

Know your rights

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# Applying for Temporary Absences (TAs)

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# Why apply for a TA?



**To access healthcare.**

You can leave for healthcare examinations, medical treatment (including mental health and addictions treatment), and rehabilitation.



**To maintain family contact.**

You can leave to have contact with your family and to care for your children including school, for court, and for medical treatment/appointments. You can also leave for life and death matters of family and close friends or other compassionate grounds.



**To maintain community connection.**

You can leave to volunteer or to take part in spiritual or cultural ceremonies. You can leave to attend to legal matters or other personal affairs or personal development.



**To work.**

If you are eligible for an unescorted temporary absence, you are also eligible to apply for a work release.



**Because it is your right – and a right that is not exercised can be lost.**

# Definition:

## Temporary Absence

TAs are a type of conditional release.

A TA allows you to be temporarily absent from prison while you are still serving your sentence.

TAs are usually the first kind of absence from prison for which you can apply.



There are two types of TAs:

### Escorted Temporary Absences (ETAs) & Unescorted Temporary Absences (UTAs)

#### Escorted Temporary Absences

ETAs are short absences under supervision of CSC uniformed guard, contract staff, or a volunteer citizen from the community. ETAs can be authorized at any time during your sentence.

- Anyone classified as medium or maximum security requires two or more CSC staff escorts.
- Medical ETAs can be for an unlimited period, but most ETAs are generally short, up to a maximum of five days (or 15 days if authorized by the Commissioner).
- Note: If you are a woman, at least one of your escorts must be a woman.

#### Unescorted Temporary Absences

UTAs are for longer periods than ETAs and do not require escorts. UTAs are not usually available until six months prior to your day parole eligibility date.

UTAs are currently not available if:

1. You are classified as maximum security.
2. You have been ordered to be detained until your warrant expiry date (WED).
3. You are not yet eligible for full parole because you are subject to a removal order issued under the *Immigration and Refugee Protection Act*.
4. You are serving an indeterminate sentence that was imposed before August 1, 1997, or a life or an indeterminate sentence that is followed by a determinate sentence.

## How do I apply?

- ✓ **Submit a TA application form to CSC staff**  
**Note:** this is a specific form, not a usual request form. Your case management team / CSC staff must provide you with the form.
- ✓ **Apply early.** CSC may grant TAs if they believe there is low risk. Otherwise, the decision will go to the Parole Board of Canada and it can take 6 months or more. Check your paperwork, especially your Correctional Treatment Plan for your eligibility dates. Apply for your first UTA 6 to 12 months before your eligibility date.
- ✓ **A structured plan** for the release must be created. It must detail how the release will help prepare for your eventual release back into the community. It should include destination, transportation, duration and travel time, conditions to protect victims (if applicable), level of supervision (UTAs) or escort and restraint (ETAs) as PBC and CSC consider necessary.

### \*Note:

In practice, the PBC makes these decisions for people serving life sentences. TAs are only granted if decision-makers believe you do not pose a risk to public society or have behaviour that would result in a criminal conviction during the absence. Your actions while in prison should not stop the TA from being granted. Depending on the nature of your conviction, either the Commissioner, the warden, or the Parole Board of Canada (PBC) will make the decision. If you are not sure who makes the decision for you, ask your Case Management Team.





## What happens next?

Once the correctional staff receives your application, they have a responsibility to meet with and interview you to discuss the proposed TA.

CSC will prepare an “Assessment for Decision” that recommends whether or not to grant the TA.

CSC must complete the assessment:

- No later than **30 days** from your application if no community assessment is needed; or
- No later than **60 days** from your application if there needs to be a community assessment.

### **If Correctional Services Canada (CSC) makes the decision:**

They must give you a decision within **10 days** of the Assessment for Decision being completed.

### **If the PBC makes the decision:**

They must make the decision within **six months** after receiving the application. The PBC has the authority to adjourn the process for up to **two months** if they decide more information is needed.

