

Ontario Parole and Earned Release Board

2007-2008 Annual Report



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**Ministry of Community Safety
and Correctional Services**

Office of the Minister

25 Grosvenor Street
18th Floor
Toronto ON M7A 1Y6
Tel: 416-325-0408
Fax: 416-325-6067

**Ministère de la Sécurité communautaire
et des Services correctionnels**

Bureau du ministre

25, rue Grosvenor
18^e étage
Toronto ON M7A 1Y6
Tél. : 416-325-0408
Télec. : 416-325-6067



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 2007-2008.

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

**Ontario Parole
and Earned Release
Board**

Office of the
Chair

**Commission ontarienne
des libérations conditionnelles
et des mises en liberté méritées**

Bureau de la
Présidence



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 2007-2008 in accordance with Section 40 of the *Ministry of Correctional Services Act*.

I want to thank my predecessor, Ms Cynthia Morton, who chaired the Board for the first three quarters of 2007-2008.

Yours truly,

A handwritten signature in black ink, appearing to be "John McCullough", written over a horizontal line.

John McCullough
Chair
Ontario Parole and Earned Release Board

Message from the Chair...

The year 2007-2008 was a year of continuing change for the Ontario Parole and Earned Release Board. Ms Cynthia Morton left the Board in early January 2008, after 15 months as Chair. During her tenure, a number of significant changes occurred, including the introduction of a performance appraisal system for Board members, enhanced and focused training for members, a recognition of the needs of Aboriginal and female offenders when interacting with the Board, a focus on results and greater openness in all the Board's activities, and the strengthening of relationships with justice partners and community stakeholders.

Under her leadership and direction, the Board evolved with a renewed commitment to its mission, established a strategic direction in its vision and sought to pursue greater public confidence in conditional release decision-making.

I was pleased to assume the role of Chair while a search is conducted to fill the position. During my tenure I, along with my colleagues and staff members, committed to move the Board forward to ensure our mandate is fulfilled. We contacted several First Nation Elders who have agreed to serve as Advisors to the Board as we fulfill a commitment to conduct Elder-Assisted Circle Hearings for First Nation/Aboriginal offenders. The pilot is expected to begin in the summer of 2008. A

comprehensive review of issues surrounding female offenders and their access to conditional release was completed and implementation of many of the recommendations is expected during the coming fiscal year.

A number of policies governing the Board have undergone review and revision to ensure the Board is functioning in a responsible and responsive manner. Temporary absence is now more accessible to offenders throughout their incarceration. Training of members will be ongoing, based on a review of needs, and while members' performance will continue to be assessed, the assessment process will reflect best practices for government and business.

All members and staff of the Ontario Parole and Earned Release Board are to be commended for the flexibility and grace with which they responded to the changes. I thank them for their commitment in this year of transition and for welcoming the New Year with continued enthusiasm and dedication.

Finally, I would like to acknowledge the willingness on the part of our colleagues in Corrections to cooperate and work with the Board towards the improvement of the parole and temporary absence service as a whole.

The Framework

Mission

The Ontario Parole and Earned Release Board derives its power from the federal *Corrections and Conditional Release Act*, the federal *Prison and Reformatories Act* and their regulations and the Ontario *Ministry of Correctional Services Act* and Regulations. As part of the criminal justice system, the Board makes independent, quality conditional release decisions for adult offenders sentenced to Ontario provincial correctional institutions.

The Board, which has representatives from the community, welcomes input from victims of crime in making fair and objective decisions.

The protection of the public is the paramount consideration in all conditional release decisions. These decisions are made using relevant, available information and careful assessment of risk. Conditional release contributes to community safety and offender reintegration by:

- Providing a gradual and controlled re-entry into the community; and
- Recognizing that offenders can and do change.

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

The mission statement is based on four equally weighted values:

1. belief in dignity and worth of the individual;
2. belief in the capacity of the individual to make positive change;
3. belief in the responsibility of the community to its member; and
4. belief in the responsibility of the individual to the community.

