

TABLE OF CONTENTS

Letters of Transmittal.....	2
Board Membership	4
Staff Members	5
Organizational Chart	6
Background.....	7
Parole.....	9
Temporary Absence	11
Highlights	12
Fiscal Overview	14
Statistical Charts.....	15

Additional copies of this report or more information about the Ontario Parole and Earned Release Board may be obtained by contacting:

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Ontario Parole and Earned Release Board
415 Yonge Street, Suite 1803
Toronto, Ontario M5B 2E7

(416) 325-4480 (phone)
(416) 325-4485 (fax)

Or visit our site on the Internet at
www.operb.gov.on.ca

For information regarding the release of a provincial offender on parole or temporary absence, victims and other members of the public may call the **Victim Support Line** at 1-888-579-2888. In the Greater Toronto Area, please call (416) 314-2447.



**Ministry of Community Safety
and Correctional Services**

Office of the Minister

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The Honourable James K. Bartleman
The Lieutenant Governor
of the Province of Ontario

May it please Your Honour,

It is my pleasure to present to you the annual report of the Ontario Parole and Earned Release Board for the fiscal year ending March 31, 2004.

The Board's legislated mandate has been met with community safety as the primary area of concern in all of its decision making.

I trust you and the members of the Legislative Assembly will find the report informative.

Respectfully submitted,

Monte Kwinter
Minister of Community Safety and Correctional Services

**Ontario Parole
and Earned Release
Board**

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The Honourable Monte Kwinter
Minister of Community Safety and Correctional Services

Minister,

It is my privilege to submit for your approval the annual report of the Ontario Parole and Earned Release Board for 2003-2004, in accordance with Section 40 of the *Ministry of Correctional Services Act*.

Meeting the Board's legislative mandate and our commitment to community safety remain as priorities. The Board was well prepared as the new legislation permitting victims to participate in the parole process and media and observers to attend hearings was implemented.

Yours truly,

J. Louis Théorêt
Chair
Ontario Parole and Earned Release Board

BOARD MEMBERSHIP

A hallmark of the Board's independence is that through the active participation of Board members drawn from communities across the province, it renders thorough and independent judgments about individual parole and temporary absence decisions.

Board members are recruited through a formal

selection process that includes an interview and focuses on areas of education, experience, knowledge, abilities, community service and personal suitability. Members are appointed by order-in-council and are trained for their task.

Members as of March 31, 2004

Chair

THÉORÊT, J. Louis

Vice Chairs

(Full Time Members)

ADAMS, James. K

AHARA-GOEBELLE, Roslyn

BARBER, Bruce

BARR, Margaret

FRANKLIN, Terry

MCCULLOUGH, John

TERSTEEGE, Christine

Community

(Part-Time Members)

AKBARALI, Kamal

AULD, Karen

BLASS, Harvey

CAVA, Thomas

CELENTANO, Ralph

CLARKE, Michael

CLARKE, Roger

CLEMENT, Richard

COLLINS, Frank

CURTIS, W.M. Gerald

DALAI, Michel

DELLA FORTUNA, Sergio

FRANCOZ, Joseph

GOEBEL, Fred

HELPARD, Lynn Raymond

HINDER, Steven

LAUZON, Guy

MACINTOSH, Norman

MATTHEWS, A.L. (AL)

MCAFFER, Dennis

MCAULIFFE, Stephen

MCDUGALL, Daniel

MERRIMEN, Robert

MONTGOMERY, Jan

MORROW, Ric

MYERS, Ralph

PENNOCK, Bob

PHILLIPS, Gerald

PRENDERGAST, Paul

RICHARDSON, Susan

ROLLINS, Doug

ROWSELL, Henry

RUSSELL, Ian

SAYEAU, Patrick

SMITH, Robert

SOUTHWELL, Joseph

STURGEON, Neil

SULLIVAN, Dawn

THORNLEY, Roy

USBORNE, William

VAN OOSTEN, John

VIAU, Marlene

WILLIAMS, Roderick

STAFF MEMBERS OF THE ONTARIO PAROLE AND EARNED RELEASE BOARD

As of March 31, 2004

Executive Director

O'CONNELL, Kim

Secretary to the Chair

ALFONSO, Daisy

Co-ordinator Finance and Administration

WILSON, Debbie

Senior Program Analyst

KENN, Lynn

Financial Analyst

POPOV, Stan

Board Case Officers,

Central East Service Sector (Lindsay)

