



**Tribunals Ontario**

**Ontario Parole Board**

PAROLE IN ONTARIO:

# **A Guide for Victims and their Families**



ONTARIO PAROLE BOARD

(Disponible en français)

*For additional copies of this guide, please contact:*

**Ontario Parole Board**

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*Input from victims of crime is critical to the parole process. This guide is to assist victims and their families in understanding the parole decision process and their role.*

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## **Who is a victim?**

A victim is a person who suffers physical, financial or emotional harm as a result of an offence(s). If a victim is under 16 years of age, a parent or guardian can be considered a victim. If a victim is unable to present a statement at a parole hearing (for example: if they are deceased or sick) the following people may represent the victim:

- Spouse or common law partner of the victim;
- Family member of the victim;
- Parent or guardian of the victim, or a dependant of the victim.

## **Who is the applicant?**

The applicant is the person who committed an offence(s) and for whom parole is being considered. In other settings, applicants may be referred to as “offenders” or “inmates.”

## **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”).

## Victim Support

You should contact the Ministry of the Attorney General's ("MAG") Ontario Victim Support Line to discuss a specific applicant. You can determine whether that applicant has a scheduled parole hearing or whether that applicant has been released. You may also call for information on local victim supports and services, or for general information on the criminal justice system.

### **ONTARIO VICTIM SUPPORT LINE:**

**Tel.:** 416-314-2447

**Toll Free Tel.:** 1-888-579-2888

## Victim Notification System ("VNS")

You can register with VNS to receive automated voice mail messages whenever there is a change in an applicant's status, including notification of parole hearings and release from custody. To register with VNS, please contact the Ministry of the Attorney General's ("MAG") Ontario Victim Support Line.

## What is the purpose of parole?

Parole is meant to help with an applicant's reintegration into society and to decrease the risk that they will reoffend. When an applicant is released on parole, they must follow conditions that the Ontario Parole Board (the "Board") imposes. Some conditions are meant to help rehabilitate the applicant and improve their chances of successful reintegration. For instance, the Board often requires the applicant to attend treatment such as addiction counselling while on parole. Other conditions are meant to protect the victim. For instance, the applicant is often forbidden from contacting the victim or coming within a certain distance of the victim. Other conditions are meant to protect society in general. For

instance, the applicant must report to their PPO routinely and often must follow a curfew.

The idea is that, in some instances, an applicant will have a safer and more successful integration through a structured release rather than being released from custody at the end of their sentence without any conditions. An applicant who violates the conditions of their parole may be re-incarcerated.

## Parole Supervision

The purpose of parole supervision is to enhance public safety by:

- Monitoring and enforcing an applicant's compliance with their parole conditions;
- Helping the applicant to access community resources and/or services that will allow them to address identified criminal risk factors; and
- Assisting the applicant with reintegration from the institution to the community.

## What is the Ontario Parole Board?

The Board is a provincial tribunal that makes parole decisions for applicants serving a sentence of less than two years. The Board often makes parole decisions following a hearing. Where an applicant has given up their right to a hearing, the Board makes parole decisions following a review of the applicant's file, called a Non-Hearing Parole Consideration. Where an applicant has given up their right to parole consideration, the Board will not hold a parole hearing and will not consider the applicant for parole. The Board recognizes the role of victims of crime in the criminal justice system and believes victims play an important role in the parole process.

## What is a parole hearing?

A parole hearing is a proceeding before the Board to determine whether an applicant can safely be released from custody back into the community before the natural expiry of their custodial sentence. During the parole hearing, applicants are given an opportunity to tell the Board why they should be granted parole.

If an applicant has a hearing, it does not mean they will be released on parole. The decision to grant or deny parole is based on a careful review of all relevant information in the applicant's file, a victim submission if one has been provided, and any other relevant information provided to the Board, including submissions from the applicant during the hearing.

## Where are parole hearings held?

A parole hearing is held where the inmate is serving their sentence. If the applicant give up (waive) their right to a hearing the Board will consider all relevant information on file and will make a decision. If the applicant waives their right to be considered for parole entirely, the Board will not hold any parole hearings.

## Who is a Case Management Officer?

A Case Management Officer, also known as a CMO, is a staff member employed by the Board. The CMO is responsible for case file management, scheduling parole hearings and providing information to victims about the parole process. The CMO will be the person you deal with before and after the hearing. The CMO will only contact you if you have previously made contact with the Board. The CMO can answer many of your questions about the parole process.

## Victim Participation Options

- Do not participate;
- Submit a written *Victim Submission Form* to the Board;
- Attend the applicant's parole hearing and make an oral submission; or
- Attend the applicant's parole hearing as an observer.

## What is a Victim Submission?

A victim submission is your opportunity to tell the Board about the physical, financial and emotional impact(s) the offence(s) has had on you, your family, and your community both at the time of the offence(s) and on a continuing basis.

You may also tell the Board about any recommendations that you or your family may have on whether parole should be granted, and, if parole is granted, what conditions the Board should consider imposing on the applicant in order to protect yourself and the community at large.

You can submit a written submission or attend the parole hearing to make an oral submission.

### **IMPORTANT:**

Any submission to the Ontario Parole Board (the "Board"), including the victim submission, becomes part of the Board's case file and may be shared with the parole applicant.

The submission may also be referred to by the Board in its decision.

