

The Value of Parole in a Civilized Society

by Renée Collette*

Sharing What Works and Working Together

The New Zealand Parole Board, the Parole Board of England and Wales, and the National Parole Board of Canada have a great deal in common, and I think we have built a constructive relationship over many years by exchanging information about our laws, policies, and practices and by sharing experiences, allowing us to learn from each other. I deeply believe that sharing experiences and practices internationally is an essential element in enhancing our parole systems and improving public safety.

Learning from the “What Works” research literature and learning about what works in releasing practices in our own country and from our colleagues on other parole boards and in other countries should be an endless quest for us. Although I can promise I will retire one day, I cannot promise that I will not continue to enhance my understanding of human behavior and to discover more efficient ways to make a difference in protecting our societies.

When Judge David Carruthers, chairperson of the New Zealand Parole Board, invited me to speak on the theme “Value of Parole in a Civilized Society,” I was, at first, excited, because I always value opportunities to reflect—especially when invited to ponder a concept that has been around for more than a century. To share our thoughts and experiences about it seemed to me very appealing. Then, I began to be nervous. I realized that it is not an easy task to accomplish! What angle should I take?

While reflecting, my thoughts went back to a personal question. Why am I in this line of work? Not an easy question, as you all know. I remember wanting to work with the Parole Service of Canada even when I was in college. I took on university studies in sociology and in criminology to attain that goal. Why? Because, “naively,” some would say, I wanted to change “the criminals” and make them better citizens, respectful of the law as the vast majority of us are. I believed then that punishment and deterrence were not enough, that people could change, that “rehabilitation” was possible and that reintegration with

the support of their families and the community was achievable in order to enhance the protection of our societies. Over the years, I acquired more knowledge and experience, observed the trends in criminality, the development of the research related to criminology, and the evolution of the criminal justice system. I also followed with great interest the evolution of societies, the social reactions to criminal behavior, and the attitudes toward the social reintegration of offenders.

In the years since I graduated and started working, the vocabulary has somehow changed, but my convictions remain. I still believe that people can, and do, change, and

possible gives hope that with motivation, appropriate assessments, and programs, the risk of future reoffending will be lowered. Research shows that parole works!

Why a Parole System and Why a Parole Board?

As members of a society, we have choices. A civilized society has laws, rules, and policies to govern its affairs, including a good, fair justice system. In the criminal justice field, societies also have choices. As some countries do, we can punish the offenders, send them to jail, and return them to our communities at the end of their sentence—

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Research, Research, Research . . .

We know more and more about what works. We know much more about both human behavior and criminal behavior. Led by some of the most prominent and skilled researchers and practitioners in the business, Canada and other countries are endlessly researching ways to better understand criminal behavior, ways to evaluate the effectiveness of programs, and ways to design programs that are intended to intervene in an offender’s criminal behavior. Over the past 30 years, we have slowly built up an impressive body of science and knowledge in the field of corrections. This research is not simply sample based; rather, it is based on data gathered from several hundred thousand offenders, collected over the span of more than three decades. This research has led to the development of some very sophisticated and effective risk assessment tools and has yielded solid information about the effectiveness of intervention programs.

Research also helps us to understand the limits of “incapacitation” and the truth that because criminal behavior is learned, it can be unlearned and new skills can be taught. Of course, there are some conditions needed for that to happen, but the fact that it is

“cold turkey,” as we say back home—and hope for the best. “Nail them, jail them, and throw away the key!” as my friend and colleague Don Evans once described it. Or, we can punish offenders with the appropriate sentence and, if sentenced to prison, we can put in place a correctional system with professionals who assess their criminogenic risk factors and needs, using evidence-based tools, and provide them with appropriate intervention programs that will prepare them for their eventual release and reintegration. We can have a parole system by which, at specific eligibility dates, parole decision makers assess the changes in their attitudes and behavior and their release plans and risks of recidivism, and, if that risk is acceptable, grant parole. That includes, of course, a supervision system by professionals, with community intervention programs and support. As Joan Petersilia wrote in 1999:

Supervision by itself does not reduce recidivism. The research on this is clear. Supervision combined with effective interventions—targeted by risk, needs, and responsivity—can reduce recidivism (quoted by Burke & Tonry, 2006, p. 29).

