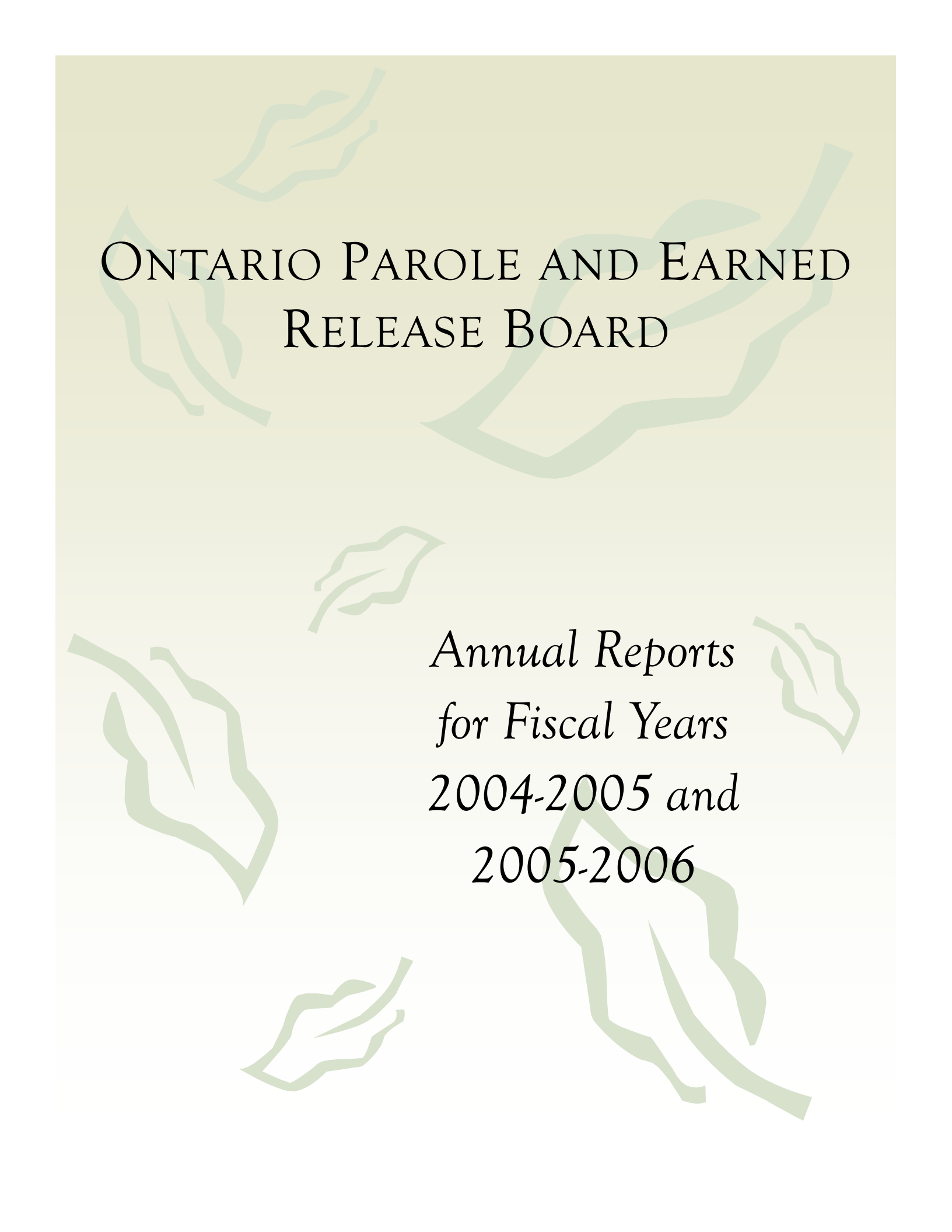




# ONTARIO PAROLE AND EARNED RELEASE BOARD

*Annual Reports  
for Fiscal Years  
2004-2005 and  
2005-2006*

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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 reports of the Ontario Parole and Earned Release Board for the fiscal years 2004-05 and 2005-06.

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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Monte Kwinter', written in a cursive style.