BALJAK, Ann

MACDONALD, Heather

Board Case Officers,

Central North Service Sector (Midland)

CORBEIL, Lise

PENDLEBURY, Zena

RAFTER, Tracy

Board Case Officers,

South West Service Sector (Milton)

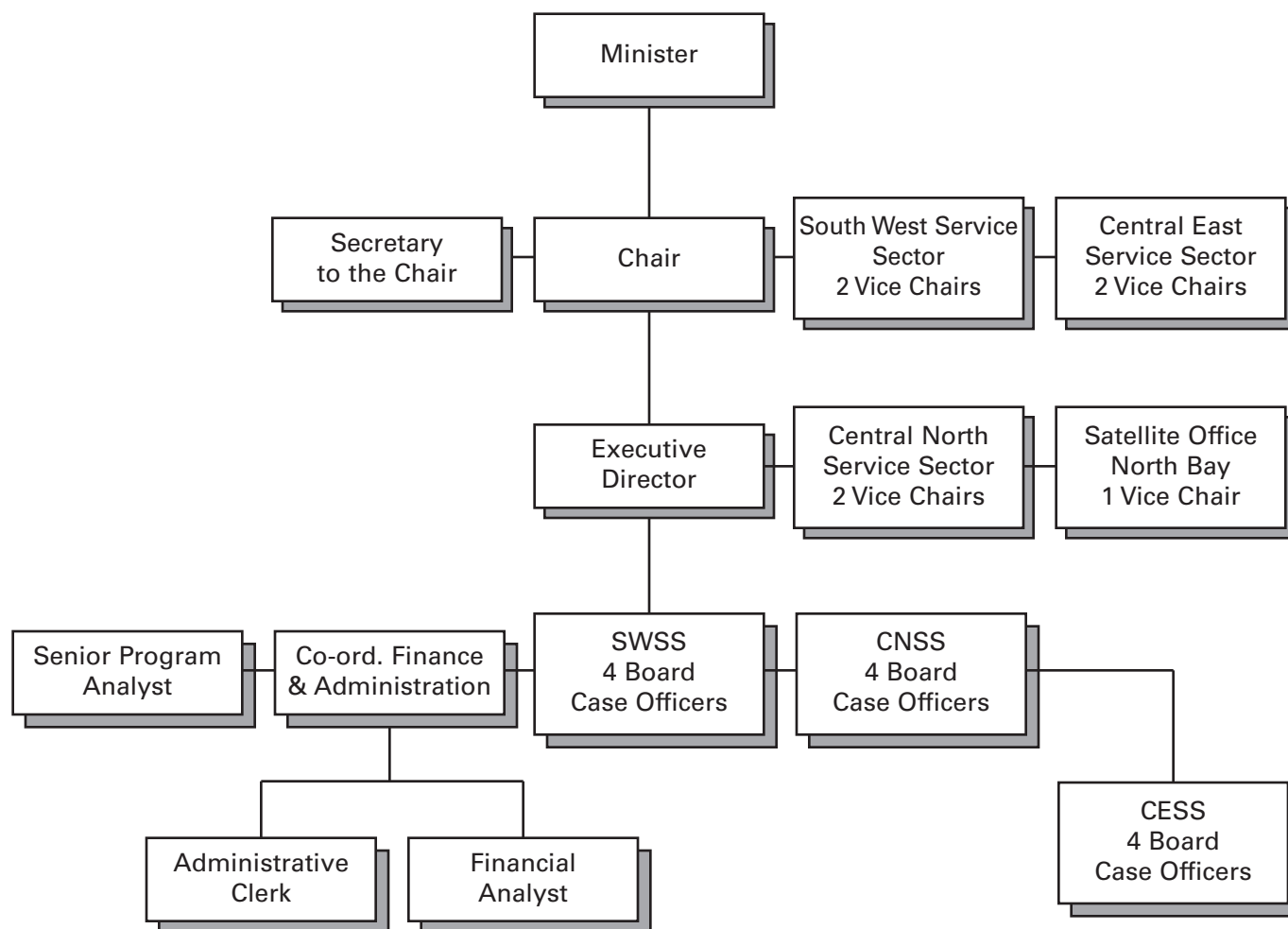
AJANEY, Mona

FALK, Martha

LAGINSKI, Josee

RICHARDSON, Aleta

ORGANIZATIONAL CHART



Order-In-Council Appointments Administration

8 Full-time Appointees

3 Senior Staff

43 Part-time Appointees *

15 Support Staff

* Also referred to as community part-time members, they are paid on a per diem basis to participate in parole and temporary absence hearings and case review meetings.

