

STATUS REPORT  
BOARD OF INVESTIGATION REPORT

| RECOMMENDATIONS   | OUTCOME   | ACTION PLAN  | TIMEFRAME                                      |
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| <b>Risk Assessment</b>  |   |  |  |
| <p><b>(47) Risk assessment and analysis must focus on measurable, observable changes in behaviour as a result of programs and treatment, or over time, not just attendance at a program. NPB needs to clearly define what “successful” completion of programs and treatment means, and measures of change should be developed to indicate meaningful progress. (See Dr. SERIN’s report.) A similar recommendation has been made for CSC.</b></p>  | <p>Changes to NPB policy documents will require Board members to assess the evidence of measurable and observable changes in the offender’s behaviour and to consider the results and treatment gains of interventions.</p> <p>The development and implementation of enhanced training initiatives to support quality decision-making and respond to issues raised by the Board of Investigation. See Recommendation 55</p>   | <ul style="list-style-type: none"> <li>• Executive Committee review and approval of proposed policy changes</li> <li>• Modification, as required, to training</li> <li>• Implementation</li> </ul> | <p>Complete</p> <p>April 2006<br/>May 2006</p> |
| <p><b>(48) Risk assessment must more clearly focus on events in the entire case. In Life sentences and for offenders serving long sentences it is possible to lose sight of the index offence, the reasons for the sentence and the underlying motivation and problem behaviour of the offender as years pass, particularly when the offender is “a good inmate”. There should be a more focussed and documented review of the events and patterns in the entire case, not just program participation or adaptations in the last few years. This should be a requirement in all Life sentences.</b></p> | <p>Changes to NPB policy documents will highlight the need for Board members to review the entire case when determining whether the release of the offender will constitute an undue risk to society and whether the release will contribute to the protection of society and facilitate the offender’s reintegration.</p> <p>The development and implementation of enhanced training initiatives to support quality decision-making and respond to issues raised by the Board of Investigation. See Recommendation 55.</p> | <ul style="list-style-type: none"> <li>• Executive Committee review and approval of proposed policy changes</li> <li>• Modification, as required, to training</li> <li>• Implementation</li> </ul> | <p>Complete</p> <p>April 2006<br/>May 2006</p> |

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| <p><b>(49) Where a revocation of a conditional release has occurred, NPB decision policies should require additional justification and rationale for any subsequent positive release decisions. Revocation of a conditional release, or escape, is recognized as a risk factor. This is included in current NPB policy as something to be considered generally as part of risk assessment, however, there should be a formal requirement to clearly justify the grant of a subsequent release following a revocation.</b></p>  | <p>Changes to NPB policy documents will require Board members to assess the level of change in the offender since revocation and to analyze the behaviours and circumstances surrounding previous suspensions and revocations.</p> <p>The development and implementation of enhanced training initiatives to support quality decision-making and respond to issues raised by the Board of Investigation. See Recommendation 55.</p> | <ul style="list-style-type: none"> <li>• Executive Committee review and approval of proposed policy changes</li> <li>• Modification, as required, to training</li> <li>• Implementation</li> </ul> | <p>Complete</p> <p>April 2006<br/>May 2006</p> |
| <p><b>(50) Regardless of ethnicity, religion, or cultural background of an offender, the primary focus of NPB decision-making must be on risk to re-offend. The BOI commends NPB for recognizing the impact of culture on its decision-making. Sensitivity to culture is described in current NPB policy by incorporating it into the hearing process. However, where culture is considered in the analysis of an individual case, it should be more explicitly linked to risk and be part of the entire assessment. Attempts to address systemic racism, cultural inequities, healing and restorative</b></p> | <p>Changes to NPB policy documents will emphasize that all decision-making policies apply equally whether or not the hearing is a cultural hearing.</p> <p>The development and implementation of enhanced training initiatives to support quality decision-making and respond to issues raised by the Board of Investigation. See Recommendation 55.</p>  | <ul style="list-style-type: none"> <li>• Executive Committee review and approval of proposed policy changes</li> <li>• Modification, as required, to training</li> <li>• Implementation</li> </ul> | <p>Complete</p> <p>April 2006<br/>May 2006</p> |

