

## Correctional System: Background

### Pre-Trial Detention

What is Bail? When someone is arrested and charged with a criminal offence they may be released right away to appear in court at a later date, or they may be held in custody for a bail hearing. A bail hearing will determine whether they will be released until their trial date, what conditions they need to follow while they are released, or if they will be held in custody until their trial.

Everyone in Canada has the right to be presumed innocent until proven guilty. So there are only a narrow set of reasons why a judge can deny bail to an accused. The three reasons someone could be denied bail and held in custody until their trial

1. It is necessary to ensure the accused attends court when required
2. It is necessary to for the protection or safety of the public
3. It is necessary to maintain confidence in the administration of justice

It is generally the Crown prosecutor who has the burden of proving that pretrial detention is necessary. However, there are some instances where it is the accused who must show why they should be released (such as a particularly serious offence or if they

### The Fundamental Purpose of Sentencing

718 The fundamental purpose of sentencing is to protect society and to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions.

**Imprisonment (jail):** The offender will have conviction registered and will have to apply for a pardon. If you get a sentence less than two years you go to a provincial institution, more than two years you go to a federal institution. If the offender spent time in jail before they were found guilty, they will often get enhanced credit for that time. So if they spent 30 days in jail before they were found guilty, they will get 45 days taken off their sentence. Imprisonment should be considered a “last resort” when it comes to sentencing.

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.

### 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.

## Further reading:

[History of the Canadian Correctional System](#), Correctional Service Canada

[Everything you were never taught about Canada's prison systems](#), Intersectional Analysis

[Data on Canada's prison system](#), The John Howard Society

[Key Issues: Prisoner Rights](#), Canadian human rights commission

[Mass incarceration in America, explained in 22 maps and charts](#), Vox.com

[Why Norway's prison system is so successful](#), Business Insider