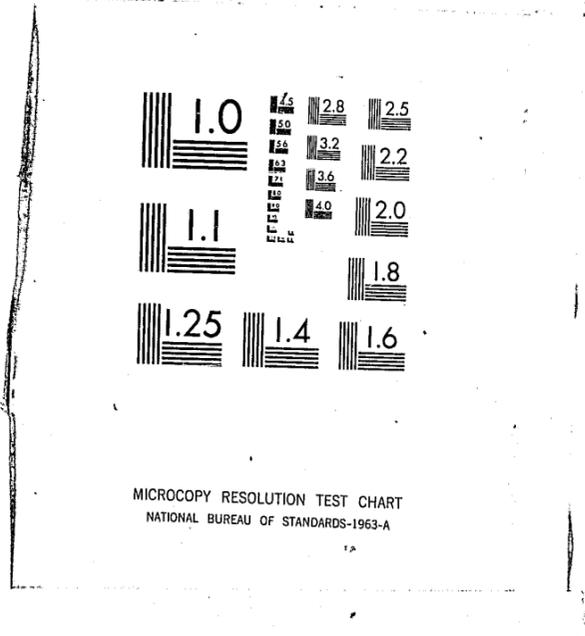


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# PAROLE DECISION MAKING IN ONTARIO

by

PATRICK MADDEN

PLANNING AND RESEARCH BRANCH



Ontario

MINISTRY OF  
CORRECTIONAL  
SERVICES

Honourable  
Gordon Walker  
Minister  
Glenn R. Thompson  
Deputy Minister

SEPTEMBER 1980

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**NCJRS**

**MAR 23 1981**

**ACQUISITIONS**



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U.S. Department of Justice  
National Institute of Justice

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**SEPTEMBER, 1980**

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PROVINCE OF ONTARIO



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## ADMINISTRATIVE ABSTRACT

This report describes an attempt to identify the criteria currently being used by the Ontario Board of Parole. At present, no statement of the Board's decision-making policies exists. Two hundred and sixty-six parole hearings were observed and interviews were conducted with members of the Board to assess how decisions are made. The analysis conducted examined the relationship between a wide range of factors and the parole decision.

Among the factors found to be most related to the parole decision were the plans the inmate had made for his release, his current offence and previous criminal record and problems involving either drugs or alcohol. The report attempts to relate these factors to a more abstract description of the Board's apparent paroling policy. Briefly stated, this policy is to parole individuals unless there is some reason not to. These reasons not to grant parole generally relate to the protection of society, the need for institutional treatment or in some cases they appear to involve retribution or punishment.

Also discussed in the report is the issue of whether a structured or guideline approach to decision-making is desirable. While the existence of potential inequities would indicate advantages to such an approach, the strong negative reaction of the Board members brings up questions as to its advisability. There does, however, appear a need for at least some form of policy statement. The point is made that the lack of available information for many of the cases was a more pressing problem than the lack of stated criteria.

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I INTRODUCTION

With the passage of the Ministry of Correctional Services Act (Bill 85) in June of 1978, the Ontario Board of Parole assumed responsibility for all inmates serving sentences in Provincial institutions. Prior to that time, those serving definite terms were the responsibility of the National Parole Board and only those serving indeterminate or indefinite time were under Provincial jurisdiction. Indefinite sentences were abolished as of August, 1978 by the Criminal Law Amendments Act, 1977 (Canada). This Act gave provinces the option of taking over parole jurisdiction for their institutions.

The result was a dramatic increase in the workload of the Ontario Board with the average number of hearings per month increasing from less than 100 to over 500. To meet this increase, the Board was expanded and reorganized into five regional boards, each with a vice-chairman and several full-time and part-time members. The overall Board currently has eight full-time members and twenty-one part-time members, in addition to the chairman and the five regional vice-chairmen. In comparison, the pre-expansion Board had only seven members, including the chairman.

This expansion has resulted in increased focus on the Board's operation and the criteria being used in its decisions. Historically, the Board has operated in the absence of any written criteria. The argument has been that such a document would only serve to limit its flexibility. Given the great variety of circumstances the Parole Board is presented with, it is questioned whether any set of guidelines could adequately cover all possible consideration. Those who advocate such guidelines, however, see them as necessary for proper and consistent training of new members and for ensuring the consistency of approach across regions. This concern over lack of guidelines, however, does not reflect any disagreement with the decisions that have been made. On the contrary, what has been advocated is a set of criteria which will reflect and maintain the current practice.

The purpose of this research was to identify the unwritten criteria which are reflected in the parole decisions currently being made. It was also designed to provide a description of the operating procedures of the Board and point out any problems or potential problems with the current system. Criteria will be described mainly in terms of the relationship between the identifiable and measurable candidate traits and the decisions which are made. How these relationships translate into policy around the less tangible issues, like parole prognosis, protection of the public or deterrence, will be discussed, but only in rather tentative terms. Because the aim was to reflect how the Board is currently making its decisions, methodologies which might alter this process were avoided. Such approaches would be required if a more definitive measure of the Board's policy around these issues were to be reached.

To address these purposes, the report has been made up of several sections. Following a description of the methodology employed, the report will describe, in general terms, the procedures followed by the Board. This section will cover such issues as parole eligibility, case preparation and hearing format and define the decisions available to the Board. The next section will describe the cases coming up for parole consideration, in terms of a number of characteristics which it was felt might be influential in the parole decision. This will be followed by the results of the sample hearings. These initial decisions will be provided along with any subsequent parole-related activities and the eventual release status of all cases. The bulk of the report will deal with how various characteristics of the sample relate to the Board's initial decision. Two additional sections will deal with parole procedures in other jurisdictions and the material gained through interviews with the current Board members. Finally a discussion section will draw together the various components of the study.

It should be pointed out before proceeding that the Board is currently in a state of some change following the expansion and a recent change in chairmanship. As a result, some of the procedures or circumstances described in this report may have altered since data collection took place.

## II METHODOLOGY

There were two major components to this project. The first was an analysis of a sample of cases coming before the Board. The second involved semi-structured interviews with members of the Board. In addition there will be a follow-up of the cases included in the first component. This will include reconviction data for the full sample and more detailed post-release data for those from the original sample who were released on parole. The results of this phase will be included in a subsequent report.

### A. THE SAMPLE

Cases were observed throughout the Province, between July and September of 1979. The number of hearings attended, approximated one month's workload for each of the five regional Boards. In all, this meant observing 357 hearings, although not all cases were included in the sample. It was felt that the criteria could be best assessed by including only those cases coming before the Board for the first time within their current incarceration. This eliminated 57 cases which had previously been heard, where earlier decisions were being reviewed. Cases where the decision was, to a large degree, predetermined were also excluded since it was the factors influencing the more discretionary decisions which were of interest. In this category were 16 cases where the candidates did not want parole, 17 cases where parole was not granted because of outstanding charges and one case paroled for deportation. This left a sample of 266 cases.

### B. CASE SAMPLE ANALYSIS

For these sample cases, information was collected from two main sources. A member of the research team sat in on the full parole process, from discussions preceding the hearing through to the decision. Data were recorded from each phase of this process documenting the topics of discussion and summarizing the content. In addition, data were collected from the institutional files and any documents prepared specifically for the parole process. The intent was to record and code all information which was available to the Board. While specific details and, particularly, the more subjective aspects of each case were not always codeable, the basic data for each case were recorded and could be related to the decision.

