

Ontario Parole Board

2011-2012 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 2011-2012.

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

Respectfully submitted,



Madeleine Meilleur
Minister of Community Safety and
Correctional Services



The Honourable Madeleine Meilleur
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 2011-12 in accordance with Section
40 of the *Ministry of Correctional Services Act*.

Yours truly,



Arnold Galet
Chair
Ontario Parole Board



Message from the Chair

I am pleased to present this report of the work of the Ontario Parole Board for the year 2011-2012.

In June 2011, the *Adjudicative Tribunals Accountability, Governance and Appointments Act* (ATAGAA) came into force. The purpose of the act is to ensure that adjudicative tribunals, such as the Parole Board, are accountable, transparent and efficient in their operations while remaining independent in their decision making.

The act sets out several public accountability documents to be drafted, including mandate and mission statement, public consultation policy, service standards policy, an ethics plan and member accountability framework. The act also requires adjudicative tribunals to prepare governance accountability documents including a memorandum of understanding, business plan and annual report.

The Board worked hard over much of 2011-12, to draft the requisite documents and as of the end of March 2012 had completed the process. Once approved, the documents will be made available to the public through the Board's website, expected sometime this summer.

In addition, the act provides a selection process for the appointment of members and the recommendation of the Chair on all reappointments.

The ordinary work of the Board in dealing with offenders being considered for release on parole, applications for temporary absence, suspensions where there has been unsafe or risky behaviour and a myriad of other matters, continues to be the primary function of the Board. I am grateful to all members and staff of the Board for making sure the work of the Board is advanced. I would also like to acknowledge the support of others who have worked with us over the year, especially those in Correctional Services who provide valuable support and information to the Board. It is only by doing all these things together that we can provide an efficient and effective service which contributes to the safety of Ontario communities.

Overview

In 2012, with the requirements of the *Adjudicative Tribunals Accountability, Governance and Appointments Act*, the Board reviewed and redrafted both the mandate and mission statements.

Mandate

The Ontario Parole Board is an independent quasi-judicial administrative tribunal that has the sole authority in Ontario to grant, deny, cancel, terminate or revoke parole and to grant, deny or cancel temporary absence passes of over 72 hours in duration for offenders serving provincial sentences. The Board derives its authority from the federal *Corrections and Conditional Release Act*, the federal *Prison and Reformatory Act* and the Ontario *Ministry of Correctional Services Act* and Regulations. The operation of the Board is also directed by a variety of provincial and federal statutes. The guiding principle underlying all conditional release decision-making is the protection of society.

Mission

The Ontario Parole Board is dedicated to the process of promoting public safety by making responsible decisions regarding the return of offenders to the community through supervised conditional release. Within this process the Board is committed to the rights of victims and the fair and individualized risk assessment of each offender. The Board also subscribes to professional ethics and supports and works with partners to foster the integrity of the Canadian criminal justice system.

Vision

The vision of the Board is a safer Ontario and improved public confidence in conditional release. This vision reflects the commitment of the Board to being a public-centred and quality service organization.

Organizational Structure

The Board is administered through its headquarters in Toronto and regional offices in Midland, Milton and Lindsay.

