

**Risk Management vs. Reintegration: A Review of Parole Decisions
for Women Incarcerated in Canada in the Early 2000s**

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Abstract

For now several years, many researchers have emphasized the importance and effectiveness of parole in the reintegration process of offenders, especially in reducing recidivism rates. A review of the existing literature revealed that, although little was known about conditional release decision-making in general, there was a flagrant lack of scientific knowledge pertaining to conditional release decisions regarding women offenders incarcerated in Canada. Using a constructionist theoretical framework and qualitative thematic analysis, this research aimed to understand which “factors” were documented by the Parole Board of Canada’s (PBC) Board members in their written parole decisions for federally incarcerated women in Canada who were serving a sentence of five years or more, between 2005 and 2015. The findings ultimately showed that, despite the implementation of more stringent government policies based on risk management, the PBC’s Board members seem to have retained their concern of promoting the reintegration of women offenders in their parole decisions. The analysis revealed that the Board members have indeed continued to place great emphasis on the women’s potential for change through a discretionary assessment of their dynamic factors. This seemingly more reintegrative vision nevertheless remains marked by the risk management approach, which raises questions about the way Board members interpret and evaluate the specific needs of the women and their potential for reintegration.

Key words: *Reintegration, Risk, Conditional Release, Parole, Women Offenders, Incarceration, Social Constructionism, Parole Board of Canada*

Résumé

Depuis maintenant plusieurs années, de nombreux chercheurs soulignent l'importance et l'efficacité de la libération conditionnelle dans le processus de réintégration des délinquants, en particulier pour réduire les taux de récidive. Un examen de la littérature existante a révélé que, même si on en savait peu sur la prise de décision en matière de mise en liberté sous condition en général, il y aurait un manque flagrant de connaissances scientifiques sur les décisions de mise en liberté sous condition concernant les femmes incarcérées au Canada. Utilisant un cadre théorique constructiviste et ayant recours à l'analyse thématique qualitative, cette recherche visait à comprendre quels « facteurs » étaient utilisés par les commissaires de la Commission des libérations conditionnelles du Canada (CLCC) dans leurs décisions écrites de libération conditionnelle pour les femmes incarcérées au Canada qui purgeaient une peine de cinq ans ou plus, entre 2005 et 2015. Les résultats ont finalement montré que, malgré la mise en place de politiques gouvernementales plus sévères fondées sur la gestion des risques, les commissaires semblent avoir conservé le souci de favoriser la réintégration sociale des femmes incarcérées dans leurs décisions. D'après notre analyse, les commissaires ont en effet continué à accorder une grande importance au potentiel de changement des femmes grâce à une évaluation discrétionnaire de leurs facteurs dynamiques. Cette vision apparemment plus réintégratrice reste néanmoins marquée par l'approche de gestion des risques, ce qui pousse à s'interroger sur la manière dont les commissaires interprètent et évaluent les besoins spécifiques de ces femmes et leur potentiel de réinsertion.

Mots clés: *réintégration, risque, libération conditionnelle, femmes détenues, emprisonnement, constructivisme social, Commission des libérations conditionnelles du Canada*

List of Acronyms

APR	Accelerated Parole Review
CBRF	Community-based Residential Facility
CCC	Criminal Code of Canada
CCRA	Corrections and Conditional Release Act
CHRA	Canadian Human Rights Act
CMT	Case Management Team
CSC	Correctional Service of Canada
NPB	National Parole Board
PBC	Parole Board of Canada
SIR	Statistical Inventory on Recidivism

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Introduction

The reintegration process of offenders has consistently been present in the criminal justice system and, while its underlying purposes have occasionally changed over time, whether it aimed public safety or a deep-seated reform of offenders, it is something that has remained of concern (Robinson, 2008). In the present day, reintegration, along with the protection of society, is imposed on correctional authorities by their governing Act, the *Corrections and Conditional Release Act* (CCRA). According to research, parole plays a key role in the reintegration process of offenders, particularly in terms of reducing their recidivism rates (MacNaughton-Smith, 1976; Hann, Harman & Pease, 1991; Langton, 2006; PBC, 2019a). While it is documented to promote offender reintegration and to reduce recidivism rates in about 97% of cases, this measure, to date, is only granted to approximately 30% of the individuals who request it (PBC, 2019a).

Perplexed by these numbers and given that parole seems to play a key role in offender reintegration, using a social constructionism theoretical framework, this study will examine the rationale found in written parole decisions, which are rendered by the Parole Board of Canada's (PBC) Board members. To achieve this, the criteria or "factors" discussed in the Board members' written parole decisions will be analyzed. A review of the existing literature will reveal that, while little is known about conditional release decision-making in general, the lack of scientific knowledge pertaining to conditional release decisions regarding women offenders incarcerated in Canada is flagrant (Erez, 1992; Morgan & Smith, 2005; Schram, Koons-Witt, Williams & McShane, 2006; Caplan, 2007; Gobeil & Serin, 2009; Hannah-Moffat & Yule, 2011; Mooney & Daffern, 2014). Thus, for the purpose of this study, I chose to review written

parole decisions regarding women offenders serving a sentence of five years or more, incarcerated in Canada, whom were considered for parole between 2005 and 2015, as women's needs largely vary comparatively to their male counterparts (Hardyman & Van Voorhis, 2004; Hannah-Moffat & Yule, 2011).

Thesis Layout

In order to better grasp the rationale that surrounds the current parole system, the first chapter will provide a contextual history of the program in Canada, including the changes it endured over the years, notably, during the "tough on crime" era. This first chapter will also present the general research objective.

The second chapter will be devoted to the literature review on the current parole process and will include an overview of the procedures and decision-making that make up this process. Notably, it will explore the parole decision-making process as it currently stands, and it will examine the discretionary power granted to Board members and its implications. Further, this chapter will introduce the relationship between women and parole, offenders serving long sentences and parole, and it will include an overview of the similar studies that focused on the rationale for parole decisions, both in Canada and internationally. This chapter will end with the presentation of the questions that guided this research.

The third chapter will present the theoretical approach that framed this research project. It will explain why a social constructionist standpoint was selected and it will develop the Theory of the Social Construction of Reality, as developed by Berger and Luckmann (1966). This chapter will also elaborate on the social construction of parole as

per Berger and Luckmann's (1966) theory, which will inform of the approach taken to analyze the parole decisions.

The fourth chapter will present the methodology of this research. It will firstly introduce the data chosen for this research, which are written parole decisions retrieved from the PBC's decision registry. In addition, it will describe the method used to analyze the data, notably, documentary analysis in the form of qualitative thematic analysis. Strengths and limitations will be discussed in this chapter for both the data selected and the methodology.

The fifth chapter will consist of the analysis of the data. In a first part, it will examine the guidance provided by the PBC regarding which "factors" to consider in parole decisions, and it will show which "factors" were actually documented by the Board members in the written parole decisions of our sample. In a second part, this chapter will explore the four general themes that were identified in the justifications provided by the Board members for their parole decisions: the Board members' discretion, their assessment of the women's "change," their emphasis on risk and the protection of society, and their notion that reintegration is the responsibility of the offenders.

Lastly, a conclusion will be provided, which shall contain general concluding thoughts, as well as indications for potential future research on the topic of parole decisions for federally incarcerated women.

Chapter 1: A Contextual History of Parole in Canada

1.1 What is Parole?

Parole is a form of conditional release¹ that allows for federal offenders² to serve a portion of their sentence in the community while under the supervision of the Correctional Service of Canada (CSC), typically until the end of their warrant expiry date³ (PBC, 2018a). Parole can be granted in the form of “day parole” and “full parole.” During day parole, offenders are required to return to a Community-based Residential Facility (CBRF)⁴ by nightfall (PBC, 2018f). Full parole, on the other hand, typically follows a period of successful day parole and allows for more liberties. For instance, offenders can usually reside in a private residence during full parole (PBC, 2018f).

In order to be granted full parole, federal inmates must be eligible and apply for consideration. The majority of inmates are eligible for full parole at either one-third of their sentence or at seven years (whichever is less), unless certain exceptions exist or if

¹ In Canada, there are currently four types of conditional release programs: temporary absences (escorted or unescorted), day parole, full parole and statutory release (PBC, 2018f). For the purpose of this thesis, I will be examining the decisions made by the PBC’s Board members in relation to full parole as full parole allows for more freedom than other forms of release.

² Offenders incarcerated in provincial institutions can also benefit from conditional release. Ontario and Quebec are the only two provinces in Canada that have their own parole boards. For the other provinces, the PBC is responsible for granting, denying and revoking conditional release requests. In addition, provincial sentences are distinguished from federal sentences by their duration: provincial sentences are imposed as a result of a sentence of two years less one day and are administered by the provincial governments, while federal sentences are imposed as a result of a sentence of two years and more, and are managed by the federal government.

³ The warrant expiry date is described as: “A Warrant Expiry Date (WED) is the date a criminal sentence officially ends, as imposed by the courts at the time of sentencing. Offenders who reach their WED after completing their entire sentence are no longer under the jurisdiction of Correctional Service Canada (CSC). Neither CSC nor the Parole Board of Canada (PBC) has the legal authority to lengthen or shorten a court sentence” (Public Safety Canada, 2015). Offenders that are sentenced to a life sentence do not receive a warrant expiry date, as they are to remain under supervision for the rest of their lives.

⁴ CBRFs are commonly known as halfway houses. Their purpose is to provide housing for offenders currently residing in the community (typically, on day parole, unescorted temporary absences or work release). There are currently two forms of CBRFs operating in Canada: Community Residential Facilities are owned and operated by non-governmental agencies, while Community Correctional Centers are owned and operated by the CSC (CSC, 2018).

the judge expressly mentioned an alternative at the time of sentencing.⁵ Eligibility for day parole, on the other hand, occurs either six months before the full parole eligibility date or six months into the sentence (whichever is greater) (PBC, 2018f).

Being eligible to apply for parole does not mean that parole is automatically granted; rather, it means that the offender is eligible to *apply for consideration* by the PBC. For parole to be considered, after reaching their eligibility date, offenders must convince the PBC that they have changed and are willing to engage in law-abiding, pro-social behaviour should they be released prior to the end of their sentence. To do so, they must have their case heard by the Board members of the PBC, which is an independent administrative tribunal⁶ that is responsible for granting day and full parole to individuals who request it. With regards to conditional release, the PBC is also responsible for denying parole, and, if parole had previously been granted, are responsible for revoking it if terminating the conditional release is deemed necessary.

When any form of conditional release is granted, the PBC has the authority to impose conditions as deemed required. These conditions must be abided by for the duration of the conditional release and may include some of the following: reporting to a parole officer when deemed necessary, residing in a CBRF, not attending establishments that sell alcohol, avoiding people with criminal records and reporting any changes in

⁵ Exceptions to eligibility dates are specified in section 743.6 of the Criminal Code of Canada (CCC). Pursuant to this section, the court may order, at the time of sentencing, that an individual must serve half of their sentence or 10 years of incarceration before being eligible for full parole. However, this measure is reserved for individuals convicted of an offense under Schedules I and II, related to a criminal organization or related to terrorism. It is important to note that granting parole does not mean a change in a judge's sentence; rather it is a different way of serving the sentence, typically within the community and under the supervision of the CSC.

⁶ This means that the institution, when it conducts reviews of cases (whether it be on conditional release or record suspensions), is not required to abide by formal rules of evidence – it is an administrative process (PBC, 2018d). Being an independent entity from the CSC, the structure of the institution was “designed to enhance the integrity of the parole decision-making process” and was “intended to promote impartiality” (Hannah-Moffat & Yule, 2011, p. 152).

interpersonal relationships to a parole officer (PBC, 2018h). A breach of the imposed conditions may result in a suspension or revocation of the conditional release, ultimately meaning the termination of the conditional release and the return of the offender to a penitentiary until the formal end of their sentence.⁷

This overview represents the federal parole program in its current state, as we know it today. With that being said, this program has not always worked this way. Below, a brief history of parole in Canada is presented, with a particular focus on the legislation that has successively defined and governed this program over the years. These laws and changes are important to address because they are representative of the values that animated legislators from time to time and define the role legislators attributed to parole.

1.2 History of Parole

Before the end of the 19th century, there was no legal framework in Canada regulating conditional release (Strimelle, 2015). When release from prison was offered to an offender, it was essentially offered to him as a reward because he was thought to be acting well (Strimelle, 2015). This is the same vision found in the first parole law implemented in 1899, *An Act to Provide for the Conditional Liberation of Penitentiary Convicts - The Ticket of Leave Act (Ticket of Leave Act)*. According to this legislation, parole could be granted by the Minister of Justice and was seen as an occasional forgiveness or favour (Prates, 2013). This law made no reference to the purpose of conditional release and was seen as a form of pardon (PBC, 2018e). According to the

⁷ In some cases, by breaching the imposed conditions, offenders may be committing a new offence. In those cases, they are not only sent back to the penitentiary until the formal end of their sentence, but they can also face new charges and a potential new sentence.

PBC, at the time of the introduction of the *Ticket of Leave Act*, Prime Minister Wilfrid Laurier explained that this measure was designed for a:

[...] young man of good character, who may have committed a crime in a moment of passion, or perhaps, have fallen victim to bad example, or the influence of unworthy friends. There is a good report on him while in confinement and it is supposed that if he were given another chance, he would be a good citizen. (PBC, 2018e, Part I)

The *Ticket of Leave Act* encompassed the notion that penitentiaries were schools of crime and that incarceration could have a detrimental effect on young and first-time offenders: “In practice, it was pretty much reserved for first offenders, the so-called accidental criminals” (PBC, 2018e). Cellard (2000) explains: “The *Ticket of Leave Act*, or conditional release (parole), passed in 1899 by the federal Parliament, allowed a “deserving” inmate, sentenced to a term of more than two years, to complete part of his penalty under supervision in the community” (p. 18). Prisoners that were released on “ticket of leave,” however, had to report to their local chief of police regularly.

In the beginning of the 1900s, it was difficult to track paroled men as the only system of supervision in place was that parolees (a term commonly used to refer to individuals released on parole) reported to their local police. Eventually, the Salvation Army, a non-governmental charity organization based in Christian roots, stepped in to help keep track of parole supervision and, from 1905 until 1913, the Salvation Army’s Brigadier Walter Archibald occupied the position of “Dominion Parole Officer” (PBC, 2018e). In 1913, the Remission Branch was created by the Department of Justice with the purpose “to handle all matters of clemency, including parole” (PBC, 2018e).

Following the adoption of the *Ticket of Leave Act*, many critiques surfaced over the years regarding this “parole” program. Cellard (2000) describes the context of corrections at the time:

A number of riots in federal penitentiaries at the beginning of the 20th century added to a sudden increase in the number of inmates (66 per cent), while the economic crisis of the 1930s, once more accompanied by a series of riots, forced authorities to make small improvements to the conditions of detention and to ease the regulations. (p. 16)

In this context, the federal government launched a Royal Commission of inquiry in 1934, the Archambault Commission (Cellard, 2000). The purpose of this commission, chaired by Justice Joseph Archambault, was to “shed some light on the situation which prevailed in Canadian penitentiaries” (Cellard, 2000, p. 16). In 1938, the Archambault Commission tabled its report. Regarding the *Ticket of Leave Act*, the findings of the report illustrated high-rates of recidivism and noted that recidivism could be reduced if some efforts were made to rehabilitate offenders (PBC, 2018e). The report also noted that the parole program was being used as a clemency tool rather than a tool to reform offenders (PBC, 2018e). The releasing authority, the Remission Branch, was also critiqued due to the political pressure it was subject to and the fact that it lacked resources, notably, that it was composed of only four staff members. As a solution, the Archambault report proposed the instauration of a federal parole board (PBC, 2018e). This proposal was not accepted then, but was reintroduced by the report of the Fauteux Committee, written in 1956. This new report reiterated many of the criticisms made by the Archambault Report, notably, the fact that parole was too rarely used as a rehabilitation tool. In addition, it was also recommended that a federal parole board be created and that all inmates be considered for parole (PBC, 2018e).

In 1959, under the influence of the Fauteux report, Canada abolished the *Ticket of Leave Act* and the Remission Service. Canada further defined parole with the adoption of the *Parole Act* (Strimelle, 2015). This law has had several consequences, including the creation of the National Parole Board (NPB).⁸ The NPB's initial mandate was to administer parole for federal inmates as, according to the Act, parole was seen as an essential step in the inmate's process of re-socialization and rehabilitation (Prates, 2013; Strimelle, 2015). While aiming for the protection of society, this law specifically encouraged the rehabilitation of the prisoner (Prates, 2013). This law also modified the eligibility dates of parole: an offender now had to serve at least a third of his sentence or four years, whichever was the shortest period, before becoming eligible for parole. Of note, in 1970, statutory release⁹ and day parole¹⁰ were introduced as other forms of conditional release (Robert, 2001).

During the 1980s, there was a change in the correctional world and penal practices focused more and more on the ultimate goal of protecting society (Strimelle, 2015). Robert (2001) describes the late 1980s as a state of turbulent times in corrections, a time during which the media broadcasted a number of high-profile incidents of recidivism that occurred during parole, which caused for some of the public to become increasingly aware of parole issues and to question the NPB's ability to make sound decisions (Robert, 2001; Prates, 2013). In 1974, Robert Martinson, an American sociologist, critiqued rehabilitative efforts, noting that they had "no appreciable effect

⁸ The National Parole Board of Canada (NPB) is now known as the Parole Board of Canada (PBC).

⁹ Statutory release is an *automatic* form of conditional release that each offender is entitled to. After serving two thirds of their sentence, offenders are released in the community in a CBRF under the supervision of the CSC. No hearings are held by the PBC regarding this form of release. However, upon recommendation from the CSC, the PBC has the authority to order detention until the end of a sentence, if it considers that a particular offender is too violent or dangerous to be released (PBC, 2018f).

¹⁰ During day parole, inmates are free in the community during the day, but must return to the penitentiary every night or in another designated location, such as a CBRF (Robert, 2001).

on recidivism” (p. 25). A new punitive, risk-based logic emerged in this context, and some studies point to the loss of confidence many citizens felt about the criminal justice system, leading to offenders increasingly seen as individuals who must take responsibility for their actions (Robert, 2001). The purpose of conditional release was changing and parole was no longer considered an essential step in the rehabilitation process of the individual; rather, it was beginning to be perceived as a privilege that must be earned, as the protection of society became the paramount criterion in all criminal matters.

In 1986, two legislative changes affected the parole program. Introduced in 1986, Bill C-67 allowed the PBC to order that statutory release be “denied” for violent offenders. With a referral from the CSC, the PBC now had the authority to order that certain offenders remain in detention until the end of their sentence (Robert, 2001; PBC, 2018f). The PBC was also able to impose special conditions for statutory release (in addition to the mandatory conditions), such as residing at a CBRF (Robert, 2001; PBC, 2018f). Up to this point, statutory release was a mandatory form of conditional release for every offender. With this legislative change, statutory release became limited to non-violent offenders, or violent offenders deemed worthy by the CSC and the PBC to be released earlier.

The second Bill also introduced in 1986, Bill C-68, accelerated the conditional release process for offenders serving a sentence of three years or less. In these cases, the PBC would render a decision regarding full parole when the inmate would reach his day parole eligibility date; this change would allow for the faster release of eligible offenders (Robert, 2001). These two examples show a clear distinction in treatment of offenders, those defined as violent and the others (Robert, 2001).

In 1992, Canada enacted the CCRA. This law reflects the punitive turning point that began in the 1980s (Strimelle, 2015). The protection of society officially became the primary consideration in conditional release decision-making, putting the rehabilitative objective of previous legislations in the background (Turnbull & Hannah-Moffat, 2009; Prates, 2013). In this regard, Prates (2013) states: “Avec la nouvelle loi, il devient clair que la mise en liberté sous condition ne vise plus la réadaptation du détenu, mais plutôt la protection du public” (p. 82). Moreover, anchored in the twin track policy,¹¹ the CCRA provides for differential parole treatment of inmates, particularly in terms of eligibility, for offenders deemed high risk versus “small offenders” (Feeley & Simon, 1992; Robert, 2001; Prates, 2013; Strimelle, 2015). For example, on one hand, the CCRA furthers eligibility dates for individuals convicted of serious drug offences and, on the other hand, allows “petty criminals” to benefit from the Accelerated Parole Review (APR) process¹² without going through a formal hearing and, thus, to return to society as quickly as possible (Robert, 2001; Prates, 2013). Regarding the emergence of the twin track policy (also known as *bifurcation*), Robert (2001) notes:

Ainsi, d’un côté, on tente de remettre en liberté le plus tôt possible des infracteurs que l’on juge ne représenter qu’un faible risque pour la société, de l’autre, on prend des dispositions afin de prolonger l’incarcération des infracteurs qui ont commis ou dont on croit qu’ils commettront, à leur sortie, des infractions graves. (p. 87)

While the CCRA was considered as being a part of the twin track policy when it was adopted, things have since changed. Over the last decade, several legislative changes

¹¹ The twin track policy refers to advocating differential treatment of prisoners according to the category to which they belong. For example, “petty criminals” are treated with more leniency, while repeat violent offenders are punished more severely (Robert, 2001). This twin track policy operates under a risk management approach (Feeley & Simon, 1992; Robert, 2001).

¹² The APR process was a measure introduced in 1992 that provided for more flexible conditional release measures for individuals who were on their first federal term and who had not been convicted of “violent offences” or related to drugs. This procedure will be detailed further in the following pages.

have affected the parole program as we know it today. This can be attributed to the fact that the Conservative Government led under Prime Minister Stephen Harper, active from 2006 until 2015, passed several legislations considered by many as “tough on crime.” While analyzing the various legislative changes that occurred in the last few decades, it quickly becomes apparent that some of the more “rehabilitative” aspects of the CCRA were modified or merely erased, while some additional punitive aspects were added, resulting in the “soft” branch of the twin track policy slowly disappearing to an ultimate “hard” policy (Lynch, 2015).

As explained earlier, the APR process was introduced with the CCRA and had the purpose of speeding up the administration and processing of parole applications for “petty criminals,” notably individuals serving their first federal sentence or ones that were not incarcerated for violent or drug-related offences (Robert, 2001; Prates, 2013). In March 2011, the Government of Canada passed the *Abolition of Early Parole Act*, also known as Bill C-59. One of the purposes of this act was to eliminate¹³ the APR process; from a risk management and protection of society standpoint, this resulted in one of the most “rehabilitative” aspects of the twin track policy found in the 1992 Act being removed.

Still, in March 2011, the government passed Bill S-6, *An Act to Amend the Criminal Code and Another Act*. The purpose of this Act was to abolish the Faint Hope Clause, which allowed for offenders serving a sentence for treason or murder to apply for

¹³ In 2014, the Supreme Court of Canada reinstated the APR process for inmates sentenced prior to the abolition of this procedure in March 2011 (CSC, 2014a). As a result, this procedure is still valid for offenders who were convicted prior to its abolition on March 28th, 2011. On June 19th, 2017, Bill C-56 was introduced in Parliament. Some of the purposes of this bill is to “Reinstate in the CCRA the principle of using “the least restrictive” measures when dealing with offenders” (CSC, 2017) and to amend, once again, the CCRA to provide for expeditious review to continue to apply to all offenders whose offences were committed prior the coming into force of the *Abolition of Early Parole Act* (Parliament of Canada, 2017). As of this date (December 2020), this bill is still under review.

parole after serving 15 years if their parole ineligibility date exceeded 15 years. In March 2012, Bill C-10, *Safe Streets and Communities Act*, assented. One of Bill C-10's purposes was to restrict the access to the parole program for violent and sexual offenders.

In June 2014, Bill C-489, *An Act to Amend the Criminal Code and the Corrections and Conditional Release Act (Restrictions on Offenders)*, assented, allowing for additional restrictions to be imposed on offenders released on parole, statutory release and unescorted temporary absences. These additional restrictions can now be imposed by the releasing authority if it is considered necessary and reasonable in order to protect the victim. Some examples of the new restrictions were to not communicate with the victim and to avoid certain places.

In April 2015, Bill C-479, *An Act to Bring Fairness for the Victims of Violent Offenders*, assented. This act defined the victim's role in the parole process. Bill C-32, also known as the *Victim Bill of Rights Act*, also assented in April 2015. This Act defined the victims' rights to certain information regarding offenders. Finally, Bill C-12, the *Drug-Free Prison Acts*, assented in June 2015, with it imposing on the PBC the obligation to terminate parole if, before the offenders' release from the penitentiary, the offender fails urinalysis testing¹⁴ or refuses to provide a urine sample.

All the changes observed in parole legislation from 2005 until 2015 seem to indicate a tendency to move from "soft branch" of the twin track policy to an almost exclusive "hard" parole legislation (Zinger, 2012; Lynch, 2015). Indeed, all of the

¹⁴ Urinalysis is a program utilized by the CSC to "identify and deter the use of illicit substances within institutions and among the offender population" (CSC, 2015a). The CSC can request that an offender provide a urine sample for various reasons including: if he/she is suspected of committing a disciplinary offence, random selection, or if it is a requirement for a certain program or activity in the community, such as parole.

aforementioned bills that assented into law during the observed period could all be considered part of the “hard” branch of the twin track policy. That being said, it should be noted that, during this period, not all bills presented recommended some “hard” changes to penal practices. For instance, while it does not relate to parole and while it also recommended some “hard” changes, Sebastien’s Law (Bill C-4), presented in 2010, would have prohibited youths from serving sentences in adult correctional facilities; however, this bill never became law (Cook & Roesch, 2012).

The above changes that affected the parole program mostly occurred in the context of the New Penology, as described by Feeley and Simon (1992). According to this approach, the treatment and rehabilitation of individuals are relegated to the background, while the identification, classification and management of so-called risk groups becomes more important (Feeley & Simon, 1992). Indeed, the New Penology considers that crime is a problem that cannot be eliminated; rather, this inevitable risk must be managed by controlling crime, preventing it and containing it by developing effective identification and management strategies. This new way of looking at crime then transforms the meaning afforded to conditional release, which is no longer seen as a merely tool for transformation or improvement of the prisoner, but also as a means of protecting society by rigorously selecting the people more likely to not reoffend and by exerting stricter controls on them.

In an effort to understand the impact of these changes on the parole program, the rationale provided for parole decisions will be examined in this research. In the following section, the general research objective is presented.

1.3 The Research Objective

As shown above, the parole program has undergone many changes over the years and its purpose has been justified in varying terms, ranging from the reintegration of offenders to the protection of society at all cost. Given the above, I chose to examine written parole decisions¹⁵ to potentially shed some light on how these decisions are rendered. While I am not examining the decision-making process per se (which should be considered as a different action than the rendered written decision themselves),¹⁶ this study will provide an analysis of the criteria that some of the PBC's Board members¹⁷ document as being considered in their written parole decisions, which will allow for a glimpse into the rationale for these decisions. Given the significant changes the parole program underwent through the years, particularly in the past few decades, this research will aim to examine what the Board members prioritized in their written decisions on parole during this time. This will, in turn, inform of the principles and values governing the parole program at the time of these decisions, which were supposedly centered on risk management and the protection of society during a political era that was described by many as "tough on crime."

Whilst there may be no way of knowing exactly what "factor" or criteria made a Board member choose to grant or deny parole (Hannah-Moffat & Yule, 2011), the general aim of this thesis is to provide an analysis of the rationale documented by PBC's

¹⁵ When I refer to "written parole decisions" I refer to the actual decisions that are provided to offenders after the decision was made. These are formulated by the Board members themselves and are supposed to include the rationale for their decisions. It is these written decisions that are analyzed in this thesis.

¹⁶ This will be examined further in the following chapter.

¹⁷ When I refer to "Board members," it must be understood that I am referring to the Board members' whose decisions I was able to review for this thesis. By stating "Board members" I am not referring to the entirety of the PBC's Board members, or the PBC as a whole: I cannot speak of the whole community of Board members, but rather, of some Board members, whose decisions have been analyzed in this thesis and whose names have been redacted from the selected sample.

Board members in their written decisions when they grant or refuse parole to women,¹⁸ who were incarcerated for a period of five years or more¹⁹ in federal institutions, in Canada between 2005 and 2015.²⁰ Specifically, this rationale will be analyzed through an examination of which criteria or “factors”²¹ the Board members document in their written parole decisions. Thus, this thesis will provide a better understanding of what Board members record as being paramount elements of their decisions.

Simply put, I am interested in the criterion on which the Board members rely on and document in order to justify their decisions with respect to parole. Generally, I aim to understand how the Board members justify their decisions on parole while several studies highlight the effectiveness of parole, and this, for the main parties involved: the offender population, as it claims to promote their rehabilitation, and the society in general, as it appears to reduce recidivism rates. According to research on this issue, parole would be beneficial to offenders as it would allow them to regain society gradually, while

¹⁸ For this research project, I chose to examine conditional release decisions focusing on women offenders. While literature showed a lack of studies on the “factors” behind parole decisions, it appears that there would be even less studies focused on female offenders. In the following chapter, I will explain further why the female population was chosen for this research project.

¹⁹ Incarceration is well documented to have detrimental effects on individuals: it can cause exclusion, stigmatization and marginality, and for those who do not represent a “risk,” it may result in destructive effects on the individuals (Strimelle & Poupart, 2004; Zinger, 2012). Since these negative impacts could be emphasized due to the length of the sentence, I chose to focus on women serving long sentences, which I defined as 5 years or more, as they are often imposed after a conviction for a serious offence per the CCC. This will be elaborated upon further in the following chapter.

²⁰ As shown in the current chapter, during this time period, the parole program suffered many changes, which can be attributed to the then government’s “tough on crime” approach. Reviewing decisions from this period will allow to observe if and how the Board members favoured this political approach in their written parole decisions.

²¹ When I use the term “factors,” I refer to the elements documented as considered by the Board members in their written parole decisions. By “factors,” “criteria,” “reasons” or “criteria of evaluation,” I refer to the elements used by the evaluators to officially justify their decisions of conditional release. I do not consider the term “factor” in its objective nature. I am of the opinion that, in the specter of this thesis, this term is subjective and largely depends on the evaluators themselves. Some examples of “factors” identified in this study and in literature on the topic are: the severity of the crime, the length of the sentence, the presence of social support in the community, having secured housing in the community, institutional conduct, and so on.

benefiting from the support of their Case Management Team (CMT),²² thereby promoting their social reintegration. Conditional release would also be beneficial to society because it would constitute an effective way to reduce recidivism and it would be empowering for the released (MacNaughton-Smith, 1976; Hann, Harman & Pease, 1991; Langton, 2006; Zinger, 2012; PBC, 2019b). Thus, a research focusing on the documented reasons for granting or denying parole will provide an observation of what Board members consider important in these types of decisions, or, at the very least, what they document as being important in their decisions.

This chapter has explained what parole is and has detailed its evolution in the Canadian context. It has also examined the different values and objectives adopted over the different legislations that governed the conditional release program, as we know it today. This chapter has also introduced my general research orientation.²³ In the next chapter, I will provide an overview of the scientific literature regarding parole.

Chapter 2: Literature Review

In order to address my general questioning, a review of the literature was conducted and subsequently divided into five sections. The first part provides

²² The CSC defines the CMT as “the offender’s primary intervention unit” (CSC, 2008). It generally includes: the parole officer, the correctional officer II or primary worker, the manager, and members of the assessment and intervention section. Furthermore, some other members may be included in the CMT if deemed necessary, such as: the correctional manager, the psychologist, program officer, Aboriginal liaison officer and security intelligence officer. According to the CSC, “the team determines the intervention strategy for the offender and conducts ongoing progress monitoring, case discussions concerning behavioural problems (e.g. discipline, drug use, relations with other offenders, lack of progress, intelligence requiring a re-assessment of risk), referrals to programs and special services (e.g. psychology, Aboriginal spirituality, methadone) and reviews for decision (e.g. visit, transfer, perimeter clearance, escorted temporary absence, unescorted temporary absence, work release, day release, full parole, statutory release)” (CSC, 2008).

²³ Of note, more specific research questions will be presented at the end of the following chapter.

introduction to the chapter and examines the sometime conflicting objectives of the parole program. The second part presents an overview of the PBC's decision-making process, including conditional release hearing procedures, the PBC's internal guidelines, the use of discretionary power in decision-making, and the written parole decisions. In the third part, Canadian and international literature regarding the criteria considered during parole decision-making is examined. The fourth part focuses on women and parole, while the fifth part examines literature on conditional release for offenders serving long prison terms. A conclusion will then be provided which will introduce the specific research questions that will guide this research.

2.1 Protect Society and Reintegrate Offenders

According to some correctional researchers, one of the ways to reduce the detrimental effects of incarceration and to reduce recidivism rates would be to progressively and gradually reintegrate offenders back to society through a conditional release program (MacNaughton-Smith, 1976; Hann, Harman & Pease, 1991; Zinger, 2012; PBC, 2019a; PBC, 2019c). Thus, Zinger (2012) notes that the prolonged incarceration of individuals, especially those who do not pose a risk to society, can have destructive and potentially irreversible effects on them. With respect to most inmates, Zinger (2012) indicates that a gradual return to society would be more effective in terms of reintegration; gradual reintegration would also represent the most favourable option for public safety, as opposed to a sudden and unsupervised return of an offender.

Several authors have emphasized the importance and effectiveness of parole in the reintegration process of offenders (MacNaughton-Smith, 1976; Hann, Harman & Pease, 1991; Langton, 2006). Although many, including the PBC, highlight this

“effectiveness” of the parole program, it is important to note that most of the studies examined only considered recidivism rates when doing this assessment. Recidivism is generally described as the action of re-offending after a period of not offending. Besides this absence of recidivism, there seems to be no mentions of the other aspects of reintegration (such as feeling “apart of” a particular community, having a job, having a healthy support system, finding suitable housing, and so on) in these assessments of the “effectiveness” of parole.²⁴

In this section, I will provide an overview of the scientific literature regarding parole specifically, its characteristics and its role within the correctional system as a tool to both monitor and reform inmates in the correctional system. As a correctional program aimed at both the rehabilitation of inmates and the protection of society, the parole program illustrates one of the many paradoxes of the correctional system that aims to punish and reintegrate both (Gauthier, 1981). Although correctional authorities claim to be focused on the wellbeing of the individuals by facilitating their reintegration into society, the primary goal of the parole program, as prescribed by the CCRA, is first and foremost the protection of society (Robert, 2001). At the time of writing their article, Hannah-Moffat and Yule (2011) believed that the main interest of the PBC was to determine the risk posed by an individual to society at the expense of the rehabilitation of the individual.

²⁴ Landreville (1982) raises important methodological deficiencies related to the use of the recidivism rate as the only measure of the effectiveness of correctional programs. In particular, he stresses the lack of coherence between the multiple definitions of recidivism. Thus, he explains that some consider that recidivism occurs when there is a new arrest, others, when there is a new conviction and still others when there is a new incarceration. It is also necessary to consider the magnitude of the “black figure of crime,” which includes all acts defined as criminal (whether they are reported or not). This makes it almost impossible to know if an individual has really abandoned his or her “criminal” behaviour.

In their study regarding parole conditions imposed to women offenders in Canada, Turnbull and Hannah-Moffat (2009) provided an example of this notion by explaining that parole aims to protect society and reintegrate offenders. The authors consider that conditional release conditions constitute an additional mean of exercising some form of governance or control on offenders (Turnbull & Hannah-Moffat, 2009). Indeed, the authors are of the opinion that conditions associated with parole are both productive *and* repressive for individuals released conditionally:

Nonetheless, it is important to consider how parole conditions are regulatory techniques that embody both productive and repressive forms of power [...]; they help prepare women prisoners for 'freedom' by mobilizing particular techniques of self-governance, while simultaneously operating as modes of surveillance that police the boundaries of acceptable conduct. (Turnbull & Hannah-Moffat, 2009, p. 533)

To illustrate this, the authors discussed the condition of assignment to a CSC residence (Turnbull & Hannah-Moffat, 2009). On the one hand, it is a productive condition for offenders because it encourages them to become law-abiding citizens, including encouraging them to participate in correctional programs, interact with others and develop certain social skills. On the other hand, the assignment to a CSC residence is also considered as being a repressive condition for offenders since it leads to the expansion of the criminal net in the community, thus allowing the exercise of additional control over the individuals, including monitoring the whereabouts of female offenders living in halfway houses.

We can see that the Canadian conditional release program has two objectives that are sometimes opposed to one another: to protect society and to promote the reintegration of offenders. However, as illustrated above, the primary purpose of the parole program and the main concern of the PBC appear to remain the protection of society. In examining

the written parole decisions that were rendered during an era described as “tough on crime,” I aim to observe whether the protection of society remains of paramount importance for the Board members who render these decisions, or if they still accord some form of importance to the reintegration of offenders in these decisions. In the following section, the parole decision-making process is explored.

2.2 Parole Decision-Making Process

The parole decision-making process, like the course of most decision-making in the criminal justice system, is a complex process that includes several components and that can be impacted by a number of factors. It is not a linear process and it cannot be understood simply by reading the final decisions. This process includes many different activities, such as the decision-maker’s review of the offender’s case file, the hearing, the deliberation with other Board members and the drafting of a decision letter. This process can be impacted by several factors, including the decision-maker’s personal experiences, consultation of relevant legislation, the consideration of the institution’s policies and the relationships between the different attendees at the hearing and their level of expertise.²⁵ Thus, the parole decision-making process is a complex process that cannot be explained by separate factors, and that must be understood as an overview of the entire situation at hand.

²⁵ From a social constructionist standpoint, it needs to be noted that this process is greatly impacted by the decision-maker’s personal interpretation of the situation as a whole. This will be addressed in the following chapter.

For practical reasons, the Board members' "written" parole decisions were examined (and not the decision-making process as a whole) in this research project.²⁶ This section, which focuses on the decision-making process as a whole, is included to examine how and in what context Board members are called upon to render decisions on parole. Specifically, I will provide an overview of the PBC's decision-making process as it currently stands with respect to hearing procedures, the PBC's internal guidelines related to decision-making, the use of discretion by Board members and its implications, and the written decisions produced by the Board members.

2.2.1 Review of Case File and Hearing Procedures

When an offender is eligible to apply for parole, the CSC must prepare the offender for consideration by the PBC and present a recommendation to the PBC (CSC, 2016a). Once this step is complete, the PBC's Board members will begin to review the file. Prior to reviewing a file, the Board members are required to ensure that all of the documents it uses are adequate; that is, that they are available and that the information is reliable and persuasive (PBC, 2018d). If this is not the case, they must order that the CSC provide complete and adequate documentation. All documents consulted during the initial review of the file must be submitted to the offender, in writing, no later than 15 days before the date of the review of their case.²⁷

According to the PBC, in order to document the case and to render a decision, the Board members are supposed to rely on several types of assessment (including risk

²⁶ This will be explained further in Chapter 4: Methodology. Of note, written decisions such as written parole decisions "are not simple factual presentation of the linear decision process" (Tata, 2002, p. 421). These documents only constitute a small part of the decision-making process as a whole. This distinction between the written decisions and the decision-making process is examined further in the current chapter.

²⁷ The PBC must share the information with the offender at least 15 days before the case is reviewed. That being said, the PBC is not required to share information with the offender if it considers that this information is contrary to the public interest, endangers the life of an individual or penitentiary or that it compromises the conduct of a lawful investigation (PBC, 2018d).

assessments, criminal and social history assessments, and institutional behaviour assessments) that affect all spheres of an individual's life (please see Appendix A for a complete list of these assessments). In short, when reviewing the files, the Board members evaluate virtually every aspect of the case available to determine whether the release of the offender will pose a risk to society and whether it will contribute to the protection of society by promoting the offender's social reintegration as a law-abiding citizen. In order to achieve these objectives, several strategies are used by the Board members, such as questioning the participants at the hearing, reviewing the offender's criminal file and psychological reports and, finally, completing a risk assessment (PBC, 2018b). It is important to note that the decision-making process is based first and foremost on an assessment of the risk posed by the offender when he or she leaves the penitentiary; that is, the probability that an offender may re-offend generally, or, in a violent manner, when re-entering the community. This risk is assessed in order to determine if the release would hinder the protection of society, which remains the paramount consideration of the Board (PBC, 2018b).

Pursuant to sections 123(1) and 140(1)(b) of the CCRA, the PBC is required to conduct a hearing review (in person or by videoconference) for each full parole application, unless the offender has indicated that he or she does not wish to be heard. Hearings are described by the PBC as being "administrative processes in nature with no formal rules of evidence" (PBC, 2018d, section 11.1). According to the PBC's internal guidelines, hearings are to be recorded to ensure that procedural safeguards are respected (PBC, 2018d).

The majority of hearings take place in the penitentiary where the individual is incarcerated, or by videoconference, and can last several hours (PBC, 2019d). The offender, his/her family, victim(s), parole officer and CMT are usually present during hearings. Other people may also attend with prior approval of the Board members such as councillors, Elders (in the case of Aboriginal offenders) and even members of the general public. During the hearing, the offender is interviewed by the Board member(s) (PBC, 2019d). Typically, one to two Board members are present at the hearing and are responsible for rendering the decision (PBC, 2020). Other individuals, such as the offender's parole officer, assistant²⁸ and victim(s), are invited to express their opinion on the possible release of the individual (PBC, 2019d). Once the Board members believe that they have received all the necessary information to make their decision, participants must leave the room to let them debate and decide (PBC, 2019d). At this stage, the Board members converse with each other and weigh all the information on file and gathered during the hearing to make a decision with regards to the risk posed by the individual. Once a decision is made, all attendees are invited to re-enter the room and the Board members announce their decision and the reasons for it (PBC, 2019d). Normally, the offender is informed of this decision at the hearing. That being said, in specific cases, Board members may decide to render their decision at a later date, within a period of a maximum of 15 days.

