



GOVERNMENT OF BERMUDA

**THE PAROLE
BOARD**

ANNUAL REPORT

2022



THE PAROLE BOARD

DEFINITION

Parole is the conditional release from imprisonment or release from custody before the end of a prisoner's sentence. This release entitles a person to be under supervision in the community, also known as being 'on license, once all terms and conditions connected with the person's release are satisfactorily complied with.

MISSION STATEMENT

To facilitate offenders to become law-abiding citizens through community supervision and support designed for successful reintegration.

PHILOSOPHY

We believe that we have responsibility and duty to ensure that every parolee is given the best chance possible to succeed by working with our institutional partners in order to balance the interest of the prospective parolee on the one hand and public safety on the other. We believe that we too have a critical role in the overarching rehabilitation process, which can provide a pathway for the successful reintegration of offenders back into society.

MANDATE

The Parole Board is an independent statutory body empowered to make decisions governing the time, terms and conditions of release of incarcerated persons by assessing the risk they pose to the community and to themselves.

The Bermuda Parole Board was created by The Parole Board Act, 2001 (Date of Assent, 9 March 2001); Commencement Date, 1 October 2001 (Notice No. BR43/2001; Gazetted 24 August 2001).

The Bermuda Parole Board is appointed by the Minister with responsibility for the Department of Corrections and is charged with releasing men and women, who are eligible by virtue of certain established criteria, to serve the remainder of their sentence under community supervision.

The Act stipulates that three members of the seven-member Board must each represent one of these related areas: (1) law, (2) psychology, and (4) penal/institutional or aftercare.

The Board evaluates the likelihood that a period of supervision will contribute positively to the successful reintegration of the individual into the community. The timing and conditions of release are based upon a review of all relevant data coupled with one or more face-to-face interview(s) with the applicant.

The Board works collaboratively with other partner agencies of the criminal justice system: i.e., courts, correction facilities, program providers and aftercare professionals to identify appropriate ways to achieve the goals of reducing recidivism, preventing crime and protecting society.

GOVERNANCE OF THE PAROLE BOARD

The Parole Board is governed by the following:-

The Parole Board Act, 2001

The Criminal Code Act 1907

The Prisons Act 1979

The Prison Rules, 1980

The Senior Training School Rules 1951

The Young Offenders Act 1950

INTRODUCTION

Pursuant to Section 8 of The Parole Board Act, 2001, this Report is submitted to the Minister of National Security on the performance of duties of the Board between the period 1st January 2022 and 31 December 2022 respectively.

As stipulated by the Act, the Board meets a minimum of twice a month on a rotational basis at one of the Island's three correctional facilities. In addition, the Board holds Reviews, Breach Hearings and Joint Meetings with our partners, including the Department of Corrections, the Department of Court Services, and special meetings when needed.

Given the demands placed upon partner agencies to produce dossiers each month, in this regard, the Parole Board is proud of its accomplishments. Such achievements, though, were realized through the cooperation and commitment to duty each month by the Department of Corrections and Court Services personnel who meet with and interview the men and women eligible for consideration for parole.

MEMBERS OF THE PAROLE BOARD - 2022

The Hon. Derrick V. Burgess, JP, M.P, Chairman

Mr. Vaughan Caines, Legal Counsel

Dr. Cherita Raynor, Clinical Psychology

Mr. Roderick Burchall, JP

Miss Tori Burgess

Mr. Azeem Khan

Mr. Scott Simmons, JP, MP

During 2022, the Board reviewed 34 cases and released 4 persons. Of the inmates eligible for parole, 14 chose to decline parole; the eligible inmates that declined parole for a number of reasons including a desire to complete programs within the prison system. However, more frequently the reason provided was due to their earliest release date.

The Board met with post released parolees for update reviews. Of all the persons released on license, 4 were deemed to have re-offended seriously enough to be recalled.

