



Tribunals Ontario

Ontario Parole Board

YOUR GUIDE TO

Parole in Ontario



ONTARIO PAROLE BOARD

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Disponible en français

This guide is to help you apply for provincial parole in Ontario. It is not legal advice. It provides you with information about parole so you can prepare a good release plan.

Parole Information

What is parole?

Parole is the early release of an applicant from a correctional institution into the community under the supervision of a Probation and Parole Officer (“PPO”). Parole gives you a chance to finish the rest of your sentence in the community with conditions. The Ontario Parole Board (“the Board”), an independent administrative tribunal, makes parole decisions for adult sentences of less than two years.

The PPO will:

- Assist you with your transition from the institution back to the community;
- Help connect you with community resources; and
- Monitor your compliance with the parole conditions imposed by the Board.

If you do not follow your conditions, your parole can be suspended and/or revoked which may affect your criminal record/history. This means you could return to an institution to complete the remainder of your sentence in custody.

When am I eligible for parole?

You are eligible for parole after completing 1/3 of your sentence. This is called your parole eligibility date (“PED”). If you are serving a sentence of 6 months or more, by law, you will automatically be scheduled for a parole hearing. The Institutional Liaison Officer (“ILO”) will advise you of your PED at the start of your sentence. The ILO will discuss your options with you 8 to 10 weeks before your PED.

If you are serving a sentence of less than 6 months, you must apply if you want to be considered for parole.

The ILO can help you with your parole application.

Am I guaranteed parole?

No. Even though the Board must consider all applicants serving sentences of 6 months or more for parole before their PED, it does not mean parole will be granted. Parole is never guaranteed.

What is Temporary Absence?

The Board has authority to grant temporary absences for periods of 72 hours or more. You are eligible to apply for temporary absence at any time during your sentence. For more information or if you wish to apply for temporary absence, please request to speak to the Temporary Absence Coordinator at the institution and refer to the *Information on Temporary Absence In Ontario* sheet prepared by the Ontario Parole Board.

What options do I have for parole?

Applicants serving sentences of six months or more are automatically considered for parole and have a right to a hearing. However, applicants also have the option to give up (waive) their right to a hearing or parole consideration.

What if I want to be considered for parole but I don't want to have a hearing?

If you decide to give up your right to a parole hearing, the Board will still consider whether you should or should not be released on parole. This is called a Non- Hearing Parole Consideration (NHPC). When the Board grants or denies you parole, it will send you a copy of its decision by mail. The Institutional Liaison Officer (ILO) can help you through the process if you do not want a parole hearing or parole consideration.

What if I do not want to be considered for parole at all?

If you decide to give up your right to be considered for parole, the Board will not hold a hearing and will not consider you for parole. You will be released once your sentence has ended. The ILO can help you through the process if you want to give up your right to parole consideration.

What if I change my mind about giving up my right to a parole hearing?

If you have given up your right to a parole hearing (but not your right to parole consideration) you may change your mind at any time before the Board makes a decision by notifying the Board in writing through the ILO. The Board will schedule a hearing for you. If the Board has already made a decision by the time you change your mind, you will need to request a review of the decision (see Can I appeal a decision?).

What if I change my mind about giving up my right to parole consideration?

If you have given up your right to parole consideration you may withdraw (“rescind”) your waiver at any time by notifying the Board in writing through the ILO. The Board will then schedule a parole hearing to be held within a reasonable time of the Board receiving the required documents. You may give up your right to a parole hearing, by notifying the Board in writing through the ILO (see What if I want to be considered for parole but I don’t want to have a hearing?).

How will the Board make its decision?

The Board looks at all relevant and available information, including your parole release plan, when deciding whether to release you on parole. The Board will decide if your release on parole will be of benefit to society – will your release create safety issues for the community or will your release help you become a law-abiding citizen that benefits society. The safety of the public is the most important

consideration for the Board.

