

\_\_\_\_\_ **Research Report** \_\_\_\_\_

**Low Risk Offenders and  
Waivers, Postponements, and  
Withdrawals of Parole Reviews**

Ce rapport est également disponible en français. Pour en obtenir un exemplaire, veuillez vous adresser à la Direction de la recherche, Service correctionnel du Canada, 340, avenue Laurier Ouest, Ottawa (Ontario) K1A 0P9.

This report is also available in French. Should additional copies be required, they can be obtained from the Research Branch, Correctional Service of Canada, 340 Laurier Ave. West, Ottawa, Ontario K1A 0P9.



**Low-Risk Offenders and  
Waivers, Postponements, and Withdrawals of Parole Reviews**

Leslie-Anne Keown

Shanna Farrell MacDonald

&

Renée Gobeil

Correctional Service of Canada

May 2015



## **Acknowledgements**

Gratitude is extended to Stephanie Biro and Colette Cousineau, who assisted in coding offender files. The authors also thank Andrea Moser, who provided both methodological and editorial guidance for this study.



## Executive Summary

**Key words:** *parole, conditional release, waiver, postponement, withdrawal.*

Offenders' gradual and supervised return to the community is known to contribute to lower rates of re-offending. Conditional release provides a mechanism for this gradual release, and although virtually all offenders are eligible for consideration for release after serving a portion of their sentence, some choose not to appear before the Parole Board of Canada for review.

Understanding the reasons why offenders waive, postpone, or withdraw their applications for review may provide information that can be used in promoting offenders' transition to the community. This issue is especially pertinent for low-risk offenders. Given these offenders are more likely to be granted parole and to be successful in the community, decreasing the delays and cancellations for this group is likely to increase the number of positive parole decisions.

In order to examine the reasons for parole review delays and cancellations, the 5,549 day parole reviews and 10,358 full parole reviews scheduled for 2013-14 were examined. Additional analyses focused on the 2,276 day parole and 4,267 full parole reviews scheduled for offenders who were assessed, at their most recent review, as minimum security – these offenders comprised the low-risk offender group.

Overall, about a third of day parole and over half of full parole reviews were delayed or canceled. Among low-risk offenders, this rate was lower but still considerable (26% and 36% for day and full parole respectively). Most frequently, these parole delays and cancellations were attributable to a desire to avoid a negative decision, program non-completion, and unspecified reasons; analyses of offender subgroups showed that these patterns also applied for women and Aboriginal offenders. More detailed examinations focused on low-risk offenders reinforced these themes, and also identified three additional reasons for waivers and withdrawals: lack of case management team endorsement for parole application, a desire to build credibility or demonstrate stability via other activities (such as temporary absences) prior to parole consideration, and a desire to be considered for only day parole despite being eligible for both day and full parole. Further, many offenders considered a number of these often inter-related reasons in making their decisions.

Additional information emerged in more detailed analyses, with, for instance, about one-third of low-risk offenders who cited program non-completion as their reason for delaying or canceling their parole review, in fact, were not eligible for programs. It seems that these offenders believed they should complete these programs – or would be expected by the PBC to complete these programs – despite their non-eligibility, which suggests an avenue for further education.

In addition to information-sharing and education, two other possible avenues for improvement were identified: improvements in data collection and initiatives focused on increased efficiencies. With respect to the latter, a number of current initiatives, including the implementation of the Integrated Correctional Program Model and efforts to streamline and enhance assessment and intervention, seem likely to contribute to offenders being prepared for parole earlier in their sentence. These, and similar initiatives, should continue to be explored.





## Table of Contents

Acknowledgements .....	ii
Executive Summary .....	iii
List of Tables .....	v
Introduction.....	1
Waivers, Postponements, and Withdrawals.....	1
Increases in Waivers, Postponements, and Withdrawals.....	2
Reasons for Waivers, Postponements, and Withdrawals.....	2
Low-Risk Offenders.....	4
The Current Study .....	4
Method .....	5
Sample of Parole Reviews .....	5
Data .....	8
Analytic Approach .....	8
Results.....	9
All Offenders .....	9
Low-Risk Offenders.....	10
Further Examinations.....	11
Discussion .....	17
Summary and Interpretation .....	17
Contextualizing Findings .....	19
Possible Avenues for Improvement .....	20
Conclusion .....	22
References .....	23
Appendix.....	25



## **List of Tables**

Table 1.	<i>Outcomes of Parole Reviews Scheduled for 2013-14</i> .....	5
Table 2.	<i>Offence and Sentence Information of Offenders with Scheduled Parole Reviews</i> .....	6
Table 3.	<i>Outcomes of Low-Risk Offenders' Parole Reviews Scheduled for 2013-14</i> .....	7
Table 4.	<i>Cited Reasons for Parole Review Delays and Cancellations</i> .....	9
Table 5.	<i>Cited Reasons for Low-Risk Offenders' Parole Review Delays and Cancellations</i> .....	10
Table 6.	<i>Thematic Analysis of Additional Comments: Avoiding a Negative Decision</i> .....	11
Table 7.	<i>Thematic Analysis of Source of Anticipation of Negative Decision</i> .....	12
Table 8.	<i>Distribution of Program Statuses</i> .....	13
Table 9.	<i>Thematic Analysis of Additional Comments: "Other"</i> .....	16



## **Introduction**

Offenders' gradual and supervised return to the community is known to contribute to lower rates of re-offending (Hann, Harman, & Pease, 1991; Motiuk, Boe, & Nafekh, 2002; Motiuk, Cousineau, & Gileno, 2005; Waller, 1974). Conditional release (day and full parole, as well as statutory release) provides a mechanism for this gradual release, allowing offenders to be supervised by parole officers in the community until the end of their sentence. Although virtually all offenders are eligible for consideration for day or full parole after serving a portion of their sentence, a portion of eligible offenders choose not to appear before the Parole Board of Canada (PBC) for review – that is, they waive or postpone their review, or they withdraw their application. Understanding the reasons why offenders cancel or delay their hearings may offer information that can be used in promoting offenders' transition to the community. In addition, the cost associated with parole hearings and continued incarceration both underscore the importance of a fuller understanding in this area.

### **Waivers, Postponements, and Withdrawals**

As outlined in the *Corrections and Conditional Release Act* (1992), day parole, for which offenders become eligible first (usually six months prior to their full parole eligibility date) is a type of conditional release allowing offenders to pursue education, employment, or other activities during the day, but requiring them to return to a community-based residential facility or other pre-specified location nightly. Offenders may apply to be considered for day parole at their eligibility date.