Monte Kwinter  
Minister of Community Safety and Correctional Services

**Ontario Parole  
and Earned Release  
Board**

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Chair

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The Honourable Monte Kwinter  
Minister of Community Safety and Correctional Services

Minister,

It is my privilege to forward the Annual Reports of the Ontario Parole and Earned Release Board for the fiscal years 2004/2005 and 2005/2006 in accordance with Section 40 of the *Ministry of Correctional Services Act*.

I want to thank my predecessors, Mr. J. Louis Théorêt and Mr. James K. Adams, under whose chairmanships the work reported herein took place.

Yours truly,

A handwritten signature in black ink, appearing to read "C. Morton".

Cynthia Morton  
Chair  
Ontario Parole and Earned Release Board

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## Board Membership

### Chair

J. Louis Théorêt (September 2001 to June 2005)

James K. Adams\* (June 2005 to September 2006)

### Vice Chairs (Full time members)

Roslyn Ahara-Goebelle (February 2000 to August 2004)

Bruce Barber (January 2002 to August 2005)

Margaret Barr\*

Terry Franklin\*

John McCullough\*

Christine Tersteegen\*

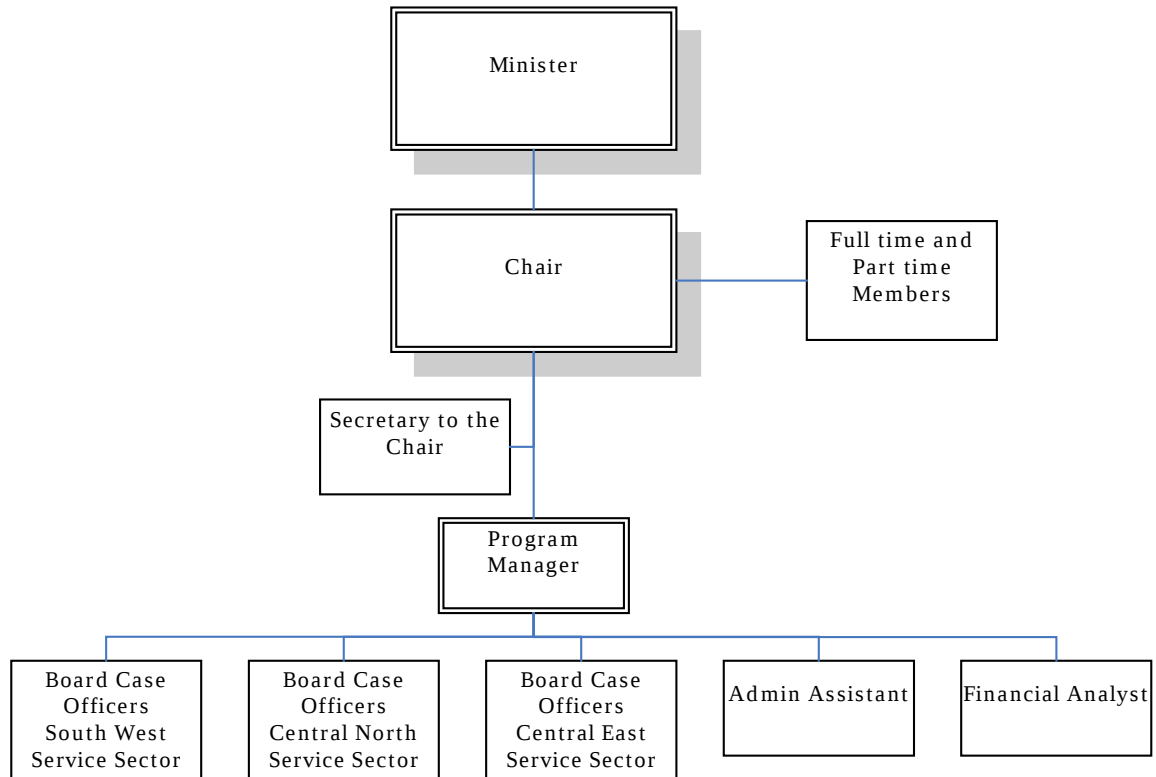
### Community Part Time Members

|                  |                       |                     |
|------------------|-----------------------|---------------------|
| Kamal Akbarali*  | Karen Auld            | Thomas Cava*        |
| Ralph Celentano  | Michael Clarke*       | Roger Clarke*       |
| Richard Clement* | Frank Collins*        | W. M. Gerald Curtis |
| Michel Dalairé*  | Sergio Della Fortuna* | Joseph Francoz*     |
| Fred Goebel*     | Steven Hinder*        | Guy Lauzon          |
| Norman MacIntosh | Al Matthews*          | Dennis McAffer      |
| Daniel McDougall | Robert Merrimen*      | Jan Montgomery*     |
| Ric Morrow*      | Ralph Myers           | Bob Pennock*        |
| Gerald Phillips* | Paul Prendergast*     | Susan Richardson    |
| Doug Rollins*    | Henry Roswell*        | Ian Russell*        |
| Patrick Sayeau   | Joseph Southwell      | Neil Sturgeon*      |
| Dawn Sullivan    | Roy Thornley          | John VanOosten      |
| Marlene Viau*    | Roderick Williams*    |                     |

\* denotes those appointees who were active members of the Board as of March 31, 2006

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## Board Administration and Membership



### Ontario Parole and Earned Release Board Board Administration (as of March 31, 2006)

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## Profile

The province of Ontario has the oldest, continuously operating parole board in Canada, established in 1910 as the Ontario Parole Commission.

The Board was originally limited to making recommendations to federal authorities on sentences served by provincial offenders. In 1978, the Board was constituted as a full provincial paroling authority.

In 2001, the Ontario Parole Board was renamed the Ontario Parole and Earned Release Board. Regulatory changes at that time gave the Board the authority to make decisions on requests for temporary absences of 72 hours or longer. These changes have made the Board the primary authority for the conditional release of offenders into the community.

## Mandate

The Board is an administrative tribunal responsible for the conditional release of offenders from incarceration, other than by 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 conditional release, adult offenders who are serving sentences of less than two years in provincial institutions.

The guiding principle underlying conditional release decision-making remains the protection of society.

