

Government of
Canada

Parole Board
of Canada

PROTECTED WHEN COMPLETED
PERSONAL INFORMATION BANK
PBC-CLCC FPU 005

PBC DETENTION REVIEW DECISION SHEET

Name

COOPER, MICHAEL GERARDFPSFile No

Institution:

TYPE OF REVIEW

PAPER

TYPE OF DECISION(S)

DETENTION

TYPE OF REVIEW/REFERRAL

DET.-RES.ANNUAL-SUBS. REVIEW**LEGISLATED**SCHEDULED OFFENCE(S): NON SCHEDULED OFFENDER: No
SEXUAL OFFENCE INVOLVING A CHILD: NoSCHEDULE I: YesSCHEDULE II: No**SENTENCE INFORMATION**

Statutory Release Date:

2011/09/23

Warrant Expiry Date:

2014/01/22**OBSERVER(S)**NO Observer(s) present (except during Board Member deliberations)Excluded from part of hearing:
Reason:**ASSISTANT**NO Assistant present**NEW INFORMATION OR GIST OF CONFIDENTIAL INFORMATION SHARED WITH OFFENDER**Not Applicable**FINAL DECISION(S)****DETENTION****DETENTION ORDER CONFIRMED**

Dated

2013/03/12**SPECIAL CONDITION(S) IMPOSED AND PERIOD OF TIME FOR WHICH THEY
ARE VALID**

Status

BOARD MEMBERS' ASSESSMENT OF RISK

The Board is satisfied that, if released, you are likely to commit an offence causing the death of or serious harm to another person before the expiration of the sentence you are now serving according to law.

REASONS FOR DECISION(S) AND/OR VOTE(S)Your case was previously referred to the Parole Board of CanadaFPE: NAME: **COOPER, MICHAEL GERARD**

FILE NO.:

PBC 65 (12-03) OMS

VERS (3)

Date and Time Locked 2013/03/13 09:01

TIME IS BASED ON A 24-HOUR CLOCK PERIOD.

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(Board) pursuant to the detention provisions of the Corrections and Conditional Release Act (CCRA). The Board concluded at that time and in subsequent annual reviews that, if released, you were likely to commit an offence causing death or serious harm before the expiration of your sentence. Consistent with that conclusion, it ordered you detained in custody until your warrant expiry date.

In accordance with the detention provisions of the CCRA, the Board is required to conduct an annual review of your detention order. Today's review is to determine if there is sufficient new information to justify modifying your current status. There must be enough change to satisfy the Board that you no longer meet the detention criteria. The result of the initial detention decision and all relevant file information has been considered by the Board.

In its initial decision in May of 2011, the Board considered the nature of your current offences which resulted in the death of two persons. The Board also put weight on the devastating loss of the victims' family members, as well as your criminal history. Although you did not have a documented history of violence, you have a history of impaired driving and were assessed as a high risk for reoffending for driving under the influence. You demonstrated a substantial degree of indifference as to the consequences of your actions. That being said, you admitted to your pattern of drinking and driving and stated that you would likely consume alcohol and drive a motor vehicle regardless of whether or not a special condition or a court order was imposed. You took limited responsibility for your offences, made threats to your parole officer and admitted ongoing marijuana use. You lacked remorse or empathy for your victims and had no insight into the possible fatal consequences of your actions should you drink and drive. Despite completion of a substance abuse program, you made limited progress and continue to negate a substance abuse problem. Considering all aspects of your case, the Board was satisfied that if released, you would likely commit an offence causing death or serious harm to another person prior to the expiration of your sentence, and therefore, ordered you detained in custody.

In April 2012, the Board agreed that for the most part, you followed your correctional plan, however, it was unable to find sufficient new information in relation to risk to justify any modification to the initial detention order.

Since the Board's last decision, there has been a decrease in your reintegration potential which is now assessed as low. Except for your educational upgrading, no progress has been achieved. You continue to refrain from any type of commitment that you will not drive while impaired. Your Case Management Team (CMT) reports that you appear to be more open and demonstrate a less rigid attitude but there has not been enough improvement to warrant a reduction in the overall assessment of risk.

Overall, your CMT is of the opinion that there are still reasonable grounds to believe that if released, you are likely to commit an offence causing death or serious harm to another person before the expiration of your sentence, and recommends that your detention order be confirmed. A community strategy has not been completed given your low reintegration potential.

