

Ontario Parole Board

2009-2010
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 Board for the fiscal year 2009-2010.

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

Respectfully submitted,

A handwritten signature in blue ink that reads "Jim Bradley".

Jim Bradley
Minister of Community Safety and
Correctional Services

The Honourable Jim Bradley
Minister of Community Safety and
Correctional Services



Minister,

It is my privilege to forward the Annual Report of the Ontario
Parole Board for fiscal year 2009-10 in accordance with
Section 40 of the *Ministry of Correctional Services Act*.

Yours truly,

A handwritten signature in blue ink that reads "Arnold Galet".

Arnold Galet
Chair
Ontario Parole Board

MESSAGE FROM THE CHAIR

On December 15, 2009, as part of the *Good Government Act*, the Board was renamed the Ontario Parole Board. The new name better reflects the primary work we do in making decisions on parole and temporary absence applications.

The granting of parole serves the public interest by supervising the offender closely during his/her period of reintegration into the community.

On many occasions, the Board imposes onerous conditions of parole, which could include a curfew, strict conditions about place of residence, requirements to attend programs, restrictions upon persons with whom the offender might associate and areas where the offender is not permitted to enter.

Regularly, the Board refuses to grant parole to inmates who do not actively engage in institutional programs, who have a weak parole plan or who have a poor record on previous grants of parole, bail or probation. As in other years, the number of inmates denied parole during the year under review exceeded those who were granted early release.

To make the most evidenced based and therefore best quality decisions possible, we need to make absolutely sure that no important information is missing from the case considered by

the quorum. In addition, quality decisions require quality decision makers and competency in risk assessment is of vital importance to us if we are to maintain the highest standards.

In the year under review, the Board invested in training with a specific focus for our board members in understanding and assessing risk.

A key relationship for the Board is with Ontario's Correctional Services. Although a separate entity, the Board relies on information from the ministry for the quality of its decision making and for the supervision they provide to those released by the Board.

This co-operation has always been forthcoming and I express my appreciation to the Ministry for its help and professional service at all times.

Finally, I must express my personal thanks to the members and staff for their work over the past year.

The Board does difficult work in an environment that is a fertile one for comment by the media and the public. It does this work well. We will continue to do so concentrating always on the paramount issue with which we are charged, keeping Ontarians safe.

OVERVIEW

Mandate

The Board is an administrative tribunal responsible for the release of offenders from incarceration other than by normal expiration of sentence. The Board is the sole authority in Ontario for the parole release of adult offenders serving sentences of less than two years in provincial institutions. The Board is also authorized under legislation to consider for unescorted temporary absence of 72 hours or longer, the same adult population. 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.

Mission

The Board's mission statement reflects the element of public safety as well as the enhanced role of victims in all Board decisions.

As part of the Canadian criminal justice system, the Board has legislated authority to grant supervised conditional release of adult offenders sentenced to Ontario provincial correctional institutions.

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

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

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

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 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 an assessment, which is based on a number of factors:

- Assessment of the risk factors and needs at the time of incarceration: including 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, such as

the benefit from treatment and programs while incarcerated and the offender's understanding of the offence and his/her criminal behaviour; and

- Assessment of the release plans, particularly in relation to community support, availability of programs and counselling, 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.

An important part of the risk assessment process for all offenders is the interview. The interview is an opportunity for trained board members to meet face to face with the offender and ask questions of direct relevance to the risk assessment 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 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 a specific purpose for short periods of time (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.