The Board will review your case in one of three ways:

1. **At an electronic hearing:** Review your file and meet with you via an electronic hearing before making a decision; or
2. **In-Person:** Review your file and meet with you at an in-person hearing before making a decision; or
3. **Paper:** If you have waived your right to an in-person hearing, review your file at the Board's office and make a decision without meeting you (this is called a non-hearing parole consideration).

If you have a scheduled hearing, you may ask the Board for permission to allow a family member, friend or lawyer to attend the hearing to assist or support you. You have the right to a hearing in either French or English. You also have a right to an interpreter if French or English is not your first language. You may also request assistance if you require any disability-related accommodations. The ILO can help you to make these requests.

Indigenous Services

The Board offers culturally appropriate services to Indigenous applicants in the form of a Circle Hearing.

A Circle Hearing is an alternative format to a parole hearing which facilitates the cultural needs of Indigenous applicants and is conducted with the same desired outcome, which is to determine whether an applicant is suitable for reintegration within the community.

Circle Hearings are led and facilitated by Elders who are considered the gatekeepers of Indigenous knowledge and

history, and hold critical roles in Indigenous communities. A Circle Hearing is opened by a blessing or a ceremony. After the opening, the Elder sets out the process for the hearing and will pass the virtual Eagle Feather.

In the case of in-person hearing, what makes a Circle Hearing unique is that all participants sit together in a circle, eliminating hierarchy and restoring balance, to discuss the impact of the offence on the victim, the applicant, their families, and the community.

In virtual hearings, while we cannot sit in a circle the protocol of that circle hearing can still be respected.

How to Request an Indigenous Circle Hearing

If you would like to voluntarily identify yourself as an Indigenous person (First Nations, Métis or Inuit) and request a Circle Hearing, please speak to the ILO.

The ILO will provide you with a *Request for an Indigenous Circle Hearing Form* where you can allow or deny the Pre-Parole Report (PPR) to be shared with the Elder as part of your hearing. If the PPR is shared with the Elder, then the Elder may have further insight into your personal circumstances during the hearing. If the PPR is not shared with the Elder, the Elder can still assist you at the hearing without this information.

What happens at a parole hearing?

- In the case of an in-person hearing, institutional staff will guide you into the parole hearing room along with your support person if the Board has pre-approved their attendance.

- Any victim of your offence (and possibly their support person) may be present either to observe the hearing or to present a victim statement. The ILO will notify you in advance if the victim will be present.
- Other observers may be present. The ILO will notify you in advance if any observers are attending your hearing.
- You will be given an opportunity to tell the Board your story, including:
 - Who you are;
 - Where you are from;
 - Why you committed the offence;
 - Any feelings you may have about your past, current and future situation, etc.; and
 - Details about your proposed release plan.
- The Board members will ask you questions to help them with their decision.
- The Board members will discuss your case further in private before coming to a decision.

When does the Board make its decision?

The Board may take a few days to come to a decision or it may make a decision immediately at the end of the hearing. Once a decision is made, you will receive the decision in writing right away. If you have been granted parole, any conditions you must follow upon release will be included in the written decision.

Can I appeal a decision?

If you do not agree with the Board's decision, you or a person acting on your behalf can write to the Board to request a

review. Talk to the ILO for more information.

While preparing your review request, carefully read the Board's decision denying you parole. In your request, tell the Board why you should have been granted parole and why you think the Board's decision is wrong.

You should also refer to the *Parole Decision Information Sheet for Applicants* that is provided to all applicants along with the Board's decision – it contains helpful information about requesting a review of the Board's decision.

If your request for review is denied, you may ask a court to review the Board's decision. This is called a request for judicial review. The Board cannot assist you with your application for judicial review.

Law Society Referral Service (LSRS)

If you're looking for a lawyer referral service or paralegal referral service, Law Society of Ontario can help. When you request a lawyer or licensed paralegal online, LSRS will provide a free consultation of up to 30 minutes to help you determine your rights and options.