Legal Mandate

In Ontario, the release of offenders from incarceration other than by normal expiration of sentence is the responsibility of the Board. The Board is an independent adjudicative agency that is authorized under legislation to consider for parole or unescorted temporary absence of 72 hours or longer, adult offenders serving a sentence of less than two years in a provincial institution. The Board's guiding principle in decision-making is the protection of society.

In the event of a parole or temporary absence grant decision, the Board sets the conditions for release. Parole or temporary absence may be revoked for non-compliance with these conditions.

Vision

The vision of the Board reflects the commitment to being a public centered and quality service organization. The primary concern of the Board, consistent with the vision of Correctional Services¹ continues to be the safety of Ontario citizens.

The vision of the Ontario Parole and Earned Release Board is a safer Ontario and improved public confidence in conditional release.

Program Delivery Structure

The Board conducts work through a network of sector offices (Milton, Midland and Lindsay) and the Corporate Office in Toronto.

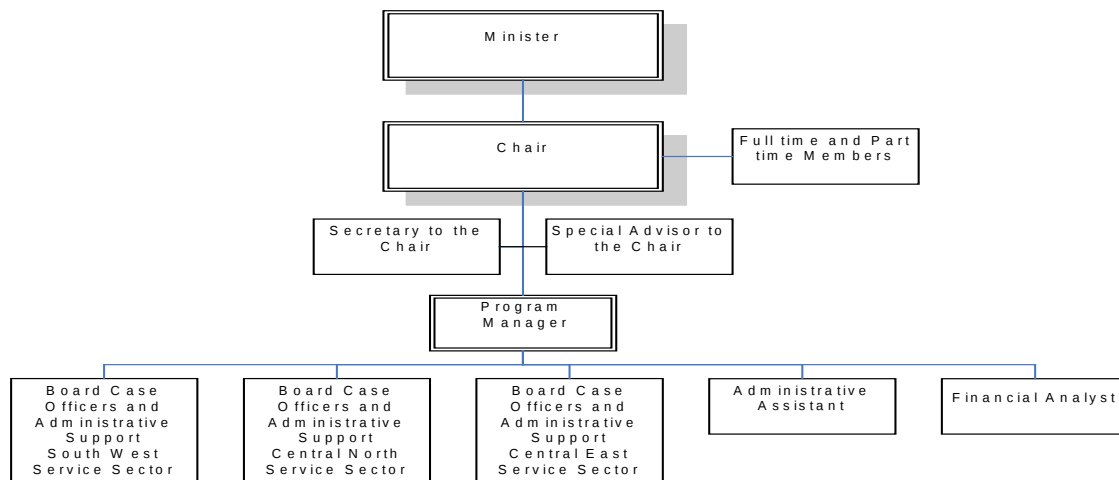
The Corporate Office is responsible for a range of activities related to conditional release, including audits, appeal decisions, policy development and Board member training. As well, Corporate Office provides leadership and support for planning, resource management, communication and IT services.

At the end of 2007/2008, the Board had three full time and 23 part time members and 14 staff members supporting Board members in their decision-making responsibilities.

Board members conduct hearings at provincial institutions across the province and make conditional release decisions. Sector staff schedule hearings, ensure that all information for decision-making is available, provide support and information to victims and make arrangements for victims, observers and/or assistants to attend hearings.

¹ The vision of Correctional Services is to “enhance community safety through effective offender supervision, care, custody and intervention thereby influencing positive behaviour, change and reintegration of the offender into the community as productive citizens.”

2007-2008 Organization Chart (as of March 31, 2008)



Partnerships

As a decision-making body, the Board requires partnerships for effective operations.

The Board relies on the Ministry of Community Safety and Correctional Services to share information that the Board will require in making a decision. If the Board decides to grant release, staff in the Ministry are responsible for the supervision of the offenders in the community and for providing information to the Board regarding changes in the level of risk presented by offenders under supervision.

The Board shares accountability and responsibility for 'outcomes' with other organizations. For example, the Board does not claim full credit when parolees succeed in the community. Successful outcomes are the result of many partnerships in the system, not the least of which is the offender him or herself.

The need for partnerships extends beyond operational support.

As a professional organization seeking to improve the quality of its decision-making, the Board pursues partnership arrangements with diverse groups, both in the community and across jurisdictions, as a vehicle for sharing best practices, for identifying issues and concerns and for inspiring improvement internally.