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| <p>justice should be a consideration only after it has been determined that risk in an individual case is manageable in the community. The hearing process, including specific cultural ceremonies and incorporating the use of cultural Advisors, should add to, but not drive, risk assessment.</p>  |  |   |  |
| <p><b>(55) NPB Members should be provided with increased risk assessment training specifically focussed on violent sex offenders. Such training should include emphasis on the need to review the entire case, not just recent developments, especially for long-term offenders, and must focus on the index offence and previous violations of conditional release. NPB policy should also reinforce that good institutional behaviour is not an indicator of success on release.</b></p> | <p>The NPB established a number of working groups (internal and external experts) to enhance the training provided to Board members to support quality decision-making:</p> <ul style="list-style-type: none"> <li>(i) Long term and violent offenders and offenders with mental health problems</li> <li>(ii) Sexual offenders</li> <li>(iii) Aboriginal offenders</li> </ul> <p>Changes to NPB policy documents will require Board members to assess the evidence of measurable and observable changes in the offender's behaviour and to consider the results and treatment gains of interventions.</p> | <ul style="list-style-type: none"> <li>• Pilot training materials for long-term and violent offenders and sexual offenders</li> <li>• Pilot training project on Inuit Perspectives</li> <li>• Executive Committee review and approval of proposed policy changes</li> <li>• Modification, as required, to training</li> <li>• Implementation</li> </ul> | <p>April/May 2006</p> <p>March 2006</p> <p>Complete</p> <p>April 2006<br/>May 2006</p> |
| <p><b>Decision Format</b></p>  |  |   |  |
| <p><b>(46) NPB should return to a more structured format to document NPB decisions. Risk assessment has become more complex and NPB decision policies are detailed. Increased focus should be required on those factors which are more</b></p>   | <p>The development of a more structured decision-making model to assist Board members, during their training, to integrate the research evidence on risk assessment of re-offending into their decision-making. The development included a number of sub-projects such as a literature review</p>  | <ul style="list-style-type: none"> <li>• Literature review on decision making and judgement (2003/04)</li> <li>• A survey of Board members and the factors they use in parole decision making</li> </ul>  | <p>Complete</p> <p>Initiated in 2004/05 - expansion and analysis in progress</p>       |

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| <p><b>strongly indicative of risk, in a format which channels the NPB Members to address specific areas. For example this could include reference to previous violations of conditional release or observed changes in behaviour as a result of programs*. This format may also assist NPB Members to structure and focus their study of the case prior to making a decision.</b></p> | <p>and survey. Assistance to develop the model was provided by Dr. Ralph Serin at Carleton University.</p> <p>Research is being conducted on decision making competency that would be applied as part of Board members' training and assessment process.</p> | <ul style="list-style-type: none"> <li>• Results of the development and testing of a Structured Release Decision-Making Model.</li> <li>• The results of the research will provide new Board members with key information regarding decision making competency prior to their conducting panel hearings.</li> </ul> | <p>April 2006</p> <p>In progress</p>            |
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| <p><b>(from Dr. Serin's report) To have additional training and/or guidelines to ensure that Board members provide an articulated rationale when there is a reversal of a previous decision without an apparent change in the case.</b></p>   |  |   |   |
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| <p><b>(from Dr. Serin's report) Pilot a decision model to ensure standardization in documenting how members arrive at a decision.</b></p>   |  |   |   |
| <b>Psychological and Psychiatric Referrals</b>  |  |   |   |
| <p><b>(from Dr. Serin's report) Need to revisit referral criteria for parole assessments to permit improved resource allocation.</b></p>  | <p>The mandatory referral criteria for psychological assessments have been revised.</p>  | <ul style="list-style-type: none"> <li>• NPB and CSC agreed on the mandatory referral criteria for psychological risk assessments.</li> <li>• Issues related to psychiatric risk assessments are being reviewed.</li> <li>• Factors for Board members to consider</li> </ul>  | <p>Complete</p> <p>May 2006</p> <p>May 2006</p> |

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|   |   | when reviewing psychological risk assessments are being developed.                                 |          |
| <b>Support to Board Members:</b>  |   |  |          |
| ( 52) <b>NPB should improve support for NPB Members in preparing cases for a decision. While additional resources have recently been provided to NPB to allow more time for NPB Members to review files, there are other organizational steps which could be taken to improve the efficiency of file review for risk assessment. It is recognized that NPB must still rely on hard copy paper files to a large extent until the electronic system is substantially improved. Recommended changes include:</b> |   |  |          |
| <ul style="list-style-type: none"> <li>▪ <b>Providing a chronology on every file of the significant events and decision points in the case. This would reinforce focus on the case as a whole instead of on recent events. This is particularly applicable to Life sentenced cases and longer sentences where there are multi-volume files. This has also been recommended for CSC;</b></li> </ul>  | The Board will work with CSC on the development of chronologies.  |  |          |
| <ul style="list-style-type: none"> <li>▪ <b>Reorganizing the current hard copy files. They are physically cumbersome to read and handle, have numerous copies of the same</b></li> </ul>  | Recommendations on reorganizing the NPB's hard copy conditional release files have been developed and internal consultation is occurring. | Review and approval by Executive Committee of the implementation plan to reorganize the NPB files. | May 2006 |