In order to guide and assist Board members in their duties with regards to conditional release, the PBC, as an institution, has established guidelines to be considered

²⁸ Per section 140(7) and (8) of the CCRA, an offender can be assisted by his person of choice with respect to the hearing process. This person is chosen by the offender to advise him during the hearing (including interviewing him privately) and to address the Board members on his behalf. An offender can only have one assistant (PBC, 2018d).

during the decision-making process. These guidelines and their implications are examined in the next section.

2.2.2 The PBC's Guidelines

According to the institution, the following factors are critical to the decision-making process and must be considered when rendering a conditional release decision: criminal history, institutional behaviour, gains from correctional programs, and release plan (PBC, 2018g). Some authors note, however, the lack of guidance offered by the institution as to how to assimilate, weigh and integrate the information or the level of importance to be given to each of these factors (Gobeil & Serin, 2009; Hannah-Moffat & Yule, 2011). To this end, Hannah-Moffat and Yule (2011) explain:

Although NPB policy lists factors for consideration in parole decision making, it does not hierarchically rank or prioritize these criteria; this is left to the discretion of individual board members. As such, the weight given to any specific 'risk' factor or piece of information could vary across cases as board members undertake a subjective case-by-case assessment of the causes of criminal behaviour. (p. 153)

Indeed, while the PBC, through its guidelines, notes some general factors to consider (such as the criminal history, institutional behaviour, gains from correctional programming and release plan), it does not specify in which order or what weight to attribute to each factor. Given the specificity of each case, this may cause some inconsistencies in decision-making. Section 2.1 of the PBC's Decision-Making Policy Manual for Board Members, *Assessment for Pre-Release Decisions*, suggests that several criteria must be considered when rendering parole decisions (PBC, 2018d). These criteria

are divided in seven large categories: (1) actuarial measures²⁹ of the risk to re-offend, (2) criminal, social and conditional release history, (3) factors affecting self-control, (4) offender responsivity to programming and interventions, (5) institutional and community behaviour, (6) offender change and (7) release plan and community supervision strategies. Within these categories, some examples are provided of what to assess when rendering a decision (see Appendix A).

Regarding these guidelines provided to the Board members, Hannah-Moffat and Yule (2011) explained that no direction is given specifying the importance to be accorded to each factor. Gobeil and Serin (2009) concluded the same. To illustrate this finding, the authors conducted a study in which they submitted six false cases of offenders seeking parole to 31 Board members from Canada and New Zealand (Gobeil & Serin, 2009). The cases submitted contained very similar information, particularly in terms of risk assessment and correctional recommendations.

After reviewing the cases, the participating Board members had the option to grant parole, deny parole or to access additional information regarding the following specific spheres: risk assessment, mental health information, victim information, program information, release plan information and criminal history information (Gobeil & Serin,

²⁹ Actuarial scales are statistical tools used by correctional authorities to calculate the risk of recidivism posed by an offender. According to Gauthier (1981), these statistical prediction tables (actuarial scales) appeared in the United States in the 1920s. Their purpose, according to Gauthier (1981), is for “estimating probabilities at the future behaviour of an inmate” (p. 63, our translation). These tools include a pre-determined list of factors (or predictors) to analyze, leaving very little room for stakeholders to decide what they want to evaluate (Quirion and D’Addese, 2011). These include, for instance, criminal history, sociodemographic factors and prior social interactions. The study of these predictors allows stakeholders to determine, using statistical tools, the probability of behaviour occurring or not in the future. Once the predictors (or risk factors) are collected, they are combined and calculated to obtain a score that predicts the probability that an offender will reoffend. Of note, the use of risk assessment tools in correctional settings, particularly in the form of actuarial tools, is sometimes criticized for being biased and dehumanizing. Hannah-Moffat and Shaw (2001) indicate that these tools require that the administrators of these tools make a moral judgment about the assessed offender. In particular, the authors denounce the discriminatory nature of these assessments, which they say are based on the culture, gender, and/or social status of the individual being evaluated (Hannah-Moffat & Shaw, 2001).

2009). Their conclusions highlight the differences in the decisions made by the Board members: although they received the same information about the cases, the results showed that there is considerable variability between the decisions made by different Board members (Gobeil & Serin, 2009). In the spectre of this same research, Gobeil and Serin (2009) also examined the participating Board members' socio-demographic characteristic in an effort to see whether these would have an impact on their decision-making. Specifically, Gobeil and Serin (2009) examined the Board members age, gender, experience, and professional background and compared these against the decisions rendered. The authors concluded that the socio-demographic characteristics of the Board members that were evaluated were not significantly correlated to the decisions they rendered, meaning that they did not appear to have an impact on their decision-making in terms of parole (Gobeil & Serin, 2009).

Interestingly, the authors also found that the extent to which information was accessed was variable depending on the Board member (Gobeil & Serin, 2009). For instance, they noted that most participants accessed information regarding risk assessment and release plans, but that fewer participants accessed information relating to mental health and victim impact (Gobeil & Serin, 2009). According to the authors, this indicates that “the types of information that the boards’ respective policy guidelines and legislative requirements highlight for consideration in reaching a release decision [...] are not attended to with comparable frequency” (Gobeil & Serin, 2009, p. 101). In this case, even though the same information was available to all Board members, some chose to review it while others did not. This finding may be attributed to the fact that while the PBC, in its guidelines, specifies which factors to observe, it does not specify the

importance and weight to accord to each of them. According to the above findings, it appears that importance accorded to each factors vary from Board member to Board member. This is potentially attributable to the significant discretion granted to Board members, which is discussed in the next section.

2.2.3 Discretionary Power

With respect to parole decision-making, many of the studies identified in this literature review acknowledged and critiqued the significant discretion held by Board members (MacNaughton-Smith, 1976; Gauthier, 1981; Hannah-Moffat & Yule, 2011). According to Gobeil and Serin (2009), the use of discretion manifests itself, in particular, because of the important time restrictions to which the Board members are subject to. Some authors argue that Board members appear to simplify the decision-making process and focus on some of the key variables associated with successful parole or recidivism, demonstrating the flexibility and discretion they have in decision-making (Gobeil & Serin, 2009; Mooney & Daffern, 2014).

The conditional release decision-making process appears discretionary to some in the sense that it is based primarily on a subjective judgment by a Board member about the potential risk that an inmate could present when returning to society (Mooney & Daffern, 2014). According to Hannah-Moffat and Yule (2011), the prioritization of the factors to be considered, as discussed above, falls within the discretion of the Board members. Indeed, it appears that Board member's specific assessment of the situation largely affects which factors will be considered in the decision. According to the authors, this situation would be problematic since we are unable to identify which characteristics of women offenders are considered as being essential in the decision-making process

(Hannah-Moffat & Yule, 2011). Gobeil and Serin (2009) found “preliminary indications that board members use their existing knowledge, either obtained from previous practical experience or from an understanding of research on parole outcomes, to guide their conditional release decision making” (p. 102).

In light of this, it appears that the decision-making process with regards to conditional release is based upon discretion, Board members’ previous experiences and understanding of parole outcomes. Given the subjective nature of these factors, it is safe to assume that they may vary largely for each Board member, resulting in potential differences in the decisions rendered.³⁰

Once the Board members have completed the decision-making process and have reached a decision, they are required to draft an official document, which includes their decision and the rationale for that decision. A copy of this document is eventually provided to the offender and added to their correctional file. These written decisions are explored in the following section.

2.2.4 Written Decisions

According to Mills (1940), “motives”³¹ are terms used by social actors to explain their conduct and they have a specific purpose. Mills (1940) explains that a motive should be considered as separate action than the initial conduct it aims to explain. Following this logic, written parole decisions should be considered as a different action than the action of decision-making itself. These decisions constitute documents that were

³⁰ Of note, this variation in use of discretion can potentially be explained by the premise that Board members are first and foremost social actors that continuously interpret and construct their perception of legislation, guidelines, individual cases, social interactions, and so on. This will be elaborated upon further in the following chapter.

³¹ According to Mills (1940), motives are “accepted justification for present, future, or past programs or acts” (p. 907). Per Mills’ (1940) interpretation, as they consist of justification for an action, written parole decisions could be considered as a form of motives.

drafted *after*³² the decision was made, and they are different from the actual decisional process (which is far more complex and includes several components, for instance, the review of the offender's case file, the hearing, the deliberation with other Board members, a Board members' personal experiences, consultation of relevant policies, the consideration of the institutions' policies, the relationships between the different attendees and their level of expertise...). Similarly, regarding the reasons given for sentencing,³³ Vanhamme and Beyens (2007) note: "[...] the motivations for judgments are a posteriori reconstructions [...] which mainly provide information about the system itself" (p. 204, our translation).

Moreover, decisions that are rendered in an institutional context are likely drafted and formulated with a specific purpose in mind (Garfinkel, 1997; Tata, 2002). The purpose of rationalizing a decision will evidently vary from one context to another. On this, Mills (1940) notes that, in order to properly understand a motive, the context in which it was created must be analyzed. For instance, Tata (2002) explains that the "reasons" given in court "are defensible rather than the unmediated 'truth'" (p. 418). This means that, rather than providing their "actual" reasoning or the "real" reasons that led

³² Scholars have noted that reasoning for a decision often comes after the decision has been made (Mills, 1940; Tata, 2002). According to the PBC, "In most cases, Board members give the decision and the reasons for the decision right at the hearing" (PBC, 2019d). That being said, in other cases, the Board members can choose to terminate the hearing without a decision, and render a decision within 15 days (PBC, 2018d). As such, while the decisions and reasons for that decision are typically communicated orally to the women at the hearing, the actual decision letter can be provided to them at a later date. Given the above, it is relevant here to consider that the written decisions that are provided to the offender (and those that are examined in this thesis) are different than the actual decision-making and may include or exclude some "factors" that were considered during the actual decision-making.

³³ Of note, since research on decisions rendered by parole decision-makers is relatively sparse, some examples related to sentencing decisions will be presented in this chapter. The purpose of this is to illustrate the context in which these types of decisions are taken and the plausible influences that can impact the final written decisions. Judges operate in a similar context to Board members, that is, in an institutional context in the criminal justice system in which they are obligated to follow certain rules provided by the institution of law, but they still have a certain degree of discretion in their decision-making. Judges, like Board members, are also required to provide a written rationale for their decisions.

them to their decisions, judges often provide reasons that would be easily defensible in the context of a court of law in the event of an appeal. These reasons could be, for instance, reasons that were given in a previous case or reasons that are recognized by the institution of law as adequate. Decision makers likely do this to establish a “solid foundation” for their decision and to better defend their choice should they be asked about it.

With respect to parole and the context in which these decisions are rendered, Board members likely formulate their written decisions in a way that will be recognized as adequate or appropriate by other Board members, the Chairperson of the Board, or the institution as a whole.³⁴ Moreover, like sentencers, the Board members’ decisions are also likely formulated in order to be defensible should there be an appeal presented.³⁵ Not only are the decisions formulated with a purpose in mind, they are also formulated following a specific format that is determined by the institution. Indeed, these decisions are official documents that were requested by the institution and they are documents in which a decision must be briefly justified. The Board members use a format that was created by the institution to draft their decision letters in which they discuss the criteria they considered.

³⁴ In their research on sentencing, Vanhamme and Beyens (2007) interestingly note that judges, who are immersed in the judicial culture, tend to orient their activities in such a way that will strengthen their affiliation to the group (i.e. other judges or other professionals of the criminal justice system). In this context, their decisions become centered on the internal rationality of the judicial world they operate in which will, in turn, facilitate their affiliation to the group and reinforce cohesion (Vanhamme & Beyens, 2007).

³⁵ Offenders who are not satisfied with their parole decision may appeal the decision with the Appeal Division of the PBC within two months (PBC, 2021). According to the PBC, “The Appeal Division is the final recourse within the PBC. If an offender wants to pursue an appeal of the decision, they, or their representative, may seek Judicial Review of this decision at the Federal Court within the time prescribed at subsection 18.1(2) of the Federal Courts Act” (PBC, 2021).

Tata (2002) argues that reasons in sentencing are given to facilitate accountability. Indeed, institutions give reasons for their decisions to show accountability and transparency. Under the CCRA, the PBC has been required since 1992 to keep a record of its decisions and the reasons for those decisions. According to the PBC, this decision registry is set up to allow the public to understand the decision-making process and promote transparency (PBC, 2018c). These decisions are made public by the institution for transparency and accountability purposes. Regarding this notion of accountability, Tata (2002) notes:

A more interpretive sociological conception of accountability can be informed by the recognition that all decision-makers who provide explanations or accounts of their decisions do so in a way, which is dependent on the purpose(s) and audience(s) for whom it is intended. (p. 417)

In conclusion, written decisions, such as parole decisions, are created after-the-fact (after the actual decision was made) and are to be considered as a separate action than the decision-making itself (Mills, 1940; Tata, 2002). That being said, some studies have examined these conditional release decisions in order to observe which criteria of evaluation were considered by certain Board members at a point in time. These studies are presented in the following section.

2.3 Criteria Considered in Conditional Release Decision-Making

2.3.1 In Canada

Hannah-Moffat and Yule (2011) have examined parole decisions rendered in Canada. The authors used a multi-method approach to study data from the PBC's decision registry in conjunction with institutional records of 59 women incarcerated for violent crime in Canada. The authors concluded that, in Canada, when making a decision, the PBC mostly focuses on the ability to change positively and the offender's willingness

to change (Hannah-Moffat & Yule, 2011). The authors explained: “Our findings revealed that an explicit focus on the prisoner’s commitment to her ongoing process of pro-social change is a salient, yet understudied, indicator of parole decision making” (Hannah-Moffat & Yule, 2011, p. 168). In the same vein, the authors raise the following:

Regardless of seriousness of their social and criminal histories, women who indicated that they had moved away from their anti-social pasts and were continuing to move towards pro-social futures were constructed as manageable risks in the community. (Hannah-Moffat & Yule, 2011, p. 169)

Hannah-Moffat and Yule (2011) also noted that women sentenced to shorter sentences and women that have no psychiatric reports on file are more often released than those serving longer sentences or having psychiatric reports. In their study, Hannah-Moffat and Yule (2011) have ultimately expressed that the most decisive factor when it comes to making a decision about women offenders was whether the women were a successful “demonstration of change.”

In a similar manner, MacNaughton-Smith (1976) analyzed 832 parole applications from Canadian men between 1962 and 1964 as part of a study of the Parole Board’s decisions. The author concluded that when rendering a decision regarding parole, Board members tend to focus more on the offender than on crime, and on his future than his past (MacNaughton-Smith, 1976). MacNaughton-Smith (1976) also presented some criteria of evaluation that he considered to be decisive in the NPB’s decision-making: the seriousness of the crime, past conduct, the personality of the offender, the risk of re-offending, progress in custody, social support, the release plan as well as prospect of potential employment. Evidently, these findings are quite dated at this point, but they are nonetheless pertinent as they show what seemed to impact decisions regarding parole at the time of the research study.

In sum, Hannah-Moffat and Yule (2011) note that in Canada, the few studies that focused on parole are more concerned with success rates and patterns of recidivism than the reasons provided for the PBC's decisions. Below, the criteria of evaluation prioritized by correctional authorities and Board members of other countries are examined.

2.3.2 Elsewhere

In this portion of the literature review, I will present the most considered criteria of evaluation in terms of conditional release decision-making by correctional authorities and parole boards internationally. Bottomley (1973) examined all the parole decisions rendered in a British prison concerning men serving a sentence of at least five years between 1969 and 1970. Similarly to Hannah-Moffat and Yule's (2011) findings, Bottomley (1973) explains that:

The type of factor which seemed to influence the local review committee more than any other was their assessment (based mainly on information available from reports by prison staff) of the prisoner's personality and attitudes, in which they looked for signs of maturity and positive change (p. 33).

Once again, the demonstration of change seems to be a salient factor considered in conditional release decisions. Bottomley (1973) notes:

It was unusual for any one factor to be decisive, but rather consensus was reached on the basis of the cumulative picture of a man's background and future prospects. *The most common single factor which was taken into account in making recommendations for parole was evidence of the man's changed attitudes in prison towards a more positive (and law-abiding) way of life [emphasis added].* (p. 33)

As Hannah-Moffat and Yule (2011) explained in their literature review, the following "factors" would be very important in the decision-making process of United Kingdom's Board members: the attitude of the applicant, the applicant's degree of insight, the completion of programs in detention and the observation of willingness to

change. It was highlighted that in the United Kingdom, Board members pay great attention to the attitude of the offenders and to the changes that this attitude might have suffered during incarceration.

Caplan (2007), for its part, conducted a review of the literature on the parole process in the United States. The author was able to make several observations and noted general trends in parole. Firstly, he pointed out that most of the studies dealing with the subject are relatively old (at least 20 years old), and no longer necessarily apply to current parole decision-makers (Caplan, 2007). With respect to the “factors” considered by Board members in the United States, Caplan (2007) finds that “[...] despite guidelines, parole release decisions remained irregularly applied and were primarily a function of institutional behavior, crime severity, criminal history, incarceration length, mental illness, and victim input” (p. 16). Caplan (2007) also noted that the offenders’ demographic characteristics such as age, sex, and education could have an impact on the decision made by the Board members, but he does not specify the extent of this impact.

Also in the United States, Proctor (1999) studied parole applications in Nebraska. In observing 361 cases and 333 parole hearings (male and female cases), the author concluded that the overriding “factors” in decision-making would be: eligibility for parole, the institution’s recommendation and the risk assessment. Proctor (1999) has concluded that the decisions to conditionally release in Nebraska have become automated and routine, especially when it comes to the eligibility of individuals. In the next section, the issue of women seeking parole is addressed.

2.4 Women and Parole

“There is widespread agreement that incarcerated women differ from their male counterparts in terms of their behaviour, as well as issues related to medical, substance abuse, mental health and family concerns.” – Hardyman & Van Voorhis (2004, p. 1)

Aside from the study from Hannah-Moffat and Yule (2011) that was presented in the previous section, and the one from Hannah-Moffat (2004) that will be presented below, I could not locate any further studies pertaining to the issue of conditional release decisions for women seeking parole in Canada. Some of the studies identified highlighted the striking differences between women and men, resulting in an inability to apply the results of men’s studies to women. For example, MacNaughton-Smith (1976) excluded women from his research because he considered that women are too different from men in terms of their criminality. Indeed, since the characteristics of women are different from those of men criminally (Hannah-Moffat & Shaw, 2001), it is necessary to promote studies that focus strictly on the women population in prison. Similarly, Hannah-Moffat and Yule (2011) explains that the results of male studies do not necessarily apply to women and that the relationship between parole and gender remains unexplored. Schram et al. (2006) pointed out that, despite the increase of women in detention, very little research is done on them and knowledge about them is yet to be explored.

While examining the various studies on the topic of parole, I found that women seem to be treated differently from men in the criminal justice system in general, and particularly in the correctional setting (Erez, 1992; Hannah-Moffat & Yule, 2011). With respect to parole, some researchers assert that the conditional release assessment conducted by Board members is different for men versus women, as well as the decision

itself and the success rate of parole (Erez, 1992; Hannah-Moffat, 2004; Gobeil, 2007; Hannah-Moffat & Yule, 2011). Erez (1992) notes:

Research on women in criminal justice suggests that females receive differential treatment in various components of the system [...]. Although some observers argue that this sex effect is an artefact of inadequate control variables [...], reviews of multivariate studies that control for relevant legal variables show a recurrent pattern of leniency toward women. This differential treatment, however, arises in particular decision-making contexts. (p. 107)

In an effort to explain this differential treatment,³⁶ Erez (1992) presents several theories and explanations. For instance, from a paternalism standpoint, Erez (1992) explains that women would be treated with more leniency because “criminal justice officials (predominantly men) try to protect women as the “weaker sex” from the harshness of any experience with the criminal justice system” (p. 107). Erez (1992) explains that some critics of the paternalism theory state that women are actually treated harsher than men because they violated gender-role expectations and behaved in an “unladylike” manner.

As explained previously, during the parole decision-making process, Board members are expected to proceed to a risk assessment in order to determine the probability that offenders will reoffend if conditionally released. In order to conduct a risk assessment, risk factors are examined. These factors are commonly used by correctional authorities to determine an offender’s potential of re-offending. These factors are correlated to the risk of re-offending and they come in the form of “static risk factors” and “dynamic risk factors,” also known as needs (Latessa & Lowenkamp, 2005).

³⁶ While I acknowledge the differential treatment between men and women in terms of parole, in this thesis, I am not interested in defining whether or why women are treated differently than men with respect to parole. Rather, I am interested in examining what “factors” are documented by Board members in their written decisions when assessing women offenders in order to deepen knowledge on parole decision-making for women offenders.

Static factors cannot be changed and include, for instance, the criminal history and the individual's past. Dynamic factors, or needs, are factors that are correlated to the risk of re-offending and they have the ability to change over time (Hardyman & Van Voorhis, 2004; Latessa & Lowenkamp, 2005). Needs include relationships, criminal associates, attitudes, substance abuse, employment and education. According to Hardyman and Van Voorhis (2004), the needs of women are different from men and "should attend to victimization, childcare, self-esteem, relationships and women's unique health, substance abuse and mental health issues" (p. ix). Given their differences regarding needs, it is imperative to further knowledge on conditional release decision-making pertaining to women offenders.

One of the Board members' decision-making techniques focusing on risk assessment includes an analysis of the individual's scores at actuarial scales. That said, according to Hannah-Moffat and Shaw (2001), the assessment criteria of certain risk assessment tools represent the moral and social standards of white middle class men. Hannah-Moffat and Yule (2011) argue that these actuarial scales are not applied to women prisoners³⁷ because they are not adapted to their needs. The authors explain:

Although widely used among non-Aboriginal male prisoners, Canadian parole boards do not apply actuarial risk tools such as the Statistical Inventory on Recidivism (SIR scale) or Risk of Reconviction Scale (ROC) to females or Aboriginal prisoners because of concerns about their validity, reliability and the degree to which such measures can be used to identify and manage parole populations [...]. Consequently, parole release decisions for women rely heavily on clinical assessments of 'risk' made by frontline decision-makers who use their discretion to interpret facts about a case and apply generic, non-prioritized 'risk'

³⁷ Of note, our sample seemingly confirms that actuarial scales that aim to calculate the risk of recidivism are no longer considered by the PBC when rendering conditional release decisions. For each, except one, of the 100 written decisions that I received from the PBC's decision registry, in the section intended for scores to actuarial scales, there is the following indication: "Does not apply – Reason: FEMALE OFFENDER" (please see Appendix B).

criteria from legislation and policy to individual parole cases. (Hannah-Moffat & Yule, 2011, p. 150)

Regarding this, the CSC noted in a 2013 report that “Risk assessment measures have largely been developed using samples of male offenders. When applying these measures to women offenders there is a risk in misrepresenting women’s needs and over-classifying their levels of security and required intervention” (CSC, 2013). Thus, pursuant to CSC’s Commissioner’s Directive 705-6, *Correctional Planning and Criminal Profile*, some actuarial scales that aim to calculate recidivism rates, such as the Statistical Inventory on Recidivism (SIR) or revised SIR are no longer applied to women offenders,³⁸ Aboriginal offenders or provincial offenders, as they were not developed with the needs of these populations in mind (CSC, 2019a). That being said, some actuarial scales are still used on women offenders by the CSC in order to calculate their *reintegration potential* (as opposed to those aimed to calculate their risk to reoffend – those are currently not applied to women offenders). These scales include the Custody Rating Scale, the Static Factor Rating and the Dynamic Factor Rating (CSC, 2019a). The scores to these scales that aim to calculate the reintegration potential, however, are not listed by the PBC as something that should be examined during parole decision-making (PBC, 2018d). Rather, the PBC’s Decision-Making Policy Manual suggests that scores at scales that aim to measure the risk to re-offend (or recidivism) should be examined, those of which are supposedly no longer applied to women offenders (PBC, 2018d).

Thus, instead of reviewing scores at actuarial scales for evaluating the risk of recidivism, when reviewing female offenders’ cases, the Board members are to rely on traditional clinical risk assessments (Hannah-Moffat & Yule, 2011), which can result in

³⁸ Of note, in 2013, the CSC attempted to develop some actuarial risk assessment measures specific to women’s needs but was unsuccessful (CSC, 2013).

even less standardized measures and in the Board members being given even greater discretion. Clinical risk assessments are described as “any form of prediction which confers on the practitioner considerable flexibility in the way of conducting the evaluation” (Quirion & D’Addese, 2011, p. 233, our translation). Hollin (2002) states that clinical assessments of risk are based on “professional judgement and decision-making” (p. 311). Similarly, Quirion and D’Addese (2011) note that clinical assessments are based “on the theoretical and empirical expertise of the practitioner called upon to conduct the evaluation, thus being able to show a real rigor both in terms of the selection and the combination of information” (p. 234, our translation). In short, clinical assessments imply an important discretionary power, which manifests itself both in the choice of the information retained and in the way to process this information (Quirion & D’Addese, 2011).

While some believe that they constitute a more statistically validated measure (Hollin, 2002), given the many critiques associated with actuarial scales, including their subjective and reductive nature because they do not take into account certain dimensions of the offenders’ life (Hannah-Moffat & Shaw, 2001), it is not a “bad” thing that they are not applied, by correctional authorities, to women offenders. It does, however, indicate that women are treated differently from men when it comes to parole decision-making.

In her study, Hannah-Moffat (2004) examined 144 parole decisions (specifically rendered under the APR process) from the PBC’s decision registry regarding women offenders in Canada. The author notes that, in general, women are more often victimized than men (Hannah-Moffat, 2004). As we saw earlier, the Board members, in order to render decisions, consider several different factors such as the institutional and

psychological records and criminal history of an offender. Hannah-Moffat (2004) notes that in addition to considering all the factors mentioned above, when rendering decisions regarding female offenders, Board members would examine how the women reacted to their previous experiences of victimization, if any. According to the author, the Board members would examine the woman's response to her own victim status in order to determine her potential risk of future violence to society. As these measures seemingly do not apply to men, there is a difference in the application of measures in terms of parole according to gender. According to Hannah-Moffat (2004), the women's past victimization experiences thus become decontextualized and reframed by the Board members, in an effort to determine their potential level of violence.

Similarly, Erez (1992) studied the parole files of 613 offenders in the United States, both men and women. The author notes that there are significant differences in the "factors" considered by decision-makers when examining cases of men and women, even though the two groups have very similar characteristics (Erez, 1992). Gobeil (2007) also argues that there are differences in the application of gender-based parole measures. The author notes that women are more often released on day parole than men, that women are released more quickly than men and that they tend to "succeed" on parole better than men, that is, to complete it without re-offending (Gobeil, 2007). Through their study of administering fictitious parole applications to Canadian and New Zealand Board members, Gobeil and Serin (2009) found that despite the fact that they were assessed to represent the same level of risk, decisions to release were more favourable for women offenders than they were for male offenders.

Schram et al. (2006) examined the success rate of women's parole from a variety of sources (literature review, interviews, preliminary study data) in the United States. Although this study does not focus directly on the "factors" considered for conditional release, the authors found that women appeared to be more successful on parole, that is, that they tended to not re-offend, when they maintained employment, had stable housing and participated in substance abuse treatment (Schram et al., 2006).

These various studies have validated that a differential treatment between men and women does exist at all the levels of the parole process. Indeed, from the beginning of the process, when assessing the case of a woman offender, Board members consider certain factors that they do not consider when dealing with the case of a male offender, such as their reaction to previous victimization (Hannah-Moffat, 2004). Board members would also rely on clinical risk assessments as opposed to scores to actuarial scales when considering women for parole, which is not the case for male offenders (Hannah-Moffat & Yule, 2011). Further, it seems that the criterion chosen by the Board members to make a decision are significantly different in the case men versus women (Erez, 1992), which confirms the need to look into the rationale found in parole decisions regarding women offenders. Finally, according to literature, it seems that there are also male versus female differences during parole. Women would tend to reoffend less than men once released (Gobeil, 2007). In the next section, studies that have dealt with parole decisions for long-term offenders are presented.

2.5 Conditional Release for Offenders Serving Long Prison Terms

With respect to this study, sentences of five years and over were chosen. These sentences are imposed when an individual is found guilty of committing a serious offence under section 467.1 (1) of the CCC:

Serious offence means an indictable offence under this or any other Act of Parliament for which the maximum punishment is imprisonment for five years or more, or another offence that is prescribed by regulation. (*infraction grave*)

Offenders convicted of a serious offence are more at risk of being sentenced to a lengthy period of incarceration, which is documented to cause negative impacts on offenders, such as exclusion, marginality and stigmatization, all of which makes returning to the community, and especially returning to work, after incarceration difficult (Strimelle & Poupart, 2004). These negative consequences of incarceration would be amplified for individuals who have been incarcerated for longer periods of time. Like other scholars, Zinger (2012) notes that the prolonged incarceration of individuals who do not pose a “risk” to society constitutes an inappropriate option that can have destructive effects on them.

Some studies specifically addressed parole applications for individuals serving long-term sentences. Aside from the research conducted by Hannah-Moffat and Yule (2011) regarding the issue of women incarcerated for violent crimes in Canada presented previously, no studies have been identified with respect to parole applications for individuals serving long sentences in Canada. That said, three studies were identified that dealt with the issue internationally.

Bottomley (1973) examined all the parole decisions made in England between 1969 and 1970 concerning men serving prison sentences of five years or more. The

findings of this study are as follows: there would be no difference in granting or refusing a parole application when looking at the number of years served in prison, married men would be more often released when compared to those who are unmarried, and men who have received good institutional reports were more often released than those who have received bad institutional reports (Bottomley, 1973).

Then, Mooney and Daffern (2014) examined the issue of parole for men considered violent in Australia. By studying institutional records and the records of the Adult Parole Board of Victoria, the authors determined that the following four factors were major “predictors” of parole decision-making: disciplinary incidents (with aggression), scores to actuarial scales that measure violence, recommendations of the community CMT, and whether or not the individual has a plan for housing when leaving the penitentiary (Mooney & Daffern, 2014).

Finally, Morgan and Smith (2005) looked at 762 prison records of individuals (95% were men) who had committed violent crimes in the United States, and consequently, were serving long prison sentences. They found that the following characteristics were the most important in the release decision-making process: the initial sentence length, the number of crimes committed, and the institution’s recommendations (Morgan & Smith, 2005). The authors also found that the socio-demographic characteristics of offenders, such as their age, race, or marital status, did not have a significant impact on their parole decisions (Morgan & Smith, 2005).

In sum, the studies specifically dealing with offenders serving long prison sentences did not all identify the same “factors” as being detrimental to parole decision-making. This can be explained by the fact that these studies were all conducted in

different contexts, in different countries, and at different times. Thus, by looking at the case of incarcerated women in Canada serving long sentences, this thesis will deepen the literature on this topic.

2.6 Conclusion and Research Questions

This review of the literature has examined the PBC's parole decision-making process, notably focusing on the hearing procedures, the guidelines established by the institution, the Board members' use of discretion, and their written decisions. It has also examined the various studies that have looked into the "factors" considered by the Board members of parole boards around the world when deciding whether or not to grant parole to an offender. Studies specifically addressing the issue of women and parole were also examined and a brief overview of the parole process for individuals serving long prison sentences was presented.

In general, the studies identified as part of this review have highlighted the scarcity of academic research on parole, and more specifically, the reasons for granting or refusing parole (Gobeil & Serin, 2009). Hannah-Moffat and Yule (2011) found that there are few studies on the "factors" that can guide the decision-making process for parole, especially in the Canadian context. In this regard, Gobeil and Serin (2009) note: "Very little is known about conditional release decisions" (p. 97). The studies have also identified the apparent use of discretion from Board members regarding the "factors" they choose to consider in their decision-making, as well as the importance they give to each criteria (Gobeil & Serin, 2009). On this, Mooney and Daffern (2014) stress: "Given the ongoing use of discretionary decision-making approaches, there is a need for further research in the field of parole decision-making" (p. 403). Moreover, apart from the

impact of parole on the recidivism rate, the scientific literature does not seem interested in the actual impacts of parole from the point of view of offenders (Strimelle & Poupart, 2004; Strimelle & Frigon, 2007). In addition, the authors reported that studies relating to the decisions to conditionally release women are almost non-existent (Hannah-Moffat & Yule, 2011). Given their different needs, it appears that the results of studies of male inmate populations are not necessarily applicable to female inmates (Hannah-Moffat & Yule, 2011). Schram et al. (2006) agree and note that, despite the increase in the number of women in prison, there is a lack of research on them.

Considering all the above, for this thesis, I chose to examine the PBC's Board members' "written" parole decisions regarding women offenders who were incarcerated in Canada, for a period of five years or more, between 2005 and 2015.³⁹ In order to properly understand the rationale and motives embedded in the parole decisions regarding the selected population, this thesis will analyze which criteria or "factors" can be found in the Board members' written parole decisions. To do so, the two following questions will guide the analysis of the data:

- (1) What criteria are documented in the written parole decisions regarding women offenders seeking parole? Do these differ from the criteria suggested by the PBC in its guidelines to the Board members?
- (2) How are these criteria interpreted by the Board members in their decisions and what are the reoccurring themes in the official justifications provided for their decisions? For instance, are the decisions justified in the name of the protection of society, as prescribed by the governing legislation? Do the Board members still afford some form of importance to the reintegration of the women in their written decisions?

I consider that this research project is essential for the purpose of deepening the scientific knowledge and to shed awareness on the criteria "officially" considered in conditional release decision-making for the selected population. By shedding light on the

³⁹ The rationale for choosing this population will be explored more thoroughly in Chapter 4: Methodology.

parole situation in Canada, I aim to better understand the criterion that are documented as being preponderant in the Board members' assessments, but also to understand how Canadian Board members justify their decisions in an effort to better understand the values they prioritize. The next chapter introduces the theoretical perspective that will allow me to analyze the data to provide answers to these research questions.

Chapter 3: Theoretical Framework

3.1 Introduction

The general aim of this thesis is to provide an analysis of the rationale and motives documented by the PBC's Board members in their written decisions when they grant or refuse parole to women who were incarcerated for a period of 5 years or more in Canadian federal institutions between 2005 and 2015. Specifically, these motives will be analyzed through an examination of which criteria or "factors" the Board members document in their written parole decisions. By doing so, this thesis will provide a better understanding of what Board members interpret and justify as being considered in their decision-making.

To lead the analysis of the parole decisions and to eventually provide an answer to the research questions presented above, a social constructionism theoretical framework was adopted and will be presented in this chapter. The first section of this chapter provides an overview of social constructionism as a whole. This second section pertains to the specific theory used, that is, Berger and Luckmann's (1966) Theory on the Social Construction of Reality. This section introduces this theory and explores several of its concepts. A third section will observe the social construction of parole per Berger and

Luckmann's (1966) theory. The strengths and limitations of this theoretical framework will be explored in a fourth and final section, ultimately showing that this theoretical framework is best suited for this research as it will allow me, as the researcher, to gain a better understanding of which "factors" are presented by the Board members in their written decisions to justify their choices with respect to parole.

3.2 Social Constructionism

According to the social constructionism's framework, which contrasts the positivist⁴⁰ perspective, social objects are the result of a construction (Coulon, 1987). Indeed, a crucial aspect of social constructionism is the importance afforded to the way individuals create their sense of the world (Loseke, 2003). "Reality" is perceived as an idea that was constructed by the dominant social actors⁴¹ of a certain era, a certain culture, or a certain nation (Vega Cardenas, 2012). In this socially constructed reality, every form of "knowledge" is also the result of a construction by social actors. This perspective considers that there are multiple realities that vary, depending on the perception and interpretation of the various observing actors. Thus, regarding a particular situation, social constructionists consider that each actor perceives the situation in a different manner and in accordance to their own experience and interpretation of the said

⁴⁰ According to the positivist epistemology, the nature of reality or of a social problem is perceived as being objective (or, as *existing* in reality). From such a standpoint, "reality" exists independently from the interests, preferences, or prejudices of the person who is observing said reality. For instance, from a positivist standpoint, the objective nature of poverty as a social problem could be interpreted as being related to the number of people touched by poverty, the status of their finances, their geographic location, and so on. The social constructionist perspective challenges this form of interpretation by "criticizing the possibility of arriving at a knowledge of 'reality' as objective truth" (Vega Cardenas, 2012, p. 26, our translation).

⁴¹ By "actor," I am referring to any stakeholder of a particular situation that can be in the form of an individual, an institution, an organization, the government, and so on. These actors are to be considered as a party in a specific situation, which plays a role in the definition of this situation. It is assumed that the more "powerful" actors in a given society will be more likely to successfully define a situation as being problematic (for instance, crime) and they will do so based on their personal resources and interests (Vega Cardenas, 2012).

situation. According to Vega Cardenas (2012), this theory “understands reality as a subjective term, socially constructed by a communication activity, which varies according to time, space, context, culture and the different consensuses obtained in society” (p. 25, our translation).

In addition to “reality” being perceived as the result of a construction that varies from a person to another, social constructionists consider that “social problems” are also the result of a construction (Spector & Kitsuse, 2001). Indeed, this theoretical framework examines how and why some situations in social life are interpreted, defined and constructed as social problems, rather than having an “objective” nature, which transcends personal and social views. For instance, according to social constructionists, deviance does not exist per se. Rather, it is considered that different actors create and construct what they perceive as deviant by reacting to and defining certain acts they consider as unacceptable (Becker, 1963; Quinney, 1970; Hartjen, 1974; Pfohl, 1985; Coulon, 1987). Thus, terms such as “criminal,” “offender” and “deviant” are perceived as legal terms stemming from the judgment of select authorities or institutions, such as the police or the courts (Quinney, 1970; Hartjen, 1974). Becker (1963) notes:

Deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an ‘offender’. The deviant is one to whom that label has successfully been applied; deviant behaviour is behaviour that people so label. (p. 9)

Similarly, Kitsuse (1962) notes:

Deviance may be conceived as a process by which the members of a group, community, or society (1) interpret behavior as deviant, (2) define persons who so behave as a certain kind of deviant, and (3) accord them the treatment considered appropriate to such deviants. (p. 248)

Falling within this theoretical standpoint, I intend to gain a better understanding of how some of the PBC's Board members define incarcerated women⁴² in their written parole decisions. Hartjen (1974) explains: "The central question is not why people break the law while others do not. *It is, rather, why some people's conduct is defined as crime and that of others is not* [emphasis added]" (p. 9).

Social constructionism allows me to appreciate that several realities exist and are generated by different individuals who construct their own definition of a situation. It also allows me to observe how some Board members operate in the context of their institution and document their perception and construction of women offenders requesting conditional release. On one hand, these Board members may portray the women as being adequate candidates for conditional release and, therefore, for reintegration, resulting in the judgment that they can return to society before the end of their warrant expiry date and potentially become law-abiding citizens. On the other hand, the Board members may present the women as representing an undue, unmanageable risk to the community, and, that they must remain incarcerated until the end of their warrant's expiry date.

Within this general perspective is the theory of the Social Construction of Reality, as described by Berger and Luckmann (1966). The main features of this theory are developed in the next section.

⁴² Pursuant to the social constructionist theory, the women that were studied in this thesis were, at one point or another in their life, portrayed and labeled as deviants and criminals. When requesting conditional release from the PBC, these women are, once again, subject to a construction by the PBC's Board members (either being considered as a suitable candidate for conditional release or representing an undue risk for society that must remain behind bars).

3.3 The Social Construction of Reality (Berger & Luckmann, 1966)

As introduced in the previous section, the social constructionist paradigm considers that multiple realities exist and that the perception of these realities varies from one person to another. Pursuant to this approach, Berger and Luckmann (1966) present a general constructionist theory that allows researchers to examine how social actors construct their perception of the reality and how they interact in a socially constructed world. As such, the authors' interests do not lie on the ontological nature of reality, or the truth of the conception of reality, but rather, they aim to understand the process by which individuals come to consider social phenomena as being "real" (Vega Cardenas, 2012).

Berger and Luckmann's (1966) theory considers that "reality" is socially constructed. The sociology of knowledge then aims to discover and analyze the processes by which this "reality" is socially constructed. "Knowledge" is established as "[...] the certainty that phenomena are real and that they possess specific characteristics," and "reality" is defined as "[...] a quality appertaining to phenomena that we recognize as having a being independent from our own volition" (Ibid., p. 1). According to these authors, both of these concepts (reality and knowledge) are socially relative, meaning that they vary from an individual to another, and from a context to another, providing the example that "what is 'real' to a Tibetan monk may not be 'real' to an American businessman" (Ibid., p. 3).

Before introducing their theory, Berger and Luckmann (1966) firstly examined the history of the sociology of knowledge to better situate their own theoretical stance.

They explained that, while Max Scheler⁴³ initially presented the notion of “sociology of knowledge,” three major movements contributed to develop this theory: Marxism, Nietzscheism and Historicism. Having discussed the contributions of each of these movements and the origins of this sociology of knowledge, the authors ultimately argue that, for the most part, their predecessors claimed that this sociology should only focus on the social construct of “ideas” (scientific or theoretical thoughts). They do not agree with such visions because they consider that “Theoretical thought, “ideas,” *Weltanschauungen* are not *that* important in society” as these thoughts are only a fraction of what passes for “knowledge” in a society and only a limited group of people are concerned with “the business of ideas” (Ibid., p. 15). Embracing a phenomenological approach,⁴⁴ the authors contend that, rather than focusing solely on the development of theoretical thoughts, the sociology of knowledge should focus on what people “know” as “reality” in “everyday life.” Specifically, the authors argue that “the sociology of knowledge must concern itself with everything that passes for “knowledge” in society” (Ibid., p. 15). On this, they note:

⁴³ According to Berger and Luckmann: “The term “sociology of knowledge” (*Wissenssoziologie*) was coined by Max Scheler” (1966, p. 4). Although the authors did not elaborate at length on Scheler’s conception of the sociology of knowledge, they explained that this concept was introduced in the 1920s, in Germany, by a philosopher (Scheler), which ultimately led this sociology to remain a “peripheral concern among sociologists at large, who did not share the particular problems that troubled German thinkers in the 1920s” (Ibid., p. 4). They further explained that, for Scheler, this sociology of knowledge was essentially an instrument used to reach particular philosophical aim: “Scheler’s interest in the sociology of knowledge, and in sociological questions generally, was essentially a passing episode during his philosophical career. His final aim was the establishment of a philosophical anthropology that would transcend the relativity of specific historically and socially located viewpoints. The sociology of knowledge was to serve as an instrument toward this aim, its main purpose being the clearing away of the difficulties raised by relativism so that the real philosophical task could proceed” (Ibid., p. 8). Scheler’s formulation of the sociology of knowledge can be found in: Scheler, M. (1960). *Die Wissensformen und die Gesellschaft*. Bern: Francke.

