

Cost Estimate of Election Campaign Proposal

Publication date:	2019-09-25	
Short title:	Eliminating all mandatory minimum penalties and reallocating all cost-savings to correctional interventions and community supervision	
Description:	<p>Eliminating all mandatory minimum penalties for federal offences.</p> <p>Judges will no longer be required to impose any of the following for persons found guilty of an offence:</p> <ul style="list-style-type: none"> a) a minimum fine; b) a minimum period of imprisonment; or c) a minimum period of parole ineligibility. <p>This change will apply to persons sentenced on or after January 1st, 2020; however, persons serving a sentence for a federal offence subject to a mandatory minimum penalty may apply for a reconsideration of their sentence.</p> <p>Furthermore, subject to any judge-imposed minimum periods of parole ineligibility, inmates will no longer be required to serve a minimum portion of their sentence prior to applying for parole. This change will apply immediately to all offenders in federal custody on or after January 1, 2020.</p> <p>Correctional Service Canada's (CSC) funding for custody programs will be decreased by the cost savings from reducing the number of offenders in custody. All savings will be reallocated to CSC's correctional intervention and community supervision programs.</p>	
Operating line(s):	Program Expenses: Operating Expenses	
Data sources:	<i>Data</i>	<i>Source</i>
	Inmate sentencing and parole decisions	Correctional Service Canada's Offender Management System
	Average cost per inmate in custody and on parole	Correctional Service Canada's Departmental Performance Reports and 2018 Corrections and Conditional Release Statistical Overview
	Time served in custody for persons convicted of murder under 1961-1976 regime	Correctional Service Canada, "A review and estimate of time spent in prison by offenders sentenced for murder" Research publications No B-27 (2002)
	Correctional Service Canada planned spending on care and custody	Correctional Service Canada, 2019-20 Departmental Plan

Number of persons found guilty by offence group over time Statistics Canada. Table 35-10-0030-01 Adult criminal courts, guilty cases by type of sentence

Estimation and projection method:

The majority of the impact of this proposal on inmate headcounts was estimated by assuming that the proposal would reverse the effect of historical legal changes to sentencing and parole.

For sentencing decisions, headcount impacts were estimated after controlling for changes in the number of guilty findings for the offence group and overall severity of sentences for offences not subjected to mandatory minimums. Non-significant impacts were excluded, and effects were estimated net of major findings of unconstitutionality for certain minimums.

For parole decisions, headcount impacts were primarily estimated based on experiences under accelerated parole review and a previous regime of parole ineligibility for murder. Modest additional cost savings were estimated by assuming that offenders receiving accelerated parole review and offenders convicted of a violent offence who receive parole shortly after becoming eligible would be released earlier in the absence of general restrictions on parole eligibility.

To avoid overlap, the costing savings from reduced sentences were discounted to exclude the share of offenders which historically received accelerated parole review.

The total expected reduction in the number of inmates in custody was multiplied by CSC's reported cost of keeping an inmate incarcerated in minimum security in 2016-17 on the assumption that most offenders eligible for release or receiving shorter sentences would be lower-risk offenders in minimum security.

The cost was indexed to the trend in CSC planned spending on care and custody. It was assumed that CSC's budget would not be adjusted for the 2019-20 fiscal year. It was assumed that due to the time required to consider sentence reviews and additional parole applications for existing offenders, only half the stable-state savings would be realized in the first year. The cost of reviews sentences for existing inmates and cost of supervising additional inmates on parole is expected to be funded with the reinvestment of cost savings.

Uncertainty assessment:

The estimate has high uncertainty. The main estimated effects for reintroducing accelerated parole review and eliminating mandatory minimum sentences assume that sentences and parole decisions will revert to historical levels. There is a particular risk that part of the increase in sentences for drug trafficking may instead be attributable to one or more confounding variables like changing offender or offence characteristics. This risk is mitigated by discounting this effect by the large share of persons serving sentences for drug trafficking who historically received accelerated parole review.

Cost of proposed measure

\$ millions	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029
Total cost	-	-	-	-	-	-	-	-	-	-

Supplementary information

	Description	Operating line	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029
Cost	Reinvestment in correctional interventions and parole	Operating Expenses	-	-211	-423	-422	-422	-422	-422	-421	-421	-421
Cost recovery	Net costs savings from elimination	Operating Expenses	-	211	423	422	422	422	422	421	421	421
Total cost after recovery		Operating Expenses	-	-	-	-	-	-	-	-	-	-

Notes:

Estimates are presented on an accruals basis as would appear in the budget and public accounts.

Positive numbers subtract from the budgetary balance, negative numbers contribute to the budget balance.

"-" = PBO does not expect a financial cost