

Ontario Parole and Earned Release Board

2006-2007 Annual Report



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The Honourable David C. Onley
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 2006-2007.

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 cursive script, reading "Rick Bartolucci".

Rick Bartolucci, MPP, Sudbury
Minister of Community Safety and Correctional Services

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and Earned Release
Board**

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The Honourable Rick Bartolucci
Minister of Community Safety and Correctional Services

Minister,

It is my privilege to forward the Annual Report of the Ontario Parole and Earned Release Board for fiscal year 2006-2007 in accordance with Section 40 of the *Ministry of Correctional Services Act*.

I want to thank my predecessors Mr. James K. Adams, and Ms Cynthia Morton who chaired the Board during the 2006-2007 fiscal year.

Yours truly,

A handwritten signature in black ink, appearing to be "J McCullough", with a long horizontal stroke extending to the right.

John McCullough
Chair
Ontario Parole and Earned Release Board

Board Membership and Administration

Chair

Cynthia Morton* (October 2006 to September 2011)

James K. Adams (June 2005 to September 2006)

Vice Chairs (Full-time Members)

Margaret Barr (March 2003 to March 2007)

Terry Franklin* (February 2003-February 2012)

John McCullough* (February 2003-February 2012)

Christine Tersteegen* (February 2003-February 2012)

Community Part-time Members

Kamal Akbarali
(June 2001-February 2007)

Carol Baker *
(February 2007-February 2009)

Thomas Cava
August 2003-February 2007)

Jeremy Cheung*
(February 2007-February 2009)

Michael Clarke*
(June 2001-February 2012)

Roger Clarke*
(February 2003-February 2008)

Richard Clement
March 2003-March 2007)

Frank Collins
(March 2003-March 2007)

Vincent Conville*
(February 2007- February 2009)

Michel Dalaire
(March 2003-March 2007)

Sergio Della Fortuna*
(March 2003- March 2012)

Brad Finan*
(February 2007-February 2009)

Joseph Francoz
(February 2003-February 2007)

David Freedman*
(February 2007-February 2010)

Fred Goebel
(March 2003-March 2007)

Steven Hinder
(June 2001-August 2006)

Susan Lewis*
(February 2007-February 2010)

Al Matthews
(February 2003-August 2006)

Robert Merrimen
(June 2001-August 2006)

Jan Montgomery
(March 2003-March 2007)

Ric Morrow
(April 2003-October 2006)

Bob Pennock
(August 2001-February 2007)

Gerald Phillips
(July 2001-August 2006)

Paul Prendergast
(June 2001-August 2006)

Raymond Ramdayal*
(February 2007-February 2009)

Priscillia Reeve*
(February 2007-February 2010)

Doug Rollins *
(April 2003-April 2007)

Henry Rowsell*
(February 2003-February 2012)

Ian Russell*
(February 2003-February 2012)

Peter Sant*
(February 2007-February 2009)

Neil Sturgeon*
(June 2001-February 2012)

Lee-Ann Turner*
(February 2007-February 2009)

John Van Oosten
(June 2003-June 2006)