You can start the online process of obtaining a lawyer referral or paralegal referral at <https://lsrs.lso.ca/>, 24 hours a day.

Legal Aid Ontario (LAO)

Legal Aid Ontario (LAO) will provide services best suited to your legal matter. To receive assistance, you must qualify financially.

For information on legal aid services, you may contact the LAO line for persons in correctional institutions, they do

accept collect calls.

1. **Telephone:** 416-649-2531 (Toronto local) or 1-866-883-9665 (toll free)
2. **Online:** legalaid.on.ca

What if the Board grants me parole, but I want to remain in the institution until the end of my sentence?

The ILO will meet with you if you are granted parole. If you do not wish to be released on parole, you may ask the ILO for information on how to make a request to have your parole revoked before you are released from the institution.

By requesting that your parole be revoked prior to release from the institution, you are requesting that the Board cancel its decision to grant you parole. This is different from your parole being revoked for breaching your conditions.

What is GPS Monitoring Program?

GPS Monitoring operated by the Ministry of the Solicitor General may be used for parole supervision. The ILO at the institution will provide you with more information on the program when they meet with you.

Who can I talk to for more information?

The ILO can help you if you have any questions or need more information.

Parole Release Planning

Thinking Ahead

You may find it difficult to think about living in the community while you are still in the institution. However, you should start thinking about:

- How you will manage your time;
- What programs and activities you will participate in while in the institution; and
- How they will affect your plans for a successful return to the community.

Here are some things you can consider doing to increase your likelihood of being granted parole:

- Think about the decision you made that got you into trouble with the law and what you need to do to stay out of trouble if you are released;
- Take the institutional programs offered to you and be prepared to tell the Board what you learned from them;
- Get good work reports;
- Avoid illegal activities and bad behaviour while in the institution; and
- Make or keep contact with supports in the community and the institution: family, employers, school, agencies like the John Howard Society or Elizabeth Fry Society, treatment and counselling services (psychologists, psychiatrists, social workers, chaplaincies are some examples.)

Checklist

You can use this checklist to keep track of the positive things you are doing in the institution:

- ☐ Substance abuse programs
- ☐ Anger management programs
- ☐ One-on-one counselling
- ☐ Group meetings (AA, NA)
- ☐ Contacts you have made in the community
- ☐ Reflections on why you are incarcerated and what you will do differently if you are released
- ☐ Taking responsibility for your actions
- ☐ Good behaviour in the institution
- ☐ Good reports from institutional staff (perhaps qualifying for work programs)
- ☐ Thinking about where you are going to live and what you will do with your time if you are released on parole

You can ask the ILO about other positive things you can do while in the institution.

Creating Your Parole Release Plan

It is important for the Board to know what you plan to do if you are released on parole. You should develop a plan that shows the Board the steps that you are taking to ensure that you have a safe and successful reintegration back into the community. Your plan should address the underlying factors that led you to commit an offence.

Be prepared to tell the Board either in-person, at an electronic hearing or in writing about your plan, including:

- The decisions you made that led you to commit an offence and how you plan to avoid criminal activity in the future;
- Support or treatment programs you are attending or plan to attend;
- Contacts you have in the community who will support you;
- Employment or school opportunities you have lined up; and
- Where and with whom you will be living.

Be as specific as possible. Work with the ILO to confirm as much of your information as possible. You should try to get letters from treatment centers, schools and/or employers confirming that you are enrolled in one or more of their programs and/or have employment opportunities with them. Letters from your sponsor(s) – this means the persons(s) with whom you intend to live, and/or other community supports are also highly recommended.

Choosing a Residence

Be specific about where and with whom you are going to live. Ask yourself whether the Board and the community would think that the place you have chosen to live helps you with a safe and successful reintegration. Try to get a letter from your sponsor confirming your residence plan - how long you can stay, what the house rules are and whether you have to pay rent.

Ask yourself these questions about your residence plan:

- Is it legal for you to live there?
- Are there people living there that will help or hinder you?
- Is there alcohol, drugs or firearms in the home?