The sample was examined collectively to provide an overview of their characteristics and a description of the parole process in terms of measurable variables such as length of hearing and items discussed. The rest of the analysis examined the relation between the candidate data and the Board's decision. This was accomplished mainly through two-way contingency tables although some multi-dimensional cross tabulation was employed. The sample size did not permit use of the more sophisticated multi-variate techniques. This part of the analysis included only those cases (n=243) where a decision was reached rather than the case being

C. INTERVIEWS

To provide further background to the analysis of the case data and identify the approach taken to various types of cases, interviews were conducted with members of the Board. All members at that time were interviewed, with the exception of the chairman and one part-time member for whom an appointment could not be arranged. As described in the introduction, the Board of Parole is made up of a chairman, five vice-chairmen, eight full-time and twenty-one part-time members. At the time of the interviews, one of the vice-chairmen was acting as chairman and the full and part-time membership was slightly lower. As a result, interviews were conducted with a total of twenty-eight respondents including four vice-chairmen, full-time members and part-time members.

The prime topic of the interview was the criteria used by each member in arriving at his or her decisions. Other areas discussed included general attitudes towards corrections and parole. A number of questions also dealt with problems encountered in their jobs and their reaction to such issues as the use of highly structured guidelines and prediction devices in the parole decision process.

III FINDINGS

A. CURRENT PAROLE BOARD PROCEDURES

Criteria and guidelines can only be discussed meaningfully within the context of the overall parole procedure in which they operate. This section outlines these procedures as observed during the period of the study. For the most part, it deals with usual procedures and does not try to cover the more complex or exceptional cases which arise under certain uncommon circumstances.

The Ontario Board of Parole, as stated in the introduction, has jurisdiction over all inmates serving time in Ontario's Provincial institutions. These institutions house inmates sentenced within the province to terms of less than two years. It is current practice for the Board to automatically see and consider all cases with sentences of six months or more. Those with shorter sentences can apply, in writing, to the Board to be considered but will only be seen if the Board considers that circumstances warrant special consideration.

1. Case Preparation

Prior to the Board's meeting at each institution, the institutional staff prepares a list of those inmates whose eligibility date is approaching. All candidates have a parole eligibility date which is after one-third of their sentence has been served. Where possible, hearings are arranged several weeks before this date so that, in the event that parole is granted, the necessary documentation can be completed prior to release on that date. For this sample, the time between the hearing and eligibility date ranged from one day to over a month, with the median period just under four weeks. Ten individuals were seen after their eligibility date had passed. This was generally because institutional transfers had resulted in earlier scheduled hearings being missed. For many cases, this meant hearings were held after the inmate had served less than two months of his incarceration. Often the bulk of this time would have been spent in a jail or detention centre prior to the candidate's transfer to a longer term institution.

The day before the actual hearing, one or more members of the Board attend the institution and read through the files of those inmates to be seen. In addition, the Board reviews its own files which contain any data prepared or collected specifically for the parole hearing. One or more members will read and record pertinent information from each file. Between their own files and the records at the institution, the Board may have information covering a wide range of background and current data. Previous reports, such as pre-sentence reports, institutional behaviour reports and psychological reports should be included in the available files. In addition, a community investigation report (PB6), prepared by probation staff for the hearing, should be available. Unfortunately,

in many cases, much of this information either doesn't exist or is not available. For a variety of reasons, including the short time the inmate has spent in the institution or clerical errors, there is often only the most basic information on the file.

On the day of the hearing, prior to each individual case being heard, the Board reviews the file contents and discusses the pertinent aspects of the case. Often not all members have seen the files. In these cases, those who read the file the previous day report on its contents to the other members. Only where the case has some unusual aspect does this pre-hearing discussion go beyond a factual overview of the available information.

2. The Hearing

The hearing varies considerably in form and content from case to case. While certain aspects are standard, most of the time in the hearings is devoted to questions which are totally at the discretion of the Board. The standard segment deals with ensuring that the candidate is aware of the reason for the hearing and that he is, in fact, both interested in, and eligible for parole. Beyond that, no two hearings are alike in the areas of questioning.

Based on the file information and the accumulating information from the hearing itself, the Board ascertains what aspects of the case it feels are critical or need clarification and pursues these with the candidate. In some cases, the entire hearing may deal almost exclusively with one specific aspect of the case. If the Board feels, for instance, that alcohol abuse is at the root of the inmate's getting into trouble, it may spend almost the entire hearing discussing how he is dealing with that problem. The following table shows the different topics dealt with during the sample hearings and the proportion of the hearings at which they were discussed.

What the table does not show is the extent of the discussion in any one area. This varied as greatly as the topics discussed, as demonstrated by the length of each of the hearings. The observed hearings ranged from less than one minute to almost an hour, with the average hearing lasting 16 minutes. Often, the longer hearings went beyond what might have been required, simply to reach a decision. When the Board was concerned with the inmate's reaction to their decision or some other problem the inmate had, their discussions were often more oriented toward counselling, than strict information-gathering.

TABLE 1

ITEMS DISCUSSED DURING PAROLE HEARING

<u>Item Discussed</u>	<u>Number of Hearings Where Discussed</u>	<u>Percent of Hearings Where Discussed</u> (100% = 266)
Details of offence	211	79.3
Prior criminal record	206	77.4
Planned living arrangement	190	71.4
Alcohol use	177	66.5
Planned work	171	64.3
Work history	159	59.8
Drug use	128	48.1
Institutional behaviour	128	48.1
School history	98	36.8
Juvenile record	89	33.5
School plans	79	29.7

3. Reaching The Decision

Following the hearing, the candidate leaves the room and waits in the corridor for the decision. The Board discusses the case and attempts to arrive at a decision. While provision is made for a member to register a dissenting vote, it is used only rarely. On occasion, the Board will discuss a case at length in an attempt to reach a consensus. In only eleven (4.1%) of the 266 cases in this sample were dissenting votes recorded.

When the decision is to grant parole, the Board also discusses the special conditions which will apply to the parole period. Where parole is not granted, they record the reasons for that decision. These discussions may take longer than those leading to the actual decision. In all, the discussion following the hearing averaged just over four minutes, although it ranged from virtually no discussion at all to as long as thirty-six minutes.

Once the decision has been reached and recorded, the candidate is called back into the hearing room and presented with the Board's decision. Regardless of what the decision is, it is explained at length and the Board attempts to ensure that the inmate understands fully what has transpired. If the decision was no action or a deferral, the reasons are given and the inmate's required action for reconsideration is explained. In the case of a parole being granted, the various parole conditions are explained and the parolee's obligations are emphasized. Decisions are presented both verbally and in writing to each candidate although not all inmates stay for a full explanation.

#### 4. Alternative Decisions

The Board has three basic decisions from which to choose, in any case. First, if they view a case favourably, they can grant parole. This results in an individual being released on a date specified by the Board, prior to their normal discharge date. The date is usually on or shortly after the parole eligibility date, although, in certain cases, the parole will be effective well after eligibility. This might occur in cases where a treatment programme was required or release arrangements were not yet available. Once released, the individual is on parole until the full term of his sentence is complete. This entails his reporting to a parole officer, abiding by whatever conditions are imposed by the Board and generally obeying the law. The Board has almost complete discretion in the conditions it sets, although most conditions require abstention from alcohol (50% of sample cases paroled), attending some treatment program (20%), seeking and maintaining employment (12%), maintaining a specific living arrangement (7%) or non-association (7%). Intensive supervision was prescribed for 8% of the cases paroled.

