



ONTARIO PAROLE AND EARNED RELEASE BOARD

Annual Report
2008-2009



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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 2008-2009.

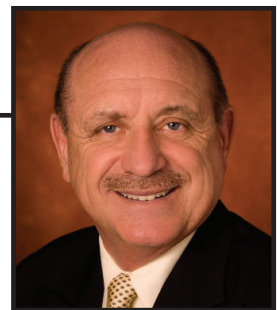
I trust you and the members of the Legislative Assembly will find the report informative.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Rick Bartolucci".

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

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 2008-2009 in accordance with Section 40 of the *Ministry of Correctional Services Act*.

I want to thank my predecessor, Mr. John McCullough, who chaired the Board for the first half of the year.

Yours truly,

A handwritten signature in dark ink, appearing to read "Arnold Galet".

Arnold Galet
Chair
Ontario Parole and Earned Release Board

MESSAGE FROM THE CHAIR

I am pleased to offer my remarks on the 2008-2009 fiscal year in my relatively new capacity as Chair of the Ontario Parole and Earned Release Board, an appointment that was effective September 30, 2008.

As Chair of the Board, I can assure you that we remain committed to community safety and the highest quality in conditional release decision-making. The 2008-2009 fiscal year has been an effective and productive one, where one in three applicant inmates was paroled and nine of 10 successfully completed their parole term. In addition, more than 57% of all temporary absence (TA) applications were granted and over 98% of inmates completed the term of their TA in the community successfully.

We share the credit of another successful year with our closest partners in corrections – the probation and parole officers who are responsible for supervising Ontario's parolees and in part for gathering information for parole decision-making and the Temporary Absence Coordinators for their work in assisting inmates in the application process and monitoring them while they are in the community.

As in the past, we will continue to rely on the co-operation and working relationship with our Ministry colleagues, justice partners and stakeholders who assist us in the work we do.

One of the great strengths of the Board is that its members are represented from a wide range of disciplines and professions. They are individuals who supported by staff and an effective Board training program, keep an open mind, learn from each other and remain willing to take up the challenge to be fair and at the same time be cognizant of public safety.

I would like to thank the board members and staff for continuing to enhance the Board's commitment to community safety and public service. Also, I would like to recognize John McCullough for the good work and leadership he provided to the Board in his role as Chair during the fiscal year.

Arnold Galet was appointed Chair of the Ontario Parole and Earned Release Board in September 2008, having started an extensive career in corrections with the province of Alberta. Prior to his appointment to the Board, Mr. Galet served as Ontario's first Commissioner of Corrections. He holds a BA in Political Science and an MA in Sociology (Criminology) from the University of Alberta. He is also a graduate of the University of Alberta Faculty of Business, Senior Executive Development Program and the Queen's Public Executive Program in Ontario.

BOARD MEMBERSHIP

Chair

Arnold Galet (October 2008 to October 2013)

John McCullough (January 2008 to September 2008)

Vice Chairs (Full-time Members)

Terry Franklin (February 2003-February 2012)

John McCullough (February 2003-February 2012)

Marlene Viau (January 2008-January 2010)

Community Part-time Members

Carol Baker
(February 2007-February 2012)

Jeremy Cheung
(February 2007-February 2012)

Michael Clarke
(June 2001-February 2012)

Roger Clarke
(February 2003-February 2013)

Vincent Conville
(February 2007- February 2012)

Anthony Cuthbert*
(April 2007-June 2008)

Sergio Della Fortuna
(March 2003- March 2012)

Brad Finan
(February 2007-February 2012)

David Freedman
(February 2007-February 2010)

Maureen Gauci
(February 2009-February 2011)

Susan Lewis
(February 2007-February 2010)

Santina Moccio
(June 2007- June 2012)

Raymond Ramdayal
(February 2007-February 2012)

Priscilla Reeve
(February 2007-February 2010)

Doug Reynolds
(April 2007-April 2012)

Richard Riddell
(April 2007-April 2012)

Henry Rowsell
(February 2003-February 2012)

Ian Russell
(February 2003-February 2012)

Peter Sant
(February 2007-February 2012)

Neil Sturgeon
(June 2001-February 2012)

Lee-Ann Turner
(February 2007-February 2012)

Sheila Ward
(May 2007-May 2012)

Edward Williams
(May 2007-May 2012)

Pauline Wong
(February 2007-February 2012)

* denotes those appointees who were no longer members of the Board as of March 31, 2009

OVERVIEW OF THE BOARD

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, 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.