Moreover, great consideration is put into each release. The Board's decision includes the facts of the crime, past history, treatment needs, community and family support, risk to re-offend and input by the Department of Corrections and the victim. Before inmates are considered for Parole, they must meet two elementary requirements, those being obtaining suitable pre-approved accommodation and employment. To assist, the Board also considers suitable educational pursuits in the place of employment. Furthermore, despite the challenging economic climate, most inmates as of 31 December 2022 were successful in obtaining employment.

Research and experience reveal that waiting until offenders finish their sentence and releasing them with no vehicle for transitioning back into society is a dangerous precedent. The current philosophy regarding transition informs it is more prudent to release an individual with sufficient time and tools to assist with a fruitful transition back to society with the watchful guidance of a parole officer. These individuals are going to come back into our community as our neighbors and positive re-entry takes time.

The prisons still do not have the necessary facilities to deal with inmates with mental illness. A gradual release might mean a stay in a transitional facility. Finding appropriate housing, a job and community based treatment, fiscal planning and family reunification are all part of the re-entry process.

Regarding parole, most experts agree that monitoring after release is an essential part of a successful reintegration. In this vein, the Board has routinely utilized the electronic bracelet and has found it to be an effective tool for a variety of clients. Presently, there are 12 people on parole required to wear Electronic Monitoring Devices (EMD) as part of their special condition. During 2022, the Board required 4 parolees to be fitted with the electronic monitoring device as part of their special condition. The Board also continues to use curfews as a useful means of monitoring parolees.

While non-violent offenders may be obvious candidates for the Board to consider; what the public must realize is that even the most heinous offenders will eventually have their sentence expire, and such individuals have a greater need for the close supervision and monitoring that parole provides.

The Parole Board has a responsibility and we recognize that taking away (or giving) people their freedom is never to be taken lightly. The safety of the community weighs heavily with the Board as such each deliberation is taken seriously.

POLICIES

Release on Parole

To become eligible for release on parole, an incarcerated person must have served one-third of their court-imposed sentence of imprisonment. The parole eligibility date (PED) is determined by the Commissioner of Corrections and is calculated during the sentence computation process.

Prior to release on parole, the parolee will have read and signed the Conditions of Parole as set by the Parole Board. These conditions are both general in nature as well as tailored to the individual and is designed to ensure that the parolee will strongly adhere to the specific conditions and thereby choose not to re-offend or otherwise pose a risk to the community.

The process of consideration for parole commences with a recommendation from the Commissioner of Corrections to the Parole Board. The consideration for the parole process begins with the Date of Initial Consideration (DOIC), which is electronically determined and approved by the Commissioner of Corrections. When the incarcerated person's DOIC is reached, each partner agency involved in the application process is informed and a parole dossier, containing information and dates, including details of the offence for which he/she was imprisoned, is compiled. In 2022, the Parole Dossier moved to a secure online file transfer system, to reduce the security risks associated with paper documentation. Two Board member continue to receive paper dossiers, at the discretion of both the Minister and Permanent Secretary of National Security.

Granting or revoking parole is a charge never taken lightly by the Parole Board. Despite public criticism, the Board exercises careful consideration of the data presented to it in each dossier, and each application is considered separately and apart from another. The safety of the Bermuda community is a top priority of the Board, and this and other factors are integral to its decision to grant parole.

The complexity of the Board's decisions encompasses:-

- The facts of the crime/past criminal history
- Treatment needs
- Community and family support
- Risks of reoffending
- Completion of core components of a Case Plan
- Reports from the Department of Corrections Psychologists and other experts

- Reports from the Department of Court Services
- BARC reports (Bermuda Assessment and Referral Centre)

When granting parole, the Board considers a number of factors. These include, but are not limited to:-

- The nature and seriousness of the current, and previous, offence(s)
- The recommendation(s) of the sentencing judge
- Remorse and/or restitution
- Whether the incarcerated person has taken full advantage of treatment interventions and programmes
- Participation in educational/vocational programmes
- The individual's overall behaviour whilst in prison
- The results of drug tests administered whilst incarcerated
- The prospective parolee's willingness to submit to supervision and the terms of conditions of parole
- A post-release plan, including job prospects, accommodation arrangements and appropriate social support systems

