Notes on the few number of requests for a temporary absence in preparation for conditional release.
Outline of the presentation

**Introduction:** Canadian Carceral System and Quebec Parole 101

**Contextualizing the Research Project:** Socio-legal Context, Question and Partnership

**Data and Preliminary Results:** Broad Picture, Methods and Analysis

**Conclusion:** Next Steps in the Project
Canadian Carceral System 101

Dual Regime: Federal and Provincial (State)

Criminal Law: Federal Jurisdiction, BUT...
- A puzzle of jurisd. (police, adm. of just., prisons)

Terms of imprisonment of **2 years or more**
- Federal (Corrections + Parole)

Terms of imprisonment of **less than 2 years**
- Provincial (Corrections + Parole)

[Pre-trial & Immigration Detention are often served in Provincial Correctional Facilities]
On an average day in 2015/2016, there were 40,147 adults in custody (sentenced + remand); 25,405 in provincial and territorial custody and 14,742 in federal custody.

### Average daily counts of adults in correctional services, by jurisdiction, 2015/2016

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Custody(^1)</th>
<th>Percent change incarceration rate from 2014/2015 to 2015/2016</th>
<th>Community supervision(^2)</th>
<th>Percent change in community supervision rate from 2014/2015 to 2015/2016(^3)</th>
<th>Total correctional services(^3)</th>
<th>Percent change in total rate from 2014/2015 to 2015/2016(^3)</th>
<th>Percent change in total rate from 2011/2012 to 2015/2016(^3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newfoundland and Labrador</td>
<td>359</td>
<td>15</td>
<td>1,610</td>
<td>-2</td>
<td>1,968</td>
<td>452</td>
<td>1</td>
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<tr>
<td>Prince Edward Island</td>
<td>84</td>
<td>-20</td>
<td>824</td>
<td>-6</td>
<td>907</td>
<td>769</td>
<td>-8</td>
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<tr>
<td>Nova Scotia</td>
<td>483</td>
<td>-5</td>
<td>698</td>
<td>-7</td>
<td>51,937</td>
<td>467</td>
<td>-6</td>
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<tr>
<td>New Brunswick</td>
<td>442</td>
<td>1</td>
<td>720</td>
<td>-5</td>
<td>9,627</td>
<td>719</td>
<td>-4</td>
</tr>
<tr>
<td>Quebec</td>
<td>5,097</td>
<td>-2</td>
<td>13,581</td>
<td>-2</td>
<td>18,678</td>
<td>277</td>
<td>-2</td>
</tr>
<tr>
<td>Ontario</td>
<td>7,960</td>
<td>1</td>
<td>43,977</td>
<td>-7</td>
<td>51,937</td>
<td>467</td>
<td>-6</td>
</tr>
<tr>
<td>Manitoba</td>
<td>2,424</td>
<td>0</td>
<td>7,202</td>
<td>-5</td>
<td>9,627</td>
<td>719</td>
<td>-4</td>
</tr>
<tr>
<td>Saskatchewan</td>
<td>1,812</td>
<td>6</td>
<td>6,495</td>
<td>16</td>
<td>8,307</td>
<td>948</td>
<td>14</td>
</tr>
<tr>
<td>Alberta</td>
<td>3,673</td>
<td>10</td>
<td>8,767</td>
<td>16</td>
<td>12,441</td>
<td>379</td>
<td>14</td>
</tr>
<tr>
<td>British Columbia</td>
<td>2,663</td>
<td>9</td>
<td>12,146</td>
<td>-4</td>
<td>12,441</td>
<td>379</td>
<td>-4</td>
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<tr>
<td>Yukon</td>
<td>94</td>
<td>23</td>
<td>336</td>
<td>-8</td>
<td>578</td>
<td>1,128</td>
<td>-2</td>
</tr>
<tr>
<td>Northwest Territories</td>
<td>189</td>
<td>8</td>
<td>389</td>
<td>-13</td>
<td>578</td>
<td>1,128</td>
<td>-2</td>
</tr>
<tr>
<td>Nunavut</td>
<td>136</td>
<td>6</td>
<td>760</td>
<td>-13</td>
<td>895</td>
<td>3,797</td>
<td>-10</td>
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<tr>
<td>Provinces and territories—total(^2)</td>
<td>25,405</td>
<td>3</td>
<td>96,087</td>
<td>349</td>
<td>-4</td>
<td>120,568</td>
<td>438</td>
</tr>
<tr>
<td>Federal(^8)</td>
<td>14,742</td>
<td>-4</td>
<td>8,215</td>
<td>3</td>
<td>22,956</td>
<td>79</td>
<td>-1</td>
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<tr>
<td>Total</td>
<td>40,147</td>
<td>0</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
</tbody>
</table>

In 2014/2015, custodial sentences were imposed in 37% of all adult criminal court cases. This was the lowest number (76,340) in the last 10 years, yet it represented the highest proportion of cases receiving this sentence in period.
In 2014/2015, 88.2% of individuals sentenced to custody received a sentence of 6 months or less; 8.6% of between 6 months and 2y; and 3.2% of 2y or more.
Loi sur le système correctionnel du Québec (2002)

Act respecting the Québec correctional system
- Came into force in 2007 (after the Act Regs.)

General principle: “facilitate the reintegration of offenders into the community.” (s.1)

Target population: serving sent. of 6 months to 2y

Types of release and temporality:
1/6 → Temporary absence in preparation for...
1/3 → Conditional release (Parole)
2/3 → Statutory release (if Parole is not granted)
Still struggling to implement the new regime…

Two distinct moments:

  - law reform “in the books”

- after 2007
  - law reform “in action”

A heavier and formalist management process:
- delays in the evaluation of correctional files
- decrease of the number of releases
- very high reentry due to breaches of conditions
Why anticipated releases are not working and how to improve the new parole regime?

Figuring out the few number of requests for 1/6 releases (temporary absence in preparation for conditional release)

+ the significant number of adjournments of hearings and the high rates of waivers for 1/3 releases (conditional release)
Access to Justice in Detention

SSHRC Partnership Grant

Key Institutional Actors of the Quebec Carceral System are Partners of the Research Project:

Correctional Services: Evaluations, follow-ups, preparation of files for release hearings;
Quebec Parole Board: Independent Administrative Tribunal granting release decisions;
Association des Services de Réhabilitation Sociale: Comm. support and supervision;
The Quebec Ombudsman: Prison Ombudsman in Quebec.
1/6 releases (temporary absence in preparation for conditional release):
- between 15% and 19% of admissible detainees request a hearing
- important variations depending on facilities (12% and +30%) and on years
  - For instance, variations between 6% and 23% within the same facility

1/3 releases (conditional release)
- important rates of adjournments: 31% of parole decisions (2010-2016)
- a good part could possibly be avoided (missing docs, superv. place in comm.)
- high rate of waivers of hearings:
  - fairly one person in two give up their right to be heard by the Board
  - recurring phenomenon (the rate varies between 42 and 54% since 2011)
  - this rate varies a lot from one institution to another (17% to 72%) and years

Mix Method Approach relying on different sources of data:
- Corrections + Parole Board databases (stats + files)
- Interviews + Ethnographic Observation
  (trajectories of all kinds of abandon, institutional practices, etc.)
Certain socio-ethnic profile and vulnerability

Role of correction agents (recommendations)

Temporality (especially on 1/6 releases)

Statutory releases (2/3 of the sentence)
Ongoing project

Pilot project w/ partners