Full parole, for which offenders typically become eligible after serving the earliest of one-third of their sentence or seven years (with some exceptions, particularly among life-sentenced offenders or when so stated by the sentencing judge), allows offenders to serve the remainder of the sentence under supervision in the community. Full parole differs from day parole in that it is legislatively required that the PBC review an offender's case for full parole upon eligibility and at specific intervals. That said, offenders who have been denied full parole may additionally choose to submit another application for full parole after a year has elapsed from the time of the denial.

Waivers, postponements, and withdrawals are types of delays or cancellations available to offenders when they are being considered for day parole or full parole. These are defined as

follows:

- *Waiver*: A written statement by an offender advising the PBC that they do not want to be considered for a full parole review and/or do not want a hearing;
- *Postponement*: A written request from an offender to delay a review; and,
- *Withdrawal*: A written request by an offender to no longer have their application reviewed by the PBC (PBC, 2014a).

Given that day parole reviews are by application and certain full parole reviews are legislatively required, the types of delays and cancellations vary with the type of conditional release. Specifically, waivers occur relatively infrequently for day parole, and in that context refer simply to a waiver of the hearing (resulting in a decision made based only on file information); this is simply because no day parole review occurs unless the offender applies for it. In contrast, offenders can and may choose to waive being reviewed for full parole.

### **Increases in Waivers, Postponements, and Withdrawals**

The PBC reports on the numbers of parole waivers, postponements, and withdrawals occurring each year. Though these raw numbers don't take into account changes in the number of reviews scheduled each year (e.g., due to changes in the offender population or in legislation relating to parole eligibility, such as the 2011 abolition of accelerated parole review), they are informative. PBC data published over the last four years (PBC 2011; 2012; 2013; 2014b) show that the number of waivers has increased by 24% from 2010-11 to 2013-14, while postponements have increased 14% (despite considerable year-over-year variability), and withdrawals have increased by 32%.<sup>1</sup> In the same time period, the increase in delays and cancellations coincides with fewer decisions being recorded.

### **Reasons for Waivers, Postponements, and Withdrawals**

The PBC does not report the reasons for these increases, yet understanding them may facilitate offenders' gradual community reintegration. To date, there only exist a handful of studies examining the reasons for parole cancellations and delays. In 2009, Cabana, Beauchamp, Emeno, and Bottos conducted interviews with 104 federally-sentenced offenders who had waived, postponed, or withdrawn a parole application. They found that the reasons most

---

<sup>1</sup> These percentages are calculated from raw numbers reported by the PBC on federal waivers, postponements, withdrawals, day parole decisions, and full parole decisions; the PBC's own calculations were not used because they included provincial offenders.

frequently cited by offenders for these delays and cancellations were related to incomplete correctional programming, perceived lack of support from their case management team, and behaviours that reflect poorly on them, such as institutional charges, security reclassifications to higher levels, or previous failures during community supervision. Cabana et al. (2009) went on to categorize the multiple reasons provided as being related to the offenders (e.g., lack of interest in appearing before the Board, choosing not to engage in programs), related to staff (e.g., offenders' perceived lack of support from the case management team, incomplete reports, and offender-staff incompatibility issues), related to correctional operations (e.g., lack of program availability, pending transfer), and related to the community (e.g., lack of support from community networks). Reasons falling in the first three categories were cited in roughly similar proportions, while reasons related to the community were cited in one-tenth as many cases.

More recently, Best, Wodahl, and Holmes (2012) interviewed 25 parole-eligible inmates in Wyoming about the reasons they waived parole hearings, and, despite the differences in the Canadian and Wyoming parole contexts, identified some similar themes. Specifically, many of the interviewed offenders noted offender-related reasons for waiving, most frequently not wanting to be on parole (e.g., because prison was perceived to be easier than parole) or a hesitance to return to the community (e.g., due to anticipated stigma). About a third indicated that they waived for staff-related reasons (e.g., upon advice from a staff member).

**Correctional programs.** In Cabana et al.'s (2009) study, incomplete correctional programs were the most frequently-cited reason for waiver, postponement, or withdrawal. Correctional Service of Canada (CSC) stakeholders have also noted that delays in program completion may contribute to parole delays and cancellation (e.g., Officer of the Auditor General, 2015). An in-depth examination of this issue, however, noted that certain nuances were necessary in drawing this conclusion (Cabana, Wilton, & Stewart, 2011). These researchers found that despite being noted as a reason for parole delay or cancellation in 25% of cases, more detailed file reviews found program non-completion to actually occur in 19% of cases. In other words, CSC's administrative records over-stated the scope of this issue, and, unfortunately, the reasons for this discrepancy were unclear. Among the 19% of cases, further analyses demonstrated that program administration and operational problems (e.g., waitlists; program underway but not complete) were cited in over 70% of cases, while the remaining almost 30% were explained by offender-related reasons (e.g., suspended from program, refused program).

Taken together, these findings demonstrate that program non-completion for reasons unrelated to the offender him- or herself actually explained about 13% to 14% of parole delays or cancellations, rather than 25%. Though this is, of course, still an important proportion, the further analyses underscore the importance of more comprehensive reviews.

### **Low-Risk Offenders**

Research shows that, relative to their higher-risk counterparts, offenders assessed as low risk are more likely to be granted discretionary release and, subsequently, to be successful in the community (Motiuk & Brown, 1994; Motiuk & Porporino, 1989a, 1989b; Stys, Dunbar, Axford, & Grant, 2012). As such, the waivers, postponements, and withdrawals submitted by low-risk offenders are of particular interest. Indeed, given that the major drivers of PBC decision-making are whether the offender presents an undue risk to society and the likelihood of re-offence (PBC, 2014a), it is relatively likely that some low-risk offenders who choose to delay or cancel their parole review may have been granted conditional release if seen by the Board. A better understanding of the reasons for delays and cancellations specifically for this group may provide information that could be used to encourage these offenders to be seen by the Board and increase their likelihood of release and of later successful community reintegration.

### **The Current Study**

Given the recent increases in waivers, postponements, and withdrawals, the purpose of this study was to examine this issue, with a particular focus on low-risk offenders. First, the examination focused on the proportion of scheduled parole hearings resulting in waivers, postponements, and withdrawals; second, the focus turned to the reasons for these delays and cancellations.