Because remission earned while incarcerated is not subtracted from the parole period, those paroled are under supervision for about double the period that they would otherwise have remained incarcerated. This may help explain why certain individuals opt not to seek parole. Five percent (16) of the eligible cases observed for this study chose to sign waivers indicating that they did not want parole. A revocation at any time during the parole period results in a return to the institution to serve the unexpired portion of the sentence. Previously earned remission is not regained.

Remission is an important consideration in describing the extent of the Board's authority. Their decisions usually effect about one-third of the aggregate sentence for each individual (the difference between release on parole after serving one-third of the term and release on expiry after serving two-thirds, because one-third had been earned as remission). For most cases this is a period of between two and four months with the maximum being eight months for sentences of two years less a day.

The Board's second alternative is to give a decision of no action, which means parole will not be granted. The term "no action" is used rather than parole denied because the decision is not necessarily permanent. Following this decision, an inmate can apply to the Board to have his case reconsidered. If his application makes a good case for reconsideration, the Board can re-hear the case. Often inmates are encouraged to reapply, particularly where the lack of some treatment or parole plan was critical in the original decision. Inmates are told to reapply once they have undergone the treatment or arranged a suitable release plan.

The last available decision is the deferral. This decision is different from the "no action" in that the case will automatically be reconsidered at a later hearing. This is generally used where some information is either unavailable or incomplete at the time of the hearing. Deferrals are usually given where there is a need for further information, such as institutional or psychological reports or community investigation. In other cases, the deferral is to allow the inmate to get involved in, or to complete, some form of programme. It was not always obvious, in the observed cases, what distinguished these cases from others where those in similar circumstances received a decision of no action.

#### B. DESCRIPTION OF SAMPLE

Before dealing with the decisions made by the Board, one must have an understanding of the type of candidate with whom they were faced. This section provides a brief description of the sample cases (n=266), in terms of characteristics which might influence the parole decision. In most respects, they were similar to other correctional groups which have been studied in the Province. They were generally quite young, with over half being 21 or younger and only about 10% over forty. The majority (68%) were single, with another twenty-nine (11%) either separated or divorced. Of the remainder, more (30) were living common-law, than were married (24). Only five of the sample were women.

The employment histories of the sample were generally very poor with only 24 (15%) of those on whom information was available, having exhibited working patterns which could be described as steady. Over half had worked only rarely, if ever, despite only eight individuals categorizing themselves as students. At the time of incarceration, 101 (38%) were employed, eight (3%) were students, one was a housewife and the remainder (58%) were unemployed. Educational backgrounds were also generally quite limited. Less than half had gone beyond grade nine and only 12% had completed grade twelve or higher.

The sentences being served ranged from six months to two years, less a day. The bulk (68%), however, were serving sentences of one year or less. A majority (76%) were serving sentences for crimes against property, with the most common offence being break and enter and theft. Less than 15% had been charged with offences against the person. These were primarily assaults, although three inmates were serving time for manslaughter and two for rape.

Most (77%) of the sample had prior convictions and just over half had prior adult incarcerations. If a term in training school is considered as an incarceration, which may be appropriate due to the general youth of the sample, almost 75% had been incarcerated in some way prior to their current term. Of particular interest, with regard to deciding on supervised release, may be prior probation or parole experience. Over 60% had been on probation and about half of this group had been breached or received additional charges while on probation. Sixteen percent had at least one previous parole with over 70% of this group having had their parole revoked for violating conditions or committing new offences.

C. PAROLE DECISIONS FOR SAMPLE CASES

As explained in the methodology section, a number of the observed cases did not really require a decision from the Board. In the remaining 266 cases the following decisions were reached:

Parole granted	107	(40%)
No action	135	(51%)
Case deferred	24	( 9%)

These initial decisions will form the focus of the remainder of the report, particularly the non-deferred group. It is interesting, however, to first follow the full sample through to their release, in terms of any further Parole Board involvement. Of the 107 originally granted parole, 97 (91%) were released as originally planned, three were paroled, but after a postponement of the originally planned release date, and seven had their parole cancelled. Of this last group, four

received subsequent reviews and two were granted parole again at a later hearing. The reasons for cancellations and postponements included new charges, outstanding previous charges, institutional conduct and problems with release arrangements. Postponements ranged from 13 to 29 days.

For the 135 whose initial decision was no action, thirty-eight (28%) had their cases reviewed and twenty-two (16%) were granted parole at later hearings. At the review hearings, for the 24 cases originally deferred, 15 (63%) received their parole, although one of this group had his parole cancelled prior to release. Of the other nine who received no action at their initial review hearing, one was paroled at a subsequent review.

In all, 139 (52%) of the sample cases were eventually released on parole. This represents 46% of the 299 parole eligible cases originally observed for the study. The remainder were released following expiration of their sentence, less any remission they had earned.

D. FACTORS RELATED TO THE PAROLE DECISION

The following sections will discuss how factors in a number of areas are related to the initial parole decision. To assess these relationships, information will be drawn from both the 243 cases where a decision was reached and the interviews with Board members. In addition, the analysis was influenced by the insights gained through observing the Board, as it discussed each case, in working towards a decision. Reference to all these sources was required for two reasons. First, much of the detail which came out at the hearings could not be captured in the coded data which formed the basis of the case analysis. This was particularly true since many of the most critical considerations were quite subjective in nature. The second problem in analysing the observed cases without the other back-up information was the high degree of intercorrelation among the factors. This results in a number of factors being statistically related to the decision when, in fact, only one might have been casually related. The interview and observational data are used in an attempt to distinguish the coincidentally-related factors from those which actually influenced the Board in its decision.

Prior to a detailed examination of the various factor groupings, the following table should provide a good indication of the relative importance of some of the critical factors. It shows how important the 28 interviewed Board members felt each factor was in making their decision. For each factor, the number of respondents who ranked it at a certain level of importance is shown. Items are ranked in descending order of importance.

TABLE 11

IMPORTANCE OF FACTORS IN MAKING PAROLE DECISIONS

	Rarely Considered	Sometimes Important	Usually Important	Always very Important
Living plans	-	-	4	24
Work/School plans	-	1	5	22
Prior criminal record	-	1	7	20
Current offence category	-	2	6	20
Alcohol use	-	2	6	20
Drug use	-	2	7	19
Prior parole performance	-	5	5	18
Details of current offence	-	4	7	17
Attitude towards crime	-	5	6	17
Institutional behaviour	-	5	11	12
Employment record	-	10	12	6
Educational record	1	15	11	1

Another indication of the relative importance of the various factors is how often they are mentioned as reasons for denying parole. The following table shows the reasons recorded for no action decisions and the percent of no action cases in which each reason was given. In many cases more than one reason was given.