Our respective countries have taken a clear direction about reintegration of offenders. Other countries have made different choices. In the United States, for example, the federal

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*Renée Collette, is executive vice chairperson of the National Parole Board of Canada and vice president, International Section, of the Association of Paroling Authorities International. This article is based on Ms. Collette’s presentation at the seminar on parole organized by the New Zealand Parole Board in Wellington on July 23–24, 2007. Ms. Collette can be reached by email at collette@npb-cnrc.gc.ca.

government, as well as 16 states, have abolished parole and parole boards over the course of the last 20 years. This occurred within the context of the Truth in Sentencing movement and the Three Strikes laws, which resulted in longer prison terms without parole, including life sentences without parole.

The U.S. incarceration rate more than doubled during that period. In the beginning of the 1980s, Canada and the United States had a similar rate of incarceration, about 120 per 100,000 inhabitants. The latest rates are 108 per 100,000 in Canada and 749 per 100,000 in the United States. In the United States, one out of every 138 citizens is in prison! What a challenge! Another, new chal-

I include your boards and others of which I am aware—have received, but it seems to me that more and more countries are going in the direction we have taken with regard to reintegration of offenders.

Parole: A Key Component of Community Corrections

I sometimes want to say to people: “Offenders do not come from another planet!” Something obvious? Not necessarily for all our fellow citizens! Too easily, or should I say, reassuringly, we tend to forget about them after they are sent to prison. We do not think about where they come from and would probably rather imagine they are not from our world! Nevertheless, the fact is that offenders are human beings; they come

Making parole decisions is very serious business. These decisions have to be made by competent members of an independent decision-making body with the protection of our community as the paramount objective. Quality discretionary decision making by quality decision makers, members of an independent tribunal or agency, is essential to public safety. The shape and form of that tribunal or agency may vary, but the goal should be the same. I emphasize independence because it is extremely important. Someone once said: “The independence of the judge is not a privilege for the judge but for the citizens. . . .” This is true for us, too.

Making parole decisions is certainly not an easy task. As parole decision makers, we are asked to predict the future, to:

- Assess all relevant, reliable, and persuasive information, including any results and expert evaluations;
- Make sense of sometimes contradictory recommendations; and
- Assess the risk of reoffending and make a decision to grant or deny parole.

Let me quote Chief Justice James Spigelman of New South Wales, Australia, who said in his speech at the International Conference of Paroling Authorities in May 2006 that:

Sentencing and parole decisions have to balance competing interests in order to achieve equality of justice: on one hand, those of victims and their families, on the other, those of society, which requires that crime be punished and deterred, and also that criminals be rehabilitated. . . . Long experience has established that sentencing and release on parole are best done by independent, impartial and experienced persons, who are not subject to the transient rages and enthusiasms that attend the so frequently ill informed, or partly informed, public debate on such matters (*The Sydney Morning Herald*, May 12, 2006, p. 12).

Not an easy task indeed! Of course, as I mentioned earlier, we have some tools and instruments to help us in making those decisions. I often say in training with new board members that “what we have to do is marry human judgment with testing, actuarial assessment with clinical evaluation. It is what we call structured professional decision making. It is a subtle mix of knowledge, technique, judgment, and common sense. At the end of the day: do I want him or her as my neighbor?”

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Offenders are human beings; they come from our planet, our lives, our families, and our communities—the same communities we want to protect, the same communities to which they will return after their release from prison.

lenge has also emerged, as the United States faces a scary reality—a huge number of offenders sentenced to prison without parole (about 600,000 to 700,000 a year, or 93% of those sentenced to prison) are coming out, with little support or structure to address the concerns about reentry and, most often, with no gradual supervised reintegration.

Many states, with the support of the federal government, are now seeking the collaboration of all partners in the communities to help put in place reentry programs as an answer to the concerns resulting from these facts. As Burke and Tonry state:

[This represents] a major shift in thinking: the realization that if offenders re-enter the community safely without re-offending, with assuming a productive role in the community, this is a major public safety benefit.

