



Government
of Canada

Gouvernement
du Canada

National
Parole Board
Pacific Regional Office
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Abbotsford, B.C. V2S 3N2

Commission nationale des
libérations conditionnelles
Région du Pacifique
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Tel: 604-870-2468
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*** Caseworkers: DO NOT SHARE THIS LETTER WITH THE OFFENDER***

December 15, 2008

Mr. Charlie Smith
Editor
Georgia Straight

Fax: 604-730-7010

Re: Radler, David - Decision Registry Request

The enclosed decision is being sent to you in response to your request for access to the National Parole Board's Decision Registry in this case. While the *Corrections and Conditional Release Act* requires that certain information not be shared, no exemptions were applied to the material you are receiving.

On December 12, 2008 the Board voted to direct (grant) this offender on both accelerated day and full parole. This offender must abide by standard release conditions (list enclosed) as well as the following two special conditions imposed by the Board:

1. Provide full financial disclosure to your parole supervisor upon request
2. No direct or indirect contact with your co-accused unless such contact is pre-approved in writing by your parole supervisor

First time federal offenders serving sentences for non-scheduled offences are entitled to an accelerated parole review. When the *Corrections and Conditional Release Act* entitles an offender to an accelerated parole review, the Board must direct parole unless the Board determines that the offender would be likely to commit a violent offence before his sentence expires.

If you have any questions about the Board's documentation or the terminology used, please contact me, at the address/fax number above or by phone at 604-870-2461.

Sincerely,

Jean-Paul Lorieau
Acting / Regional Manager Community Relations and Training

Encl: NPB Decision December 12, 2008 - No Exemptions
list of standard release conditions

Canada

TO: 16047307010

60487022498

DEC-15-2008 17:04 FROM:

P. 1/7

TYPE OF RELEASE(S)
FULL PAROLE - PRE RELEASE
DAY PAROLE - PRE RELEASE

ACCELERATED PAROLE REVIEW INIT.
ACCELERATED PAROLE REVIEW INIT.

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)

FULL PAROLE - PRE RELEASE DIRECTED Dated 2008/12/12

The Board has imposed special conditions on your Accelerated Day and Full Parole.

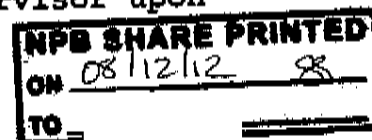
DAY PAROLE - PRE RELEASE DIRECTED 2008/12/12

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)

FULL PAROLE - PRE RELEASE OTHER
Provide full financial disclosure to your parole supervisor upon request.
Status IMPOSED

FULL PAROLE - PRE RELEASE MUST AVOID CERTAIN PERSONS
No direct or indirect contact with your co-accused unless such contact is pre-approved in writing by your parole supervisor.
Status IMPOSED

DAY PAROLE - PRE RELEASE OTHER
Provide full financial disclosure to your parole supervisor upon request.
Status IMPOSED



FPS: NAME: RADLER, DAVID FRANKLIN

FILE NO.:

NPB 73 (99-05) OMS

VERS (7)

Date and Time Locked 2008/12/12 12:25

TIME IS BASED ON A 24-HOUR CLOCK PERIOD

DECISION ACCESSED

No. EXEMPTION(S) APPLIED

.... /03

DAY PAROLE/COMMUNITY-BASED RESIDENTIAL FACILITY LEAVE PRIVILEGES (if applicable: Return to facility nightly or specify exceptions and provide reasons)

In accordance with the National Parole Board policy and the Community Residential Facility/Community Correctional Centre rules and regulations.

ACCELERATED REVIEW - BOARD MEMBERS' ASSESSMENT

(A) INDICATION OF BEHAVIOUR THAT DEMONSTRATES A POTENTIAL TO COMMIT AN OFFENCE INVOLVING VIOLENCE

You are serving a sentence for a crime which did not involve violence and you have no other entries on your criminal record. Your file does not contain any indication of behaviour that demonstrates a potential for violence.