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| <p>documents, and are cluttered with non-risk related administrative documents interspersed with important reports. For example, procedural safeguard checklists, draft decisions once completed and other administrative items could be kept in a separate appendix file;</p>  |  |   |                                     |
| <ul style="list-style-type: none"> <li>▪ <b>Replacing the current file folders with something more user friendly and designed for easier access to documents. Therefore, the file which NPB Members review for decision would be more physically manageable and it would be easy to locate documents related to risk assessment.</b></li> </ul> | <p>Recommendations on reorganizing the NPB's hard copy conditional release files have been developed and internal consultation is occurring.</p>   | <p>Review and approval of implementation plan to reorganize the NPB files to be presented to Executive Committee</p>  | <p>May 2006</p>                     |
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| <p><b>(54) The Prairie Region of NPB should review the scheduling of hearings and case preparation time for NPB Members. National Parole Board has a resource formula which provides guidelines for the number of hearings per day, the amount of preparation time provided, and takes into</b></p>   | <p>Resources have been received to provide Board members with the time required and the training necessary to support quality decision-making.</p> | <p>To respond to the more complex needs with respect to decision-making, the average number of hearings completed by the Board each day has been reduced from 5 to 4.</p> <p>The number of staff that support National Parole Board decision-making has been increased through additional hearing officers<sup>1</sup> and case</p> | <p>April 2006</p> <p>April 2006</p> |

<sup>1</sup> Hearing officers: accompany Board members to hearings, deal with procedural safeguards with offenders prior to hearings, provide policy interpretation, and type Board member decisions.

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| <p>consideration the amount of time required for travel to institutions. The formula has been revised in the last year and additional resources obtained to address the very heavy workloads for NPB Members. Additionally, management in the Prairie Region should review the practice of assigning NPB Members for a full week of hearings at a time, including travel. The number of cases assigned for a decision without a hearing (“paper cases”) should also be reviewed as these are exceeding the standard workload expected of NPB Members.</p> |  | <p>review staff<sup>2</sup> in each of the NPB’s six regional offices.</p> <p>Additional time has also been set aside each year to enable Board members to participate in orientation and refresher training to ensure continued access to the latest research and information to support quality decision-making: Orientation training has gone from 15 to 25 days and refresher training (yearly) from an average of 15 days to 20 days. Specific modules include the addition of 2-day refresher course on cultural awareness (given every 2 years) and the development and delivery of training on risk assessment for women offenders (3 days initial training with regular refresher training).</p> <p>Additional revitalization of Board member training is underway in the areas of: family violence; offenders serving long sentences; ethno-cultural offender groups; offenders with substance abuse and mental health problems.</p> | <p>April 2006</p>                 |
| <p><b>Critical Incident Stress Management</b></p>   |  |  |                                   |
| <p><b>(56) NPB should establish procedures for Critical Incident Stress Management and ensure the procedures are communicated, actively offered and accessed in the NPB</b></p>   | <p>Procedures for Critical Incident Stress Management have been established.</p> | <p>Critical Incident Stress Management awareness training sessions to be completed.</p> <p>A Memorandum of Understanding and Service</p>   | <p>March 2006</p> <p>Complete</p> |

<sup>2</sup> Case review staff work in NPB offices, ensuring that files are complete, that information to be used by the Board is shared with the offender in advance of the review, and that Board members have the policy interpretation/advice they require.