TABLE 111

REASONS GIVEN FOR NO ACTION DECISIONS

	#	% of 135 no. actions
No confirmed/suitable plan	50	37.0
Need for institutional treatment	41	30.4
Poor institutional conduct	28	20.7
Alcohol problem	25	18.5
Prior Performance on Parole/Probation/Bail	18	13.3
Long/Serious Record	17	12.6
Need information	14	10.4
Attitude	11	8.1
Serious Nature of Offence	10	7.4
Violent Nature	8	5.9
Drug problem	6	4.4
Institutional Recommendation	3	2.2
Questionable Immigration Status	2	1.5

Because reasons are provided both for the inmate's benefit and the Board's records, there may be cases where the recorded reasons do not reflect totally what led to a decision. The candidate's reaction to these reasons is considered carefully and the Board tries to avoid discouraging him too much. Certain cases may include recorded reasons which are intended to influence an inmate which did not appear to have been critical in the initial decision. In most cases, however, the reasons given are a good reflection of what actually led to the decision.

1. Release Plans

The plans an inmate had made, in terms of where he will live and what he will do upon his release, are one of the most critical areas considered by the Board. Eighty-six percent of the members interviewed said planned living arrangements were always a very important consideration. The others said it was usually important. Only slightly fewer (79%) listed work or school plans as always very important. Further evidence of the importance of these areas is the fact that 37% of the cases receiving a no action decision had the lack of a suitable plan cited as a reason for that decision.

The existence of a confirmed plan was highly related to a positive decision by the Board. Fifty-seven percent of those with confirmed living arrangements were granted parole, compared to 35% for those without confirmed plans. Over 70% of those with confirmed work or school plans received parole, compared to 36% with unconfirmed plans, while only 26% of the group with no stated plan in this area were granted parole. It should be pointed out that some confirmed plan is required prior to release on parole, even if it is not available at the time of the hearing. Regardless of the specifics of the plan, it appears that an inmate who has gone to the trouble of making and confirming some release plan influences the Board positively.

That is not to say that the specifics of the proposed plan are not considered. It is difficult, however, to gauge the exact nature of the influence of the plan on the Board's decision. While those with certain plans, such as living with a spouse and children, were more likely to be paroled, it is difficult to judge the extent of the plan's influence on the decision. First, it was obvious in observing the cases that each plan was judged in the context of the specific background and current circumstances of each case. Second, the plans of an individual are, to a large degree, a reflection of other characteristics which also might influence the decision. If, for example, an individual with a fairly stable married life and a job arranged is paroled, is it because he plans to work and live with his family, or is it that he has already demonstrated a level of stability? Likely, it is a combination of both. An attempt to assess the relative importance of either issue would be highly difficult and likely not too relevant to the task at hand.

The following tables show the proportion of inmates paroled among groups with various release plans. The data are given for those with confirmed and unconfirmed plans separately, since this was such an influential issue. Each cell of the table gives the number paroled of the number in the category, as well as the percentage that this represents.

TABLE IV

PROPOSED LIVING PLANS AND PROPORTION PAROLED

<u>PLANS</u>	<u>CONFIRMED</u>		<u>TOTAL</u>
	<u>Yes</u>	<u>No</u>	
Spouse/Children	30 of 36 (83%)	12 of 22 (55%)	42 of 58 (72%)
Parents	28 of 64 (44%)	21 of 59 (36%)	49 of 123 (40%)
Halfway House	7 of 10 (70%)	2 of 14 (14%)	9 of 24 (38%)
Other	1 of 6 (17%)	2 of 10 (20%)	3 of 16 (19%)
No Definite Plans	-----	-----	4 of 21 (19%)
<b>TOTAL</b>	<b>66 of 116 (57%)</b>	<b>37 of 105 (35%)</b>	<b>107 of 242 (44%)</b>

TABLE V

PROPOSED WORK/SCHOOL PLANS AND PROPORTION PAROLED

<u>PLANS</u>	<u>CONFIRMED</u>		<u>TOTAL</u>
	<u>Yes</u>	<u>No</u>	
Work	45 of 59 (76%)	35 of 94 (37%)	80 of 153 (52%)
School	5 of 9 (56%)	5 of 18 (28%)	10 of 27 (37%)
Gov't Assistance/ Residential Treatment	1 of 2 (50%)	1 of 2 (50%)	2 of 4 (50%)
No Plan	-----	-----	15 of 58 (26%)
<b>TOTAL</b>	<b>51 of 70 (73%)</b>	<b>41 of 114 (36%)</b>	<b>108 of 242 (45%)</b>

In general, it appears that those returning to positions of responsibility are more likely to be granted parole. Planning to work rather than attend school, or living with a spouse rather than parents, are both related to a higher probability of parole. Again, interpretation of these results must be done with caution. More than having a preference for any particular plan, the Board looks for a candidate who has developed and confirmed a plan which is suitable and realistic for his own circumstances.

2. Prior Criminal Record

Prior criminal activity is an area of prime consideration to the Board in arriving at its decision. Twenty (71%) of those interviewed said it was always an important consideration and all but one said it was at least usually important. In 33 (24%) of those cases denied parole, prior record or prior parole or probation performance was mentioned as a reason. It was difficult, however, from the available data, to ascertain what specific aspect of previous records was most critical. A number of measures of prior criminal activity and their relationship to the parole decision are shown in Table VI.

A number of these factors show a relationship with the parole decision but none truly reflect the Board's overall assessment of the individual's prior criminal behaviour. In making their decision, they generally assess the degree of severity of the crimes and the extent to which the criminal behaviour appears chronic. How the various measurable factors, included in Table VI, translate into these more abstract concepts undoubtedly varies from one member to another. Lack of detailed information is a restricting factor both for the Board and the research. Information available ranged from almost nothing to detailed accounts of previous crimes and correctional experience. It is worth noting that age of first legal problem is more highly related to the parole decision than those variables indicating only adult convictions. This results primarily from the younger inmates who often had juvenile records but had had little time to accumulate prior adult convictions or incarcerations. Previous research (Madden, 1977) had shown this group to be very high recidivism risks and the Board quite accurately judged them as poor parole candidates.

An interesting aspect of prior record is the prior performance of the candidate while under community supervision. This would seem a strong indicator of suitability for another opportunity and, in fact, over 64% of the members said this was a "very important consideration". Previous failures, however, far from exclude anyone from consideration. Those inmates with previous breaches of probation or parole revocations were as likely to be paroled as those who had been successful in previous probation or parole terms. The rate of parole was lower (31%) for those who had been either on parole or probation at the time of their current offence. It appears that the more recent the failure, the more critical it is in the Board's decision. A failure to complete either parole or probation which occurred some time ago does not reduce the likelihood of the Board giving someone another chance.