Additionally, the information required to support the decision-making process is contained on a set of forms as follows:-

Parole Application Cover Sheet	PB 01
Summary of Evidence Report	PB 02
Report on Overall Institutional Behaviour	PB 03
Applicant's Submission	PB 04
Medical Report	PB 05
Substance Abuse Report	PB 06

Education Report	PB 07
Vocational Training Report	PB 08
History of Violent Offence(s) and Record of Intervention (where applicable)	PB 09
History of Sexual Offence(s) and Record of Intervention (where applicable)	PB 10
Victim Impact Statement(s) (where applicable)	PB 11
Clinical Reports	PB 12
Department of Court Services Report	PB 13
Employment and Accommodation Confirmation	PB 14
Case Plan	PB 15

The Board can also request (if it deems it necessary) a summary of the offence and the Judge’s written recommendations for consideration.

There are also occasions when the victim of a crime requests to appear before the Board (or send a letter) to express their concern(s) relative to the prospective parolee’s release. Such matters are disposed of on a case-by-case basis.

When parole is granted, the parolee is required to abide by and submit to certain conditions whilst in the community. As a result of the Parole Board’s membership with the Association of Paroling Authorities International, and through attendance and participation in its Annual Conference, the Board considered the importance of ensuring that conditions “fit” each parolee and his/her individual needs.

Conditions of Parole

There have been parolees come before the Parole Board that cannot read or write enough to understand the conditions. Presently, the Parole Board is working with Court Services to implement a program to accommodate persons of that nature. When an offender is offered parole, they are required to read their particular Conditions of Parole aloud in the presence and hearing of the Board. Outlined below is what is considered general conditions:-

GENERAL CONDITIONS

To appear before The Parole Board as and when required.

To be supervised by a designated Parole Officer as assigned by the Department of Court Services, and to cooperate with the Parole Officer and follow his or her instructions.

To report to the Parole Officer at the place and within the times stipulated by said Officer.

Not to commit another offence against the Laws of Bermuda during the period of this Parole Order and to immediately inform the Parole Officer of any arrest or charge.

Not to deceive or fail to disclose any information required by the Parole Officer or the Parole Board.

To maintain regular employment with (insert employers name) and to seek the permission of the Parole Officer before any change of employment or occupation. To immediately report any loss of employment to the Parole Officer.

To reside with (insert name), at (insert address of parolee) and to immediately report any loss/or change of accommodation to the Supervising Officer.

To refrain from activities and association with persons, places or things that may lead to illegal activities. This prohibition includes but is not limited to maintaining an affiliation with any gangs or being in the company of gang members; being in possession of any weapons. Any written directive from the Parole Officer in terms of refraining from specific activities or associations must be adhered to.

Not to be in possession, use or consume any controlled substances (i.e. illegal drugs).

To be tested for controlled substances, or intoxicants, when and where directed by the Supervising Parole Officer. Evidence of possession, use and consumption of controlled substances or intoxicants will be presumed if the test results in a positive reading.

To remain in the jurisdiction of Bermuda unless travel is subsequently approved by the Parole Board.

To attend and comply with any further rehabilitation, vocational and educational programs as recommended by the Parole Officer.

TRAVEL CONDITIONS

Permission to travel abroad is a privilege, not a right and is granted only in exceptional circumstances for medical, educational, or compassionate reasons.

Application to travel must be made in writing to the Parole Board through the Supervising Parole Officer by the applicant in the manner prescribed. (See Parole Travel Policy).

The response to said application will be provided through the Supervising Parole Officer, in writing, by the Parole Board.

A lifer parolee who was granted Permission to Travel in 2020 (under a previous Board) and left the island in 2021 did not return as instructed and is currently AWOL overseas. A Natural Justice Notice for this parolee was issued in July 2022. The Board is in the process of reviewing the circumstances of this case.