## 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 the remainder of their 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

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afford offenders an opportunity to return to their communities in a safe and managed way.

## **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 service that builds confidence in the work we do.

## **Partnerships**

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

In accordance with legislation and 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 the Board works with its partners in the criminal justice system to ensure the required information is received for thorough decision-making. These partners include police, Crown attorneys, judges, ministry staff and community agencies serving offenders needs.

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## Functions

### About Parole

The Ontario Parole and Earned Release Board applies criteria outlined in the federal *Corrections and Conditional Release Act* and legislation covering the provincial *Ministry of Correctional Services Act*, which specify 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 by law, to apply for a parole hearing with the Board upon serving one third of their sentence. Those serving sentences of six months or more are automatically scheduled for a hearing before the Board, while offenders serving less than six months must apply in writing for parole consideration.

### The Application

Correctional staff, through the Institution Liaison Officer, assists 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. These plans set out how an offender will constructively spend their time if they are returned to the community (such as work, education or rehabilitative programs to assist with addiction or life skills).

The offender's institution also provides to the Board information on an offender's participation in programs and progress and behaviour while incarcerated. Relevant medical and psychological assessments are conducted and reviewed for serious offenders.

Information relating to the offender's current conviction, criminal history, remarks of the sentencing judge and victim impact statements are all considered in a parole review. 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.

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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 and judging the offender's readiness to return to the community.

## **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 to participate in the hearing through written or oral submissions.

The Board is endeavoring to accommodate cultural diversity in its hearings. Aboriginal offenders may bring elders to assist them, from their community. In other cases the Board will use a translator to ensure an offender's request is fully understood and considered.

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 recorded. If a unanimous decision cannot be reached, the case has to be deferred to a new 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 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

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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 provincial inmates to prepare for their return to the community by temporary absences from an institution under terms and conditions for short periods with specific goals to be accomplished.

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 of 72 hours and longer.

The Board may grant a temporary absence for a period up to 60 days, which is subject to renewal if the offender is doing well and his/her original goals are being achieved in a safe and positive way.

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.

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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.