TABLE VI

INDICATORS OF PRIOR CRIMINAL RECORD AND PROPORTION PAROLED

	<u># Paroled of # in Category</u>	<u>% Paroled</u>
<u>Age at First Legal Problem</u>		
under 16	22 of 69	31.9
16 or 17	27 of 68	39.7
18 to 20	23 of 46	50.0
21 and over	32 of 54	59.3
<u>Number of Prior Convictions</u>		
none	26 of 56	46.4
one	21 of 44	47.7
more than one	60 of 142	42.3
<u>Number of Prior Incarcerations</u>		
none	57 of 120	47.5
one	13 of 30	43.3
more than one	37 of 92	40.2
<u>Time Since Last Serious Conviction</u>		
within last 2 years	38 of 83	45.8
between 2 and 4 years	22 of 55	40.0
over 4 years	12 of 21	57.1
<u>Longest Prior Incarceration</u>		
up to 6 months	23 of 41	56.1
6 months to 2 years	23 of 58	39.7
over 2 years	6 of 18	33.3
<u>Previous Probation</u>		
Yes	60 of 150	40.0
No	47 of 92	51.1
<u>Ever Breach Probation</u>		
Yes	32 of 77	41.6
No	28 of 73	38.4
<u>Previous Parole</u>		
Yes	14 of 40	35.0
No	93 of 202	46.0
<u>Prior Parole Violations</u>		
Yes	12 of 29	41.3
No	1 of 10	10.0

3. Current Offence

The type of offence for which an individual was incarcerated was ranked high by most Board members as a parole criterion, with 20 of 28 stating that it was "always very important" in their decisions. The details of that offence and the attitude toward the crime were also ranked as important factors. Slightly over half (15 of 28) said there were certain offences which, if committed by an individual, would result in their denying his parole. The offences they mentioned most often, such as, rape, pedophilia and crimes of violence, are rare amongst Provincial inmates. There were, however, ten cases where the serious nature of the offence was given as a reason for denying parole. Charges for this group included robbery, assault, manslaughter and drug trafficking.

Because of the wide range of offences occurring in the sample it was difficult to detect trends when considering rates of parole within groups charged with specific crimes. When crimes were grouped into broad categories, certain tendencies were seen. Table VII shows the proportion paroled within offender groups serving time for offences within categories generally used in Ministry statistics<sup>1</sup>. Note that categories are not mutually exclusive since a number of the sample had been convicted of crimes in more than one category.

As with many of the results presented in the report, this table must be interpreted with caution. Certain of the trends are however worth noting. The small proportion receiving parole among those charged with crimes against the person, likely reflects the serious nature of many of the offences in this category. Such offences as kidnapping and rape are included in this group although most crimes involved assaults. The low rate of parole for those sentenced for property offences may reflect other characteristics of this group, as much as the Board's reaction to this type of crime. Often property offenders are among the more chronic offenders and they have been shown to be higher recidivism risk than other offenders (Gendreau, Madden, Leipziger, 1977). Public order offences, while covering a wide range of activities, are also associated with poor recidivism rates.

The high proportion paroled amongst those serving time for drug offences is interesting, given the strong feelings expressed by some Board members about certain drug offences. Many of those in this sample, however, were convicted of less serious offences, such as simple possession or possession with intent to traffic. Where trafficking was involved, the Board appeared concerned with the individual's level of involvement and the value of drugs involved. The high parole rate may be appropriate, as this type of offence is not associated with high recidivism rates.

<sup>1</sup> The crimes included in each category and the number in the sample convicted of each are shown in Appendix A.

TABLE VII

CURRENT OFFENCE CATEGORY AND PROPORTION PAROLED

	<u>#Paroled of # in Category</u>	<u>% Paroled</u>
Against Person	11 of 35	31.4
Against Property	70 of 183	38.2
Against Morals and Decency	3 of 5	60.0
Against Public Order & Peace	33 of 84	39.3
Liquor Offences	14 of 27	51.9
Drug Offences	18 of 29	62.1

Overall, the conclusions about the current offence as it relates to the parole decision, are similar to those for prior criminal history. It was obviously an area considered seriously, but the exact aspects of a crime which the Board looks for are difficult to isolate. Aspects, such as seriousness, degree of violence and culpability, enter into consideration but each of these is a subjective measure. How a given offence might rank in terms of each of these dimensions, as well as how much weight each dimension is given, likely varies from one member to another. Similarly, any specific details on a crime were difficult to gauge, in terms of their impact on the Board's decision. Certain aspects coded under this category did show patterns. Where candidates claimed innocence or lack of responsibility, it did not bode well for their parole chances. Other cases, where circumstances such as financial need or family problems appeared to have led to the offence, were more likely to be paroled.

4. Drug and Alcohol Use

Both drug and alcohol use are important considerations in the Board's decisions and seem to be weighted similarly. If the Board sees the use of either drugs or alcohol as a problem for an individual and particularly if it was related to his getting into trouble, then that issue becomes a critical one. In eighteen (13%) of the no action cases, an alcohol problem was given as a reason for the decision and for 7 cases, a drug problem was mentioned. In both categories the problems were described as unresolved or unrecognized by the candidates. Once the existence of a problem is seen, the handling of that problem by the inmate appears to be the main concern of the Board. If the inmate acknowledges the problem and is taking part in, or planning some form of treatment, his chances of parole are greatly increased. As shown in Tables VIII and IX, if some treatment is indicated, the likelihood of parole is similar to that for the group with no problem indicated.

TABLE VIII

ALCOHOL PROBLEM AND PROPORTION PAROLED

	<u># Paroled of # in Category</u>	<u>% Paroled</u>
<u>Any Indication of Alcohol Problem</u>		
Yes	43 of 114	37.7
No	65 of 128	50.8
<u>Treatment</u>		
None mentioned	14 of 54	25.9
Some before incarceration	10 of 22	45.5
Some during incarceration	30 of 40	75.0
Some planned	19 of 30	63.3
Any indicated	28 of 60	46.7

TABLE IX

DRUG PROBLEM AND PROPORTION PAROLED

	<u># Paroled of # in Category</u>	<u>% Paroled</u>
<u>Any Indication of Drug Problem</u>		
Yes	15 of 51	29.4
No	92 of 191	48.2
<u>Treatment</u>		
None indicated	8 of 37	21.6
Any indicated	7 of 14	50.0

Obviously, the Board is basing its decision on more precise information than could be recorded for this study. The extent of the problem and the type of treatment and apparent commitment to that treatment were all factors which had to be assessed by the Board members. All that could be reliably coded was the existence of both the problem and the treatment. Nonetheless, the trends are quite apparent.

The basis on which the Board had to determine the existence of a drug or alcohol problem varied from case to case. In many instances, the institutional files contained a detailed account of problems in previously produced pre-sentence reports or other documents. In other cases, very little was available. Often, the best indication was whether or not drug or alcohol use had been a factor in the charges for which the inmate was currently serving time. Thirty-seven percent of the 95 candidates who had been either drinking or on drugs at the time of their offence were paroled, compared to 49% for those who had not been drinking or on drugs.

5. Institutional Behaviour

The extent and form of information available on institutional behaviour varied considerably from case to case. Often, especially with the short term inmates, no record was available, unless there had been a serious incident since the inmate's arrival at that institution. The absence of any behaviour report was usually taken to indicate at least acceptable behaviour. In some cases, institutional staff might report verbally to the Board on how an inmate was making out, but this information was only available to the researcher if it was discussed during or before the hearing.

With these restrictions, the cases were broken down into three groups. Those with some mention of exceptionally good behaviour (N=19), those with few or no problems (N=111) and those with some indication that there was a problem with institutional behaviour (N=55). As expected, the likelihood of parole was greatest amongst the group with the best behaviour, as shown in Table X.

It was somewhat surprising, however, that over 30% of those with behaviour problems were granted parole. Often, these were cases with a period of good behaviour since their last incident or where the Board felt that they were not responsible for the problems in which they had been involved. That notwithstanding, it appears that institutional conduct is not as influential a factor as one might expect. This is confirmed by the interview results showing institutional behaviour ranked tenth among factors influencing the parole decision.