(B) STRESSORS/FACTORS IN THE RELEASE ENVIRONMENT THAT COULD LEAD TO THE COMMISSION OF AN OFFENCE INVOLVING VIOLENCE, AND EFFORTS TO ADDRESS THESE STRESSORS/ FACTORS

You committed your offence for financial gain. Your greed has resulted in this sentence and the Correctional Service of Canada has no programs identified on your correctional plan to address this stressor.

(C) PSYCHIATRIC OR PSYCHOLOGICAL ASSESSMENTS RELEVANT TO THE POTENTIAL FOR THE COMMISSION OF AN OFFENCE INVOLVING VIOLENCE INCLUDING ACTUARIALS

You did not meet the Correctional Services of Canada's criteria for a psychological risk assessment.

(D) PROFESSIONAL OPINIONS REGARDING THE LIKELIHOOD OF THE COMMISSION OF AN OFFENCE INVOLVING VIOLENCE

Your Case Management Team (CMT) is of the opinion that you are not likely to commit an offence involving violence before your sentence expires.

(E) OTHER INFORMATION RELATED TO THE LIKELIHOOD OF THE COMMISSION OF AN OFFENCE INVOLVING VIOLENCE

None is available.

REASONS FOR ACCELERATED REVIEW DECISION

As a first time federal offender serving a sentence for a non-scheduled offence, you are entitled to an accelerated parole review. The law requires that the Board consider only information that relates to your risk for committing an offence involving violent behaviour prior to warrant expiry.

FILE NO.:

NAME: RADLER, DAVID FRANKLIN

EPS:

NPB 73 (99-05) QMS
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...../04

At 66 years of age you are serving a two year, four month, twenty-eight, day sentence from February 25, 2008 for Fraud. You were convicted in the U.S. following a lengthy trial which revealed the details of your fraudulent activity. As a senior officer in a large company you misappropriated funds over a four year period and hid these transactions from company directors. You misrepresented your intent to defraud and later denied that your behaviour was illegal. Your offence ultimately resulted in a loss of income for shareholders and caused numerous employees to lose their jobs. You betrayed the public's trust and invested much of your initial effort in attempts to distance yourself from your illegal activity. You have left a trail of many victims.

The legislation governing accelerated parole reviews obliges the Board to narrowly focus on your potential for violent recidivism. Many who have commented on your offence would argue that the financial devastation you caused to the countless victims would constitute a form of violence. However, the Board must apply the law in the spirit with which it was written; as such, the Board is satisfied that there are no reasonable grounds to believe that, if released, you are likely to commit an offence involving violence before the expiration of your sentence, and directs your release on day and full parole at your eligibility dates.

The Board is imposing special conditions on your release to help you and your CMT manage the risk that is still present - you will have no direct or indirect contact with your co-accused unless such contact is pre-approved in writing by your parole supervisor and you will make full financial disclosure to your parole supervisor upon request. Leave is granted in accordance with NPB policy.

REASONS FOR SPECIAL CONDITION(S) :

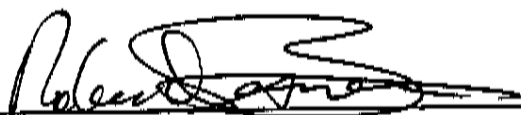
Your crime cycle is directly related to your greed and desire for financial gain; your parole supervisor must be able to monitor your financial affairs in order to manage this risk. As well, you committed your offence with the knowledge and cooperation of your co-accused; any contact you have with these individuals must be controlled to reduce any risk of re-offence.

These conditions are reasonable and necessary to protect society and facilitate your reintegration into the community.

VOTE (S)

| | | Dated |
|---|----------------------------|------------|
| FULL PAROLE - PRE RELEASE BOARD MEMBER | DIRECTED BESNER, ROBERT | 2008/12/12 |
| DAY PAROLE - PRE RELEASE BOARD MEMBER | DIRECTED BESNER, ROBERT | 2008/12/12 |

SIGNATURE (S)


BESNER, ROBERT

2008/12/12
Date

FP3: NAME: RADLER, DAVID FRANKLIN

FILE NO.:

NPB 73 (99-05) OMS

VERS (7)

Date and Time Locked 2008/12/12 12:25

TIME IS BASED ON A 24-HOUR CLOCK PERIOD.