⁴⁴ According to Sokolowski (2000), phenomenology “is the study of human experience and of the ways things present themselves to us in and through such experience” (p. 2). Regarding this approach, the authors note, “The method we consider best suited to clarify the foundations of knowledge in everyday life is that of phenomenological analysis, a purely descriptive method and, as such, “empirical” but not “scientific” – as we understand the nature of the empirical sciences. The phenomenological analysis of everyday life, or rather of the subjective experience of everyday life, refrains from any causal or genetic hypotheses, as well as from assertions about the ontological status of the phenomena analyzed” (Berger & Luckmann, 1966, p. 20).

Theories also have to be taken into account, of course. But theoretical knowledge is only a small and by no means the most important part of what passes for knowledge in a society. Theoretically sophisticated legitimations appear at particular moments of an institutional history. The primary knowledge about the institutional order is knowledge on the pretheoretical level. It is the sum total of “what everybody knows” about a social world, an assemblage of maxims, morals, proverbial nuggets of wisdom, values and beliefs, myths and so forth, [...] (Ibid., p. 65).

3.3.1 The “Reality” of Everyday Life

While Berger and Luckmann (1966) acknowledge that there are multiple infinite realities in the socially constructed world, the authors argue that the “reality of everyday life” must be the object of sociologists’ analyses. They present this reality as “[...] a reality interpreted by men and subjectively meaningful to them as a coherent world” (Ibid., p. 19). Individuals⁴⁵ perceive this reality as being the “paramount reality” and they take this reality for granted. They perceive it in an objective manner, that is, existing independently from their own existence. In this reality, the focus is on individuals’ day-to-day activities such as their jobs and social interactions, which are based on individuals’ “here and now” (which is located in space and time). As such, it is the daily activities, experienced in the “here and now,” that make up the “reality” of individuals and groups. This reality is therefore the result of daily experimentation and the meaning that people give to these daily activities and experiences.

This reality of everyday life is part of an “intersubjective world,” meaning that individuals know that this interpretation of reality contains multiple other realities, and they know that they share this world with other individuals (Berger & Luckmann, 1966). Regarding this shared reality, the authors note:

⁴⁵ Berger and Luckmann (1966) refer to individuals as “the man in the street” (p. 1).

This intersubjectivity sharply differentiates everyday life from other realities of which I am conscious. I am alone in the world of my dreams, but I know that the world of everyday life is as real to others as it is to myself. [...] I also know, of course, that the others have a perspective on this common world that is not identical with mine. My “here” is their “there.” My “now” does not fully overlap with theirs. My projects differ from and may even conflict with theirs. All the same, I know that I live with them in a common world. (Ibid., p. 23)

Moreover, the authors explain that this is the reality that individuals always return to. For instance, after interacting with other realities⁴⁶ (such as dreams, the theatre, theoretical thought or religious experiences), individuals always “return to reality,” that is, their reality of everyday life as they interpret it (Ibid.).

Of note, according to Berger and Luckmann’s theory, individuals must be considered as *social actors*. Not only do individuals create and interpret their own sense of the world, they actively participate in its social construction and are influenced by it: in this reality, the relationship between the man and the social world is dialectical. This means that social actors have an impact on their social world (notably, by creating this world), and the social world has an impact on social actors (notably, by impacting their thoughts, actions, decisions, and so on). In this world, some social actors or groups of social actors (typically the more “powerful” ones within the social structure)⁴⁷ will determine how things should work.⁴⁸ Individuals, by either choosing to follow this pre-established way of doing things or by challenging it, will contribute to either maintaining this socially constructed world or creating a new interpretation of it. This social world will then, in turn, have an impact on how the social actors choose to act, behave and think

⁴⁶ According to Berger and Luckmann (1966), these “other” realities “appear as finite provinces of meaning, enclaves within the paramount reality marked by circumscribed meanings and modes of experiences” (p. 25).

⁴⁷ This notion that certain groups or individuals have more influence in the social world will be addressed further.

⁴⁸ This process is called institutionalization. It will be addressed in a separate section.

in particular situations. For example, a certain group of individuals at a point in time determined that a law would prohibit individuals from killing one another (in this case, social actors are creating the social world). For the most part, individuals will acknowledge and accept this law and adapt their thoughts and actions accordingly by not killing anyone (in this case, social actors are impacted by the socially created world).

By accepting this notion that reality is socially constructed, I will, in this thesis, be examining how Board members, through their written decisions on parole, have an impact on their social world (notably, by deciding whether to grant or deny parole), but also how they interpret certain notions and are influenced by certain conditions in their social world when they make these decisions. This will be achieved through an examination of their written parole decisions, which will potentially allow for a better understanding on how they perceive their roles as both social actors and Board members, and how they interpret the guidelines that are provided by the institution that they are a part of. The next section examines Berger and Luckmann's (1966) specific conception of knowledge.

3.3.2 Knowledge

Berger and Luckmann's (1966) explain how individual ideas, observations or experiences become knowledge that is eventually perceived as objective, and how this knowledge is transmitted from one individual to another, from one society to another. As previously explained, knowledge is established as "[...] the certainty that phenomena are real and that they possess specific characteristics" (Ibid., p. 1). In simpler terms, knowledge can be considered as what societies have accumulated through the years and

have defined as “reality.” By examining this knowledge and how it is transmitted, the authors argue that we can understand how realities are created and maintained.

The authors explain that knowledge is socially distributed through semantic fields. This knowledge is gained and shared through socialization⁴⁹ and social interactions by means of language.⁵⁰ It is transmitted from generation to generation, through language, in the social stock of knowledge (Ibid.). On this, the authors note:

Within the semantic fields thus built up it is possible for both biographical and historical experience to be objectified, retained and accumulated. The accumulation, of course, is selective, with the semantic fields determining what will be retained and what “forgotten” of the total experience of both the individual and the society. By virtue of this accumulation a social stock of knowledge is constituted, which is transmitted from generation to generation and which is available to the individual in everyday life. (Ibid., p. 41)

When referring to the social distribution of knowledge, Berger and Luckmann (1966) explain that knowledge is “possessed differently by different individuals and types of individuals” (p. 46). This means that not everyone has the same knowledge on everything. To illustrate this point, the authors provide the following example:

I do not share my knowledge equally with all my fellowmen, and there may be some knowledge that I share with no one. I share my professional expertise with my colleagues, but not with my family, and I may share with nobody my knowledge of how to cheat at cards. [...] The social distribution of knowledge thus begins with the simple fact that I do not know everything known to my fellowmen, and vice versa, and culminates in exceedingly complex and esoteric systems of expertise (Ibid., p. 46).

⁴⁹ The concept of socialization will be explored in the next section.

⁵⁰ Berger and Luckmann (1966) contend that language constitutes a system of vocal signs. It is worth noting that, in our current time, this sign system would also include braille and sign language. According to Berger and Luckmann (1966), language is the most important sign system in human society: humans produce signs, such as language, in order “to serve as an index of subjective meanings” (p. 35). Language facilitates the sharing of meanings and experiences (Ibid.). The authors argue that having recourse to signification, such as speaking a particular language, facilitates objectivation. Objectivation is the process by which social constructions become perceived as objective (Ibid.). This conception of objectivation will be elaborated upon further.

As such, in everyday life, individuals share knowledge through language by interacting with one another. This includes several types of knowledge, specific to a profession for example, or general common-sense knowledge.⁵¹ That being said, individuals firstly become exposed to knowledge during socialization.

3.3.3 Socialization

Berger and Luckmann (1966) differentiate two types of socialization: primary socialization and secondary socialization. Primary socialization begins in childhood, and it is by this mean that children apprehend the social world and become members of society. Children are initially exposed to knowledge by their parents. At this stage, individuals develop their identities and they acquire the valued characteristics associated to being a member of society, eventually leading to their recognizance by other members of the society as one of their own. It should be noted here that the ones who do the socializing (for instance, the parents) filter the reality that is being transmitted to the child (Qribi, 2010). As such, for instance, a child who is raised and socialized in an underprivileged background will be socialized differently than a child who is raised in a more privileged background (Berger & Luckmann, 1966).

Secondary socialization is a separate process that takes place on an already socialized individual. During secondary socialization, already socialized individuals learn new roles depending on their interests (for instance, learning a new profession). Thus, the already socialized individual becomes subjected to new realities that are linked to a particular investment in new sectors of social life (Ibid.).

⁵¹ Common-sense “contains innumerable pre and quasi-scientific interpretations about everyday reality, which it takes for granted” (Berger & Luckmann, 1966, p. 20). According to the authors, common-sense knowledge “is the knowledge that I share with others in the normal, self-evident routines of everyday life” (Ibid., p. 23).

Socialization, whether it be in the form of primary or secondary socialization, occurs mostly through social interactions. In both instances, knowledge is transmitted through these interactions and is filtered by the one transmitting the knowledge. Social interactions are addressed in the following section.

3.3.4 Social Interactions

In the reality of everyday life, individuals interact socially with each other in face-to-face situations. According to the authors, all other forms of interactions (such as correspondence or “knowing” someone by reputation) are derived from the face-to-face situations.⁵² Face-to-face situations remain the main form of social interaction where information is shared. For the duration of these face-to-face situations, both actors recognize that they are sharing the same reality with the other (Berger & Luckmann, 1966).

During these social interactions, both parties exchange knowledge, and by doing so, participate in the social stock of knowledge. In these interactions, individuals share expressions with each other and the nature of one’s actions in the interaction is largely influenced by the typifications this individual possesses. Typifications, or typificatory schemes, are means by which others are apprehended and “deal with” others in face-to-face situations (Ibid.). These typifications determine how individuals will interact with others in social situations and they can get modified through the interaction (for instance, if the other person’s attitude changes). However, unless they are challenged, Berger and Luckmann (1966) explain that these typifications generally remain and determine an individual’s action in a particular situation. For instance, if I see another individual

⁵² In our current time, individuals also interact socially via various forms of telecommunications.

walking down the street, one may refer to the following typifications: this person is a “man,” he is “European,” he is “jovial,” and so on (Ibid.). Relations with others in face-to-face situations are highly flexible. For instance, if the “jovial” man’s attitude suddenly changes, one may now perceive this man as being “aggressive,” and this new perception will change the way that a person, or, myself, would choose to interact with him. Individuals will adopt different patterns of behaviour in face-to-face situations depending on the interaction, and the way they interpret this interaction. These patterns can then be continuously modified during the interaction.

Individuals interact with others in a given social structure. While this social structure is socially constructed, the authors argue that it is “an essential element of the reality of everyday life” (Ibid., p. 33). In this sense, an individual will consider that his/her inner circle (including family, friends, colleagues, and so on) is more important and more “real” than other more distant individuals (such as the Queen of England, and people whom this individual do not interact with on a regular basis). This social structure will have an impact on how the individual chooses to interact with others. It should be noted here that all individuals do not have the same freedom to interpret any given situation as they want: their interpretations and choices, while being relative, also depend on the groups in which they are placed within the broader social structure.

According to Berger and Luckmann (1966), social reality is defined by certain actors. On this, the authors note: “To understand the state of the socially constructed universe at any given time, or its change over time, one must understand the social organization that permits the definers to do their defining” (Ibid., p. 116). The authors note that, regarding a specific situation, different groups may have different definitions of

a same situation, and that the members of these groups will likely adhere to their group definition of the situation. It is assumed that the more privileged groups within the social structure experience fewer difficulties to define a particular situation compared to those groups whom are less privileged, because they, simply by their placement in the social structure, already have the necessary means for the dissemination or the imposition of their opinions and knowledge on others.

In a similar vein, Berger and Luckmann (1966) contend that social order, like everything else, is socially constructed:

Social order is a human product, or, more precisely, an ongoing human production [...] Both in its genesis (social order is the result of past human activity) and its existence in any instant of time (social order exists only and insofar as human activity continues to produce it) it is a human product.” (p. 52).

In order to understand how a social order is constructed, why it arises and why individuals abide to it, Berger and Luckmann (1966) suggest the theory of institutionalization: “To understand the causes, other than those posited by the biological constants, for the emergence, maintenance and transmission of a social order one must undertake an analysis that eventuates in a theory of institutionalization” (p. 52).

3.3.5 Institutionalization

Berger and Luckmann’s theory (1966) deals at great length on how individuals establish institutions (for instance, marriage, religion, education, the criminal justice system, and so on) within their socially created world, and how these institutions become objectified as being conventional or “normal” and thus legitimized by the masses. Before getting into institutionalization, the concept of “habitualization” must be examined. Habitualization occurs when individuals make the same choice, over and over again, in a given situation. In other words, habitualization occurs when an action is repeated

frequently. For the individual, habitualization leads to an economy of effort since, when faced with the same situation again, there is no need to make a choice on how to proceed, one can simply refer to the habitualized action knowing that this works in the given situation. This action thus becomes a pattern, removing the need for decision-making. The authors note, “all human activity is subject to habitualization” (Ibid., p. 53). They contend that, when several (two or more) actors interact with each other and engage in “reciprocal typifications of habitualized actions,” institutions emerge (Ibid., p. 54). Put simply, institutions are first and foremost an agreement between two or more actors⁵³ on a way of doing things. As explained above, this eliminates the need for choosing what to do in a particular situation, as individuals can now refer to “what was previously agreed upon.” It should be noted here that this agreed upon “way of doing things” is generally relevant and/or beneficial to the actors’ common situation whom are engaging in the reciprocal typifications of actions (Ibid.). The authors provide a scenario where *A* and *B* engage in reciprocal typifications of actions, which will eventually lead to institutionalization. Regarding which action is more likely to be reciprocally typified, the authors note: “the general answer is, those actions that are relevant to both *A* and *B* within their common situation” (Ibid., p. 57). The authors explain that the purpose of the beneficial action will evidently vary depending on the situations, but they note some common areas that are the focus of typification and habitualization: the actors previous biographies, the result of natural and presocial circumstances, labor, sexuality and territoriality (Ibid.). This common, repeated action becomes “the way of doing things” and is shared with others through social interactions and through socialization.

⁵³ Berger and Luckmann (1966) note that, while institutions typically arise in “collectivities containing considerable numbers of people” (p. 55), institutionalization can occur even if only two individuals engage in reciprocal typifications of habitualized actions.

Within institutions, specific roles and functions are attributed to individuals. For instance, in the institution of law, some individuals are labelled as judges, and they are given the task to do the judging. Individuals who appropriate specific roles, such as judges, act as representatives of the institution in question: “roles make it possible for institutions to exist, ever again, as a real presence in the experience of living individuals” (Ibid., p. 75). In order for an institution to be recognized as such, it must meet the two following criteria: historicity and control. Institutions are built, by way of reciprocal typification of actions, over the course of a certain period of time: they are not created spontaneously. In addition, institutions are set in a way to control human behaviour.⁵⁴ The basis of the institution is to control human conduct by telling individuals what to do and what not to do in a particular situation. In this sense, institutions “control human conduct by setting up predefined patterns of conduct, which channel it in one direction against the many other directions that would theoretically be possible” (Ibid., p. 55). Institutions may also use control to sanction those who do not follow the institution’s rules (for instance, the law and criminal sanctions).

In order for institutions to be successful, there is a need for legitimation. Legitimation, which is built by and expressed through language, is a process in which the institutional order is justified and explained to other generations: “Legitimation not only tells the individual why he *should* perform one action and not another; it also tells him why things *are* what they are” (Ibid., p. 93). As a result of this legitimation, for the individual, institutions are perceived in an objective manner (or as *existing*), and they are

⁵⁴ According to Berger and Luckmann (1966) “to say that a segment of human activity has been institutionalized is already to say that this segment of human activity has been subsumed under social control” (p. 55). The actors or the group of actors that create the institution exercise control on others by promoting (or imposing) a certain belief (their belief) or way of doing things that they deemed adequate.

taken for granted. This is mostly due to their historicity. The institutions were there before the individual and they will be there after him.⁵⁵ They have a history that will support their validity and objectivity. However, like everything else, it is important to be reminded here that this apparent objectivity of institutions is also socially constructed: “the objectivity of the institutional world, however massive it may appear to the individual, is a humanly produced, constructed objectivity” (Ibid., p. 60). The process by which socially constructed human activities, such as institutions, become perceived in an objective manner by individuals is called objectivation.⁵⁶ This represents one of three processes that contribute to the social construction of reality, which is explained next.

3.3.6 The Social Construction of Reality

Berger and Luckmann (1966) argue that the social construction of reality occurs with the three following processes: externalization (*Society is a human product*), objectivation (*Society is an objective reality*) and internalization (*Man is a social product*). During externalization, individuals produce the social world. They create knowledge, agree on how things should be done, and share their perceptions with others. Individuals and this socially constructed world are engaged in a constant back-and-forth. Objectivation, as explained previously, refers to an individual’s perception that socially constructed human activity is objective. It is the process by which social constructions are interpreted as being objective. The third part of the social construction of reality consists of internalization. During internalization, new generations are taught socially created human activities or knowledge through socialization. Of note, the authors contend that

⁵⁵ Berger and Luckmann (1966) note: “Institutionalization is not, however, an irreversible process, despite the fact that institutions, once formed, have a tendency to persist” (p. 81).

⁵⁶ Berger and Luckmann (1966) provide the following definition for objectivation: “The process by which the externalized products of human activity attain the character of objectivity is objectivation” (p. 60).

new generations are mandatory in order to properly speak of a social world, as these new generations are the ones that are being socialized to conform to the previous socially constructed knowledge. This socialization contributes to the strengthening of the previous generations' authority and validates their socially constructed truth (Qribi, 2010). To the new generations, this knowledge is now "real" to them. This world is not presented to them as a world among others, but rather as the *only* world (Qribi, 2010).

To conclude per Berger and Luckmann's (1966) theory, reality possesses both an "objective facticity" and a "subjective meaning" (p. 18). Regarding the objective facticity of reality, the authors explain that, for individual actors, the reality of everyday life is *perceived* in an objective manner, that is, existing independent of their own existence (this reality was there before them, and it will be there after them). The authors explain that, for individuals, this reality of everyday life is "constituted by an order of objects that have been designated *as* objects before [their] appearance on the scene" (Ibid., p. 21). They contend that it is paramount that sociologists examine how this reality is constructed and eventually becomes perceived and maintained as being objective. The subjective meaning of reality manifests itself in the actor's consciousness, which is developed through socialization and day-to-day interactions with the social world. Regarding the task of the sociology of knowledge, and the basic intention of their theory, Berger and Luckmann (1966) suggest the following inquiry: "How is it possible that subjective meanings *become* objective facticities?" (p. 18). Keeping this in mind, this theoretical perspective will allow me, as a researcher, to appreciate that *all* knowledge, including everything we think we know that is "real," was socially constructed at some point in time, by some dominant social actors, and is socially relative. Further, this

perspective will allow me to examine how social actors (in this case, some of the PBC's Board members) construct their own perception of reality (in this case, incarcerated women) and objectify their construction through language and their actions (in this case, in their written parole decisions). The following section examines the social construction of parole pursuant to Berger and Luckmann's (1966) theory.

3.4 The Social Construction of Parole per Berger and Luckmann's (1966) Theory

Berger and Luckmann (1966) contend that any form of social order is socially constructed. Pursuant to the constructionist framework selected, "crime" was defined and is continuously maintained by society as unacceptable. Some key players of the society, at one point in time, helped to define what behaviours would be considered criminal. These actions, considered "criminal" behaviours, have been preserved and defined further in the CCC. As stated by Vanhamme and Beyens (2007): "The law is understood as a social construction in support of the dominant social group, which implies the problematization of the penal reaction and the activity of the State [...]" (p. 202, our translation). Similarly, Vega Cardenas (2012) note:

The law is then understood as the fruit of a social construction which responds to a particular problem, a law which will be developed by the intervention of the various actors in society who aim to convince decision-makers of the validity of their speeches. The content of the law somehow institutionalizes the discourse of the dominant actors who seek to satisfy their interests. (p. 25, our translation)

Pursuant to Berger and Luckmann's (1966) concept of institutionalization, the criminal justice system was established, by some dominant social actors, to respond to the socially created problem of "criminality" by condemning and imprisoning "criminals." In this context, individuals suspected of criminal behaviour are firstly detained through the arrest process via police agencies and often kept in jail until trial. If

found guilty and sentenced in court, these individuals become formally labeled and defined as criminals and offenders. If the judge sentences these persons to jail, either provincial institutions (for sentences under two years) or the CSC (for sentences over two years) have the responsibility to detain them until the end of their sentence, handed by a judge, is completed.

As shown in Chapter 1, parole was firstly introduced in Canada in 1899 with the *Ticket of Leave Act*. It was further defined in 1959 in the *Parole Act* after several reports⁵⁷ denounced the negative impacts of incarceration and implored that parole should be used more frequently with the purpose of reintegrating offenders. With this new Act also came the creation of the NPB (which is now known as the PBC), a federal organization mandated with administering all matters related to parole for federal inmates (for instance, granting, denying or revoking parole). Political actors, under the influence of two reports,⁵⁸ established the PBC as an institution that would administer all matters related to parole. At the same time, they created the “roles” of Board members, which would be attributed to specific social actors who would eventually become responsible for rendering decisions on parole. In this context, the PBC emerged as an institution, pursuant to Berger and Luckmann’s (1966) concept of institutionalization.

As shown in Chapter 1, through the years, the parole program endured many changes. In the 1980s, the purpose of parole began to change, putting more and more emphasis on the protection of society, and less emphasis on the reintegration of

⁵⁷ Specifically, the Archambault Commission in 1938 and the Fauteux Committee in 1956. Please see Chapter 1 for more information on these reports.

⁵⁸ Specifically, the Archambault Commission critiqued the Remission Branch (the agency responsible for the surveillance of offenders on “Ticket of Leave”) for being the subject of the political pressures and the fact that it lacked resources (notably, it was composed of only four staff members). As a result, both the Archambault Commission and the Fauteux Committee recommended that the government implement a federal parole board.

offenders. Ultimately this new punitive-based logic aiming, first and foremost, the protection of society was encompassed in parole's latest legislation, the CCRA, which was enacted in 1992. The most recent changes brought to the parole program occurred under the governance of Stephen Harper's Conservative Government from 2006 until 2015, which ultimately placed more and more responsibility on the offenders, both for their actions and their potential reintegration (resulting in less responsibility placed on the system).

In short, pursuant to the constructionist logic, the parole program as we know it today was socially constructed and is socially maintained to this day. While it was initially established as a form of "pardon" for first-time offenders (in the *Ticket of Leave Act*), it was eventually amended and its purpose changed through the years. These changes were either done as a response to public outrage (as seen in the 1980s), or to support a certain government mentality. Thus, the parole program is an institutionalized program that was created and modified over the years by certain groups of actors, in a specific context and with a specific purpose, to respond to a certain "problem."⁵⁹

The PBC was therefore socially constructed in a very particular context: certain members of society, at a certain time, chose to create this institution that would be responsible for handling all matters related to parole. As explained by Berger and Luckmann (1966), institutions, such as the criminal justice system (or in this case, the PBC itself), are models created by different groups of actors whose interpretation on the way of seeing things predominated or was largely supported at a certain point in time. Legislators agreed on a certain way of doing things, and over time and through

⁵⁹ The problem being the reintegration of offenders. It should be reminded that, just as reality is socially constructed, social problems are socially constructed (Spector & Kitsuse, 2001).

legitimation, society has accepted that way of doing things. In continuing to recognize the agency as legitimate (or “objective”), society has contributed to make the PBC continue in time. In this context, the PBC was established as an independent administrative tribunal that would be responsible for granting, denying, or revoking parole for federal offenders. Legislators provided the following mandate to the PBC in sections 100 and 100.1 of the CCRA:

100 The purpose of conditional release is to contribute to the maintenance of a just, peaceful and safe society by means of decisions on the timing and conditions of release that will best facilitate the rehabilitation of offenders and their reintegration into the community as law-abiding citizens.

100.1 *The protection of society is the paramount consideration* for the Board and the provincial parole boards in the determination of all cases. [emphasis added]

It is imperative to understand that this institution is governed by a certain set of values and ideas that it is legally required to abide by (that is, to protect the society first and foremost, then to facilitate the reintegration of offenders). This general guidance provided by legislation can also be found in the PBC’s regulations, guidelines and the training it provides to its Board members. It should be reminded, however, that this guidance is also the result of a social construction.

While the institution and its mandate inevitably have an impact on the PBC’s decision-makers (the Board members *per se*), for this thesis, pursuant to the constructionist framework selected, I chose to examine the written parole decisions that were rendered by Board members, as individual social actors, who make decisions and act in a specific “role” in the context of the institution that is the PBC. As explored in Chapter 2, Board members are expected to follow a certain process when rendering

decisions, including following internal guidelines that suggest certain “factors” that should be considered when rendering a decision.⁶⁰ That being said, literature has shown that they also hold a considerable amount of discretion in their decision-making (MacNaughton-Smith, 1976; Gauthier, 1981; Gobeil & Serin, 2009; Hannah-Moffat & Yule, 2011). Indeed, while Board members are presented as professional, impartial and discretionary actors in terms of parole, it must be emphasized that discretionary decision-makers remain first and foremost social actors (Tata, 2002). As explained by Tata (2002) who examined the sentencing decision-making process, discretionary actors (such as judges, or, in this case, Board members) “are not mainly actors determined by legality but fundamentally social actors at the same time” (p. 414). Tata (2002) explains that these two roles (that of discretionary actor and social actor) are exercised simultaneously and are impossible to distinguish from one another. Berger and Luckmann (1966) contend that social actors adopt “roles” within an institution. In this case, social actors adopt the role of “Board members” who are called upon to render decisions on parole, within the context of the PBC.⁶¹

As stated by Berger and Luckmann (1966), individuals have an impact on their social world and their social world has an impact on them. Indeed, on one hand, as social actors who act in a particular professional, institutional and societal context, Board

⁶⁰ The institution determines what should and what shouldn’t be considered in these decisions.

⁶¹ It should be noted here that, in their written decisions on parole, the decision-makers (the Board members) often speak for the institution itself. For instance, they will state: “As such, *the Board concludes* [emphasis added] that your risk is undue.” Pursuant to the framework selected, I am reviewing the parole decisions from the point of view of the Board members themselves as social actors who make decisions on parole, and not the institution as a whole, even when these actors literally render their decisions in the name of the institution.

members are influenced by their social world. Examples of contextual influences⁶² on Board members could include directions given by the Chairperson of the Board, deliberations with other Board members during the decisional process, internal guidelines, political influence, personal experience, and so on. On the other hand, these actors have a direct influence on their social world. For example, by choosing to grant or deny parole, these actors have a direct impact on the lives of the people requesting parole, their families, and the society in general. From a constructionist perspective, while it is pertinent to look at the final decision that was rendered, it is crucial to consider not only the “processes of interpretation and classification of the decision maker as an individual, but also the whole question of the professional, organizational and societal context in which the decision was made, which can induce significant limitations or orientations on the decision-maker [...]” (Vanhamme & Beyens, 2007, p. 202, our translation).

Moreover, worth mentioning here is that the institution itself chooses these individuals that will eventually adopt the role of Board members. Board members are “...Governor in Council (GIC) appointees made by the Governor General of Canada, on the advice of the Queen’s Privy Council of Canada (i.e., the Cabinet)” (PBC, 2020). Simply put, in order to be considered for a position as a Board member, one must meet

⁶² Whilst conducting a review of research on sentencing, Vanhamme and Beyens (2007) noted the following possible influences that arises from the context in which sentencing occurs: “the criminal justice system (laws, procedures, status and experience of judges); judicial culture; the interdependence of criminal agencies (in decision-making, relational and informational terms); and the socio-political context (apprehension of crime, links between formal and informal systems of social control)” (p. 210, our translation).

certain criteria⁶³ and must be recommended to the Cabinet by federal ministers, specifically, the Minister of Public Safety and Emergency Preparedness:

In this capacity, ministers recommend individuals to the Governor in Council (meaning, to the Governor General via Cabinet) to serve as appointees within their portfolio. [...] Once approved by Cabinet, the Governor General signs an Order in Council to formalize the appointment. (Government of Canada, 2019a)

While the process guiding Governor in Council Appointments is said to be open, transparent and merit-based (Government of Canada, 2019a), it is safe to assume that the minister of whichever portfolio in question will likely choose to recommend like-minded individuals that will facilitate the goals and that will embrace the values of the institution in question.

Once these actors are employed, the institution contributes to their secondary socialization, notably by transmitting its “stock of knowledge” onto them (Berger & Luckmann, 1966; Lalande, 1990). They undergo mandatory training and they are required to abide by the Board Members’ Code of Professional Conduct⁶⁴ during their employment (PBC, 2018j). Once they have abided by this code of conduct and are trained to the satisfaction of the institution, these Board members will begin rendering decisions in terms of parole (or other forms of conditional release) and record suspensions.

In the realm of this thesis, Board members shall be considered as individual social actors that render decisions on parole, in the context of the institution that is the PBC.

⁶³ Among the required experience and education requirements, candidates need to hold a degree from a recognized university (or an acceptable combination of relevant education, training and experience), have experience in decision-making at a senior level (specifically related to sensitive and complex issues), and have experience in the interpretation and application of legislation and policies (Government of Canada, 2019b). Among the required knowledge, skills and abilities, candidates must have knowledge of the role and mandate of the PBC, societal issues affecting the criminal justice system, and the relevant legislation to the PBC (Government of Canada, 2019b).

⁶⁴ This code provides mandatory conditions such as: actively participating in activities designated to enhance their professional competence, rendering decisions in which the protection of society is the paramount consideration and in accordance with PBC policy, considering all relevant information they consider necessary to make a decision, and approaching each case with an open mind (PBC, 2018j).

This perspective will allow for an observation of how these social actors interpret their reality and render some decisions in the context of their work in the institution that is the PBC. The institution will manifestly have an influence on and guide the Board members in their decisions (through a number of factors, including institutional culture, guidelines, political influence, and so on). That being said, the Board members are to be seen as social actors that hold a certain amount of discretion. These social actors come from a particular background and they must correspond to certain criteria in order to be appointed as Board members. Once in their role, and for the duration of their employment, they are required to abide by a code of conduct and the guidelines established by the institution, and they must follow the law (the CCRA). In this context, they are required consider certain factors to determine whether offenders should be released prior to their warrant expiry date. In a constant dialectical process, their social world influences their decision-making, and their decision-making influences their social world (Berger & Luckmann, 1966). By granting or denying parole, they not only follow rules, but also interpret them, thereby contributing to the creation of what they see as the characteristics and needs of a woman “offender” who is seeking release from prison. Once they reach a decision, the Board members are required to draft a document with the rationale for that decision. Their written decisions then reflect this part of their interpretation.

In these written decisions, Board members create and provide a rationale for their choices. Tata (2002) explains that discretionary decision-makers such as sentencers (the same would apply to Board members) are first and foremost social actors that operate in a social world, and that the reasons they provide for their decisions should not be seen as

the result of their actual reasoning:

However, the view that the ‘reason’ for a decision given in court is a simple unmediated expression of the judge's thinking is highly questionable. *If we accept that (even to some extent) sentencers, like other discretionary legal actors, not only operate in the context of a 'social world' but also that the use of this discretion is socially produced, then the conflation of reason-giving with the simple exposition of 'reasoning' becomes untenable.* (p. 416) [our emphasis]

As such, keeping with the constructionist framework selected, I recognize that the written parole decisions may or may not include what “actually” led to the granting or denying of parole. I understand that, by analyzing such data, it will be impossible for me to identify which factors were “more important” than others in the decision-making process. As stated by Tata (2002), “Stories or accounts of decision-making are not a fixed historical account of the sentencing decision, but are contextually dependant and mediated” (p. 420).

As shown in Chapter 2, the Board members’ written parole decisions are documents that were drafted after the decision was made, and they are different from the actual decisional process.⁶⁵ Moreover, these decisions are to be considered as “posteriori reconstructions [...] which mainly provide information about the system itself” (Vanhamme & Beyens, 2007, p. 204, our translation). Thus, these decisions are an action that is separate from the decision-making itself, which may or may not include the Board members’ “genuine” interpretation of the situation and they should not be considered as an equivalent to the process by which social actors render decisions. These are official documents that were requested by the institution. Their purpose is to briefly justify a decision that was made. The Board members use a format that was created by the

⁶⁵ The decisional process being far more complex and including, for instance, the review of the offender’s case file, the hearing, the deliberation with other Board members, a Board members’ personal experiences, consultation of relevant policies, the consideration of the institutions’ policies, the relationships between the different attendees and their level of expertise.

institution to draft their decision letters in which they discuss the criteria they considered. It is therefore assumed that the elements that are contained in the written decisions are elements that are deemed more relevant by the institution, or by the Board member, or perhaps what the Board member believes that the institution will deem acceptable. These decisions are made public by the institution for transparency and accountability purposes. It is imperative to understand that the PBC, as an institution, undoubtedly reviews and accepts the written decisions that it makes public to those who ask.⁶⁶

As such, liken to the PBC as an institution and the roles of Board members being socially created, the decisions that these individuals are required to render and document are also the result of a social construction. As previously explained, Board members go through a complex decision-making process. During this process, they are first expected to consider the offender's case file, which includes a series of documents⁶⁷ such as police and legal reports, psychological notes, correctional intervention logs, and so on. Additionally, they are required to conduct a hearing with the offender where the offender's case is discussed and the testimony of certain individuals such as parole officers, victims, Elders, are heard. After the hearing, they deliberate with one another to ultimately agree on and render a decision. Furthermore, as they operate in a particular institutional context, they are required by the institution (and by law) to abide by certain rules (for instance, following internal guidelines, prioritizing the protection of society

⁶⁶ In this thesis, I have accessed written parole decisions from the PBC's decision-registry. This registry was put in place by legislation to hold the PBC accountable for the decisions it renders.

⁶⁷ It should be highlighted here that the documents reviewed by the Board members to conduct their review of the case file were socially created. These documents, such as police reports, psychological reports or correctional intervention logs only represent the perception and interpretation of a situation from the point of view of the persons who initially designed the document with a specific purpose (for instance, police officers, mental health professionals and CSC staff members). Thus, inevitably, the documents used by the Board members to render their decisions consist of reconstructed and modified versions by several actors.

over offender reintegration...). Once the decision is reached, it is communicated to the offender either orally at the hearing, or at a later date in a decision letter.⁶⁸

Throughout each step of the parole decision-making process, Board members will construct their own interpretation of the offender's situation. Indeed, while their roles and the written decisions they are required to create are the result of a social construction, the Board members still hold a certain freedom of interpretation when it comes to the decisions they make and the reasons they give for these decisions. This freedom of interpretation, and ultimately their discretion, will manifest itself at various stages of the decision-making process. The Board members will firstly review the case file (which is constituted of documents that were created by other social actors), extract and interpret information that they consider relevant to the case. During the hearing, they will interact with the offender and the other actors by asking questions that they consider pertinent and will interpret the answers that are given to them. They will form their opinion of the woman based on what she said and what others have said about her during the hearing. They will deliberate and negotiate with other Board members who may or may not influence their interpretation of the situation. Finally, they will weigh the whole situation and compare it against their own interpretation of the PBC's regulations and guidelines, and their own personal experiences to ultimately decide whether the woman should be released prior to the end of her warrant expiry date. Once this is done and a decision is rendered, they will draft a document that contains their decision and the reasons for that decision. Parole decisions, while being socially constructed, are therefore undoubtedly justified to some extent by the Board members' own interpretation of the situation as a

⁶⁸ Regardless of when the decision is communicated to the offender, Board members are required to draft a decision letter, which contains the decision itself, and the rationale for that decision.

whole, including the hearing, the review of the case file and the institution in which they operate. This interpretation is inevitably influenced by a series of other personal factors including training, previous experiences, education, personal bias, and so on.

In short, by considering the Board members as social actors that act within the context of a particular institution, I recognize that their written decisions are socially constructed after the fact (i.e. after a decision was actually made) and that they serve specific purposes. That being said, the analysis of these decisions will shed light on what Board members *officially document* as relevant in their decision-making. I acknowledge that the documents that were chosen for this thesis constitute only another reconstruction of the life of women offenders: this time, the Board members' construction, which is impacted by a number of factors, and includes the Board members' own personal interpretation of the decision-making process and the institution's expectations. Evidently, as each Board member is different and comes from a particular background, each Board member may develop a distinctive interpretation of a particular case. Tata (2002) explains "Narrative accounts of the decision process by the decision-maker are not simple factual presentation of the linear decision process, but necessarily socially constructed and reconstructed by situation, expectations of the audience; self-identity of the narrator (or storyteller)" (p. 421). An analysis of these parole decisions will therefore allow to examine what the Board members considers appropriate reasoning for these decisions, what the institution considers appropriate, or what the Board members think the institution considers appropriate. In the following section, the strengths and limitations of using such a framework are explored.

3.5 Strengths and Limitations of the Theoretical Framework

3.5.1 Strengths

Social constructionism is a valuable theory for my research object as it leads me to appreciate that reality, knowledge and social problems are all the result of a social construction. This theoretical framework will allow me to gain a better understanding of the social process by which Board members construct and justify the decisions they render on parole. While it may not inform of what were the “actual” driving factors of the decision-making itself, or what was the “true” reasoning behind a decision, it will allow me to observe how the Board member officially⁶⁹ *justify* their decisions. This will ultimately show what Board members *document* as being paramount in their decision-making and will illustrate how these actors, through their written parole decisions, define incarcerated women and their needs when they apply for release.

Pursuant to this theory, Board members should be considered as social actors that take on a “role” and that act in the context of a particular institution. As such, this theory will allow me to observe and understand which criteria social actors choose to document in their written decisions on parole in their “roles” as Board members. This will inform of what the institution considers appropriate in terms of justification for parole decisions.

This perspective will also allow me to examine how the Board members build a response to the “problem” that is the possibility of women offenders returning to society. By examining the criteria they mention in their written decisions, and how they justify these criteria, this research will inform on how the Board members evaluate the possibility of incarcerated women being allowed to return to society. This research will

⁶⁹ Written parole decisions should be considered as official documents from the PBC. These documents will eventually make their way to the women’s institutional case file and the PBC’s decision-registry.

also shed light on which values the Board members seem to prioritize in these decisions. As shown previously, the criminal justice system as it currently stands, and especially the PBC, is largely concerned with the protection of society, with an immense concern for security and acute focus on risk management. By examining the decisions made by the Board members, this research will help better understand what values, if any, appear to influence the Board members, and if these values have an impact on their decisions and the reasons provided in their written decisions. This will allow us to observe whether the decisions handed down, or at least their official justifications, were consistent with the “tough on crime” era of the time. While I sincerely believe that this theory is best suited for this research, it inevitably has some limitations, which will be explored in the following section.

3.5.2 Limitations

Firstly, pursuant to a constructionist framework, I acknowledge that the analysis and the theoretical choices I made inevitably stem from my own interpretation of reality. I understand that my personal experience has had an impact on the trajectory of my research. I recognize that my education (B.A. specialized in social sciences with major in criminology and major in psychology), my work experience (field placement at the CSC, work experience at both the CSC and the PBC), my knowledge and my perspective have all had an impact on why and how I chose to conduct this research, as it will have an impact on my interpretation of the data and its subsequent analysis.

Moreover, the analysis of the written parole decisions pursuant to such a theoretical grid might only offer a glimpse into the Board members’ perception and interpretation of incarcerated women. As stated by Hannah-Moffat and Yule (2011), “To

identify definitively what factors drive legal decision making is not possible, and so scholars make inferences about the most plausible influences on decision making” (p. 151). Indeed, “the extent to which these decision narratives represent the ‘real’ reasons for the parole decision cannot be known unambiguously” (Hannah-Moffat & Yule, 2011, p. 154). As explained above, this framework will allow me to observe what are the written results of the Board members’ decision process and what they *document* as justification for their thought process. While this theory will allow me to gain a better understanding of certain parole decisions, it will not allow me to explain or quantify why a decision was made rather than another.

Furthermore, for the purpose of this thesis, I chose to analyze 20 very specific situations⁷⁰ in which some Board members rendered decisions on parole regarding incarcerated women offenders. While this framework allows me to observe the construction and interpretation of the Board members who rendered these 20 decisions, it does not allow me to generalize the results of this research to the entirety of the PBC’s Board members and their parole decisions. As such, the results of the analysis of the selected sample, from a social constructionist viewpoint, does not allow to project or predict the outcome or what criteria will be considered in other parole decisions (Arcà & Caravita, 1993). This research will, however, inform of what criteria *may* be considered in other parole decisions regarding women, and how these may be mobilized by the decision-makers.