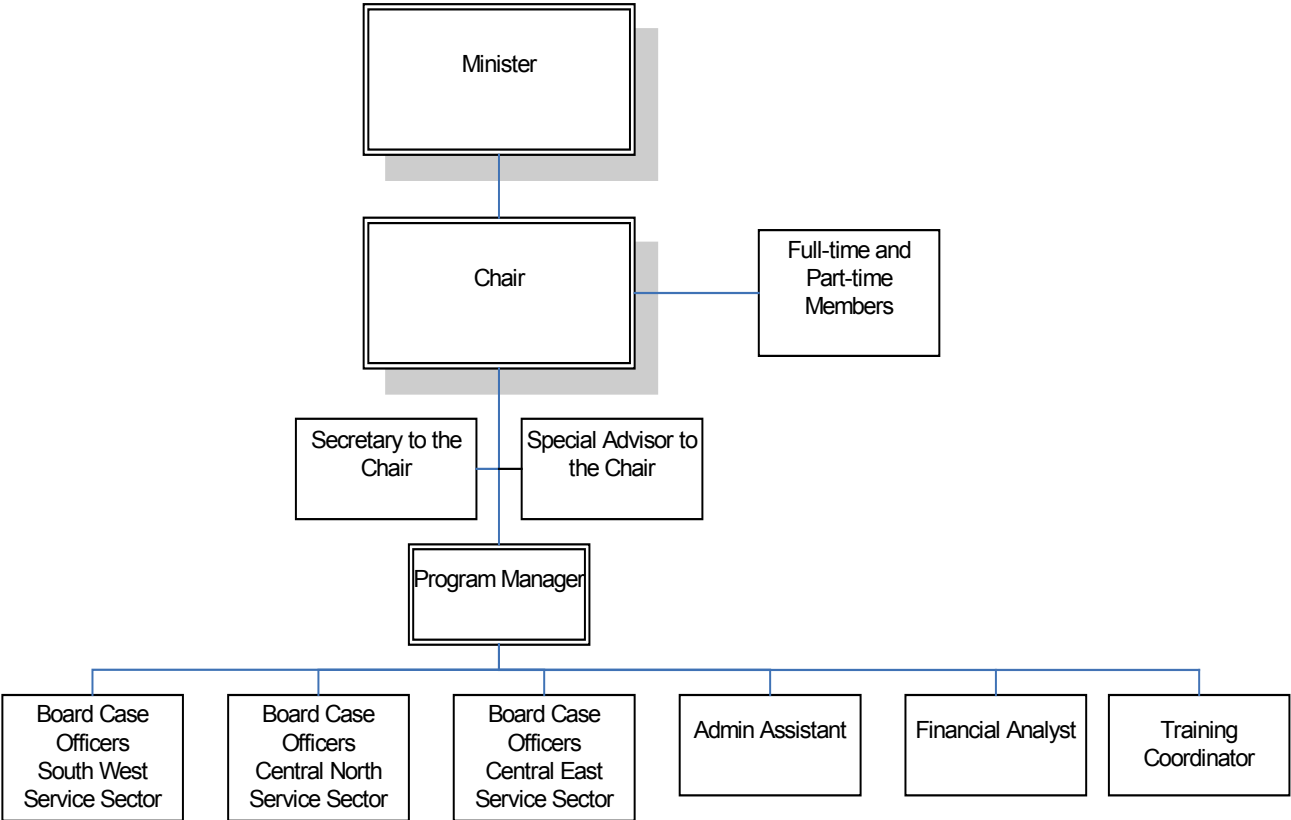
Marlene Viau*
(March 2003-March 2012)

Roderick Williams
(February 2003-February 2007)

Pauline Wong*
(February 2007-February 2009)

* denotes those appointees who were active members of the Board as of March 31, 2007

Board organizational structure as of March 31, 2007



Who We Are

The Ontario Parole and Earned Release Board is the longest established parole granting authority in Canada. It has a well-respected history as an independent adjudicative agency established under the *Ministry of Correctional Services Act* and its regulations and also empowered by the federal *Corrections and Conditional Release Act*. The Board exercises its jurisdiction over the release of adult offenders on parole and unescorted temporary absences of 72 hours or longer, who are serving sentences of less than two years in a provincial correctional institution.

The Board's full and part-time members reflect the diversity of our province and are appointed on the merit of their community involvement and decision-making ability.

Our Objectives

The goal of the Board is to build a safer Ontario by ensuring offenders are prepared to return to the community.

The Board effectively assesses the risk posed by every offender who applies for parole or a temporary absence. The Board's focus is the successful reintegration of offenders on supervised conditional release whose risk is manageable. The Board builds confidence in the work we do to protect society by making well informed and thoroughly considered decisions.