The Board is required by law to withhold any information from the parole applicant where it believes:

- The information would jeopardize:
  - The safety of any person;
  - The security of a correctional institution; or
  - The conduct of any lawful investigation.
- That providing the information to the parole applicant would be contrary to the public interest.

Please note that the parole applicant will not be provided with information such as your address or telephone number.

## How do I make a written submission?

To make a written submission, contact the CMO and ask for a *Victim Submission Form*. The CMO will provide you with the form as well as the required date to submit the completed form.

## How do I make an oral submission?

To make an oral submission you must attend the applicant's hearing. Attending and presenting at a parole hearing may be very stressful.

To assist you with your thoughts and feelings, it is highly recommended that you write your submission beforehand and read it at the hearing.

The applicant and their assistant are not permitted to ask you any questions during the hearing. In some cases, the Board may ask you questions for clarification purposes.



# Victim Submission Guidelines

When filling out your submission, consider including:

- The impact(s) the offence(s) has had and continues to have on you, your family, and your community;
- Your recommendation on whether parole should be granted or denied; and
- Any conditions that should be imposed on the applicant if parole is granted. For example, if parole is granted, you may ask the Board to consider including a condition that the applicant not contact you or your family, that they not be near your home or place of employment or that the applicant abide by a curfew.

## How do I attend a parole hearing?

The victim can choose to attend a parole hearing for the applicant associated with the offence(s) in which they were involved. You can make an oral submission or just attend to observe the parole hearing. If the victim is unable to present a statement at a parole hearing (for example: if they are deceased or sick) the following people may represent the victim:

- Spouse or common law partner of the victim;
- Family member of the victim;
- Parent or guardian of the victim, or a dependant of the victim.

To attend or participate in a hearing, you must first request authorization by filling out a *Victim Application to Attend Parole Hearing Form*. Forms are available from the CMO. In the case of an in-person hearing, you will be in the same room as the applicant and Board members.

When an in-person hearing is held, please note that many hearing rooms are relatively small and therefore the number of individuals allowed to attend the hearing may be limited.

In addition, the small size of the room might mean that you will be seated close to the applicant. If it would make you more comfortable, you may ask the CMO about seating accommodations.

## **IMPORTANT INFORMATION FOR IN-PERSON HEARINGS:**

The following items are prohibited at a correctional institution:

- Tobacco related articles. Smoking is prohibited on Ministry property;
- Cell phones, cameras or recording devices;
- Valuables, including money;
- Items containing metal, e.g. scissors, knitting needles, etc.; and
- Any other items that the institution may deem to be prohibited.

We ask that you leave the above items either at home or in your locked vehicle. If this is not possible, the institution may, where available, provide you with a locker to secure these items while you are in the institution.

Please let the CMO know in advance if you require any accommodations, including whether you will be bringing any medical and/or disability-related devices such as a wheelchair, service animal or an oxygen tank to the institution. Please note that due to the nature of correctional institutions, some devices may not be permitted and/or may need to go through security screening prior to approval.

## Can I bring a support person?

You may be assisted by another person at the hearing. That person may only participate at the hearing by translating for you or, with the Board's permission, speaking on behalf of a victim with a mental or physical disability.

## Who else can attend a parole hearing?

The applicant may also have an individual present (for example: family member, lawyer, clergy) to provide assistance. On some occasions, members of the media or members of the public may attend a hearing as observers if approved by the Board in advance.

If you have indicated that you would like to attend the parole hearing and have been authorized to do so, the Board will ask for your opinion as to whether a particular observer should attend.

You will be notified by the CMO if any observer, including the media, will be present.

## In the case of an in-person hearing, what if I want to attend the hearing but cannot afford to do so?

The Ontario Government has created a fund to provide victims with some financial assistance (via refund) to attend parole hearings in Ontario.

For information relating to the fund contact the Board by calling the CMO at **416-326-1356** or emailing [OPBRegistrar@ontario.ca](mailto:OPBRegistrar@ontario.ca).

## What happens when an applicant waives or gives up their right to a hearing or parole consideration?

Applicants who are serving sentences of six months or more are automatically entitled to be considered for parole. Applicants have a right to a parole hearing. However, applicants may give up (waive) their right to a hearing or their right to parole consideration.

If an applicant has given up their right to a hearing, the Board must still consider whether the applicant should or should not be released on parole. The Board will make its decision based on the relevant information available. This is called a Non-Hearing Parole Consideration (NHPC).

Victims can participate in the NHPC process by submitting a *Victim Submission Form* to the Board for consideration. To make a written submission, victims must contact the Case Management Officer (CMO) and ask for a *Victim Submission Form*.

If an applicant has given up their right to be considered for parole entirely, the Board will not hold a hearing and will not consider the applicant for parole. Victim participation is not available in this process as the applicant will not be considered for parole.

## When will I know the results of the parole hearing?

If you attend the parole hearing, you will know whether parole is granted or denied at the end of the hearing if the Board decides to make a decision that day. Otherwise, if the Board decides to take more time to make its decision, or if

you do not attend the hearing, the CMO will contact you with the outcome as soon as the applicant is notified. The Board will only contact you if you have previously made contact with the Board and indicated that you wish to know the hearing result. This will typically take between 1-5 business days.

You can request through the CMO that a copy of the decision be sent to you (whether or not you attend the parole hearing).

Please note that the Board will remove any information in a decision that it believes could:

- Jeopardize the safety of any person;
- Reveal the source of information obtained in confidence; or
- Prevent the successful reintegration of the applicant into society.