Structure

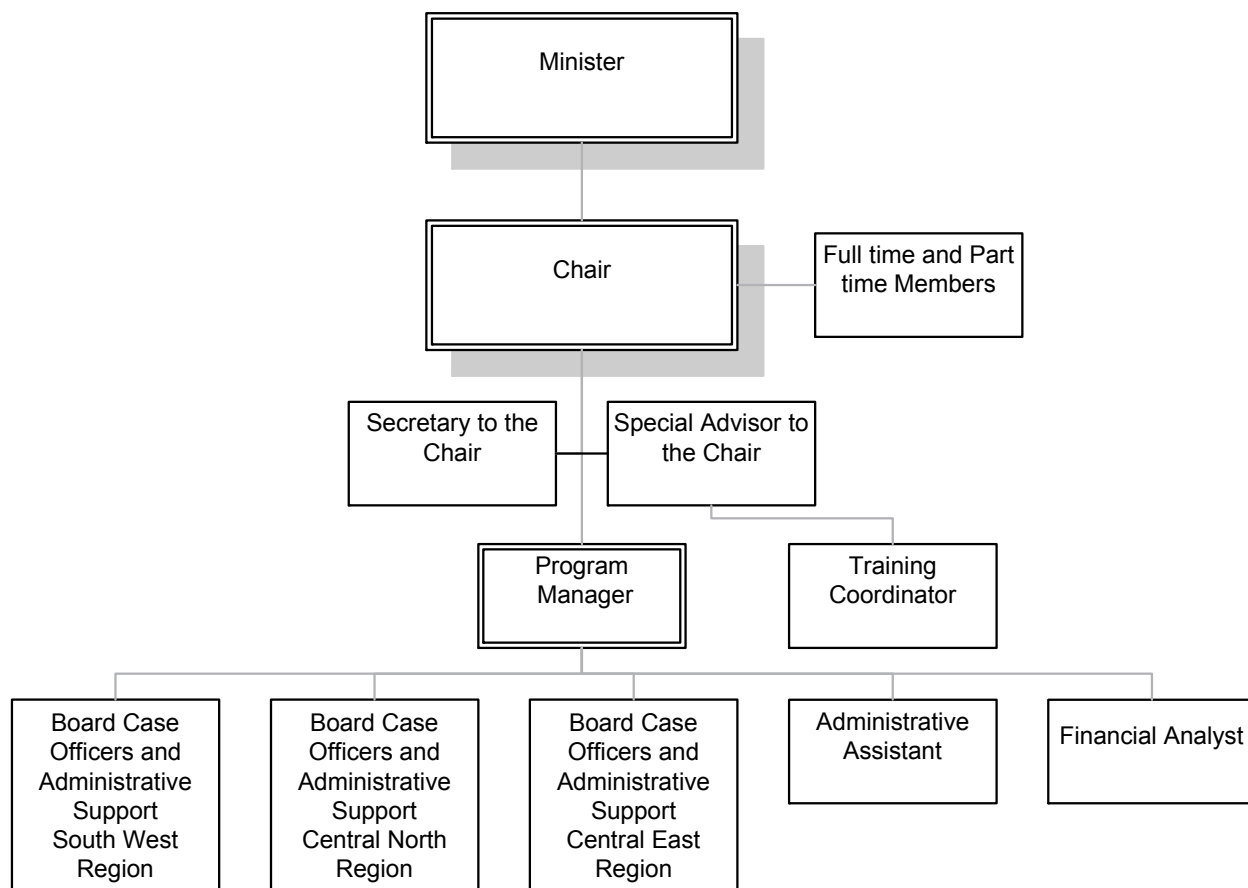
The Board conducts work through a network of regional offices (Milton, Midland and Lindsay) and the Corporate Office in Toronto.

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, resources management, communication and IT services.

At the end of 2009/10, the Board had three full time and 22 part time members and 15 staff members supporting the Board members in their decision-making responsibilities.

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.

Organizational Chart (As of March 31, 2010)



BOARD MEMBERSHIP

Chair

Arnold Galet (October 2008 to October 2013)

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)

Sergio Della Fortuna
(March 2003- March 2012)

Brad Finan
(February 2007-February 2012)

David Freedman
(February 2007-February 2012)

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 2012)

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, 2010

PERFORMANCE

Quality decision-making for conditional release is critical and a major focus of the Board. The work of the Board must balance the paramount need for public safety against the equally valid interest in the successful reintegration of offenders back into their communities. The Board strives to maintain public safety and confidence through the outcomes of its decisions to release offenders on parole/temporary absence. In considering performance, the Board uses measures that address the success or failure of offenders in the community. It should be noted that for the Board, performance results are impacted by other factors. These include the programming efforts and supervision provided by the ministry as well as the offender's efforts to reintegrate into the community and the receptivity of the community itself.

Year at a Glance

Parole

Cases Considered	1,057
Parole Granted	342
Parole Denied	715
Parole Completed Successfully	295
Parole Revoked	45
Parole Terminated	2
Number of hearings with observers	1
Number of hearings with assistants	277
Number of hearings with victims in attendance	15
Number of decisions with	54
Electronic Supervision as a condition of release	

Temporary Absence

Cases Considered	263
TA Granted	155
TA Denied	108
TA Completed Successfully	151
TA Cancelled	4
Number of hearings with assistants	22
Number of decisions with	49
Electronic Supervision as a condition of release	

1,320

The total number of parole and temporary absence hearings that took place. This compared with 1,323 in 2008/09, down 0.2%.

1,057

The number of parole applications that were considered by the Board at a hearing.
Up 1.0% from 2008/09.

32.4%

The percentage of cases where parole was granted.
Down 4.2% from 2008/09.

86.3%

The percentage of parolees who successfully completed parole.
Down 2.5% from 2008/09.

13.2%

The percentage of parolees who had their parole revoked.
Up 2.5% from 2008/09.

92.7%

The percentage of parolees who remained free of new criminal charges while on parole release.

263

The number of temporary absence applications that were considered by the Board at a hearing.
Down 5.3% from 277 in 2008/09.