Structure

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

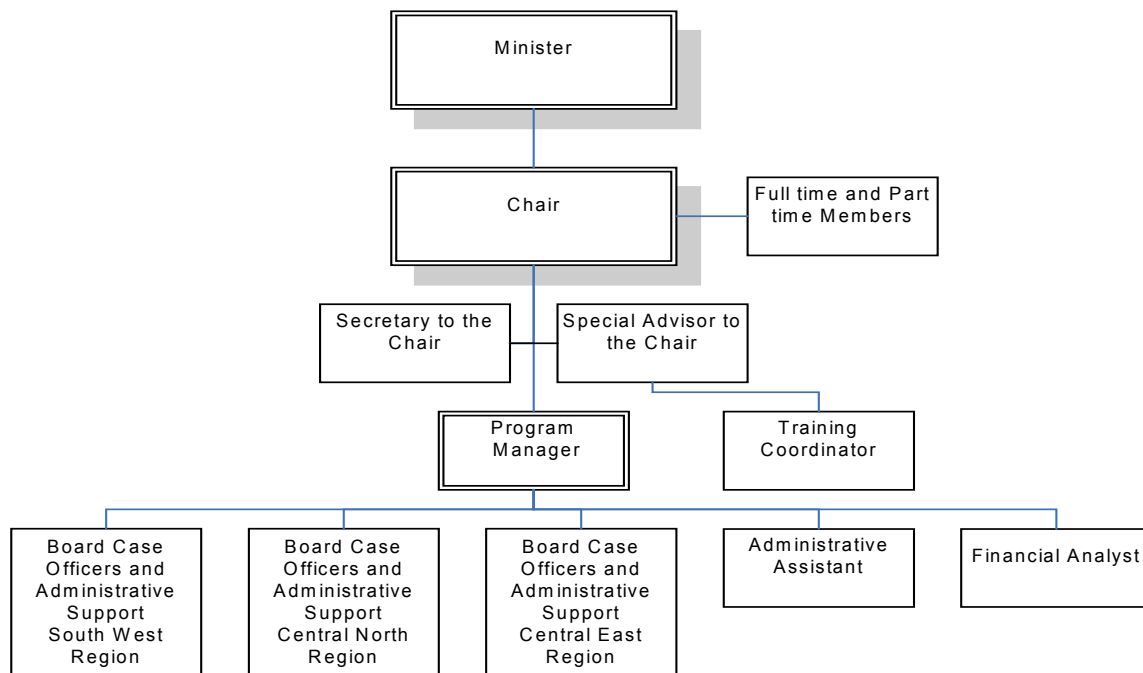
The Corporate Office is responsible for a range of activities related to conditional release, including audits, review decisions, policy development and Board member training. As well, Corporate Office provides leadership and support for planning, resource management, communication and IT services.

At the end of 2008/2009, the Board had four full time and 23 part time members and 15 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. Regional staff schedule offender

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.

2008-2009 Organization Chart (as of March 31, 2009)



Parole

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. The Ontario Parole and Earned Release Board is authorized by the federal *Corrections and Conditional Release Act* and the Ontario *Ministry of Correctional Services Act* and Regulations to consider for parole, adult offenders who are serving sentences of less than two years in provincial institutions.

By law, an offender is eligible 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, 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 may be 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 or designate 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.

Temporary Absence

Under 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. 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.

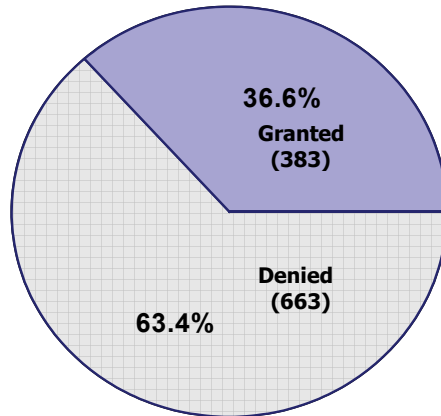
PERFORMANCE

Quality decision-making for conditional release is critical for public safety and a major focus of the Board. The Board strives to maintain public safety and confidence through 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.