## Method

### Sample of Parole Reviews

The study focused on day and full parole reviews scheduled for 2013-14.<sup>2</sup> In total, 5,549 day parole reviews and 10,358 full parole reviews were identified.<sup>3</sup> In total, these 15,907 reviews represented 7,768 unique offenders. Most offenders had one hearing date scheduled throughout the year (49%). (In some cases, both day parole and full parole hearings were scheduled on the same date.) A further 48% had two unique hearing dates and the remaining 3% had three or more hearing dates, up to a maximum of five. As can be seen in Table 1, decisions were the most common outcomes, followed by postponements for day parole and waivers for full parole. This difference is to be expected given that day parole reviews occur only by application (and therefore waivers should be quite uncommon) and certain full parole reviews are legislatively required unless waived. Adjournments, which occur when one or more required documents are not available for the PBC's review (CCRA, 1992), are not considered further in this report given they are not initiated by the offender.

Table 1.

#### *Outcomes of Parole Reviews Scheduled for 2013-14*

Outcome	Day Parole		Full Parole	
	%	(n)	%	(n)
Decision recorded	57	3,146	38	3,974
Adjournment	7	379	4	391
Postponement	24	1,328	21	2,148
Waiver	< 1	11	36	3,742
Withdrawal	12	685	1	103

Of the offenders represented in these hearings, almost all were male (94%) and 19% were Aboriginal. The mean age at the time of the scheduled parole review was 38.8 ( $SD = 12.7$ ).

<sup>2</sup> Data were extracted in early March 2015. Unfortunately, study timeframes did not allow for the data to be extracted after the 2014-15 fiscal year had ended.

<sup>3</sup> Reviews that did not correspond to a first release (i.e., reviews for offenders being considered for parole after having previously been revoked), where the dates were suggestive of a data entry error (e.g., the parole review was scheduled after warrant expiry or before admission), or where the decision was "rescheduled", "pending", or "recalculated" (meaning parole eligibility dates were recalculated) were omitted ( $n = 1,008$ ).

Sentences of four years or less were the most common (see Table 2), with almost half of those in this category being of between two and three years, and the largest proportion of offenders were convicted of drug offences.

Table 2.

*Offence and Sentence Information of Offenders with Scheduled Parole Reviews*

Offence and Sentence Information	%
<b>Most Serious Offence</b>	
Homicide-related	10
Robbery	11
Assault	11
Sexual	14
Other violent	6
Drug	26
Property	12
Other non-violent	10
<b>Sentence Length</b>	
4 years or less	66
4 to 6 years	14
6 to 10 years	8
More than 10 years	2
Indeterminate	10

*Note.* Analyses were conducted at the level of scheduled parole hearings; in other words, offenders who submitted multiple waivers, postponements, or withdrawals may appear more than once.

A breakdown of review outcomes by region, gender, and ethnicity is provided in the Appendix. Consideration of these analyses revealed some differences – in particular, the Quebec region had much lower rates of waivers than did the other regions (12% vs. a range of 23% to 33%), but did seem to use postponements more often (32% vs. a range of 15% to 21%). Relative to Aboriginal offenders, non-Aboriginal offenders also had lower rates of waivers (22% vs. 32%) and higher rates of decisions being recorded (47% vs. 36%).

**Risk.** Though many operationalizations of “low risk” are possible, the one chosen for this study was being classified as minimum security at the most recent security classification or

reclassification (offender security level) prior to the review hearing. This definition was chosen both because of stakeholders' significant recent attention to the parole delay and cancellation decisions of this group (e.g., Office of the Auditor General, 2015) and to allow for a uniform definition of risk across the full sample.<sup>4</sup> Moreover, offender security level was associated with static risk (Cramer's  $V = 0.31$ ) and reintegration potential (Cramer's  $V = 0.46$ ). Finally, this definition aligns with the fact that, ideally, offenders are able to demonstrate that their risk may be manageable in the community by being classified as minimum security and successfully integrating in a minimum security institution. That said, it is important to acknowledge that being classified as minimum security does not necessarily mean the offender will be assessed as low risk according to measures of risk of re-offence or other measures, such as psychological assessments, nor that the Parole Board of Canada will perceive the offender as low risk. In interpreting the results of this study, the strengths and limitations of the chosen operationalization of "low risk" must be kept in mind.

There were a total of 2,776 day parole and 4,267 full parole reviews scheduled for low-risk offenders, representing 3,108 individuals. In comparison to the full population of offenders, low-risk offenders were more likely to have a decision recorded, especially for full parole (Table 3). Low-risk offenders were also considerably less likely to waive their full parole reviews (20% vs. 36%) and less likely to postpone either day (18% vs. 24%) or full parole reviews (15% vs. 21%).

Table 3.

*Outcomes of Low-Risk Offenders' Parole Reviews Scheduled for 2013-14*

Outcome	Day Parole		Full Parole	
	%	(n)	%	(n)
Decision recorded	67	1,867	60	2,574
Adjournment	7	183	4	173
Postponement	18	503	15	621
Waiver	< 1	2	20	846
Withdrawal	8	221	1	53

<sup>4</sup> At CSC, certain measures of risk are used only with specific populations (e.g., the Statistical Information on Recidivism – Revised 1, a CSC scale producing an estimate of the likelihood of groups of offenders re-offending within three years, is used only with male non-Aboriginal offenders; CSC, 2014a).

## **Data**

Data were obtained from the Offender Management System, CSC's computerized system of offender records. First, data were extracted for all reviews scheduled during the year. In each case, the outcome and the reason for any waiver, postponement, or withdrawal were obtained. The latter was indicated by the parole officer by choosing from one of 14 endorsed options such as *program non-completion*, *avoid negative decision*, *alternative release plan*, and *other*. In about 43% of these cases, an additional brief text field with additional context or information was obtained. In addition, offender-level information was also obtained, including demographic information, offence and sentence information, measures of institutional behaviour (e.g., charges and segregation placements), and correctional program information (e.g., program completions, program non-completions, waitlisted programs).

Individual offender records were also consulted. Again using the Offender Management System, the files of 25 offenders were reviewed to try to obtain further information on reasons for delays and cancellations. These reviews were focused on those cases where a reason for waiver or withdrawal was not provided, and were selected across a national sample.