BACKGROUND

Beginning with the Ontario Parole Commission in 1910, the province of Ontario has had a continuously operating Board for over 94 years, the oldest in Canada.

Originally limited to making recommendations on the indefinite portion of sentences served by provincial offenders, the Board was reconstituted as a full provincial paroling authority in 1978.

In July 2001, the Ontario Board of Parole became the Ontario Parole and Earned Release Board and regulation changes in December 2001 gave the Board the authority to make decisions on requests for temporary absences of 72 hours or longer, making the Board the primary authority for the conditional release of offenders to the community.

Mandate

The Board is an administrative tribunal responsible for the conditional release of offenders from incarceration, other than by normal expiration of sentence.

The Board is authorized by the federal *Corrections and Conditional Release Act* and the provincial *Ministry of Correctional Services Act* and its

regulations to consider for parole, adult offenders who are serving sentences of less than two years in provincial institutions.

The guiding principle underlying conditional release decision-making holds the protection of society to be paramount.

Mission Statement

The Ontario Parole and Earned Release Board, a component of the criminal justice system is an independent tribunal whose members reflect the diversity of our province and are appointed on the merit of their community involvement and decision making ability.

The Board contributes to the protection of society by deciding if eligible offenders in provincial correctional facilities who do not pose an undue risk, will be permitted to serve their full sentences under

supervision in the community with conditions of release set by the Board.

In making release decisions, the board considers information from the justice system, offenders, victims and the community and strives to afford offenders an opportunity to redress individual and social relationships they have harmed.

The Board pursues its primary goal of protecting the community by releasing only those offenders considered to be a manageable risk.

Our Vision

The primary concern of the Board, consistent with the vision of the justice sector, continues to be a safer Ontario.

The Board is committed to deliver a relevant, efficient and accountable program that builds confidence in the work we do.

Partnerships

The Board is committed to protecting society by effectively assessing risk and making informed release decisions and providing the appropriate conditions of release for offenders through the re-integration process.

In accordance with legislation and the principles of restorative justice, the Board strives to represent and be sensitive to a concept of community that includes

victims, the public, offenders and other interested individuals. It is essential that we work with our partners in the criminal justice system (police, Crown attorneys, judges, ministry staff) to ensure we receive the information required for independent decision-making.

ABOUT PAROLE

The Ontario Parole and Earned Release Board considers criteria outlined in the federal *Corrections and Conditional Release Act* and legislation covering the provincial *Ministry of Correctional Services Act*, which specifies that the Board may grant parole if:

- The offender will not, by reoffending, present an undue risk to society before the expiration according to law of the sentence the offender is serving; and,
- The release of the offender will contribute to the protection of society by facilitating the reintegration of the offender into society as a law-abiding citizen.

Eligibility

Offenders are eligible for conditional release upon serving one third of their sentence. Those serving sentences of six months or more are automatically

scheduled for an in-person hearing before the Board, while offenders serving less than six months must apply in writing for parole consideration.

The Application

Ministry staff, through the Institutional Liaison Officer, assist the offender in developing a release plan for community re-entry. Probation and parole officers investigate the content of the application and prepare an assessment of the offender's plan.

The offender's institution also shares information on his/her participation in programs and progress and behaviour while incarcerated. Relevant medical and psychological assessments are included in the parole package for serious offenders.

Information relating to the offender's current conviction and criminal history are also included in

the parole package along with remarks of the sentencing judge and victim impact statements. The applicant may obtain letters of support and is able to invite family, friends or a lawyer to assist him or her in the parole hearing.