## Fiscal Overview

| <b>Budget and Expenditures<br/>2004-2005</b> |                                  |                                      |                                                                                 |
|----------------------------------------------|----------------------------------|--------------------------------------|---------------------------------------------------------------------------------|
| Major Category                               | Approved Budget<br>(\$Thousands) | Actual Expenditures<br>(\$Thousands) | Variance Between<br>Approved Budget and<br>Actual Expenditures<br>(\$Thousands) |
| Salaries and Wages                           | 1,390.2                          | 1,223.4                              | 166.8                                                                           |
| Employee Benefits                            | 275.4                            | 173.7                                | 101.7                                                                           |
| Transportation and<br>Communication          | 416.9                            | 273.8                                | 143.1                                                                           |
| Services                                     | 664.3                            | 343.8                                | 320.5                                                                           |
| Supplies and Equipment                       | 90.4                             | 31.2                                 | 59.2                                                                            |
| <b>Total</b>                                 | <b>2,837.2</b>                   | <b>2,045.9</b>                       | <b>791.3</b>                                                                    |

| <b>Budget and Expenditures<br/>2005-2006</b> |                                  |                                      |                                                                                 |
|----------------------------------------------|----------------------------------|--------------------------------------|---------------------------------------------------------------------------------|
| Major Category                               | Approved Budget<br>(\$Thousands) | Actual Expenditures<br>(\$Thousands) | Variance Between<br>Approved Budget and<br>Actual Expenditures<br>(\$Thousands) |
| Salaries and Wages                           | 872.5                            | 878.6                                | -6.1                                                                            |
| Employee Benefits                            | 129.1                            | 129.5                                | -.4                                                                             |
| Transportation and<br>Communication          | 217.0                            | 196.1                                | 20.9                                                                            |
| Services                                     | 171.5                            | 153.8                                | 17.7                                                                            |
| Supplies and Equipment                       | 64.6                             | 26.3                                 | 38.3                                                                            |
| <b>Total</b>                                 | <b>1,454.7</b>                   | <b>1,384.3</b>                       | <b>70.4</b>                                                                     |

The Board was significantly underspent due to an ongoing reduction in the number of temporary absence and parole applications. The Board's budget is largely driven by this caseload. Caseload is affected by offender awareness of their right to seek parole and TA and the Board continues to explore effective means to ensure these rights are understood.

## Performance

Focused on results, performance measures draw attention to the outcomes of government programs and services. Measurement information gives the public, public officials, and other decision-makers insights into which programs and services are providing value and making a measurable difference to the people of Ontario.

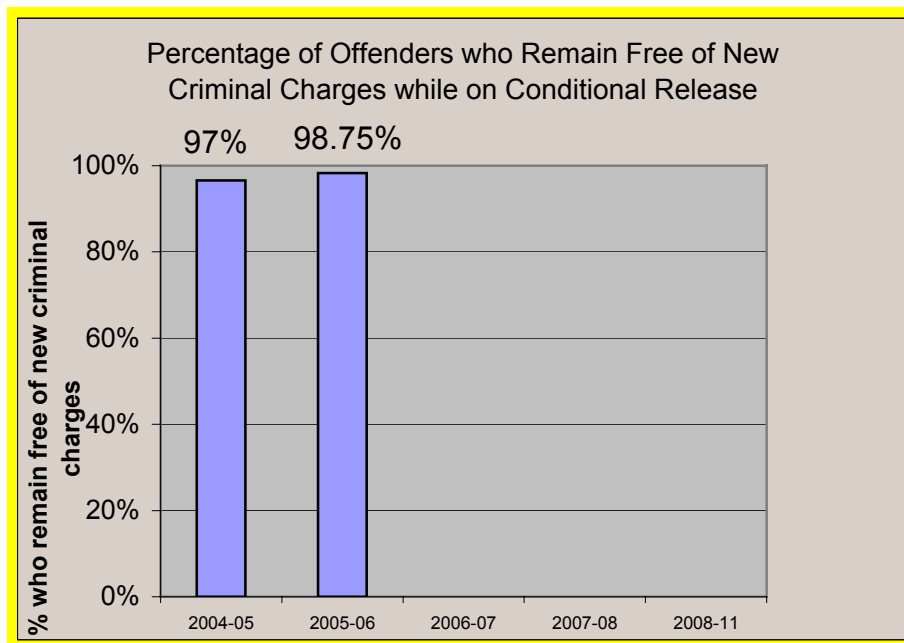
The Board is engaged in a review of performance measures to ensure future reports will reflect a more thorough assessment of the Board's success in achieving its community safety mandate. Generally, current performance measures reaffirm that the decisions of the Board overwhelmingly promote the successful reintegration of offenders into their communities.

### Performance Measure

The percentage of parolees and inmates (offenders) on Temporary Absence who remain free of new criminal charges while on conditional release.