58.9%

The percentage of cases where temporary absence was granted.
Down 1.5% from 159 2008/09

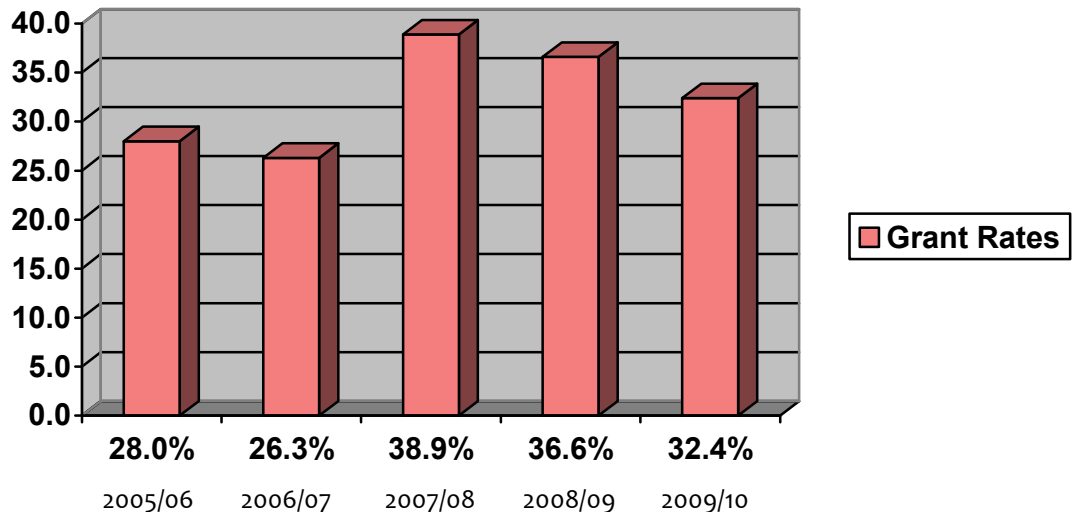
97.4%

The percentage of inmates who successfully completed their TA.
Down 1.4% from 157 in 2008/09.

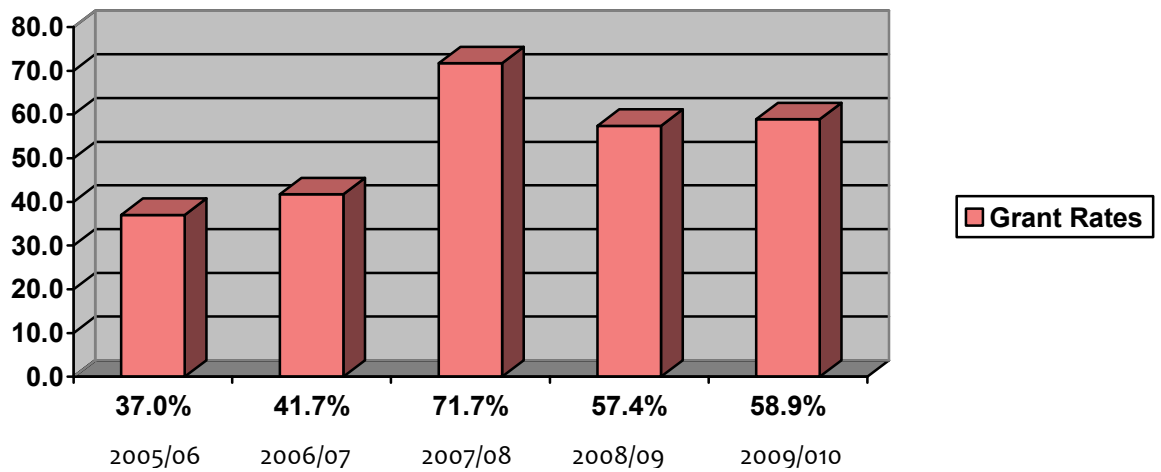
100%

The percentage of inmates on Board approved temporary absences (TA) who remained free of new criminal charges while on TA release.

Five Year Overview of Parole Grant Rates



Five Year Overview of TA Grant Rates



The Board continues to measure its 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	66
Number of victim statements submitted	41
Number of victims notified of the decision	29
Number of victims attending hearings	15
Number of observers at hearings	1

In 2009/10, the numbers in all tracked categories relating to victims fell and specifically in victim contacts and victim statements, by 37% and 68% respectively from the previous year. In an effort to connect with more victims, the Board redesigned the victim information brochure and included as part of the document, an application form that a victim can complete if they wish to attend a parole hearing. In addition the Board continues to seek opportunities to discuss with Probation and Parole Officers the importance of contacting victims as part of the pre-parole investigation process. The Board also contributed to the review process of the 2009 handbook, entitled *“Have you been a Victim of Crime? What’s Next... Information and Resources for Victims of Crime in Ontario”*, published by the Office for Victims of Crime, Ministry of the Attorney General.