Board Membership

Chair

Cynthia Morton* (October 2006 to January 2008)

John McCullough (January 2008 to September 2008)

Vice Chairs (Full-time Members)

Terry Franklin (February 2003-February 2012)

John McCullough (February 2003-February 2012)

Christine Tersteegen* (February 2003-August 2007)

Marlene Viau (January 2008-January 2010)

Community Part-time Members

Carol Baker
(February 2007-February 2009)

Jeremy Cheung
(February 2007-February 2009)

Michael Clarke
(June 2001-February 2012)

Roger Clarke
(February 2003-February 2013)

Vincent Conville
(February 2007- February 2009)

Anthony Cuthbert
(April 2007-April 2010)

Sergio Della Fortuna
(March 2003- March 2012)

Brad Finan
(February 2007-February 2009)

David Freedman
(February 2007-February 2010)

Susan Lewis
(February 2007-February 2010)

Santina Moccio
(June 2007- June 2009)

Raymond Ramdayal
(February 2007-February 2009)

Priscilla Reeve
(February 2007-February 2010)

Doug Reynolds
(April 2007-April 2009)

Richard Riddell
(April 2007-April 2009)

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)

Sheila Ward
(May 2007-May 2009)

Edward Williams
(May 2007-May 2009)

Pauline Wong
(February 2007-February 2009)

* denotes those appointees who were no longer members of the Board as of March 31, 2008

Parole and Temporary Absence

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.

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.

The Board makes an assessment of risk, which is based on a number of factors:

- Assessment of the risk factors and needs at the time of incarceration – case specific factors such as details of the offences, criminal history, substance abuse and mental health issues;
- Assessment of an offender's institutional behaviour and the benefit of interventions which may have reduced the risk posed by the offender – the benefit from treatment and programs while incarcerated and the offender's understanding of the offence and his/her criminal behaviour;
- Assessment of the release plan and conducting risk evaluation – the offender's release plans, particularly in relation to community support, availability of programs and counseling, supervision controls and whether additional conditions are required to manage risk in the community.

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), victims, the offender's family and other supporters they may have.

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 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 that the offender has a release plan which 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 are 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.

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 for a specific purpose (up to 60 days), which may be renewed,

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/alcohol treatment 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 temporary absence may also be granted for medical or humanitarian reasons.

In 2007-2008, with changes to the temporary absence policy, the Board has moved to an eligibility process that concentrates on assessing and managing risk factors (behaviour, motivation, attitude and supports) as the most effective means to ensure a successful temporary absence.

Corporate Strategies and the Agenda for 2007/08

In 2007-2008, the Board redefined its long-term strategies to better support its vision and assist in measuring performance. They included:

1. Commitment to quality through professionalism and fairness. The Board strives consistently for the highest quality in conditional release decision-making.
2. Promotion of conditional release as an integral component of the criminal justice system through information sharing and discussions that can serve as a foundation for new or enhanced partnerships with a common goal of protection of society.
3. Increased effectiveness and efficiency in the operations of the Board that will enhance the Board's commitment to community safety and public service.
4. Fostering openness and accountability by ensuring victims have the information they need to participate in decision processes as prescribed by law, and by sharing other information as requested, including access to information about performance successes and failures.
5. Fostering a continuous learning environment that enables members and staff to enhance their knowledge, competency and performance. Quality decision-making demands the latest knowledge and information about risk and how risk can best be managed, as well as information about the law and Board policies.

To sustain progress in revitalizing the Board and responding to the challenges and directions set by the vision, an agenda was established for 2007-2008, which concentrated on:

1. measures to address the unique needs and circumstances of Aboriginal offenders and the role of Aboriginal communities in the safe reintegration of these offenders;
2. enhancing conditional release decision-making through improved training;
3. ensuring the Board derives the maximum benefit of technology and integrated justice systems; and
4. exploring the issues and needs of female offenders and developing strategies to improve the conditional release process for this offender group.