It seems to me that “reentry” is somehow a new form of parole in the United States. In fact, the Association of Paroling Authorities International (APAI) and existing parole boards in the United States are collaborating more and more with their partners in their respective states with reentry initiatives. Some states are also expanding their parole boards’ mandate; others are reinstating or considering reinstatement of parole boards.

I cannot describe here all the requests for information and collaboration that we—and

from our planet, our lives, our families, and our communities—the same communities we want to protect, the same communities to which they will return after their release from prison.

Community corrections is part of the system of protection. It is a key element of public safety, an essential segment of the criminal justice system, an important link in a chain. Community corrections can play a role at different stages in that chain, and certainly a crucial one at the time of release from incarceration.

In my view, parole is an important component of that chain. It is a critical element of community corrections. It is part of the management of the sentence of incarceration. It is a community measure, a restorative measure. It constitutes a bridge between the prison and the street. It is about safe, gradual reintegration of offenders. It is about community safety through quality decision making based on good programming to address the risk factors while inside the prisons, structured and realistic release plans, and supervised return into our respective neighborhoods. Parole is about accountability of the offender, who needs to demonstrate that he or she has changed and is ready to be gradually reintegrated and, if granted parole, to demonstrate that he or she respects the conditions of parole and is becoming a law abiding citizen.

The Parole System in Canada

Let me briefly introduce the Canadian parole system:

Canadian Demographics. A snapshot of Canada's population shows the following characteristics with regard to:

- **Numbers:** Canada's population was 32.8 million in January 2007 and is projected to be 35 million by 2020;
- **Immigration:** At 50%, immigration is an important factor in growth;
- **Aging:** By 2015, Seniors 65+ will become more numerous than children 15 and under;
- **Urbanization:** 80% of the population lives in cities of 10,000 or more;
- **Aboriginal population:** The aboriginal population accounts for 4% of the population, is younger, and 50% live in cities;
- **Visible minority groups:** Minority groups are 13% and growing.

The National Parole Board of Canada. In Canada, the National Parole Board (the Board) is an agency of the Department of Public Safety. It is an independent administrative tribunal. Discretionary early release for prisoners was introduced in Canada in 1899 as part of Parliament's authority over criminal law (the Ticket of Leave Act). The first National Board of Parole was created in 1959 (see Figures 1 and 2).

The Board's Mission. As part of the Criminal Justice System, the Board makes independent, quality conditional release and pardon decisions and clemency recommendations. It contributes to the protection of society by facilitating, as appropriate, the timely reintegration of offenders as law-abiding citizens.

The Board's Jurisdiction. The Board has jurisdiction over all adult offenders serving two years or more in a federal penitentiary, as well as offenders serving fewer than two years in the eight provinces and three territories that do not have their own paroling authority. The provincial parole boards in Ontario and Quebec have jurisdiction over all adult offenders sentenced to fewer than two years, as well as federal offenders incarcerated in their provincial prisons.

The Legislative Framework. The legislative framework governing the actions of the Board are the:

- Corrections and Conditional Release Act and Regulations (1992);
- Prisons and Reformatories Act (1886);