Despite the above-mentioned limitations, I am confident that this theory will allow me to answer my research questions. This research thus has practical and theoretical advantages to the world of knowledge. This theory will allow me to analyze

⁷⁰ This will be addressed further in the following chapter.

the written parole decisions in a way which will deepen the knowledge on how social actors, in this case Board members, assess a particular situation (that is, the possibility for incarcerated women of being released prior to the end of their warrant expiry date) and construct a certain representation of the women who are seeking parole. By analyzing the criteria documented in the written parole decisions from such a standpoint, I will be able to observe which criteria are used and how they are interpreted and documented by the Board members. While this may only inform us partially of their vision of reality, this will inform us on how the women are seen, represented and defined by these Board members, or, at least, how they want them to be “officially” presented through the PBC’s decision registry, which will ultimately also help to better understand what are the priorities highlighted by the PBC in terms of parole in relation to incarcerated women. Indeed, despite these limitations, this framework will shed light on what the Board members document as being essential in their reasoning, and how they do it. In the next chapter, I present the methodology that will guide the analysis of this research.

Chapter 4: Methodology

4.1 Introduction

For reasons explained in previous chapters, I chose to examine the PBC’s Board members “written” parole decisions regarding women offenders who were incarcerated in Canada, for a period of five years or more, between 2005 and 2015. In order to properly understand the rationale and motives embedded in the Board members’ written parole decisions regarding the selected population, this thesis will analyze which criteria or

“factors” can be found in these decisions. To do so, the two following questions will guide the analysis of the data:

- (1) What criteria are documented in the written parole decisions regarding women offenders seeking parole? Do these differ from the criteria suggested by the PBC in its guidelines to the Board members?
- (2) How are these criteria interpreted by the Board members in their decisions and what are the reoccurring themes in the official justifications provided for their decisions? For instance, are the decisions justified in the name of the protection of society, as prescribed by the governing legislation? Do the Board members still afford some form of importance to the reintegration of the women in their written decisions?

The female offender population was chosen largely due to the fact that the few studies that have focused on them have highlighted the problem of the difference in treatment of men and women in the realm of parole administration, and the lack of research specifically focusing on women (Erez, 1992; Hannah-Moffat, 2004; Gobeil, 2007; Hannah-Moffat & Yule, 2011). For instance, Gobeil (2007) argues that gender is linked to parole, notably stating that, compared to male offenders, women tend to serve smaller portions of their sentences before being released on parole, and they tend to reoffend less. While this differential treatment is acknowledged, and while this research may inform of the forms of power exerted on women offenders, as explained in Chapter 2, in this research, I am not interested in finding out more about the inequalities between men and women when it comes to parole. Instead, by showcasing decisions relating specifically to the female offender population, I seek to deepen knowledge on how their cases are reviewed and interpreted by the Board members in their written decisions.

Regarding the sentence handed down, sentences of five years and over were chosen because they are imposed when an individual is found guilty of committing a serious offence under section 467.1 (1) of the CCC. Offenders convicted of a serious

offence are more at risk of being sentenced to a lengthy period of incarceration. Incarceration causes negative impacts on offenders. Notably, it is known to cause exclusion, marginality and stigmatization, all of which make returning to the community after incarceration difficult (Strimelle & Poupart, 2004). These negative consequences of incarceration would be amplified for individuals who have been incarcerated for longer periods of time. Like other scholars, Zinger (2012) notes that the prolonged incarceration of individuals who do not pose a “risk” to society constitutes an inappropriate option that can have destructive effects on them. With respect to most inmates, Zinger (2012) indicates that a gradual return to society would be more effective in terms of reintegration. As such, in an effort to shed light on parole’s role and its impact on the reintegration of offenders serving long periods of incarceration, this population was chosen for this research.

Finally, the decade ranging from 2005 to 2015 was chosen as it was the decade in which many changes were made to parole in Canada. As explained in Chapter 1, Stephen Harper’s Conservative Government, active from 2006 until 2015, was often described as “tough on crime” as it passed several legislation tightening correctional programs and specifically the parole program, increasing the use of minimum sentences and, overall, adding additional restrictions on offenders. This study will therefore aim to see if the official “reasons” provided by the Board members for their parole decisions rendered during that decade reflected the punitive stance promoted by the government at the time.

The current chapter will firstly explore the data chosen for this research, which consist of written decisions on parole. Specifically, it will address how I gathered the documents and what sample I ultimately chose for this research. Further, this chapter will

examine the method that allowed me to analyze the data, which is qualitative thematic analysis. Finally, the ethical implications, strengths and limitations of this methodology will be discussed.

4.2 Data

In this section, I will contextualize the data used for this research: written parole decisions retrieved from the PBC's decision registry. A written parole decision concerns a single individual and includes between five and 10 pages. It includes, but is not limited to, the following: the nature of the offence(s) committed, criminal history, institutional behaviour, psychological and psychiatric information, prior conditional release history, release plan, criminogenic factors, as well as the Board members' decision to release or not and the reasons for that decision. In their written decisions, Board members continuously refer to multiple sources such as criminal records, police reports, court documents, psychological/psychiatric reports, institutional reports, and release plans. When doing so, they do not include the full reports; rather, the Board members include excerpts of these reports that they deemed relevant to their decision-making. When a form of conditional release is granted, the decision also contains the release conditions that the offender will be subject to upon release. Decisions are written in English or French, in the preferred language of the offender.

I chose to analyze decisions contained in the PBC's decision registry for multiple reasons. Out of all the types of data I could have chosen to analyze, the decision registry is superior when considering cost and time. These decisions constitute a direct access into the Board members' officially documented interpretation and construction of women offenders in Canada. Another way to potentially gain this access would have been, for

example, to participate to several conditional release hearings or to conduct interview with Board members. However, as explained in Chapter 2, attendees at parole hearing are not allowed to be present during the Board members' deliberations. Further, in the realm of a graduate thesis, it would not have been very practical to attend parole hearings held in several different federal institutions across Canada. While interviewing Board members may have been relevant, given that I am interested in the decade of 2005 to 2015, reviewing their documented decisions enabled me to "time travel" and observe the official reasons given for granting or denying parole, and potentially any changes that may have occurred, over the span of 10 years.

In short, reviewing the rationale provided in these documents was the most feasible choice that would allow me to answer my research questions in the context of a Master's thesis. This documentary data constitute a valuable insight into the Board members' officially documented reasoning for granting and denying parole. While I have no control regarding what the decisions include or not, there is value in observing what and how the Board members include and share in these decisions. The following section examines how I gathered the decisions.

4.2.1 Data Collection

As previously explained, in accordance with the values adopted by the PBC such as transparency, integrity and accountability, a decision registry was established in 1992 (PBC, 2018c). This decision registry contains parole decisions rendered by the Board

members with respect to federal offenders.⁷¹ In an effort to promote transparency, the PBC allows the public to access the decision registry. Anyone who would like to access a decision on a specific case may use the registry in order to obtain more information about a particular release request (PBC, 2018i). This request must include the reason of the interest into this decision and the nature of the relationship with the offender. Examples of individuals who may have an interest in obtaining such decisions include: a member of the offender's family, a community volunteer, the offender's assistant, the victim, the investigating police officer, a media representative, and so on (PBC, 2018i). If the request is granted by the PBC, the individual requesting the decision will receive a copy of the decision regarding the offender. However, it is possible to gain access to a greater number of decisions for research purposes.

To do so, researchers must fill out a form detailing their personal information, the title of the research project and its general description (the subject of research, the research questions, the method and how the findings will be utilized), as well as the type of decisions requested. As a graduate student seeking to learn more on these decisions, I completed this process. I contacted the PBC via email and was provided with directives to follow to obtain decisions for research purposes. The main step that needed to be completed was to fill out the above-mentioned form (please see Appendix C for the completed form).

In my email communications with the PBC, a PBC officer advised me that, during the decade under review, the Board members reviewed the cases of 462 incarcerated

⁷¹ Pursuant to section 123(1) of the CCRA, the PBC must render a decision on conditional release for eligible federal inmates, whether or not they request it. In accordance with section 123(2) of the CCRA, if an inmate does not want her case reviewed by the PBC, she must make a written request to testify that she does not wish to be granted full parole.

women serving a sentence of five years or more with respect to full parole. Faced with the challenge of analyzing decisions for the entire population, I requested to be provided 100 full parole decisions for women whom were sentenced to a period of five years or more between 2005 and 2015, and whom were considered for full parole by the PBC. In an effort to ensure that the results would be as representative as possible, both English and French decisions were requested.

4.2.2 Sample

After completing the above-mentioned process, I was able to gain access to 100 of the 462 decisions rendered during the chosen period, at a rate of 10 decisions per fiscal year during the period under review. Upon reviewing the documentation, I noticed that some of the decisions included as part of the original sample of 100 decisions provided by the PBC officer did not correspond to the research criteria, that is, decisions regarding conditional release in the form of full parole, regarding women incarcerated for a period of five years or more, between the period of 2005 and 2015. Some of the decisions provided were rendered for temporary absences,⁷² others were revocations of previously granted parole, some were conducted as part of the APR process,⁷³ and in some cases, the women were incarcerated for a period of less than five years or for an unknown period. As such, a total of 42 decisions were eliminated of the 100 decisions sample for failing to comply with the selected criteria (please see Appendix D for an overview of the 100 decisions).

⁷² Temporary absences can be escorted or unescorted. This type of release was excluded from the sample as it is usually granted for short periods of time and does not serve the same purpose as full parole.

⁷³ The decisions rendered as part of the APR process were eliminated of the sample, as they do not require the same type of risk assessment. For the APR process, only the risk of violent recidivism is supposed to be examined by the Board members.

A total of 58 decisions remained usable for this study. All of these decisions were reviewed and considered while planning the analysis and building the analytical grid. That said, faced with the reality that my original idea of analyzing 10 cases per year for a period of 10 years was not feasible, I chose to closely examine a smaller sample of decisions in order to conduct a more in-depth qualitative analysis. In order to select which decisions to analyze, purposeful sampling was used as a sampling technique.⁷⁴ According to Emmel (2013): “The purpose of purposeful sampling is to select information rich cases that best provide insight into the research questions” (p. 33). Patton (1990) notes:

The logic and power of purposeful sampling lies in selecting information-rich cases for study in depth. Information-rich cases are those from which one can learn a great deal about issues of central importance to the purpose of the research, thus the term purposeful sampling (p. 169).

Keeping in mind the research objective and questions at hand, I chose 20 decisions based upon the quantity and the quality of the information they contained. Ultimately, I favoured decisions in which the Board members provided clear explanations for their statements and/or decisions. For instance, as shown in the literature review, some of the salient “factors” that Board members would assess in their parole decisions would be the offender’s “demonstration of change” and their institutional behaviour. In most decisions the Board members spoke of these elements; however, in some decisions the Board members did not thoroughly explain what they were referring to in order to

⁷⁴ As shown above, 462 full parole decisions were rendered in the chosen period regarding women offenders serving a sentence of five years or more. When I requested a sample of those decisions, the PBC selected and provided me with 100 of these 462 decisions. There was therefore already a selection made when I was provided the sample, according to the criteria that I requested. Of this sample, faced with the reality that not all decisions provided corresponded to my selection criteria, I used purposeful sampling to make another selection.

support their argument (for instance, in some cases, they referred to what was said during previous conditional release hearings or other documents in the offender's case file). Thus, I selected decisions in which the Board member thoroughly explained what they referring to when discussing these "factors." In doing so, following an interval of two years between 2005 and 2015 (starting in 2005), at a rate of four decisions every two years,⁷⁵ a total of 20 decisions were selected from the original 100 decisions sample according to the relevance of their content to my research questions and my research interests.

I recognize that this sampling technique may present some disadvantages, such as errors in judgments from the researcher, low levels of reliability, and the inability to generalize the research findings (Dudovskiy, n.d.). That being said, this sampling technique, which is one of the most cost and time-effective sampling methods, has allowed me to produce an in-depth study of cases pertinent to the research questions (Patton, 1990; Emmel, 2013; Dudovskiy, n.d.). Further, as stated by Dudovskiy (n.d.), this technique is appropriate when there are only limited numbers of primary data sources available that can contribute to the research. Given the fact that a selection had already occurred prior to me getting the sample, and that a significant number of the decisions provided to me by the PBC were eliminated due to failing to comply with the selection criteria, this technique has allowed me to extract and focus on relevant cases to the research questions. Moreover, while 20 decisions were chosen for the actual analysis of the data, all 58 remaining usable decisions were reviewed to plan the analysis and build the analytical grid. Overall, this method, applied with rigor and reflexivity, makes it

⁷⁵ This interval was chosen to allow me to review a uniform number of decisions at an even rate during the timeframe selected. This insured, for instance, that not all decisions reviewed were rendered between 2006 and 2009.

possible to deepen knowledge on the subject and allows to collect important information on the way by which Board members perceive the needs of offenders who request parole and the criteria which seem to guide them in their choices to conditionally release. Below I present the general demographics of the selected 20 decisions:

- Decision type
 - Six women were already on day parole at the time of the decision, meaning that a decision was rendered regarding full parole
 - 14 women were still incarcerated in an institution prior to the decision (therefore, the decision was either for full parole, or day and full parole)⁷⁶
- Decision
 - In 9 cases, full parole was granted⁷⁷
 - In 11 cases, full parole was denied⁷⁸
- Language
 - 16 decisions were rendered in English
 - Four decisions were rendered in French
- Number of Board members rendering the decision
 - 16 decisions were rendered by two Board members
 - Four decisions were rendered by three Board members
- Current offence(s)
 - 13 women were incarcerated for offences causing or aiming to cause death (Second Degree Murder, Manslaughter, Attempted Murder)
 - Four women were incarcerated for drug-related offences (Trafficking, Importing, Exporting)
 - Two women were incarcerated for property-related offences (Fraud, Forgery, Robbery, Break and Enter)
 - One woman was incarcerated for sexually motivated offences (Sexual Assault, Incest)

⁷⁶ When the eligibility dates have been reached for both day and full parole, I found it common for the Board members to review the women's cases for both day and full parole at the same time. As such, one single decision can technically contain two separate decisions (one for day parole, and one for full parole). Each of the 20 decisions analyzed for this research contained a decision for full parole, although some of them also included a decision for day parole. Of note, in the cases containing two decisions (one for day parole and one for full parole), the decisions were the same for each program (meaning that, for instance, both day and full parole were denied in the same decision).

⁷⁷ Please see Appendix E for a summary of the current offence(s) and length of sentence for the nine decisions resulting in parole being granted.

⁷⁸ Please see Appendix F for a summary of the current offence(s) and length of sentence for the 11 decisions resulting in parole being denied.

- Length of sentence
 - Four women were serving life-sentences
 - One woman was serving a sentence between 15 and 20 years
 - Three women were serving sentence of 10 to 15 years
 - 12 women were serving a sentence with a length of five to 10 years
- Case particularities
 - Two women were granted full parole for the purpose of deportation (Mary and Nadine)⁷⁹
 - Five women were explicitly identified in the decisions as being Aboriginal women (Sherry, Roxanne, Maggie, Kathy and Sylvia)⁸⁰
 - One woman was identified as being a transgender woman (Christine)

Of note, I chose to give to the women fictional names instead of simply referring to them as case files or numbers. This was done with the purpose of humanizing the women and their stories, rather than simply generalizing them as numbers and “criminals.” In order to analyze the 20 chosen full parole decisions, qualitative thematic analysis was used. This method is described in the following section.

4.3 Method

In this section, I will discuss the qualitative and analytic nature of this research. Then, I will present the method that allowed me to analyze the data acquired. In particular, I shall discuss documents analysis as a general method, then, I shall describe

⁷⁹ Non-Canadian citizens can be ordered to be removed from Canada for a variety of reasons, including when they are convicted of a serious offence. When this happens, a removal order, issued by the Immigration Division or a Minister’s delegate, is handed in for deportation, which means that the individual in question cannot legally remain in Canada and, once removed, is permanently barred from returning to Canada (PBC, 2018d; CBSA, 2019). In the context of parole, the PBC’s Decision-Making Policy Manual provides clarification on the process for offenders subjected to a removal order (PBC, 2018d). In short, what the Board calls “foreign offenders” are eligible to apply for conditional release programs (some faster than others, see PBC, 2018d for clarification). Once reaching their full parole eligibility date, these offenders may be removed from Canada (PBC, 2018d). According to section 4.4 of the PBC’s Decision-Making Policy Manual, with respect to foreign offenders, “Board members will assess all relevant aspects of the case in accordance with Policy 2.1 (Assessment for Pre-Release Decisions) to determine whether or not the release of the offender will constitute an undue risk to society (not only Canadian society) and contribute to the protection of society by facilitating the offender’s reintegration into society as a law-abiding citizen” (PBC, 2018d).

⁸⁰ Of note, there could certainly be more than the five Aboriginal women in this sample. Those five were, however, the only cases where the Board members explicitly stated that the women were Aboriginal.

the specific method used in this research: thematic analysis of documents. Finally, I will explain how I used this method to analyze the parole decisions.

4.3.1 Qualitative Research

In order to conduct an in-depth analysis of the data collected, a qualitative approach was used.⁸¹ Bowen (2009) describes qualitative approaches as “intensive studies producing rich descriptions of a single phenomenon, event, organisation, or program” (p. 29). Qualitative approaches constitute an ensemble of methods and techniques used to collect and analyze data including: interviews, participant observation, documentary analysis, ethnography, grounded theorization, biographical approaches and case studies (Poupart & Couvrette, 2018). These types of methods and techniques enable researchers to “describe the specific peculiarities of the various elements (words, sentences, ideas) grouped in each of the categories and which emerge in addition to the only quantitative meanings” (L’Écuyer, 1987, p. 53, our translation). According to Poupart and Couvrette (2018), the techniques and approaches used for qualitative methods are linked to specific theoretical and epistemological positions, such as theories emphasizing the importance accorded to the perspectives of social actors. As such, adopting a qualitative approach for this research is consistent with the theoretical framework used, which consists of social constructionism.

In order to obtain answers to my research questions, both inductive and deductive analyses were conducted. While both approaches are quite different, Thomas (2006) notes, “in practice, many evaluation projects use both inductive and deductive analysis”

⁸¹ Of note, quantitative statistical tables will be presented in the following chapter to illustrate to the reader which factors were found in the decisions and their frequency throughout the 20 decisions. This will be, however, the extent of the quantitative approach in this research.

(p. 238). Thomas (2006) defines deductive analysis as follows: “Deductive analysis refers to data analyses that set out to test whether data are consistent with prior assumptions, theories, or hypotheses identified or constructed by an investigator” (p. 238). A deductive approach was used to compare the “factors” documented in the decisions of our sample to the “factors” listed in the PBC’s Decision-Making Policy Manual (PBC, 2018d). This was done in an effort to observe whether Board members followed the institution’s guidelines and in what capacity, if any, they used their discretion to diverge from them.

An inductive approach was used later during the analysis as it was noticed that some factors were often present in the decisions themselves but were absent from the guidelines provided by the PBC. Thomas (2006) defines inductive analysis as follows: “[...] inductive analysis refers to approaches that primarily use detailed readings of raw data to derive concepts, themes, or a model through interpretations made from the raw data by an evaluator or researcher” (p. 238). This inductive approach was also used to identify and analyze the reoccurring themes found within the justifications the Board members provided for the decisions of our sample. In short, this mixed approach, consisting of both deductive and inductive analyses, has enabled me to deepen my questioning and to nuance the answers to my research questions. The following section focuses on the method that was used per se, thematic document analysis.

4.3.2 Thematic Document Analysis

By reviewing decisions contained in the PBC’s decision registry, I conducted an analysis of already existing documentary data, or, in other words, document analysis. According to Bowen (2009):

Document analysis is a systematic procedure for reviewing or evaluating documents [...]. Like other analytical methods in qualitative research, document analysis requires that data be examined and interpreted in order to elicit meaning, gain understanding, and develop empirical knowledge. (p. 27)

Bowen (2009) explains that documents used as a part of document analysis can take a variety of forms, including letters, newspaper clippings, minutes of meetings, program proposals, organisational or institutional reports and a variety of public records. Depending on the source of the data, data may be acquired in “libraries, newspaper archives, historical society offices, and organisational or institutional files” (Bowen, 2009, p. 28). Once the data has been acquired, the researcher must review it and start the analytic procedure that Bowen describes as “finding, selecting, appraising (making sense of), and synthesizing data contained in documents” (2009, p. 28). Once this step is done, Bowen explains that the researcher must organize the data into major themes and categories. According to Bowen (2009), document analysis is particularly applicable to qualitative case studies.

Document analysis, as explained above, constitutes the general method that was used to analyze the parole decisions. That being said, a more specific version of document analysis was utilized in order to better understand the PBC’s perception and interpretation of women offenders: thematic analysis of documents. Paillé and Mucchielli (2008) define thematic analysis as follows:

Thematic analysis consists of systematically identifying, grouping and, in the alternative, discursive examination of the topics covered in a corpus, be it a transcription of interviews, an organizational document or observation notes. (p. 232, our translation)

Similarly, Bowen (2009) notes:

Thematic analysis is a form of pattern recognition within the data, with emerging themes becoming the categories for analysis [...]. The process involves a careful,

more focused re-reading and review of the data. The reviewer takes a closer look at the selected data and performs coding and category construction, based on the data's characteristics, to uncover themes pertinent to a phenomenon. (p. 32)

Consistent with the constructivist theoretical framework selected, thematic analysis enabled me to “highlight the social representations or judgments of the speakers based on an examination of certain constitutive elements of the discourse” (Van Campenhoutt & Quivy, 2011, p. 208, our translation). Thematic analysis has also allowed me to identify the predominant perceptions of the Board members contained in their written decisions.

As part of this research, thematic analysis consisted mainly of identifying and grouping themes and sub-themes in the Board members' decisions on parole. Indeed, these activities represent the central operation of the method according to Paillé and Mucchielli (2008). Simply put, it is a matter of transposing “a given corpus into a certain number of themes representative of the analyzed content and this, in relation to the orientation of the research (the problematic)” (Ibid., p. 232, our translation). By grouping and comparing the decisions, this method has allowed me to identify the criteria that are documented by the Board members when they consider conditionally releasing female offenders, and it has allowed me to highlight the most representative and relevant themes in these decisions. The specific phases of thematic analysis are explored in the following section.

4.3.3 Phases of Thematic Analysis

The main activity conducted during the thematic analysis of the data was coding. Lapadat (2010) describes coding as follow:

The basic analytic strategy used in thematic analysis is *coding*, a process of closely inspecting text to look for recurrent themes, topics, or relationships, and

marking similar passages with a code or label to categorize them for later retrieval and theory-building. (p. 926)

According to Fereday and Muir-Cochrane (2006), coding involves recognizing something interpreted as important in the data and encoding it. Coding was used continuously during the analysis as a mean to identify the “factors” discussed in each decision. Paillé and Mucchielli (2008) refer to this continuous activity of coding as “thématisation continue” (continuously identifying themes). According to them, this approach allows for “a really fine and rich analysis of the data” and consists of:

An uninterrupted process of assigning themes, and simultaneously building the thematic tree. Thus, the themes are identified and noted as the text is read, then grouped and merged as needed, and finally prioritized in the form of central themes grouping associated, complementary, divergent themes, and so on. (p. 237, our translation)

In order to conduct the actual analysis of the data, two main steps were followed. In a first step, I reviewed each decision individually to determine which “factors” were documented by the Board members in every particular decision. In order to annotate the “factors” that emerged from this review, I established a general coding grid, which contained each “factor” (and their categories) that were identified by reading the decisions themselves, by consulting the studies identified in the literature review and by reviewing the PBC’s guidelines. To code each decision, I read the entire decision and filled in the analysis grid (in a Microsoft Word document) to include the “factors” that emerged from the decision, citations and passages relevant to the analysis. This coding process consists of identifying themes by reading and re-reading the data (Fereday & Muir-Cochrane, 2006).

In a second step, I re-read the decisions both individually and collectively to capture all the themes relevant to the subject of this research that emerged from the 20

selected decisions. I specifically focused on the Board members' adherence or deviations from the guidelines in an effort to examine how they justified their decisions based on the factors they discussed. To achieve this, I completed a thematic grid: I divided this grid according to the main themes and their sub-themes. I then proceeded to "draw parallels or document oppositions or divergences between the themes" (Paillé & Mucchielli, 2008, p. 232, our translation). The decisions were grouped, classified and compared, which allowed me to draw parallels between the most recurring themes in the justifications invoked by the Board members.

Ultimately, this method allowed me to examine the "factors" found in the parole decisions, and to extract several themes found in the justifications of these decisions. In the following section, I reflect on the above-discussed methodological choices by examining the ethical implications of using and analyzing written parole decisions, and I discuss the strengths and limitations of this methodology.

4.4 Reflecting on Methodological Choices

4.4.1 Ethical Implications

When I requested access to the written decisions, a PBC officer advised me that, in accordance with subsections 144(2) and 144(3) of the CCRA, the names, dates and locations of the cases would be removed from the decisions. This includes the name of the Board members who were responsible for rendering the decisions. Though this limits potentially interesting analytical routes (for instance, reviewing the decisions based on which Board members rendered them), this ensures that the anonymity and confidentiality of the women concerned are respected.

In addition, in order to reduce the probability of a woman being identified, passages of decisions that could allow an individual to identify the person concerned were not disclosed in this research. For example, if an act was committed with particular characteristics that would allow for someone to identify the person who committed the act, no citation appears in this text that would facilitate the identification of that person and/or crime. Finally, the integrity of the data has been respected in the sense that no information has been altered, added or intentionally ignored. The analysis remained true to the sources, and citations were added to the text when deemed necessary to maintain the integrity of the message contained in the parole decisions. All of these elements contribute to ensure that the ethical aspects of this research have been considered and respected.

4.4.2 Strengths of Methodology

In order to provide an answer to my research questions, which focuses on what is included and excluded from written parole decisions, I had to analyze written parole decisions. I consider that, in this case, document analysis constitutes not only the best method to examine several decisions over a long period of time, but also, the only method. By reading and coding these decisions, I was able to observe patterns and draw similarities in the decisions' rationale in order to provide a better understanding of the documented reasons for parole decision-making regarding women offenders.

As explained earlier, while I acknowledge that these decisions may contain only one facet of the whole process (specifically, the Board members' interpretation of the situation at hand), these decisions provide a summary of the "official" rationale for each decision. As stated earlier, the Board members' reasoning for granting and denying

conditional release could also have been observed by attending conditional release hearings or by interviewing Board members. While this may have been very pertinent and may have provided additional insight on their decision-making, this approach would have been costly in time, resources and energy, and not very practical in the context of a Master's thesis. In this case, I consider that analyzing decisions written by the PBC's Board members provides a valuable insight into their way of interpreting and constructing the cases of female offenders.

Finally, by resorting to document analysis, I was able to showcase documents that are not often consulted. Indeed, Van Campenhout and Quivy (2011) explain that document analysis has the advantage to allow researchers to showcase documentary material that is too often ignored. While the PBC's decision registry is "public," it is certainly limited as one must request access in order to consult it. Further, as explained earlier, if one would like access to a large number of decisions, the process is more complex.

4.4.3 Limitations of Methodology

Firstly, regarding the actual data, although it was agreed between the PBC officer and I that the selection of these cases was to be random, I cannot assure it to be so. As a result, I would like to highlight that I did not request any specificities regarding the sample, such as requesting five cases where parole was granted and five cases where it was denied per calendar year under review. I am aware that I cannot know to what extent this sample is representative and I recognize that I had very little control over the selection of the cases that were provided to me.

Moreover, I acknowledge that the data used for this research was created by the PBC's Board members, and subsequently, redacted by a PBC officer. As a result, I am aware that I have no control over the information that the decisions contain, such as the sources of information used, the quality of information, or the amount of information consulted. I also have no control over the information that the decisions do not contain, such as the information that has been removed from the decisions in accordance with the CCRA or the information that the Board members willingly or unwillingly chose to exclude from their written decisions. Indeed, as explained by Bowen (2009), documents may provide insufficient details. These parole decisions were not produced for the purpose of this research. As shown in Chapter 2, these documents are created with a purpose in mind. As such, it is probable that the documents may contain insufficient details to provide full answers to all my research questions. Not only may the decisions contain insufficient information, but also, if I require clarification regarding a certain aspect of a decision, it is impossible for me to clarify the matter (for instance, I cannot call a Board member to ask for clarification regarding a decision).

Further, as stated earlier, the names of the Board members' who were responsible for the decisions were eliminated from the documents. This makes it impossible to draw similarities between decisions rendered by the same person. Also, given the information removed from the decisions and the fact that I only requested a sample of decisions, I am not in a position to know whether the women in these cases appealed their decisions, or whether they presented another a request at a later time which may have resulted in a different decision. I only have access to full parole decisions rendered at a specific time, and I do not know the scope of each particular case and their history with the PBC.

After reviewing several decisions, I found the decisions format to be quite structured and rigorous. For instance, each decision begins with a brief history of the crime committed and the sentence being served, followed by an explanation of time elapsed since the crime (with emphasis on institutional behaviour and programs completed) and release plans, and finally, the rationale for the decision and the final decision. While this format facilitated the identification of certain “factors” and themes throughout the data, I found that it left little room for innovation and it felt very constricting. Given that all the decisions reviewed in this research followed the same format, it is assumed that the institution imposes this format to its Board members.

Further, I would like to emphasize that, while I requested female-only decisions from the PBC, I have no control over what the PBC considers as “female,” or whether the PBC includes gender identity in the category “female.” As such, in the sample acquired from the PBC, I am relying on the PBC’s records’ referral to women, who are identified as female in sex and who are over the age of 18 (as they are incarcerated in a federal penitentiary). Thus, the matter of the identification of gender in my sample also constitutes a limitation to my methodology. While I requested decisions concerning female offenders, I have no control over what the PBC defines as “woman” or “female.” I have researched the topic and was unsuccessful in finding a clear definition of what the PBC considers as “female.” This constitutes a limitation to my methodology, as, during the time period reviewed, gender identity was not an issue covered by the *Canadian Human Rights Act* (CHRA). As of 2017, gender identity is now included in the CHRA as one of the prohibited grounds of discrimination. This thesis is therefore bound by data that does not clearly acknowledge gender identity.

Another limitation of this research would be that my findings are only generalizable to my core sample. The conclusions I drew in this research only apply to the 20 decisions analyzed as each woman is different, each Board member's assessment of women is different, and my assessment of the decisions as a whole is subjective. Indeed, in the context of data analysis, I am aware that my subjectivity consists of a considerable limit (Depelteau, 2011). Not only were the decisions selected by myself to provide a complete answer to my research questions, but also, the analysis was conducted by myself. In accordance with the social constructionist framework adopted, I acknowledge that the findings of this research only constitute my perception of the Board members' own documented interpretation of women offenders. I also acknowledge that if another researcher looked at the same data as I did, their analysis may differ than mine and may result in different findings.

With all of that being said, I argue that this research still has practical and theoretical advantages to the world of knowledge. Indeed, I am confident that this methodology, alongside the theoretical framework, is best suited to allow a deep understanding of what is officially contained in these parole decisions regarding incarcerated women in Canada. This methodology will allow me to provide full answers to my research questions, and, while these findings may not be generalizable to the entirety of incarcerated women seeking parole in Canada, they may provide examples of what can be "officially" considered by Board members rendering full parole decisions regarding women offenders. In the next chapter, I will present the "factors" that were found in the parole decisions of this sample as well as the reoccurring themes identified in these decisions.

Chapter 5: Analysis

This analysis chapter is separated in two distinct sections, the first in which I explore which “factors” were documented by the Board members⁸² in the written parole decisions of our sample. This section will be fairly descriptive, but it is necessary for two reasons: it will allow the reader to appreciate and recognize the frequency of consideration of each “factor” throughout the sample, and it will provide context for the conclusions that are drawn and the themes that emerged from these tendencies, which are presented in the second section of this chapter. In this second section, the most often mentioned “factors” will be examined more closely with an analysis of the reoccurring themes identified in the Board members’ official justifications for their decisions.

5.1 Presentation of the Criteria or “Factors” Documented in the Parole Decisions

In this section, I will first exemplify the decision criteria as enacted by the PBC then I will demonstrate these criteria as they were reflected in the decisions made by the Board members in the decisions of our sample. With the help of tables, this section will examine which “factors” were found in both categories of parole decisions (parole granted versus denied), which will, in turn, provide answers to the first research question: What criteria are documented in the written parole decisions regarding women offenders⁸³ seeking parole? Do these differ from the criteria suggested by the PBC in its guidelines to the Board members?⁸⁴

⁸² From this point on, unless otherwise specified, when I refer to “Board members,” I am exclusively referring to the Board members who were responsible for the decisions rendered regarding this specific sample of decisions. I am not referring to the entirety of Board members of the PBC, only those whose decisions were reviewed for this thesis, and whose names were redacted from our sample.

⁸³ From this point on, unless otherwise specified, when I refer to “offenders” or “women,” I am exclusively referring to the women whom were the subjects of the studied decisions: women whom were incarcerated in Canada, for a period of five years or more, between 2005 and 2015.

⁸⁴ Of note, the second portion of this research question will be addressed more specifically in section 5.2.1 The Board Members’ Discretion.

5.1.1 Presentation of the “Factors” the PBC Considers Relevant in Parole Decision-Making

As presented in Chapter 2, the PBC, as an institution, offers direction to the Board members by providing guidelines to be followed in the decision-making process. In section 2.1 of the PBC’s Decision-Making Policy Manual for Board Members, *Assessment for Pre-Release Decisions*, the PBC suggests that several criteria must be considered when rendering decisions (PBC, 2018d). These criteria are divided in seven large categories: (1) actuarial measures⁸⁵ of the risk to re-offend, (2) criminal, social and conditional release history, (3) factors affecting self-control, (4) offender responsivity to programming and interventions, (5) institutional and community behaviour, (6) offender change and, (7) release plan and community supervision strategies. Within these categories, some examples are provided of what to assess when rendering a decision. An exhaustive list of these criteria can be found in Appendix A.

5.1.2 “Factors” Found in the Written Parole Decisions of our Sample

In this section, I provide an overview of which “factors” were found in each decision category (parole granted versus denied) in the form of tables. These “factors” are shown as they were presented by the Board members in their decisions. This section should be reviewed in conjunction with Appendix G, which provides a list of examples and key terms identified in the decisions, in the Board members own words, which shows examples of the Board members’ interpretation of each “factor.”

Several “factors” were identified in the parole decisions of our sample. The strict format of the decisions themselves facilitated the identification of some of them. Indeed, it is apparent that Board members follow a predetermined “template” when they render

⁸⁵ As stated previously, these should not be conducted and/or considered when assessing women offenders.

their written decisions, which is likely provided by the institution. This template seemingly describes the women by observing three different spheres of their lives. The first part of a “typical” decision contains the decision-makers’ perception of the women’s “past” and what led them to be incarcerated. This usually includes their social and criminal history, as well as an overview of their current offence(s). The second part of the decision shifts focus and examines the decision-makers’ interpretation of the women’s “present” by reviewing their institutional path, with an emphasis on their institutional conduct and trajectory, including a review of their behaviour within the institution and their participation in correctional programming. The third and final part contains the Board members’ assessment of the women’s potential “future” as law-abiding citizens, through an examination of risk assessments, release plans, insight into criminality, demonstration of change and any other form of indication that the women can effectively reintegrate society.

The first table provides an overview of the “factors” that were explicitly discussed by the Board members in their decisions relating to the women’s “past” up to their current incarceration, including their criminal and social histories, and a description of their current offence(s).

Table A: “Factors” Related to the Women’s Past

“Factor”	Category	Parole Granted = 9	Parole Denied = 11
Current Offence(s) and Length of Sentence (in years)	Manslaughter	4 (8, 5, 9 and 10)	4 (7, 18+8 months, 6+10 months and 6+1 day)
	2 nd Degree Murder	1 (life sentence)	3 (life x3, parole eligibility after 10 x2 and 12 years)
	Drug-related (Import, Export, Traffic)	3 (7, 5+1 day, 5+)	1 (11)

	Sexual Assault and Incest	0	1 (5)
	Robbery with Intent to Break and Enter	0	1 (6)
	Attempted Murder and Assault	0	1 (10+3 months)
	Fraud and Forgery	1 (5)	0
Criminal History	Had no prior criminal history	7	1
	Had a prior criminal history	1	9
	No mention	1	1
Family History	Positive family environment	2	0
	Dysfunctional or abusive family setting	3	7
	No mention	4	4
Substance Abuse	Suffered from substance abuse issues	4	8
	Had no substance abuse issues	1	0
	No mention	4	3
Interpersonal Relationships with “Criminal Associates”	Associated with “criminals”	5	7
	“No reason to believe” they were associated with “criminals”	1	1
	No mention	3	3
Prior Victimization (as a Minor)	Abuse suffered as a child	3	7 ⁸⁶
	No mention	6	4
Prior Victimization (as an Adult)	Domestic violence (physical and/or verbal)	1	4
	Sexual abuse as an adult	0	1
	No mention	8	7

The second table provides an overview of the “factors” that were discussed by the Board members in their written decisions regarding the women’s “present” with a focus on their institutional paths.

⁸⁶ All of which, except one (Maggie), were documented by the Board members as having suffered sexual abuse as a child.

Table B: “Factors” Related to the Women’s Present

“Factor”	Category	Parole Granted = 9	Parole Denied = 11
Institutional Behaviour	“Good” behaviour	9	0
	“Poor” behaviour	0	9 ⁸⁷
	No mention	0	2
Involvement in Programming	Has completed programming	9 ⁸⁸	11 ⁸⁹
	Motivated and invested	7	0
	Issues regarding participation	0	5
	Failed to participate in programs to address risk factors	0	4
Participation in Other Forms of Conditional Release	Succeeded some form of release	8 ⁹⁰	2 ⁹¹
	Failed some form of release	0	3
	Mixed reviews regarding compliance during conditional release	0	4
	The Board members noted that some form was not attempted	0	1
	No mention	1	1
Mental Health	Mental health issues identified	3	7
	Mention that there are no mental health issues	0	1
	No mention	6	3
Violence & Anger Management Issues	Past issues	4	0
	Past & current issues	0	9
	No mention	5	2

⁸⁷ According to the decision-makers, four of them were showing some signs of improvement.

⁸⁸ Based on the information found in the decisions, four women had maintained employment, four women were upgrading their education, seven women had participated in psychological counselling or intervention, and four women were participating in programs geared to address substance abuse.

⁸⁹ Based on the information found in the decisions, two women had maintained employment, two women were upgrading their education, seven women had participated in psychological counselling or intervention, six women were participating in programs geared to address substance abuse, and three women were partaking in programs designed for Aboriginal offenders.

⁹⁰ Of note, six of these women were documented by the Board members to be on day parole at the time of the decisions and showing compliance on this form of release.

⁹¹ Two women were documented by the decision-makers to be on day parole at the time of the decisions. According to their decisions, both of them showed compliance issues while on this form of release.

The third table provides an overview of the “factors” that were discussed by the Board members in their written decisions regarding the women’s potential “future” or reintegration potential as law-abiding citizens.

Table C: “Factors” Related to the Women’s Future

“Factor”	Category	Parole Granted = 9	Parole Denied = 11
Attitude Towards Criminality			
<i>Insight</i>	Showed “good” insight into criminality and risk factors	7	0
	Showed either no insight or too little insight	0	8
	Showed some insight, but too recent	0	2
<i>Responsibility</i>	Took full responsibility for crimes	6	5
	Lack of responsibility (minimized role and blamed others)	0	3
<i>Remorse</i>	Expressed “genuine” remorse	1	5
	Expressed remorse, but Board members unsure if it was “genuine”	1	2
	No mention	1	0
Demonstration of change	Had demonstrated change	9	0
	Had demonstrated some change, but not enough or too recent	0	7
	Had not demonstrated change	0	3
	No mention	0	1
Release plans			
<i>Accommodations</i>	Had secured accommodations for a full parole release	9	0

	Had secured accommodations for a day parole release (in a CBRF)	0	8
	Had no confirmed accommodations	0	3
<i>Employment</i>	Had secured employment	4	0
	Had not secured employment	1	6
	Was not able to work (due to old age)	1	0
	No mention of employment	3 ⁹²	5
<i>Education</i>	Were planning on upgrading education	3	2
<i>Programs/ Counselling</i>	Were planning on attending counselling or programs in the community	3	4
<i>Social Support</i>	Had positive social support in the community	8	7
	Lacked positive social support in the community	0	3
	No mention of social support	1	1
Support from the CMT	Full parole supported	8 ⁹³	3
	Day parole supported (but not full parole)	0	6
	Parole (any form) not supported	0	2
	No mention	1	0
Risk Assessment			
<i>Level of Risk</i>	Low risk to reoffend	4 ⁹⁴	4 ⁹⁵
	Moderate risk to reoffend	2	1
	Moderate to high risk to reoffend	0	4
	High risk to reoffend	0	1
	No risk assessment on file	1	0
	No mention	2	1

⁹² In two cases, the women were granted parole for deportation. As such, employment plans were not fully explored by the Board members in their written decisions.

⁹³ In two cases, the Board members that the CMT supported full parole for deportation.

⁹⁴ In one of these cases, the risk assessment included “cautions” or “warnings” that the risk may increase if the woman changed certain variable(s).

⁹⁵ In three of these cases, the risk assessment included “cautions” or “warnings” that the risk may increase if the women changed certain variable(s).

<i>Type of Assessment</i>	Psychological risk assessment	5	6
	Clinical risk assessment	1	3
	Actuarial scales	0	1 ⁹⁶

The fourth and final table illustrates which “factors” were more susceptible of being documented by the Board members in the decisions of this sample resulting in parole being granted versus parole being denied.