Work began in 2007-2008 to address the unique needs and circumstances of Aboriginal offenders. The Board completed an analysis of elder-assisted hearings that served as a foundation to design new policy. By the winter of 2007, a model of assisted hearings had been developed and policy drafted to support Aboriginal Circle Hearings. The Board also began to explore ways to integrate

the principles of the Supreme court decision in the 'Gladue' case in its risk assessment framework and continued to enhance awareness of Aboriginal issues in the context of decision-making through specialized training. Implementation of Aboriginal Circle Hearings is scheduled for the summer of 2008 at two pilot sites, Sudbury Jail and Thunder Bay Correctional Centre.

The Board refined its Quality Assurance Program for board members and introduced a cyclical approach to performance appraisals for members. This includes the development of individual learning plans that will facilitate training to keep abreast of new information on risk assessment and decision-making. In 2007-2008, Board members received training on:

- Diversity and Sensitivity
- Risk Assessment
- Interviewing Skills
- Chairing a Hearing
- Working with Females of Domestic Violence

In addition, the Board conducted 18 random reviews of case files as part of the Quality Assurance Program.

Quality decisions require quality decision-makers. In this area, the Board continued to work with the government to ensure the most qualified candidates were selected to serve as board members. In 2007-2008, six additional part time members were appointed to the Board.

During 2007-2008, the Board saw a slight increase in the in the number of video hearings. In 2008-2009, the Board plans to expand the video sites to include institutions in Northern and Western Ontario. The Board will continue to work with the Ministry to ensure offenders are aware of their option to have their hearings conducted by video. The Board also began work during the fiscal year to move from a standalone Board operated system that tracked decisions to an integrated model, where Board information would be stored on a ministry-wide offender management system. It is anticipated the integration will be completed by the end of the 2008 calendar year.

In August 2007, the Chair requested that a review be conducted on female offenders to look at why the numbers of female offenders on parole and temporary absence were low and to develop strategies for concrete and practical changes that could be made to return more women safely to the community. Priscilla Reeve, a part-time member with the Board, spent the fall and early winter conducting the review. A final report with recommendations has been submitted to the Chair for consideration. It is expected that a strategy including those accepted recommendations will be implemented in the 2008-2009 fiscal year.

Performance

Quality decision-making for conditional release is critical for public safety and a major focus of the Board. The Board is judged on the outcomes of its decisions to release offenders on parole/temporary absence. In considering community performance, the Board uses measures that address the success or failure of offenders in the community. Performance information indicates continuing progress in this area. It should also be noted that for the Board, performance results that are tracked and reported are attributable to other factors. These include the programming efforts and high quality supervision provided by the Ministry. It must also be recognized that successful outcomes are a result of the offenders' efforts to reintegrate into the community as well as the receptivity of the community itself.

Year at A Glance

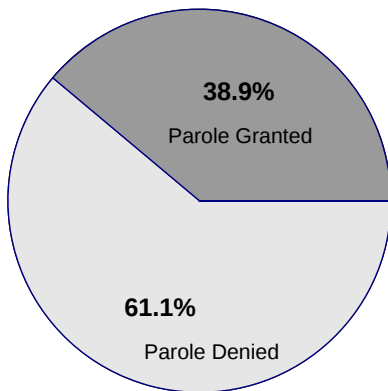
<u>Parole</u>	<u>2007-2008</u>	<u>2006-2007</u>
Cases Considered	1,028	1,028
Parole Granted	400	270
Parole Denied	628	758
Parole Completed Successfully	356	244
Parole Revoked	41	23
Parole Terminated	3	3
Number of hearings with observers	15	18
Number of hearings with assistants	78	53
Number of hearings where victims attended	10	8
Number of grant decisions with Electronic Supervision as a condition	17	9

<u>Temporary Absences (TA)</u>	<u>2007-2008</u>	<u>2006-2007</u>
Cases Considered	212	120
TA Granted	152	50
TA Denied	60	70
TA completed Successfully	150	50
TA cancelled	2	0
Number of hearings with assistants	10	7
Number of grant decisions with Electronic Supervision as a condition	34	15