You have waived your right to a hearing and cited that you believe the Board had already rendered a decision. You are reminded that having waived your right to a hearing, your only direct representation to the Board since its last decision are your aforementioned comments. That said, the Board only renders decisions after carefully considering all relevant information which has been shared with you. Such decisions are not made in advance of a hearing or receipt of written representations. The Board has also received written representation from a family member of one of your victims.

FPE: NAME: COOPER, MICHAEL GERARD

FILE NO.

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VERS (9)

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This documentation reflects concerns regarding their understanding of your lack of change to your thoughts pertaining to impaired driving and concerns that you would reoffend in a similar manner if released.

In assessing your case against the detention criteria, by way of an annual review, the Board can find little in the way of changes which would result in a modification of the last detention decision. The Board is satisfied your lack of progress during the past year has been demonstrated by your continued rigid thinking to the effect that you can not commit to refraining from impaired driving. Such a stance underscores your high risk to reoffend in a similar manner given your current offences, history of impaired driving and your complete disregard for the consequences of same despite being responsible for the untimely deaths of two people. The Board simply cannot ignore your rationalization for and indifference to the consequences of your violent behaviours while operating a motor vehicle. Hence, there is every reason to believe you would continue to place yourself in high risk situations in the future. Consequently, the Board has determined there is not sufficient new information to justify any modification to the existing detention order. The Board concludes that the detention criteria has been met in your case and is satisfied that, if released, you are likely to commit an offence causing death or serious harm to another person before the expiration of your sentence according to law. Your Detention Order is Confirmed.

VOTE (S)DETENTION
BOARD MEMBERDETENTION ORDER CONFIRMED
DAVIDSON , HAL

Dated

2013/03/12

DETENTION
BOARD MEMBERDETENTION ORDER CONFIRMED
JOHNSON , STEPHEN J

2013/03/12

SIGNATURE (S)

DAVIDSON , HAL

Date

JOHNSON , STEPHEN J

Date

FPS: NAME: COOPER , MICHAEL GERARD

FILE NO.:

PBC 65 (12-03) QMS

VFRS (9)

Date and Time Locked 2013/03/13 09:01

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National
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NPB DETENTION REVIEW DECISION SHEET

Name _____ FPS _____ File No _____
COOPER, MICHAEL GERARD
Institution: _____

TYPE OF REVIEW
PAPER

TYPE OF DECISION(S)
DETENTION

TYPE OF REVIEW/REFERRAL
DET.-RES.ANNUAL-SUBS. REVIEW LEGISLATED

SCHEDULED OFFENCE(S): NON SCHEDULED OFFENDER: No
SEXUAL OFFENCE INVOLVING A CHILD: No

SCHEDULE I: Yes
SCHEDULE II: No

SENTENCE INFORMATION

Statutory Release Date: 2011/09/23

Maximant Expiry Date: 2014/01/22

OBSERVER(S)

NO Observer(s) present (except during Board Member deliberations)

Excluded from part of hearing:
Reason:

ASSISTANT

NO Assistant present

NEW INFORMATION OR GIST OF CONFIDENTIAL INFORMATION SHARED WITH OFFENDER
Not Applicable

FINAL DECISION(S)

DETENTION

DETENTION ORDER CONFIRMED

Dated
2012/04/11

Further Review Date: April 11, 2013.

SPECIAL CONDITION(S) IMPOSED AND PERIOD OF TIME FOR WHICH THEY
ARE VALID (Apply until the end of the release unless a fixed period of time is specified)

Status

BOARD MEMBERS' ASSESSMENT OF RISK

The Board is satisfied that, if released, you are likely to commit an offence causing the death of or serious harm to another person before the expiration of the sentence you are now serving according to law.

REASONS FOR DECISION(S) AND/OR VOTE(S)

FPS: NAME: COOPER, MICHAEL GERARD

FILE NO.:

NPB 55 (99-05) OMS

VERB (7)

Date and Time Locked 2012/04/11 12:14

TIME IS BASED ON A 24-HOUR CLOCK PERIOD.

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Your case was previously referred to the Parole Board of Canada (PBC or the Board) pursuant to the detention provisions of the Corrections and Conditional Release Act (CCRA). The Board concluded at that time that, if released, you were likely to commit an offence causing death or serious harm before the expiration of your sentence. Consistent with that conclusion it ordered you detained in custody until your warrant expiry date (WED).