Table D: “Factors” More Likely to be Mentioned in the Parole Decisions

“Factors” More Likely to be Mentioned in the “Granted” Written Full Parole Decisions	“Factors” More Likely to be Mentioned in the “Denied” Written Full Parole Decisions
<ul style="list-style-type: none"> - having no prior criminal history; - having adopted a “positive” institutional behaviour; - successful completion of <i>appropriate</i> programming (showing motivation and investment); - successful completion of other forms of conditional release; - having resolved underlying violence and/or anger management issues; - displaying a good understanding of her criminality (an appropriate level of insight into her criminality and the ability to list risk factors); - having demonstrated “significant” change and progress; - having <i>confirmed</i> release plans (especially regarding employment and accommodations); - obtaining the support from the CMT for a full parole release; and - being evaluated by the CSC as being in the low to moderate range of risk of recidivism. 	<ul style="list-style-type: none"> - having a criminal record; - prior victimization both as a minor and as an adult (in the family setting or not); - having suffered from substance abuse issues; - difficulties within the institutional setting including institutional charges; - not having participated (or lacking motivation) in adequate programming; - prior failures or non-compliance issues in previous attempts at conditional release; - violent temper and/or anger management issues that are deemed still present; - incomplete reflection on criminal behaviour (especially regarding insight and risk factors); - not having demonstrated change or having demonstrated change that is too recent; - vague, unrealistic or unsupported release plans; - not having the support from the CMT for a full parole release (or only having their support for a day parole release); and - representing anywhere from a low to high risk to reoffend or a risk level that is variable depending on some factors.

⁹⁶ This will be addressed further.

As a brief reminder, these “factors” are to be considered as the different elements discussed in the written parole decisions. These “factors” are presented by the Board members throughout their decisions, and, in most of the decisions reviewed, at the end of the written decisions, the Board members “weighed” these factors to ultimately justify whether they will allow the women to be released in the community or to remain incarcerated. The following excerpt of Rosa’s decision provides insight on this documented aspect of the decision-making:

In conclusion, the Board acknowledges your gains in insight in regard to the root cause of your offending and addictions, your program completion to address your risk areas, your motivation to change, your development and use of supports, your involvement in spiritual and cultural activities, your more recent positive institutional behaviour, your compliance and structured and supported release plan. Having said this, *the Board must weigh these factors against* [emphasis added] the seriousness of your current and past violent offending, your institutional assault and poor behaviour, the fact that your programming gains are recent as is your cultural and spiritual involvement. [...] *When weighing out all the factors* [emphasis added] the Board has concluded that considering the fact that when you re-offend it has serious consequences for the victims, your gains are too recent to have demonstrated a sustained change and ability to continue to manage risk.

Through this example, it can be observed that the Board members base their decisions by using some criteria, giving them different weight depending on their personal interpretation of the case they have to evaluate. Ultimately, by “weighing” the positive and negative factors, Board members look mainly to see if the person has shown proof of profound changes in attitude, and if the gains acquired during incarceration are spread over a sufficiently long period to ensure that the person can be successfully released, that is, without committing another criminal offence. Indeed, in this sample, decisions to release were ultimately justified based on the existence of evidence deemed

sufficiently convincing of “positive” changes in the applicants. As such, we can suppose that the Board members of the PBC, whose decisions were analyzed in this research, make an interpretation of the requests for parole according to these multiple factors, which are imposed by the institution, but which they also interpret with some freedom.

Reviewing these “factors” and the weight accorded to them by the decision-makers allows for an understanding of the priorities that Board members give to certain criteria in their official decisions. It also allows for an examination of to which extent their decisions correspond or not to the institutions’ guidelines on decision-making. Indeed, during the review of every decision of this sample, each “factor” found in the decisions was compared against the guidelines provided by the institution, which has allowed me to observe how the decision-makers interpret the direction provided by the institution in their written guidelines, and if they used their discretion to deviate in any capacity from these instructions. The tendencies identified regarding the Board members’ interpretation of the institutions’ guidelines will be more specifically discussed in section 5.2.1 The Board Members’ Discretion.

In the following section, the findings presented in the tables above are examined more closely with other relevant examples and are discussed through an analysis of the four main themes that emerged from justifications of the parole decisions: the Board members’ inherent discretion, the Board members’ perception of whether the women had demonstrated change, the Board members’ emphasis on risk and the protection of society, and the Board members’ depiction of social reintegration being the responsibility of the women. This section will thus provide answers to the second research question: How are

the criteria of evaluation interpreted by the Board members in their decisions and what are the reoccurring themes in the official justifications provided for their decisions?

5.2 Analysis of the Reoccurring Themes Found in the Justifications of the Parole Decisions

The first theme identified consists of the Board members' discretionary power. This discretion was observed when examining which "factors" the Board members officially documented as considered, how they interpreted the guidelines provided by the institution, which document they recorded as considered in their decisions, and how they had the ability to disagree with others' opinions (for instance, by disagreeing with CSC's recommendations to grant parole or stating that the women had not changed despite other professionals' opinions that they did).

The second theme identified consists of the Board members' interest on assessing change. As shown in the literature review, this focus on the "demonstration of change" seemed salient in other studies on the topic (Bottomley, 1973; Hannah-Moffat and Yule, 2011). Within this theme, some of the "factors" that were mobilized by the Board members to assess change are presented, which will ultimately show examples of what the Board members can consider when assessing this change. The "factors" relevant to the Board members' assessment of change were: the women's prior criminal histories, their behaviour within the institution and/or while under supervision in the community, and whether their personal issues of violence or anger management had evolved.

Following this, the third theme identified is the Board members' emphasis on risk and the protection of society. This section examines how the Board members assessed the women's risk levels and whether these risks had evolved through their sentence, notably by examining the risk levels created by the CSC, by reviewing any progress made against

the correctional plan, and by questioning the women to see if they had successfully integrated the correctional discourse on risk.

The fourth and final theme identified consists of the Board members' representation that reintegration is the responsibility of the offenders. This theme will explore how, even given the many constraints imposed by federal incarceration, the women were presented by the Board members as being responsible agents for their change and potential release, including finding suitable accommodations and employment in the community, and taking all "recommended" programming.

5.2.1 The Board Members' Discretion

As previously explored, the PBC's Board members are mandated by the CCRA to make decisions regarding conditional release. The PBC, as an agency, has established guidelines for its Board members to follow when rendering decisions on parole, presumably in an effort to standardize the decision-making process (as shown in Appendix A). While the institution provides a predetermined list of items for its Board members to consider in the decision-making process, studies have shown that it does not indicate which "factor" is, or should be, considered more important, thereby leaving more discretion to the Board members (Gobeil & Serin, 2009; Hannah-Moffat & Yule, 2011).

While examining the rationale for each decision of this sample, I compared the "factors" found in the decisions with the guidelines established in the Board Member's Policy Manual (PBC, 2018d). After having reviewed several decisions, it became apparent that, when writing the rationale for their decisions, Board members appear to follow a predefined list of items to review. Each decision followed a similar pattern (within the body of the text) and, *generally speaking*, most elements listed in the

Decision-Making Policy Manual for Board Members appeared to be documented in the parole decisions.⁹⁷ “Factors” such as criminal history, institutional behaviour, involvement in programming, participation in other forms of conditional release, attitude towards criminality, demonstration of change, release plans and risk assessments were accounted for in almost each decision reviewed. This was to be expected since, as shown in Chapter 2, official decisions, such as the written parole decisions, are drafted with a specific purpose in mind, and they mostly provide information about the system itself (Garfinkel, 1997; Tata, 2002; Vanhamme & Beyens, 2007).

Having said this, with respect to this sample, I found some evidence that the Board members exercised their discretionary power and “deviated” from the guidelines provided by the institution. In a considerable amount of decisions, the Board members chose not to discuss (or, at least not to document in their decisions) specific topics such as family history, substance abuse, interpersonal relationships and mental health, even though these are listed as elements that should be considered in the PBC’s Decision-Making Policy Manual (PBC, 2018d). Indeed, family history was not documented as being considered in eight of 20 decisions, substance abuse history (or lack thereof) was not documented in seven of 20 decisions, prior interpersonal relationships were not addressed in six of 20 decisions, and mental health issues (or lack thereof) were not accounted for in nine of 20 decisions. Furthermore, some “factors,” such as the women’s prior victimization, were not listed in PBC’s Decision-Making Policy Manual, but were

⁹⁷ Of note, I found that some elements were often listed in the decision and appeared “out of context” (the link between these elements and the final decision remained often unclear). For instance, the Board Member Policy Manual states that Board members must consider “recent relationship changes” (PBC, 2018d). Simply stating that Kathy is separated from her husband, that Anita has a “female partner,” or that Sophie is “apparently not in a relationship at this time” does not provide an insight as to why this information is relevant and why it is listed in a decision regarding conditional release.

often mentioned by the Board members in their decisions. Indeed, the women's prior victimization was discussed in 11 of 20 decisions.

As Board members are to be seen as social actors that act in a particular institutional context, there could be a variety of reasons why these "factors" were included or omitted from their written decisions. While I am unable explain why these "factors" were included or excluded from the decisions, it is pertinent to note that they do use their discretion and sometimes diverge from the guidelines. Indeed, this observation confirms the discretionary power that lies within the organization: while Board members are given general guidelines to follow and while they are required to consider the same information for each file, they have the power, or discretion, to choose which information they document as being important in the decisions they render, and which information they choose not to consider, or not to document as being considered. Thus, by examining the rationale for their written decisions, I was able to observe which criteria the Board members emphasized more in their official justification, or what the Board members may consider as appropriate "official" rationale for their decisions.

As shown in Chapter 2, Gobeil and Serin's (2009) found that when Board members were given access to the same case, not all of them accessed the same information to render their decisions. It appears that this finding would be validated with respect to this study given that some items (such as substance abuse history, family history, interpersonal relationships and mental health) were not discussed in each decision, and some factors (such as victimization) were discussed in many decisions, but were not listed in the Board Member's Policy Manual (PBC, 2018d). While I cannot confirm whether the Board members did receive the information that is missing from the

decisions prior to the hearing, it is safe to assume that this was provided by the CSC.⁹⁸ Assuming that the Board members completed their duty of ensuring that all relevant information was accessible, this information was likely available to the Board members, and they likely decided not to mention it in their final decisions. This choice may have been made because they thought that this issue was important, but secondary, or maybe they thought that this issue it could be solved by addressing another more important “factor.” Then again, they may have chosen to not to document these “factors” as considered simply because they felt they were not relevant to the case. On this, Hannah-Moffat and Yule (2011) noted:

Several scholars have stressed the importance of how information about an accused is organized in case files and official narratives [...]. In particular, they have noted that *in official records, exclusions and silences may be as important as what is included* [emphasis added]. (p. 160)

This finding partially supports Gobeil and Serin’s (2009) argument that, even when presented with and having access to the same information, the information accessed, and discussed, is variable from one Board member to another. As the Board members’ names were removed from the decisions in this sample, this is not something that can be confirmed in this research; however, there certainly appears to be a pattern of “picking and choosing” which information will be considered and, more importantly, documented in the final decision.

This discretion was further observed, throughout the sample, when the Board members considered other professional’s opinions (specifically CSC staff) but disagreed with their conclusions. As shown in Table C above, in almost all of the cases resulting in

⁹⁸ As previously explained, prior to reviewing a file, the PBC is required to ensure that all the documents it uses are adequate, that is, that they are available, and that the information is reliable and persuasive (PBC, 2018d). If this is not the case, the PBC must order that the CSC provide complete and adequate documentation.

parole being granted (eight out of nine),⁹⁹ the women's respective CMTs recommended that full parole be granted. This seems to indicate that Board members follow CSC's recommendations. However, when looking at the parole decisions that were denied, it becomes clear that the Board members do not always follow the recommendations from the CSC. Indeed, in three cases, the CMT recommended that full parole be granted; in six cases, the CMT recommended that day parole be granted; and, in two cases, the CMT recommended that no form of parole be granted. In all of these cases, the Board members denied all forms of parole and thus, disagreed with the CSC's recommendations in nine cases.

In addition, when referring to various sources in their decisions (such as sentencing reports, police reports, psychological reports, incident and institutional reports), the Board members often included (and manifestly excluded) excerpts of, or paraphrased, certain aspects of these documents. For instance, regarding Sophie, the Board members discussed reports from program facilitators and a psychologist regarding her participation in programs and counseling:

To address your risk factors, you successfully completed the Women Offender Substance Abuse Program (WOSAP) in July of [...]. *According to the facilitator's report*, your triggers for alcohol use were identified as anger, feelings of low self-worth, frustration, stress and negative emotions. Through your participation in the program, you reportedly made gains in learning how to be assertive, develop healthy boundaries, and cope with stress. You learned to use positive self-talk to confirm your self-worth. [...] You also completed a life skills program called Breaking Barriers. *The final report* from this program was very positive. Psychological counseling was provided to address mental health issues of anxiety and depression. *The psychologist providing you with treatment specifically indicated* that she did not address the crime with you directly. [emphasis added]

⁹⁹ In the remaining case, there was no mention of a recommendation by the CSC.

Similarly, regarding Anita, the Board members discussed the Judge's comments on the case:

In her Reasons for Sentence, the Judge stated "it is the degradation and the distribution of the deceased remains that add an extra measure of horror to this case", calling your actions incomprehensible and animalistic. The Board notes police never recovered the victim's torso.

These examples show that Board members have the discretion to choose not only which documents they will showcase in their written decisions, but also what section(s) of said documents they will include in their decision (if any), and what they make of the information they consider relevant. It is worth mentioning that the documents being referenced in parole decisions are usually several pages long and that in their written decisions, the Board members choose a few sentences of these documents that they will then quote or paraphrase to highlight what they considered relevant.

This apparent discretion can not only be observed in which "factors" the Board member document or omit from their written decisions, in their ability to deviate from other professionals' recommendations, and in their showcasing of certain documents over others, but it can also be observed by examining how they interpret the guidelines which are, generally speaking, somewhat vague. As shown in Appendix A, these guidelines suggest several factors to consider. While some are quite straightforward (such as "criminal history"), others require interpretation, which may vary when considered by different actors (such as "an indication of measurable and observable change in the offender's attitude and behaviour as a result of incarceration") (PBC, 2018d). It should be noted here, however, that it is not because the Board members "deviate" from these guidelines that they do not respect these rules provided by the institution. They are simply practicing their discretion. Some elements of the guidelines are likely

intentionally “vague” to allow the Board members a certain freedom of interpretation, and to allow them to make some selections, which, according to them, would allow for a better respect of the principles of the law which governs the setting of conditional release.

Indeed, pursuant to the theoretical framework selected, Board members are first and foremost social actors that act in a specific role within an institution. Thus, their decisions (and the written rationale they have to provide for it) mainly consist of their own interpretation of the situation at hand and may include a review of the entire case file, the hearing with the offender, their deliberations with other the Board members, and their consideration of institutional guidelines. The following section, focusing on the Board members’ assessment of the women’s change, will continue to provide examples of this discretion and will examine the Board members’ interpretations of what the guidelines suggests regarding this assessment of change.

5.2.2 The Board Members’ Interpretation of “Change”

Section 2.1 of the PBC’s Decision-Making Policy Manual suggests that Board members should assess the following with respect to “assessing offender change”: assessing any improvement in the correctional plan, assessing whether offenders understood their crime cycle, observing any change in behaviour and/or attitude as a result of incarceration or participation in programming, examining prior criminal records, considering professional’s reports on participation in psychological/psychiatric treatment and assessing offenders’ personal issues (PBC, 2018d).¹⁰⁰ In the decision regarding Tracey, the Board members provided an explanation, in their own words, of what they assess in terms of change:

¹⁰⁰ The full list of elements to consider when assessing offender change can be found in Appendix A.

When considering release on full parole, *the Board members must be conscious of the need for offenders to have demonstrated consistent and sustained change in behaviour and attitudes* [emphasis added], and with respect to this primary risk factor,¹⁰¹ you have not demonstrated consistent and sustained change in behaviour and attitude in this area.

Regarding Rachel, they stated: “Given that you have not really engaged in your [correctional] plan, it is difficult to assess evidence of change in your attitudes and behaviour.” Often noted in many decisions, the Board members noted in Cynthia’s decision that they were looking for change that occurred “over an extended period of time.” Seemingly, based on the quotes provided above, the change that Board members are looking for stems from both behaviour and attitudes, combined with an appropriate participation in adequate correctional programming, in an effort to reduce risk factors identified by the CSC during the intake assessment and specified in the correctional plan. It also appears as though this change must be demonstrated over a considerable period of time. Hannah-Moffat and Yule (2011) clarify the purpose of the PBC’s assessment of change:

Considerations of risk contained in parole decision narratives emerge as forward-looking, predictive assessments of women’s rehabilitative and reintegration potential. Evidence of change thus emerges as highly relevant to parole decision making in part because it makes a decision to release appear more rational by strengthening the belief that a prisoner will make different (i.e. non-violent) choices in the future. (p. 161)

As shown in Chapter 2, in their 2011 study on the topic, Hannah-Moffat and Yule noted that the most decisive factor in the PBC’s decisions regarding conditional release

¹⁰¹ For reference, in this decision, Tracey’s main “risk factor” was described as being her continuous association with violent and controlling individuals (particularly in the context of intimate relationships). The Board members noted that, during the current offence, Tracey was involved with a violent and aggressive partner. It was highlighted that, even after being convicted and incarcerated, Tracey got into an intimate relationship with another violent and aggressive partner within the institution and continued to tolerate emotional and physical abuse from this new partner. It was also revealed that, during her current day parole release, Tracey engaged in a relationship with a former gang member who was involved in the drug trade.

for violent women seemed to be the demonstration of change. Bottomley (1973) concluded the same with respect to men incarcerated in a British prison. When analyzing the rationale for each decision, I observed what the Board members provided as examples in their decisions when they concluded that the women had “changed.” For instance, were the women maintaining sobriety? Had they taken all required programming and were they applying the learned skills? Were they now adopting a pro-social attitude whereas before it was perceived as negative? As shown in Table C and in Appendix G, all of the women of this sample whom were granted parole were assessed, by the Board members, as having demonstrated “positive” change. This kind of change was supported by arguments such as behavioural and attitudes change (such as conformism to institutional rules), gains from programming (and thus reduced risks), skills learned and applied, and maintained achievements (such as sobriety). According to the rationale found in the decisions, the women of this sample whom were denied parole either failed to demonstrate the adequate change (did not change their attitudes or behaviour) or showed some signs of change and improvement, but this change was deemed “too recent” by the Board members. Of note, in the decisions that were examined, the women were constructed as being *responsible* for this change and for demonstrating it.¹⁰² That being said, this change is ultimately deemed appropriate by the Board members themselves. Within their decisions, I found that several “factors” were mobilized by the Board members to support their conclusions on whether change had occurred:

- A review of the women’s criminal histories;
- An examination of the women’s behaviours within the institution and/or the community;
- Consideration of the women’s personal issues regarding anger management/violence and whether these issues had evolved; and

¹⁰² This will be addressed further.

- An assessment of risk levels, progress made against the correctional plan, and the women’s “understanding” of their criminality.¹⁰³

Criminal History

As prescribed by the guidelines provided by the PBC, one of the obvious ways that the Board members used to potentially identify a change in behaviour was by examining the prior criminal history of the women. Most women denied parole were documented by the Board members as having a previous criminal history (nine out of 11), while most whom were granted parole were documented to have no prior criminal history (seven out of nine). In some instances, the Board members noted the women’s “lengthy criminal history” as a negative “factor,” which, albeit not surprising, illustrates that the presence of a criminal history can sustain the Board members’ claim that the women have not “changed” over the years, and, therefore, should not be released. The opposite was observed when parole was granted: the Board members often noted that the current offence was the first offence on the women’s criminal records, and that, as this was an isolated incident, risks would not be undue while on parole.

Behaviour in the Institution and/or in the Community

Another way mobilized by the Board members for assessing this change was to observe the women’s behaviour within the institutional setting and/or in the community under supervision. Starting with the premise that the behaviour and attitude that led them to commit their “crime” and subsequently be incarcerated was inadequate, it is evident that “change” can be observed by assessing whether the behaviour within the institutional

¹⁰³ While these “factors” were definitely used by the Board members to assess whether the women had “changed,” they will be explored in the following section, which will focus exclusively on the Board members’ assessment of risks in their decisions.

context was “appropriate.”¹⁰⁴ Per the PBC’s guidelines, it is suggested that Board members should assess incidents of non-compliance with institutional rules and/or supervision conditions, any misconduct and continued involvement in criminal activities, any misconduct related to trafficking, using and/or introducing drugs in the institution, information related to institutional behavior during previous sentences (including provincial and youth sentences), as well as the offender’s participation in activities organized by or involving members of criminal organizations (PBC, 2018d). As seen in Chapter 2, some researchers found that the offender’s institutional behaviour (including institutional reports and disciplinary incidents) played a key part in parole decision-making, stating that those who had adopted prosocial institutional behaviour were more likely to be released on parole (Bottomley, 1973; Caplan, 2007; Mooney & Daffern, 2014).

With respect to this sample, all of the women whom were granted parole were documented by the Board members to have adopted compliant behaviour within the institution. The Board members noted they had no institutional charges, had engaged in positive relationships and attitudes with staff and other inmates, and had adjusted positively to incarceration. For instance, regarding Mary, the Board members noted: “during your incarceration, you have complied with rules [...] you are compliant and respectful towards the staff and other inmates [...] you are adjusting very well to institution.” In a sharp contrast, almost all of the women denied parole (with the exception of two) were described as having experienced difficulties in the institutional

¹⁰⁴ Deemed appropriate by the Board members.

setting.¹⁰⁵ The Board members described non-compliance with staff, disregard of rules, aggressive/violent behaviour, and institutional charges. For instance, regarding Cynthia, they noted that she had: “a history of non-compliance with staff and had caused numerous behavioural concerns while incarcerated” and that she had “institutional charges for drug use/possession, fail to provide,¹⁰⁶ assaults, refuse direct order and possession of tattooing paraphernalia.” Thus, having adopted conformist behaviour within the institution can justify a change in attitude and/or behaviour. Those who adopted positive behaviour within the institution were more likely to be presented as having changed by the Board members, as, according to the correctional logic, their behaviour and/or attitude prior to incarceration was “bad” or inadequate to begin with.

The same reasoning was observed when the Board members discussed whether the women had participated and succeeded in other forms of conditional release programs prior to their full parole application. Indeed, when the Board members granted parole, they often argued that the women had succeeded¹⁰⁷ in other forms of conditional release, whether that be temporary absences (escorted or unescorted), a work release or day parole.¹⁰⁸ As shown in Table B, those whom were denied parole had, for the most part (nine out of 11), at least one “negative” incident while on other forms of conditional

¹⁰⁵ It should be noted, however, that in four instances where parole was denied, the Board members noted that some progress was occurring regarding this “problematic” institutional behaviour. That being said, this progress was often deemed “too recent” and the narrative observed in these decisions remained mostly “negative” with respect to institutional behaviour.

¹⁰⁶ According to CSC’s Commissioner’s Directive 580, *Discipline of Inmates*, an offender commits a disciplinary offence when she “fails or refuses to provide a urine sample when demanded pursuant to section 54 or 55 of the CCRA” (CSC, 2015b).

¹⁰⁷ For the Board members, the success of conditional release appeared to be measured by the fact that the release (in any form) happened without any incidents (for instance, missing a curfew or failing urinalysis) or recidivism.

¹⁰⁸ Not only were the Board members looking for successful completion of other forms of conditional release programs, but they were also looking for an *evolution* of the women’s participation in these conditional release activities, from the most restrictive version (i.e. escorted temporary absences) to the least restrictive (i.e. day parole).

release. As such, “failures” during other forms of conditional release is not allowed before full parole, or, at the very least, the Board members see this as a potential obstacle.

For the Board members, successful completion of these conditional release programs showed that not only the women had changed and developed appropriate behaviours and attitudes, but that they were able to maintain the gains achieved while out in the community. For instance, in Natalie’s decision, the Board members noted: “Vous avez bénéficié d’un séjour en semi-liberté pour démontrer que vous étiez en mesure de prendre les bonnes décisions par vous-mêmes et de ne pas vous laisser influencer par de mauvaises fréquentations.” The rationale found in the decisions suggested that, prior to applying for full parole, women should have succeeded in other forms of conditional release, which, for the Board members, would allow the women to demonstrate their ability to conform to rules and regulations and demonstrate positive attitudes and behaviours while out in the community.

In the decision regarding Rosa, the Board members noted that, while she did participate in some escorted temporary absences, she should apply for unescorted temporary absences, which would allow her “to *demonstrate compliance and positive progress* on less structured and supervised outings which would demonstrate a *gradual* and structured approach to release before day parole” [emphasis added]. In Natalie’s decision, the Board members noted that, while she was currently on day parole, “La Commission constate que *vous êtes arrivée au stade* de la libération conditionnelle totale” [emphasis added]. These quotes show an aspect of what the Board members are looking for in terms of an eligible candidate for full parole: an offender who has

successfully completed other forms of conditional release, in a gradual manner, and thus who has shown an ability to adopt conformist behaviour within the community.

Personal Issues of Anger and/or Violence

Another way of assessing this change was for the Board members to observe whether the women's personal issues identified at intake, specifically anger management and violence issues, had evolved since their incarceration.¹⁰⁹ In several decisions, the Board members noted that the women had resorted to extreme use of violence during their current offence. For instance, regarding Nadine, the Board members discussed the "high degree of rage" she displayed while stabbing her victim, noting that: "the force of the stabbing broke the handles of the knives and bent the blade." What is interesting to note is that, when discussing these violent tendencies and anger issues regarding the women whose parole was granted, the Board members referred to these incidents as "isolated" and they used the past tense, seemingly indicating that these issues had resolved. When parole was denied, in nine cases, the Board members noted not only the violent nature of current or past offences, but also, that there were ongoing issues surrounding violence and anger management. For instance, the Board members discussed the level of violence used in her current offence while describing how she stabbed her victim multiple times with a kitchen knife, but also noted Cynthia's ongoing "violent and confrontational behaviour" in the institution, as well as persistent "anger management

¹⁰⁹ According to section 2.1 of the PBC's Decision-Making Policy Manual, Board members should consider "factors affecting self-control," including "elements that relate to the offender's ability to regulate their own behaviour and the extent to which the offender is impulsive or easily angered" (PBC, 2018d). Further, when assessing change, the guidelines state that Board members should assess "professional reports assessing the benefit of the offender's participation in psychological and/or psychiatric treatment programs that address identified needs and treatment gains, including those relating to anti-social attitudes and behaviours, and other personality factors such as level of development, emotional and intellectual maturity, impulsiveness, self-regulation, problem-solving skills and offender change" (PBC, 2018d).

issues.” It is therefore likely that an assessment of these personal issues were considered in the Board members’ assessment of the women’s overall “change.”

Ultimately, based on both the PBC’s policy and the Board members statements in their decisions, Board members are looking for *measurable, observable, significant, consistent* and *sustained* change in behaviour and attitudes. Regarding this change, Bottomley (1973) spoke of the *evidence* of the offender’s changed attitudes. As a reminder, Board members review the offender’s case file prior to the hearing and typically meet the offenders for the first time at their hearing. With respect to these case files, Hannah-Moffat and Yule (2011) argue, “While the case file contains abundant information about the parole candidate, it does *not* include a cumulative summary of her overall progress, nor do reports typically offer extensive comments about her readiness for parole” (p. 153). According to the PBC’s Decision-Making Policy Manual, professionals and CSC staff members can attest to observable change that has had a beneficial impact to the Board members (PBC, 2018d). Yet, in this sample, in some cases, even when CSC staff or professionals had attested to a change in behaviour or attitude (either during the hearing or in their reports), the Board members would argue that the change was too recent and thus deny the request for conditional release. This, again, illustrates their ultimate discretion in terms of decision-making. In the case of

Maggie, the Board members presented the following comments from CSC program facilitators for the Spirit of a Warrior¹¹⁰ program:

In [...] you completed the Spirit of a Warrior program, with facilitators noting you used the supports provided through Elders, individual sessions and one to ones, you were motivated to challenge yourself, gained insight, prepared and addressed goals, a higher level of confidence and esteem, and that you were now in the determination stage of change.

In this instance, CSC staff members (specifically program facilitators) attested that the participation in correctional programming resulted in a beneficial impact. Despite “significant gains” reported by CSC staff, the Board members noted that Maggie was continuing to experience difficulties outside of the program with “intimidating attitude and aggressive behaviour.” The Board members thus concluded that Maggie was a “work in progress” who “has not had the opportunity to internalize and practice skills learned in correctional treatment programs.” Nonetheless, the Board members commended Maggie for her progress, but maintained that she was “early in her Healing Journey.” They also gave the following advice to Maggie: “You need to develop a period of credibility and a demonstration that you are able to use the skills learned in programming. This will increase your reintegration potential in order to reduce your risk of recidivism.” Thus, while the guidelines state that professionals and CSC staff members can attest of this change (PBC, 2018d), manifestly, in the end, the Board members are responsible for evaluating the change and determining if, in their opinion, it is significant. However,

¹¹⁰ In the decisions of this sample, several references were made to programs designed to meet the needs of Aboriginal women offenders. These included the Spirit of a Warrior, Horse and Circles of Change programs. According to the CSC, the Spirit of a Warrior program “is a violence prevention program for Aboriginal women offenders” (CSC, 2006). The Horse program is “a unique [...] program offered by the Nekaneet community” (CSC, 2019b). This program is delivered by the community at the Okimaw Ohci Healing Lodge, in Maple Creek, Saskatchewan (CSC, 2019b). The Circles of Change program “is a moderate intensity program addressing the criminogenic needs of Aboriginal women offenders. It promotes holistic healing through the traditional medicine wheel and Aboriginal teachings, combined with the process of change including relapse prevention” (CSC, 2010).

from the perspective of the offenders themselves, it remains unclear how one attains or proves this change, and to whom this change must be demonstrated (to CSC staff members or the Board members during the hearing).

As shown previously, the PBC is independent from the CSC for transparency and impartiality purposes. Indeed, the PBC is an independent administrative tribunal that is responsible for granting, denying, or revoking parole for federal offenders, while the CSC is responsible for the imprisonment of federal offenders. This structure is “designed to enhance the integrity of the parole decision-making process” and is “intended to promote impartiality” (Hannah-Moffat & Yule, 2011, p. 152). That being said, it is worth reiterating that Board members typically meet offenders for the first time at their parole hearing, which raises concerns on their ability to effectively assess the consistent, significant, observable, measurable and sustained change they are looking for. One could think that the CSC staff members, those that spend their days with offenders over an extended period of time, could be more equipped to make these kinds of decision. However, the PBC’s structure was designed to avoid some partiality issues that could arise from the CSC making these decisions, such as a lack of distance between CSC staff and offenders. The CSC has the ability to make recommendations to the Board members to either grant or deny parole and its staff can comment on whether change has been observed. Nonetheless, the Board members are ultimately responsible for rendering the decision and can therefore render decisions against the CSC’s recommendations. As such, this “demonstration of change” that was prominent in the decisions reviewed appears to be based solely on the Board members’ own personal assessment and perception of the women’s case files, which does not attest to the overall progress of the

women (Hannah-Moffat & Yule, 2011), as well as their interview during the hearing, which typically only lasts a few hours.

Thus, with respect to this sample, I found that, in their written decisions, the Board members assessed several “factors” to determine whether the women had “changed,” including a review of their criminal history, an assessment of their institutional behaviours, whether they had had the opportunity to demonstrate their positive behaviour in a less-structured environment (in the community), and whether personal issues (such as anger management and violence) had evolved since the beginning of their incarceration. Further, even when notified by CSC staff that the women had changed, as shown with the example of Maggie above, the Board members still had the ability to deny parole based on their opinion that the change achieved thus far was insufficient. As such, it appears that this measure that entails an assessment of change is rather vague, and that its application presumably varies largely from a Board member to another as it is ultimately based upon their personal interpretation. Indeed, as social actors that act within a specific context, each Board member’s perception of a particular case likely varies as a result of their seniority, their training, and their way of interpreting the guidelines provided to them according to their own experiences and practices (Lalande, 1990; Gobeil & Serin, 2009). That being said, with respect to this sample, one of the preferred ways used by the Board members to assess whether the women had “changed” or had “demonstrated change” was to examine whether their risk levels had evolved since the beginning of incarceration. This notion of risk, the Board members’ assessment of its progression, and how risk is presented the parole decisions are explored in the following section.

5.2.3 Emphasis on Risk and the Protection of Society

According to the Oxford Dictionary, a risk can be defined as “a situation involving exposure to danger” and/or “the possibility that something unpleasant or unwelcome will happen.” As per these general definitions, a risk constitutes the probability that something, perceived in a negative manner (even a danger), will occur. More and more aspects of our typical lives have become increasingly focused on the detection and prevention of risks. Some will even use the term “risk society” to define the importance given to risk in today’s society (Beck, 1992; Vacheret, 2006; Quirion, 2009). On this, O’Malley (2010) notes: “By the end of the twentieth century, risk had become a predominant way of governing all manner of problems” (p. 3). While risk management approaches have taken over many aspects of our lives, such as “the design of cars, planes, roads, buildings and household equipment; the shaping of our bodies both inside and out; the production and consumption of food and clothing; patterns of saving and investment; education and training” (O’Malley, 2010, p. 2), with respect to parole, the focus is placed on the management of the risk that is defined as criminality.

As shown in Chapter 1, a shift occurred in the correctional world in the 1980s causing correctional authorities to become more and more focused on the ultimate goal of protecting the society (Strimelle, 2015). In this context, a new punitive, risk-based logic emerged where crime is now considered as unavoidable and it must be managed (Robert, 2001; Mary, 2005). As a result, correctional authorities have become more concerned with managing the criminalized individuals rather than transforming and therefore

reintegrating them¹¹¹ (Feeley & Simon, 1992; Lynch, 2000; Robert, 2001; Mary, 2005; O'Malley, 2010). This management of offenders is done through the assessment of the risk they pose. Hollin (2002) argues that, when using risk assessments in general, several institutional components/decisions of an offender's life may be affected, such as the length of sentence, the intensity of the interventions deemed necessary, and the decisions related to parole. As shown in Chapter 1, this approach was further defined during the period under review as the parole program suffered many changes deemed "tough on crime." This new perspective on crime management influences how the CSC and the PBC assess and manage offenders based on their risk in order to better control crime. In this regard, Quirion and D'Addese (2011) point out:

Whether in a more traditional risk assessment perspective, or a more contemporary risk management perspective, the issue of regulating individuals and behaviours that may pose a threat to society remains the primary task for correctional practitioners. (p. 227, our translation)

For correctional authorities, risks are mainly perceived in terms of the possibility of recidivism. This is called the risk of recidivism (or risk of reoffending): the likelihood that an individual will again commit an act characterized as criminal after being found guilty of committing such an act. Increasingly, decisions affecting offenders are based on this risk of reoffending or on an offender's violence potential (dangerousness). Whether the risk assessment take the form of a traditional clinical assessment, or of an actuarial risk assessment, correctional authorities consider the results of these assessments in their decision-making. Hannah-Moffat and Shaw (2001) demonstrate the extent of the concern

¹¹¹ As explored in Chapter 1, Feeley and Simon (1992) call this the "New Penology." The authors (1992) explain: "The New Penology is neither about punishing nor about rehabilitating individuals. It is about identifying and managing unruly groups. It is concerned with the rationality not of individual behaviour or even community organization, but of managerial processes. Its goal is not to eliminate crime but to make it tolerable through systemic coordination" (p. 455).

about identifying and managing risk in Canadian correctional practices. The authors (2001) explain:

In Canada, the identification and management of risk is a central concern for correctional researchers, administrators of the criminal justice system, the Parole Board and people working in community correctional settings. (p. 51, our translation)

This assessment of an individual's risk factors influences parole decision-making. In fact, the scores to actuarial measures appear first on the PBC's guidelines to Board members of factors to consider during parole hearing. The sample reviewed for this thesis seems to confirm this statement. In each decision reviewed, before stating whether parole was granted or denied, the Board members commented on the risk the women posed to society.¹¹²

For all cases where parole was granted, the Board members determined that, if the women were to be released, "the risk to society would not be undue at this time," or that "the risk would be manageable in the community". In contrast, in all cases where parole was denied, the Board members determined that the women's risk to reoffend if they were to be released "would not be manageable in the community" or that it "would be undue." The risk to reoffend referred to in these statements are discussed to ultimately justify their decisions, which are based first and foremost on the protection of society. In most decisions reviewed, whether the final decision would result in parole being granted or denied, the Board members stated that their decision was the best suited to contribute to the protection of society as exemplified by stating that "your release will contribute to the protection of society by facilitating your reintegration into society as a law-abiding

¹¹² With respect to this sample, while the Board members seemed to make their own assertions on this risk (by stating whether it can be managed or not in the community), they almost always discussed CSC professional's opinions on that risk, whether that be in the form of psychological assessments of risk or clinical assessments of risk conducted by the CMT. This will be addressed further.

citizen” (Beth), or “the Board has the responsibility to protect society and in the absence of any structured release plan to assist in managing your risk the Board concludes that your risk is not manageable at this time” (Anita).¹¹³

While the PBC’s Decision-Making Policy Manual suggests that “actuarial measures of the risk to re-offend” should be considered during the conditional release decision-making process, actuarial scales aimed to calculate recidivism rates should no longer be applied to women offenders as it was found that they were not adapted to their needs (Hannah-Moffat & Yule, 2011; CSC, 2013; CSC, 2019a).¹¹⁴ Instead, a more traditional clinical risk assessment should be conducted (Hannah-Moffat & Yule, 2011).

With respect to this sample, I found that in order to assess risks, the Board members relied on the three following techniques:

- An examination of the women’s risk of recidivism which was determined by the CSC;
- An assessment of the progress the women made against their correctional plan to determine whether risks were reduced; and
- An observation of the women’s “understanding” of their criminality (insight) and their risk factors.

Risk of Recidivism

In the decisions reviewed, when Board members discussed the women’s risk of recidivism, they would often refer to clinical risk assessments in the form of “psychological/psychiatric evaluations,” “psychological reports” or “clinical

¹¹³ While each decision of the sample was rendered in order to “protect society,” exceptionally, in the decision regarding Nadine, the Board members noted that their decision would not only ensure the protection of society, but also that there would be a “public safety benefit” in them granting her full parole for the propose of deportation: “The Board believes that there is a public safety benefit to the community in granting you a full parole release for deportation as you intend to pursue your ministry work among at risk groups.”

¹¹⁴ That being said, it is worth noting that, in the sample that was provided to me by the PBC, there is a designated area for these scores on the first page of each conditional release decision, at the same place where the offender’s security level, name and personal information is located (please see Appendix B), which indicates that the PBC appears to afford a great deal of importance to the scores at these scales.

assessments.” As stated by Hannah-Moffat and Yule (2011), in the absence of scores to actuarial scales to calculate the risk of recidivism, “expert opinions provide seemingly factual, substantiating information about women’s potential for recidivism” (p. 167). The Board members rely on these assessments “to formulate a technical understanding of a women’s risk of re-offence, to validate, where possible, their assessment of change as well as the application of treatment conditions to facilitate continued progress towards a non-violent lifestyle” (Hannah-Moffat & Yule, 2011, p. 168). The risk assessments referred to in the parole decisions¹¹⁵ are therefore seemingly performed by mental health professionals hired by the CSC, or by CSC staff members, and not by Board members themselves.

Thus, regarding this sample, it seems that, for the Board members, risk is a calculation that is created by a CSC professional, either through a clinical assessment or a psychological assessment. As shown in Table C, women whom were granted parole were mostly assessed by these professionals as representing a low to moderate risk, while those whose parole were denied were located anywhere on the risk scale (from low to high). Those whose risk levels belonged on the lower spectrum were often accompanied with “warnings” that the risk may increase if the women changed something in their behaviours. For instance, in Sophie’s decision, the Board members noted: “The most recent psychological assessment indicated that overall you pose a low risk to reoffend. If you were to find yourself in an abusive relationship and returned to alcohol misuse, your risk would rise significantly.” In Nicole’s decision, they specified: “La professionnelle

¹¹⁵ In many decisions, the Board members detailed multiple assessments that occurred at different times of the sentence, thereby showing more than one risk assessment that would often differ. For the purpose of this research, when this was the case, I considered the latest risk assessment, as it was presented as being the most recent and relevant to the parole hearing.

évalue à faible le risque de récidive générale. [...] La psychologue indique que ce risque devrait être révisé à modéré, si vous maintenez la relation avec votre conjoint actuel.”

Of note, when addressing risk in Sophie’s decision, the Board members commented on the use of actuarial scales: “Actuarial measures were not used as part of the risk assessment process in this report and so the Board must assign the appropriate weight to its conclusion.” Scores at these scales were not documented in the decisions of the sample, with the exception of Christine’s decision. Indeed, when addressing risk in Christine’s decision, the Board members considered her scores to the SIR scale, which aims to calculate the risk of recidivism. Christine scored -6 on this scale, which supposedly indicates that Christine belongs to a statistical group of offenders in which “2 out of 5 offenders will not commit an indictable offence after release.” As explained previously, women offenders are not supposed to be subjected to actuarial scales as they were developed for a predominantly white male population of federal offenders (Hannah-Moffat & Shaw, 2001; Hannah-Moffat & Yule, 2011; CSC, 2013; CSC, 2019a). As such, it is unclear why these scores were considered in Christine’s case, whom was qualified as being a transgender woman by the Board members.¹¹⁶ Perhaps these scores were produced prior to her transitioning and still appeared on her file. Regardless, it is worth mentioning that, after denying her request for parole, the Board members responsible for her hearing also suggested that she should obtain new and updated actuarial scores prior to her next hearing.

¹¹⁶ In Christine’s decision, the Board members noted: “In [...], you legally changed your name to [...]. You have been identified by [...] in a psychiatric assessment dated [...], as a transsexual individual with a gender identity disorder. Gender surgery was supported by [...], but has not been implemented to date. You have been prescribed female hormones to facilitate the development of feminine characteristics. You are currently pursuing gender-reassignment. File information indicates that since [...], you have requested to be referred to as a woman.”