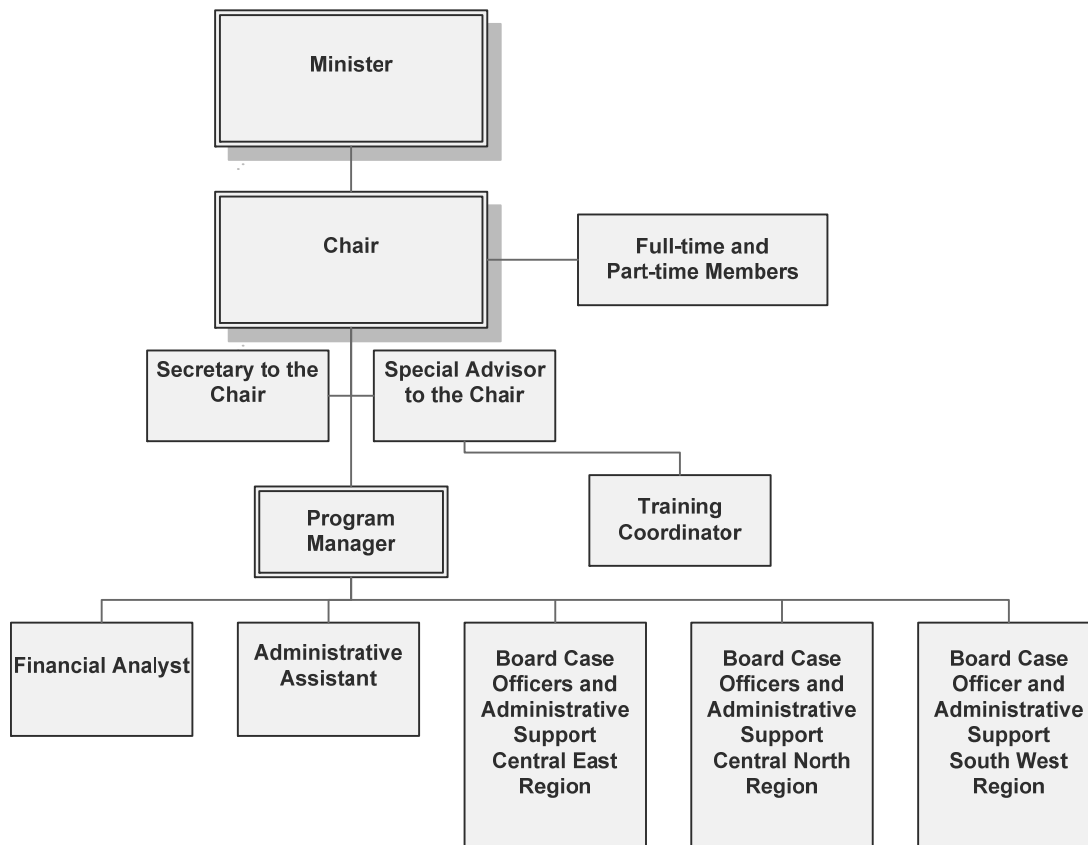
The Corporate Office provides a range of activities related to the day to day operation of the board including reviews, audits, policy development, training, resources management, communication and IT services.

Regional staff are responsible for case file management, scheduling offender hearings and providing support and information to victims, including making arrangements for victims, observers, and/or assistants to attend hearings.

At the end of 2011/12, four full time and 27 part time appointees, and 15 staff members supported the work of the Board.

Organizational Chart

(as of March 31, 2012)



Board Membership

Chair

Arnold Galet (October 2008- 2013)

Vice Chairs

Sergio Della Fortuna
(November 2010-2012)

Terry Franklin
(February 2003-14)

John McCullough
(February 2003-2014)

Community Part-time Members

Carol Baker
(February 2007-2017)

Sandy Burkitt
(April 2011-2013)

Jeremy Cheung
(February 2007-2017)

Michael Clarke*
(June 2001-April 2012)

Roger Clarke
(February 2003-2013)

Vincent Conville
(February 2007-2017)

Alexander Cornett
(April 2011-2013)

Brad Finan
(February 2007-2017)

David Freedman
(February 2007-2017)

Maureen Gauci
(February 2011-2014)

Michelle Labelle
(February 2011-2013)

Nancy Lewis
(April 2011-2013)

Santina Moccio
(June 2007-2017)

Raymond Ramdayal
(February 2007-2017)

Priscilla Reeve
(February 2007-2017)

Douglas Reynolds
(April 2007-2017)

Richard Riddell
(April 2007-2017)

Gail Ross
(April 2011-2013)

Henry Rowsell
(February 2003-2014)

Ian Russell
(February 2003-2014)

Peter Sant
(February 2007-2017)

Jim Stephenson
(April 2011-2013)

Neil Sturgeon
(February 2007-2017)

Lee-Ann Turner*
(February 2007-2012)

Sheila Ward
(May 2007-2017)

Edward Williams
(May 2007-2017)

Pauline Wong
(February 2007-2017)

* denotes those appointees who are no longer members of the Board as of March 31, 2012

Board Administration

The work of the Board members is supported by a small staff team. Their role is crucial to the smooth flow of work undertaken by the members.