In accordance with the detention provisions of the CCRA, the Board is required to conduct an annual review of your detention order. Today's review is to determine if there is sufficient new information to justify modifying your current status. There must be enough change to satisfy the Board that you no longer meet the detention criteria. The result of the initial detention decision and all relevant file information has been considered by the Board.

Your detention was ordered in May 2011 as the Board concurred with the evaluation that you presented a high risk to reoffend violently by drinking, driving and placing other people at risk. As well, the Board considered the evaluation done by professionals indicating that your brain trauma affected your cognitive abilities to retain and process information. In spite of having participated in substance abuse programming, you continue to verbalize your intention to drink and drive upon release as you do not feel that you have a substance abuse problem. During programming, no gains were realized in addressing your contributing factors due to your rigid thinking.

Although you are, for the most part, in compliance with your correctional plan as you have participated in recommended programming and are upgrading your education, you continue to believe that the reason for the accident in which two lives were lost was due to a mechanical problem on your vehicle and not the fact that you were driving while impaired by alcohol. You fail to take responsibility for your actions and have stated on many occasions that you plan to continue drinking and driving upon release regardless of any special conditions imposed by the Board. There is limited information on file in regards to your behavior and performance since your last review. The Board note that you have recently been suspended from school as a result non attendance.

Your Case Management Team (CMT) continues to believe that there are reasonable grounds to believe that you are likely to commit an offence causing death or serious harm prior to the expiration of your sentence according to law.

When assessing your case, the Board notes that your impaired driving resulted in offences causing the death of two people. While you have not displayed a pattern of persistent violent behavior, the Board however, considers that, as you had a history of impaired driving, you have displayed a pattern of persistent behaviors with a high potential to cause serious harm and/or death. Furthermore, by displaying a high level of comfort with impaired driving behavior, the Board believes that you have shown you can easily use a motor vehicle in a very negligent way and comparable to a weapon.

The Board also notes that, in spite the serious consequences of your offences, program participation and incarceration; you continue to express a desire to return to impaired driving behaviors. Such speaks to your degree of indifference as to the consequences of your behaviors on other persons.

While you do not plan to commit an offence causing serious harm and/or death, the Board considers that your desire to return to impaired driving behaviors shows that you are planning to return to criminal behaviors which can easily result in serious harm/death.

Given your current level of risk and needs associated with your case,

FP5: NAME: COOPER, MICHAEL GERARD

FILE NO.:

NPB 63 (99-05) OMS

VER5 (7)

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.... /04

the Board believes that the level of supervision you require, which would offer adequate protection to the public, is not available in the community.

When assessing the information on file, the Board considers that there is insufficient information to be not persuaded that, since detention was ordered, you have made significant progress/change to address your level of risk to cause serious harm or the death of others, nor have you shown stability over an extended period.

Under the circumstances set out above, the Board concludes that the detention criterion has been met in your case and is satisfied that you are likely, if released, to commit a an offence causing death or serious harm before the expiration of your sentence according to law. Therefore, the Board confirms your detention order.

VOTE(S)DETENTION
BOARD MEMBERDETENTION ORDER CONFIRMED
MCGRAW , LOUIS-PHILIPPE

Dated

2012/04/11

DETENTION
BOARD MEMBERDETENTION ORDER CONFIRMED
DUBE , JEAN F

2012/04/11

SIGNATURE(S)

MCGRAW , LOUIS-PHILIPPE

Date

DUBE , JEAN F

Date

FFS: NAME: COOPER , MICHAEL GERNARD

FILE NO.: 1

NPB 65 (99-05) OMS

VERS (7)

Date and Time Locked 2012/04/11 12:14

TIME IS BASED ON A 24-HOUR CLOCK PERIOD.

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National
Parole Board

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NPB DETENTION REVIEW DECISION SHEET

Name

COOPER, MICHAEL GERARD

FPS

File No

Institution:

TYPE OF REVIEW

PAPER

TYPE OF DECISION(S)
DETENTIONTYPE OF REVIEW/REFERRAL
DETENTION REVIEW

CSC REFERRAL

SCHEDULED OFFENCE(S): NON SCHEDULED OFFENDER: No
SEXUAL OFFENCE INVOLVING A CHILD: NoSCHEDULE I: Yes
SCHEDULE II: No**SENTENCE INFORMATION**