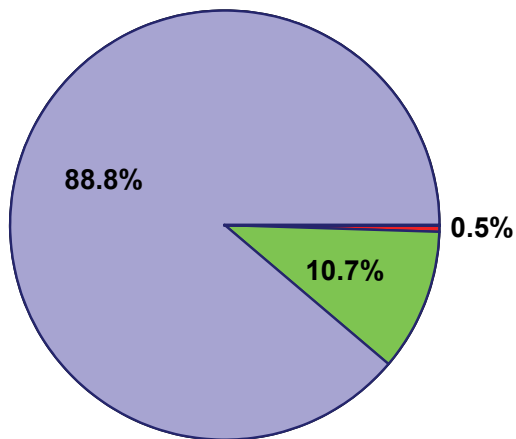
Year at A Glance

<u>Parole</u>	<u>2008-2009</u>	<u>2007-2008</u>
Cases Considered	1,046	1,028
Parole Granted	383	400
Parole Denied	663	628
Parole Completed Successfully	340	356
Parole Revoked	41	41
Parole Terminated	2	3
Number of hearings with observers	7	15
Number of hearings with assistants	49	78
Number of hearings where victims attended	18	10
Number of grant decisions with Electronic Supervision as a condition	25	17
<u>Temporary Absences (TA)</u>	<u>2008-2009</u>	<u>2007-2008</u>
Cases Considered	277	212
TA Granted	159	152
TA Denied	118	60
TA Completed Successfully	157	150
TA Cancelled	2	2
Number of hearings with assistants	7	10
Number of grant decisions with Electronic Supervision as a condition	18	34

Parole Decisions



Parole Releases By Outcomes

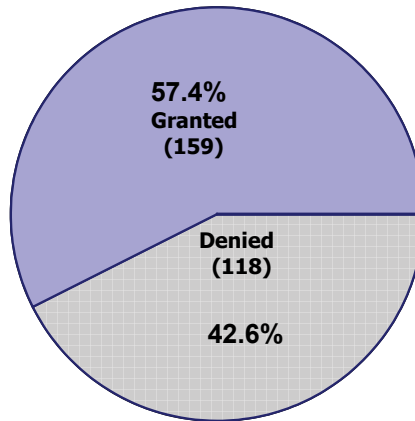


88.8% or 340 parolees successfully completed parole

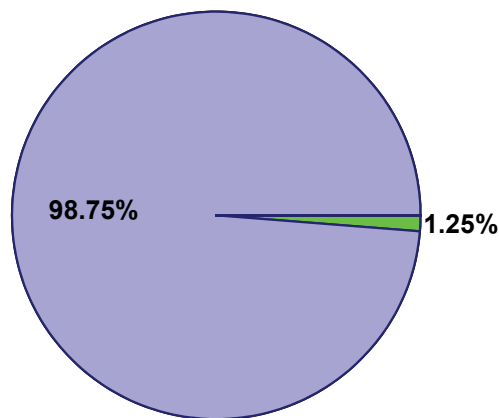
0.5% or 2 parolees had their parole terminated (offender request; breakdown of release plan)

10.7% or 41 parolees violated a condition(s) of parole resulting in revocation. 17 of these 41 re-offended.