What We Do

In 2006-2007, the Board rendered 1,028 parole and 120 temporary absence decisions.

When deciding whether to release an offender on parole or temporary absence, the Board is obliged by law to consider the needs and intentions of the offender, the views of victims, the risk to society and what conditions of release need to be set to assist the offender to succeed in the re-integration process.

The Board relies on Correctional Services staff to meet with offenders at an early stage of their sentences and undertake appropriate release planning, including which institutional or community programs will assist the offender to re-enter society successfully.

Decision Making

The core business of making decisions involves examining all written information about an offender, interviewing the offender and making an assessment of the offender's readiness to be returned safely to the community.

If an offender is granted parole, conditions are imposed to ensure his or her risk is manageable. These conditions typically relate to where they live, the need to attend school or a job and participation in programs including the completion of drug and alcohol rehabilitation.

"In person" hearings with offenders are scheduled with presiding Board members. The Board has mandatory information needs and receives additional information from a variety of sources.

The Board's case preparation includes:

- Case file assembly, including gathering information from corrections, police, doctors, courts, family, victims and service providers;
- Scheduling offenders and members and approving the attendance of participants, victims and observers; and
- Processing offender requests for hearings/reviews.

During the year, four full-time Board members and 36 part-time community members participated in parole and temporary absence hearings.

On 60 occasions in 2006-2007, offenders had assistants attend their hearings, on 18 occasions observers attended a hearing and on eight occasions victims attended the parole hearing.

Agency Administration

A number of important administrative activities are carried out that ensure the efficient operation of the Board as an adjudicative agency of the government. It involves:

- Financial, human and physical resource management;
- Selection, appointment and regular training of members and staff;
- Performance monitoring of members and the Board as a whole;
- Outreach and information sharing between Board staff and members and offenders within the system, the public and criminal justice partners;
- Providing systems and information technology support;
- Meeting accountability obligations through the annual report, business plan, performance measures, program evaluation through statistical monitoring and research analysis, policy development and review; and

- Case file reviews and both targeted and random audits.

Public Education and Successful Planning

The Board believes it has an obligation to work with its criminal justice and other partners to promote public understanding of parole and how it contributes to community safety. Every full-time member (called Vice Chairs) assist the Chair in establishing and maintaining effective relationships with community leaders, victims and offender advocates, the volunteer sector, educators, health care providers, organizations that support cultural diversity, police and correctional staff.

The Board is also committed to promoting effective planning and supports for offenders who apply for parole, to ensure they have release plans that demonstrate a safe and successful means to return to the community. These plans are supported by non-profit agencies, as well as correctional staff, to address and manage factors that could effect an offender's potential to re-offend.

How Does Parole Work?

Parole is an opportunity for an offender to serve the remainder of his/her sentence in the community under certain conditions set out by the Board.

By law, an offender is eligible to apply for parole after serving one-third of his/her sentence. In Ontario, the law provides that offenders sentenced to a term of imprisonment of 180 days or more are automatically scheduled to be seen by the Board once they have reached their parole eligibility date, unless they decide to waive their right to a hearing.

Eligibility for parole is based on a number of factors the Board will consider:

- The offender's criminal history and particulars of the offender's trial, conviction and sentence;
- The offender's previous history in the community, including information from persons knowledgeable of the offender's background and living conditions before the offender was confined in the institution;
- The offender's behaviour while incarcerated and the progress made by the offender towards rehabilitation including attendance and completion of institutional programs;
- The offender's positive or negative supports, friendships and family relations;
- The offender's plans to work or attend school;
- The offender's programming needs (alcohol and drug use is often key) and whether programming has been arranged; and
- Ensuring victim safety.

The Board makes its decision as to whether an offender is ready to be returned to the community after a hearing, which reviews all the facts and the offender's parole plan.