Figure 1: Public Safety Portfolio

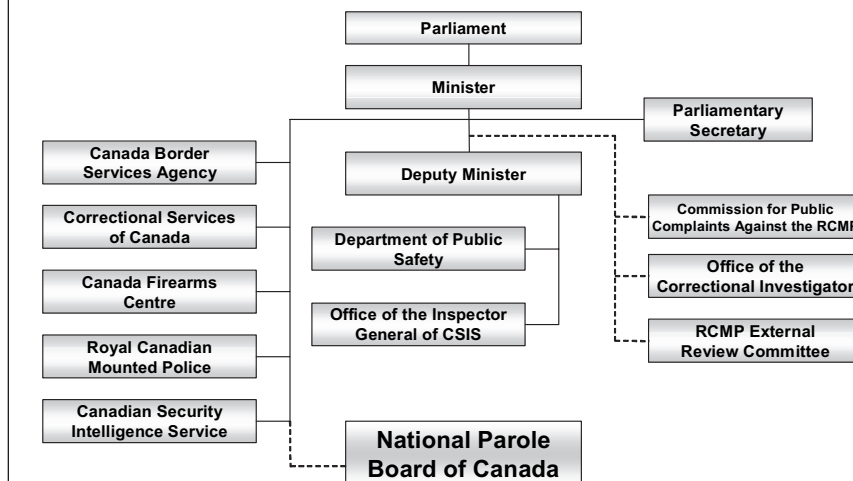
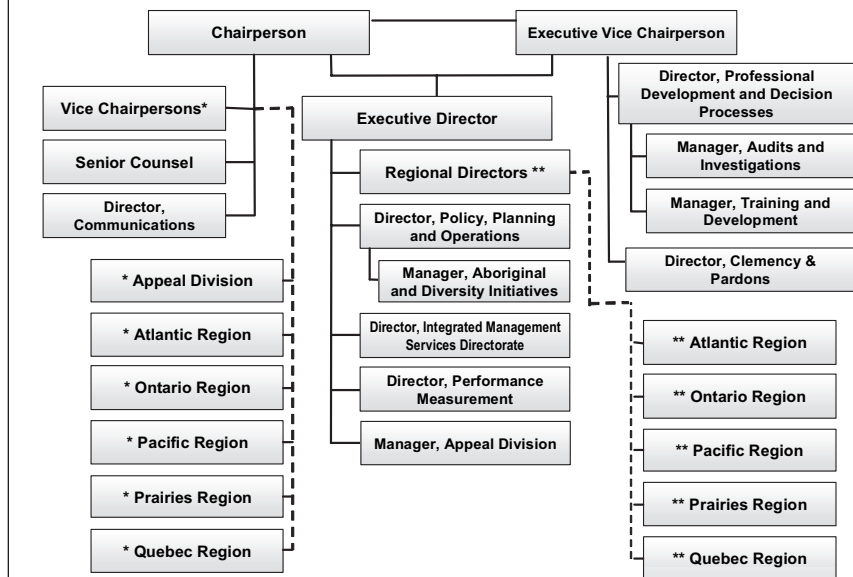


Figure 2: National Parole Board—Organizational Chart



- Canadian Charter of Rights and Freedoms (1982);
- Criminal Records Act (1970);
- Letters patent constituting the Office of the Governor General (1947);
- Privacy Act (1983);
- Access to Information Act (1983); and
- Criminal Code (1895).

Selecting Good Decision Makers.

In his 1994 report, the Canadian Auditor General stated very clearly that "good members are essential." He added that:

Given the nature of its mandate, it is imperative that the Board consist of members of this type, selected from qualified candidates chosen for their skills and abilities.

The Solicitor General made a commitment to establish a clear and transparent process for Board member appointments. In his 1997 report, the Auditor General of Canada wrote that the Board had taken action to implement his recommendations on the appointment of Board members and had also developed a good training program.

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Board Members and Employees.

The members of the Board are appointed by the Governor in Council. They come from a variety of professional backgrounds and personal experiences (e.g., criminologists, lawyers, ex-police officers, psychologists, social workers, business persons, professors). There are 45 full-time members who are appointed for five-year terms; they include the chairperson, the executive vice chairperson, and the five regional vice chairpersons and the vice chairperson of the Appeal Division. There are also approximately 35 to 45 part-time members appointed for three-year terms. All of these terms can be renewed. In addition, there is a team of 365 public service employees, who assist the Board in delivering its mandate (see Figure 2).

