

# Fact Sheet

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*in a series of fact sheets  
that examine questions  
frequently asked about  
the criminal justice  
system*

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## Provincial Parole in Ontario: The case for renewal

Under Canadian law, every person sentenced as an adult to a term of imprisonment is eligible for parole, regardless of the length of the sentence. Both federal prisoners (those serving two years or more) and provincial prisoners (those serving a sentence of less than two years) may be granted parole, a form of conditional release which permits them to serve a portion of their sentence in the community under supervision.

Generally, there is more attention paid in the media and by the public to parole of federally-sentenced offenders, especially in cases of those serving lengthy sentences and for serious crimes. While more people are sentenced to provincial terms of incarceration and, therefore, eligible for parole, little is known about the role of parole in the provincial correctional system and how it operates with respect to provincially-sentenced offenders.

What is the legislation which governs provincial parole in Ontario? What body oversees Ontario provincial parole decisions and how does it operate? What are the trends with respect to the use of provincial parole in Ontario? Are there other paroling

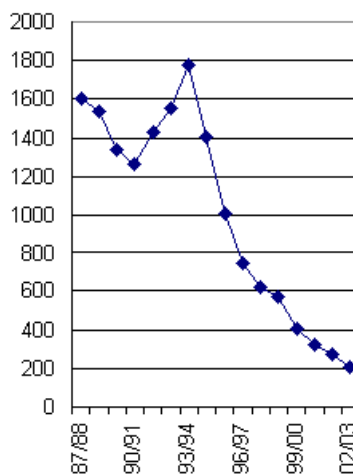
bodies in Canada and do they operate differently? What role can and should parole play in the provincial corrections system? This Fact Sheet will present an overview of the history, legislative authority, purpose and current operation of provincial parole in Ontario, with a particular focus on recent trends.

### The origins of provincial parole in Ontario

Parole has its origins in the *Ticket of Leave Act*, enacted in 1899, which authorized the Governor General to grant a licence to any convict in a Canadian penitentiary or provincial prison to be at large during such a portion of his term of imprisonment on such conditions as the Governor General saw fit. The granting of Tickets of Leave was managed by the Federal Department of Justice. Conditions were few (regular reporting to the police and the requirement to notify of change of address or travel outside of the area) and supervision was minimal.

Parole as we know it today came about with the passage of the *Parole Act* by the Federal Parliament in 1959. The Act set out new criteria for parole and created the National Parole Board as an independent body with the sole authority to grant parole. This legislation was replaced in 1992 by the *Corrections and Conditional Release Act (CCRA)*. The CCRA is the legislation that governs parole - both federal and provincial - to this day and

Chart 1  
Average Count of Persons on  
Ontario Provincial Parole  
1987/88 to 2002/03



Source: Ontario Board of Parole and Ontario  
Ministry of Correctional Services

any provincial legislation with respect to provincial parole cannot conflict with the *CCRA*.

The National Parole Board is the body with the authority to grant parole to all federal prisoners and to those provincial prisoners in provinces who do not have their own parole boards. Only three provinces, Ontario, British Columbia and Quebec, have their own parole boards. In 1978, Ontario opted to assume jurisdiction over full parole for its provincial prisoners and the Ontario Board of Parole was designated as the body with the authority to grant these paroles under provincial legislation, the *Ministry of Correctional Services Act*. In 2001, the Ontario Board of Parole was renamed the Ontario Parole and Earned Release Board to recognize additional responsibilities it was given with respect to releasing decisions.

### How Ontario provincial parole works

Provincial prisoners are eligible for parole at one-third of their sentence. Prisoners serving a sentence of less than six months must apply, while those serving six months or more will automatically have a hearing scheduled unless they waive (in writing) the right to a hearing.

The hearing takes place in the correctional facility where the prisoner is incarcerated, with two members of the Board reviewing all available information that is relevant to the case, interviewing the prisoner and making the decision to grant or deny parole or to defer the decision. The prisoner may have an assistant and the victim may submit a written submission and/or present an oral submission at the hearing. The Board must provide reasons for its decision (in writing) to the prisoner.

If granted parole, the person will be supervised by a parole officer and must abide by conditions set down by the

### What the law says . . .

#### **Purpose of conditional release**

**100. *The purpose of conditional release is to contribute to the maintenance of a just, peaceful and safe society by means of decisions on the timing and conditions of release that will best facilitate the rehabilitation of offenders and their reintegration into the community as law abiding citizens.***

#### **Criteria for granting parole**

**102. *The Board or a provincial parole board may grant parole to an offender, if in its opinion,***  
***a) the offender will not, by re-offending, present an undue risk to society before the expiration according to law of the sentence the offender is serving; and***  
***b) the release of the offender will contribute to the protection of society by facilitating the reintegration of the offender into society as a law-abiding citizen.***

Corrections and Conditional Release Act

Board upon release. Some conditions are standard as set down in regulation, such as to keep the peace and be of good behaviour, to report to the police and parole supervisor as required and to obtain consent for change of address or employment. As well, the Board can set special conditions, such as to abstain from alcohol and to attend a treatment program.