Temporary Absence (TA) Decisions



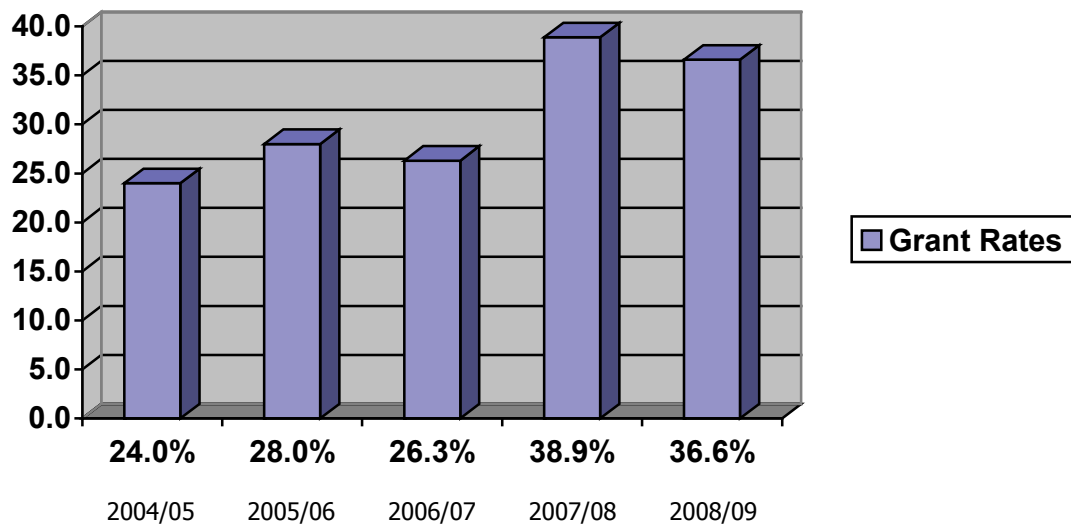
Temporary Absence Releases By Outcomes



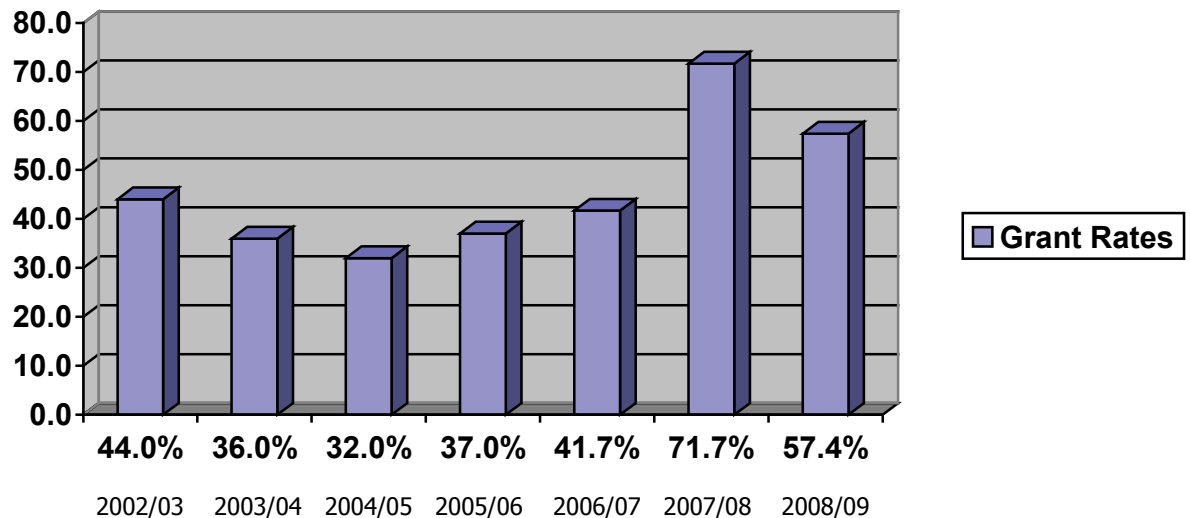
98.75% or 157 offenders successfully completed their temporary absence

1.25% or 2 offenders had their TA release cancelled prior to completion. In both cases the offender was found to be in non-compliance with a condition of release.

Five-Year Overview of Parole Grant Rates



Overview of TA Grant Rates Since Beginning of Program with the Board



The parole grant rate for the Board while down slightly from last year is still trending higher than rates for the 10-year period of 1996/97 to 2006/07. The Board continued to experience a high grant rate for temporary absence applications. While down over 10% from last year, the overall grant rate continues to be higher than in the previous years of the program. The Board in this fiscal year continued to see more offenders at a temporary absence hearing,

an increase of 30% 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	91
Number of victim statements submitted	69
Number of victims notified of the decision	32
Number of victims attending hearings	18
Number of observers at hearings	7

In 2008-2009, victim participation in the parole process increased significantly in all areas over the previous fiscal year. Victim contacts more than doubled and the number of victims submitting statements almost tripled. In 2008-09, 18 victims attended hearings, up from 10 in 2007-08. We believe this is evidence of better information going out to victims early on in the process and of the hard work and dedication of Board Case Officers in their role as liaisons with victims.