2004-2005: Parolees = 96%    Inmates on Temporary Absence = 98%

2005-2006: Parolees = 97.5%    Inmates on Temporary Absence = 100%



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In March 2004, the Office of the Provincial Auditor (OPA) conducted a follow up review of the 2001/2002 audit of the Ontario Parole and Earned Release Board.

In May 2004, the Board provided supporting material that reflected the work done on implementing the OPA recommendations.

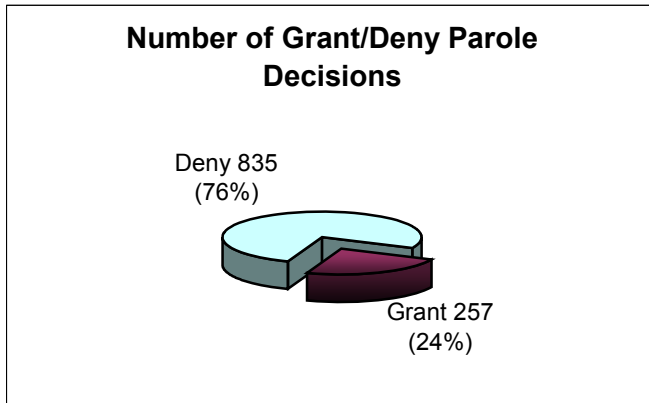
A number of initiatives were implemented as a result of the 2001/2002 audit. They include:

- Implementation of an administrative structure designed to increase the quality and timeliness of services. Service Sector offices were established in or near the three largest provincial correctional facilities (Maplehurst Correctional Complex, Central East Correctional Centre and Central North Correctional Centre) to provide greater alignment and integration with the structure of the Ontario correctional system. New, upgraded board case officer positions were established at the new locations to provide more effective support for case preparation and administration. In addition, full time Board members were located at the service sector sites.
- Implementation of a Quality Assurance Program to provide an assessment of the decision making and hearing process for offenders appearing before the Board. The reviews and subsequent recommendations that result from the Quality Assurance Program are shared with Corporate Office with the intent of generating policy, training, accountability and procedural remedies to ensure best practices in the Board's decision making.
- Establishment of a formal selection process for appointees that is open, transparent and provides mechanisms for assessing the abilities, skills, commitments and suitability of applicants for Board membership.

# Performance

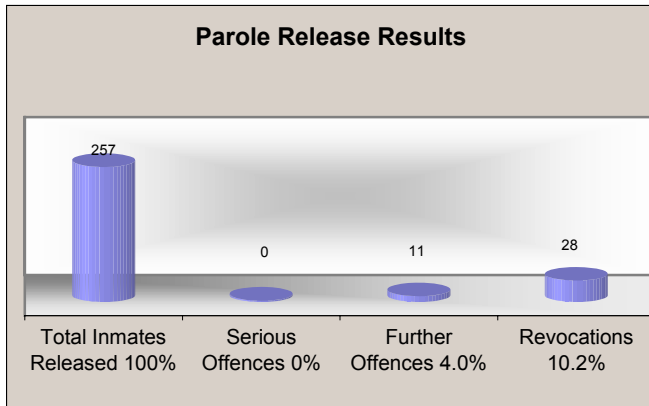
## 2004/2005 Statistical Information

Figure 1 Parole Grant/Deny Decisions



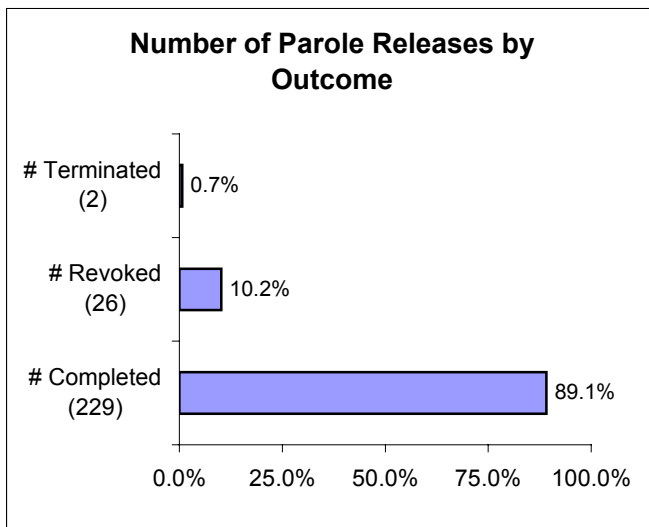
A grant rate of 24%, which is slightly higher from the previous year's rate of 22.3%, while the number of denials has decreased from 77.7% to 76%.