All applications that are presented to the Board for decision-making are accompanied by standardized and verified risk/needs assessments. These assessments identify areas of risk and individual needs and are important in setting release conditions.

The Hearing

Parole hearings take place in provincial correctional institutions and are usually conducted by a quorum of two members.

The offender may be questioned before the board about his/her criminal history, behaviour in custody, participation in programs, addiction history, offence patterns and release plan. The offender may have an assistant to provide support and to speak on his/her behalf at a specified point in the hearing.

On occasion, an observer may be present at a hearing. Observers may be victims of crime, members of the offender's family, media representatives or other members of the public.

Victims have been afforded the opportunity not only to attend as observers but also to participate in the hearing through written or oral submissions.

The Board is authorized by legislation to make one of three decisions: to grant or deny parole, or defer its decisions. Board members may not grant parole to a

serious offender when critical information is not available, including information presented in police occurrence reports. In such cases, the parole hearing must be rescheduled to a later date.

In all cases, the Board must provide the reasons for the decision in writing to the offender. All hearings are audio taped. If a unanimous decision cannot be reached, the case has to be deferred to a three-person quorum and different members are chosen. Statistics indicate this is a rare occurrence.

Release plans for all parole candidates must cover the entire sentence up to final warrant expiry date. Parolees are supervised by the ministry's probation and parole officers (PPOs) in local communities. The Board participates and monitors the supervision through regular contact with the PPO. The Board is authorized to suspend parole when there is an alleged violation of the terms and conditions of release and subsequently may continue, revoke or terminate it.

Decision Review

There is no appeal of the Board's decisions to an outside court, tribunal or other body. However, an offender who is not satisfied by the Board's decision may request a review of the decision by writing to the Chair. The Chair may either uphold the decision or order a new hearing.

The Ombudsman for the province or the Ontario Human Rights Commission, at the request of the offender, may also initiate a review of Board decisions or processes.

ABOUT TEMPORARY ABSENCE

The temporary absence program allows carefully selected provincial inmates, who have met the eligibility criteria, to prepare for full integration into society by serving a portion of their sentences in the community. The inmate may be granted the privilege of being absent from an institution under terms and conditions for short well-defined periods.

Once the reason for the absence is complete, the inmate is required to return to the institution. The conditions for granting a temporary absence may be based on medical, compassionate, humanitarian or rehabilitative reasons.

Superintendents of correctional facilities and members of the Board share the decision-making authority for temporary absences.

Superintendents have responsibility for all temporary absences that are escorted or under 72 hours in duration. The Board has responsibility for all unescorted temporary absences, the duration of which is 72 hours and longer.

The Board may grant a temporary absence for a period up to 60 days, which is subject to renewal.

Temporary absence differs from parole. Temporary absence may be granted for a specific purpose at any time after the inmate has served one-sixth of his/her sentence, is free of outstanding charges or warrants

(except if bail has been granted on those charges) and has exemplary behaviour while incarcerated in a provincial institution. If the court makes a recommendation for temporary absence, the inmate may be reviewed at any time.

The temporary absence program allows inmates the opportunity to participate in community programming, education or employment. It also assists the inmate in maintaining family relationships and responsibilities.

In 2003-2004, the Board redefined its philosophy on temporary absences for rehabilitative reasons for offenders serving sentences of six months or longer. The Board believes in a release continuum that encourages temporary absences as a means to prepare an offender for parole. This release continuum allows an offender to apply for a temporary absence prior to parole eligibility and if the inmate wishes to continue on conditional release past their parole eligibility date, they must appear before the Board for parole consideration. Temporary absences for medical, compassionate or humanitarian reasons are options that remain available to offenders.

PROGRAM HIGHLIGHTS

Victim and Observer Participation at Hearings

In April 2003, amendments to the *Ministry of Correctional Services Act* allowed for the participation of victims of crime in the parole decision-making process by allowing them the opportunity to attend the offender's parole hearing.

Previously, victims had the opportunity to provide the Board with written or oral submissions outside the hearing. This continues to be an option for victims who may not wish to attend the parole hearing.

Victims who wish to attend or participate in hearings must contact a Board Case Officer. All hearings take place in correctional facilities. The Board is interested in knowing about the physical, financial and emotional impact of the offence on the victim, the ongoing impact and any conditions the victim would like the Board to impose if the offender is granted parole.