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| as needed.  |  | Contract have been ratified between Health Canada and NPB to provide Critical Incident Stress Management to NPB Board members and staff as part of the Employee Assistance Program. |            |
| <b>Quality of hearing tapes</b>   |  |   |            |
| <b>(53) NPB must improve the quality of hearing tapes. Digital recording must be implemented as a standard practice. Transcripts of past hearings may be useful when NPB Members are preparing for subsequent hearings, or to verify information provided at hearings, and these should be prepared when required. The current hearing tapes are not useful in this regard.</b>   | The implementation of digital recording of all NPB hearings. | Digital recording is being implemented throughout NPB.  | March 2006 |
| <b>Inuit People</b>   |  |   |            |
| <b>(51) NPB should provide further information and training to NPB Members and staff in order for them to understand the historic and cultural differences between Inuit and Southern First Nations people. NPB is beginning to introduce a hearing model specifically for Inuit offenders. This will help to correct the systemic problem of assuming Inuit traditions are the same as Southern First Nations. Inuit culture does not share the spiritual tradition of First Nations, the role of the Elder, the significance of the Circle,</b> | To enhance quality decision-making for Inuit people.         | To pilot a training project on Inuit Perspectives.  | March 2006 |



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| or the experience of residential schools. Imposing the traditions of Plains Indians on Inuit offenders as part of the hearing process is not appropriate and should be further addressed. A more complete knowledge of Inuit culture and life experience could also lead to better assessment of the appropriateness of releasing an Inuit offender to an urban community. |   |   |          |
| <b>(57) CSC and NPB should expand training to staff and NPB Members related to Inuit culture and history, as distinct from First Nations.</b>  | See recommendation 51.  |   |          |
| <b>(58) CSC and NPB should develop an appropriate statistical risk assessment tool specifically for Inuit offenders.</b>   | The matter of developing a risk assessment tool specific to Inuit offenders falls under the lead responsibility of CSC. |   |          |
| <b>(from Dr. Serin's report) NPB would benefit from having in-house subject matter expertise in the areas of risk appraisal, special populations, offender desistance</b>  | The Board has taken steps to respond to this recommendation.  | The Board has hired a Research Officer to conduct and evaluate research, specific to the Board's needs in this and other areas. | Complete |
| <b>Information Gathering Protocols</b>   |   |   |          |
| <b>(63) Constant education is required for the police, judges, and Crown Attorneys about the importance of providing all</b>   | CSC lead.   |   |          |

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| <p>relevant information about offenders and offences to the CSC. The CSC and the NPB should be actively involved in educational programs for these officials, at all levels, and including at continuing-education conferences, and new member orientation courses. Cases such as ULAYUK's could be used to illustrate the point.</p> |                  |  |  |
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| <p>(64) Protocols should be formalized between the CSC/NPB and the police and prosecuting authorities. This should be done at all levels, including at the Federal, Provincial, and Territorial ministerial level, as well as the regional and local levels.</p>  | <p>CSC lead.</p> |  |  |
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| <p>(66) The CSC/NPB should request Federal, Provincial, and Territorial legislators to consider appropriate new laws, similar to section 743.2 of the Criminal Code, that would also require police and prosecutors to provide CSC with information relevant to administering sentences.</p>  | <p>CSC lead.</p> |  |  |

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| <b>(67) The CSC/NPB should bring to the attention of the Minister of Justice of Canada the findings and recommendations of this BOI that deal with information sharing.</b>  | CSC lead. |  |                                    |
| <b>Future Boards of Investigation</b>  |           |  |                                    |
| <b>(70) CSC and NPB should improve the Board of Investigation process by:</b>  |           | Initiatives underway to improve the process include:   | May 2006<br>Fall 2006<br>Fall 2006 |
| <ul style="list-style-type: none"> <li>• Ensuring staff and NPB Members are thoroughly prepared for interviews and recognize the importance of the process;</li> <li>• Providing notice in advance to staff and NPB Members about the areas to be explored by the BOI;</li> <li>• Providing timely access to the case file;</li> <li>• Providing explanations and clarification of the process and intent of S.13 notices;</li> <li>• More widely distributing recommendations and summaries of BOI reports throughout CSC and NPB to be used as a learning tool;</li> <li>• Providing appropriate ongoing administrative support to the BOI.</li> </ul> |           | <ul style="list-style-type: none"> <li>- develop guidelines</li> <li>- prepare an information booklet and</li> <li>- revise training documentation.</li> </ul> |                                    |

| Monitoring and Implementing of ULAYUK recommendations  |  |  |         |
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| (71) The BOI recommends that after 12 months from receiving this report, an independent body or person be appointed to review the extent to which the recommendations set out in this report have been implemented by the CSC and the NPB. |  | Monitoring of progress is a standing item on the Executive Committee agenda. | Ongoing |

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