Figure 2 Parole Release Results and Revocations



**Revocations** are recorded when a parolee violates conditions of parole release;  
**Further Offences** are recorded when a parolee is charged with a non-violent charge; and  
**Serious Offences** are recorded when a parolee is charged with a new serious offence.

Figure 3 Parole Releases by Outcome



89.1% of all Parole Releases **successfully** completed their parole.

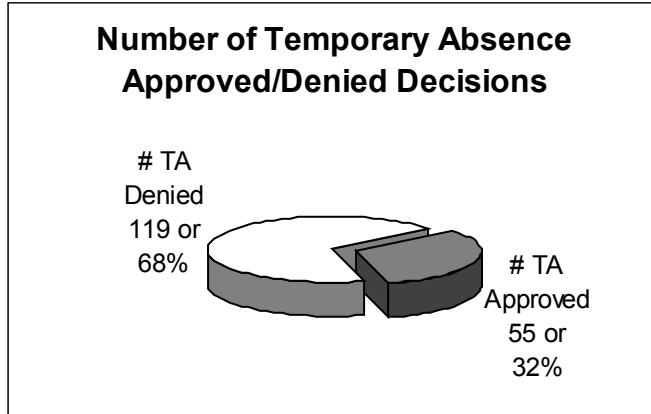
10.2% of all Parole Releases **violated their conditions** of parole (**while 4% committed further crimes**) and resulted in revocation.

0.7% of parole releases had their parole **terminated** (offender request, breakdown of release plan).

# Performance

## 2004/2005 Statistical Information

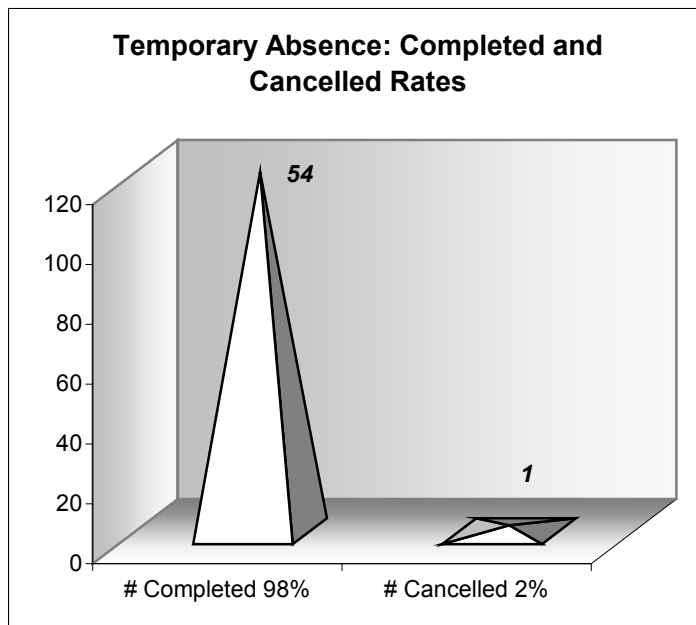
**Figure 4 Temporary Absence Approved/Denied Decisions**



OPERB is responsible for unescorted temporary absences of 72 hours or longer for adult offenders.

Temporary Absence Types are: Humanitarian, Medical and Rehabilitative.

**Figure 5 Temporary Absence Successful Completions**



98% of Temporary Absence Releases successfully completed their temporary absence.

80% of Temporary Absence Releases for rehabilitative reasons, such as work, school or program attendance.

