



Research in Brief

Waivers, Postponements, and Withdrawals among Indigenous Offenders

Indigenous offenders who delay or cancel their parole review have a distinct profile when compared to those who do not – overall, almost two-thirds of reviews were delayed or cancelled by Indigenous offenders.

Why we did this study

In light of recent research indicating that low-risk Indigenous offenders, compared to non-Indigenous low-risk offenders, are more likely to waive, postpone, or withdraw their parole review hearings,¹ and regardless of risk level, that Indigenous offenders are also more likely to delay or cancel multiple times,² a more detailed examination of Indigenous offenders who delay or cancel parole reviews was undertaken.

What we did

All parole reviews for Indigenous offenders scheduled in FY2014-2015 for men and FY2014-2015/FY2015-2016 for women were examined ($N = 4,002$). The study included 1,995 Indigenous offenders (66% First Nations, 30% Métis, and 4% Inuit), of whom 14% ($N = 274$) were women. Risk levels were determined using the Custody Rating Scale and the Static-99R (for Indigenous men sex offenders): 16% were low, 58% were moderate, and 26% were high risk.

What we found

Overall, 60% of reviews during the study period were delayed or cancelled. Waivers were most common (31%), followed by postponements (23%) and withdrawals (6%). This trend was evident for both moderate and high risk offenders, regardless of gender. Low risk offenders, however, were most likely to postpone their review. Inuit offenders (68%) were more likely to delay or cancel their review compared to First Nations (61%) or Métis (57%) offenders.

Regardless of Indigenous group, gender or risk level, the two most common reasons provided by Indigenous offenders for waiving or withdrawing their review were *program non-completion* and *avoid a negative decision*.³ Manual coding of 60 randomly selected offender files who delayed or cancelled their review showed that over half (58%) were released on

statutory release while 13% were released on day parole prior to statutory release.

Comparing all Indigenous offenders who waived, postponed, or withdrew their review, to those who did not, showed that they were:

More Likely

- to be First Nations or Inuit;
- to be serving second or subsequent sentence;
- to be serving shorter sentences;
- to have problematic institutional behaviour;⁴
- to have committed a violent offence;
- to have an identified need in the DFIA-R domains;⁵
- to have responsivity issues;
- to have an Indigenous program in progress or finished near the review date.

Less Likely

- to have a previous release on current sentence;
- to be in minimum security at review date;
- to be engaged in their correctional plan;
- to have participated in Pathways units;
- to have a section 84 release plan;
- to have a traditional healing plan or Elder progress reviews;
- to be working with a Aboriginal Community Development Officer
- to have participated in temporary absences or work releases;
- to have participated in visits.

What it means

Indigenous offenders who choose to delay or cancel their review have unique characteristics. Increased access to Indigenous interventions, temporary absences, and visits as well as timely program completion, may result in earlier release.

For more information

Please e-mail the [Research Branch](#) or contact us by phone at (613) 995-3975.

You can also visit the [Research Publications](#) section for a full list of reports and one-page summaries.

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¹ Farrell MacDonald, S. (in review). *Reasons for parole waivers, postponements, and withdrawals: Examining indicators for low-risk offenders* (R-396). Ottawa, ON: CSC.

² Cabana, T. & Ruddell, R. (2010). *Waivers, postponements, and withdrawals of parole reviews: Examining the characteristics of high volume users* (R-224). Ottawa, ON: CSC.

³ Reasons for postponements could not be examined due to missing information.

⁴ Problematic institutional behaviour examined segregation placements, guilty disciplinary charges, and random urinalysis testing.

⁵ The seven DFIA-R domains are: education/ employment, marital/ family, associates, substance abuse, community functioning, personal/emotional orientation, and attitudes.