Statutory Release Date: 2011/09/23

Warrant Expiry Date: 2014/01/22

OBSERVER(S)NO Observer(s) present (except during Board Member deliberations)Excluded from part of hearing:
Reason:**ASSISTANT**NO Assistant present**NEW INFORMATION OR GIST OF CONFIDENTIAL INFORMATION SHARED WITH OFFENDER**

Not Applicable

FINAL DECISION(S)

DETENTION

DETENTION ORDERED

Dated
2011/05/10**SPECIAL CONDITION(S) IMPOSED AND PERIOD OF TIME FOR WHICH THEY
ARE VALID** (Apply until the end of the release unless a fixed period of time is specified)

Status

BOARD MEMBERS' ASSESSMENT OF RISK

The Board is satisfied that, if released, you are likely to commit an offence causing the death of or serious harm to another person before the expiration of the sentence you are now serving according to law.

REASONS FOR DECISION(S) AND/OR VOTE(S)

You are serving a sentence that includes a sentence for an offence

FPS: NAME: COOPER, MICHAEL GERARD

FILE NO.:

NPB 65 (99-03) OMS

VERS (7)

Date and Time Locked 2011/05/10 15:06

TIME IS BASED ON A 24-HOUR CLOCK PERIOD.

.... /03

set out in Schedule I and the commission of the offence caused the death of or serious harm to another person. The Correctional Service of Canada (CSC) is of the opinion that there are reasonable grounds to believe that you are likely to commit an offence causing death or serious harm to another individual prior to the expiration of your sentence. As such, CSC has referred your case to the National Parole Board recommending your detention. The Board is satisfied that your case has been properly referred in accordance with the requirements outlined in the Corrections and Conditional Release Act (CCRA).

To make its decision, the Board must assess the risk you present, if released before the expiration of your sentence, to commit an offence causing death or serious harm to another person. To do so, the Board must analyze the factors contained in the CCRA which are relevant in determining your likelihood of committing such an offence.

In your early fifties, you are serving your first federal sentence, a seven year term for Impaired Driving Causing Death (x2). Following an evening of drinking, you got behind the wheel of a motor vehicle which crossed the center line and collided with an oncoming vehicle. The two young occupants in the other vehicle were pronounced dead at the scene. Victim Impact Statements on file, from many of the victims' family members, describe their devastating loss.

Your criminal history dates back to 1975 and includes convictions for Theft Over \$200, Theft Under \$200, Possession of Stolen Property, Possession of a Narcotic, and Drive with More than 80 Mgs of Alcohol in Blood. Another charge of Possession of Stolen Property was dismissed. You also have previous infractions under the Liquor Control Act and the Motor Vehicle Act. You have no previous documented history of violence, and none of the above mentioned offences resulted in serious harm.

At intake, you were referred for a Psychiatric Intake Assessment to assess your mental state and need for psychiatric medication. It was concluded that, despite what appeared to be a history of alcohol abuse, there was no Active Axis I diagnosis detected. Furthermore, file information indicates that your brain trauma, suffered during the accident, could negatively affect your cognitive abilities to retain and process information. It was believed that this could attribute to your high level of rigid thinking. However, you have been performing well in school, upgrading your English and Math, which indicates if you set your mind to it, you can learn and retain concepts and information.

During this intake assessment, deficits were identified in terms of substance abuse and personal/emotional orientation (high need for improvement), and employment (moderate need for improvement). Your motivation level is currently assessed as low and your reintegration potential is currently assessed as medium.

During discussions with your Parole Officer, you candidly admitted you were in the habit of drinking and driving at least once a week. Of further concern is your admission that you would likely consume alcohol regardless of whether or not a special condition was imposed to abstain and, if given the opportunity to operate a motor vehicle, you would probably drive it, regardless of the court imposed order banning you from operating a motor vehicle for 99 years.

It is the opinion of your Case Management Team (CMT) that you have demonstrated a substantial degree of indifference as to the consequences of your actions. A recent Psychological Assessment notes you continue to minimize your responsibility regarding the current offences as, in your own words, you "had been drinking and driving on many occasions before and have never had an accident." You believe the accident would not have happened if your front tire, on the passenger side, had not blown out. It further notes you do not present signs of cognitive difficulties, lack of judgment, signs of

FPS: NAME: COOPER, MICHAEL GERARD

FILE NO.:

NPB 65 (99-05) OMS

VERS (7)

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impulsivity or violent tendencies, except for the verbal threat toward your parole officer and another offender since you began your sentence. This, along with your admission of ongoing marijuana use, resulted in your involuntary transfer to higher security.