The process through which Board members are selected includes:

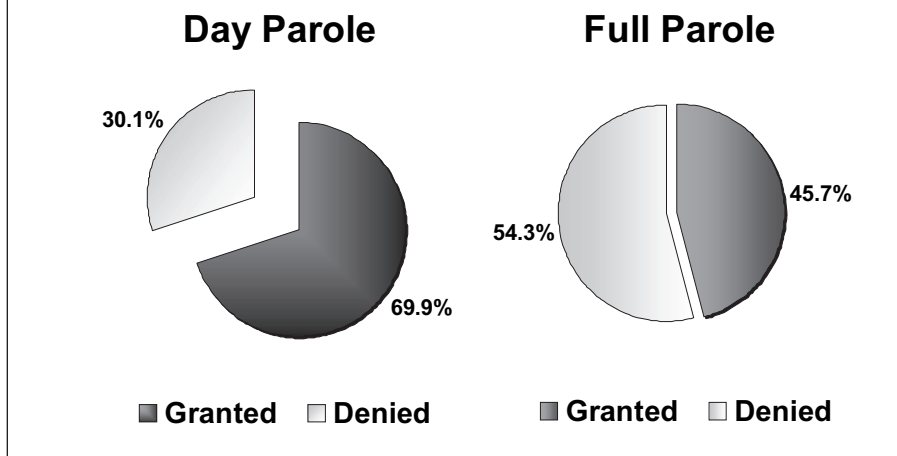
1. Advertisements in the *Canada Gazette*, websites, and other leading newspapers in the required region;
2. A pre-selection review of applicants based on specific criteria and needs, such as varied career backgrounds and diversity;
3. A decision-making exercise written by the pre-selected candidates;
4. An interview by a panel of three members, one of whom is a community member, of candidates who successfully complete the decision-making exercise;
5. The submission of the list of qualified candidates to the Minister of Public Safety, who recommends appointments to the Government.

Board Member Training and Development. After appointment, each new member attends a five-week orientation program. Members also have another 20 days of professional development annually and annual performance appraisals. They are subject to a code of conduct that is statutory in origin (s. 152.2 and 155.2).

Parole Criteria and the Decision Process. The criteria that are considered in the decision to grant or deny parole are that:

- The offender will not, by reoffending, present an undue risk to society before the expiration of the sentence.
- The release of the offender will contribute to the protection of society by facilitating the reintegration of the offender as a law-abiding citizen.

Figure 3: Parole Grant Rates, 2006–2007



The Board will look at the past, the present, and the future to assess the readiness of the offender to gradually reintegrate into the community and to ensure that the risk will be manageable. If granted release, the offender will have to respect specific conditions. These include standard conditions, and, if needed, special conditions.

The Role of the Correctional Service of Canada. The main partner of the Board is the Correctional Service of Canada (CSC), which is responsible for providing the Board with the case information and recommendations to assist in decision making, and for the supervision of offenders on parole with the assistance of volunteer organizations.

The Appeal Process. Offenders have access to an appeal process. The grounds for appeal are if the Board:

- Failed to observe a principle of fundamental justice;
- Erred in law;
- Breached or failed to apply a policy;
- Based its decision on erroneous or incomplete information; or
- Acted without or beyond its jurisdiction or failed to exercise its jurisdiction.

The Role of Victims. Since 1992, victims have been able to register with the Board and maintain contact with specially designated officers in each region. Victim contacts have increased nearly seven times since that decision, from 3,170 in 1993–1994 to 21,434 in 2006–2007. Under the 1992 legislation:

- Victims or their families have a right to information about eligibility dates and scheduled dates of hearings;

- Victims can observe hearings, submit a written impact statement, and, since July 2001, present the statement orally at the hearing (252 victims did so in 2006–2007);
- Victims can request special conditions to prohibit contact with the offender if granted release; and
- Victims can obtain a copy of the Board’s decision.

Some Statistics. Some general statistics regarding the offender population in Canada are that:

- Over the last 10 years, the crime rate in Canada, including the violent crime rate, has steadily declined;
- In 2004, the incarceration rate in Canada was 107 per 100,000 inhabitants;
- 70% of the federally sentenced population in Canada consists of offenders convicted of violent crimes;
- Four out of five offenders are serving fixed-length sentences and will eventually and inevitably be released into our communities;
- In 2006–2007, the number of both federal and provincial decisions by the National Parole Board was 25,336.

Figures 3 through 6 provide specific rates and results of parole decisions for 2006–2007.

When Things Go Wrong

Sometimes, things go wrong. It happens. Not just in New Zealand or in England and Wales. It happens also in Canada. It is

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tragic and never easy for any of the individuals and organizations involved. It is traumatic for the victims and their family, and we have to acknowledge this and be sympathetic.

