

# Barriers to Timely Release among Indigenous Federal Offenders

## Why we did this study

Conditional release is an integral component of structured reintegration, allowing federal offenders to serve a portion of their sentence in the community under supervision. However, Indigenous offenders are less likely than non-Indigenous offenders to be released at their earliest eligibility date. To better understand barriers to timely release, the current study examined the case characteristics and sentence trajectories of Indigenous offenders who remained in custody past their Day Parole Eligibility Date (DPED).

## What we did

An in-custody snapshot from October 23<sup>rd</sup>, 2022 was used to explore the case characteristics of Indigenous offenders in custody past DPED. The population included those with ( $N = 770$ ) and without ( $N = 2,042$ ) a release history, with the latter including offenders who had ( $N = 600$ ) and had not ( $N = 1,442$ ) been reviewed for parole. A smaller sample ( $n = 78$ ) was drawn to explore thematic considerations in administrative processes, case management, and parole decision-making.

## What we found

On October 23<sup>rd</sup>, 2022, 68% of Indigenous offenders in federal custody were past their DPED. Such offenders tended to have high Static Risk (71%), high Dynamic Need (80%), and low Reintegration Potential (59%). Among those serving determinate sentences (77%), median sentence length was 3.9 years. Despite the relatively intensive programming needs associated with higher risk/need offenders, a limited time window for interventions prior to parole eligibility was common. Overall, 44% of offenders reached DPED within one year following sentence commencement.

Upon reaching DPED, many Indigenous offenders were not immediately reviewed by the Parole Board of Canada (PBC). In 44% of cases, the offender had postponed<sup>1</sup> their hearing on at least one occasion. Among those with no release history, 71% lacked a PBC decision. Case reviews revealed that parole application delays and hearing postponements were typically prompted by the need to satisfy outstanding case objectives (e.g., program completion) and came at the recommendation of case management staff. In many cases, correctional progress and sentence milestones were constrained by factors such as program waitlists. Challenges in meeting case objectives were magnified by the impacts of the COVID-19 pandemic, particularly for offenders serving

<sup>1</sup> A postponement is a rescheduling of a parole hearing to a later date at the request of the offender.

shorter sentences. Timely review by the PBC was also impacted by release planning challenges and administrative delays (e.g., missing paperwork). In negative parole decisions, unmet case milestones, including program completion, were identified as aggravating factors. Lack of a viable release plan (e.g., accommodation, positive support, employment) was also a notable factor.

## What it means

Indigenous offenders are often not released at their earliest eligibility date. Both case level factors and systemic barriers are components constraining timely release. Indigenous offenders tend to have complex profiles that correspond with higher intervention needs; however, they are often serving relatively short sentences. Taking into account time for intake assessments to inform security classification and Correctional Plan development, time in custody prior to DPED may be insufficient to address criminogenic need areas through correctional interventions. Challenges in case progress are compounded by barriers such as gaps in program availability.

To enhance case outcomes for Indigenous offenders, CSC is undertaking multiple initiatives, including an expedited process to improve program access for offenders serving short sentences, enhancements to case management approaches to facilitate efficient case preparation for release, and the implementation of a Virtual Correctional Program Delivery model. Such initiatives occur alongside a growing suite of programming and case management initiatives tailored to the unique cultural and spiritual needs of Indigenous offenders.

## For more information

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**Prepared by:** The Special Projects and Data Management (SPDM) team