Of more importance to the Board, in many cases, was the inmate's involvement in the programmes or services available in the institution. Where a particular problem seemed to have caused or contributed to the inmate getting into trouble, his attempts to deal with that problem were critical in the parole decision. Often the involvement in institutional programmes was the only tangible evidence of such attempts. This was most evident in the case with drug or alcohol problems as discussed earlier, but the same approach was apparent in other problem areas.

TABLE X

INSTITUTIONAL BEHAVIOUR AND PROPORTION PAROLED

	<u># Paroled of # in Category</u>	<u>% Paroled</u>
Mention of Exceptionally Good Behaviour	16 of 19	84.2
Few or No Problems	52 of 111	46.8
Some Behaviour Problem	17 of 55	30.9

( 46 had no information )

Involvement in community-oriented programmes, such as temporary absence (TA) or community resource centres (CRC), was also related to the parole decision. Of 81 inmates who had been involved in either of these programmes where they left the institution, 50 (62%) were granted parole. This compares to 36% for those not involved in this type of programme. It is likely that this is primarily a reflection of the same characteristics being required for participation in these programmes, as would be required for release on parole. Nonetheless, successful experience in these programmes would be a positive consideration.

The potential exists for participation in these programmes to have a negative impact on an individual's chances of being granted parole. The perceived benefit of the CRC environment might reduce the relative appeal of a parole in the Board's view. Such a result would be rare and no observed cases appeared influenced in this way. It is interesting, however, that two of the candidates who chose not to seek parole used similar reasoning.

6. Demographic Characteristics

It is presumed that the more basic demographic factors, such as age or sex are not, on their own, particularly influential in the Board's decision-making. Certain groups, however, as defined by their demographic characteristics do appear more likely than others to be granted parole. Table XI shows the proportion paroled, within a number of demographic groupings from the current sample.

As can be seen, a number of these factors are highly related to the decision to parole. What is not clear, however, is the extent to which they actually influence the decision. The high or low rate of parole for any group may reflect other factors which are common to that group, rather than indicating that the factor itself affected the Board's decision. Age, for example, has already been described as highly related to a number of background characteristics. Many of those factors associated with the

TABLE XI

DEMOGRAPHIC FACTORS AND PROPORTION PAROLED

	<u># Paroled of # in Category</u>	<u>% Paroled</u>
<u>Age</u>		
16 or 17	9 of 33	27.3
18 to 20	27 of 67	40.3
21 to 25	25 of 65	38.5
26 and over	46 of 77	59.7
<u>Marital Status</u>		
Single	61 of 167	36.5
Married	18 of 23	78.3
Common-law	17 of 28	60.7
Separated/divorced	11 of 23	47.8
<u>Level of Education Completed</u>		
Below grade 8	4 of 13	30.8
Grade 8	20 of 45	44.4
Grade 9 or 10	54 of 120	45.0
Grade 11 to 13	23 of 46	50.0
Above grade 13	2 of 5	40.0
<u>Employment Status at Admission</u>		
Employed	52 of 93	55.9
Unemployed	48 of 139	34.5
Student	5 of 7	71.4
Housewife	1 of 2	50.0
<u>Employment Record</u>		
Good-steady	22 of 24	91.7
Fairly steady	17 of 39	43.6
Rarely or never worked	31 of 84	36.9
<u>Racial Origin</u>		
Caucasian	92 of 211	43.6
Native	8 of 19	42.1
Other	7 of 12	58.3

younger inmates are quite likely seen as negative by the Board and are probably much more influential than age itself, in the low proportion paroled from the young group. The low rate for single candidates can probably be explained in much the same way.

This is not to say that factors such as age or race are ignored in the consideration of a case. They appear to be dealt with more as a background against which to judge the more directly relevant issues. An individual's work history and education will be vital factors in assessing the appropriateness of their release plans, rather than being directly related to the final decision.

E.

THE BOARD

Because of the recent expansion, many members had only been with the Board a short time. Only four had over two years experience and seven had been Board members for less than a year. Other background experience varied, with seven members having worked in corrections and the others in a variety of occupations in the private and public sectors. Many had experience with community organizations, such as native and professional organizations, which they saw as helpful in their capacity with the Board. Educational backgrounds also varied considerably, from members with partial high school completion to one with a Ph.D. Those with university experience had studied in a number of disciplines, including criminology, education, business and social work.

The particularly important question in the interview dealt with the manner in which members approach a new case. Twenty-two members (78%) chose the following response: "An individual will be paroled unless there is something in his history, his attitude or his institutional behaviour to indicate that he will not abide by the conditions of parole". Only two chose the response basically describing the opposite approach; the remaining four felt neither response summed up their individual approach to cases.

Several questions in the interview were designed to tap the attitude of the members towards general correctional issues. As might be expected, given the variety of backgrounds, attitudes also ranged considerably within the Board. When asked about the value of incarceration, in terms of deterrence or rehabilitation, their answers ranged from unqualified endorsement to total lack of support. The majority responded with qualified responses, with most answers categorized into groups such as "works for certain offenders" or "works under certain circumstances". Their assessment of the sentences being passed by judges were also varied: two saw them as too harsh, three not harsh enough, nine about right and nine said they varied across all three possibilities. Notably, four responded that this was not the concern of the Board.

An attempt was made to identify the individual members' assessment of the Board's role in the overall correctional process. Obviously, the basic, individual case decisions were seen as the primary Board function, but certain other potential functions were viewed less uniformly. In particular, the idea of maintaining prison discipline through their decisions received a complete range of responses. Asked how often this would be a consideration in their decisions, five said "almost always", eight said "quite often", eight said "occasionally" and seven said "rarely or never". Somewhat less disparity was found in response to whether the Board should use their decisions to motivate offenders towards either institutional programmes or suitable release plans. A majority saw these two

issues as "occasionally" or "quite often" a consideration, but all four response options were represented. This result is supported by the observed cases where some regional Boards made concerted efforts to influence the candidate towards some action or plan, while others concentrated on the specific decision at hand and used the hearing exclusively to gain information to aid in that decision.

One question where there was more agreement among members was whether the Board should fill the role of "correcting sentencing disparity". Nineteen (68%) said this was "rarely or never a consideration" and another six said it was "occasionally". The remaining three members, however, obviously saw this as an important role for the Board as two considered this "quite often" and the other "almost always". Another question dealing with the same concept asked how often the "appropriate degree of punishment for a particular offence" is a consideration. Here, two members responded "very often" and another two, "quite often". The remainder were split between "sometimes" (13) and "rarely or never" (10).

On the use of structured guidelines in parole decision-making, there was much more agreement. When asked if they would favour a system where mathematically-developed instruments would provide a decision, they were unanimously against it. Eight (31%) of those who answered did, however, feel that a scale which provided predictions of parole performance might be helpful in their decision-making. Despite the lack of written guidelines, all but two of the respondents felt totally clear on what criteria they were expected to use in making their decision. To elaborate on this response, seven members explained that they felt they were to use their own discretion, five said that their vice-chairman had given them the required direction and five felt that their own experience on the Board had provided them with the understanding of what criteria were appropriate. Obviously, there is no great perceived need on the part of the Board members for more guidelines in their decision. Their explanations, however, do leave open the possibility of inconsistency in the criteria which are used. If such inconsistency does not exist now, its potential with continuation of the regional structure must be a concern.