## **Analytic Approach**

All analyses were descriptive. Cross-tabulations and frequency tables were used to identify patterns in the reasons for parole delays and cancellations occurring in 2013-14. Given that all scheduled hearings were included in analyses (rather than a sample thereof), inferential statistics were not appropriate and therefore not used.

## Results

### All Offenders

The first series of analyses focused on the reasons for parole waivers, postponements, and withdrawals for all offenders (i.e., not restricted to those considered low risk). As can be seen in Table 4, the reasons most commonly identified were avoiding a negative decision, program non-completion, having an alternative plan, or “other.”<sup>5</sup> Lacking community support was also cited relatively frequently among withdrawals, though it is important to acknowledge that withdrawals were much less frequent than were waivers and postponements. In a significant portion of cases, no reason was endorsed. Finally, reasons for postponements were virtually never provided.

Table 4.

#### *Cited Reasons for Parole Review Delays and Cancellations*

Reason	Percentage		
	Postponement ( <i>n</i> = 3,476)	Waiver ( <i>n</i> = 3,753)	Withdrawal ( <i>n</i> = 788)
Avoid negative decision	< 1	28	26
Program non-completion	1	27	15
Alternative plan	< 1	14	10
No CRF / community support	< 1	1	10
Not interested	0	6	4
Information / assistant unavailable	< 1	1	1
Pending appeal / transfer	< 1	1	1
Other	< 1	9	12
No reason provided	98	13	21

*Note.* “CRF” = Community Residential Facility.

A series of explorations examined whether these reasons were associated with additional variables. The Appendix presents distributions of results by region, gender, and ethnicity.

Generally speaking, the Atlantic region had higher rates of waivers and withdrawals due to

<sup>5</sup> The eight categories presented in the table (plus “no reason provided”) represent a grouping across the 14 available categories in the Offender Management System. Where grouping occurred, categories endorsed in very small numbers of cases were grouped with conceptually related categories (e.g., “refuses program,” endorsed infrequently, was grouped with “program non-completion”).

avoiding a negative decision than did the other regions. Quebec had the highest rates of offenders who were not interested, and both Quebec and Prairie regions relatively frequently had cases where reasons were not provided. In terms of gender, waivers and withdrawals for men offenders were more frequently due to avoiding a negative decision, while those for women were more frequently for “other” reasons. There were no differences associated with Aboriginal status.

### Low-Risk Offenders

The same analyses were conducted separately for low-risk offenders – that is, those classified as minimum security at the most recent security classification or reclassification (offender security level) prior to the review hearing. Overall, the ranking of reasons was similar, though program non-completion was less frequently cited among low-risk offenders (see Table 5). Conversely, having an alternative plan was more frequently cited, especially for waivers. The “other” category was also somewhat more frequently cited.<sup>6</sup>

Table 5.

#### *Cited Reasons for Low-Risk Offenders’ Parole Review Delays and Cancellations*

Reason	Percentage		
	Postponement (n = 1,124)	Waiver (n = 848)	Withdrawal (n = 274)
Avoid negative decision	< 1	23	21
Program non-completion	1	11	9
Alternative plan	< 1	29	11
No CRF / community support	0	2	14
Not interested	0	4	4
Information / assistant unavailable	1	1	2
Pending appeal / transfer	0	< 1	1
Other	< 1	11	16
No reason provided	98	19	22

Note. “CRF” = Community Residential Facility.

<sup>6</sup> Again, additional exploratory examinations were conducted. Results were similar to those for the full sample and are not reiterated.

## Further Examinations

Next, analyses turned to more comprehensive examinations of the reasons underlying the frequently endorsed areas. Given a particular interest in low-risk offenders' delays and cancellations, these offenders were the exclusive focus of further examinations.

**Avoid negative decision.** Overall, this reason was endorsed for 23% of low-risk offenders' waivers and withdrawals. In this domain, the first examination was of the brief text field or comments accompanying the endorsed reason. Across 214 available comments, a number of themes emerged (see Table 6). By and large, these echoed the other categories available as explanations for delays and cancellations – in other words, very few unique themes emerged. It seems that negative decisions were anticipated because offenders had not completed programs or had not yet demonstrated behaviour indicative of likely successful reintegration (e.g., temporary absences). In about one-in-five cases, comments suggested that offenders preferred to focus on one type of discretionary release (almost always day parole) and thereby avoid a negative decision on the other (typically full parole).

Table 6.

### *Thematic Analysis of Additional Comments: Avoiding a Negative Decision*

Theme	%
Program-related	28
Case management team not supportive <sup>a</sup>	26
Undertaking alternative activities to build credibility (e.g., temporary absences)	21
Focusing on a single type of discretionary release	21
Avoid negative decision	16
No interest in discretionary release	8
Pending appeal / charge / transfer	8
Lack of community support	7
Incomplete information available	5
Alternate plans	4
Other	4

*Note.* Themes are not mutually exclusive and the percentage therefore sums to more than 100. <sup>a</sup>The phrase “case management team not supportive” was used to denote that the case management team does not endorse the offender's application for parole. *N* = 214.

In about a quarter of cases, it was explicitly noted that the case management team did not endorse or support the offender's application for parole. In the remaining cases, this was unclear. Therefore, an attempt was made to identify, from the manner in which comments were formulated, whether these were a reflection of the offender or the case management team's position (e.g., "I want to complete my program" versus "The offender cannot be supported until programs are completed"). As can be seen in Table 7, it seems that the source of the anticipated negative decision was approximately as often the offender as it was the case management team or both the offender and the case management team. To contextualize this finding, the same coding was completed for the other reason categories with at least 50 narrative comments. While 39% of comments associated with avoiding a negative decision were suggestive of the case management team or the case management team and the offender together formulating the position, on average, across the other reason categories, the comparable percentage was 19%. In other words, it seems the case management team relatively frequently contributed to the anticipation of a negative decision, though the proportion of cases wherein this was the case still remained modest.

Table 7.

*Thematic Analysis of Source of Anticipation of Negative Decision*

Source	%
Offender	38
Parole officer / Case management team	18
Both offender and parole officer / case management team	21
Cannot be determined	23

The final series of analyses focused on factors that could be expected to be associated with negative decisions; the goal was to determine if these factors were more frequently present among offenders who endorsed this reason. However, none of the examined variables – including institutional offences, placements in segregation, risk and need profiles, gang affiliation, offences, and previous criminal history – was found to show such an association.

