

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division

SUBJECT: Updated Protocol on the Disclosure of Police
Records to the Ontario Parole Board

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I am pleased to advise that the Ministry of the Solicitor General's Community Services Division (Corrections) has recently updated the protocol regarding the disclosure of police records to the Ontario Parole Board (OPB). The updated protocol has been developed in consultation with Legal Services, the Ontario Association of Chiefs of Police and the ministry's Public Safety Division.

The OPB announced a change in practice pursuant to Ontario *Ministry of Correctional Services Act* Regulation 778, which included providing disclosure of parole files, upon request, to parole applicants and their legal representatives. Subsequently, the ministry reviewed and updated its policies and procedures by developing a pre-parole report (PPR) that summarizes information in the parole file. The updates standardize the information-sharing process and introduce efficient disclosure of information to parole applicants, their legal representatives, and provincial parole authorities administered by the OPB. There will be no impact to the existing information sharing processes between the ministry and police services.

The new PPR facilitates a summary report to support the OPB's risk-based decision-making process without compromising privacy rights and disclosure of sensitive information. The protocol does not include Correctional Services of Canada, where disclosure processes with police services will remain the same.

Correctional authorities require fulsome access to offender information to ensure that appropriate decisions are made regarding the offender, including security placement, programming, and conditions of release. Additionally, having fulsome access to offender information will ensure that correctional authorities have the tools they need to fulfill their mandate of effectively supervising offenders who are incarcerated and in the community.

The sharing of information with the OPB by police is pursuant to the lawful authority to do so by virtue of deemed compliance with Ontario privacy legislation governing police services – currently pursuant to [s. 41\(1.4\)](#) of the *Police Services Act* and paragraph 5(1)(b) of its [Regulation 265/98](#).

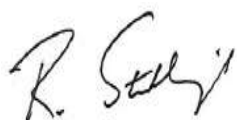
The OPB will direct the requester to the relevant police service following any formal request for access to OPB case file documents specific to police occurrence reports (PORs), including by a parole applicant or their legal representative. The OPB will provide notice to the applicable police service as soon as is practicable upon receiving:

- A notice of an application for judicial review or other court proceeding that may require production of the POR; or
- A court or tribunal order requiring production of the POR or other similar order.

If there are any issues or discrepancies that arise relating to the protocol, or associated processes discussed, the relevant police service and the OPB shall initially attempt to achieve a resolution, employing the protocol as a best practice. If resolution cannot be achieved, the parties to this protocol shall attempt to formally reach a resolution.

For more information, please see the attached updated protocol regarding the disclosure of police records to the Ontario Parole Board.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division

Attachment

c: Mario Di Tommaso, O.O.M.
Deputy Solicitor General, Community Safety