Special Advisor to the Chair

Kim O'Connell

Manager, Programs and Administration

Debbie Wilson

Administrative Assistant to the Chair

Vicky Galloro

Training Coordinator

Marg Sheppard

Financial Analyst

Dioni Mondejar

Administrative Assistant

Jonnathan Bravo

Central East Regional Office

Board Case Officers

Heather Payne

Lori Smith

Administrative Assistant

Shawna Wilson

Central North Regional Office

Board Case Officers

Zena Pendlebury

Tracy Rafter

Administrative Assistant

Ashley Bumstead

South West Regional Office

Board Case Officers

Ann Baljak

Annemarie Holohan

Administrative Assistant

Andrea Dunbar

As of March 31, 2012

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. The Ontario Parole Board is authorized by legislation to consider adult offenders who are serving sentences in provincial institutions for parole.

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 based on a number of factors:

- risk factors and needs at the time of incarceration, including case-specific factors such as details of the offence(s), criminal history, substance abuse and mental health issues;
- the offender's institutional behaviour including 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; and
- how the offender's release plan will allow him/her to safely and successfully return to the community, 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 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.

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 the Chair. The Chair or designate will 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) from 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 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.

The Year's Work

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 goal of 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 offender's efforts to reintegrate into the community and the receptivity of the community itself.

Parole

Cases Considered*	1063
Parole Granted	334
Parole Denied	729
Parole Completed Successfully	307
Parole Revoked	26
Parole Terminated	1
Number of hearings with observers	2
Number of hearings with assistants	462
Number of hearings with victims in attendance	16
Number of decisions with	109
Electronic Supervision as a condition of release	

Temporary Absence

Cases Considered*	216
Temporary Absence Granted	112
Temporary Absence Denied	104
Temporary Absence Completed Successfully	106
Temporary Absence Cancelled	6
Number of hearings with assistants	6
Number of decisions with	60
Electronic Supervision as a condition of release	

* includes only those decisions where parole or temporary absence was either granted or denied

OPB By the Numbers

31.4%

The percentage of cases where parole
was granted.
Up 2.1% from 2010/11.

92%

The percentage of parolees who
successfully completed parole.
Up 1.8% from 2010/11.

7.8%

The percentage of parolees who had
their parole revoked.
Down 2% from 2010/11

96.7%

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

216

The number of temporary absence
applications where a grant or denied
decision was made.
Down 15.6% from 2010/11.

51.8%

The percentage of cases where
temporary absence was granted. Up
3.8% from 2010/11.

94.6%

The percentage of offenders who
successfully completed their temporary
absence.
Up 1.8% from 2010/11.

100%

The percentage of offenders on Board
approved temporary absences who
remained free of new criminal charges
while on temporary absence release.

Greater Accessibility for Victims

The Board continues to measure its progress on 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	122
Number of victim statements submitted	53
Number of victims notified of the decision	49
Number of victims attending hearings	16
Number of observers at hearings	2

In 2011/12, numbers in all but one tracked category relating to victims declined from the previous year (2010-11). The greatest declines were in the areas of victim contacts and victim attendance at hearings, a decrease of 37% and 54% respectively from last year. The Board is continuing its efforts to make information for victims readily available and easy to use by redesigning victim information packages and updating the website. In addition the Board continues to engage with stakeholders to discuss opportunities to educate others about the Board's process for working with victims.

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 2011/12, 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%

Budget and Expenditures

Major Category	Approved Budget (\$ Thousands)	Actual Expenditures (\$ Thousands)	Variance between Approved Budget and Actual Expenditures (\$ Thousands)
Salaries and Wages	1,680.4	1,453.9	226.5
Employee Benefits	300.7	230.8	69.9
Transportation and Communication	322.1	333.2	(11.1)
Services	490.1	647.4	(157.3)
Supplies and Equipment	29.6	60.7	(31.1)
Total	2,822.9	2,726.0	96.9

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

Training

The year was a busy one for training members in many areas of parole work. One of the larger events was new member training for five newly appointed members. This consists of one week of intensive work which familiarizes the new members with the Ontario Parole Board, its processes and practices, the law and principles behind the casework and specific areas and types of hearings. This training is followed up with mentored assistance in casework and hearings before new members are eligible to sit as a quorum member. In addition, through a partnership with the Parole Board of Canada, the new appointees were also able to attend the two week new member training for federal parole board appointees in Ottawa.