The Board seeks to foster an environment where victims of crime feel welcome to participate in the parole decision-making process while ensuring the safe and secure conduct of fair and objective parole hearings. For more information, victims may call the

Ontario Victim Support Line at 1-888-579-288 or (416) 314-2447 in the Toronto dialing area.

In opening the hearing process to victims, the legislation permits members of the public to attend specific parole hearings to observe the proceedings only. By allowing observers, the Board is increasing the openness of its decision-making, the accountability of the Board and contributing to the public's understanding of the decision making process.

Individuals wishing to attend a hearing as an observer must request approval by submitting a written request to the Office of the Chair and arranging for a security clearance.

As of March 31st, 2004, 18 victims and two victim assistants have attended 11 parole hearings. During the same time period, there were 52 victim contacts, either requesting information or making a written submission to the Board.

As of March 31st, 2004, there were no applications from the public to attend any parole hearings.

Membership Accountability

With the Board's responsibility for the conditional release of adult offenders, its primary goal is to protect the community by releasing those offenders considered to be a manageable risk.

In carrying out its mandate, the Board recognizes its accountability to the Government and citizens of Ontario.

In June 2003 the Board implemented an Enhanced Quality Assurance review process and trained the full-time Vice Chairs on administering the process.

Emphasis is placed on the results of the reviews as learning tools and vehicles of change to improve practices, accountability and identify issues that can be addressed by training. The improved process also

assists the Board in determining any systemic or performance issues.

The Board has implemented four classifications of reviews to ensure its decisions are of the highest quality possible. All reviews are intended to identify where improvements may be necessary and areas where best practices may be shared and to enhance the Board's ability to protect the community, and, at the same time, carry out its responsibilities in an independent, fair, objective and transparent manner.

The most common process is the random review, which is conducted on hearings whether or not the hearing resulted in a decision to grant parole or a temporary absence. Its purpose is to identify areas wherein the Board's performance can be improved

through enhanced training, policy changes or identification of best practices. The three remaining review processes deal with high-risk offenders. The Standard Pre-release review is a post decision review of Board hearings in cases of serious or high profile offenders prior to the offender's release. A Standard Level 1 review is an automatic review of the hearing of an offender who has been released to the community and has subsequently been charged with a serious offence. The final review occurs under exceptional circumstances and can only be ordered by the Chair when he/she believes the circumstances warrant an additional measure of scrutiny. The review team in this type of review will include a member of the community who has no formal relationship with the Board.

Training and Development

The Board is committed to the principles of a learning organization and we continue to build on the vision of a more accountable public service focused on our core business and constantly improving the quality of our services.

As noted in the 1999 Framework for Action document published by Cabinet Office, entitled Building a Learning Organization; "...the real value of the learning organization is 'in the becoming'. There is no point in time when we will declare victory and stop learning..."

The Board believes that ongoing training and professional development results in Board members who are able to make reasoned and educated decision on behalf of the community.

Throughout 2003-2004, a number of formal training events were held, including:

- Three-day Hearing Chair course;
- Three-day Quality Assurance Review Training for Vice Chairs;
- One-day Interviewing Skills Course;
- One-day Service Sector meetings in each sector for all members and staff.

As well, members and staff learn in other ways, by building new relationships, using technology and reaching out to partners to learn from them.

FISCAL OVERVIEW

Budget and Expenditures

Major Category	Approved Budget (\$Thousands)	Actual Expenditures (\$Thousands)	Variance Between Approved Budget and Actual Expenditures (\$Thousands)
Salaries and Wages	2,412.3	1,732.8	679.5
Employee Benefits	275.4	310.3	-34.9
Transportation and Communication	416.9	384.1	32.8
Services	664.3	502.1	162.2
Supplies and Equipment	90.4	47.8	42.6
Total	3,859.3	2,977.1	882.2