Many questions are asked. Countless criticisms are voiced. Could we have prevented the tragic event? Did the board do something wrong? Are the board members competent? Should we stop making discretionary decisions? Abolish parole? Abolish parole boards? And many more questions.

When a tragic event happens, we have to take time to ask questions and reflect,

We sometimes add a fourth member, for example an expert in a specific field. The terms of reference would include CSC case preparation, the NPB decision-making process, and CSC supervision.

The members of the Board of Investigation receive the files and the tapes of the hearings for their review. They interview parole board members and staff from both organizations and write a report with findings and recommendations. The NPB and the CSC review the report, prepare action plans, and implement the recommendations.

Reviewing the findings of the Burton Report prepared by the New Zealand Board of Investigation, I was struck by the similarities of some of its findings

- Program participation but little measurable evidence of change; and
- Miscommunication between parole board and correctional services.

I also saw many similar recommendations regarding issues we are also trying to improve by working with our partners in the criminal justice system, especially with the CSC. I have to say that those cases have diminished in number over the last decade, which is a good indicator that investing in what we have termed the “3 Qs” has been a positive approach:

1. Quality of board members;
2. Quality of decision-making processes;
3. Quality of the decisions.

When a tragic event happens, we have to take time to ask questions and reflect, study, and learn. How do we do this? In Canada, we have a process of audits and investigations.

study, and learn. How do we do this? In Canada, we have a process of audits and investigations. If a parolee is responsible for the loss of a life, the Correctional and Conditional Release Act (CCRA) provides the Chairperson of the National Parole Board (NPB) and the Commissioner of the Correctional Service of Canada (CSC) authority to convene a joint investigation. The Board of Investigation is generally made up of a senior staff member from both organizations and a member of the community who will also chair the Board of Investigation.

with those of the Canadian Boards of Investigation:

- Reliance on self-reported information;
- Incomplete information from the correctional service;
- Concentration on recent behavior;
- Failure to put behavior in the context of the entire criminal career;
- Psychological and psychiatric reports that are exhaustive but at times less than helpful;

Reintegration: A Challenge?

I think we all agree that the reintegration of offenders poses some challenges. The environment is difficult. Over the last decades, the spotlights have been directed more and more on justice matters, more specifically, on corrections and parole. We live in a world of instant information that in itself presents a challenge. I outline below some of the challenges:

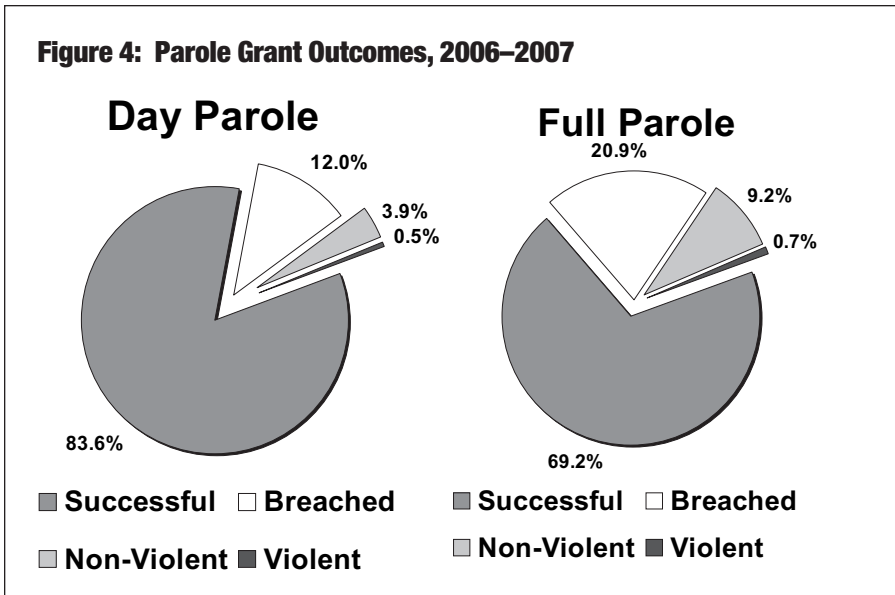
Fear of Crime. The perception of reality is often distorted. Although crime rates are lower, if asked the question, people will answer the opposite. If asked who is most at risk of being victimized, they will respond, “seniors,” but, as you may know, the correct answer is men under 30 years old.