**Program non-completion.** Overall, this reason was endorsed for 11% of low-risk offenders' waivers and withdrawals. With respect to program non-completion, the first series of analyses focused on whether offenders were assigned to nationally-recognized correctional



programs and had completed the programs. Table 8 summarizes the program status of offenders for whom this reason was endorsed – limited to core correctional programs (i.e., omitting engagement and maintenance components). It is important to acknowledge that this simple examination did not take into consideration whether subsequent programs were needed – in other words, the analyses focused on correctional programs in which offenders had already enrolled. In particular, the status of core program completion was prioritized based on the most recent program enrolment. As such, it is possible that these results underestimate the proportion of offenders who were referred to additional programming but had not yet been enrolled.

Regardless, the results showed that almost one-quarter (23%) of offenders' core correctional programs were in progress at the scheduled time of the parole review. Another 13% had completed the program within the 30 days prior to their scheduled review date; therefore, it would have been difficult for final reports to have been available in time for their hearing.<sup>7</sup>

Table 8.

*Distribution of Program Statuses*

Program Status	%
Program underway at time of scheduled review	23
Program completed in 30 days preceding scheduled review	13
Program not completed – offender reasons (e.g., drop-out)	3
Program not completed – administrative reasons (e.g., transfer)	0
Waitlisted	0
Program complete	27
Not assigned to program(s) <sup>a</sup>	34

*Note.* Offenders had frequently completed more than one program. For ease of comprehension, the above data were coded according to the most recent program and outcomes were prioritized in keeping with the order in the table. In other words, if an offender was currently completing a nationally-recognized correctional program (other than a maintenance program) at the time of the parole cancellation or delay, this category was endorsed even if he or she had previously completed another program.

<sup>a</sup>Of the 43 offenders who were not assigned to a core correctional program, 37% ( $n = 16$ ) were assigned to a pre-treatment or maintenance program. The remaining 63% ( $n = 27$ ) were not assigned to any of CSC's program options.

<sup>7</sup> Notably, program non-completion was cited as the reason for delay or cancellation more often for low-risk offenders serving short sentences (four years or less) or for those who were directly placed to minimum security upon admission. This may, in part, be attributable to the fact that both groups were less likely to be assigned to core programs than their counterparts serving longer sentences or who had originally been classified as medium or maximum security (short sentences vs. longer: 66% vs. 70%; direct placement to minimum vs. security reclassification: 59% vs. 93%).

It is worth noting that risk is used to determine program eligibility, but the definition of risk used in the program referral context (CSC, 2009; 2014c) is different than that used in this study (that is, offender security level of minimum). In about three-quarters (74%) of cases where an offender was not assigned to programs, he or she was also considered low-risk according to the guidelines used in program referrals.<sup>8</sup> Though it was beyond the scope of this study to examine the remaining cases, an in-depth review of the offenders' files would very likely have explained why they were not assigned to programs.

Overall, then, it appears that in only slightly over a third of cases where program non-completion was cited as the reason for a delay or cancellation, the program was not yet complete or had recently been completed. Among the others, it was not clear why this reason had been cited. About another third of the offenders citing program non-completion as their reason for waiver or withdrawal did so despite not having been eligible for correctional programs, and the remaining offenders had completed all programs to which they had been assigned.

**Alternative plan.** In all, 24% of offenders cited having an alternative plan as the reason for their delay or cancellation. In the majority (57%) of the 258 cases where narrative comments were available, these comments demonstrated that offenders were using this reason to waive or withdraw application for one type of discretionary release review (usually full parole) in favour of the other (usually day parole). Additionally, 40% were undertaking alternative activities to build credibility or demonstrate stability prior to being considered for parole – for example, pursuing temporary absences or work releases.<sup>9</sup> None of the other themes identified in narrative coding were endorsed by more than 10% of the sample.

Given the most frequently-cited reason was focusing on a single type of discretionary release, additional analyses were conducted to determine if offenders choosing this reason were disproportionately represented amongst those who had multiple hearings. Analyses supported this hypothesis, with, among offenders citing a specific reason for their delay or cancellation, 13% of those with a single hearing citing having an alternative plan, as compared to 21% of those with more than one hearing citing this reason at least once.

---

<sup>8</sup> This threshold differed by region in keeping with the implementation of the Integrated Correctional Program Model (ICPM). In regions where ICPM had not yet been implemented, the preceding risk threshold was used. In those where ICPM had been implemented, the preceding threshold was used except for offenders admitted at or after the time of ICPM implementation; for these, the new threshold was used. Moreover, thresholds specific to Aboriginal and women offenders were used where appropriate (CSC 2009; 2014b).

<sup>9</sup> Again, themes are not mutually exclusive; therefore, some of those identified as pursuing only one type of discretionary release are also represented among those choosing to demonstrate stability.

**No community residential facility / community support.** Though this reason was relatively frequently cited among withdrawals (14%), it was less frequently cited among waivers (2%); because waivers were much more common than withdrawals, overall, this reason was cited in only 5% of delays and cancellations. As such, narrative comments were available for only 45 cases, of which more than three-quarters (76%) simply reiterated a lack of community support (e.g., “Community expressed lack of support as they would like the offender to address specific areas before they will extend support”). The next most-frequently cited reason (20%) was lack of support from the case management team.

Additional analyses were conducted to try to determine why low-risk offenders who endorsed this reason would be more likely to lack community support. The most apparent difference was in the proportion of offenders who were convicted of a sex offence – 38% of those who endorsed this reason were sex offenders, compared to 18% of those who endorsed other reasons. Offenders who did not have community support also tended to have slightly more elevated levels of risk and lower levels of engagement, motivation, and accountability, though these differences were not large. For example, 44% of those choosing this reason were rated as presenting high static risk at the time of their review, as compared to 35% of those citing other reasons; similarly, 15% of those in this group were assessed as not being engaged, as compared to 7% of their counterparts. Gang affiliation and prior criminal history were not associated with whether or not this reason was cited.

**Other.** The penultimate series of additional explorations focused on the “other” category, which was cited in 12% of low-risk offenders’ waivers and withdrawals. Thematic analysis of the 137 available narrative comments associated with this reason category, again, revealed no additional themes. As was the case in explorations relating to the reason of avoiding negative recommendations, the comments associated with this reason were consistent with previously identified reasons (see Table 9). In other words, though the offenders endorsed “other” as their reason for waiver or withdrawal, in fact, the detailed reasons outlined in the narrative comments reflect the available categories. The reason why those categories were not endorsed (rather than “other”) is unknown.