F. PAROLE POLICY IN OTHER JURISDICTIONS

To provide a comparison to the Ontario approach to parole and help put the current analysis in perspective, parole procedures in a number of other jurisdictions were examined. An attempt was made to categorize their approaches on three separate dimensions. First was the degree of structure or direction in the Board's guidelines or policy. On this dimension, there was considerable variation between the Boards examined. A number of jurisdictions, including British Columbia, Indiana and Connecticut, operate in a similar manner to Ontario, with very few restrictions on the discretion of the Board. While most had some form of policy statement, they were sufficiently vague to supply very little direction. As an example, the Connecticut statements grants their Board authority to release an inmate:

"if it appears that there is a reasonable probability that such inmate will live and remain at liberty without violating the law and that such release is compatible with the welfare of society".\*

At the opposite end of the scale are a number of jurisdictions with highly-structured guidelines, which restrict the discretion of the Board. Included in this group are New York State, the United States Federal System, and North Carolina. The form that these guidelines take varies with the philosophical approach to parole and with the pertinent local regulations. In the U.S. Federal System and New York State, the Boards' decisions deal with when, rather than whether, to parole. Their approach employs a matrix where an individual's characteristics, such as offence type or criminal record, place him in a specific cell which contains a range of terms of incarceration. The Board will then specify the date of parole, which will result in the individual serving a term within that range. As with all the guidelines examined, a decision can be made outside the guideline, but reasons must be given. In North Carolina, the approach is different, in that the decision is whether, rather than when, to parole. The guidelines developed for this jurisdiction consists of a series of screening decision points. At each point, a new factor is assessed and the decision is either determined or the process continues to the next decision point. A description of the development of these guidelines and those in other jurisdictions is available in Gottfredson *et al* (1978). Interestingly, certain other jurisdictions, such as Missouri, developed guidelines similar to those described here, but did not continue their use beyond the pilot implementation. Several of the jurisdictions we surveyed were involved in either considering or developing a guideline approach. These included the Canadian National Board, Wisconsin, Ohio and Georgia.

\*Massachusetts (1978), p. 10.

Our second consideration in examining the paroling policies in other jurisdictions was the basic philosophical approach to the decision to parole. That is, how the parole process is related to the concepts of incapacitation, deterrence, retribution and rehabilitation. Often the available information dealt with these issues only indirectly, if at all. Certain issues were common to most jurisdictions where an assessment could be made. Incapacitation, or protecting the public, was a major concern for all Boards. The other issues were less obvious and less consistent. The idea of deterrence is touched on in the statements used in some jurisdictions which express concern that the decision to parole does not negate the original disposition or encourage poor institutional behaviour. The concept of punishment or retribution, although rarely expressed in those terms, appears an important consideration for many of the Boards. The emphasis placed on crime severity in many of the parole policy documents indicates a concern beyond the fear of reoccurrence. Other jurisdictions made a point of not emphasizing the crime as they didn't see their role as resentencing. Most jurisdictions dealt with rehabilitation in the sense that they looked for an improved outlook or attitude, but the extent to which rehabilitation was an aim of the parole process was not as obvious.

Finally, we looked at the specific tangible factors which the various boards considered in making their decisions. The emphasis on, or weighting of, the various factors, if it could be determined, varied from jurisdiction to jurisdiction, but the same basic list was considered by almost every Board. The following ten factors represent the common considerations:

- . Nature, circumstances and severity of the inmate's offence and his current attitude towards it.
- . Prior criminal history and his parole or probation adjustment on any previous releases.
- . Attitude towards family, victim and authority in general.
- . Institutional adjustments, infractions and achievements.
- . Employment history - skills and ability.
- . Physical, mental, and emotional health.
- . Inmate's insight into the causes of past criminal conduct.
- . Efforts at self-improvement and solving problems (i.e., drug or alcohol addictions).
- . Adequacy of inmate's parole plans, the environment he is returning to, the character of contacts, place of residence and employment prospects.
- . Aggravating and mitigating circumstances.

#### IV DISCUSSION

This discussion must first address the original intent of the study, that is, identify the apparent parole policy as reflected in the decisions on the observed cases. Vital to this issue is the fact that the majority of the Board members said their approach to cases is to grant parole, unless there is some reason not to. This leaves the discussion of parole criteria to deal mainly with the reasons for denying parole rather than the reasons for granting it. Reasons for granting would be better dealt with in a discussion of the philosophy of parole than in a discussion on paroling criteria. Suffice it to say that the granting of parole is in keeping with the current policies of using community alternatives to incarceration, whenever possible.

Reasons for denying parole or continuing incarceration deal with essentially the same issues as the original reasons for incarceration. The possible reasons for parole denial can, therefore, be categorized according to the basic aims of incarceration: incapacitation, deterrence, rehabilitation and retribution. We will deal first with incapacitation, the most straight forward of these aims. Within the context of the parole decision, the issue of incapacitation is basically a matter of predicting the likelihood of an offence occurring during the offender's period on parole. This need to protect society from crimes that may be committed by those released on parole is, obviously, a prime concern of the Boards. How this relates to the factors discussed in earlier sections of this report ties in the Board's perception of which factors are predictive of further offences. A number of the factors which have been found to be parole decisions have been shown, in a number of studies, to be predictive of recidivism. In particular, variables involving previous criminal records, alcohol abuse and employment history are highly related to both recidivism and the parole decision. Certain types of release plans are also likely seen by the Board as predictive of a return to crime.

A limiting factor in the extent to which incapacitation is a factor in parole decisions for the Ontario Board is the length of the period of incarceration under consideration. Realistically, the two or three months of additional incarceration brought about by most decisions to deny parole, represent very limited additional protection of the public. Nonetheless, the prognosis for parole success appears to be one of the primary concerns of the Board in reaching its decisions.

The second aim, deterrence, is somewhat less clearly defined. First, there was disagreement among Board members as to whether or not deterrence is achieved through incarceration, in the first place. Beyond this, the potential for a parole decision to affect whatever deterrence may exist is also a questionable matter. As a result, it appeared that

deterrence was not an issue in the Board's deliberation. It is possible, however, that in cases where the candidate's attitude indicated that he would see parole as "getting off" the decision would be a denial of parole. Subjective impressions such as this were not recorded and may have been overlooked in this research.

In a related area, there was evidence that the Board felt they could have influence on the institutional conduct of inmates. Often, those denied parole were directed toward specific programmes or improved behaviour, with an implied message that this would improve their chances at future parole considerations. Similarly, a pattern of refusing parole to those with unacceptable behaviour or those who have not taken part in recommended programmes, might have an influence on the conduct of future parole candidates. This positive impact, however, is more likely a by-product of individual members' decisions, than a policy of the Board. On the whole, discussions around any general deterrent effect of their decisions during the parole process were rare. Some Board members did, however, perceive this aim as part of their role in the correctional system.

The area of rehabilitation as a consideration in the parole decision is somewhat complex. Most of the Board members indicated, both in the interviews and in the discussions around their decisions, a strong rehabilitative approach to correctional matters. At the same time, they saw a limited potential for rehabilitation through incarceration. This is reflected in the tendency to grant parole unless some other factors suggest a reason for denial. Beyond this, rehabilitation appears to be a consideration where specific, treatable problems are identified. If such problems are seen as best treated within an institutional setting, the Board may deny, or at least defer, parole until treatment is completed. In other cases, the Board may feel that the individual will not seek the required treatment if released, even though a community-based programme may be more appropriate.