When making a decision to release an offender on parole, the law requires that the Board be satisfied that:

- The offender will not be a risk to society by committing another crime before the end of his/her sentence or by violating the conditions of release; and
- Parole will help the offender become a law-abiding citizen.

Hearings are conducted by a two-person quorum and take place in various correctional institutions across the province. The quorum members review offender files containing documentation from justice partners (corrections, courts and police), the offender's family and other supporters as well as victims.

A standardized “risk assessment” instrument is administered by correctional staff to all parole candidates. For certain higher risk offenders, more specialized risk assessments are administered. The results of the risk assessment and all other relevant information in correctional, court, police and medical files are shared with Board members who use this information in their decision-making process.

Assistants may be present at hearings to provide language interpretation, legal advice or general assistance to the offender. Observers and victims may also attend.

During the hearing, the quorum of Board members and the offender will discuss a number of issues, such as:

- The offender’s understanding about his/her offending;
- What the offender has done to address factors that are associated with offending;
- How the offender’s release plan will allow him/her to be safely and successfully returned to the community.

If the Board is satisfied the offender has a release plan that adequately addresses the risk he/she poses to the community, then the Board may grant parole. The Board will set general and specific conditions that relate directly to the offender’s situation. If parole is not granted, the quorum may decide to deny parole or defer the decision to a later date. The Board must provide written reasons supporting its decision, which is shared with the offender.

An offender who is not satisfied with 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 if new facts emerge or the original hearing failed to provide a fair or legally sound process or outcome.

Release plans for all parole candidates must address the remainder of the sentence up to the final warrant expiry date. Parolees are supervised by the Ministry’s probation and parole officers (PPOs) in local probation and parole offices. The Board participates in and monitors that supervision through regular contact with the supervising Probation and Parole office. If there is a violation of the terms and conditions of the parole release, the Board may revoke or terminate parole.

How Does Temporary Absence Work?

Under federal legislation, which governs parole and temporary absence, every offender is eligible to request of the Board to be lawfully absent from an institution during the offender's term of imprisonment under the authority of a temporary absence permit. In Ontario, the Board shares this authority with institutional superintendents, who retain responsibility for all temporary absences that are escorted or under 72 hours in duration when unescorted. The Board has responsibility for all unescorted temporary absences of 72 hours and longer.

Temporary absences allow the offender to be away from the institution for short periods of time (up to 60 days), which may be renewed for a specific purpose after which the offender must return to custody. Each temporary absence is regulated by a set of terms and conditions with which the offender must comply. The Board may impose any condition they consider appropriate and relevant to the risk and needs of the individual offender. The protection of the public remains the Board's paramount consideration.

As with parole, the law requires that the Board render the least restrictive decision that is consistent with the protection of society and the promotion of the offender's rehabilitation and reintegration into the community.

An offender may request an absence from the institution, with or without escort, for a defined period. An offender may be granted a temporary absence to prepare for a successful return to the community by participating in drug and alcohol or other programs, upgrading education or attending work. All are key factors in reducing an offender's risk to re-offend and increase his or her chances for success. A TA may also be granted for medical or humanitarian reasons.

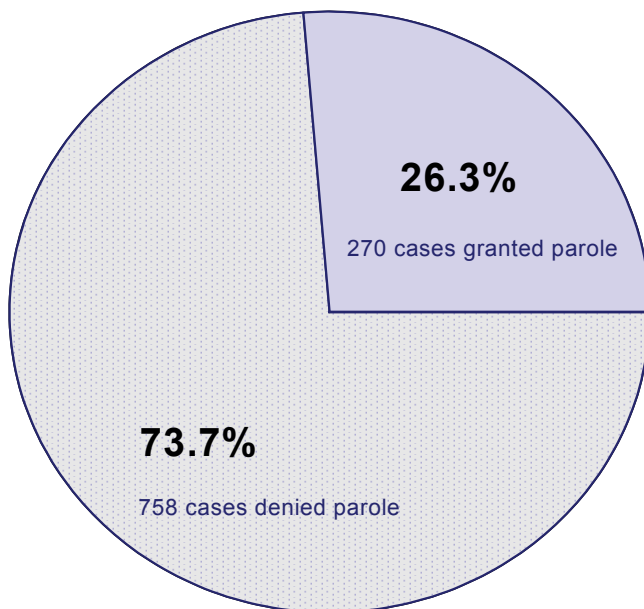
Temporary absence differs from parole. A temporary absence may be granted for a specific purpose if the offender meets certain eligibility criteria:

- Has served 1/6 of his/her sentence;
- Is free of outstanding charges or warrants (except if bail has been granted on those charges); and
- Has exemplified good behaviour while incarcerated in a provincial institution.

The Board is currently working with its Correctional Services partners to revise the TA policy and move to a process that concentrates on assessing and managing risk factors (behaviour, motivation, attitude and supports) as the most effective means to ensure a successful TA.

The Year at a Glance – Performance

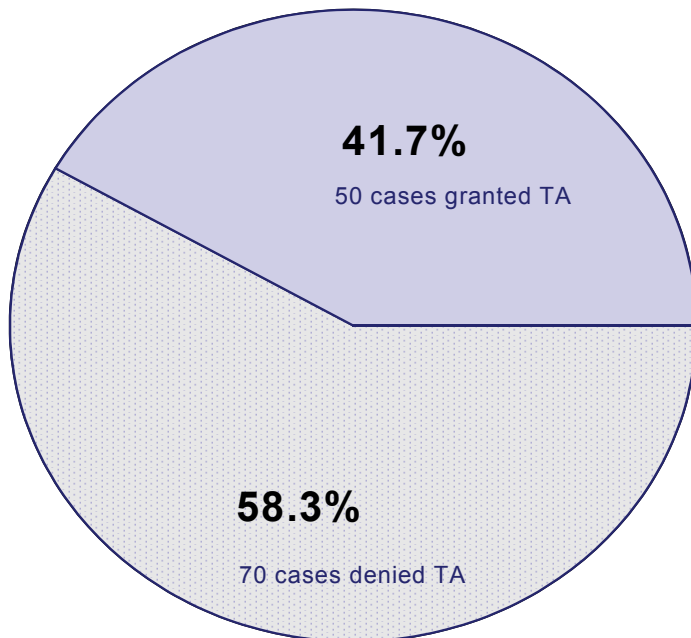
<u>Parole</u>	<u>2006-2007</u>	<u>2005-2006</u>
Cases Considered	1,028	1,015
Parole Granted	270	288
Parole Denied	758	727
Parole Completed Successfully	244	258
Parole Revoked	23	23
Parole Terminated	3	2
Number of hearings with observers	18	3
Number of hearings with assistants	53	22
Number of hearings where victims attended	8	29
Number of grant decisions with ESP as a condition	9	0



The most frequent reason parole was denied was the lack of adequate supports and services set out in the release plan to manage an offender's risk in the community. Research tells us the most important factor in an offender's successful re-entry into the community is the presence of supports, programs and monitoring that focus on his/her risk factors. The Board is working with criminal justice and community partners to ensure release planning is a shared priority in all parole applications.