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	100%
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	1,680.4	1,366.5	313.9
Employee Benefits	300.7	223.6	77.1
Transportation and Communication	342.1	364.8	(22.7)
Services	472.1	726.0	(253.9)
Supplies and Equipment	34.6	65.1	(30.5)
Total	2,829.9	2,746.1	83.8

The Board's budget is largely driven by caseload and training needs.

THE YEAR IN REVIEW

In 2008-2009, the Board began a pilot that provides Aboriginal offenders with access to culturally sensitive hearings. An Aboriginal Circle Hearing is a format that is available as an option to First Nation, Inuit and Métis offenders. The Circle Hearing creates a non-confrontational environment and welcomes the presence and contribution of an Aboriginal Cultural Advisor (Advisor), who is an Elder or other respected and knowledgeable Aboriginal person. The role of the Advisor is to provide Board members with information about Aboriginal cultures, experiences and traditions. The Advisor may offer wisdom and guidance to the offender in the circle and conduct ceremonies or prayers. While the Board arranges for the presence of the Elder, they are not a decision maker.

The first Aboriginal Circle Hearing took place on December 2, 2008 at Thunder Bay Correctional Centre. The other pilot site is Sudbury Jail. By the end of March, four hearings had been conducted using the new format and all of the offenders were granted parole.

The Board will be reviewing and evaluating the pilot in the coming year, with a view to providing this option to Aboriginal offenders in other provincial institutions.

To support the implementation of Aboriginal Circle Hearings, the Board designed and facilitated a two-day workshop on Aboriginal Awareness for all members and Board Case Officers in March 2009. The training provided participants with an understanding of the cultural and historical role Aboriginal people have played in Canada, the background and impact of the Supreme Court of Canada decision in Gladue and the experience of the members and Elders who have been involved in the piloted Aboriginal Circle Hearings for the Board.

By the end of 2008-2009, the Board had experienced a significant growth in the number of video hearings from five the previous year to 40 this past year, mostly with institutions in Northern Ontario. Work is ongoing to provide the option of video hearings to offenders in Western Ontario. The Board is also in the process of moving video hearings from a pilot phase into a regular part of the business.

During the last year, the Board successfully transitioned from a stand alone Board operated system that tracked decisions and provided statistics to the Ministry wide offender management database. This move has allowed the integration of Board forms and templates into the system, thereby streamlining the process for members in the hearing room and allowing them to make full use of computer technology.

The Board also accepted a number of recommendations from the report that was commissioned in 2007, on female offenders and parole/temporary absence. Throughout 2008-2009, a number of the recommendations were implemented. In the spring, the Board designed a poster that provides information to offenders on how to apply for parole and temporary absence. While the recommendations focused on female offenders, the Board approached the ministry and received approval to distribute the posters to all institutions so they could be posted on inmate living units. By late summer, close to 1,000 posters had been distributed across provincial correctional facilities.

A number of other communication tools were created, as recommended in the report, including a Parole Application Guide and a one-page information sheet on temporary absence, all designed for the offender. As with the poster, these materials are available to all inmates.

In addition, the Board, through the regional Vice Chairs took advantage of outreach opportunities to connect with the Elizabeth Fry Society at its Annual General Meeting and to attend Ministry sponsored workshops on female offenders. As with all stakeholders, the Board is committed to building on these relationships.

CONTACT US

Office of the Chair
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(416) 325-4485 (fax)

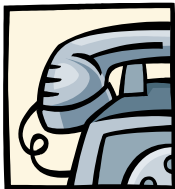
Southwest Region
491 Steeles Avenue, First Floor
Milton, ON L9T 1Y7
(905) 693-9326
(905) 693-3098 (fax)

Central East Region
RR#3, 541 Highway 36
Lindsay, ON K9V 6H2
(705) 324-4184
(705) 324-8439 (fax)

Central North Region
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.

Disponible en français