There are other factors related to the issue of rehabilitation which the Board considers. The point has been made that granting parole is the preferred decision because an individual is seen as having a better chance to work towards a more productive life, if he is situated in the community. This, of course, is dependent on the specific setting to which an individual is released. When the parole plan is not considered to be conducive to this positive adjustment, the relative desirability of a parole release is reduced. The candidate's apparent desire to work for his own adjustment is also an important factor. If he does not indicate such a desire, again, the value of a return to the community setting is reduced.

The last aim traditionally associated with incarceration is retribution or punishment. This aim is least talked about and possibly the most controversial area to be considered. Few personnel within the correctional system see their role as directly punishing those under their jurisdiction. Retribution was, nonetheless, part of the motivation for a number of sentences of incarceration. That being the case, the parole decision unavoidably alters the extent of that retribution. Similarly, where parole is denied as a result of some institutional infraction, the effect is one of punishing an individual for that behaviour. Beyond these inevitable consequences of its decisions, the Board appeared to actively consider appropriate levels of punishment in making many of their decisions. Certain offence types or certain aspects of an offence, seemed to influence parole decisions beyond a reasonable consideration of the need for incapacitation or deterrence. The basic issue for the Board is not so much whether retribution is an appropriate aim of incarceration, but whether a consideration of the correct degree of punishment required is within their appropriate role. This is a question over which disagreement exists within the Board and over which other jurisdictions vary considerably. If equity is to be achieved, however, it is a question which must be addressed.

The issue of reward or punishment for behaviour since the offence is a more generally accepted consideration in the Board's decision. Those who feel the reassessment of appropriate punishment for the original offence is outside the Board's concern, generally see subsequent behaviour as the more appropriate focus. Such items as institutional behaviour, programme involvement and release planning or preparation all fall within this area. While they all may effect judgements of release prognosis or rehabilitative strategies, it appears that considerations also involve more direct reward or punishment considerations. Such phrases as "deserves a break" or "earned another chance" came up often in the Board's discussions.

Having identified, at least tentatively, the issues involved in the criteria currently used by the Board, the next question is whether or not a structured approach to employing these criteria is desirable. This is more a policy decision than an empirical one, but certain findings of this study are relevant to its consideration. First, several areas of potential inequity were identified through the interviews and observations of the cases. A structured guideline would ensure that such inconsistencies did not develop. The ability of this study to identify a number of criteria currently employed, would indicate that the development of such guidelines is feasible.

On the other side of the argument, there were cases where the flexibility in the current system allowed for what appeared to be quite positive and useful decisions. Probably the strongest argument against the imposition of guidelines, however, is the negative reaction of the Board. The one issue on which

Board members were unanimous in being against the imposition of such an approach. Rarely will a system succeed if those expected to employ it are against its implementation. What may be suggested by this combination of facts is the development of some form of policy statement, including quite explicit indications as to the criteria to be used in decisions, but stopping short of the structured instruments used in some jurisdictions. Such a document would be best developed by the Board to ensure their commitment to it. It should also be developed only after a careful examination of the role of parole release within the correctional system and should allow for periodic review and updating.

Outside the basic aims of this study certain things were observed which are worth noting. Most striking, and surpassing any concern with criteria, was the problem of information. In a large number of cases, generally involving those inmates in for relatively short periods, there was simply not enough information for the Board to make informed decisions. Forced to rely almost totally on the impressions gained through the hearing, the Board was at the mercy of those candidates who were more adept in the art of conning. While certain members of the Board, particularly those with correctional backgrounds, appeared very able at identifying attempted cons, a situation of not having full verified information on the crucial factors in a case must limit the ability of the Board to make the best possible decisions.

Another area, outside the actual discussion of criteria, but still related to the Board's role and worth noting, is the Board's tendency to get involved in discussions outside strict information-gathering and decision-making. In the observed cases, such discussions ranged from counselling to somewhat negative lecturing or preaching. The appropriateness of these actions by those not trained in them and during a process already involving a high degree of stress, is another issue the Board might wish to examine.

In conclusion, certain more positive responses to the observation of the Board should be included. In research such as this, which seeks to identify problems in an operation or speculates on possible changes, there is often a tendency to emphasize negative aspects. What is worth noting, as well, is that the research team was impressed with the conscientious way in which the Board carried out its duties. With some exceptions, the Board very deliberately attempted to put the candidates at ease, to ensure that they felt comfortable in putting forward their case. Effort was also made in most cases to ensure that candidates were aware of the regulations and procedures to be followed and their options within that process.

That notwithstanding, there were areas for potential improvement. Most of these will involve some self-evaluation on the part of the Board. The current state of change being experienced by the Board appears an ideal opportunity to implement such a process.

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APPENDIX A

DETAILED LIST OF CURRENT OFFENCES

OFFENCES AGAINST THE PERSON

Abduction .....	1
Assault .....	25
Assault on Peace Officer .....	7
Rape .....	3
Threatening and Intimidation .....	1
Manslaughter .....	3

OFFENCES AGAINST PROPERTY

Arson .....	5
Break and enter .....	48
Damage to property .....	2
False pretences .....	5
Fraudulently obtaining Food or Lodging .....	1
Fraud .....	9
Forgery/Uttering - CC313, poss. forged docum. ....	6
Possession - instruments of crime .....	2
Possession - property obtained by crime .....	42
Armed robbery .....	5
Robbery .....	27
Theft - \$200 and under .....	38
Theft - over \$200 .....	43
Attempt theft .....	3
B. & E. and Theft .....	50
Theft or Posses. auto .....	10
Fraud, Forgery, Uttering - attempted .....	2
B. & E. - attempted .....	1
Conspiracy to commit theft .....	1
Attempted Robbery .....	1

OFFENCES AGAINST PUBLIC MORALS AND DECENCY

Perjury .....	1
Contributing to juvenile delinquency .....	1
Indecent assault/attempt .....	3

OFFENCES AGAINST PUBLIC ORDER AND PEACE

Breach of Probation Act .....	17
Breach of Recognizance .....	11
Carrying unlawful weapons .....	2
Causing a disturbance .....	2
Conspiracy .....	3
Escape lawful custody/Unlawfully at large .....	13
Obstructing an Officer, resist arrest .....	9
Public Mischief .....	18
Fail to Obey Court Order .....	1
Fail to Appear .....	24
Breach of undertaking .....	3
Possessing Dangerous Weapon .....	13
Point Weapon .....	4

LIQUOR OFFENCES

Driving while ability impaired .....	14
Intoxication or drunkenness .....	2
Other liquor offences .....	11
Drive over .08 mg. ale (refuse breathalyzer) .....	2

DRUG OFFENCES

Simple Possession .....	12
Possess with intent to traffic .....	8
Trafficking .....	9

TRAFFIC OFFENCES

Careless driving/dangerous driving .....	8
Criminal negligence in operation of motor vehicle .....	5
Driving while licence suspended or without licence .....	15
Leaving scene of an accident .....	3
Other traffic offences .....	3

**END**