

Day Parole: Effects of the *Corrections and Conditional Release Act*

by **Brian A. Grant**¹

Research Branch, Correctional Service of Canada

Day parole has been used by the Correctional Service of Canada for more than 25 years. Results of recent evaluations² have shown a strong positive relationship between success on day parole and eventual release outcome, suggesting that day parole is an effective contributor to the reintegration process. While previous amendments to the legislation related to day parole have tended to expand or liberalize its use, more recent changes were designed to restrict and focus the use of day parole.

The Corrections and Conditional Release Act (CCRA), enacted in November 1992, introduced a number of changes to day parole and to other programs that might affect the use of day parole. These changes were designed to improve public acceptance of the early release of offenders on day parole and to ensure offenders received the maximum benefit from day parole.

The CCRA made three major changes to day parole:

- It eliminated automatic review for day parole early in the sentence. Before the CCRA, all offenders were reviewed for day parole by the National Parole Board before one sixth of their sentence had been served. The CCRA required offenders to apply for a day parole review by the National Parole Board.
- It set the eligibility date for day parole at six months before full parole eligibility. This change from eligibility at one sixth of the sentence would not affect offenders with sentences of less than three years, but offenders with longer sentences had to serve additional time in custody before being eligible for day parole.
- It defined the function of day parole, specifying that day parole could be used only as preparation for full parole or statutory release. Before the CCRA, day parole was flexible and could be used for a variety of purposes.

The CCRA also introduced three new release options that might affect the use of day parole. The option that promised the greatest effect on day parole was accelerated parole review.

Accelerated parole review streamlined the parole review process for offenders serving their first federal sentence for a non-violent offence.

The other release options introduced were work release and personal development temporary absences. Work release was to be used for community work projects and for paid work opportunities in the community. Day parole covered these activities before the CCRA. Personal development temporary absences provide extended periods of release from custody for offenders to participate in treatment programs, another option day parole would have been used for in the past.

The criteria for parole release were also modified such that an offender must be released on full parole unless the National Parole Board believes the offender is likely to commit a violent offence if released. This change did not affect day parole eligibility, but increased the likelihood of full parole release for many first-time federal offenders at one third of the sentence. This could have made early release on day parole less attractive to such offenders.

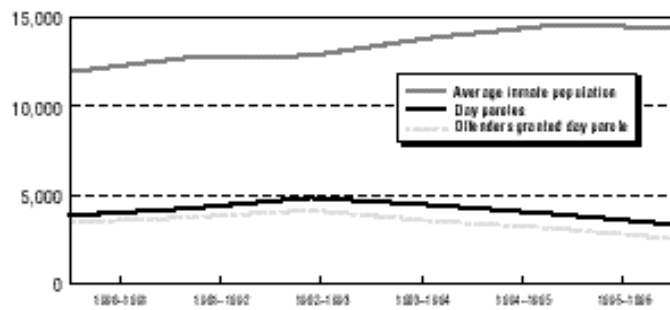
These changes all had the potential to change the use of day parole after the CCRA. The current study was conducted to determine how the legislative changes affected the use of day parole.

Decline in day parole use

The use of day parole declined dramatically after 1992 when the CCRA was enacted. Specifically, while the offender population increased by 12% after 1992, the number of day parole releases declined by 32%. Since one offender may be granted multiple day paroles, it is also important to look at the number of different offenders granted day paroles. The number of offenders granted day parole declined by 37% (see Figure 1).

Figure 1

Changes in the number of day parole releases, offenders released on day parole and the on-register offender population, 1990-1991 to 1995-1996



Detailed analyses of the timing of day parole release suggest that the observed declines are the result of a decrease in the number of offenders released on day parole early in their sentence. The percentage of first day parole releases granted before parole eligibility date (at one third of the sentence) has declined steadily from 60% of all day parole releases in 1992-1993 to 49% of all releases in 1995-1996. Overall, slightly less than one quarter of day parole releases occur between the parole eligibility date and halfway through the sentence; about one fifth are granted in the last half of the sentence, shortly before statutory release.

The observed declines in day parole use were consistent across all regions, even in the Quebec region, which accounts for 43% of all day parole releases (see Figure 2). The Quebec and Atlantic regions released the largest percentage of their offender population on day parole, 37% and 34%, respectively, while other regions released about 20% of their offenders on day parole. Offenders in the Atlantic region were the most likely to be released on day

parole early in their sentence (before parole eligibility date), while the Pacific region was the most likely to release offenders late in their sentence (after one half of the sentence).