After presenting these risk assessments in their decisions, the Board members would discuss whether the risk had reduced during the sentence. Risks are firstly determined by the CSC at the offender's admission to the penitentiary in the realm of a correctional plan. This plan includes the offender's current risk levels and risk factors, as well as programs "suggested" by the CSC to reduce these risks levels. Given that these correctional programs are designed to reduce risks, when rendering decisions on parole, one of the tools mobilized by Board members is to review any progress made against this plan to observe whether the so-called "risks" have been reduced.

Progress Made Against the Correctional Plan

Pursuant to section 2.1 of the PBC's Decision-Making Policy Manual, Board members can assess offender change by reviewing "the offender's progress in addressing their correctional plan and identified needs" and "the results of participation in correctional and healing programs and the treatment gains" (PBC, 2018d). Regarding the impact of correctional programming on parole decisions, Lynch (2015) noted that:

Moore and Hannah-Moffat (2005) argue that some correctional officials strictly believe that program participation increases an offender's chance of being granted parole whereas a lack of program participation decreases an offender's chance of being granted parole [...]. In this sense, some correctional officials do not consider the potential various reasons of why an offender may not participate in correctional programs. For example, the correctional program may have been unavailable during an offender's time of incarceration. Instead, they just observe that the offender did not participate in correctional programs and as a result, contextual the offender's chances of being granted parole are decreased. (p. 92)

As shown in Table B, regarding this sample, all women were documented to have participated in some form of programming, whether that be the form of actual CSC "programs," psychological counselling, school upgrading or employment. The women who were granted parole were generally described by the Board members as being

motivated and invested in their programming. For instance, regarding Beth, the Board members noted her “authentic and sincere implication” in programming. In these cases, the Board members would conclude that their genuine participation in the adequate programming had contributed to lessening their risk.

The women whose parole applications were denied were presented by the Board members as lacking motivation towards the programming (such as inconsistent attendance or not completing homework), or not taking the adequate programming to address their risks and needs. In their decisions, the Board members blatantly associated the women’s lack of participation in adequate programming with the lack of reduction of their risk levels. For instance, they noted: “you have not participated in programming to deal with deep issues pertaining to your emotions and behaviour as well as childhood trauma” (Brittany), or “other than the Methadone program, you have not taken any programming directly related to your criminogenic factors. As such we cannot conclude that your risk has been sufficiently reduced to be manageable in the community” (Cynthia). Similarly, in Maggie’s decision, they noted:

The Board concludes that you require further program intervention to deal with the contributing factors that led to your offending behaviour and you need to develop a period of credibility and a demonstration that you are able to use the skills learned in programming. This will increase your reintegration potential in order to reduce your risk of recidivism.

Thus, when assessing the women’s risk evolution, the Board members examined whether the women had registered and participated in the appropriate programs as recommended by the correctional plan, and whether they were motivated and successful in these programs. Before granting Nadine’s request for parole, the Board members noted: “The Board finds that you have utilized all available programming during your

incarceration to effectively address your risk factors, and as a result of those efforts your risk in the community is not undue.” This quote seemingly indicates that, for the Board members, successful completion of the appropriate programs results in risk reduction. On the other hand, when the women did not participate in adequate programming or were not motivated in doing so, the Board members would state that it was difficult to assess whether change had occurred.¹¹⁷ For instance, in the case of Rachel, they noted:

The negative factors include your ongoing poor self-regulation, impulsivity, and personal attitudes towards staff and programming. The latter has impeded your progress against your correctional plan. Given that you have not really engaged in your correctional plan, it is difficult to assess evidence of change in your attitudes and behaviour.

In addition to assessing whether the women had made any progress in the correctional plan and thus reduced their risk levels, the PBC suggests that the following should be considered by the Board members regarding programming:

10. Information considered when assessing offender responsivity to programming and interventions:
 - a. information that programming was appropriate based on the culture, gender and learning needs of the offender; and
 - b. information that programming reflected the appropriate intensity based on the offender’s risk level. (PBC, 2018d)

With respect to this sample, while the Board members always referred to the women’s progress in their correctional plan, I found no evidence of the Board members assessing whether the programming was appropriate based on the women’s culture, gender or learning needs, as prescribed by the PBC’s Decision-Making Policy Manual

¹¹⁷ Remarkably, in Sammy’s case, the Board members granted full parole even though Sammy had not completed the programs suggested in her correctional plan: “Deux programmes étaient initialement ciblés à votre plan correctionnel. Vous avez amorcé le programme d’engagement des délinquantes (PED) mais dans son rapport, l’agent de programme indique que la poursuite dudit programme n’a pas été envisagée puisque l’objectif initialement ciblé (épurer et assainir votre réseau social) a promptement été atteint. Vous deviez également participer au programme d’intensité modérée pour délinquantes (PIMD) mais comme les intervenants ont jugé que vous aviez fait le ménage dans vos relations, il n’était pas impératif que vous y participiez.”

(PBC, 2018d). There was also no evidence of an assessment of whether the women had completed programming in the “appropriate intensity” based on their risk levels.¹¹⁸ Rather, in their written decisions, the Board members would simply discuss which programs were attended and completed, and whether the women’s participation and progress were appropriate.

Ultimately, with respect to this sample, all women were documented to have participated in some form of programming,¹¹⁹ whether that be the form of actual “programs,” psychological counselling, school upgrading or employment. The difference noted between the women whom were granted parole and those who were not seemed to be the motivation and investment they showed in these programs, and whether the “appropriate” programs were followed. When appropriate programs were followed with authentic implication, the Board members would note that risk was effectively reduced.

In order to assess whether the women had truly integrated the programs’ content, the Board members explored the women’s “understanding” of their criminality. To

¹¹⁸ Of note, it is not because this information was not documented in their written decisions that it was not considered. The lack of documentation of this aspect of the Board members’ assessment can potentially be attributed to their own personal discretion.

¹¹⁹ Lynch (2015) raised potential issues that could stem from the unavailability of correctional programming. With respect to this sample, all women were documented to have participated in some form of programming. This could perhaps be explained by the fact that there are currently significantly less women than men incarcerated in Canada, with the men maybe experiencing more difficulties accessing programming. Further, in this sample, when some form of programming was not completed for various reasons, the Board members typically explained why it was not completed. For instance, the Board members explained that Linda was not able to participate in programming due to a language barrier and advanced age. Regardless of this, the Board members explained that she did participate in psychological counselling, that some benefits were observed from “milieu therapy” and that she was able to “deal with some issues through interactions with [her] family and various volunteers.”

evaluate this, the Board members assessed the women's insight¹²⁰ and their comprehension of risk factors.

The Women's "Understanding" of Their Criminality

A major focus of the Board members in their decisions regarding the women's risk levels was whether the women had adopted the "correct" attitude towards their criminality, for instance, by having developed the ability to list their risk factors and demonstrated appropriate levels of insight into their criminality. Section 2.1 of the PBC's Decision-Making Policy Manual states that Board members should review "the offender's understanding of crime cycle indicators, relapse prevention and acceptance of positive cultural values, including information that indicates commitment to and signs of motivation to change and the degree of responsibility of the offender" (PBC, 2018d).

With respect to this, Hannah-Moffat and Yule (2011) raised that:

Women cannot feign reform by articulating their motivation to act differently and by simply attending programmes. *Instead, [...] they must prove that they have learned strategies that will enable them to manage effectively their addictions, emotions and relationships in the community* [emphasis added]. Women who fail to demonstrate an ongoing commitment to change via 'good' behaviour are less likely to secure release, as uncertainty prevails about whether or not they have broken the cycle of violent offending. (p.162)

This ability to reflect on criminality played a key role in the parole decisions of this sample, as nearly all women whose parole requests were denied (nine out of 11) were deemed unable to demonstrate this, as opposed to nearly all of the women whose parole were granted (eight out of nine) whom were deemed able to "appropriately" discuss their risks and criminality. This means that, not only are Board members looking for active

¹²⁰ According to Hannah-Moffat and Yule (2011), "Insight is a complex process that involves taking responsibility for the offence and the resultant harm, acquiring an intimate knowledge of what triggered the violent behaviour and making a connection between criminogenic risk/need factors and the reasons for using violence" (p. 163).

participation in adequate correctional programming, but also they are looking to see whether the women have internalized and adapted the correctional discourse on risk and risk factors to their own criminality and personal experiences. On this, Hannah-Moffat and Yule (2011) found in their study that “women who genuinely¹²¹ adopted the dominant correctional script when presenting their case were received more favorably by board members” (p. 164). Indeed, in their decisions, the Board members appeared to seek whether the women were able to effectively communicate what “caused” them to offend (for instance, substance abuse, prior victimization or difficulties expressing emotions)¹²² and what they can do to avoid offending again. Hannah-Moffat and Yule (2011) provided an example of this: “[...] parole candidates must understand how past child abuse or victimization led to an inability to cope, which contributed to addiction and was in turn linked to their offending” (p. 163). With respect to this sample, I will firstly present the example of the case of Cynthia. Cynthia was convicted of Manslaughter for stabbing her stepfather. She was denied parole for a variety of reasons, including that she did not participate in adequate programming and that she failed to provide an appropriate explanation or rationale for her offending. The Board members noted:

While you said you accept responsibility for killing your victim, *you did not tell the Board that there were extenuating circumstances* [emphasis added]. Other

¹²¹ On this notion of sincerity, it is possible that the women presented their case to the Board members in a manner they believed would be beneficial to their parole hearing. While there is no way for me to know whether the women demonstrated “genuine” change, whether they “sincerely” learned the cause of their offending, or if they were “truly” remorseful for their acts, it should be noted here that it is possible that the women falsified their statements during their hearing in an effort to be seen in a positive manner by the Board members. While in a few cases the Board members questioned the genuineness of the remorse expressed by the women for their actions, it would most likely be more difficult to simulate change, as this “change” was often validated by a review of the offender’s case file, the testimony of CSC staff, and it must be demonstrated over a significant period of time.

¹²² Evidently, this rationale (the reasoning for offending) varied largely from one case to another, but it should be noted here that this “explanation” of the women’s offending and risk factors that the Board members are expecting to hear is the one that is created by the CSC during the intake assessment in the context of a criminal profile and correctional plan, at the women’s admission to the penitentiary.

than the Methadone program, you have not taken any programming directly related to your criminogenic factors.

This excerpt alludes to the fact that there were extenuating circumstances surrounding Cynthia's offence. The decision letter contains neither Cynthia's or the Board members' explanation of these circumstances, but it is apparent that the Board members knew of these circumstances and were looking for Cynthia to acknowledge them, in order to show them that she truly understood what "caused" her to offend. While I cannot confirm this, extenuating circumstances in this case could include, for instance, mental illness or repeated abuse at the hands of her victim. By stating that Cynthia did not discuss these extenuating circumstances, the Board members implied that she does not fully understand her criminality and what caused her to offend.

Another example of this could be found in Nicole's decision. Regarding Nicole, whom was convicted of Sexual Assaults and Incest, the Board members stated that while she made progress in this area, Nicole still denied certain aspects of her crimes, blamed one of her victims and lacked remorse. Regarding her attitude towards criminality, the Board members noted that she "avoids the causes of her criminality" (our translation):

Il ressort que vous êtes en mesure de verbaliser des progrès dans la compréhension du passage à l'acte, mais la Commission a pu constater que vous avez une tendance à survoler les causes de votre criminalité et une difficulté certaine à comprendre les véritables moteurs de votre comportement. [...] La Commission constate que vous êtes capable d'un haut niveau de conformisme tant que l'on ne discute pas de vos émotions et de votre criminalité. Encore là, la Commission doit donc faire preuve de prudence dans l'évaluation de l'impact de votre conduite sur le risque que vous présentez pour la société. [...] L'ensemble de votre discours, pendant l'audience, s'est avéré peu convaincant sur les véritables motifs de vos comportements sexuels déviants et la Commission a pu constater que malgré des efforts qui paraissent sincères, vous continuez de glisser au-dessus des problèmes réels reliés à votre comportement déviant. Ce constat amène la Commission à se demander si les enseignements du programme de délinquance sexuelle sont véritablement compris et intégrés. [emphasis added]

Hence, with respect to this sample, the Board members appear to be looking for the women's ability to acknowledge their criminal behaviour and to appropriately integrate the dominant correctional discourse on risk, as it is developed by the CSC. On this, Hannah-Moffat and Yule (2011) noted:

Prisoners must accept institutional definitions of their criminogenic needs and comply with programmes designed to address them; the new knowledge gained through programming facilitates their task of articulating their process of reform at their parole hearing (p. 162).

In her parole decision, the Board members addressed Mary's progress in various programs and in psychological counselling. Regarding her participation in these programs, they stated:

Your motivation seemed intrinsic and you clearly wanted to understand the behaviour you adopt at times and be able to better manage your negative emotions to avoid resuming your problematic behaviour. [...] In short, you have truly taken charge of understanding the causes of your criminal behaviour and of making connections with your previous experiences.

The Board members later concluded that Mary had "worked to understand [her] criminal behaviour" and this was one of the reasons they presented for granting her full parole for the purpose of deportation. By reading these quotes, the Board members seemingly believe that offenders can learn the "causes" of their criminal behaviour in various CSC programs and in psychological counselling.

In order to test whether the "skills" learned in programming are integrated and understood by the women, the Board members asked the parole candidates, at their hearing, to recite their risk factors and criminal patterns. For instance, at Sophie's hearing, she was asked to describe her risk factors. When she failed to discuss one of her risk factors, the Board members questioned her about it. This, again, shows that the

Board members are looking for the women's ability to appropriately list and describe their risk factors, as they are documented by the CSC:

At the hearing today, you said that alcohol intoxication and fear were the primary factors in the offence. Drinking had become very problematic for you at that time. You needed alcohol to help you cope with the negative feelings and experiences in your relationship. The abuse you say had been escalating and on the night of the offence you experienced intense fear and this is what prompted the attack on your victim. *Interestingly you left out anger as an issue in the offence and only acknowledged that you were angry during your relationship after you were challenged on this issue* [emphasis added]. You have however dealt formally with the issue of anger in your counselling work and in programs.

Another example can be found in Brittany's decision, where the Board members explained:

At your hearing today, we listened to your presentation as well as that of your Primary Worker. You had poor recollection of the index offence because of your state of intoxication on that day. You took responsibility, however, on the basis that you accept the official version of the offence. You also took responsibility for your other offences on the same basis as your recollection of events during the period of heavy use is hazy. You demonstrated little insight into your criminal behaviour, beyond attributing it to substance abuse. You struggled to describe your other risk factors.

When the women failed to provide the adequate explanation of their offending, such as Brittany, the Board members likely perceived this as a risk as they seemed to consider that, if the women do not know what caused them to offend in the first place, they could offend again if they were to be released, which would pose a risk to society. In most cases where the women had issues explaining what caused them to offend or explaining their risk factors, parole was denied. For instance, in Tracey's decision, the Board members noted: "Despite your participation in correctional programming, you have not demonstrated sufficient insight and positive change with respect to your risk factor for associating with violent and controlling individuals." In short, the Board members appear to be looking to see whether the women have effectively integrated the

discourse that is widely present in corrections which focuses on risks and risk management. Interestingly, in Rosa's decision, in addition to examining whether she had integrated the correctional discourse on risk, the Board members discussed her relation with her past trauma:

You discussed your participation in the violence prevention program and described learned behaviour and deep-rooted anger as contributing factors in your offending. File information that talks about your mother and sister killing family members as well as your sexual victimization by a family member certainly supports that insight. Although you state that you have forgiven the perpetrators of the violence, you were obviously still emotional about the issues and in the opinion of the Board, closure is not complete in this area.

Based on the above, it appears that, not only are the Board members looking to see whether the women had integrated CSC's discourse on risk factors and insight, but also they are looking to see if the women have gained "closure" regarding past experiences and trauma.

To conclude, risk assessments are based on the discretion or professional opinions that social actors make in their roles in the correctional system. Through their own subjective assessment of women offenders, Board members attempt to determine whether a conduct may occur in the future. When assessing women for parole, Board members appeared to have a preconceived notion of what it means to be a "good" candidate who is ready for parole: someone who has no criminal history, someone who has shown an ability to abide by rules in the institution and in the community through other forms of conditional release, someone who has resolved any prior issues of violence/anger management, someone who has completed the adequate programming and was able to reduce their risks, and someone who has integrated the correctional discourse and is able to effectively explain their criminality and risk factors. Ultimately, these examples show

that the Board members appear to be looking for specific elements that they consider as risk reducing elements which can be indicative that the women have changed. For the Board members, these “risks” need to be reduced in order to protect society.

This assessment of change in risk factors and/or levels occurs in a system that favours the conformism of offenders. In order to adequately perform in this system, inmates must conform to rules and regulations and “play the game.” Vacheret (2006) argues that “model inmates” conform to the system in order to avoid being penalized (for instance, regarding institutional transfers and recommendations for parole). Indeed, in order to demonstrate that they are able to reintegrate society, offenders must show regret, learn to keep quiet and obey (Vacheret, 2006). This brings us to the next section, which focuses on the paramount importance accorded to the compliance and responsibility¹²³ of offenders in parole decisions.

5.2.4 Reintegration: The Responsibility of the Women

The action of reintegrating, according to Castel (2002), constitutes the fact of “returning to the common system” individuals who would have been excluded from

¹²³ When I speak of responsibility here, I do not refer to the traditional correctional term where offenders are “taking responsibility” for the crime they committed. While this aspect may certainly still be examined and assessed in parole decision-making, with respect to this sample, it does not appear that it played a key role in the decisions. Indeed, the women of this sample were documented to have “taken responsibility” for their crimes at a similar rate in both parole decisions category (granted versus denied). When speaking of responsibility here, I refer to the action of according more and more responsibilities to offenders: the ideology that they are responsible not only for their actions, but for their change (through participation in programming, for instance) and to prove to the Board members that they are capable of becoming law-abiding citizens.

social life. Castel (2002) defines reintegration¹²⁴ as follows:

A set of procedures that aim to cancel this kind of deficit suffered by a stigmatized individual so that he can re-enrol in social life at parity with those who have not suffered from this deficit. (p. 17, our translation)

By reading this definition, it is understood that the individual to be (re) integrated was, at a given moment, integrated into society. However, it is widely known that the criminal justice system tends to criminalize the most vulnerable groups in society: people with lower income, detaining low education and coming from immigrant backgrounds; in short, people already excluded from society (Combessie, 2004). This also applies to criminalized women, since they generally come from underprivileged backgrounds, often have a history of abuse, addiction problems, have little education and have had few employment experiences (Strimelle & Frigon, 2007). How do you go about reintegrating individuals who have never been integrated into society (Castel, 2002)?

Lynch (2000) provided a more specific definition of what she considers to constitute reintegration:

I use the term ‘rehabilitation’ here as a shorthand for any language and action that indicates an aim to reform the parolee, either psychologically (i.e. through counselling or psychotherapy), interpersonally and situationally (i.e. through family interventions, training, and education), more structurally (i.e. through employment or housing interventions), or some combination (i.e. placement in residential therapeutic programs). Rehabilitation will be considered in a very broad sense, then, including

¹²⁴ In this thesis, the term reintegration will be used as explained by Strimelle and Poupart (2004): “Rather than using the term social ‘insertion,’ which is frequently used in the institutional context and is more a matter of intervention logic centered on personal compliance and rehabilitation, we will use the term ‘integration’ which [...] takes on a more macrosociological meaning and refers to both the structural conditions and personal characteristics involved in the process of return to society” (p. 103, our translation). While speaking about prisoners, Castel (2002) also chose the term reintegration: “Defining integration is a difficult problem that is betrayed initially by a certain vague vocabulary: ‘integration,’ ‘reintegration,’ ‘insertion,’ ‘reinsertion,’ ‘social insertion,’ ‘professional insertion’[...] I will stick to a very common concept of integration, or rather reintegration, since the incarcerated person was first removed from the common system of social exchanges” (p. 17, our translation). While some studies that are presented referred to “rehabilitation” or “reinsertion,” I am choosing to refer to this activity as reintegration for the above-mentioned reasons.

any discourse or practices that speak to transforming or normalizing the criminal into a socially defined non-deviant citizen. (p. 45)

In this perspective, reintegration would include some form of change a person previously perceived and constructed as deviant into a person now perceived by some authority as being law-abiding or potentially law-abiding. According to the literature, some elements would have a greater impact than others on the reintegration potential of offenders. These elements would include having a job, the presence of positive social support in the community, stable relationships in the community and the willingness and capacity to change of an individual (Castel, 1994; Strimelle & Poupart, 2004; Ward & Brown, 2004). According to many, parole plays a key role in the reintegration process of offenders, particularly in terms of reducing their recidivism rates (MacNaughton-Smith, 1976; Hann, Harman & Pease, 1991; Langton, 2006; PBC, 2019a)

The CCRA is the legislation that governs both the CSC and the PBC. Section 3 of the CCRA provides the purpose of the correctional system (the CSC):

3. The purpose of the federal correctional system is to contribute to the maintenance of a just, peaceful and safe society by
 - (a) carrying out sentences imposed by courts through the safe and humane custody and supervision of offenders; and
 - (b) *assisting the rehabilitation of offenders and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community* [emphasis added].

Similarly, section 100 of the CCRA provides the purpose of conditional release:

100 The purpose of conditional release is to contribute to the maintenance of a just, peaceful and safe society by means of decisions on the timing and conditions of release *that will best facilitate the rehabilitation of offenders and their reintegration into the community as law-abiding citizens* [emphasis added].

Notwithstanding, paragraphs 3.1 (concerns the CSC) and 100.1 (concerns the PBC) provide the paramount consideration for criminal justice agencies:

3.1 The protection of society is the paramount consideration for the Service in the corrections process.

100.1 The protection of society is the paramount consideration for the Board and the provincial parole boards in the determination of all cases.

It is safe to say that the concepts of rehabilitation and reintegration are imposed to both the CSC and the PBC by the governing legislation, in this case, the CCRA. However, as illustrated above, to this date, the protection of society remains the paramount consideration for criminal justice agencies. In order to meet their obligation as prescribed by the CCRA, one of the favored mechanisms of these organizations include the reintegration of offenders into the society and their transformation into law-abiding citizens, notably, through conditional release. According to the PBC, the Department “contributes to the protection of society by facilitating, as appropriate, the timely reintegration of offenders as law-abiding citizens” (PBC, 2019c).

While both the PBC and CSC seem to be participating in the reintegration of individuals, or, at least, seem to be acknowledging its existence, I was unable find a clear definition of what constitutes reintegration (or reinsertion, or rehabilitation) for these agencies. Other than the idea of no recidivism, the CSC and the PBC do not explicitly explain what it means, for the organization, to be reintegrated. Is reintegration simply defined by the absence of recidivism? Does it imply finding a job? Does it include a feeling of inclusion into the community, or a form of social bond? Is this characterized by the absence of stigma? Does reintegration begin with parole? Or would it be a combination of all of this?

In the absence of definitions provided by the PBC or the CSC, reintegration seems to be achieved for the penal system when there is absence of recidivism. In the decision

regarding Roxanne, who was on day parole at the time of her full parole decision, the Board members shed some light on this notion of reintegration:

You have steadily progressed in your reintegration process. You have participated in programming, have attended AA [Alcoholics Anonymous] meetings, have been part of the Circle of Support, and continue your education upgrading. Your commitment to sobriety appears genuine and you have attended an in-patient substance abuse program.

According to the above, the Board members noted that Roxanne progressed in her reintegration process, notably by being on day parole, participating in support groups, upgrading her education, maintaining sobriety, and attending a substance abuse program. Evidently, Roxanne did not re-offend while on day parole, thus the progress noted in her “reintegration process.”

With respect to the “failure” of parole, that is, when a parolee re-offends, Langton (2006) notes that in the eyes of the correctional system, it is most often perceived as a lack of control on the part of the individual. Thus, the responsibility for the failure of parole lies in the hands of the offender. Indeed, if the individual reoffends when conditionally released, this is perceived as an individual-specific problem and not as a potential dysfunction at the program-level. Turnbull and Hannah-Moffat (2009) highlight the paradoxes of such an interpretation vis-à-vis women prisoners:

Within this framework, paroled women’s choices are structured and regulated through conditions under the assumption that they are not yet prepared for responsible self-governance; *yet, they are simultaneously held responsible if they exercise their autonomy to make ‘bad’ choices* [emphasis added]. (p. 548)

Thus, with the current parole program, if the released person reoffends, the responsibility for the failure is attached to the offender. This responsabilization of the

individual occurs in accordance with the prudential model¹²⁵ explained by Robert (2001), in which the individual is considered to be a free being to make decisions (in this case, to commit an offence or not). The PBC describes parole as providing to offenders: “... *an opportunity* [emphasis added], under the supervision and assistance of the CSC parole officer, to become contributing members of society, providing they abide by the conditions of their release” (PBC, 2018a). When the program fails, it is understood by the system that the offender ruined their “opportunity” to become law-abiding citizens and contributing members of society. Not only are the offenders responsible for their behaviour while on parole, but also, before being granted parole, they are responsible for proving to the Board members that they are ready to be released.

As was presented in Chapter 3, people who are sentenced for having committed a crime are stigmatized and labelled as criminals. Once they have been labelled as such, it is *their responsibility* to combat this image that was imposed on them by convincing authorities, in this case, the Board members, that they are individuals that can be reintegrated into community (Lynch, 2000; Vacheret, 2006). As illustrated in the previous sections, with respect to this sample, I found evidence that the Board members often presented the women that were conditionally released as being offenders who had successfully demonstrated change, had shown an ability to conform to institutional rules and had actively participated in their correctional plan.

On this notion of the responsibility given to offenders and its relation to parole, Hannah-Moffat and Yule (2011) argue that, “because women are characterized by board

¹²⁵ This is a model that influences risk management in Canadian corrections. According to the prudential model, risk management and prevention are paramount (Robert, 2001). In addition, this model calls for greater accountability of individuals, which justifies the use of more severe sanctions against them (Robert, 2001).

members as intentional, rational actors who must take responsibility for their past conduct and future risk, demonstrating a pro-social attitude and gaining insight are pronounced signs of parole readiness” (p. 163). Indeed, the correctional system, as it stands today, is based on the responsibility of the offender. In this system, offenders are responsible for their behaviour and for the proper conduct of their sentence (Lynch, 2000; Robert, 2001; Vacheret, 2006; Quirion, 2009). Each decision rendered in this system entirely rests on the offenders’ shoulders, resulting in less responsibility placed on correctional authorities (Vacheret, 2006; Quirion, Jendly & Vacheret, 2012). On the importance accorded to this responsibility or self-governance for parole candidates, Hannah-Moffat and Yule (2011) noted:

Active agency is a key attribute of the paroled subject: parole candidates must demonstrate that they are able to identify their triggers and manage their criminogenic risk factors to demonstrate they are in the process of becoming responsible, self-governing citizens [...]. (p. 161)

In an effort to observe whether the women were capable of becoming responsible citizens, the Board members considered:

- Their participation in “optional” programming; and
- An observation of their release plans.

Participation in “Optional” Programming

In order to help with the ultimate goal of creating “responsible” law-abiding citizens, the CSC provides a plan to guide offenders to reduce their risk levels: the correctional plan. In this plan, the CSC identifies the offender’s risk factors and “recommends” many correctional programs for the offender to complete in order to reduce the risk of recidivism. These programs are “optional” for offenders; they must

consent¹²⁶ in order to participate in them and there is no legal requirement for them to participate.¹²⁷ Regarding this, the CSC notes that:

Program participation is voluntary. An offender can drop out of a correctional program at any time. If he/she drops out, CSC staff members will encourage him/her to re-enrol and participate in the program at a later time. Meanwhile, the offender may take a different program if he/she chooses. It should be noted that program participation and completion are some of the factors that members of the Parole Board of Canada consider when considering release. (CSC, 2014b)

While participation is “voluntary,” and while offenders must “consent” to participate, per section 4(h) of the CCRA, offenders are *expected* to participate in these programs that aim to promote their reintegration (Vacheret, 2006; Quirion, 2009). In Christine’s decision, the Board members showed an aspect of this, noting that her commitment to reintegration is linked to her participation in various programs:

Since your initial release [on day parole] you presented as motivated, and *you appeared committed to a successful reintegration* [our emphasis]. There did not appear to be any issues with reporting/substance abuse. [...] You had been under the care of professionals to monitor hormone and pain medication, and to deal with personal and emotional issues. You were involved in counseling.

In a system that favours offender responsibility, a lack of conformity¹²⁸ or a failure to participate in programming (whether that be voluntary or involuntary),¹²⁹ may impact decisions related to the institutional trajectory, such as the offender’s security

¹²⁶ Quirion (2009) explains that, as a result of the legislative changes that occurred with the emergence of the CCRA in 1992, offenders now have the right to refuse any treatment on the basis that they must provide consent to participate.

¹²⁷ That being said, per section 88(3) of the CCRA, an offender’s may be *required* to undergo to a certain treatment (such as counselling) to become eligible for some programs, such as parole (Quirion, 2009). Thus, failure to complete certain requirements (for instance, counselling) can render the offender ineligible to certain programs.

¹²⁸ Here, I am referring to the offender’s conformity to the correctional system as a whole. This conformity emerges when institutional rules are respected, when programs are attended, when encounters with staff are respectful, and so on.

¹²⁹ As stated earlier, sometimes, offenders cannot participate in programming for a variety of reasons, including age, health, language barriers or lack of availability of the required program. In these cases, they can be penalized with respect to conditional release decisions (Lynch, 2015).

level and even parole decisions (Vacheret, 2006). Quirion (2009) provides an example of this:

Le justiciable qui refuse de participer à un programme de contrôle de la colère peut dès lors se voir refuser l'accès à un régime de réinsertion progressive dans la communauté, écopant ainsi d'une mesure de détention plus longue que ce que le régime de libération conditionnelle lui permettait d'espérer. (p. 829)

Some evidence of this was found in our sample: some women, such as Rachel, did not correspond to the notion of a “good” and responsible inmate who followed her correctional plan. The Board members explained, in her parole decision, that Rachel questioned the validity of the correctional programming and chose to not partake in them:

You were referred to the Women's Engagement Program (WEP), the Women's Self-Management Program (WO-SMP) and the Women Offender's Moderate Intensity Program (WO-MIP). To date you have successfully completed WEP and you began WO-MIP, *however; you withdrew from the program stating it was 'null and void' as you did not agree with the program content or recommendations.* [...] The assessment of your level of motivation which had previously been assessed as high was reduced to medium *given your refusal to participate in your Correctional Plan.* [emphasis added]

In this case, not only did the Board members deny parole, but they also presented Rachel as being argumentative and confrontational, when she expressed her right to not participate in programming and articulated that she did not believe in said programs. The Board members noted what they called “an issue” with her participation in programming:

It is also of concern that none of the assessed areas of dynamic risk have been reduced thus far. *There appears to be an issue with your ability to make use of programming to effect change.* You take issue with just about everything your CMT says about you. You were vehement today in asserting that they do not know or understand you. While there is nothing wrong with pursuing one's rights within the institution, *such a persistently negative attitude makes it difficult for you to effect change.* You took WEP, *but refused to continue in the core program, WOMIP.* [emphasis added]

They later concluded that her lack of participation in programming and therefore progress in the correctional plan was due to her “personal attitudes” towards programming:

The negative factors include your ongoing poor self-regulation, impulsivity, and personal attitudes towards staff and programming. The latter has impeded your progress against your correctional plan. Given that you have not really engaged in your plan, it is difficult to assess evidence of change in your attitudes and behaviour.

Rachel’s lack of participation in her correctional plan constitutes only one example of how women are constructed when they choose to not “play the game,” that is, to agree with the correctional logic and participate in every “recommended” program. Another example of this would be the Board members’ assessment of the women’s institutional behaviour as previously discussed. Indeed, in addition to being constructed as responsible agents for their reintegration, and responsible for taking all programming to reduce their risks, offenders are expected to conform to institutional rules, to their correctional plan and, ultimately, to do what they are told. Another example of the importance accorded to the responsibility of women concerns their release plans, specifically regarding employment and accommodations.

Release Plans

During their hearings, the women had to present their release plan to the Board members, which included plans for accommodations (either at a CBRF in the cases of day parole or elsewhere for full parole), employment and social support. All nine women whom were granted parole presented with suitable accommodations that had been previously reviewed and deemed appropriate by the CSC. Employment was accounted

for in eight of the nine decisions.¹³⁰ In these decisions where parole was granted, the Board members noted that the women's release plans were suitable to ensure risk management, for instance noting in Roxanne's decision: "your plans for full parole appear realistic and to offer the support needed to manage your risk" and "your release plan includes the parameters and supervision to help you achieve success." Regarding Sammy, they noted "Votre projet [de sortie] est structuré et répond à vos besoins."

The Board members argued that release plans were generally less structured for the women whom were denied parole. Regarding Cynthia's release plans, they noted: "Currently, these plans have not been confirmed." In Christine's decision, they argued: "You provided release plans which are sparse at best, and the Board is not convinced that full parole would provide the adequate supports and structure that you appear to need on an ongoing basis." Concerning accommodations, four out of the 11 women whom were denied parole did not have any confirmed accommodations, and, of those with secured accommodations, there were some issues noted. For instance, the Board members specified that, while Rachel was currently accepted at a CBRF, she had previously been denied by multiple others. Plans for employment were not presented in the decisions resulting in parole being denied.¹³¹ This shows the Board members' preference for individuals who were evaluated as *responsible enough* to secure employment and accommodations for a potential release. Social support in the community did not appear to play a key role in the parole decisions as it was accounted for at a similar rate between the two decisions category (however, in three decisions resulting in parole being denied,

¹³⁰ Specifically, five women had secured jobs, one woman was unable to work due to advanced age, and two were being deported, and so the employment portion of their release plan was not thoroughly assessed.

¹³¹ In six of the 11 cases, the Board members noted that the women did not secure employment for a potential release, although some of them were planning on seeking employment. In the remaining five cases, there was no mention of employment opportunities.

the Board members noted a lack of social support in the community as a negative “factor”).

In short, these findings illustrate the current correctional reasoning that the reintegration of offenders lies on their shoulders, and not the system:

Le principal obstacle à la réhabilitation du détenu n’est plus lié à ses difficultés d’intégration, mais bien à son incapacité à assumer sa pleine responsabilité par rapport à ses conduites. Le nouvel objectif de la démarche réhabilitative consiste donc à faciliter chez les détenus le développement d’une attitude responsable, qui devrait éventuellement l’aider à mieux fonctionner en société. On passe dès lors de la rhétorique de la réadaptation à celle de la responsabilisation. (Quirion, 2012, p. 348)

Ultimately, women applying for parole not only have the responsibility to change and to demonstrate this change to the Board members (during a relatively short hearing and through their case files), they are also required to find a job and suitable accommodations (with very limited resources while incarcerated), and they are expected to conform to the correctional system, “play the game” and complete all “recommended” programs (even when they do not agree with their content or simply do not want to participate) in order to be constructed in a positive manner by the Board members to eventually be released conditionally.¹³² The following chapter provides concluding thoughts and indications for further research on women and parole.

¹³² It remains unclear to whom and by what means the women are required to demonstrate this change. Does it have to be demonstrated to the Board members or to CSC staff? While CSC staff can attest to this change, either in person or in their reports, the Board members can still argue that the change demonstrated thus far is insufficient. It is also unclear how women are expected to actively participate in their reintegration while being incarcerated. For instance, how does one secure a job or find suitable housing for a *potential* release while being incarcerated, especially when having to disclose a criminal record?

Conclusion

Concluding Thoughts

As was explained in Chapter 1, the parole program has endured many changes since its inception. While it was initially put in place as some form of reward for “good offenders,” in the 1980s, the objectives of the program changed, and are now part of a restrictive, risk management logic. Pursuant to this logic, the CCRA, enacted in 1992, explicitly states that the protection of the society remains the primary criterion in parole decision-making. More recently, some legislative changes brought to the parole program show a more punitive tendency towards risk management. This new risk-based approach undeniably has an impact on parole decisions, in particular by highlighting certain criteria that are associated with risk. This concern about risk is reflected in the way in which the actors (the Board members) interpret the cases they have to assess (more attention is placed on risk factors rather than reintegration skills). Thus, these decisions do not reflect reality, and they are influenced by the institution’s new vision on risk management.

This thesis aimed to examine the “factors” documented in the written parole decisions regarding women offenders incarcerated in Canada in an effort to better understand how these decisions were justified during a political era deemed “tough on crime.” Using a social constructionist theoretical framework that considered Board members as social actors that act within the context of the institution that is the PBC, several parole decisions were reviewed. Two research questions guided the analysis of the parole decisions:

- (1) What criteria are documented in the written parole decisions regarding women offenders seeking parole? Do these differ from the criteria suggested by the PBC in its guidelines to the Board members?

(2) How are these criteria interpreted by the Board members in their decisions and what are the reoccurring themes in the official justifications provided for their decisions? For instance, are the decisions justified in the name of the protection of society, as prescribed by the governing legislation? Do the Board members still afford some form of importance to the reintegration of the women in their written decisions?

In accordance with the theoretical approach mobilized, the institution that is the PBC was established (socially constructed) in a particular context by legislators. In order to ensure it's functioning, the institution mobilizes certain social actors who will adopt the "role" of Board members. These actors are trained (even socialized) by the institution, which transmits its "stock of knowledge" to them (Berger & Luckmann, 1966).

These social actors thus become exposed to the institution's legislative requirements, the institutional culture and the values of the institution. By doing so, the PBC contributes to the objectivation of the legally enshrined ideas for its members. The institutional logic is therefore transmitted in the way Board members interpret risks, and it is also found in the rationale they provide for their decisions. Through their written decisions, the Board members must justify that their choices comply with the law and the institutional guidelines (accountability). In communicating their decision, they must follow certain rules and a specific format. While these actors still hold a certain discretion, their capacity for interpretation (of the guidelines, for instance) is certainly limited. In these documents, the Board members are given a certain platform to elaborate on their choices: they must justify their decisions, after the fact, into a predetermined form. Moreover, their decisions must be understood as a reflection of the consensus reached between several actors – a consensus that they deem will be accepted by the institution.

In that sense, these documents do not reflect reality, and they only represent the “official” justifications put forward by the Board members to support their decision to release or not. These are administrative decisions that determine how a person will spend the rest of their prison sentence (in an institution or in a community). While the contents of the decisions do not represent reality, the decisions themselves have direct impacts on reality (notably, on offenders and their families, and on society in general).

As was shown in the previous chapter, four general themes were identified in the parole decisions: the Board members’ use of discretion, their perception of whether the women had demonstrated change, the emphasis placed on risk and the protection of society, and the Board members’ depiction of social reintegration being the responsibility of the women. Although we have so far looked at decisions from the perspective of individual actors, we will now explore some general trends regarding how these decisions may inform of the functioning of the institution that is the PBC. Indeed, as shown previously, these decisions must be understood as communications to the system (Pires, 2004; Cauchie, 2005; Vanhamme, 2015), and we will now show what these decisions tell us about this system.

Firstly, in this system, risks are not tolerated. For the PBC, the notion of "protecting society" is very clear. This institution is mandated to make decisions to release people who have been convicted of criminal acts, and as part of this study, it must decide whether or not to release women who have been convicted of serious crimes. The impact of a potential release on society is direct and significant.¹³³ As shown in the previous chapter, in order to ensure this protection, one of the preferred means for the

¹³³ As explained by Webster, Doob & Myers (2009) and Vanhamme (2015) regarding pre-trial detention, the risks are certainly greater for the institution if someone problematic is released than if they are not.

PBC is to carry out an assessment of the potential risks posed by offenders. Board members appear to pay close attention to the offender's risks and the changes these risks may have endured during incarceration. With respect to this study, the decision-makers considered risks in each decision and examined whether the women had taken the "appropriate" steps to reduce these risks, notably by completing correctional programs and learning what "officially" caused them to offend. When the Board members argued that the women failed to take the adequate programming, they would note it in their decisions, stating that they were unable to assess whether the risk had reduced. When the Board members considered that the women failed to explain what "caused" them to offend or what their risk factors were, they would argue that their insight into their criminality was incomplete, and thus, their risk was unmanageable in the community. In these cases, parole would be denied.

These findings seemingly indicate that one of the institution's main focus remains the calculation of risk, even if this process remains hazardous and is not based on precise and objectifiable criteria (Mary, 2005). Moreover, our results suggest that when certain "factors" deemed too high-risk are present (for instance, having a criminal record, having adopted "bad" institutional behavior, having previously failed while on conditional release, and so on), the Board members tend to refuse parole almost systematically. This shows the great importance the institution affords to risks. Very little or no flexibility appears to be given to offenders in the face of potential risks. The focus placed on risk management and the protection of society found in our sample appears to be consistent with former Prime Minister Stephen Harper's "tough on crime" approach, which was in full force during the period under review. This seems to be indicative of a continuance of

the New Penology, where the goal of the correctional system is no longer to eliminate criminality, but to regulate and control it through risk management (Feeley & Simon, 1992; Lynch, 2000; Mary, 2005).

Secondly, this system appears to pay little importance to the *reintegration* of offenders. The *Association des services de réhabilitation sociale du Québec (ASRSQ)*, “a social reintegration community action organization working in the criminal justice field and dedicated to the social reintegration of offenders,” makes a distinction between reinsertion and reintegration (*reintegration sociocommunautaire*) (ASRSQ, 2017a). While reinsertion refers to signs external to the individuals (such as the absence of recidivism, the presence of a job and the respect of parole conditions), reintegration is a larger concept which includes an individualized, multidimensional, long-term adaptation process that is only completed when the person participates in the whole of the life of the society and the community in which they live and that has developed a sense of belonging to them (ASRSQ, 2017b). In this sense, reintegration has a greater scope than reinsertion. Insertion only aims to insert the person into a particular community, while integration goes further by also seeking to create a greater interdependence between the person and other members of the community.