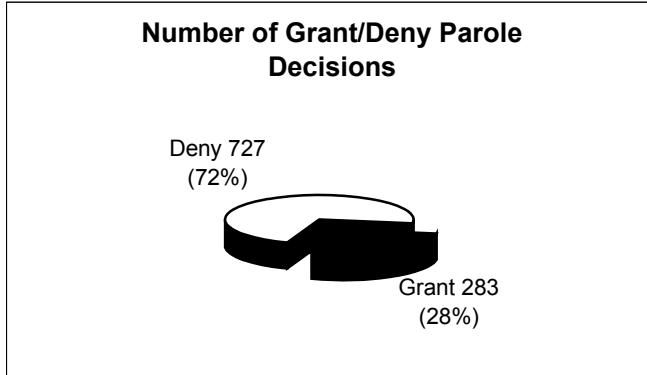
16.4% of Temporary Absence Releases for humanitarian reasons

3.6% of Temporary Absence for medical Releases

# Performance

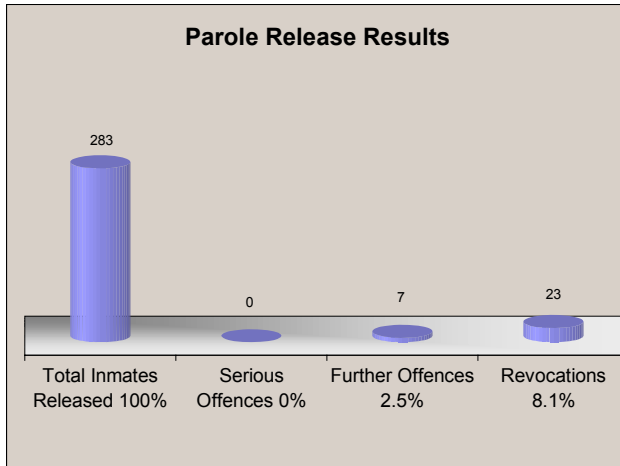
## 2005/2006 Statistical Information

Figure 6 Parole Grant/Deny Decisions



A grant rate of 28%, which is slightly higher from the previous year's rate of 24%, while the number of denials has decreased from 76% to 72%.

Figure 7 Parole Release Results and Revocations

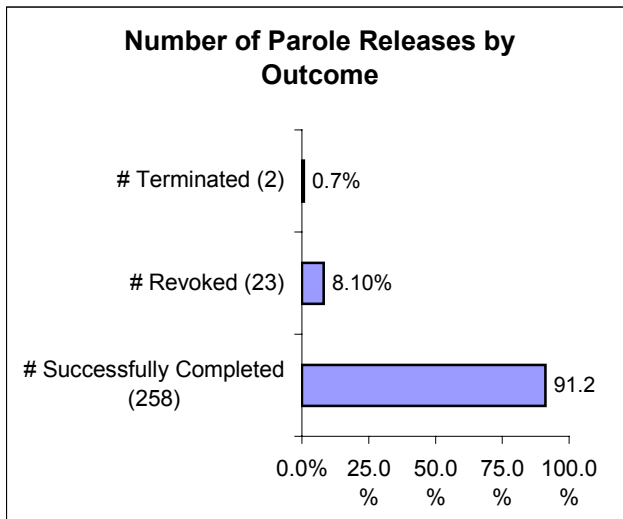


**Revocations** are recorded when a parolee violates conditions of parole release;

**Further Offences** are recorded when a parolee is charged with a non-violent charge; and

**Serious Offences** are recorded when a parolee is charged with a further level one offence.

Figure 8 Parole Releases by Outcome



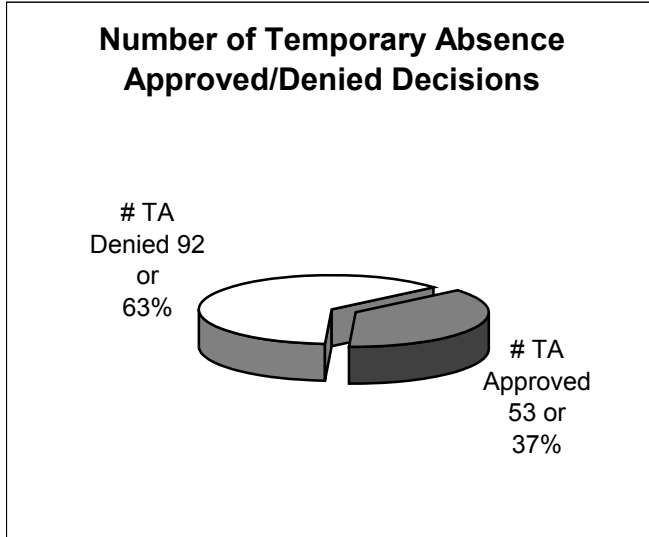
91.2 % of all Parole Releases **successfully** completed their parole