SPECIAL CONDITIONS

Special Conditions are set by the Department of Court Services upon analysis of an individual's level of risk. Special Conditions can include curfew times, avoiding certain areas or company and being fitted with an Electronic Monitoring Device (EMD). There may be many Special Conditions attached to a Parole License, or there may be none – these are tailored to the individual.

Release

The Parole Board continues to date a parolee's release as "*on or about*" the date of the meeting at which the decision was made [or on the parolee's Parole Eligibility Date (PED)], whichever is later.

The Board remains focused upon conducting parole consideration hearings at least three months prior to a parolee's PED.

MANAGEMENT AND SUPERVISION

The most critical element of the parole system is the day-to-day management and supervision of parolees in the community. This remains under the purview of the Department of Court Services (Ministry of Justice).

MEETINGS - 2022

During 2022 the Board conducted meetings each month at the Westgate Corrections Facility and East End Facilities (Farm and Co-Ed) on the scheduled meeting dates.

There was a total of 34 inmates reviewed for parole, 4 incarcerated persons were granted parole during the period under consideration. In total, 14 inmates decided to decline parole, 4 were recalled and 16 were deferred to be seen again.

STATISTICS

Inmate/Prison Population as at:-

	Westgate	Farm	Co-Ed	RLH	TOTAL
31st December 2019	139	22	4	11	176
31st December 2020	99	20	4	11	134
31st December 2021	91	19	4	9	123
31st December 2022	109	17	1	7	134

FOREIGN NATIONALS

31st December 2019	20
31st December 2020	7
31st December 2021	6
31st December 2022	5

INMATES PAROLED

31st December 2019	12
31st December 2020	15
31st December 2021	18
31st December 2022	4

SEXUAL OFFENDERS

15

LIFERS

35

RECALLS

31 st December 2019	5
31 st December 2020	1
31 st December 2021	2
31 st December 2022	4*

*One recalled inmate has contested the circumstances of his Recall, and in December 2022 was granted a stay of Revocation Order. The matter is pending in the courts.

Out of 134 inmates, 91 are 45 years of age and under.

As of December 2022, the youngest inmate is 18 years old and the oldest inmate is 70 years old.

FOREIGN NATIONALS

As of December 2022, there were 5 foreign nationals incarcerated in Her Majesty's Prisons. The Board interviews all incarcerated persons prior to their PED.

In 2010, as a result of a Supreme Court Judicial Review, foreign nationals incarcerated in Bermuda were provided the same consideration for parole in Bermuda as locals. However, as a practical consideration, foreign nationals will find it virtually impossible (even if eligible for Parole) to obtain a work permit for employment if offered as per their convictions; equally finding suitable accommodation will be extremely challenging in the absence of having sufficient financial resources.

As an Overseas Territory, Bermuda's foreign affairs are managed by the Government of the United Kingdom. As such, foreign national lifers must appeal to the Governor to be deported if they are ineligible for Parole.

GENERAL

Site Visits

Site visits were suspended due to Covid-19.

Programs

Part of our prison system's mandate is the facilitation of the rehabilitation of the incarcerated. This mandate is further reflected in its branding as a Department of Corrections.

LSI-R risk needs assessments conducted by Court Services for our Pre-release Report (166R) typically indicate the following risk need categories that inmates seeking release on license have a moderate to high need for intervention services to reduce their risk of reoffending, these include:-

- Alcohol/drug problems
- Education/employment
- Emotional/personal
- Attitude/orientation

Services for Violent and Sexual offenders should be further supported due to increased number of offenders requiring these services.