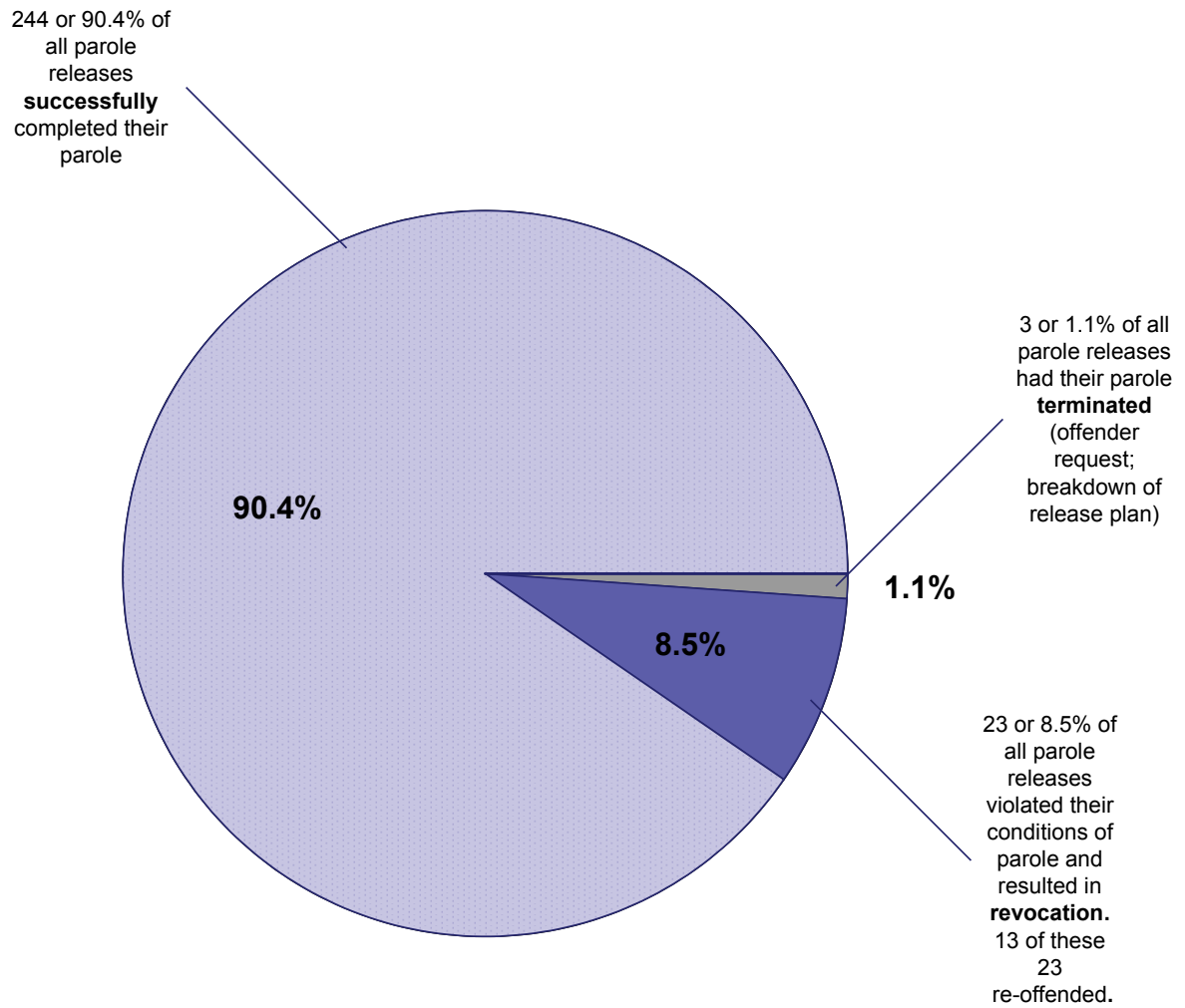
Temporary Absences (TA)

	<u>2006-2007</u>	<u>2005-2006</u>
Cases Considered	120	145
TA Granted	50	53
TA Denied	70	92
TA completed Successfully	50	53
TA revoked	0	0
Number of hearings with assistants	7	1
Number of grant decisions with Electronic Supervision (ESP) as a condition	15	0



All TAs granted were completed successfully. TAs are an effective way to manage the gradual, structured return of a low-risk offender to his or her community. Electronic supervision is used in some cases to ensure compliance with curfews and other conditions the Board may impose. In many cases, a TA allows an offender to seek help that may not be available within an institution, such as alcohol and drug rehabilitation, educational upgrading or psychological counseling. Addressing these areas of need in a TA will assist an offender to avoid crime when he/she returns fulltime to the community.