Your CMT further reports that you have not expressed remorse for your actions, nor any empathy towards the victims. As such, they believe it is evident that you do not comprehend the seriousness of the possible consequences that could result from your actions should you choose to drink and drive. Your rigid thinking prevents you from taking other people's points of view into consideration.

Furthermore, it is the belief of your CMT that your admission regarding future drinking and possible driving constitutes reliable information demonstrating that you will have difficulties controlling impulses to the point of endangering the safety of any other persons. Your statements with respect to future drinking and potential future driving attest to your total rejection of responsibility for your actions and the extent to which you fail to recognize your problems.

Although you completed the National Substance Abuse Program, you do not feel that you have a substance abuse problem. It was noted that no gains were realized in addressing your contributing factors, due to your rigid thinking. This stance will preclude your involvement with community based Addiction Services within your home community, as intervention hinges entirely upon offender motivation.

Based on the above, Correctional Service of Canada (CSC) is of the opinion that there are reasonable grounds to believe that you are likely to commit an offence causing death or serious harm to another person before the expiration of your sentence according to law. As such, they are recommending that your detention be ordered until your warrant expiry date.

Should the decision of the Board be to release you on your Statutory Release Date, CSC is recommending that special conditions be imposed on that release. They are recommending that you reside at a Community-Based Residential Facility until your warrant expiry date, as they believe, in the absence of a residency condition, you will present an undue risk to society by committing an offence listed in Schedule I before the expiration of your sentence according to law. Other special conditions recommended to manage your risk include that you abstain from alcohol and drugs other than medication taken as prescribed by your physician and over-the-counter medication as recommended by the manufacturer. Leave privileges are not supported. Local police adamantly oppose statutory release, noting concerns over your lack of remorse and disregard for restrictions deemed necessary to manage your risk in the community.

As you waived your right to a hearing, the Board has carefully reviewed all reports in your file as well as all Victim Impact Statements. Though you are a first time federal offender, your criminal behaviour by drinking and driving caused the death of two innocent young individuals. What is most concerning to the Board is the fact that you had a habit of drinking and driving and, by pure luck, you were never involved in motor vehicle accidents before. You however have a prior conviction for Impaired Driving in 1982, indicating that over the years, you probably had been adopting similar behaviours. The Board considers drinking and driving to be potentially violent behaviour and, consequently, you have demonstrated a pattern of a persistent high propensity for violent behaviour.

The Board places significant weight on reliable and persuasive information indicating that you lack complete insight on your criminal behaviour and have stated that you will drink again if offered alcohol and would drive if needed. Such indicates a complete disregard for the victims, for society protection and for Court or

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FILE NO.:

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NPB imposed conditions. You are a very rigid individual who still minimizes your drinking problem. The Board believes that you are not prepared to change your lifestyle at this time.

The Board takes into account the evaluation done by the professionals indicating that your brain trauma affects your cognitive abilities to retain and process information. However, it does appear that, in some situations, you do very well, such as school. The Board concurs with the evaluation that you present a high risk to reoffend violently by drinking, driving and placing other people at risk. Your flagrant disregard for the potential lethal consequences of your impaired driving, against the backdrop of the deaths of two innocent young adults, speaks volumes about your likelihood of committing a similar offence in the future. The fact that you verbalize your intention to drink and drive again upon release to the community is an indication that you are indirectly planning to commit an offence causing death or serious harm to another person.

The Board believes that there are no supervision programs in the community that would offer adequate protection to the public from the risk that you present. Though you have completed in the institution a substance abuse program, this has been ineffective as you maintain the same cognitive distortions.

Under the circumstances set out above, the Board concludes that the detention criterion has been met in your case and is satisfied that you are likely, if released, to commit an offence causing death or serious harm to another person before the expiration of your sentence according to law.

VOTE (S)

DETENTION
BOARD MEMBER

DETENTION ORDERED
ST-ONGE , DORINA J

Dated

2011/05/10

DETENTION
BOARD MEMBER

DETENTION ORDERED
DAVIDSON , HAL

2011/05/10

SIGNATURE (S)

ST-ONGE , DORINA J

Date

DAVIDSON , HAL

Date

FPS: NAME: COOPER , MICHAEL GERARD

FILE NO.:

NPB 65 (99-05) OMS

VERS (7)

Date and Time Locked 2011/05/10 15:06

TIME IS BASED ON A 24-HOUR CLOCK PERIOD.

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