When granted parole, the person will be on parole under supervision in the community for remainder of the full term of his/her sentence. If a condition is breached, the person on parole could be returned to prison to serve the remainder of the sentence.

Further information is available on the website of the Ontario Parole and Earned Release Board at:

<http://www.operb.gov.on.ca>

### Why provincial parole is important

Many view parole merely as a form of clemency to be given only to those who are “deserving”. However, a thoughtful understanding of parole shows that it is an essential part of the strategy to reduce the risk of re-offending after release from prison.

Parole allows for the supervision of the activities of the individual in the community during the critical time after release. Also, it permits the imposition of conditions. Such conditions not only can restrict the person’s activities (no drinking, no criminal associations) but, more important, can engage the individual in services and programs to assist them to become law-abiding citizens (substance abuse treatment, assistance with housing and employment).

In contrast, provincial prisoners not granted parole will generally be released at two-thirds of their sentence (less any remission time for good behaviour not earned), at which point they are considered to have completed their sentence and, therefore, not subject to any form of supervision. They do not have to report to the police or to a parole officer or abide by other conditions which may be connected with involvement in criminal behaviour and may lose access to specialized services or treatment programs, such as sex offender treatment. Without any form of early release, we lose the opportunity to monitor the person’s whereabouts and personal circumstances and to intervene with some form of remedial action when problems are brewing.

It is important to note that, because provincial prisoners are serving relatively short sentences (maximum two years less a day) and with remission time, the impact of denying parole is limited to keeping the person in jail and

out of circulation for, at most, a few months. There is no research evidence to suggest that this additional period in jail actually rehabilitates and is likely to reduce the risk that the person poses on release. In fact, there is growing evidence that it does the opposite. A recent meta-analytic review of the research literature found that more vs. less prison time was associated with an *increase* in recidivism (Smith, Goggin and Gendreau 2002).

In contrast, research is confirming that appropriate programs and services delivered in the community are associated with reduced recidivism, particularly with the group assessed as higher risk of re-offending (Andrews and Bonta, 2003).

One study which compared re-offending of a sample of Ontario parolees and those not released on parole, found that “over a two year period after release, paroled offenders are far less likely to commit new offences than offenders who are released after serving their sentence in custody”. In the five years under study, the re-offence rate ranged from 23% to 32% for parolees and 56% to 60% for non-parolees. (Sepejak, 1998).

Parole makes sense not because the offender *deserves* supervised and supported reintegration into the community but because the offender and the community *need* it.

## Trends in Ontario Provincial Parole

From 1985/86 to 1993/94, activity with respect to parole (number of parole candidates, paroles granted and grant rates) was relatively stable. Beginning in 1994/95, the trend in activity has shown a steady and dramatic decline.

Data from the Ontario Parole and Earned Release Board show that, from 1993/94 to 2002/03 (Chart 2):

- the number of parole candidates (based on total grant/deny

decisions) declined from 6,497 to 1,208;

- the number of paroles granted declined from 3,833 to 361; and,
- the grant rate fell from 59% to 30% (28% in 1999/00 and 2001/02).

As a result, the average number of individuals on provincial parole declined dramatically (by 88%) from 1,773 in 1993/94 to 210 in 2002/03 (Chart 1).

The Provincial Auditor of Ontario, in his 2002 Annual Report, looked at what factors might be responsible for the sharp reductions in the number of parole hearings. The impact of declining number of persons being sentenced to provincial prison terms over these years (due to declining crime rates and the use of conditional sentences which allow offenders to serve their sentence in the community) was examined but the report concluded that “a more important factor is that a significant number of offenders is not even interested in parole”.

The Provincial Auditor observed

that those serving six months or more were increasingly waiving their right to a parole hearing. The Board’s own studies were noted which found that:

- the majority of inmates noted on their waiver forms that they were “either not interested in parole or that parole was a waste of time”;
- the proper parole information was not provided to inmates in the institutions or that “parole was often presented in a negative light and parole hearings were not encouraged”;
- many did not want to go through the motions of a hearing because “they had little chance of having a fair and unbiased parole hearing”.

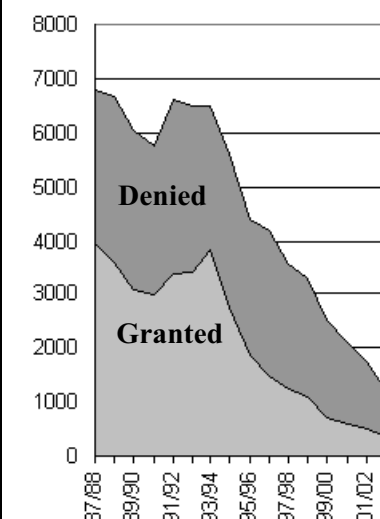
Certainly, the dramatic decline in the parole grant rate since 1993/94 would have had a chilling effect. The knowledge that the Board was less likely to grant parole would understandably discourage many from undertaking the effort that it takes to prepare for a hearing.