# SELF MANAGEMENT PLAN

My **RISK FACTOR** IS → Lack of legal employment, Lack of negative peers/environment, Don't think of consequences

My PERSONAL TARGET IS → Thinking that just:

My OLD BEHAVIOUR/THINKING WAS (How DID IT)

My NEW BEHAVIOUR/THINKING IS (How WILL IT S)



## If your TA is granted:

The decision will include the purpose of the TA, any conditions you are required to follow, specific escort and supervision requirements, and reporting instructions.



## If your TA is refused:

The decision must explain why in writing.



**TAs help build a case for your right to other types of conditional releases, especially parole.**

**TAs also help you to get ready to live back in community again.**



# Tips for preparing for your interview about your TA

The purpose of the interview is to assess the level of risk involved in the proposed TA, and the progress you have made in dealing with the factors that contributed to you being imprisoned.

- ✓ **Think about what you will say** in response to questions about your past actions and the programs or other steps that you are taking or have taken to address the factors that contributed to you being imprisoned.
- ✓ **Think about what you might need** at the hearing and take steps to plan for what will happen. For example, you should let people in the community know who you want to provide support and advise them that parole officers will contact them to do a community assessment.
- ✓ If the PBC holds a hearing, you should **consider who you want to assist you** throughout the hearing, such as a lawyer, advocate, or other key support or advisors, and give them sufficient notice.



## What action can I take if my TA is denied?

If your application is denied, the CSC / PBC do not have to consider another application for six months, except for medical or compassionate reasons.

You can, however, **appeal** a decision of the PBC and **grieve** a decision of the CSC. You might also want to seek the assistance of the Correctional Investigator and advocates, especially in matters involving an urgent health matter or where family illness or death are concerned.





## **Can my TA be cancelled once it is authorized?**

**Unfortunately, it can.**

**If the CSC or the PBC believe that a condition of your TA has been breached, or the reasons for the absence no longer exist, then they can cancel it before or after it begins.**

**Cancellations because of lack of staff should be rare but are sometimes common.**

**If this happens, you have the right to ask for written reasons for the cancellation. These should be rescheduled ASAP and may be grieved using the grievance process and/or writing to the Correctional Investigator.**



## Things to note about medical ETAs

- **CSC staff will tell health practitioners that you have to wear shackles.**
- **However, you can ask to not be restrained.**
- **A health practitioner should not carry out any medical acts on prisoners who are restrained, including handcuffs.**
- **You have the right to request access to another healthcare professional if they insist that you be restrained.**
- **An exception may be when you suffer from an acute mental illness that may cause serious risk to you or others.**
- **Restraints must be used for the shortest time possible and never as a form of punishment.**
- **A health practitioner should never do anything to you that is not in your best clinical interest.**
- **They must seek consent from you before taking any clinical action.**
- **The health practitioner can request the escorting officer to remove the restraint equipment.**

**E.g. if the attending Physician believes the use of restraint equipment poses a danger to you while recovering from general anesthesia, the escorting officer will remove the restraints and will remain in the recovery room with you.**

## Where can I get additional help?

**Office of the Correctional Investigator (OCI)**

**P. O. Box 3421, Station "D"  
Ottawa, ON  
K1P 6L4  
Toll-free: 1-877-885-8848**

**Canadian Association of Elizabeth Fry Societies**

**190 Bronson Ave.  
Ottawa, ON  
K1R 6H4  
T: 613-238-2422  
Toll-free: 1-800-637-4606**

**John Howard Society of Canada**

**809 Blackburn Mews  
Kingston, ON  
K7P 2N6  
T: 613-384-6272**



**Contact/copy your M.P. or Senator:**

**[Add your MP's name here]  
House of Commons  
Ottawa, ON  
K1A 0A6**

**[Add Senator's name here]  
Senate of Canada  
Ottawa, ON  
K1A 0A4**