8.1% of all Parole Releases **violated their conditions** of parole (while 2.5% **committed further crimes**) and resulted in revocation

0.7% of Parole Releases had their parole **terminated** (offender request, breakdown of release plan)

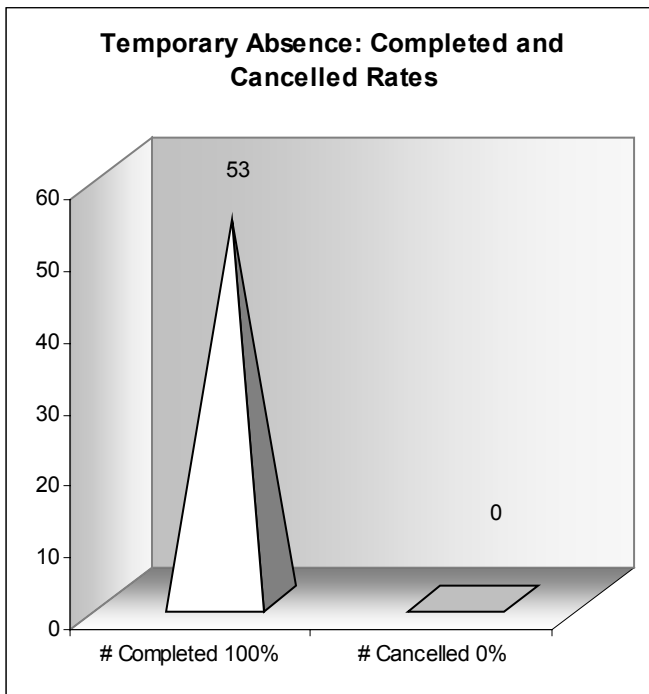
## Performance 2005/2006 Statistical Information

Figure 9 Temporary Absence Approved/Denied Decisions



OPERB is responsible for unescorted temporary absences of 72 hours or longer for adult offenders. The Board may grant the following types of temporary absences: Humanitarian, Medical and Rehabilitative

Figure 10 Temporary Absence Successful Completions



100% of Temporary Absence Releases successfully completed their temporary absence.

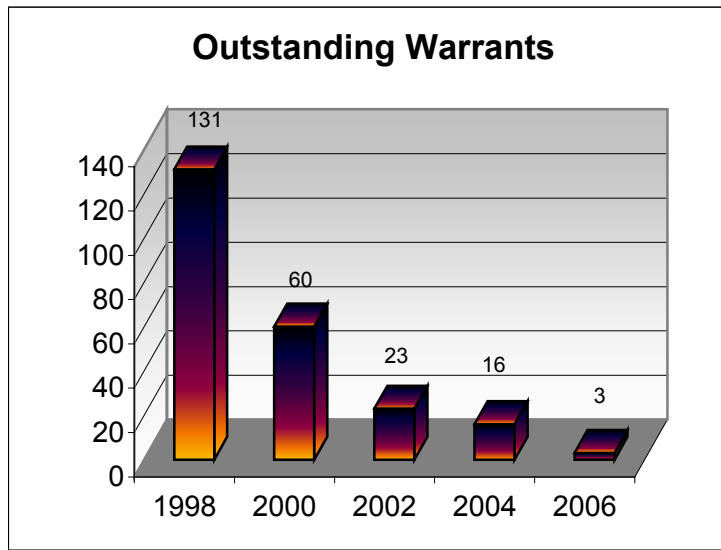
88.7% of Temporary Absence Releases for rehabilitative reasons, such as work, school or program attendance.

7.6% of Temporary Absence Releases for humanitarian reasons.

3.7% of Temporary Absence Releases for medical reasons.

## Performance Outstanding Warrants

Figure 11 Outstanding Parole Warrants



### Parole Warrants

Since 1997, the Board has continued to work closely with policing services to assist in the arrest of provincial parolees who are at large in the community and have outstanding parole warrants as a result of violating one or more conditions of their parole.

In 1998 there were 131 outstanding parole warrants. By the end of March 2006 the number had been reduced to 3.

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## How to Contact Us

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(705) 526-2566 (fax)

Or visit our website at [www.operb.gov.on.ca](http://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 contact the **Victim Support Line** at 1-888-579-2888. In the Greater Toronto Area, please call (416) 314-2447.