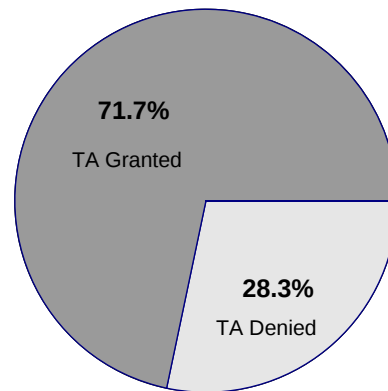
Board performance indicators include:

- outcomes of conditional release; and
- new charges for offences while the offender is on parole or temporary absence

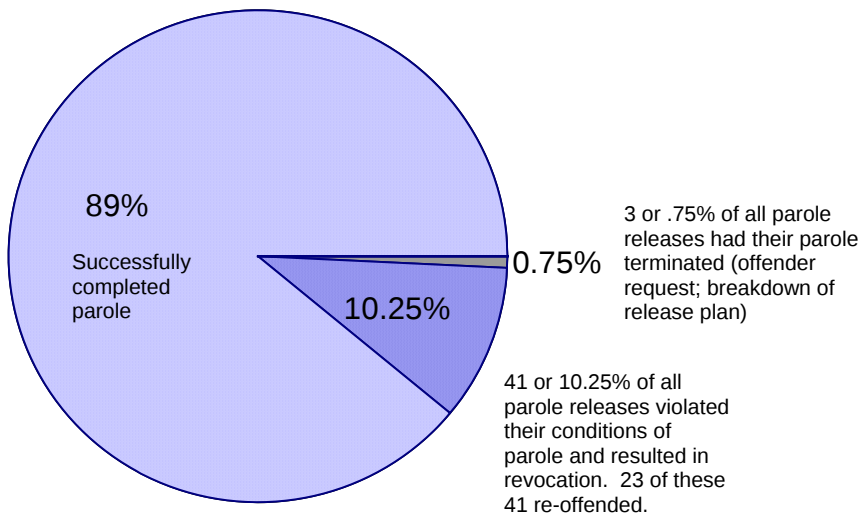
Parole Decisions



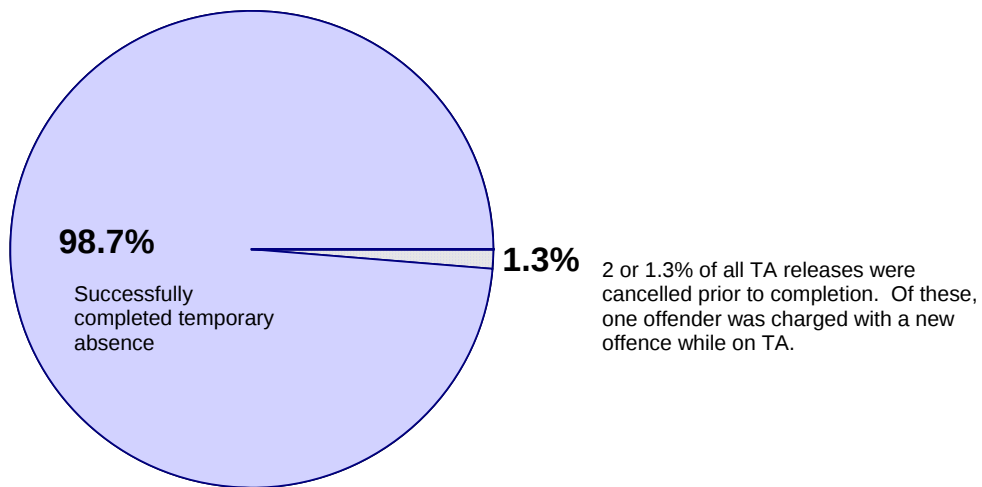
Temporary Absence (TA) Decisions



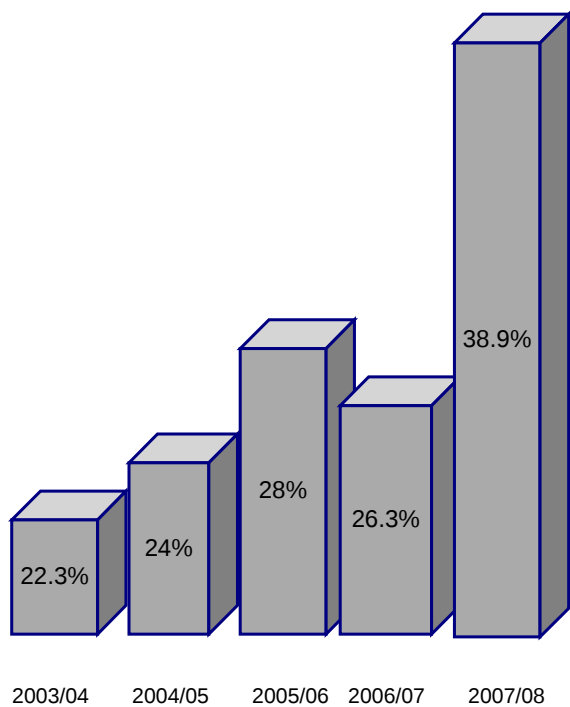
Parole Releases By Outcomes



Temporary Absence Releases By Outcomes



Five Year Overview of Parole Grant Rates



It should be noted that the Board saw a significant increase in the parole grant rate (over 10 percent) to 38.9 percent, the highest since 1995/96. In addition the grant rate for temporary absences is also the highest it has been since the Board assumed authority for making decisions on unescorted, over 72 hour temporary absence applications in 2001. The Board also saw close to 100 more offenders for temporary absence hearings over the previous year. These improvements can be linked to revitalization efforts made by the Board over the last 18 months to improve processes and build better partnerships.

The Board has also put in place a measure to assess progress towards being more open, accountable and accessible in the decision-making process for conditional release by collecting trend information on contacts with victims and observers at parole hearings.

Number of victim contacts	43
Number of victim statements submitted	25
Number of victims notified of the decision	22
Number of victims attending hearings	10
Number of observers at hearings	15

The timely processing of post-suspension hearings and temporary absence applications within the requisite 30-day timeframe measures the efficiency and effectiveness of the Board in the administrative work it does.

Percentage of post suspension hearings scheduled within 30 days of notification of offender's return to custody	98.3%
Percentage of temporary absence hearings scheduled within 30 days of receipt of application	100%