STATISTICAL OVERVIEW

Figure 1 Parole Grant/Deny Decisions

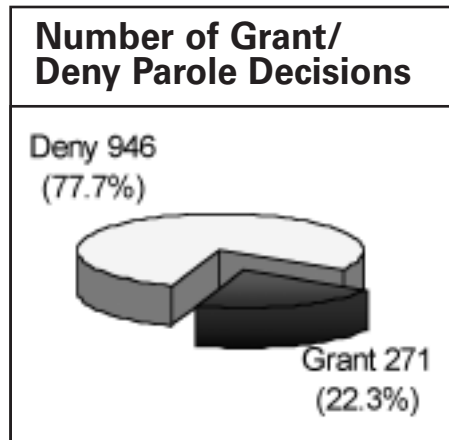


Figure 1 indicates a grant rate of 22.3%, which is lower than last year's rate of 29.9%, while the number of denials has increased from 70.1% to 77.7%

Figure 2 Parole Grant Rates: A Comparison Over the Past Decade

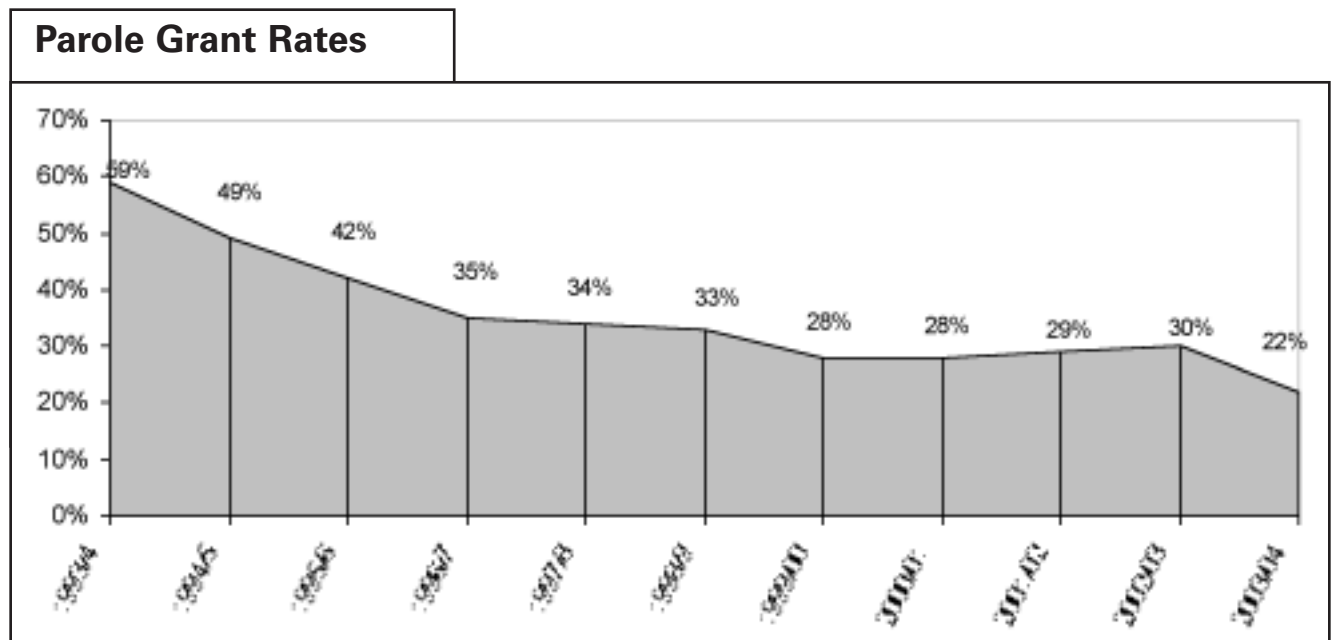


Figure 3 Parole Release Results

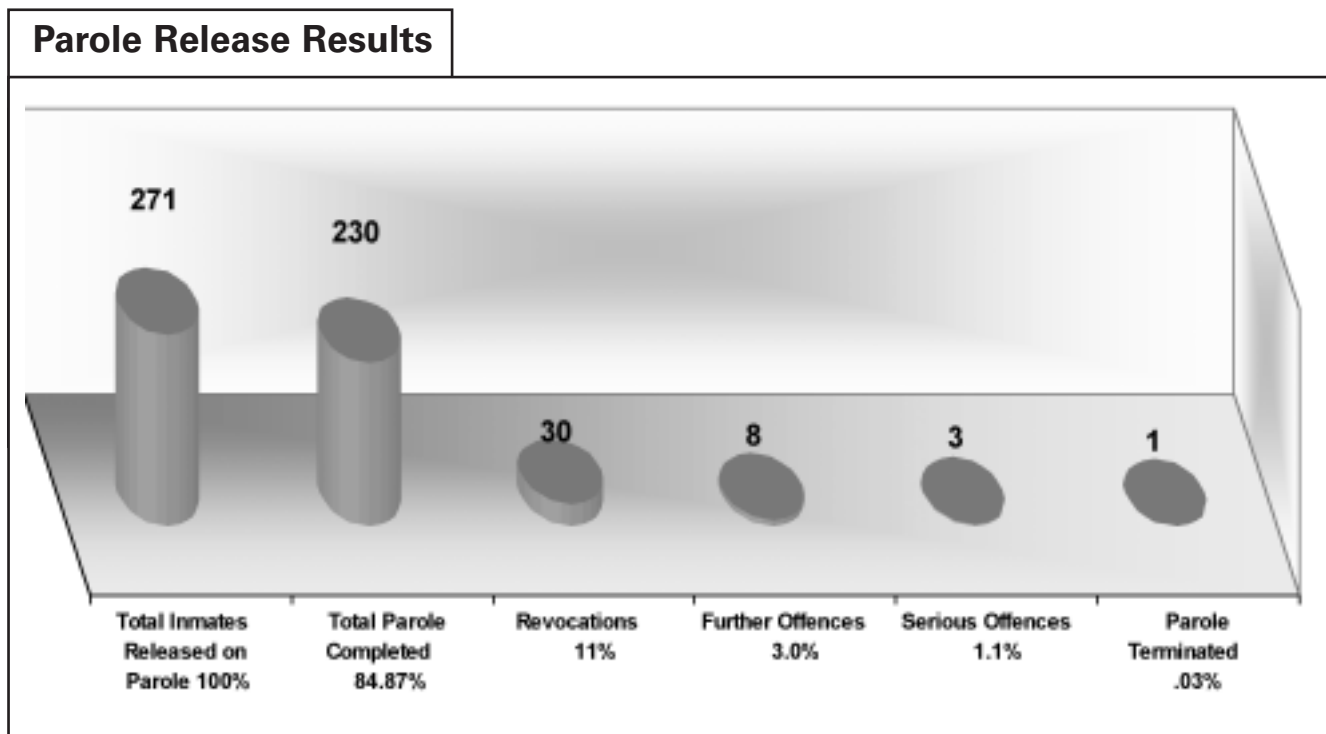


Figure 4 Outstanding Warrants

