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## MINISTRY OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES

### 4.09—The Ontario Parole and Earned Release Board

(Follow-up to VFM Section 3.09, *2002 Annual Report*)

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#### BACKGROUND

The Ontario Parole and Earned Release Board (Board) makes decisions about parole for offenders sentenced to less than two years of imprisonment. Offenders are eligible for parole upon serving one-third of their sentences. Offenders that are granted parole serve the full length of their sentences (one-third in an institution followed by two-thirds in the community under supervision and conditions set by the Board); offenders that are not granted parole are normally released from an institution after serving two-thirds of their sentences. Effectiveness in contributing to the safety of society requires the Board to help more low-risk offenders successfully reintegrate into the community by controlling the timing and conditions of their release.

For the 2001/02 fiscal year, the Board had four full-time and over 40 part-time members. Total expenditures for the 2003/04 fiscal year were approximately \$3 million (also approximately \$3 million in 2001/02).

In 2002, we concluded that the Board's mandate to protect society by effectively reintegrating offenders into the community was hindered by a dramatic reduction in the number of eligible inmates being considered for parole. The decline in the number of hearings from 6,600 to 2,100, combined with a steady drop in parole grant rates from 59% to 28%, has resulted in fewer than 600 inmates being granted parole in 2000/01, as compared to 3,800 in 1993/94.

According to board studies, factors contributing to this decline included inmates not receiving the required parole information and inmates waiving parole hearings because they felt there was little chance of getting a fair and unbiased hearing. As well, significant numbers of offenders were denied the opportunity to have their cases heard as a result of widely differing practices among different regions. For instance, in one of the four regions, we found that it was a matter of practice to deny any applications for a parole hearing from inmates serving 122 days or less, thus depriving a significant number of offenders of the opportunity to have their cases heard. This is particularly significant in that 85% of Ontario's inmates generally serve sentences of less than six months and on average are sentenced to only about 70 days.

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In addition, we found that although Ontario's parole grant rates had significantly declined since 1993/94, its rates of parolees reoffending during parole have been generally higher since that same time. We also noted that:

- The Board often did not obtain all relevant information before rendering parole decisions, nor did it record the rationale for its decisions to not impose special conditions that were recommended by parole officers or police.
- The Board set performance goals for 2001/02 that were below those already achieved; thus, its goals do not serve to encourage an improvement in board performance.
- Ontario had no formal selection process to assess the abilities, skills, commitment, and suitability of potential board members, nor did the Board have the opportunity to provide input on the initial screening of potential candidates.

We made a number of recommendations for improvement and received commitments from the Board that it would take corrective action.

## CURRENT STATUS OF RECOMMENDATIONS

According to information received from the Ontario Parole and Earned Release Board, limited progress has been made on the recommendations we made in our *2002 Annual Report*. The current status of action on each of our recommendations is as follows.

### NUMBER OF PAROLE HEARINGS

#### Recommendation

*To more effectively control the timing and conditions of release of inmates, the Board should:*

- *work with the Ministry to ensure that correctional institutions provide inmates with proper information about parole; and*
- *review regional practices to ensure that consistent and equitable access is provided to offenders applying for parole hearings.*

#### Current Status

The Board indicated that a recent survey done by the Ministry on how information about parole was being given out showed that the process did not appear to be working well in some institutions. According to the Board, the advice being given to inmates concerning parole differs widely from one institution to another. The Board was working with the Ministry to establish a monitoring process to ensure inmates are provided with proper information on a timely basis.

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With respect to the Board's regional practices, the Board indicated that it has issued new province-wide policies to all its members to ensure that inmates are provided with consistent and equitable access to services. According to the Board, adherence to such policies is monitored under the Board's quality assurance and performance review process.

## **PAROLE DECISIONS AND THEIR IMPACT ON REOFFENDING**

### **Recommendation**

*To better protect society through the appropriate release of inmates under parole supervision and conditions, the Board should conduct a systemic review of board decision-making to determine why parole grant rates have significantly decreased since 1993/94 and why, since that same time, there has been a general increase in rates of reoffending during parole and take corrective action where appropriate.*

### **Current Status**

The Board indicated that it had not conducted an in-depth study of board decision-making and its relationship to grant/deny rates due to resource constraints.

The Board informed us that it has kept its grant rates at or near 30% since 1998/99; this rate is largely due to the fact that offenders appearing before the Board in this period have had higher risk factors, including lengthy criminal records. The Board reported that, despite the higher risk factors being presented by offenders, reoffending rates have remained consistent at about 3.6% over the last three years.

## **PERFORMANCE MEASURES**

### **Recommendation**

*To improve performance for reducing reoffending rates of parolees and thereby enhance public safety, the Board should set performance targets based on its own best results as well as those from other jurisdictions.*

### **Current Status**

After studying other jurisdictions in Canada, the Board concluded that there was no useful comparable performance measure that could be used to improve Ontario's parole performance measures.

The Board had not established performance targets based on its own best results. It indicated that setting of performance targets would form part of the government's results-based planning process beginning this fall.

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## **PAROLE DECISION-MAKING**

### **Obtaining Relevant Information**

#### **Recommendation**

*To provide a better basis for granting parole, the Board should receive and consider all information necessary to support its parole decisions, including the stated reasons and recommendations of the sentencing judge and offenders' travel plans in all cases involving higher-risk offenders.*

#### **Current Status**

The Board indicated that it was still attempting to establish a protocol for getting judges' reasons for sentencing and their recommendations. The Board informed us that quality assurance reviews of members' decisions had been systematically performed and had included checking that board members had obtained and considered key required information such as inmates' post-release travel plans to support their parole decisions.

### **Setting Parole Conditions**

#### **Recommendation**

*To help ensure public safety, the Board should appropriately support its decisions not to impose special parole conditions that had been recommended by police or parole officers.*

#### **Current Status**

According to the Board, effective in 2003 members are required to consider and document recommendations made by police, parole officers, and other professionals. In cases where the Board does not intend to apply such recommendations, a rationale for the decision is required to be documented.

## **QUALITY ASSURANCE AND PERFORMANCE REVIEW**

#### **Recommendation**

*To improve the quality of its members' decision-making and overall board performance, the Board should systematically monitor the parole decision-making process and take corrective action, including the provision of additional training, where necessary.*

#### **Current Status**

Statistics on quality assurance reviews provided by the Board showed that such reviews are now being done quarterly in all regions across the province. The Board advised us that feedback and training for members and staff is being provided on the basis of review results.

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## **SELECTION AND APPOINTMENT OF BOARD MEMBERS**

### **Recommendation**

*To ensure that the most suitable candidates are selected and appointed as board members, the Board should work with the Public Appointments Secretariat of Management Board Secretariat to establish a more formal process for assessing the abilities, skills, commitments, and suitability of applicants for board membership.*

### **Current Status**

The Board informed us that in the 2002/2003 fiscal year, it had—in consultation with the Public Appointments Secretariat and the Ministry—established a recruitment process for the selection of board members. Selection criteria addressing areas such as applicants' education, experience, knowledge, abilities, skills, and personal suitability were established and an interview process was formalized. Interviews are now conducted with a three-member panel composed of the Chair of the Board, a representative from the Minister's Office, and a representative from the Ministry.