Further, the Provincial Auditor found that less than one percent of short-term inmates who would have to apply for parole (as opposed to being automatically scheduled for a hearing) had received hearings in recent years.

Overall, the Provincial Auditor concluded that “the Board’s mandate of protecting society by effectively reintegrating offenders into the community was hindered by the dramatic reduction in the number of eligible inmates being considered for parole”. Since this report, the use of provincial parole in Ontario has continued to decline.

Most successfully complete parole and the percentage of successful completions to those that are revoked has been quite consistent over time, even during those years when the number of paroles granted was 10 times what they are today (Chart 3). Of those that are revoked, most are for violations of conditions. In the past decade, only

**Chart 2**  
**Number of Grant/Deny Decisions**  
**Ontario Provincial Parole Board**  
**1987/88 to 2002/03**



Source: Ontario Parole and Earned Release Board

between 2% and 4% of parolees have been revoked for new charges and the vast majority of these were categorized as Level 2 (less serious) offences.

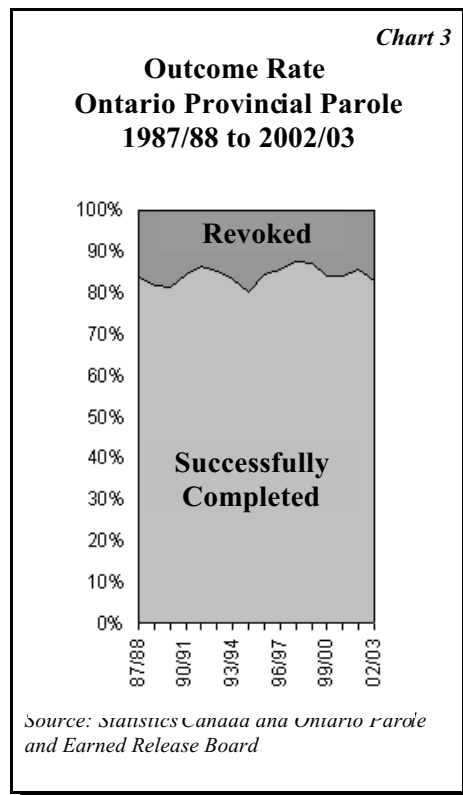
### Parole in other jurisdictions

Despite the fact that the same legislated criteria are used for all parole decisions in Canada, Ontario's parole grant rates are significantly lower than for other paroling bodies in this country.

The National Parole Board, in its decisions on parole applications by provincial inmates in provinces without their own parole boards, had a provincial full grant rate of 56% in 2002/03. Even the National Parole Board's full parole grant rate for federal inmates, who are deemed to be generally higher risk than provincial inmates, was substantially higher (43%) than the rate granted in Ontario in that year.

Recent figures from the provincial parole boards in Quebec and British Columbia, the only other provinces to have their own parole boards, also show higher grant rates than Ontario. In 2000/01, the British Columbia Board of Parole reported a grant rate of 62%. The Commission québécoise des libération conditionnelles (Quebec parole board) reported a grant rate of 48% in 2001/02.

Available data indicate that the higher grant rate of boards in other



jurisdictions has not resulted in higher rates of re-offending while on parole.

### The costs

There are significant human, social and economic costs attached to the dramatic decline in provincial parole in Ontario.

Remaining in prison not only exerts a toll on the prisoner by virtue of the conditions and restrictions of imprisonment but also keeps that person from working, going to school, paying taxes or playing a part in the

health and well-being of his/her family.

Community safety is compromised when we continue to do "what doesn't work" and do not effectively use those programs and services that research has shown reduce re-offending.

Keeping people in jail is expensive. The cost of incarcerating an inmate in an Ontario provincial correctional institution was \$137.47 per day in 2001/02, according to Statistics Canada. In 1993/94, there were over 1,500 more people on provincial parole on any given day than there were in 2002/03. That number of people, who would have otherwise been occupying prison beds, exceeds the capacity of the new super-jail in Penetang, the Central North Correctional Centre. That facility costs the Ontario government \$34 million a year to operate.

### Renewal process needed

Parole serves an important purpose - to facilitate the rehabilitation and reintegration of offenders. However, the decision-making of the provincial paroling authority in Ontario over the past number of years has compromised the extent to which parole for offenders sentenced to a provincial term in Ontario can achieve its purpose. Clearly, what is needed now is the kind of critical review and corrective action by the Ontario government that would lead to the renewal of provincial parole.

## *Effective, just and humane responses to crime and its causes*

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