Approximately 9% of day parole releases were granted to Aboriginal offenders, which was slightly less than their representation in the offender population (11% to 12% during the period of the study). Aboriginal offenders have experienced the same rate of decline in day parole releases as other offenders, with a drop from

397 in 1992-1993 to 211 in 1995-1996.

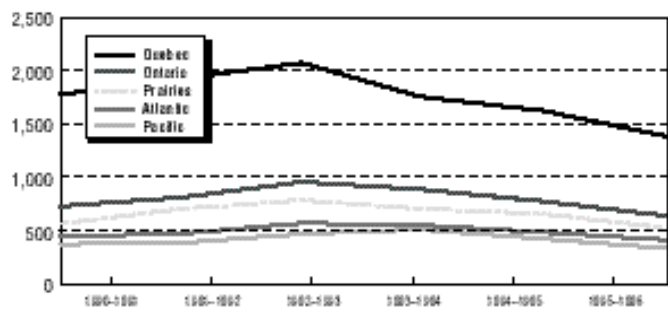
Female offenders have not experienced the same decline in day parole releases as other offenders have. Although the numbers are quite small, day parole releases for female offenders have increased by 15-30%. Female offenders account for 2.5% of all day parole releases and they account for 2.1% of the offender population.

About 20% of the offenders granted day parole were serving sentences for non-violent offences while 15% were serving sentences for drug offences. About 65% of the offenders released on day parole were serving sentences for a violent offence including about 5% who were serving sentences for murder. This can be compared with the proportion of offenders serving sentences for violent offences in the offender population (76%). For specific offences, the percentage of offenders on day parole who have committed a sexual offence, a robbery offence or a non-sexual violent offence has been decreasing.

What factors could have contributed to this decline in the use of day parole? Three types of factors need to be considered: changes in legislation that directly affected offender eligibility for day parole; changes in legislation that may have reduced the pool of offenders eligible for day parole or replaced some of the purposes for which day parole was used; and other factors, such as societal, legislative and operational pressures to reduce community risk, that might have discouraged the use of day parole.

Figure 2

Changes in Day Parole Releases by Region



Changes to day parole regulations

The elimination of automatic review meant that offenders were now required to apply for day parole. If offenders, for whatever reasons, decided not to apply for day parole, their cases would not be reviewed and no day parole would be possible.

To determine whether the National Parole Board reviewed fewer day parole applications after the CCRA, the number of Board decisions related to day parole releases between 1992–1993, when the CCRA was introduced, and 1996–1997 (the period covered by the five-year review of the CCRA) were compared. The number of day parole release decisions by the Board declined by 48%, from close to 8,000 to about 4,100 (see Table 1). It would appear that the elimination of the automatic review for day parole resulted in a decline in cases reviewed by the Board. However, following the five-year review period, the number of cases reviewed by the Board increased to 5,112.

A different issue is the change in the grant rate for day parole, shown in Table 1. Between 1992–1993 and 1995–1996 the grant rate for day parole declined from 66% of applications to 59%. However, the grant rate increased to 66% in 1996–1997 and climbed again in the following year to 71%.

However, if the change in eligibility date resulted in cases being prepared for National Parole Board review later in a sentence, then the change in eligibility date might have had a larger effect.

New release options

Accelerated parole review (APR) could have affected the number of offenders applying for day parole, either because offenders chose to wait until parole was granted or because of the release of these offenders at their parole eligibility date reduced the pool of offenders available for day parole after their parole eligibility date. Results indicate that APR-eligible offenders were less likely to apply for day parole than similar offenders before the CCRA.⁴

Before the CCRA, 67% of offenders with characteristics similar to APR-eligible offenders were granted day parole. After the introduction of APR, only 42% of these offenders were granted day parole, representing a 37% reduction in day parole use by this type of offender. Results in Table 2 also indicate that day parole use declined for each of the comparison groups. What impact would the decrease in day parole use by APR

offenders have on overall day parole use? Given that 28% of all day parole releases are APR-eligible, it would appear that about 9% (28% of 37%) of the decline in day parole use can be accounted for by the introduction of APR.

The introduction of work releases and personal development temporary absences by the CCRA could have also displaced

or replaced day parole releases. However, almost half of the offenders granted work release were also granted day parole,⁵ and 70% of the offenders granted personal development temporary absences were subsequently granted day parole.⁶ These results alone suggest that these programs would have had a limited effect on day parole. It must also be recognized, however, that these programs only affected a small number of offenders, about 200 to 300 per year.