Over the past year, we have spent time on an individual basis providing training opportunities in ways we have not done before. One to one development days with members has been a particular feature of the recent work we have undertaken. By having Vice Chairs spend time with individual members, the focus is not only on technical training issues, but also in providing support to members recognizing this is highly stressful and difficult work, which can produce its own demands on members. The one to one development day was very well received by the members and work is underway to incorporate this as a

regular component of the Quality Assurance Program.

Other training activities over the year included sessions on sex offenders facilitated by Dr. Franca Cortoni, pornography, terrorism, victimology, mental health, an overview of young persons in the youth system, and a presentation on the Parole Board of Canada by the Chair, Harvey Cenaiko.

In addition the Board provided training to all members of a newly designed hearing framework that offers greater accountability and equity for members in the hearing process.

Also Board Case Officers attended training relating to victims that built upon training received in 2010. The recent session focused on understanding and dealing with victims and situations, including tips and strategies for doing this as well as how to terminate the relationship with the victim and redirect them to appropriate resources. A large component of the training centered on self care and provided a strong foundation for increasing our staff's ability to deliver the work of the Parole Board.

Programs

In April 2011, the Aboriginal Circle Hearing pilot was extended to the Vanier Centre for Women. The pilot provides Aboriginal offenders with access to culturally sensitive hearings that involve the presence and contribution of an Aboriginal Cultural Advisor, who is an Elder. Staff from both the Board and Vanier Centre spent an afternoon together going over the process and policy prior to implementation. In addition, the Board designed and delivered posters relating to Aboriginal Circle Hearings to the institution for the information of the offender population.

It was a busy year for appointments and reappointments. In addition to the appointment of five new members, the Board supported the Minister's Office in the reappointment process of two full time and 12 part time members. This involved additional work as a result of the changes implemented by the *Adjudicative Tribunals Accountability, Governance and Appointments Act* (ATAGAA).

Much of the later half of the year was spent on drafting the public and governance accountability documents required under ATAGAA. Many of the public accountability documents were new for the Board, including the following:

- **consultation policy**; describes whether and how the tribunal will consult with the public when it is considering changes to its rules or policies, including consultation with any persons, entities or groups of persons or entities whose interests, in the opinion of the tribunal's chair, would be affected by those changes.

- **service standard policy**; a statement of the standards of service that the tribunal intends to provide and a process for making, reviewing and responding to complaints about the service provided by the tribunal
- **member accountability framework**; description of the functions of the members, the chair and the vice chairs of the tribunal; a description of the skills, knowledge, experience, other attributes and specific qualifications required of a person to be appointed as a member of the Board, a code of conduct and a process to ensure all members are aware of their accountability obligations;
- **ethics plan**; for adjudicative tribunals to describe the steps that will be taken to ensure members are familiar with their ethical requirements. Ethical requirements are set out in Parts IV (Conflict of Interest) and V (Political Activity) of the *Public Service of Ontario Act, 2006* (PSOA) and in the code of conduct that is part of the member accountability framework.

Partnerships

The Board continued to play an active role in various criminal and administrative justice organizations such as the Canadian Association of Paroling Authorities, the Association of Paroling Authorities International, the National Joint Committee, the Canadian Criminal Justice Association, Adult Community Corrections Advisory Council and Office for Victims of Crime.

The Board sought out and capitalized on opportunities to convey the message of conditional release and community organizations at a regional level. This was especially evident in our Central North Region, where the Vice Chair attended as a roundtable participant at the Mental Health and Justice System Barriers and Solutions Conference; spoke at the Community Living Networks of Metro Toronto, York Region and Simcoe County Conference; moderated the Suicide Awareness Conference and spoke to the Nahndahweh Noondwaa Dawegan (Helping by Hearing the Heartbeat of the Drum) two day community forum on Manitoulin Island.

How To Contact Us

Office of the Chair

415 Yonge Street, Suite 1803
Toronto, ON M5B 2E7
(416) 325-4480
(416) 325-4485 (fax)
(416) 325-0650 (TTY)

Regional Offices

Central East

RR #3,
541 Highway 36
Lindsay, ON K9V 1Y7
(705) 324-4184
(705) 324-8439 (fax)

Central North

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

South West

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

Website

Visit our website at www.opb.gov.on.ca

Victim Support Line

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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