THE WAY FORWARD

The Parole Board is very much aware of the economic challenges because of the pandemic, therefore, we make no request for further funding, but we bring to your attention the following:-

1. There are a limited number of Electronic Monitoring Devices (EMDs) which at times can delay an inmate's release because they are not always available. We have been informed that sometimes parolees have to wait weeks/months before an EMD becomes available. We note that there has been some improvement in 2022.
2. It can take up to three months for Risk Assessment Reports on inmates. It is a requirement that inmates have these reports submitted to the Parole Board for consideration to be released. Two additional Psychologists would greatly assist in having these reports submitted on a timely basis. The Parole Board relies on the Correction Facilities Psychologists. They have

been able to provide the Board with professional, comprehensive assessments and reports on those parole applicants who have been convicted of a major violent offense or one of a sexual nature before considering their release. Unfortunately, this is an area that is short staffed. The Psychologist reports to the Board are very important to in evaluating suitability for release.

3. It is of great concern to us that there are very limited programmes available in the prison, such as cognitive intervention courses and vocational education. Part of the reason for this is short staffing, especially case managers and other specialized staff. Even one additional case manager would greatly improve the ability of staff to deliver the services necessary. The Parole Board urges for a reinstatement of a wider range of programmes in prison, as for many inmates their release is often dependent on the completion of these programmes.
4. One of the requirements for inmates to be released on parole is that they must secure a job. So far all inmates have been successful in this regard. We must acknowledge and thank the employees for their willingness to assist with the re-integration of the parolees back into the community. The Parole Board would like to see confirmation that all potential employers are up to date on their payroll tax and social insurance as part of the vetting process.
5. There was a case of unacceptable delays from Bermuda Police Service, particularly in apprehending an individual who was Unlawfully at Large after Recall. Although apprehension and transportation to custody is not within the remit of the Board, the Board is awaiting an explanation for such a delay and assurance that this will not happen again in the future.

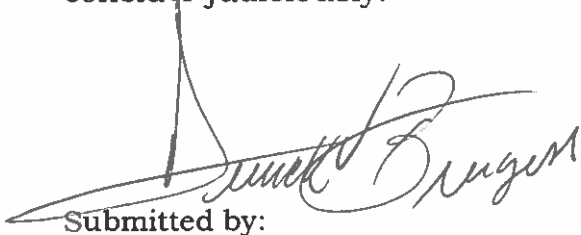
Let me repeat some comments of a former Chairman who wrote the following: 'Individuals convicted and incarcerated in Bermuda have a wide range of profiles and needs. The re-entry journey into the community should commence immediately upon imprisonment, and the case plan is the blueprint that outlines core component program that should be completed by the parolee in order to ensure successful release on parole and re-integration within the community'.

I would like to take this opportunity on behalf of the Board to thank Commissioner of Corrections, Keeva-Mae Joell-Benjamin and her dedicated staff of Corrections for all their assistance in helping the Parole Board in this most difficult task. We would also like to thank Psychologist Dr. Emcee Chekwas who is absolutely professional, helpful and accommodating to the Parole Board. Also I would like to take this opportunity to thank my fellow Board members for their diligence and dedication to this very difficult task of balancing the safety and

protection of the residents in Bermuda and managing the rights of our parolees. Personally, I would like to thank our Deputy Chair and Legal Counsel Mr. Vaughan Caines and our Psychologist Dr. Cherita Rayner for their assistance in their professional work to me as the Chairman of the Parole Board. Their help has been invaluable.

I would like to sincerely thank Rogerlene Hart, former Administrative Assistant for her service to the Parole Board and we wish her well during her retirement. We welcome and thank Emily Ross as our new Administrative Assistant.

In closing, please be assured that we are concerned as well as empathetic individuals who work together for the common good of inmates (potential parolees), as well as in the public interest. It is a balancing act and task that we consider judiciously.

A handwritten signature in black ink, appearing to read "Derrick V. Burgess". The signature is written in a cursive style with a large, sweeping initial "D".

Submitted by:

The Honourable Derrick V. Burgess, JP, MP

**The writing/format of this Annual Report was established some years ago, therefore I take no personal credit for the language and format of this report.*