Parole Releases by Outcome



Trends

Provincial institutions have a mix of offenders found guilty and sentenced to serve no more than two years less a day, and those offenders who are awaiting court appearances/trial. Those offenders awaiting trial are 'remanded' into custody by a judge, who has assessed these offenders as not able to be safely placed in the community pending their trial.

In 2006-2007, the average daily count in provincial adult institutions indicated that 63.1% of the population was remanded into custody, while only 29.7% of offenders were serving a provincial sentence of two years less one day. This has been an ongoing trend in Ontario since 1998/1999, when the proportion of the population that was remanded into custody accounted for only 39.4% of the population. Each year since has seen a steady increase in the number of remanded offenders.

In addition, the number of offenders placed on a conditional sentence by the courts (i.e. time to be served in the community) has increased from 3,690 in 1998-1999 to over 5,000 in 2006/2007. Prior to conditional sentencing, it is likely these offenders would have served their sentences in custody.

In 2006-2007, the Board experienced a significant year-over-year increase in the number of observers attending parole hearings, up from three to 18. In addition, the same trend can be seen when it comes to the number of assistants participating in both parole (22 to 53) and temporary absence (one to seven) hearings.

The increases are good news. The numbers appear to indicate that efforts to undertake better outreach to the offender population, victims and the public is working and having a positive effect by making hearings more accessible.

2006-2007 also saw the increased use of electronic supervision as a condition of parole and TA releases. In the 2005-2006 fiscal year, electronic supervision was not included as a condition in any of the grant decisions, while it was used this past fiscal year in 29% of TA and 3% of parole grant decisions.

Victim attendance at hearings and victim contacts are down from previous years. In 2006-2007, eight victims attended parole hearings and 13 victims contacted the Board to either make written submissions or request information. In the coming year, the Board will be reviewing practices and policies to ensure victims of crime have the information and opportunity to fully participate in the parole process.

Budget and Expenditures for Fiscal Year 2006-2007

Major Category	Approved Budget (\$Thousands)	Actual Expenditures (\$Thousands)	Variance Between Approved Budget and Actual Expenditures (\$Thousands)
Salaries and Wages	2,059.1	1,126.4	622.1
Employee Benefits	310.6	153.3	157.3
Transportation and Communication	384.1	327.1	57.0
Services	502.1	447.1	55.0
Supplies and Equipment	47.8	60.0	(12.2)
Total	2,993.1	2,113.9	879.2

The Board continued to be significantly underspent due to an ongoing low number of temporary absence and parole applications and hearings. The Board's budget is largely driven by this caseload.

Key Achievements and the Year Ahead

Over the prior two fiscal years, the Board was the subject of a government review to determine its future role and mandate. With the review completed and the Board's mandate confirmed, the 2006-2007 year has been a time of transition, rebuilding and planning for the future with a new Chair and a majority of newly appointed members.

It is the Board's intent to maintain excellence in its decision-making processes, so that we can maintain public confidence in what we do and how we do it. We intend to achieve our goals through rigorous member selection and training, a solid quality assurance regime and the use of effective decision-making tools that assess an offender's risk. We are also working with criminal justice partners to ensure rigorous management of offenders on conditional release.

While we focus on the quality of our work, we will do so with efficiency. We will continue to explore new ways to enhance our accessibility to offenders and victims, as well as promote greater public understanding of how our work contributes to safer communities.

Selection and Appointment of New Members

In 2006-2007, the Board completed a review and needs assessment of its membership, conducted extensive interviews and made competency based recommendations for new appointments to the Minister. All potential members were applicants to postings on a publicly accessible government website. By March 31, 2007, 11 new part-time members had been appointed to the Board with more appointments in progress. The recruitment process focuses on selecting members who have the requisite experience, knowledge and abilities, and who reflect Ontario's diverse communities.

