release has been prepared and is linked with the Correctional Plan

WARRANTY EXPIRY DATE



The warranty expiry date is the date that a sentence officially ends. If you are sentenced to *life imprisonment*, you do not have a warranty expiry date. If you are designated a *dangerous offender*, you may either have a determinate or an indeterminate sentence.⁴⁷ If you have a *determinate sentence*, you may or may not be subject to a long-term supervision order. You cannot be subject to this type of order if you have an indeterminate sentence.

If you were not found to be a dangerous offender, you still might have been found to be a *long-term offender*.⁴⁸ If you are, you will be subject to a long-term supervision order for up to **10** years.⁴⁹

Like with statutory release, if you’re entitled to be released on a certain day because of the expiration of your sentence, you shall be released during normal business hours on the last working day before that day.⁵⁰ For instance, if your sentence expires on a Friday, you will be released during normal business hours on the Thursday just before it. If the Warden thinks your re-entry into the community is better served by an earlier release than this, they may release you up to **5** days before the day you’re usually able to be released on.⁵¹

LONG-TERM SUPERVISION

On the day of your sentencing, the court may have ordered *long-term supervision*. This means that, after the date your sentence officially ends, you will be subject to long-term supervision, up to a period of **10** years after.⁵² Note that if you have been convicted of other offences for which a sentence of imprisonment was given, in addition to the offence that resulted in the order, the long-term supervision only begins after all have been served.⁵³ If you receive an additional sentence of imprisonment for an offence, the order is suspended on the day the sentence is imposed.⁵⁴

CONTACT INFORMATION

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Callers from institutions can use the toll-free number: 1-888-325-7930

Queen's Prison Law Clinic (QPLC):

Queen's Law Clinics

303 Bagot St., Suite 500

Kingston, ON, K7K 5W7

Tel: 613-546-1171

Both the John Howard Society and QPLC are common access numbers at the institutions [they don't have to be added to your PIN and are free calls].

¹ "Your Guide to Parole" by Parole Board of Canada & Correctional Services of Canada at p. 2.

² "Your guide to Parole" by Parole Board of Canada & Correctional Services of Canada at p. 1.

³ *Corrections and Conditional Release Act (CCRA)* at s. 122(5).

⁴ "Your Guide to Parole" by Parole Board of Canada & Correctional Services of Canada at p. 1.

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- ⁵ *CCRA* at s. 119(c).
- ⁶ “Your Guide to Parole” by Parole Board of Canada & Correctional Services of Canada at p. 2.
- ⁷ *Corrections and Conditional Release Regulations (CCRR)* at s. 157(1).
- ⁸ *CCRA* at s. 122(1) and *CCRR* at s. 157(2)
- ⁹ *CCRA* at s. 122(6).
- ¹⁰ *Commissioners Directive 712-3 (CD 712-3)* at para. 19.
- ¹¹ *CD 712-3* at para. 10, and s.140(3) *CCRA*.
- ¹² “Your Guide to Parole” by Parole Board of Canada & Correctional Services of Canada at p. 1, and *CCRA* at s.135(1).
- ¹³ *CCRA* at s. 124(3).
- ¹⁴ *CCRA* at s. 120(1).
- ¹⁵ *Criminal Code*, s.761.
- ¹⁶ *Criminal Code* at s. 746.1(1).
- ¹⁷ *CCRR* at s. 158(1).
- ¹⁸ *CCRR* at s. 158(2).
- ¹⁹ *CD 712-3* at para. 22.
- ²⁰ *CD 712-3* at para. 26.
- ²¹ *CD 712-3* at para. 23.
- ²² *CD 712-3* at para. 19.
- ²³ *CD 712-3* at para. 10.
- ²⁴ *CCRA* at s. 123(4).
- ²⁵ *CCRA* s. 123(5).
- ²⁶ *CCRA* s. 123(6).
- ²⁷ *CCRA* s. 123(8).
- ²⁸ *CCRA* at s. 127(3).
- ²⁹ *CCRA* at s. 135(1).
- ³⁰ *CCRA* at s. 135(1.1).
- ³¹ *CCRA* at s. 135(5).
- ³² *CCRA* at s. 127(5).
- ³³ *CCRA* at s. 138(5).
- ³⁴ *CCRA* at para. 17.1(b).
- ³⁵ *CCRA* at s. 17(1).
- ³⁶ *CCRA* at ss. 17, and 17.1.
- ³⁷ *CCRA* at s.130(5).
- ³⁸ *CCRA* at ss. 116(3), 116(4), 116(7).
- ³⁹ *CCRA* at s. 115(1).
- ⁴⁰ *CCRA* at s. 115(1)(c).
- ⁴¹ *CCRA* at s.115(3).
- ⁴² *CCRA* at s. 116(4).
- ⁴³ *CCRA* at s. 116(4).
- ⁴⁴ *CCRR* at ss. 156(1)-(6).
- ⁴⁵ *CCRA* at s. 130(5); *CD 710-7* at paras 10-11.
- ⁴⁶ *CCRA* at s. 18(2).
- ⁴⁷ *Criminal Code* at s. 753(4).
- ⁴⁸ *Criminal Code* at s. 753(5).
- ⁴⁹ *Criminal Code* at s. 753.1(3).
- ⁵⁰ *CCRA* at s. 93(1).
- ⁵¹ *CCRA* at s. 93(2).
- ⁵² *Criminal Code* at s. 753.1(3).
- ⁵³ *Criminal Code* at s. 753.2(1).
- ⁵⁴ *Criminal Code* at s. 753.4(1).