Table 9.

*Thematic Analysis of Additional Comments Associated with “Other” Cited as Reason*

Theme	%
Undertaking alternative activities to build credibility (e.g., temporary absences)	23
Focusing on a single type of discretionary release	21
Alternative plans	18
No interest in discretionary release	13
Program-related	12
Pending appeal / charge / transfer	11
Case management team not supportive	6
Incomplete information available	4
Avoid negative decision	1
Lack of community support	1
Other	12

*Note.* Themes are not mutually exclusive and the percentage therefore sums to more than 100.

**No reason provided.** The final exploration was of the 19% of waivers and withdrawals where no reason was provided. The frequency with which this occurred varied by region, with Prairie region (22%) and, to a lesser extent, Quebec (17%) most frequently not including a reason. Given reasons were not provided, neither were short comments; as such, detailed file reviews were conducted for 25 cases corresponding to waivers and withdrawals without a cited reason. Though these represent a small proportion of the 218 cases without cited reasons, again, it was clear that reasons were consistent with those previously identified. In total, of the 25 cases, it was impossible to identify any reason for waiver or withdrawal in almost half ( $n = 12$ ) of the cases. Among those where reasons could be identified, in four cases, the offender chose to waive a full parole application in order to focus on day parole; in another four, the offender chose to demonstrate a period of stability in some other way (e.g., temporary absences) prior to being considered for parole. In two cases, program were incomplete, and, finally, the remaining three cases reflected other reasons that also have been previously identified (awaiting resolution of charges, waiving full parole given results of day parole application, and not being interested in parole).

## **Discussion**

A better understanding of the reasons why offenders choose to delay or cancel their appearances before the PBC for discretionary release consideration may better situate both CSC and the PBC to support offenders' earlier transition to the community. As such, this study, which was among only a handful to focus in the area, holds the potential to provide results of considerable operational utility – especially as it was the first, to these authors' knowledge, to focus on low-risk offenders. In addition, this study complements previous examinations focused on supporting offenders in ultimately being granted discretionary release, such as Chaplin's (2012) study that examined and formulated recommendations on how to improve CSC's recommendations relating to day and full parole.

### **Summary and Interpretation**

In interpreting results, it is important to acknowledge that the definition of "low risk" used in the current study, having a minimum security offender security level classification, is marked by both advantages and disadvantages. While the definition allows for all offenders' risk levels to be defined in the same way (in contrast to definitions relying on risk assessment instruments not administered to all offenders), it is clear that not all offenders classified as minimum security would also be assessed as low risk in terms of their risk of re-offence.

That said, findings specific to offenders classified as minimum security are very informative. Most frequently, these low-risk offenders' parole delays and cancellations were attributable to a desire to avoid a negative decision, program non-completion, having an alternative plan, and unspecified additional reasons. Analyses by offender subgroups confirmed that these patterns were largely consistent for women offenders and Aboriginal offenders. More detailed examinations reinforced these themes, and also identified three additional reasons for waivers and withdrawals: lack of case management team endorsement for a favourable parole application, a desire to build credibility or demonstrate stability via other activities (such as temporary absences) prior to parole consideration, and a desire to be considered for only day parole despite being eligible for both day and full parole. Further, despite documentation allowing for the endorsement of only a single reason for delay or cancellation, many offenders considered a number of these often inter-related reasons in making their decisions.

This analysis suggests that the simple data recorded in forms completed by offenders

(and subsequently in the Offender Management System) may not allow for a complete understanding of the reasons for parole delays and cancellations – indeed, this problem is compounded by the fact that no reason at all was provided for about one-in-five low-risk offenders’ waivers and withdrawals. Moreover, the data recorded may, in some cases, be somewhat misleading. For instance, in the current study, about one-third of low-risk offenders who cited program non-completion as their reason for postponing, waiving, or withdrawing their parole review, in fact, were not eligible for programs. While it could be argued that offenders believe they should complete correctional programs – or would be expected by the PBC to complete these programs – despite their non-eligibility, this perception does not align with existing evidence regarding appropriate rehabilitative interventions (e.g., Andrews & Bonta, 2010; Andrews, Bonta, & Hoge, 1990). The misalignment in perception and evidence may be due, in part, due to the 2009 implementation of new nationally-recognized correctional program referral guidelines, which, in keeping with widely accepted Risk-Need-Responsivity principles, prioritize interventions for high-risk offenders and limit those for their low-risk counterparts. Specifically, it is possible that offenders are aware that they would have been eligible under the preceding guidelines but are no longer. However, research has clearly shown that the implementation of these guidelines did not lead to changes in low-risk offenders’ correctional and public safety outcomes – and in particular, that the guidelines’ implementation was not associated with a change in the frequency with which discretionary release was granted or with which offenders re-offended (Sapers, Power, Wilton, & Stewart, 2014). An alternative reason for offenders’ perception in this area could be lack of clarity regarding the meaning of “programs,” which, although intended to refer to core correctional programs, may be interpreted by some as referring to interventions or opportunities such as education, employment, social programs, or a “program” of temporary absences.

Another example of how the data recorded in these forms may lead to challenges in understanding overall patterns becomes evident when considering the category of “alternate plan.” Detailed examination of this category showed that in more than half of cases, offenders were choosing to focus on a single type of discretionary release (almost always day parole) rather than both day and full parole. Given that day parole and full parole eligibility are often only six months apart, and it may be perceived that a period of success on day parole is necessary for a successful full parole application, this approach can readily be understood. The

reason this might lead to difficulties in understanding data trends is that it is very easy to forget that analyses focus on reviews, not individuals – and, as such, this pattern of results may serve to give the impression that the proportion of offenders not being considered for discretionary release is greater than is actually the case.

### **Contextualizing Findings**

At a process level, it is notable that of all day parole reviews scheduled for low-risk offenders, two-thirds resulted in a decision – among full parole reviews, this proportion was 60%. Proportions were lower when offenders at all risk levels are considered, and, across the last four years, the PBC has reported a decrease in the number of decisions recorded each year (PBC, 2011, 2012, 2013, 2014b). Though CSC has been critiqued for the rates of waivers, postponements, and withdrawals (e.g., Office of the Auditor General, 2015), and these rates have undoubtedly increased over the last few years (PBC, 2011, 2012, 2013, 2014b), it would be unrealistic to expect that such delays and cancellations could be completely eliminated. Indeed, delays and cancellations are sometimes used strategically, given the legislated waiting period between negative decisions and subsequent hearings. Particularly in the case of offenders serving shorter sentences, an initial negative decision may mean that no subsequent opportunity for parole consideration is possible prior to statutory release; in such a case, a delay may be an appropriate means of ensuring that a future parole hearing can occur.

