

# HANDOUT 1: Overview of the Corrections System

## Imprisonment in the Criminal Justice System

In the early 1700's, Robert Nichols of Annapolis, Nova Scotia was convicted of theft and sentenced "to be whipped whilst tied to the end of a cart...receiving each hundred paces five stripes upon your back with a cat of nine tails." In those days, governments did not provide prisons or other corrections programs. Society did not expect the state to rehabilitate offenders. Punishment was all that mattered. Today, judges consider the protection of society and the rehabilitation of the offender as well as retribution and deterrence when sentencing.

A person accused of a crime may be imprisoned before the disposition of the case and could also be sentenced to imprisonment if found guilty. Generally speaking, incarceration or imprisonment is considered to be the last resort for the judge to use under the sentencing principles set out in the *Criminal Code of Canada* (CCC).

## Youth and Adult Custody Before Trial

Prior to a trial a youth or adult accused may be released or held in custody.

Upon arrest, the accused may be given an Appearance Notice if the offence is not very serious. If the accused is taken into custody s/he may be released on signing a Promise to Appear.

If the offence is very serious then the police may decide to hold the accused in custody. The accused must appear in court within 24 hours of the arrest. At this time, the judge or the justice of the peace will decide whether to release the accused back into the community or to have the accused remain in custody until the trial. This decision is based on three factors:

- That the accused will attend the next court date
- That society is protected
- That the accused is protected if s/he is in a suicidal state

If the judge decides not to release the accused then the accused will be remanded into custody. If the accused is a youth, s/he will be sent to a youth detention centre awaiting the disposition of his/her case. An adult accused would be remanded to a pre-trial centre awaiting the disposition of his/her case.

If the accused is released then financial conditions in the form of money or property may have to be posted (provided) as a condition of release. This is called bail with conditions attached and the purpose is to ensure the appearance of the accused in court. A

warrant may be issued for the arrest of the accused if the accused fails to appear. The bail conditions would be enforced and the surety, or money posted, would be forfeited.

## **Youth and Adult Custody After Trial**

A judge can sentence an offender to a term of imprisonment. In deciding the length of the sentence, the judge considers any minimum or maximum term provided for in the Criminal Code of Canada, the offender's previous convictions, and the other factors that may be noted in a pre-sentence report prepared for the court.

Less serious offences, called summary conviction offences, have a maximum term of six months. More serious convictions called indictable offences, may have a maximum term of life imprisonment.

Youth will be imprisoned in Youth Detention Centres. Adults will be imprisoned either in federal or provincial correctional facilities depending on the type of offence and the length of sentence.

## **Federal and Provincial Prisons**

The management and operation of corrections facilities is a shared responsibility between the federal and provincial governments. For sentences of less than two years, the offender will be held in provincial correctional facilities. For sentences of two years or more, the offender will be held in federal penitentiaries.

### **Federal Penitentiaries**

Anyone sentenced to two years or more serves time in a maximum, medium, or minimum-security federal penitentiary. Generally, prisoners are assigned in the following ways:

*Maximum Security Prisons:* For prisoners who may try to escape and are considered dangerous to the community.

*Medium Security Prison:* For prisoners who may try to escape but are not considered dangerous.

*Minimum Security Prisons:* For prisoners who are unlikely to try and escape and are not considered dangerous.

## **BC Correctional Facilities**

For prison sentences of less than two years, the BC Corrections Branch decides where the offender will serve the term. Prisoners considered dangerous or likely to try and escape are kept in one of five security centers. About 50% of all prisoners in BC serve time in these jails.

Nearly half are sent to Open Centers, which are usually remote forest camps or farms. Prisoners there work in forest management, animal and crop care, and salmon enhancement programs.

The remaining inmates are carefully chosen to serve their time in Community Centers. These are houses close to or in the prisoner's home community, where prisoners live together under the supervision of corrections staff. The prisoners can leave the house to go to work or school.

## **Conditional Release Programs**

### **British Columbia Programs**

#### ***Parole***

A prisoner can apply for a temporary absence from prison, a day parole, or full parole.

The director of the jail may grant a prisoner a temporary absence, escorted or unescorted, for an acceptable reason such as attending a family funeral or having an operation.

Some inmates may be granted day parole before they are considered for full parole. They are allowed to work or study in the community during the day and return to prison each night. Day parole is rarely used in the provincial system.

Most inmates apply for full parole. Granted by the BC Parole Board, it is the prisoner's best hope for early release. Inmates are eligible for parole after serving one-third of their sentence, but relatively few are released that soon.

Full parole allows an inmate to serve the remainder of a sentence at his or her home in the community. The inmate is subject to the conditions requiring good behaviour and regular reporting to a probation officer. Special conditions, such as participating in a treatment or education program or finding and keeping a job, may also be imposed.

Parolees who violate the conditions of their parole may return to prison to serve out their sentences.

BC is one of three provinces with its own Provincial parole Board. The other provinces rely on the National Parole Board to consider both provincial and federal prisoners for conditional release

## **Federal Programs**

### ***Parole***

The federal conditional release programs are similar to the provincial programs. A prisoner in a penitentiary can apply for temporary absence, day parole, or full parole. The Federal Parole Board grants parole. The time may be defined by the sentencing judge, for example, in a case of homicide: otherwise, consideration for parole is given after one-third of the sentence is served. Probation is different from parole. It is controlled time in the community which is part of the sentence whether or not the offender is sentenced to time in prison and is set by a judge at the time of the sentencing. Parole is controlled time in the community served as a portion of a term of imprisonment. It is granted by a provincial or federal Parole Board based on improved behaviour of the inmate.

### ***Mandatory Supervision***

After earning time off for good behavior and serving at least 2/3 of their sentence almost all federal prisoners are eligible for release. This is called mandatory supervision and it allows time for them to begin reintegration into society while being supervised by federal parole officers. Certain dangerous offenders are not eligible. Unlike parole it is not a discretionary decision of the board.

### ***Difference between Temporary Absence, Parole and Mandatory Supervision***

Temporary Absence is a special permit given for short absences from prison for specific purposes. Parole is release from prison, based on conduct, for gradual reintegration into the community. Mandatory Supervision is release after serving at least two-thirds of the sentence to reintroduce the inmate into the community while controls are still in place.

### ***Pardon***

An offender may apply for a pardon under the federal *Criminal Records Act* one to five years after his or her sentence is completed. The RCMP investigates the person's current conduct and reports to the federal Minister of Justice, who makes a decision. When a pardon is granted, the person's criminal record is sealed.