Calls for a “Tough on Crime” Approach. Calls for getting tough on crime often appear in the public and political arena. I have to say that there is support and recognition of the value of parole and parole boards in Canada by our governments, and that is reassuring. Nevertheless, we hear these “calls,” and there are those who are more negative and others who believe in a more repressive system.

Public Understanding. Public understanding of the criminal justice system is lacking in general, and there is little understanding of our domain by the average citizen. This could also be said of many political leaders, media, and even other criminal justice agencies. Media focuses more, if not exclusively, on failures rather than successes, with people knowing little of the facts and often having false perceptions.

So Public Confidence Declines. More public education activities are clearly needed. We should also expand our collaboration with all stakeholders in our communities and with the public in general. We know that when people have the

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right information regarding parole, they are usually more supportive. Surveys have shown that people favor a parole system when they have clear information about what it is, who the decision makers are, and how it works. The citizen forums that we held successfully in different regions of Canada a few years ago demonstrated that we were heading in the right direction.

The Changing Profile of the Federal Offender Population. The changing profile of the federal offender population over the years is challenging. What does it mean? Sentences are shorter. A majority of the federal inmates now arrive with a conviction for violent crimes. Others are involved with criminal gangs. We have a high number of lifers. Many offenders have mental health issues. Offenders, especially lifers, are aging in prison. Many more than before come from diverse cultural backgrounds, and/or broken families, and/or have no support in the community. Although the aboriginal people represent only 4% of the Canadian population, our latest statistics (as of June 30, 2007) show that they now account for 20% of the federally incarcerated offender population. So we are trying to build best practices, be innovative in our hearing process, and learn from the experiences of our Elder-assisted hearings for aboriginal offenders. We are always looking at new research and development tools that help predict risk and the potential for a successful reintegration. We are also constantly improving our board member training and, with the help of Dr. Ralph Serin, professor at the Carleton University in Ottawa, we are developing a decision model for their training.

Victim Advocacy Groups. Another challenge concerns victim advocacy groups, which, although they generally support a parole system, demand more rights for victims in the correctional and conditional release process. They recognize that important steps have been achieved but claim more has to be done in order to balance the rights of the offender and the rights of the victim. Many recent initiatives have been undertaken and, one hopes, more will be developed. For example, as of November 1, 2005, financial assistance is available in Canada to registered victims who wish to attend the hearings of the offender who harmed them. Funding assistance allows victims to participate more fully in the criminal justice system. (The Victims Fund is administered by the Department of Justice Policy Centre for Victim Issues.)