Instead of seeking to eliminate delays and cancellations, what is necessary is to identify concrete mechanisms to decrease delays and cancellations that may be impeding offenders' ability to reintegrate the community. For instance, it has repeatedly been noted that there exist certain "offenders who have no interest in rehabilitation and are content to 'wait out' the system until they reach statutory release" (A Roadmap to Strengthening Public Safety, 2007, p. 9). These offenders may not have completed programs or may not have participated in other activities, such as temporary absences, that demonstrate that their risk is manageable in the community. Certain strategies may be useful in trying to motivate these offenders to be more involved in their correctional plans and thereby become better candidates for positive discretionary release decisions. One example is the motivational module of the Integrated Correctional Program Model, which uses evidence-based approaches to increase motivation and readiness to change in resistant offenders who refuse to participate in, or drop out of, programs. Though the existing module is aimed at higher-risk offenders, underlying principles may be

appropriate for use with their lower-risk counterparts. With the national implementation of the Integrated Correctional Program Model, this intervention may reach more offenders; moreover, similar interventions and other incentive strategies could be explored.

It may also be possible to identify alternatives to core correctional programs for which lower-risk offenders are not eligible, such as temporary absences, which may allow offenders to otherwise demonstrate their parole readiness. Certain other groups of offenders, such as those serving short sentences, may also benefit from alternative interventions or other means of preparing for parole early in their sentence. If such alternatives were identified jointly with the PBC, it would ensure that any alternatives would be perceived the same way by both CSC and the Board and therefore increase the likelihood of offenders having completed these interventions being perceived as parole-ready.

Another example of where improvements could be made is with respect to the timeframes associated with meeting certain goals outlined in the correctional plan. In the current study, about a third of low-risk offenders who cited program non-completion as their reason for a delay or cancellation had either completed their program so recently that associated paperwork was not available to the PBC or were still participating in their program at their scheduled review date. Though less frequent, a small number of offenders identified other incomplete information or case preparation as contributing to their delay or cancellation. Again, the implementation of the Integrated Correctional Program Model may help, as its implementation is associated with decreased delays between admission and program commencement (Correctional Service of Canada, 2014b). In addition, CSC has been implementing an initiative to streamline, enhance, and improve overall efficiency and effectiveness in the assessment and provision of interventions to offenders (Correctional Operations and Programs, 2014). Some of the approaches, resources, and tools arising from this initiative may also support offenders in ensuring all interventions and other requirements are complete prior to their scheduled parole review dates.

### **Possible Avenues for Improvement**

In considering the results of this study, a number of areas emerged as possible avenues for improvement:

**Consider exploring the feasibility of improving data collection.** The data currently available on reasons for waivers, postponements, and withdrawals reflect the original goal of this data collection, which was simply data recording. However, in order to go beyond data



recording to data reporting, establishing performance indicators, and using data to identify how to intervene to reduce delays and cancellations, it is important that data be accurate and fully reflect the factors influencing offenders' decisions. For instance, data entry may vary across regions and sites, and it may be that not all of those involved have a similar understanding of data needs.

The specific approach to improving data collection to be implemented requires consideration. Policy already exists requiring that these data be collected, yet existing data are incomplete. It may be possible that efforts to ensure greater compliance in data entry could lead to data improvements over time. Alternatively, different approaches could also be explored with respect to data collection and entry. Given that more in-depth analyses often revealed that several inter-related reasons were influencing offenders' decisions, one possibility would be to have offenders endorse as many reasons as they feel is appropriate, rather than restricting them to a single reason. Alternatively, restricting the number of possible response options but providing better definitions of these options might be another means of improving data quality. Additionally, requiring that at least one reason be endorsed would also be helpful given the frequency with which these sections of the forms were left blank; this latter recommendation is particularly pertinent for postponements, for which reasons were virtually never provided. These possibilities should be explored; whichever alternative is chosen will have implications in terms of electronic data entry in the Offender Management System.

**Improve information-sharing and education.** It appears that at least with respect to programs, and possibly other areas, offenders – and, indeed, possibly staff – may be misinformed or have misperceptions relevant to their waiver and withdrawal decisions. Some offenders and staff may benefit from further information on how program referral guidelines align with relevant existing evidence. Anecdotally, it also seems that some offenders believed that PBC expectations regarding offenders' program completions did not align with CSC policies. If these perceptions are correct, then improved information-sharing and discussion between CSC and the PBC would also be valuable. Continued provision of information to offenders regarding the parole hearing process is also important, as such information-sharing may allow offenders to better anticipate the details of their hearings. In the face of the unknown, it is possible that offenders feel intimidated or anxious and therefore choose to delay or cancel their hearings.

**Continue initiatives that will contribute to increased efficiencies.** A number of

current initiatives, including the implementation of the Integrated Correctional Program Model and efforts to streamline and enhance assessment and intervention – including, in particular, at intake – seem likely to contribute to offenders being prepared for parole earlier in their sentence. These, and similar initiatives, should continue to be explored. Such initiatives may be particularly relevant for offenders serving shorter sentences, of less than four years.

## **Conclusion**

The current study was unique in focusing on the reasons for parole waivers, postponements, and withdrawals for low-risk offenders. Despite low-risk offenders being more likely than their higher-risk counterparts to be granted discretionary release and to complete their sentences in the community without re-offence (Stys et al., 2012), significant numbers of them continue to delay and cancel their parole reviews. The most frequently-cited reasons were program non-completion, lack of case management team endorsement for a parole application, and/or a desire to avoid a negative decision, to focus on a single type of discretionary release, or to demonstrate a period of credibility prior to parole consideration. Study findings allow for the identification of a number of possible avenues for improvement that may be implemented to increase the proportion of these offenders who are considered for discretionary release by the PBC, and, hopefully, released to the community to complete their sentences under supervision.