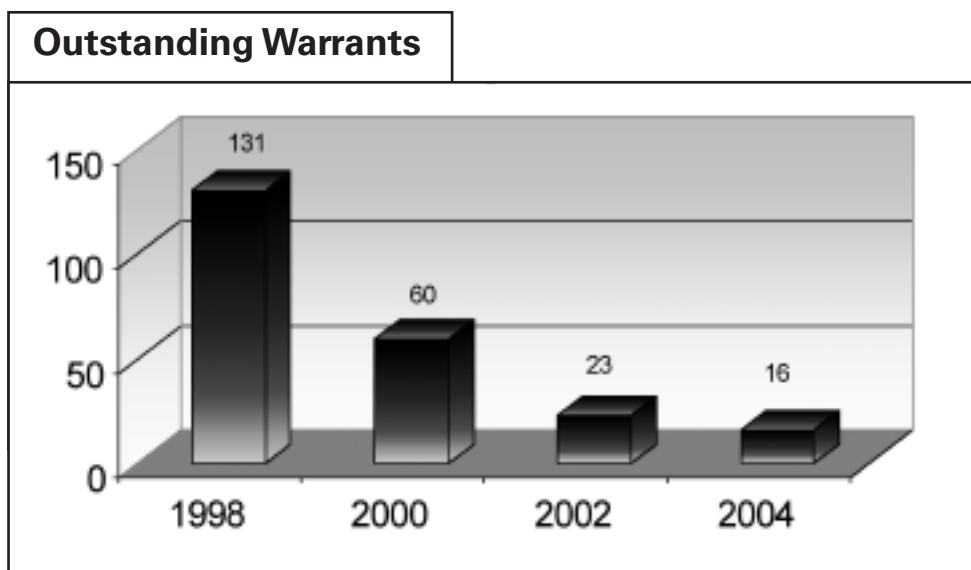


Figure 5 Temporary Absence (TA) Decisions

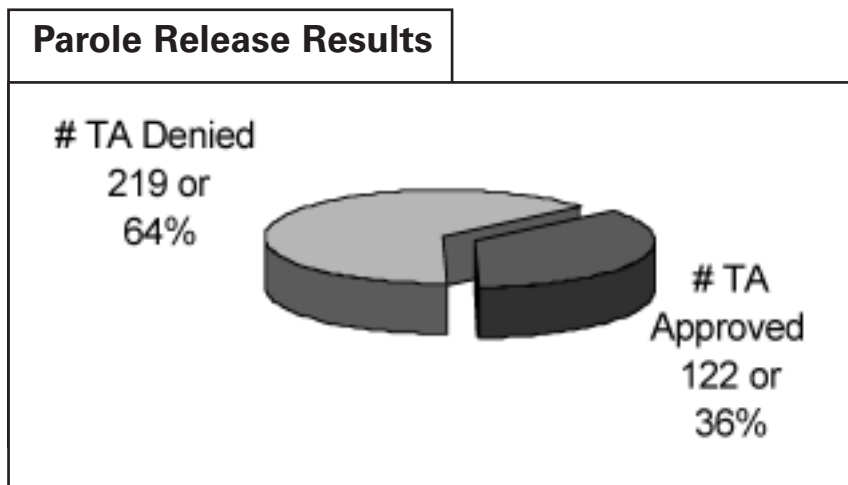
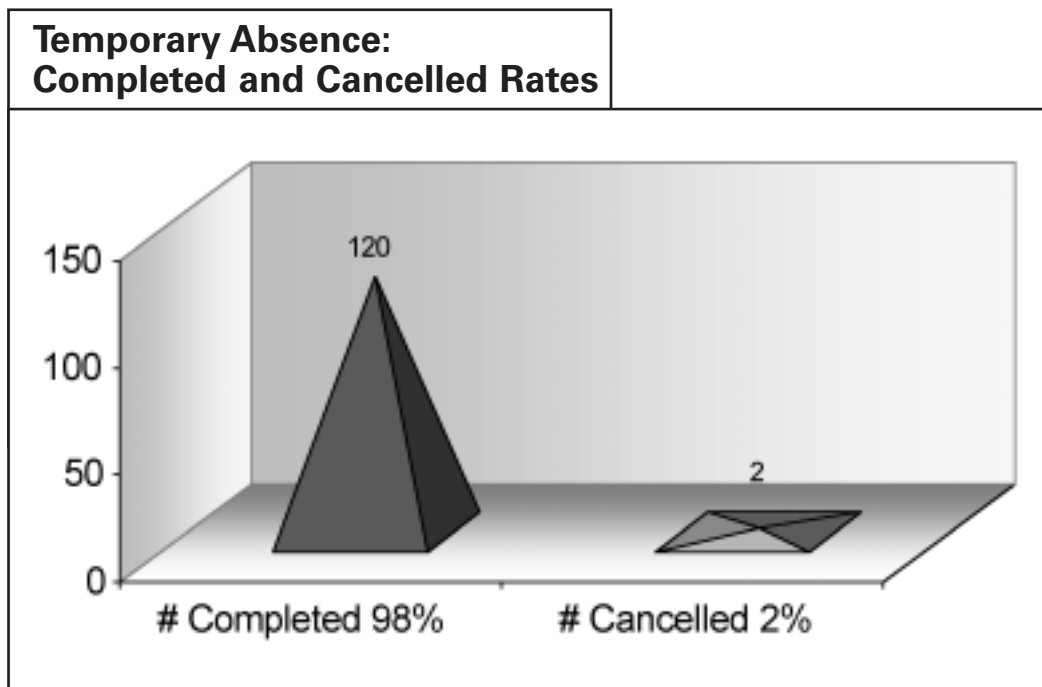


Figure 6 Temporary Absence Completion and Cancellation Rates



NOTES