Figure 5: Statutory Release Outcomes, 2006–2007

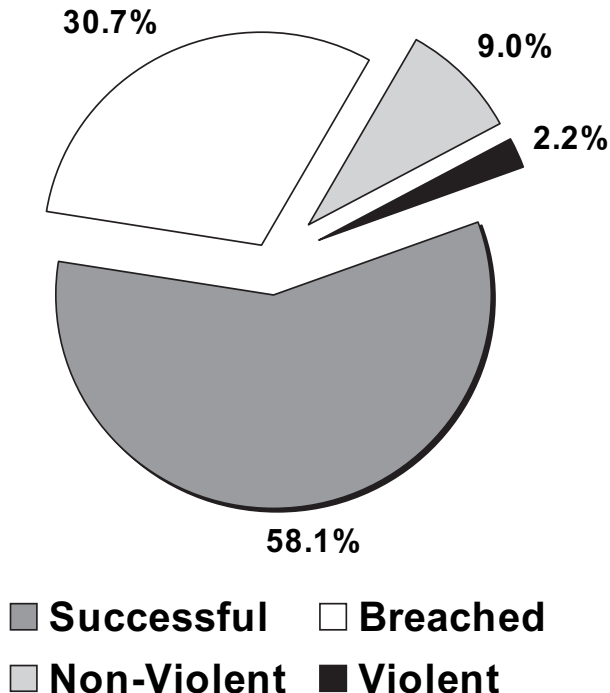
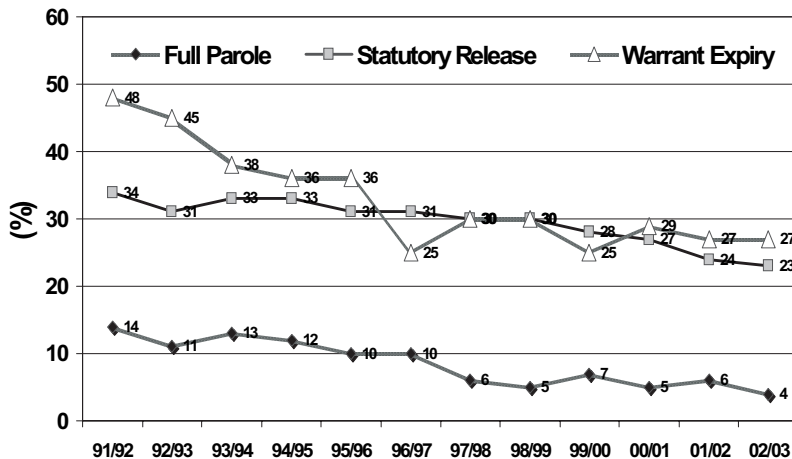


Figure 6: Post-Warrant-Expiry Readmission on a Federal Sentence, as of March 31, 2007



Recruiting Board Members. Recruiting board members is constantly a challenge. As we saw, the board has a screening process for the appointment of board members, but we need to ensure that we continue to learn from each recruiting process we conduct and improve the process. We aim to do the same with our training programs and our decision-making processes.

Sometimes, Limitations in Law Pose Challenges. For example, our current Canadian government has clearly

put in its program the abolition of accelerated parole review and statutory release, two forms of quasi-automatic releases. The government believes in a system of “earned parole” and discretionary decisions and is working toward achieving this goal. What are the reactions to this change? Many who believe in discretionary parole think that it could have a positive impact on the motivation of the offender to change; others

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fear that more offenders would spend more time inside, only to be released at the end of the sentence without any supervision.

In Closing

Let me reiterate that people can and do change. I have seen it, I still see it, and I am sure that you all have had the same experiences.

I am passionate about parole—probably because I am passionate about people. I believe in human beings! I believe that a civilized society is better off with a parole system that reintegrates its offenders into the community.

Does parole work? Yes, parole works. Research and experience show us that it does. In my opinion, discretionary-release decision making is still, and will always be, the way to go. I am convinced that we would not be safer without a parole system.

Can we have a perfect system? Can we reach 100% success? It would be so simple and so reassuring if we could have a perfect recipe or infallible guidelines—or why not some magic tools, a “crystal ball” to help us predict the future. I would like to say, “yes,” but we all know that the answer is “no.” Human behavior is not 100% predictable. Life is not either.

It is essential in my view that we build

public confidence in a more active way. We need to build trust—trust that we will make quality decisions and grant parole to those who earn it and are ready to gradually reintegrate safely into our communities and trust that we will keep those who

are not ready, inside—trust that parole works.

The French writer Benoîte Groulx once said: “On ne progresse pas sans la connaissance de son passé” (We do not progress without the knowledge of our past). This is vitally important to keep in mind in order to do better.

I am passionate about parole—probably because I am passionate about people. I believe in human beings! I believe that we need to get involved and try to make a difference. I believe that a civilized society is better off with a parole system that reintegrates its offenders into the community. As a member of my community, I think I have a duty to work for the betterment of that community. Idealistic? Probably. But that is who we are—members of a community living together and struggling together for public safety. In so doing, our societies will become even more civilized, don’t you think?

References

Burke, P., & Tonry, M. (2006). *Successful Transition and Reentry for Safer Communities: A Call to Action for Parole*. Silver Springs, MD: Center for Effective Public Policy. ■