When reintegration is addressed in parole decisions, it appears to be discussed in superficial and temporary terms. Indeed, Board members appear to be examining whether certain elements, such as housing and employment, are present for the purpose of the parole program. There does not seem to be importance afforded to life after parole, the needs of women, the stigma they will surely face in the community, or the fact that these women may very well be in the community for a longer period. As we saw in the

previous chapter, Board members afford a great deal of importance to offender change in their written decisions. This interest on the women's "change," however, is misleading. This change appears to be assessed for the sole purpose to determine potential risks. In this sense, change is not assessed to determine if the person has grown, or where they are in their journey. Rather, it is assessed to determine what risks the person would pose if they were to be released. One could postulate that, if the institution was genuinely concerned with the reintegration of offenders, the scope of the Board members' involvement and concerns would be spread over a longer period and would explore the other aspects of reintegration besides those directly related to the program (such as employment, housing, release conditions and recidivism).

Thirdly, in this system, in order to be considered as a "good" candidate for parole, offenders are required to present themselves as being both submissive and responsible. Submissive because they have to do as they are told, be respectful with fellow inmates and staff, and accept the correctional discourse on their own risk factors and criminal cycle. Responsible because they must actively follow their correctional plan, take all "required" programs, and find suitable housing and a job for a potential release. With respect to this sample, when the Board members determined that the women had failed to meet certain "requirements" for the program (for instance, when they had not secured suitable housing for a potential release), the Board members attributed the failures to them, thus showing that reintegration, for the institution, lies on the shoulders of the women (Feeley & Simon, 1992; Lynch, 2000; Quirion, 2009). In this system, offenders are responsible for their behaviour and for the proper conduct of their sentence (Lynch, 2000; Robert, 2001; Vacheret, 2006; Quirion, 2009). Some authors argue that, by

transferring all of the responsibility of reintegration to the offenders, correctional authorities are exerting additional control on them to maintain internal order (Mary, 2004; Vacheret, 2006). Indeed, offenders must demonstrate their willingness to reintegrate by complying and following the expected trajectory, which will, in return, provide them with the required skills for reintegration (Mary, 2005; Quirion, 2009). Offenders would conform to this system to avoid consequences on the length and form of their sentences (for instance, parole) (Vacheret, 2006). This way of seeing offenders leaves very little room to innovation. As shown in the previous chapter, inmates who do not “conform” to this system are presented as being problematic, argumentative and unsuitable candidates for parole.

Finally, in this system, it is relatively easy for the Board members to justify their decisions, whether they decide to release or not. As shown previously, in general, the Board members seem to follow the guidelines established by the institution. When they “deviate” from these guidelines (for example, by using their discretion to discuss certain factors that are not in the guidelines, or to “neglect” certain factors), they are still able to provide adequate¹³⁴ justifications for their decisions. This can be explained in part by the facts that the Board members are still given some level of discretion, their decisions are not based on just one factor, but on a series of elements, and the format of the decisions makes it difficult to clearly determine what led to the final decision. The factors considered in these decisions affect many facets of offender’s lives (for instance, their behaviour, attitudes, social relationships, employment, and so on), and it is assumed that

¹³⁴ Justification that would be deemed adequate by the institution (as such, in accordance with law and policy).

it can be difficult for them to understand which aspects of their lives have led the Board members to render a decision over another.

While it may be difficult for offenders (or anyone else) to truly understand the rationale provided in these written decisions, this seems favourable for the institution, as most decisions made are, to some extent, justifiable and, most importantly, in accordance with internal policies and the law. Indeed, it is assumed that most parole decisions would likely be easily justified in case of an appeal or Judicial Review. Since these decisions are based on potential risks to the protection of society, it is likely difficult to argue that a risk-based decision is against the law when the latter clearly establishes that the protection of society is the primary criterion in any decision-making.

All of these elements seem to illustrate that the members of the PBC have incorporated the institution's discourse, or, at the very least, that they reproduce it in their written decisions. Manifestly, the results of this study do not make it possible to determine whether the Board members have truly incorporated this vision or if this is just what they voluntarily highlight in their written decisions so that their choices are accepted by the institution.¹³⁵ As Lalande (1990) explains about probation officers, although many of them join the profession to help people, they quickly become "realist" and their interests shift to support the legal aspects of their job.

Decisively, it seems as though this institution that is the PBC is well anchored in the New Penology, where the goal of the correctional system is no longer to eliminate criminality, but to regulate and control it through risk management (Feeley & Simon, 1992; Lynch, 2000; Mary, 2005). In this system, risks are considered as a priority, little

¹³⁵ This could be further explored by conducting interviews with Board members.

attention is paid to the social reintegration of offenders, and offenders are held fully responsible for their actions and the progress of their sentence.

To conclude, many changes occurred in the last decades that put additional restrictions on offenders with respect to parole. While the government has since changed, the changes it brought to the parole program are still in effect. These policies regarding parole have not changed and are still largely focused on risk management. This indicates the seemingly continuance of a correctional system where risks management is favoured and the system detaches itself from any responsibility regarding offender reintegration. Ultimately, these measures are not put in place to make these people active and well-accepted citizens in the community; rather, they seem to exclude them and they do not question the way that society and communities see and treat them after being released. These measures have serious impacts on the reintegration of women offenders and bring us to question the meaning of reintegration for correctional authorities. Decisively, for the Board members, a reintegrated woman, or a woman capable of reintegration, appears to be someone who does what she is told, listens to every rule, and, in the end, blindly accepts what the system tells her. Ultimately, this risk-based outlook gives a very limited meaning to reintegration and still brings society to consider criminalized women, even when released, as second-class citizens.

Indications for Further Research

The purpose of this study was to examine and provide a better understanding of which “factors” were officially documented by the PBC’s Board members in their written parole decisions regarding female offenders. While this study provided a glimpse of this, we have yet to hear about the women’s perspectives on parole decision-making. Future

research should focus on the women's impressions of the parole process and their personal experiences with respect to conditional release decisions. Further research should also attend to the social representations of women offenders in the criminal justice system, perhaps by observing how women are expected to meet some characteristics historically associated with their gender such as docility, delicateness and submissiveness, and how these expectations may have an impact on their trajectory in the criminal justice system. Still regarding the role of gender in parole decision-making, further research could focus on parole decisions rendered by female Board members specifically and observe whether there are differences in consideration of women's needs in these decisions versus those rendered by male Board members.

Also, while this was not the purpose of this study, some characteristics consistent with marginalization, such as coming from a dysfunctional or abusive family setting, having substance abuse issues, having suffered victimization either as a child or an adult, and having mental health issues, were more often documented in the "parole denied" decision category. As we know, the criminal justice system tends to criminalize the most vulnerable groups in society (Combessie, 2004). Pursuant to the "factors" documented in this sample, these women coming from underprivileged backgrounds seem to be, once again, disadvantaged in parole decision-making, as they were more likely to be denied parole compared to those who did not possess these characteristics. Further research should continue to examine offenders' personal characteristics and their potential impacts on conditional release decisions.

Moreover, as was presented throughout this thesis, most decisions rendered in the correctional setting, such as parole, are based on risk assessments. Whether these

assessments be conducted with the help of actuarial scales or in the form of more traditional clinical assessments, they result in high stakes for all concerned and are considered as necessary by correctional officers (Hollin, 2002; Quirion & D'Addese, 2011). It is therefore imperative that research continues to examine how this notion of risk is interpreted and justified by correctional authorities, especially when the stakes are very high for offenders (for instance, in the determination of security levels or parole decisions).

Finally, a more in-depth analysis should be conducted on parole decisions that affect specific groups (women, Aboriginal peoples, racialized people, older prisoners, transgender people). The diverse needs of these groups seem to have received little consideration to date. This issue raises questions about the maintenance of a culture of risk that keeps assessing individuals according to uniform and stereotypical criteria, thereby reproducing and perpetuating forms of social exclusion instead of favouring reintegration into the community.

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Appendix A: “Factors” that Should be Considered by the Board Members when Rendering Parole Decisions According to the PBC¹³⁶

Actuarial Measures of the Risk to Re-Offend

6. Actuarial measures that predict violent behaviour, sexual offending, family violence and general re-offending should be used in accordance with the purpose for which they were developed and for groups of offenders on which they have been validated.
7. Where the actuarial measures of the risk to re-offend, the clinical judgement and/or the Parole Officer’s assessment yields different recommendations, Board members will consider such discordant information during their assessment.

Assessing Criminal, Social and Conditional Release History

8. Information considered when assessing criminal, social and conditional release history includes:
 - a. the age at which the criminal behaviour began, the seriousness, persistence and versatility of the criminal behaviour and whether or not it is increasing in severity;
 - b. information on marital and family relationships, school and/or work, leisure and/or recreation as they relate to the risk to re-offend;
 - c. any systemic or background factors that may have contributed to the offender’s involvement in the criminal justice system, such as the effects of substance abuse, systemic discrimination, racism, family or community breakdown, unemployment, poverty, a lack of education and employment opportunities, dislocation from their community, community fragmentation, dysfunctional adoption and foster care, and residential school experience;
 - d. the nature and gravity of the current offence(s) and any precipitating factors;
 - e. any documented occurrence of drug use, positive urinalysis results or failures or refusals to provide a sample while on conditional release;
 - f. the history of re-offending and revocation on conditional release;
 - g. previous breaches of supervision conditions or unjustified missed appointments and performance on any period of probation or conditional releases, including those under a previous sentence;
 - h. any record of being unlawfully at large or of escape attempts;

¹³⁶ This information was retrieved from section 2.1, Assessment for Pre-Release Decisions, of the PBC’s Decision-Making Policy Manual for Board members (PBC, 2018d).

i. the history of violent behaviour, including threats, intimidation, possession and use of weapons;

j. any indication of violence toward, or abuse of, family members, and/or of people in relationships of intimacy, dependency, or trust, or those who may be otherwise vulnerable, including the various factors often associated with family violence:

i. death or weapons threats;

ii. substance abuse problems;

iii. recent threats of suicide;

iv. employment problems;

v. past sexual assaults;

vi. attitudes that minimize or support family violence;

vii. personality disorder;

viii. previous stalking and/or disregard of “no contact” orders;

ix. escalating violence;

x. recent relationship changes (separation, divorce); and

xi. intergenerational history of family violence.

k. the reasons and recommendations of the sentencing judge and any other information from the trial or the sentencing hearing;

l. information such as victim impact statements filed with the courts, police reports about the nature of the offence, and victim statements or other information that victims or their families provide directly to the Board or correctional authorities; and

m. information obtained from other components of the criminal justice system.

Assessing Factors Affecting Self-Control

9. Information considered when assessing factors affecting self-control includes:

a. elements that relate to the offender’s ability to regulate their own behaviour and the extent to which the offender is impulsive or easily angered;

- b. the presence of a mental disorder, sexual deviance or level of intelligence which interferes with the offender's ability to make law-abiding choices;
- c. the presence of substance abuse which prevents the offender from adequately controlling their behaviour; and
- d. information indicating that the offender is vulnerable to the influences of criminally oriented associates, possesses attitudes and values that support criminal behaviour or has anti-social personality or behaviour.

Assessing Offender Responsivity to Programming and Interventions

10. Information considered when assessing offender responsivity to programming and interventions includes:

- a. information that programming was appropriate based on the culture, gender and learning needs of the offender; and
- b. information that programming reflected the appropriate intensity based on the offender's risk level.

Assessing Institutional and Community Behaviour

11. Information considered when assessing institutional and community behaviour includes:

- a. non-compliance with institutional rules and supervision conditions;
- b. any misconduct and its circumstances regardless of the severity, in particular any violent incidents, including continued involvement in criminal activities;
- c. any past or current misconduct related to trafficking in, using, or introducing drugs in the institution and the measures taken or proposed as a result of this misconduct. This includes documented occurrences of positive urinalysis results or failures or refusals to provide a sample, especially those close to the review date for the release of the offender;
- d. information relating to performance and behaviour while under any prior sentence, including from provincial authorities and records related to a young person, and any available information about criminal activity that led to admission to the mental health system; and
- e. information of the offender's participation in activities organized by or involving members or associates of criminal organizations.

Assessing Offender Change

12. Information considered when assessing offender change includes:

- a. the offender's progress in addressing their correctional plan and identified needs;
- b. the offender's understanding of crime cycle indicators, relapse prevention and acceptance of positive cultural values, including information that indicates commitment to and signs of motivation to change and the degree of responsibility of the offender;
- c. an indication of measurable and observable change in the offender's attitude and behaviour as a result of incarceration, the results of participation in correctional and healing programs and the treatment gains, and/or other interventions that institutional and case management staff and any others attest have had a beneficial impact;
- d. for offenders who have been incarcerated for a significant period of time or who have substantial criminal records, an indication that the change in behaviour and attitude is significant and in relation to the offender's risk factors and needs areas;
- e. professional reports assessing the benefit of the offender's participation in psychological and/or psychiatric treatment programs that address identified needs and treatment gains, including those relating to anti-social attitudes and behaviours, and other personality factors such as level of development, emotional and intellectual maturity, impulsiveness, self-regulation, problem-solving skills and offender change; and
- f. if the offender's conditional release was previously revoked, what the offender did to modify the risk factors that led to any revocation and what benefit was derived during the period of re-incarceration.

Assessing the Release Plan and Community Supervision Strategies

13. Information considered when assessing the release plan and community supervision strategies includes:

- a. the type of release and whether or not the community supervision strategies are appropriate and adequate to manage or address the offender's risk factors and needs areas;
- b. for temporary absences, the suitability and nature of the offender's plan and the nature of the proposed escort, where applicable;

- c. the details of the proposed programs and interventions;
- d. the offender's support in the community;
- e. the stressors/factors in the release environment that may increase the risk of re-offending and the offender's needs in relation to these factors;
- f. information about the release community that was obtained from the police, the offender's family, sponsors, victims including the victims of family violence, Aboriginal Elders or tribal council members, leaders of ethnic communities and any other appropriate sources;
- g. the steps taken to control further offender aggression in family violence cases;
- h. any restorative measures involving the community, victim, and/or offender;
- i. whether placement of the offender in a residential facility or in the community at large will result in associations with other offenders with whom the offender has been involved in criminal activities including members or associates of criminal organizations, co-convicted offenders or family members;
- j. requests from victims for release conditions considered necessary for their protection;
- k. the conditions of release imposed through the CCRR and whether or not special conditions may be necessary to assist in the management of the offender in the community and to reduce the risk of re-offending;
- l. up-to date information on the immigration status of offenders who are foreign nationals; and
- m. the release plans proposed by the Aboriginal community for a section 84 release.

Appendix B: Example of First Page of the Written Parole Decisions

Page 2

Government of
Canada

National
Parole Board

PROTECTED WHEN COMPLETED
PERSONAL INFORMATION BANK
NPB-CLC PFU 005

NPB PRE-RELEASE DECISION SHEET

Name _____ FFS _____ File No _____
Institution: _____

TYPE OF REVIEW
PANEL

TYPE OF RELEASE(S)
FULL PAROLE - PRE RELEASE
DAY PAROLE - PRE RELEASE

OFFENDER'S SECURITY CLASSIFICATION
MEDIUM

SIR score (if applicable)

Does not apply - Reason: **FEMALE OFFENDER**

OBSERVER(S)
NO Observer(s) present (except during Board Member deliberations)

Excluded from part of hearing:
Reason:

ASSISTANT
NO Assistant present

NEW INFORMATION OR GIST OF CONFIDENTIAL INFORMATION SHARED WITH OFFENDER

Not Applicable

FINAL DECISION(S)

FULL PAROLE - PRE RELEASE **DENIED** Dated _____

DAY PAROLE - PRE RELEASE **DENIED** _____

SPECIAL CONDITION(S) IMPOSED AND PERIOD OF TIME FOR WHICH THEY ARE VALID (Apply until the end of the release unless a fixed period of time is specified)

Status

REASONS FOR DECISION(S)

FFS: _____ NAME: _____ FILE NO.: _____

NPB 82 (99-05) OMS
VERS (7)

Date and Time Locked _____ TIME IS BASED ON A 24-HOUR CLOCK PERIOD. /03

Appendix D: Overview of the 100 Written Decisions Provided by the PBC

Legend:

* = Currently on Day Parole	Cases from the core sample	Accelerated Parole Review (APR) – Excluded from sample	Excluded from sample for failure to comply with selected criteria
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Case	Current Offence(s)	Sentence Length	Decision(s)
2005-2006			
001	Manslaughter	8 years	Day Parole Granted Full Parole Granted at eligibility
002*	Second Degree Murder	Life sentence	Full Parole Granted
003*	Second Degree Murder	Life sentence	Full Parole Granted
004	Unknown	Unknown	Full Parole Granted
005	Importing Drugs, Trafficking Cocaine	5 years	Full Parole Granted
006	Second Degree Murder	Life sentence	Day Parole Revoked (post-release hearing)
007	Soliciting – Stop Person (3 counts), Robbery (4 counts) Fail to Appear (2 counts)	5 years, 1 month, 13 days	Day Parole Granted Full Parole Denied
008	Robbery with Intent, Break and Enter	6 years	Day Parole Denied Full Parole Denied
009	Second Degree Murder	Life sentence	Unescorted Temporary Absence Authorized
010	Manslaughter	7 years	Day Parole Denied Full Parole Denied
2006-2007			
011	Multiple fraud offences	6 years, 2 months and 8 days	No action on Day Parole (no plan presented) Full Parole Denied
012*	Unknown	Unknown	Full Parole Granted
013*	Importing Drugs (Heroin and Cocaine)	5 years	Full Parole Granted
014*	Second Degree Murder	Life sentence	Full Parole Granted
015	Second Degree Murder	18 years, 9 months and 5 days	Day Parole Granted (only to attend)

			treatment, then going back to institution) Full Parole Denied
016	Operate Motor Vehicle – Flight Causing Bodily Harm (2 counts), Theft Over (2 counts) and Fail to Appear	5 years	Day Parole Denied Full Parole Denied
017*	Conspiracy to Possess with Intent to Distribute a Schedule I Controlled Substance Containing a Detectable Amount of Marijuana and Conspiracy to Import a Schedule I Controlled Substance	5 years and 10 months	Full Parole Granted
018	Conspire to Commit Indictable Offence, Traffic in Narcotic, Possess Prohibited Weapon (2 counts) and Possess Schedule I/II Substance for Purpose of Trafficking	6 years	Full Parole Granted
019	Homicide involontaire, séquestration et outrage au tribunal	Over 8 years	Day Parole Denied Full Parole Denied
020*	Conspiracy to Traffic in Cocaine, Trafficking and Possession of Property Obtained by Crime	5 years	Full Parole Granted
2007-2008			
021	Possession and Contempt of Court (4 counts) + Outstanding Charge for First Degree Murder	2 years	Day Parole Not Directed Full Parole Denied
022	Second Degree Murder	Life sentence (10 years ineligibility period)	Full Parole Denied
023	Importing Drugs into Canada (Cocaine and Marijuana) (2 counts)	5 years	Full Parole Directed
024	Manslaughter	5 years	Full Parole Granted for Deportation
025	Robbery and Flight while pursued by Peace Officer	2 years and 6 months	Full Parole Granted
026*	Trafficking Cocaine	5 years	Full Parole Directed
027	Possession of a Scheduled Substance for the Purpose of Trafficking (2 counts)	2 years and 6 months	Day Parole Granted Full Parole Denied
028	Manslaughter	18 years and 8 months	Full Parole Denied

029	Sexual assaults and incest	5 years	Day Parole Denied Full Parole Denied
030*	Drug smuggling	Unknown	Full Parole Directed
2008-2009			
031*	Criminal Breach of Trust, Forgery and Theft Over	5 years	Full Parole Directed
032	Importing Cocaine	10 years, 9 months and 6 days	Full Parole Not Directed
033*	Attempt importation of Cocaine	6 years	Full Parole Directed
034*	First Degree Murder	Life sentence (20 years parole ineligibility period)	Full Parole Granted
035*	Import a Scheduled Substance (Cocaine)	Unknown	Full Parole Directed
036*	Committing an Offence for a Criminal Organization (transporting marijuana and currency across the border)	6 years	Full Parole Granted
037*	Manslaughter, Assault with a Weapon and Forcible Confinement	7 years and 6 months	Full Parole Denied Statutory Release – Change conditions
038	Fraud Under (3 counts), Fraud Over, Utter Forged Document and Fail to Comply with Probation Order	3 years and 6 months	Day Parole Denied Full Parole Denied
039	Dangerous Operation of Motor Vehicle Causing Bodily Harm and Fail to Stop at Scene of an Accident	5 years	Day Parole Denied Full Parole Denied
040	Homicide involontaire	10 years	Day Parole Denied Full Parole Denied Unescorted Temporary Absence Not Authorized
2009-2010			
041	Manslaughter	6 years and 10 months	Day Parole Denied Full Parole Denied
042*	Manslaughter	9 years	Full Parole Granted
043*	Trafficking Drugs	6 years, 2 months and 29 days	Full Parole Directed
044*	Drug-related offences	Unknown	Full Parole Directed
045*	Possession de stupéfiants en vue de trafic	8 years and 1 day	Full Parole Directed
046	Second Degree Murder	Life sentence	Full Parole Denied
047	Manslaughter	6 years and 1 day	Day Parole Denied Full Parole Denied
048	Second Degree Murder,	Life sentence	Day Parole Denied

	Attempted Murder		Full Parole Denied Unescorted Temporary Absence Not Authorized
049*	Drug Trafficking (Marijuana, Hashish, Cocaine, Crack) and Conspiracy to Traffic Narcotics	5 years, 4 months and 7 days	Full Parole Directed
050*	Fabrication de cannabis, possession de substances à des fins de trafic, omission de se conformer à des engagements et complot de commettre un acte criminel	Over 5 years	Full Parole Directed
2010-2011			
051	Break and enter and Commit (2 counts)	2 years	Day Parole Directed Full Parole Directed
052	Sexual Interference, Possession of Child Pornography and Print/Publish Child Pornography	6 years and 2 months	Day Parole Denied Full Parole Denied
053	Conspire to Commit an Indictable Offence, Participation in Activities of Criminal Organization, Fraud Over (12 counts), Utter Forged Document and Possess Property Obtained by Crime Under	5 years, 4 months and 15 days	Day Parole No Action Full Parole Granted
054	Unknown	Unknown	Day Parole Revoked Full Parole Denied
055*	Importing drugs into Canada	Unknown	Full Parole Directed
056	Import/Export Schedule I/II Substance	10 years	Full Parole Directed
057*	Importing drugs (cocaine)	Over 5 years	Full Parole Directed
058*	Second Degree Murder	Life sentence	Day Parole - Modify conditions – No action Full Parole Denied
059*	Manslaughter	5 years	Full Parole Denied
060	Manslaughter	7 years	Day Parole Denied Full Parole Denied
2011-2012			
061*	Import/Export Schedule I/II Substance and Possess Schedule I/II Substance for the Purpose of Trafficking	7 years	Full Parole Granted
062	Manslaughter	10 years	Full Parole Granted for

			Deportation
063	Vols qualifiés, séquestration, complot de commettre un acte criminel, agression armée et usage d'une fausse arme à feu lors de la perpétration d'un acte criminel	Over 6 years	Day Parole Denied Full Parole Denied
064	Over 20 charges including: Assault – Use of force, Assault causing bodily harm, forcible confinement, possession of a substance, failure to comply with orders/conditions, prostitution related offences and uttering threats	Over 7 years	Day Parole Denied Full Parole Denied Unescorted Temporary Absence Not Authorized
065	Manslaughter and Fail to Comply	5 years and 5 months	Day Parole Denied Full Parole Denied
066*	Second Degree Murder (2 counts)	Life sentence	Full Parole Granted
067*	Second Degree Murder	Life sentence (10 years parole ineligibility period)	Full Parole Granted
068	Attempted Murder and Assault	10 years and 3 months	Day Parole Denied Full Parole Denied
069*	Manslaughter	6 years and 4 months	Day Parole Continued – change condition Full Parole Denied
070	Second Degree Murder, Theft, Fraud, Assault and Personation with intent	Life sentence (10 years parole ineligibility period)	Day Parole Denied Full Parole Denied
2012-2013			
071	First Degree Murder	Life sentence	Day Parole Denied Full Parole Denied
072*	Second Degree Murder	Life sentence (10 years parole ineligibility period)	Full Parole Granted
073	Import/Export a Schedule I/II Substance	5 years and 6 months	Day Parole Granted Full Parole Granted
074*	Conspire to Commit an Indictable Offence	10 years	Full Parole Granted
075*	Second Degree Murder	Life sentence	Full Parole Granted
076	Fraud Over (5 counts), Fraud Under (6 counts), Theft Under, Forgery and Perjury.	7 years and 7 months	Day Parole Directed Full Parole Directed
077*	Fraud Over (3 counts), Forgery, Personation with Intent to Gain Advantage (2	8 years	Full Parole Granted

	counts), Uttering Forged Documents, Fraud Over and Fail to Comply with Conditions		
078	Import/Export a Schedule I Substance	8 years, 4 months and 7 days	Day Parole No Action Full Parole Granted
079	Conspiracy to import a stimulant drug (crystal methamphetamine)	8 years	Full Parole Denied
080	Theft Under (2 counts), Fraudulently Obtain Transportation (2 counts), Robbery with Threats of Violence, Disguise with Intent, Possess Schedule I/II Substance for the Purpose of Trafficking, Traffic in Schedule I/II Substance (2 counts), Control Movement Compel Prostitution, Fail to Comply with Probation order (7 counts), Fail to Attend Court – Judge’s Order, Fail to Comply with Condition of Undertaking/Recognizance, and Fail to Appear – Appearance notice (2 counts)	6 years, 9 months and 4 days	Day Parole Denied Full Parole Denied
2013-2014			
081	Second Degree Murder	Life sentence	Full Parole Denied
082*	Fraud, Forgery and Uttering a Forged Document	5 years	Full Parole Granted
083*	Possession de substance (cocaine) à des fins d’exportation	5 years and 1 day	Full Parole Granted
084	Import a Scheduled Substance	6 years	Day Parole Granted Full Parole Granted
085*	Robbery	4 years	Full Parole Granted
086	Attempt to Possess a Commercial Quantity of Border Controlled Drug (in Canada: Attempted Possession for the Purpose of Trafficking a Schedule I Substance)	11 years	Day Parole Denied Full Parole Denied
087	Tentative de meurtre et port d’arme dans un dessein dangereux	5 ans et 5 mois	Day Parole Denied Full Parole Denied
088*	Import/Export a Schedule I/II Substance	7 years, 9 months and 14 days	Full Parole Granted

089*	Second Degree Murder	Life sentence	Full Parole Granted
090*	Complot de commettre un acte criminel et trafic de substances intoxicantes de l'Annexe I	Over 5 years	Full Parole Granted
2014-2015			
091	Cause Death by Criminal Negligence and Obstruct Justice - Other ways	6 years and 3 months	Day Parole Denied Full Parole Denied
092*	Offences related to tax fraud	Unknown	Full Parole Directed
093*	Importation et exportation de substances mentionnées à l'annexe I	15 years	Full Parole Directed
094	Importing (2 counts)	12 years	Full Parole Directed
095	Manslaughter	7 years	Full Parole Granted for Deportation
096*	Second Degree Murder	Life sentence (15 years parole ineligibility period)	Full Parole Granted
097	Importation of illicit drugs	Unknown	Full Parole Not Directed
098	Second Degree Murder (2 counts)	Life sentence	Day Parole Denied Full Parole Denied Unescorted Temporary Absence Authorized
099	Production of a Schedule I/II Substance, Possession of a Schedule I/II Substance for the Purpose of Trafficking, Theft of Electricity/Gas Services – Over, Offence under Federal Income Tax Act, Breach of Condition of Restraint Order and Fail to Comply with Conditions of Undertaking/Recognizance	6 years and 2 months	Day Parole Granted Full Parole Denied
100*	Break, Enter and Commit, Use of Firearm while Committing, Robbery – Use of Firearm All Other, Assault – Use of Force and Fail to Comply with Probation Order	6 years and 3 months	Full Parole Denied

Appendix E: Parole Granted - Current Offence(s) and Length of Sentence

Case	Current Offence(s)	Sentence Length
001 Sophie	<u>Manslaughter</u> “During the course of a dispute, you fatally stabbed your husband with a kitchen knife” The victim was physically and verbally abusive.	Eight years
003 Linda	<u>Second Degree Murder</u> Murdered her step grandson for her perception that he violated her cultural values.	Life sentence
024 Mary	<u>Manslaughter</u> “[...] manslaughter of a 6-month-old girl who was under your care when you worked for the girl’s family as a housekeeper and childcare provider. The death was attributed to the ‘shaken child syndrome.’”	Five years
042 Roxanne	<u>Manslaughter</u> “You argued with your victim and then, with other perpetrators, proceeded to beat and kick him to death. The assault was brutal and lasted over hours.”	Nine years (four and a half years until parole eligibility)
061 Kathy	<u>Import/Export Schedule I/II Substances and Possess Schedule I/II Substances for the Purpose of Trafficking</u> “In hidden compartments under the rear seats, the agents [of a border crossing] found 31 kilos of Cocaine wrapped in 25 packages. Its value was estimated at 1.55 millions but its street value was double that amount.”	Seven years
062 Nadine	<u>Manslaughter</u> “Police reports indicate that the victim was found partially clothed on his bed, having been stabbed 12 times with two different knives and receiving fatal wounds to his neck.” The victim was her drug dealer who allegedly tried to rape her.	10 years
082 Beth	<u>Fraud, Forgery and Uttering a forged document</u> “You used your position [in a company] to make electronic transfers, using existing signatures of account signatories to falsify the facsimile. A total of more than 8.5 million dollars were transferred.”	Five years
083 Sammy	<u>Possession of substance for exportation</u> “En compagnie d’un complice, vous avez été arrêtée dans un aéroport en [...] alors que vous portiez une gaine remplie de 400 sacs de cocaïne.”	Five years and one day
090 Natalie	<u>Conspiracy to commit an indictable offence and Traffic in a Schedule I Substance</u> Involved in the drug trade as a high-ranking member of a criminalized organization.	Over five years

Appendix F: Parole Denied - Current Offence(s) and Length of Sentence

Case	Current Offence(s)	Sentence Length
008 Brittany	<u>Robbery with intent and Break and enter</u> “Your index offence involved you and three accomplices (one female and two males) breaking into the home of an 85 year-old woman.”	Six years
010 Cynthia	<u>Manslaughter</u> “While under the influence of alcohol and drugs you stabbed your step father multiple times with a kitchen knife.”	Seven years
022 Christine	<u>Second Degree Murder</u> “Forensic investigations revealed that the victim had been strangled, there was a stab wound to the right side of the throat, and blunt force trauma to the back of the head. There was evidence of sexual intercourse, and the victim’s breast has been severely bitten.” The victim was her mother.	Life sentence (parole eligibility at 10 years)
028 Anita	<u>Manslaughter</u> Murdered, dismembered and disposed of the victim’s body part. The victim was a Canadian man whom she was involved in an intimate relationship with.	18 years and eight months
029 Nicole	<u>Sexual assaults and incest</u> “Les gestes sexuels commis par vous et votre conjoint se sont déroulés sur une longue période et ont été répétitifs (deux à trois fois par semaine). Les actes vont de l’attouchement à des relations sexuelles complètes et fréquentes. Un dommage grave tant au plan physique que psychologique a été causé aux victimes d’âge mineur, notamment vos deux enfants aînés.”	Five years
041 Sherry	<u>Manslaughter</u> Stabbed the victim, a girl who was flirting with her boyfriend at a party.	Six years and 10 months
046 Tracey	<u>Second Degree Murder</u> “You and your former boyfriend killed his mother. Your victim was bludgeoned in the head a number of times with a frying pan and gasoline was used to set fire to her residence.”	Life sentence (parole eligibility at 12 years)
047 Maggie	<u>Manslaughter</u> “At a crack house, you and several others beat the victim over a prolonged period of time as someone stated she was a rat.” The victim was tortured and “she died of strangulation.”	6 years and one day
068 Rosa	<u>Attempted murder and Assault</u> “You had your sister trapped in the bathroom while you were attempting to enter the room by repeatedly (40x) plunging a knife into the bathroom door. When police entered the apartment you stabbed the officer in the upper left chest area.”	10 years and three months

<p>070 Sylvia</p>	<p><u>Second Degree Murder, Theft, Fraud, Assault and Personation with intent</u> “Vous séjourniez dans un foyer d’accueil pour des personnes dans le besoin et, selon un des propriétaires, vous étiez identifiée comme une personne psychiatisée, dangereuse et qui faisait des menaces à tout le monde. Il a été établi que la victime est décédée de plusieurs coups de marteau à la tête et d’autres marques de violence ont été observées.”</p>	<p>Life sentence (parole eligibility at 10 years)</p>
<p>086 Rachel</p>	<p><u>Attempted possession for the purpose of trafficking of a schedule I offence</u> “You arrived in [...] for the purpose of facilitating the clearance, collection and safe storage of a large quantity of cocaine and methamphetamines which had been shipped to [...] by other parties in [...] inside a shipment of equipment.”</p>	<p>11 years</p>

Appendix G: Examples of Terms and Key Words (in the Board Members’ own Words or Paraphrased) Used to Identify the “Factors” in the Decisions

“Factors” Regarding the Past

“Factor”	Category	Example of terms (quoted from the decisions)
Current Offence(s) and Length of Sentence (in years)	N/A	<p>The nature of the current offence(s) and the duration of sentence were clearly outlined in each decision.</p> <p>For instance: You are serving 8 years from March 28 [...] for Manslaughter.</p>
Criminal History	Had no prior criminal history	<ul style="list-style-type: none"> • You have no prior criminal history • The current offences are the first registered in your criminal file • Votre fiche criminelle s’ouvre avec les présents délits • Vous n’avez aucun autre antécédent judiciaire à votre fiche criminelle • Nothing else on FPS
	Had a prior criminal history	<ul style="list-style-type: none"> • You have an extensive criminal history. • Your criminal history commenced in [...] at the age of [...] and includes: [...]. • You have an extensive criminal history dating back to [...] when you were [...] years old. • Third federal sentence • Votre fiche criminelle contient un antécédent acquisitif [...] • You became involved in criminal activity at a young age with other youths • Lengthy criminal history including [...] • Criminal history began in youth court
Family History	Positive family environment	<ul style="list-style-type: none"> • You do not appear to have substance abuse issues in your history, and you credit the upbringing given by your parents to you and your siblings, for this • You grew up in a positive family environment
	Dysfunctional or abusive family setting	<ul style="list-style-type: none"> • Alcoholic parents • You and your siblings were physically abused by your father • Childhood replete with abuse

		<ul style="list-style-type: none"> • Dysfunctional and extremely abusive childhood and adolescence • Unstable home environment • Traumatic events, emotional and physical abuse in childhood home • Dysfunctional and abusive background • Dysfunctional family • Sexual assault by father and other in foster homes • “Particular” family context where sexuality was unhealthy • Foster care and group homes • Living on the streets • Chaotic childhood • Mother was and still is a “crackhead” • Upbringing was chaotic and fraught with abuse
Substance Abuse	Suffered from substance abuse issues	<ul style="list-style-type: none"> • You became addicted • Relapsed while unlawfully at large • Under the influence of intoxicants during index offence • Started drinking and using drugs at a young age • Smoking crack throughout the incident • Started using drugs • Substance abuse and violence as a way to deal with issues • Serious issues and longstanding • Abuses and dependency • Significant alcohol dependency • Began using drugs in 9th grade • Substance abuse as a coping mechanism
	Had no substance abuse issues	<ul style="list-style-type: none"> • Do not appear to have substance abuse issues • Do not appear to have substance abuse issues in your history, and you credit the upbringing given by your parents to you and your siblings, for this
Interpersonal Relationships with “Criminal Associates”	Associated with “criminals”	<ul style="list-style-type: none"> • Your cousin was a co-accused • Associates and social interactions deemed contributing factors • Fréquentation de pairs ayant une mauvaise influence à votre endroit • Impliquée dans un important réseau de vente de distribution de stupéfiants • Associated with individuals involved in

		<p>criminal activities and illegal drug use</p> <ul style="list-style-type: none"> • Social associates consist of transient drug users • Associated with substance abusers and criminals • Affiliations with street gang • Few pro-social associates in your life • “Middle man” of a drug operation, playing a significant role in the international drug trafficking operation
	“No reason to believe” they were associated with “criminals”	<ul style="list-style-type: none"> • There is no information leading to believe that you are affiliated to a criminal organization • No gang affiliation
Prior Victimization (as a Minor)	Abuse suffered as a child	<p>This includes emotional, physical and sexual abuse, as well as negligence. Same key words as previous “dysfunctional or abusive family settings” with the following additions:</p> <ul style="list-style-type: none"> • Sexual abuse by non-family members, victim of emotional and physical abuse • You and your siblings were subject to sexual abuse at a young age • Sexually abused by father and others in foster homes • Sexual abuse by a woman when you were younger • Sexual abuse by uncle • Sexually abused three times as a child • Upbringing fraught with abuse (substance, physical, sexual) and violence • Sexual abuse by a family member • Physically abused by father
Prior Victimization (as an Adult)	Domestic violence (physical and/or verbal)	<ul style="list-style-type: none"> • Physical and mental abuse in one relationship • Involved in reciprocal physical and verbal violence in your relationships • Physical violence in prior relationship • Abusive and controlling behaviour from former partner • Domestic violence (verbal and physical) in several intimate relationships
	Sexual abuse as an adult	<ul style="list-style-type: none"> • This anger stemmed from [...] your sexual abuse.