Fiscal Performance

Major Category	Approved Budget (\$ Thousands)	Actual Expenditures (\$ Thousands)	Variance between Approved Budget and Actual Expenditures (\$ Thousands)
Salaries and Wages	1,760.1	1,226.0	534.1
Employee Benefits	310.6	145.2	165.4
Transportation and Communication	346.2	380.3	(34.1)
Services	476.3	668.7	(192.4)
Supplies and Equipment	38.7	71.3	(32.6)
Total	2,931.9	2,491.5	440.4

The Board's budget is largely driven by caseload.

In Memoriam

On February 10, 2008, Ms Sheila Henriksen passed away after a short battle with cancer. She was 75.

Sheila had a long career in both provincial and federal corrections. In 1986, she was appointed as Chair of the Ontario Board of Parole, where she served until 1992. Ms Henriksen joined the federal system in 1992 as Special Advisor to the Commissioner of Corrections. In 1994, she was appointed to the National Parole Board as a full time member. After her appointment with NBP expired, she became a member of the Kingston Police Services Board.

Sheila began her career as a Registered Nurse and Licensed Midwife and had a degree in Radio and Television Arts from Ryerson University and a Masters Degree in Social Psychology from Queen's University.

Sheila will be remembered as a mentor and role model for many people, especially minority women. She is survived by her husband of 44 years, Alan Henriksen.



How to Contact Us

Office of the Chair
415 Yonge Street, Suite 1803
Toronto, ON M5B 2E7
(416) 325-4480
(416) 325-4485 (fax)

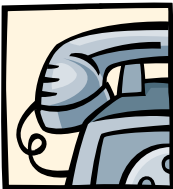
Southwest Service Sector
491 Steeles Avenue, First Floor
Milton, ON L9T 1Y7
(905) 693-9326
(905) 693-3098 (fax)

Central East Service Sector
RR#3, 541 Highway 36
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.

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French version of this report

Merci de lire le texte français au
dos du document