Table 1

National Parole Board Federal Day Parole Decisions, Grants and Releases, 1992–1993 to 1997–1998

	1992–1993	1993–1994	1994–1995	1995–1996	1996–1997	1997–1998
Number of day parole release decisions	7,891	6,681	6,491	5,378	4,094	5,112
Number of grants	5,201	4,350	3,895	3,162	2,698	3,651
Grant rate	65.9	65.1	60.0	58.8	65.9	71.4
Average inmate population	12,347	13,322	13,948	14,090	14,243	13,782

Source: Data adapted from National Parole Board, personal communication.

When the CCRA changed the eligibility date for day parole from one sixth of the sentence to six months before parole eligibility, this also could have reduced the number of offenders who could be released on day parole. Previous research indicates that only about 8% of day parole cases³ are released before six months before parole eligibility. Therefore, the effect of the change in eligibility date could have had only a small direct effect on day parole use.

Table 2

Day Parole Releases Groups Eligible and Ineligible for Accelerated Parole Review

		APR-Eligible ¹	Ineligible		
			Offence ²	Admission ³	Both ⁴
Before CCRA	Percentage granted day parole	67.2	54.5	55.8	42.7
	Cases with a day parole release	(1,292)	(1,343)	(336)	(290)
After CCRA	Percentage granted day parole	42.0	29.0	42.1	21.3
	Cases with a day parole release	(1,631)	(2,964)	(664)	(559)
Percentage change		37.5	46.8	24.6	50.1

¹ Offenders released before the CCRA could not receive accelerated parole review, but they met the criteria as specified in the CCRA.

² Ineligible offences are those listed on Schedule I (violent offences) and those offences on Schedule II (drug offences) for which the judge ordered eligibility for parole at 50% of the sentence rather than at 33%.

³ Ineligible admissions are not serving their first federal sentence.

⁴ Ineligible because of their offence and their admission.

Overall, it appears that the new forms of release introduced in the CCRA do account for some of the decline in day parole use, but probably only about 15–30% of the overall decline.

Other factors

Two other factors that could have affected the use of day parole are the change in purpose introduced by the CCRA and a change in attitude about the program. It is difficult to measure the effect of changing the purpose of day parole, although it is likely that restricting its use to preparation for release would reduce the number of releases.

Without pre- and post-measures it is difficult to determine which other factors, such as attitudes about the program, concerns for public safety and other effects of the CCRA, affected the use of day parole. However, the

evidence seems clear that factors other than the introduction of new regulations and new release options, reduced the use of day parole.

Summary

Overall there was a decline in the use of day parole after the CCRA was enacted. The magnitude of the decline could not be accounted for solely by changes that directly affected the regulations for day parole and new release options similar to day parole. However, given the positive association between day parole and future release success, there is a need to increase the use of day parole to ensure offenders have opportunities for effective reintegration into the community. Data for 1997–1998 are encouraging with both an increase in the number of day parole applications reviewed and an increase in the grant rate by the National Parole Board. ■

¹ 340 Laurier Avenue West, Ottawa, Ontario K1A 0P9. Summarized report on day parole for the five-year review of the *Corrections and Conditional Release Act* (1992–1993 to 1996–1997).

² B. A. Grant, L. Motiuk, L. L. Brunet, L. Lefebvre and P. Couturier. *Day Parole Program Review: Case Management Predictors of Outcome*, Report R-52 (Ottawa, ON: Correctional Service of Canada, 1996); B. A. Grant and C. A. Gillis, *Day Parole Outcome, Criminal History and Other Predictors of Successful Sentence Completion* (Ottawa, ON: Research Branch, Correctional Service of Canada, in press); B. A. Grant and M. Gal, *Case Management Preparation for Release and Day Parole Outcome*, Report R-63 (Ottawa, ON: Research Branch, Correctional Service of Canada, 1998).

³ Grant *et al.*, *Day Parole Program Review*.

⁴ B. A. Grant, *Accelerated Parole Review: Were the Objectives Met?* Report R-68 (Ottawa, ON: Research Branch, Correctional Service of Canada, 1998).

⁵ B. A. Grant and C. Beal, *Work Release Program: How It Is Used and for What Purposes*, Report R-64 (Ottawa, ON: Research Branch, Correctional Service of Canada, 1998).

⁶ B. A. Grant and S. L. Johnson, *Personal Development Temporary Absences*, Report R-65 (Ottawa, ON: Research Branch, Correctional Service of Canada, 1998).