“Factors” Regarding the Present

“Factor”	Category	Example of terms (quoted from the decisions)
Institutional Behaviour	“Good” behaviour	<ul style="list-style-type: none"> • Appropriate institutional behaviour • Complaint behaviour • Adjusted very well to the institution • Compliant and respectful towards staff • Complied with rules • Institutional behaviour was positive • Behaviour and attitudes are positive • Living pro-socially • Not incurred institutional charges during incarceration • Participated well in correctional plan • Honest and transparent with case management team • Comportement engagé et respectueux envers le personnel et avec vos codétenues • Vous vous impliquez positivement et faisiez preuve d’une excellente adaptation • Votre comportement adéquat illustre votre capacité à respecter des règles • Comportement conformiste • Ouverte et réceptive face aux interventions • Institutional adjustment is viewed as positive • You have not been a concern in the institutional setting • Vous avez su faire preuve de conformisme et respecter votre plan correctionnel • Positive institutional behaviour
	“Poor” behaviour	<ul style="list-style-type: none"> • History of non-compliance with staff • Numerous behavioural concerns while incarcerated • Violent and confrontational behaviour during institutional history • Incurred several institutional charges • Institutional behaviour fraught with some difficulties • Verbal and physical altercation with another inmate • Placed in segregation • Numerous institutional incidents including lying to staff and using marijuana • Rather, we see poor institutional behaviour • Intimidating attitude and aggressive behaviour

		<ul style="list-style-type: none"> • Concerning to the Board is your institutional behaviour • Incurred eight institutional charges during your incarceration • Des difficultés comportementales sont notées • Constamment au coeur de divers conflits avec les codétenues • Tendance au non-respect des règlements institutionnels • Relation conflictuelle avec les divers intervenants • Altercations physiques • Comportement d'intimidation et un niveau d'agressivité
<p>Involvement in Programming</p>	<p>Had completed programming</p>	<p>Regarding this factor, the Board members referred to the actual programs that were completed. They stated the women “completed”, “participated” or “followed” the following programs:</p> <ul style="list-style-type: none"> • Women offender substance abuse program • Breaking Barriers (life skills program) • Counselling or psychological/psychiatric sessions • Employment / worked • Went to school (secondary or post secondary) • “Milieu therapy” • DBT program (Dialectical Behavioural Therapy) • Circles of Change • Spirit of a Warrior • Horse program • Women offender relapse maintenance program • Prevention program • Chaplaincy programs • Women offender engagement program • Women offenders’ program • Programme de maitrise de soi pour les délinquantes • Parenting skills program • Survivors of abuse and trauma • Women’s personal healing and empowerment program • Breaking the cycle • Intensive intervention therapy program for female offenders

		<ul style="list-style-type: none"> • Narcotics anonymous • Alcoholics anonymous • Methadone maintenance program • Family violence program • Personal development programming • Anger and emotions management program • Cognitive skills programs • Social integration program for women • Alternatives to violence program • Laurier entrepreneurship program • Keys to family literacy program • Thérapie pour délinquantes sexuelles • Relationships program • Self-esteem program • Intensive violence program • Developing healthy boundaries • Grief and loss mental health group • Violence prevention program • Aboriginal women offender program • National employee skills program • Women’s self management program
	Motivated and invested	<ul style="list-style-type: none"> • Openness to work on criminogenic needs • Very involved in correctional programming • Followed correctional plan • Has utilized all available programming during incarceration to effectively address risk factors • Authentic and sincere implication in the programs • Motivated to work on objectives of correctional plan • Completed program with notable progress • Took advantage of the programs in the institution • Followed correctional plan • Participated well in correctional plan • Plus grande ouverture à l’intervention
	Issues regarding participation	<ul style="list-style-type: none"> • Has not consistently been attending sessions • Has withdrawn from the DBT program • Has a history of difficulty complying with treatment plans due to resistance to abiding by rules • Has not been consistent in attending psychological therapy sessions • Showed little interest in programming • Has completed programs with limited gains

		<ul style="list-style-type: none"> • Doutes quant aux progrès réalisés dans le cadre du programme • Ongoing behavioural issues despite adequate participation in programs • Made only little progress in counselling due to missing half of the sessions, not completing diary cards and not completing the treatment goals • Refusal to continue programs
	Failed to participate in programs to address risk factors	<ul style="list-style-type: none"> • Has not participated in programming to deal with deep issues (regarding emotions and childhood trauma) • Has not taken programming directly related to her criminogenic factors • Requires further program intervention to deal with contributing factors that led to offending behaviour • Refuses to participate in correctional plan, which makes it difficult to assess evidence of change in her attitudes and behaviours
Participation in Other Forms of Conditional Release	Succeeded some form of release	<ul style="list-style-type: none"> • (regarding ETAs) [...] you have since completed many of these passes without difficulties • (regarding UTAs) These passes from the institution have all apparently gone well, there have been no significant security concerns • You successfully completed two periods of bail with no behavioural problems noted • (regarding ETAs) All these passes were completed without negative incidents • (regarding day parole) Your parole was continued for an additional six months on November [...] based on compliant behaviour. • You were released on bail [...] and were able to comply with your undertaking. • In a decision dated [...] you were granted day parole, a release which was continued in a decision dated [...] • Since your release (on day parole) you have followed your correctional plan and have been compliant and cooperative with your CMT • (currently on day parole) You comply with all your special conditions. You cooperate well under supervision

		<ul style="list-style-type: none"> • (regarding UTAs) Vous avez respecté toutes les consignes et conditions imposés dans le cadre de ces sorties sans escorte. [...] Votre rendement à été qualifié d'exceptionnel • En attente des procédures judiciaires, vous avez bénéficié d'un cautionnement et avez respecté les conditions s'y rattachant, durant plus de deux ans et demi. • (regarding UTAs) Ces sorties se sont toutes bien déroulées. • Le [...] vous avez débuté un placement extérieur à la [...] à raison de trois jours par semaine, qui a pris fin le [...]. Vous répondiez bien aux exigences de ce programme. • (regarding ETAs) [...] Vous avez participé à des PSAE pour rapports familiaux [...] et que vous avez su respecter les conditions inhérentes à ces sorties.
	Failed some form of release	<ul style="list-style-type: none"> • You have had several releases during previous sentences and consistently failed. The most recent of these was in April [...] when you were revoked for using morphine on two separate occasions. • (left the country awaiting her trial) The Board also is concerned about your flight to [...] once you realized there was a warrant for your arrest in Canada. • Numerous failures to comply (fail to attend, fail to comply, fail to appear) & unlawfully at large charges.
	Mixed reviews regarding compliance during conditional release	<p>In this category, I included the cases where the Board members discussed both failures and successes while on conditional release. For instance:</p> <ul style="list-style-type: none"> • The Board granted a one chance statutory release; however, five days post release you signed out of the community residential facility and went unlawfully at large. You remained unlawfully at large for approximately fifteen months prior to being arrested and returned to custody. [...] You have successfully participated in a series of escorted temporary absences to Long Term Inmates Now in the Community, (LINC) meetings and received positive reports. You were granted perimeter work clearance and a work release and your supervisors

		<p>comment that you have been a consistent and hard worker.</p> <ul style="list-style-type: none"> • (currently on day parole) Since your initial release, you presented as motivated, and you appeared committed to a successful reintegration. [...] Your day parole was continued for six months. [...] During the course of the last six months of day parole, your residency at [...] has reported to have been taxing for the staff there, as you have been seen as an emotionally needy individual. • (regarding ETA's and UTA's) File information indicated that you did well with no concerns noted. [...] (regarding day parole) It has been reported that during your time in the community, you involved yourself in a relationship with a man who had been in a gang and was involved in illegal drugs. In addition, it was also reported that you drove a car a short distance without a valid driver's license. • Reports state you appear to have difficulty following direction and conditions outlined in court (several fail to comply offences) and probations orders. [...] You successfully completed ETAs for medical and personal development purposes, with no concerns noted. [...] You also have 18 convictions for failing to comply with Criminal Justice Sanctions.
	The Board noted that some form was not attempted	<ul style="list-style-type: none"> • You have also participated in escorted temporary absences to AA/NA, cultural activities and leisure activities in the community to demonstrate compliance and the start of reintegration to the community. (No mention of how these went). The Board notes that you did not apply however for unescorted temporary absences which would have allowed you to demonstrate compliance and positive progress on less structured and supervised outings which would demonstrate a gradual and structured approach to release before a day parole.
Mental Health	Mental health issues identified	The following illnesses were explicitly mentioned in the decisions: anxiety, depression, personality disorders, attention deficit disorder, delusions, schizophrenic disorder, suicide

		ideation and self-mutilation, as well as several traits associated with mental illnesses.
	Mention that there are no mental health issues	In one case, the Board members noted: Your file indicates that you have no identified physical or mental health issues. You do not appear to be suicidal.
Violence & Anger Management Issues	Past issues	<p>In these decisions, the Board members emphasized the violence of current offence(s), which was referred to in past tense. The Board members did not mention any current or persisting violence or anger issues. For instance:</p> <ul style="list-style-type: none"> • During the course of a dispute you fatally stabbed your husband with a kitchen knife. [...] You used extreme violence during an angry episode. You had used violence on several occasions in the relationship with the victim in response to his verbal and physical abuse. [...] There have been no incidents of angry behaviour otherwise during your incarceration. • The conviction is in relation to when in [...] you argued with your victim and then, with other perpetrators, proceeded to beat and kick him to death. The assault was brutal and lasted over hours. [...] The Board has considered the gravity of your offence, your long violent criminal record, but also the progress you have made during your journey to reintegration. • The force of the stabbing broke the handles of the knives and bent the blade. The Board noted the degree of rage that would have to be present to have resulted in the damage to the knives, even taking into consideration that you were high on drugs at the time. • Il est aussi indiqué que, pour garder le contrôle et le monopole, l'organisation utilisait l'intimidation verbale et physique. [...] Lors de l'audience, vous avez admis avoir vous-même fait de l'intimidation auprès de certains de vos créanciers et avoir utilisé les services d'un homme de main afin de vous aider au niveau de la collecte. Vous reconnaissez que cette personne a pu utiliser de la violence physique pour arriver à ses fins.

	<p>Past & current issues</p>	<p>In these decisions, the Board members not only emphasized the violence of current offence(s), but also stated persistent or unresolved violence, anger or temperament issues. For instance:</p> <ul style="list-style-type: none"> • Serious harm was deemed to have occurred due to the age of the victim and the extent of the injuries sustained to her hip, rib and bladder. [...] Problematic behaviours such as emotional reactivity, anger management, impulsivity, rigidity, resistance to authority and externalization of blame remain present. • You stabbed your step father with a kitchen knife [...] There are several file entries outlining your violent and confrontational behaviour during your institutional history. You also have institutional charges for drug use/possession, fail to provide, assaults, refuse direct order and possession of tattooing paraphernalia. [...] Your history of escalating violence, your impulsivity, your substance dependencies and anger management issues. • Forensic investigations revealed that the victim had been strangled, there was a stab wound to the right side of the throat, and blunt force trauma to the back of the head. There was evidence of sexual intercourse, and the victim’s breast had been severely bitten. [...] When you were talking about the offence and the victim, there appeared to be unresolved issues of anger and you responded with strong emotions. • The Criminal Profile indicates you stabbed the victim in the neck with a knife. (Dismembered victim’s body) [...] While in detention, the Board notes that you were involved in a verbal and physical altercation with another inmate, and that despite your claims of self-defence, staff there described your behaviour as “predatory.” [...] You minimized all of these allegations, but did admit that you had a problem with anger in the past. [...] In reaching our decision to deny full parole, the Board has taken into consideration the allegations of previous violence in your life, the particularly gruesome actions of dismembering your victim’s body and killing him [...]. • You finally stated to your mother that you
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		<p>got into a fight and while the victim was sleeping, you stabbed her with a knife. [...] However, the Board has little evidence of this, rather we see poor institutional behaviour, little insight into the root causes of your current offence, and an inability to articulate what makes you angry and how you would manage these feelings in an unstructured environment.</p> <ul style="list-style-type: none"> • Over the course of many hours, she (the victim) was struck with a meat tenderizing hammer, cut, kicked, had her hair cut off, cut on the back with a piece of mirror, had her cheek burned with a crack pipe, had her lips and eyelids super glued together, and eventually a decision was made that she had to die. She died of strangulation. [...] Ongoing behavioural issues by consistently disrespecting staff and had incurred both minor and serious charges (verbal and physical altercations with other residents). [...] Concerning institutional behaviour (fighting incidents). • You had your sister trapped in the bathroom while you were attempting to enter the room by repeatedly (40x) plunging a knife into the bathroom door. When police entered the apartment you stabbed the officer in the upper left chest area. The blade of the knife was stopped by the officer's protective body armour. [...] The Board notes that your current and past offending is very violent and your index offence, had the victim not been wearing a protective vest, would have in all likelihood resulted in him killed. [...] Of some concern is the assault against a correctional officer at the start of your sentence indicates that not only are you violent when intoxicated but also when sober. Again your violence was directed against an authority figure demonstrating a lack of respect for authority and a willingness to use violence when angry. • Il a été établi que la victime est décédée de plusieurs coups de marteau à la tête et d'autres marques de violence ont été observées. Ce délit est qualifié de violent et gratuit. Un dommage grave a été établi. [...] Vos possédez de nombreux antécédents criminels qui mettent en lumière une
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		<p>propension à la violence. [...] Difficultés comportementales en établissement telles que conflits avec les codétenues, altercations physiques et comportements d'intimidation et un niveau d'agressivité alors que vous cherchez la confrontation. [...] Vos comportements peuvent être violents et imprévisibles, tel que témoigne votre conduite antérieure au pénitencier.</p> <ul style="list-style-type: none"> • The Board is troubled by your apparent lack of ability to control your behaviour. [...] Your recent suicide attempt is a concern, and shows you are capable of a precipitous, harmful act. Your involvement in the index offence was also an example of extremely poor self-regulation. You were impulsive, and acting rashly pursuant to motivations which are very difficult to understand. [...] The negative factors include your ongoing poor self-regulation, impulsivity, and attitudes towards staff and programming.
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“Factors” Regarding the Future

“Factor”	Category	Example of terms (quoted from the decisions)
Attitude Towards Criminality		
<i>Insight</i>	<p>Showed “good” insight into criminality and risk factors</p>	<ul style="list-style-type: none"> • At they hearing today you said that alcohol intoxication and fear were the primary factors in the offence. Drinking had become very problematic for you at the time. You needed alcohol to help cope with the negative feelings and experiences in your relationship. The abuse you say had been escalating and on the night of the offence you experienced intense fear and this is what prompted the attack on your victim. Interestingly you left out anger as an issue in the offence and only acknowledged that you were often angry during your relationship after you were challenged on this issue. You have however dealt formally with the issue of anger in your counselling work and in programs. • You have also made some progress in recognizing the negative consequences of your dominant beliefs and values you placed upon your family and that your status within

		<p>the family home is no longer a dominant factor.</p> <ul style="list-style-type: none"> • In short, you have truly taken charge of understanding the causes of your criminal behaviour and of making connections with your previous experiences. [...] You gained self-awareness and recognize the parts of your personality that led you to act out. You have worked to understand your criminal behaviour. • You showed a good understanding of your risk factors and a willingness to give back to the community. • Through a self-referral for counselling you have been able to identify your risk factors, internalize the relapse prevention strategies and demonstrate behaviour consistent with a positive and productive lifestyle. • In [...] you voluntarily began psychological counselling. According to the psychologist, you have a very good capacity for insight, are able to make connections easily and show sustained involvement in counselling. • Vous connaissez vos facteurs de risque et avez pris les moyens pour vous entourer de personnes aux valeurs prosociales dans votre vie. [...] Votre passage à l'acte criminel semble être ponctuel et vous avez conscience des conséquences néfastes qui en ont découlé pour vos proches et votre vie.
	<p>Showed either no insight or too little insight</p>	<ul style="list-style-type: none"> • File information notes that you have made some progress in your level of insight and understanding the role substance abuse plays in your criminality. [...] You demonstrated little insight into your criminal behavior, beyond attributing it to substance abuse. You struggled to describe your other risk factors. [...] The Board is of the view that you do not have an adequate understanding of your risk factors and the elements of relapse preventions. • While you said you accept responsibility for killing your victim, you did not tell the Board that there were extenuating circumstances. • At your hearing, you provided little insight as to factors contributing to your index offence, and you described the incident and

		<p>your actions as a bad trip on LSD.</p> <ul style="list-style-type: none"> • La Commission a pu constater que vous avez une tendance à survoler les causes de votre criminalité et une difficulté certaine à comprendre les véritables moteurs de votre comportement. [...] Votre dossier démontre que vous continuez d’afficher une certaine retenue face à vos délits et que la dynamique de dépendance demeure présente. Votre discours pendant l’audience a soulevé un questionnement sur la véritable compréhension de moteurs du passage à l’acte. Il est apparent que vous continuez de vous protéger face à la gravité de vos gestes. L’ensemble de votre discours, pendant l’audience, s’est avéré peu convaincant sur les véritables motifs de vos comportements sexuels déviants et la Commission a pu constater que malgré les efforts qui paraissent sincères, vous continuez de « glisser » au-dessus des problèmes réels reliés à votre comportement déviant. [...] Évolution récente et incomplète quant à la compréhension de votre délinquance sexuelle. • However, the Board has little evidence of this rather we see [...] little insight into the root causes of your current offence [...]. • When asked by the Board why you participated in this murder, you were unable to explain your reasons other than stating that you “sought out people who could show anger.” [...] The Board notes that your insight into this risk factor appears somewhat superficial. [...] You have not demonstrated sufficient insight and positive change with respect to your risk factor for associating with violent and controlling individuals. • Le psychologue soumet que très peu de travail n’a été effectué en regard des facteurs internes qui ont contribué au délit de meurtre. [...] Vous n’avez fait que peu de travail quant à la compréhension des raisons qui vous ont amenée à commettre votre délit meurtrier. [...] Considérant la nature et la gravité de votre criminalité, que vos progrès sont très récents, lesquels n’incluent pas une compréhension de votre agir délictuel [...].
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		<ul style="list-style-type: none"> The Board reviewed the reasons for your offending in detail today. Frankly, it is difficult to make sense of your rationale for offending.
	<p>Showed some insight, but too recent</p>	<ul style="list-style-type: none"> You said you used the victim as an outlet to release all of the anger that you had. This anger stemmed from your abandonment issues with your mother, your sexual abuse, your resentment with your father, your brother dying and most of all, you were “mad at myself” for taking the road you took. [...] You were able to share your triggers in what your high risk situations are. [...] The Board commends you for your progress thus far however, the Board is of the view that you are a work in progress which requires continued interventions and practice of skills and knowledge learned. [...] The Board believes that you have not had the opportunity to internalize and practice the skills learnt in your Correctional Treatment programs. [...] The Board concludes that you require further program intervention to deal with the contributing factors that led to your offending behaviour and you need to develop a period of credibility and a demonstration that you are able to use the skills learnt in programming. You were able to display insight into the root causes of your offending and substance abuse. This insight however is recent compared to your history of violence [...]. The Board acknowledges your gains in insight in regards to the root cause of your offending and addictions, your program completion to address you risk areas, your motivation to change, your development and use of supports [...] Having said this, the Board must weigh these factors against the seriousness of your current and past violent offending, your institutional assault and poor behaviour, the fact that your programming gains are recent as is your cultural and spiritual involvement.
<i>Responsibility</i>	<p>Took full responsibility for crimes</p>	<ul style="list-style-type: none"> You assume full responsibility when you refer to your offence. You pleaded guilty to the index offences.

		<p>[...] At your hearing today the Board explored the circumstances of your index offence (she explained her offending at length and providing many details, showing that she takes responsibility for her action).</p> <ul style="list-style-type: none"> • It was noted that you have never wavered in accepting total responsibility for the death of the victim. • You were arrested in [...] and you immediately confessed to the fraudulent transactions. • Vos intervenants notent que vous reconnaissez peu à peu votre imputabilité et que vous ne justifiez plus votre délit simplement en évoquant la naïveté ou des coïncidences fâcheuses. Vous avez avoué à vos intervenants que ce qui vous a motivé principalement à commettre votre délit, était véritablement la perspective qu'au bout du compte, vous recevriez beaucoup d'argent ce qui vous permettrait d'échapper à votre vie routinière, à votre rôle de femme au foyer qui vous ennuyait. • (After having described the offence) Vous avez admis en audience que ces faits correspondaient à la réalité. • You had poor recollection of the index offence because of your state of intoxication on that day. You took responsibility, however, on the basis that you accept the official version of the offence. You also took responsibility for your other offences on the same basis as your recollection of events during the period of heavy use is hazy. • You said you accept responsibility for killing your victim. • Vous avez été en mesure d'avouer vos délits. [...] Ce n'est que récemment, dans le cadre d'une thérapie en délinquance sexuelle, que vous avez amorcé une démarche de reconnaissance des gestes criminels • You were open and honest with the Board. [...] You also admitted to cutting her with a knife, burning her cheek and kicking her. You told the Board that your victim was tortured for approximately 10-11 hours. • You discussed your current and past offending with the Board and advised the
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		Board that you take full responsibility for your offending.
	Lack of responsibility (minimized role and blamed others)	<ul style="list-style-type: none"> • [...] There was evidence of sexual intercourse, and the victim's breast had been severely bitten. You stated that you doubt very much having sex with your mother after killing her, and that this issue had not been proven in Court, which is factually correct. [...] You described the incident and your actions as a bad trip on LSD. [...] Prior to the next sitting with the Board, we would recommend that an updated risk assessment, possibly an independent risk assessment, be completed to address the circumstances of the offence that have not been fully explored. This would include the sexual overtones involved in the offence. • You have consistently maintained that it was this other man who decided to dismember and discard the body, but do admit that you were ultimately responsible for the victim's death. [...] At the hearing today, you accepted responsibility for the offence admitting (maybe for the first time) that you and you alone killed Mr. [...], dismembered his body and disposed of his body parts. [...] You have attempted to minimize your role in the crime for some thirteen years now and aside from your admission of full responsibility today, there is no evidence that you have ever truly admitted that you were the only person involved in this brutal crime. • You are taking some responsibility for your role in the offence. [...] Regarding your index offence, in recounting the circumstances of the murder, you denied being involved in the planning of this crime and claimed that you were not aware that your boyfriend had brought a can of gasoline with him when the two of you entered his mother's residence. [...] Moreover, you admitted to lying to the police, providing different versions of your role in the murder, and to waiting several years before acknowledging responsibility for your role in this crime.

<i>Remorse</i>	Expressed “genuine” remorse	<ul style="list-style-type: none"> • The remorse that you expressed impressed the Board as sincere and heartfelt. • Your genuine remorse for your crime. • Vos intervenants notaient l’absence de remords, de culpabilité et d’empathie. ... (after participating in programs) Vous avez été en mesure de ressentir la culpabilité, la honte et de l’empathie pour les victimes directes et indirectes. • You regret taking the victim’s life and the harm you caused her family. You acknowledge you led a violent lifestyle before committing your current offence. • You express what appears to be sincere remorse. • You have shown remorse for the incident.
	Expressed remorse, but Board members unsure if it was “genuine”	<ul style="list-style-type: none"> • You have expressed remorse for your action but have continued to carry hatred towards the victim’s mother because you blame her for the loss of your status in the family home. • Although you expressed remorse at the hearing today, it was very difficult to determine whether it was truly genuine. • You did express remorse and regret for your behaviour and the impact of that behaviour on the victim. [...] Although you expressed regret for your behaviour there was some degree of rationalization in your explanation and blame towards the victim.
Demonstration of change	Had demonstrated change	<p>In these instances, the Board members spoke of “change,” “progress” and “evolution” which they qualified as “significant,” “lasting,” “considerable,” “showed,” “continued,” “notable,” “positive” and “demonstrated.” In some cases, the Board did not explicitly state that the women had “changed,” but they referred to some form of different behaviour.</p> <ul style="list-style-type: none"> • Based on the evidence of significant and lasting change in your behaviour and attitude as detailed above, the Board concludes that your risk to reoffend is not undue at this time. (Examples of change spoken of include: she has dealt formally with the issue of anger, she has established clear boundaries, she is no longer willing to accept abuse or dishonesty, she is more comfortable in “singlehood”, she has

		<p>maintained sobriety, and she has developed a variety of effective coping strategies to manage stress)</p> <ul style="list-style-type: none"> • No explicit mention of change but the following changes were spoken of: You have made some progress in recognizing the negative consequences of your dominant beliefs and values, you stated you will no longer impose your views and values upon your family, change in health status (she is no longer able to walk without aids and needs help with majority of daily activities such as bathing, dressing and movements) • In conclusion, you have made considerable and significant progress. [...] Your CMT notes that your progress and gains seem very real, considering you assume full responsibility when you refer to your offence. (Examples of change spoken of include: in situations of conflict the manifestations of her personality are of lesser intensity due to the application of emotional and cognitive management tools, she is better able to manage her negative emotions and distress through strategies, she has gained self-awareness, she is more open about difficulties, she is now able to express herself, and she has developed a capacity to control emotions) • The Board reads that you have steadily progressed in your reintegration process. [...] The Board has considered the gravity of your offence, your long violent criminal record, but also the progress you have made during your journey to reintegration. (Examples of change spoken of include: she has learned to manage her emotions and anger, she has learned to control her addictions, she is committed to her sobriety, she continues upgrading her education). • No explicit mention of change but the following changes were spoken of: she is using programs skills to her advantage, she is living pro-socially, she has successfully addressed some personal issues and she continues upgrading education. • It is clear to the Board that your desire to lead a new and pro-social life is genuine and that you have actively engaged in programming to mitigate your risk. Through
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		<p>a self-referral for counselling you have been able to identify your risk factors, internalize the relapse prevention strategies and demonstrate behaviour consistent with a positive and productive lifestyle. (Examples of change spoken of include: sincerity of efforts to carry her message as one aspect of her recovery and continued abstinence, developed and maintained a large support group, continued education)</p> <ul style="list-style-type: none"> • During your incarceration, you considered to be engaged in your correctional plan and you participated in those programs identified. While on day parole, you continued your forward progress and, though you have not quite achieved stability with regards to employment, you are continuing to work on your academic upgrading. (Examples of change spoken of include: continued education, shows sustained involvement in counselling, maintained transparent and cooperative attitude) • No explicit mention of change but the following changes were spoken of: elle se mobilise maintenant pour obtenir un diplôme d'études professionnelles en assistance dentaire, elle est capable de fonctionner en communauté et elle a stabilisé les différentes sphères de sa vie. • Le rapport de programme fait état d'une évolution positive et significative, notamment quant à la modulation de vos émotions. [...] Depuis vous avez intégré a maison de transition et avez poursuivi votre cheminement positif. [...] Vous avez bénéficié de votre séjour en semi-liberté pour démontrer que vous étiez en mesure de prendre les bonnes décisions par vous-même et de ne pas vous laissez influencer par de mauvaises fréquentations. [...] Vous avez su rediriger votre vie. (Examples of change spoken of: progrès notables durant les programmes, s'apprête à compléter son secondaire afin de se diriger vers un programme de technique en comptabilité, trouver un emploi à temps partiel).
	Had demonstrated some change, but not enough	In these instances, the Board either noted that some progress occurred in certain areas while

	<p>or too recent</p>	<p>progress was lacking in other areas, or simply stated that there was not enough change or that the change observed was too recent. For instance:</p> <ul style="list-style-type: none"> • Some progress observed in certain spheres (better understanding of insight and criminality, used all available programs, has maintained sobriety), and some setbacks in other areas (continues to be highly emotional and reactive and she responds with overwhelming intensity to issues and stressors, has a history of difficulty complying with treatment plans due to her resistance to abiding by rules and regulations, and has previously relapsed while on statutory release which indicates that she does not have an adequate understanding of her risk factors and the elements of relapse prevention). • The Board acknowledges that you have been on the Methadone program for the past eight months which will benefit you in maintaining your sobriety. However, this is a recent change and has not been demonstrated over an extended period of time. [...] Other than the Methadone program, you have not taken any programming directly related to your criminogenic factors. • Dans votre cas, la Commission note que les délits se sont déroulés sur une longue période, que vous avez nié votre comportement sexuel déviant pendant longtemps et que c'est récemment, dans le cadre d'une thérapie en délinquance sexuelle, que vous avez amorcé une démarche de reconnaissance des gestes criminels. De plus, votre dossier démontre que vous continuez d'afficher une certaine retenue face à vos délits et que la dynamique de dépendance demeure présente. [...] La Commission a pu constater que malgré des efforts qui paraissent sincères, vous continuez de « glisser » au-dessus des problèmes réels liés à votre comportement déviant. [...] Au terme du processus décisionnel, la Commission est d'opinion que vous avez certes entrepris une démarche essentielle à votre réinsertion sociale, mais les
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		<p>changements ne peuvent être qualifiés de significatifs compte tenu de l'évolution récente et incomplète quant à la compréhension de votre délinquance sexuelle.</p> <ul style="list-style-type: none"> • The facilitator feels gains have been identified in reducing your risk factors as a result of your participation in this program [...] To your credit, the Board assesses you are at the beginning stage of your Healing Journey however, your relapse plan to manage your anger or use of intoxicants is rather vague and simplistic. • The Board commends your progress thus far however, the Board is of the view that you are a work in progress which requires continued interventions and practice of skills and knowledge learned. [...] The Board believes that you have not had the opportunity to internalize and practice the skills learned in your Correctional Treatment programs. [...] During your discussion, you appeared emotional particularly when talking about your own childhood issues surrounding abandonment and the poor choices you made throughout your life. The Board assesses that you are early in your Healing Journey. [...] The Board concludes that you require further program intervention to deal with the contributing factors that led to your offending behaviour and you need to develop a period of credibility and a demonstration that you are able to use the skills learned in programming. This will increase your reintegration potential in order to reduce your risk of recidivism. • In conclusion, the Board acknowledges your gains in insight in regards to the root cause of your offending and addictions, your program completion to address your risk areas, your motivation to change, your development and use of supports, your involvement in spiritual and cultural activities, your more recent positive institutional behaviour, your compliance and structured and supported release plan. Having said this, the Board must weigh these factors against the seriousness of your current and past violent offending, your
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		<p>institutional assault and poor behaviour, the fact that your programming gains are recent as is your cultural and spiritual involvement. You have only been a minimum offender for approximately four months so you have had limited time to demonstrate compliance and gains in the community. When weighing out all the factors the Board has concluded that considering the fact that when you re-offend it has serious consequences for the victims, your gains are too recent to have demonstrated a sustained change and ability to continue to manage risk.</p> <ul style="list-style-type: none"> • Bien que votre fonctionnement s'avère plus adéquat et vous faites des progrès, la prudence est de mise dû à votre problématique de santé mentale. [...] Vos acquis sont très récents ainsi que votre ouverture à l'intervention. [...] Votre EGC considère que vos progrès sont très récents et qu'une période plus longue est nécessaire pour évaluer à quel point cela contribue à la diminution de vos facteurs de risque. [...] Malgré vos progrès au plan comportemental, un travail de plus d'envergure est requis pour que vous puissiez saisir votre cycle délictuel et prendre l'entière responsabilité du meurtre commis. [...] Considérant la nature et la gravité de votre criminalité, que vos progrès sont très récents, lesquels n'incluent pas une compréhension de votre agir délictuel, que votre risque de récidive dans des délits violents est évaluée élevé et considérant vos grandes difficultés à fonctionner dans la communauté, la Commission souscrit à l'opinion de votre EGC à l'effet que vous présentez un risque de récidive élevé et de violence probable en toute forme de mise en liberté.
	<p>Had not demonstrated change</p>	<ul style="list-style-type: none"> • You have not demonstrated the observable and measurable changes necessary to conclude that your risk level would be manageable on full parole. • Despite your participation in correctional programming, you have not demonstrated sufficient insight and positive change with respect to your risk factor for associating

		<p>with violent and controlling individuals. When considering release on full parole, the Board members must be conscious of the need for offenders to have demonstrated consistent and sustained change in behaviour and attitudes, and with respect to this primary factor, you have not demonstrated consistent and sustained change in behaviour and attitude in this area.</p> <ul style="list-style-type: none"> • It is also of concern that none of the assessed areas of dynamic risk have been reduced thus far. There appears to be an issue with your ability to make use of programming to effect change. [...] Given that you have not really engaged in your plan, it is difficult to assess evidence of change in your behaviour.
Release plans		
<i>Accommodations</i>	Had secured accommodations for a full parole release	<ul style="list-style-type: none"> • On full parole, intends to live with her son in home community • On full parole, plans to continue residing at a CSC-approved long-term senior's facility • On full parole, plans to return to her family in her country of origin once deported • On full parole, plans to live with boyfriend who appears to be supportive • On full parole, plans to live with sister, which is confirmed to be suitable residence and positive environment • On full parole, plans to live at the home of her friend, where a positive community assessment was completed • On full parole, has secured an apartment that will allow her daughter to remain at the same school
	Had secured accommodations for a day parole release (in a CBRF)	<ul style="list-style-type: none"> • Was accepted at a Community Residential Facility (CRF) for a day parole release, but plans on residing at a Methadone maintenance facility (CMT agreed to explore the feasibility of this plan). On full parole plans to live with common law partner. • Was accepted at a CRF for a day parole release • Plans to reside at a CRF (has confirmed

		<p>acceptance) on day parole. On full parole, plans on living with father and his common-law wife, whom are not prepared to provide accommodations.</p> <ul style="list-style-type: none"> • Full parole plans include continuing to reside at the CRF (she is currently on day parole) • Was accepted at a day parole facility • On day parole, plans to reside at a CRF (has confirmed acceptance) • On day parole, plans to reside at a CRF or a supervised apartment • On day parole, plans to reside at a CRF (was accepted by one CRF and denied by multiple others), on full parole plans to reside with her elderly father at his home (father has offered accommodation and assistance upon release)
	Had no confirmed accommodations	<ul style="list-style-type: none"> • Plans to reside with family members on full parole, however this plan is not confirmed • Release plans are sparse at best • No full parole plan presented to the Board, plans on living with ex-mother in-law in her country, but there is no information available concerning possible living arrangements and financial support
<i>Employment</i>	Had secured employment	<ul style="list-style-type: none"> • Job as a part time office manager and has offer of employment with an organization • Plans to continue with current employment until she finds something better • Plans to maintain her current job • Has secured part-time employment in a boutique
	Had not secured employment	<ul style="list-style-type: none"> • Plans on continuing seeking employment • Plans on working full time (but has no job) • Wants to participate in employment training in order to be better prepared to find a job • Plans on seeking employment • Has been on extended sick leave for several months (not currently working) • Tentative plan to open a business with a family member • Plans to seek employment
	Was not able to work (due to old age)	<ul style="list-style-type: none"> • Plans on living in a senior's facility due to age and mobility issues

<i>Education</i>	Were planning on upgrading education	<ul style="list-style-type: none"> • Plans to upgrade her education • Plans to continue education by attending bible college • Plans to start studies in dental hygiene • In the event that she cannot find a job, plans on returning to school • Plans on upgrading education
<i>Programs/Counseling</i>	Were planning on attending counselling or programs in the community	<ul style="list-style-type: none"> • Plans to attend counselling and self-help meetings • Plans to participate in cultural ceremonies and programming • Plans to continue with counselling • Plans to take programming • Plans to attend Alcoholic Anonymous (AA) and Narcotics Anonymous (NA) meetings, addictions counselling, substance abuse maintenance programming and Aboriginal ceremonies. • Plans on continuing psychological treatment
<i>Social Support</i>	Had positive social support in the community	<p>Many positive social supports were identified in the decisions including: families, partners, friends, employers, Elders, counsellors, psychologists, program facilitators, CSC staff, native bands, chaplains, support groups such as women's, AA, NA, self-help.</p> <p>To describe these supports, the Board members used terms like:</p> <ul style="list-style-type: none"> • Positive support • Family remains supportive • Positive community supports • Robust support group • Positive source of support • Pro-social support in the community • Supportive employer • Supported by positive resources • Supportive group of pro-social community supports
	Lacked positive social support in the community	<ul style="list-style-type: none"> • Has limited amount of community supports from pro-social individuals • Limited supports in the community • No support in the [...] area and no release plans in Canada.
Support from	Full parole supported	<ul style="list-style-type: none"> • You are now being supported for a full

<p>the CMT</p>		<p>parole by your case management team</p> <ul style="list-style-type: none"> • Your CMT recommends granting you full parole for deportation • You are now applying for full parole, a release supported by members of your Case Management Team • You have the support from your CMT for both but a full parole is the preferred option of your CMT • Your Case Management Team recommends full parole for deportation be granted • Your CMT is of the opinion that the risk of general recidivism is low. The team assesses that, based on the plan presented, the safety risk will remain at an acceptable level and recommends granting you a full parole. • Votre équipe de gestion de cas (ÉGC) est en accord avec votre plan et favorise ce type d'élargissement. • Le Service correctionnel du Canada (SCC), à qui incombe la responsabilité d'assurer votre surveillance dans la collectivité, recommande à la Commission de vous accorder la libération conditionnelle totale. • Your Case Management Team is now recommending that you be granted full parole, being of the opinion that you are now ready to step into the next level of reintegration. • Your Case Management Team are recommending Full Parole Granted. • Your CMT is recommending that full parole be granted.
	<p>Day parole supported (but not full parole)</p>	<ul style="list-style-type: none"> • Your case management team believes that your risk will be manageable in the community on a day parole release and recommends that day parole be granted. You do not have the support for full parole at this time. • Your Case Management Team is recommending that you be granted day parole, however, are recommending a denial for full parole due to a lack of structure and confirmed accommodation. • Ainsi, votre ÉGC considère que l'imposition de conditions, telles que l'interdiction de contact avec votre conjoint et la participation au programme de

		<p>maintien des acquis en délinquance sexuelle, vous permettront de réussir une semi-liberté sans que le risque soit inacceptable pour la société.</p> <ul style="list-style-type: none"> • Your Case Management Team is supportive of a day parole release with the special conditions to abstain from alcohol and abstain from the use of drugs other than prescribed medications taken as directed by a physician and over-the-counter drugs taken as recommended by the manufacturer. Full parole is not supported at this time as it is deemed premature. • Although you had a “bump in the road”, your Case Management Team continues to support your day parole application. [...] It is their opinion that a release on day parole is necessary to assist you in a safe and secure reintegration back into the community. Full parole is considered premature and is not being recommended at this time. • Your case management team recommends day parole, but believes that full parole is premature at this point.
	Parole (any form) not supported	<ul style="list-style-type: none"> • Votre EGC considère que vos progrès sont très récents et qu’une période plus longue est nécessaire pour évaluer à quel point cela contribue à la diminution de vos facteurs de risque. • The Correctional Service of Canada has submitted a recommendation of day and full parole denied as your release is deemed to be premature at this juncture. Although you appear to have a better relationship with your new IPO, the recommendation remains in place.
Risk Assessment		
<i>Level of Risk</i>	Low risk to reoffend	<ul style="list-style-type: none"> • The most recent psychological assessment indicates that overall you post a low risk to reoffend. If you found yourself in an abusive relationship and returned to alcohol misuse, your risk would risk significantly. Actuarial measures were not used as part of the risk assessment process in this report and so the Board must assign the appropriate weight to its conclusions.

		<ul style="list-style-type: none"> • These professionals agree that you are unlikely to reoffend [...]. A more recent assessment (psychological/psychiatric) dated [...] reiterated that you are a low risk to reoffend in a violent manner. • A Psychological Risk Assessment completed [...] indicates your risk to reoffend generally or violently to be low. • Your CMT is of the opinion that the risk of general recidivism is low. The team assesses that, based on the plan presented, the safety risk will remain at an acceptable level and recommends granting you a full parole. • In a psychological reported dated [...] You were assessed as present a low risk for both general and violent recidivism. • L'évaluation psychologique rédigée le [...] La professionnelle évalue à faible le risque de récidive générale. Le risque de récidive sexuelle demeure certainement présent à long terme à un niveau modéré-faible. La psychologue indique que ce risque devrait être révisé à modéré, si vous maintenez la relation avec votre conjoint actuel. • The psychologist assessed you as a low risk to re-offend violently or generally and noted your most salient risk factors to be unhealthy relationships, your reluctance to ask for help, and boredom. (Board members noted she is currently in a relationship with gang member, which increases the risk given that it is one of her risk factors). • Your assessment for decision dated [...] indicate that your overall level of risk, taking into account the probability and seriousness of re-offending, risk management and level of commitment, would be low provided you continue to demonstrate the positive progress you have made during your incarceration. However, if you do not maintain the gains you have made, you risk to re-offend is viewed as high as you would not be considered manageable in the community.
	Moderate risk to reoffend	<ul style="list-style-type: none"> • A recent psychological assessment [...]. You present a moderate risk of recidivism. The psychological indicates that [...]. • A psychological report dated [...] indicated

		<p>that you were now at a moderate risk to reoffend violently, that risk directly related to your abstinence, community support, disassociation with the criminal lifestyle, and therapeutic intervention.</p> <ul style="list-style-type: none"> • Although you had a “bump in the road”, your Case Management Team continues to support your day parole application [...] Your risk of re-offending now falls in the moderate range of risk.
	Moderate to high risk to reoffend	<ul style="list-style-type: none"> • Clinical assessments indicate that you pose a moderate to high level of risk to re-offend in a violent manner and your primary risk factor in terms of your criminal behaviour is substance abuse. • Psychological/psychiatric report dated [...] places you in the high-medium range or risk for general recidivism. It further states that your risk for violent offending is elevated due to your history of escalating violence, your impulsivity, your substance dependencies and anger management issues. • In a Psychological Assessment report dated [...] the psychologist indicated that you are at the high medium level of risk and need. • Your General Information on Recidivism score is negative six, indicating that two out of five offenders will not commit an indictable offence within three years of release. [...] An updated psychological risk assessment was completed on [...]. In that assessment, it was documented that the Violence Risk Assessment Guide shows you as a moderate to high level of violent recidivism. The risk of violent recidivism was also reassessed using the HCR-20 criteria as a guide, and based on the historical, current clinical and future risk management factors, the level of risk for future violence is assessed as moderate.
	High risk to reoffend	<ul style="list-style-type: none"> • Selon une évaluation psychologique produite au mois [...] vous respectez votre traitement psychiatrique et il (le psychologue) précise qu’advenant le fait où cela ne s’applique plus, le risque de récidive pourrait être très élevé. [...] Selon le psychologue [...] vous prenez votre médication, mais, advenant que vous

		<p>cessiez de le faire, votre risque de récidive serait très élevé. [...] Selon les opinions des professionnels, vous présentez un risque de récidive élevé.</p>
	No risk assessment on file	<p>In this decision, the Board noted that there was no risk assessment on file. This may be due to the fact that this woman had previously been released on day parole under the APR process. During this APR, only a risk assessment of violent recidivism is required, as such, it is assumed that there is no psychological evaluation containing a risk assessment in her file.</p> <ul style="list-style-type: none"> You did not meet the criteria for a psychological risk assessment as you were a candidate for an Accelerated Parole Review. On [...] the Board directed your day parole and imposed special conditions.
<i>Type of Assessment</i>	Psychological risk assessment	<ul style="list-style-type: none"> The most recent psychological assessment indicates that overall you post a low risk to reoffend. These professionals agree that you are unlikely to reoffend [...]. A more recent assessment (psychological/psychiatric) dated [...] reiterated that you are a low risk to reoffend in a violent manner. A Psychological Risk Assessment completed [...] indicates your risk to reoffend generally or violently to be low. A recent psychological assessment [...]. You present a moderate risk of recidivism. The psychologist indicates that [...]. A psychological report dated [...] indicated that you were now at a moderate risk to reoffend violently [...]. In a psychological reported dated [...] You were assessed as present a low risk for both general and violent recidivism. L'évaluation psychologique rédigée le [...] La professionnelle évalue à faible le risque de récidive générale. The psychologist assessed you as a low risk to re-offend violently or generally [...]. Psychological/psychiatric report dated [...] places you in the high-medium range or risk for general recidivism. In a Psychological Assessment report dated [...] the psychologist indicated that you are

		<p>at the high medium level of risk and need.</p> <ul style="list-style-type: none"> • Selon une évaluation psychologique produite au mois [...] vous respectez votre traitement psychiatrique et il (psychologue) précise qu'advenant le fait où cela ne s'applique plus, le risque de récidive pourrait être très élevé. [...] Selon le psychologue [...] vous prenez votre médication, mais, advenant que vous cessiez de le faire, votre risque de récidive serait très élevé. [...] Selon les opinions des professionnels, vous présentez un risque de récidive élevé.
	Clinical risk assessment	<ul style="list-style-type: none"> • Your CMT is of the opinion that your risk [...]. • Your assessment for decision dated [...] indicate that your overall level of risk, taking into account the probability and seriousness of re-offending, risk management and level of commitment, would be low provided you continue to demonstrate the positive progress you have made during your incarceration. (An assessment for decision is a document drafted by the CMT) • Although you had a “bump in the road”, your Case Management Team continues to support your day parole application [...] Your risk of re-offending now falls in the moderate range of risk. • Clinical assessments indicate that you pose a moderate to high level of risk to re-offend in a violent manner and your primary risk factor in terms of your criminal behaviour is substance abuse.
	Actuarial scales	<p>Although this decision also mentioned a psychological assessment, the information contained in this assessment was based on scores to actuarial scales.</p> <ul style="list-style-type: none"> • Your General Information on Recidivism score is negative six, indicating that two out of five offenders will not commit an indictable offence within three years of release. [...] An updated psychological risk assessment was completed on [...]. In that assessment, it was documented that the Violence Risk Assessment Guide shows you as a moderate to high level of violent

		<p>recidivism. The risk of violent recidivism was also reassessed using the HCR-20 criteria as a guide, and based on the historical, current clinical and future risk management factors, the level of risk for future violence is assessed as moderate.</p>
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