## References

- Andrews, D., & Bonta, J. (2010). *The psychology of criminal conduct* (5<sup>th</sup> ed.). Newark, NJ: LexisNexis.
- Andrews, D. A., Bonta, J., & Hoge, R. D. (1990). Classification for effective rehabilitation: Rediscovering psychology. *Criminal Justice and Behaviour*, 17, 19-52.
- Best, B. L., Wodahl, E. J., & Holmes, M. D. (2012). Waiving away the chance of freedom: Exploring why prisoners decide against applying for parole. *International Journal of Offender Therapy and Comparative Criminology*, 58, 320-347.
- Cabana, T., Beauchamp, T., Emeno, K., & Bottos, S. (2009). *Waivers, postponements, and withdrawals : Offenders, parole officers, and National Parole Board perspectives* (R-193). Ottawa, ON: Correctional Service of Canada.
- Cabana, T., Wilton, G., & Stewart, L. A. (2011). *Parole review delays and cancellations and correctional programs* (R-248). Ottawa, ON: Correctional Service of Canada.
- Chaplin, L. (2012). *A review of 300 conditional release reports*. Internal CSC document.
- Correctional Operations and Programs. (2014). *Revitalizing case management to enhance the Correctional Service of Canada's contributions to public safety: Moving towards a Structured Assessment and Intervention Framework (SAIF)*. Discussion Paper. Correctional Service of Canada, Ottawa.
- Correctional Service of Canada. (2009). *Commissioner's Directive (CD) 726-2: National correctional programs referral guidelines*. Ottawa, ON: Author.
- Correctional Service of Canada. (2014a). *Commissioner's Directive (CD) 705-6: Correctional planning and criminal profile*. Ottawa, ON: Author.
- Correctional Service of Canada. (2014b). *Correctional Service of Canada 2013-14 Departmental Performance Report*. Ottawa, ON: Author.
- Correctional Service of Canada. (2014c). *Integrated Correctional Program Model (ICPM) implementation and program management guidelines v.25*. Ottawa, ON: Author.
- Correctional Service of Canada Review Panel. (2007). *A roadmap to strengthening public safety*. Ottawa, ON: Public Safety.
- Corrections and Conditional Release Act*. (1992). <http://laws-lois.justice.gc.ca/eng/acts/C-44.6/>
- Hann, R. G., Harman, W., & Pease, K. (1991). Does parole reduce the risk of reconviction? *The*

*Howard Journal*, 30, 66-75.

Motiuk, L., Boe, R., & Nafekh, M. (2002). *The safe return of offenders to the community statistical overview April 2002*. Ottawa, ON: Correctional Service of Canada.

Motiuk, L. L., & Brown, S. L. (1994). *The validity of offender needs identification and analysis in community corrections* (R-34). Ottawa, ON: Correctional Service of Canada.

Motiuk, L., Cousineau, C., & Gileno, J. (2005). *The safe return of offenders to the community statistical overview April 2005*. Ottawa, ON: Correctional Service of Canada.

Motiuk, L. L., & Porporino, F. J. (1989a). *Field test of the community risk/needs management scale: A study of offenders on caseload* (R-06). Ottawa, ON: Correctional Service of Canada.

Motiuk, L. L., & Porporino, F. J. (1989b). *Offender risk/needs assessment: A study of conditional releases* (R-01). Ottawa, ON: Correctional Service of Canada.

Office of the Auditor General. (2015). *Performance audit of preparing offenders for release*. Author.

Parole Board of Canada. (2011). *2010-11 Performance monitoring report*. Ottawa, ON: Author.

Parole Board of Canada. (2012). *2011-12 Performance monitoring report*. Ottawa, ON: Author.

Parole Board of Canada. (2013). *2012-13 Performance monitoring report*. Ottawa, ON: Author.

Parole Board of Canada. (2014a). *Decision-making policy manual for Board members* (2<sup>nd</sup> ed.). Ottawa, ON: Author.

Parole Board of Canada. (2014b). *2013-14 Performance monitoring report*. Ottawa, ON: Author.

Sapers, J., Power, J., Wilton, G., & Stewart, L. (2014). *Impact of correctional program referral guidelines on low-risk men offenders* (R-327). Ottawa, ON: Correctional Service of Canada.

Stys, Y., Dunbar, L., Axford, M., & Grant, B. A. (2012). *Federal offenders with a high reintegration potential (RP): Characteristics and community outcomes* (R-260). Ottawa, ON: Correctional Service of Canada.

Waller, I. (1974). *Men released from prison*. Toronto, ON: University of Toronto Press.

## Appendix

Table A.1

*Review Outcomes and Reasons for Waivers and Withdrawals, by Region (All Offenders)*

	Region (%)				
	Atlantic	Quebec	Ontario	Prairies	Pacific
<b>Outcome of Scheduled Review</b>					
Decision recorded	45	48	40	45	48
Adjournment	2	5	5	7	2
Postponement	16	32	15	21	17
Waiver	29	12	33	23	29
Withdrawal	8	3	7	4	4
<b>Reason for Waiver / Withdrawal<sup>a</sup></b>					
Avoid negative decision	45	31	28	24	13
Program non-completion	18	26	23	28	32
Alternative plan	16	4	25	10	21
No CRF/community support	4	0	5	0	2
Not interested	4	10	4	5	5
Pending appeal/transfer	0	1	1	2	1
Incomplete information	0	0	2	1	1
Other	9	10	9	9	15
No reason provided	5	17	13	22	11

<sup>a</sup>Reasons are virtually never provided for postponements; these were therefore excluded from this table in order not to skew distributions.

Table A.2

*Review Outcomes and Reasons for Waivers and Withdrawals, by Gender and Ethnicity (All Offenders)*

	Gender (%)		Ethnicity (%)	
	Men	Women	Non-Aboriginal	Aboriginal
<b>Outcome of Scheduled Review</b>				
Decision recorded	45	49	47	36
Adjournment	5	2	5	4
Postponement	22	21	22	23
Waiver	23	23	22	32
Withdrawal	5	5	4	5
<b>Reason for Waiver / Withdrawal<sup>a</sup></b>				
Avoid negative decision	29	16	31	23
Program non-completion	25	21	23	31
Alternative plan	13	8	13	12
No CRF/community support	2	2	3	1
Not interested	5	5	6	5
Pending appeal/transfer	1	0	1	1
Incomplete information	1	0	1	0
Other	9	26	10	9
No reason provided	14	21	13	18

<sup>a</sup>Reasons are virtually never provided for postponements; these were therefore excluded from this table in order not to skew distributions.