The timely processing of post suspension hearings and temporary absence applications within the requisite timeframe is important in measuring the efficiency and effectiveness of the Board in the administrative work that it does. For 2009/10, the compliance rate continued to be 100%.

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	1,330.5	349.9
Employee Benefits	300.7	188.4	112.3
Transportation and Communication	342.1	341.1	1.0
Services	472.0	761.8	(289.8)
Supplies and Equipment	34.6	39.7	(5.1)
Total	2,829.8	2,661.5	168.3

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

YEAR IN REVIEW

The most important objective of the Board is and always will be to ensure that rigorous risk assessment procedures are in place to underpin our role in protecting the public. This challenge is constant and the Board is always looking for ways in which we can learn from our mistakes, improve our procedures and reduce the risk to the public.

Training is an area that the Board considers crucial in ensuring consistency in high level decision making. All members regardless of their personal experience or background are appointed and trained on their ability to objectively assess the offender's current and future risk of reoffending. The Board has worked hard over the previous 12-months to develop and deliver professional development sessions that are designed to cover a number of aspects relating to the important responsibilities of being a board member. Additional training and guidance to members is important as the objective is to do everything possible to ensure all reasonable steps have been taken to get the decision right.

Training in 2009/10 was focused, board specific and delivered by experts in their field. A two-day training course delivered by Dr. Ralph Serin provided members with current risk assessment and decision-making tools and research on the assessment and prediction of risk for a variety of

adverse outcomes (general, violent and sexual reoffending).

Dr. Christopher Webster ran a two day training event on offenders with mental health problems, including substance abuse and the prediction of violence. The training provided members with a fundamental understanding about the nature and types of mental illness, diagnosis and treatment as well as an understanding of the common association between mental illness and violence.

In addition, a two day Hearing Chair course was delivered to selected members on the roles and responsibilities on how to conduct and chair a hearing.

Vice Chairs have been active this past year, speaking at events and engaging in discussions with stakeholders. It is imperative that the Board is visible and proactive in explaining the important and often difficult work that we do to interested parties.

In addition, the Vice Chairs and Board Case Officers, continue to build closer ties with the staff in Correctional Services that support the work of the Board. The quality of information that is made available to quorums in the case files on which they also base their decisions is of vital importance to the quality of the decision that they eventually make. If there are flaws in the information then that is likely to contribute significantly to a flawed

decision making process. At the regional level, work continues to ensure that the Board is getting the best possible information about the offender from corrections and other justice partners.

In May, 2009, at the Canadian Association of Paroling Authorities (CAPA) meeting, Ontario was a signatory to a document titled the "Shared Principles Governing Parole Boards in Canada" with the other paroling authorities in this country, the National Parole Board and the Quebec Parole Board. The document sets out the principles of parole, defines parole boards in Canada and outlines the procedural rights of offenders in the parole process.

In 2009/10, the Board was required to meet a number of obligations under the Accessibility Standards for Customer Service, Regulation 429/07, the first accessibility standard created under the authority of the *Accessibility for Ontarians with Disabilities Act, 2005*. The Act recognizes the history of discrimination against persons with disabilities in Ontario and the purpose of the accessibility standards is to move organizations in Ontario forward on accessibility.

As required under the Customer Service Standard, the Board has established policies, practices and procedures in a number of areas that relate to services for people with disabilities. These include: allowing the use of assistive devices;

communicating with a person with a disability; permitting people with disabilities who use a support person to bring that person with them; establishing a feedback mechanism that is readily available to the public through the Board's website and training all members and staff on the customer service standard. The Board filed its accessibility report as required before the compliance date of March 31, 2010.

In 2009/10, the Board conducted 35 video hearings, a slight decline in this format of hearings from the previous year. The majority of video hearings are conducted with institutions located in Northern Ontario and this decrease we believe can be attributed to an increase in the number of Aboriginal Circle Hearings that took place in the past year. The Board's policy requires that Aboriginal Circle Hearings be conducted in-person and are currently excluded from the video hearing format.

As noted, the Board has seen an increase in Aboriginal Circle Hearings. For the year under review, the Board conducted 27 such hearings and granted parole to 12 offenders and temporary absences to four. As of the end of the review year, five offenders had been successful in completing their period of parole and four completed their temporary absences successfully. As of March 31, 2010, the remaining group of parolees were still under parole supervision. Aboriginal Circle Hearings still continue to be available only in Sudbury Jail and

Thunder Bay Correctional Centre. The plan to extend these types of hearings to other institutional settings was put on hold in 2009/10. The Board will continue to work to expand the availability of this type of hearing to other institutions in 2010/11.

CONTACT US

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Central East Region
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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.opb.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