- Is the home close to situations or people that could cause you to re-offend?
- Are there recreational facilities close to your home?

Addiction Treatment

If you struggle with addiction, the Board will want your plan to address your addiction. You should start to address your addictions while in the institution by taking substance abuse programs or counselling, if available. If you are struggling with a long-term addiction, you may need to consider a residential treatment facility followed by a recovery centre in the community. If your addiction is manageable, you might try to arrange counselling in the community. Try to get a letter from the agency setting out what type of support is available to you through their agency and an offer of counselling with a confirmed appointment.

The Board must know that you understand the issues behind your addictions. You should be able to answer these questions:

- Why do I drink?
- Why do I use drugs?
- Are there other issues contributing to my addictions that I need to deal with?
- What is my plan to address these issues?
- How have my addictions contributed to my behaviour?
- Do I know what help I need and am I willing to get that help?
- If I have been incarcerated more than once, why have I not been able to break the cycle so far?
- What supports do I have to help me after treatment? Family? Friends? Counsellors?

Employment

If you are planning to work when you are released on parole, the Board will want to know that you have a confirmed job, and how it fits into your overall parole plan. The Board might ask you what skills you have and how long you have held a job in the past. If you are looking for a job, think about what skills you have and what people and agencies can help you find work.

If you have a job to go to when you are released, you should be able to answer the following:

- How long will you be working? Is your job part time or full time?
- What will your hours of work be?
- How will you get to and from work?
- How many days of the week will you work?

You should be able to provide a letter from your employer setting out this information.

Education

If you are planning to go to school when you are released on parole, the Board will want to know whether you have confirmed enrollment. Think about what your short and long term educational goals are. If you want to take courses, start while you are at the institution, where available.

If you want to continue your education while on parole, the Board will want to know about your plans and what you want to do with the courses you are going to take. You should be able to explain to the Board how your educational plans will help you and how you will support yourself while in school. When planning to go to school you should try to find out as

much about the program as possible so you can decide whether it is the right program for you.

You should also ask yourself whether your education plan conflicts with the treatment or employment plan that you may also be submitting to the Board.

Consider the following:

- Do I meet the criteria for the program I want to take?
- What are the start and end dates of the program?
- What time of day are classes?
- Do they conflict with other treatment, work or curfews I will have?
- Do I have a letter from the school confirming that I am registered?
- Do I have financial support or do I qualify for a student loan?

Worksheet

Use the space below to develop your release plan by filling in the details as you confirm them. Later you can provide this information to the ILO as part of your Parole Release Plan.

NAME

First Name: _____

Last Name: _____

RESIDENCE

Who do you plan to live with?

Name: _____

Address: _____ City: _____

Telephone #: _____

Who else lives in this house?

Name: _____ Relationship: _____

Name: _____ Relationship: _____

Are there any children under 18 living there? Yes ☐ No ☐

If yes, who/what age? _____ Relationship: _____

RECOVERY / TREATMENT

Program: _____ Type/Name: _____

Address: _____

Location (if different from address): _____

Telephone #: _____ Contact Person: _____

Length of Program: _____

☐ I have reviewed and can follow the house rules of the treatment or recovery centre.

EDUCATION

School: _____ Program/Course: _____

Address: _____ City: _____

Telephone #: _____ Student #: _____

Start date/Length: _____

Is this plan confirmed? Yes ☐ No ☐

EMPLOYMENT

Company: _____ Address: _____

City: _____ Work Location: _____

Telephone #: _____ Contact Person: _____

Type of Work: _____

Number of hours per day or week: _____

\$ per hour: _____

Is this a former employer? Yes ☐ No ☐

Is this plan confirmed? Yes ☐ No ☐

COMMUNITY SUPPORTS: FAMILY AND FRIENDS

Name: _____ Relationship: _____

Telephone #: _____

Name: _____ Relationship: _____

Telephone #: _____

Name: _____ Relationship: _____

Telephone #: _____

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