Training and Professional Development

The Board is committed to continuous learning and training for all members. Well-developed skills to examine and understand the offenders' risks and needs ensure that the Board's parole decisions best reflect a reasonable and well-informed risk assessment.

Every parole board member is an independent decision maker whose discretion is only reviewable in cases where serious error is disclosed. To ensure this discretion is exercised responsibly, training, mentoring and performance management systems have been put in place.

As a result of the appointment of many new members, the Board implemented a significant and multi-year training agenda during the later half of 2006-2007. A multi-phased approach to training was adopted that incorporates both in-class

and on-site training. The program is progressive and builds on the previous phase of the training. By the end of 2006/2007, the Board had delivered the first three phases of the seven-part program.

The Board is training all members to better understand diversity within the offender population. This training will provide to all members a more thorough understanding of how to conduct a hearing and assess risk for Aboriginal, female, and special needs offenders as well as the issue of addictions that affects much of the offender population.

The Board is also identifying and addressing the ongoing professional developmental needs of staff and every member.

Building Partnerships

A targeted effort has been made this year to rebuild relationships with the criminal justice community and community-based agencies, so we can all promote community safety and offender reintegration. The goal is to make parole and temporary absence viable and well-planned options for offenders who are a manageable risk in the community.

Use of Technology

In 2006-2007, the Board began work on two large projects that use technology to improve our business processes. We are planning to use videoconferencing technology to conduct select hearings. The technology will allow for simultaneous video and oral communication between the offender and OPERB members by means of closed circuit television. The Board will be piloting the project in the late spring of 2007, allowing offenders to attend the video suite room in their institution and be linked by videoconferencing to the OPERB members at another location. By using video hearings, the Board will be able to schedule and conduct hearings without having to contend with travel, weather, distance or operational issues, thereby saving time and money. For offenders from the North who may be in an institution in the southern part of the province, videoconferencing may eventually also be used to let family and community members participate in a hearing without excessive travel.

The second project involves the transition of the audio recording system used in board hearings from tape recorders to digital technology. The new system will provide enhanced audio quality in the recordings, improved access to recorded hearings through desktop computers for quality assurance purposes and the end of cumbersome processes related to tapes and recorders.

Policy and Communications

A significant part of 2006-2007 has been dedicated to reviewing and updating Board policies and procedures. The Board has also developed materials for offenders to better understand what they must do to prepare for parole.

Working with other jurisdictions, the Board has revised its out of province policy by streamlining the business process that allows offenders to transfer from one province to another while on parole.

A number of research initiatives are underway with results expected in the early Fall of 2007. Work is underway to better understand grant/deny rates, waiver of parole hearing rates, and revocation rates across the offender population, with a particular emphasis on Aboriginal and female offenders.

Quality Assurance

A Quality Assurance Program was implemented in 2003 and designed to ensure decisions are of the highest quality. The program focused on file reviews and identified areas where improvements or policy changes may be necessary and where best practices can be shared. In 2006-2007, the Board completed 93 reviews under this program.

During the past year, the Board assessed the quality assurance program with a view to updating the process and developing a performance management system for all members.

How to Contact Us

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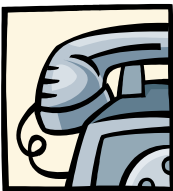
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Central East Service Sector
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Lindsay, ON K9V 6H2
(705) 324-4184
(705) 324-8439 (fax)

Central North Service Sector
478 Bay Street
Midland, ON L4R 1K9
(705) 526-2500
(705) 526-2566 (fax)

Or visit our website 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 contact the:



Victim Support Line at 1-888-579-2888

In the Greater Toronto Area, please call (416) 314-2447.

Please turn over for access to the
French version of this report

Merci de lire le texte français au
dos du document