.... /END

Q. What is accelerated parole review?

A. The *Corrections and Conditional Release Act (CCRA)* introduced

<http://www.npb-cnrc.gc.ca/infocntr/parolecc/pparole.htm>

2008-12-11

accelerated parole reviews which require some federal offenders who are serving their first term in a penitentiary to be released on full parole after they have served one-third of their sentence. These offenders must be released on full parole unless the National Parole Board determines that the offender is likely to commit an offence involving violence before the end of the sentence.

Accelerated parole review applies only where:

- the offender is serving a first penitentiary sentence for a nonviolent offence; or
- the offender is serving the sentence for a drug offence for which the judge did not set parole eligibility at one-half of the sentence.

to law, including

- (a) a pattern of persistent involvement in drug-related crime established on the basis of any evidence, in particular,
 - (i) the number of drug-related offences committed by the offender,
 - (ii) the seriousness of the offence for which the sentence is being served,
 - (iii) the type and quantity of drugs involved in any offence committed by the offender,
 - (iv) reliable information demonstrating that the offender remains involved in drug-related activities, and
 - (v) a substantial degree of indifference on the part of the offender as to the consequences to other persons of the offender's behaviour;
- (b) medical, psychiatric or psychological evidence of such likelihood owing to a physical or mental illness or disorder of the offender;
- (c) reliable information compelling the conclusion that the offender is planning to commit a serious drug offence before the expiration of the offender's sentence according to law; and
- (d) the availability of supervision programs that would offer adequate protection to the public from the risk the offender might otherwise present until the expiration of the offender's sentence according to law.

1992, c. 20, s. 132; 1995, c. 42, s. 47.

Conditions of Release

Definition of "releasing authority"

133. (1) In this section, "releasing authority" means

- (a) the Board, in respect of
 - (i) parole,
 - (ii) statutory release, or
 - (iii) unescorted temporary absences authorized by the Board under subsection 116(1);
- (b) the Commissioner, in respect of unescorted temporary absences authorized by the Commissioner under subsection 116(2); or
- (c) the institutional head, in respect of unescorted temporary absences authorized by the institutional head under subsection 116(2).

Conditions of release

(2) Subject to subsection (6), every offender released on parole, statutory release or unescorted temporary absence is subject to the conditions prescribed by the regulations.

Conditions set by releasing authority

(3) The releasing authority may impose any conditions on the parole, statutory release or unescorted temporary absence of an offender that it considers reasonable and necessary in order to protect society and to facilitate the successful reintegration into society of the offender.

Residence requirement

(4) Where, in the opinion of the releasing authority, the circumstances of the case so justify,

the releasing authority may require an offender, as a condition of parole or unescorted temporary absence, to reside in a community-based residential facility.

Residence requirement

(4.1) In order to facilitate the successful reintegration into society of an offender, the releasing authority may, as a condition of statutory release, require that the offender reside in a community-based residential facility or in a psychiatric facility, where the releasing authority is satisfied that, in the absence of such a condition, the offender will present an undue risk to society by committing an offence listed in Schedule I before the expiration of the offender's sentence according to law.

Definition of "community-based residential facility"

(4.2) In subsection (4.1), "community-based residential facility" includes a community correctional centre but does not include any other penitentiary.

Not necessary to determine particular offence

(4.3) For the purposes of subsection (4.1), the releasing authority is not required to determine whether the offender is likely to commit any particular offence.

Consent of commissioner

(4.4) A condition under subsection (4.1) that an offender reside in a community correctional centre is valid only if consented to in writing by the Commissioner or a person designated, by name or by position, by the Commissioner.

Duration of conditions

(5) A condition imposed pursuant to subsection (3), (4) or (4.1) is valid for such period as the releasing authority specifies.

Relief from conditions

(6) The releasing authority may, in accordance with the regulations, before or after the release of an offender,

(a) in respect of conditions referred to in subsection (2), relieve the offender from compliance with any such condition or vary the application to the offender of any such condition; or

(b) in respect of conditions imposed under subsection (3), (4) or (4.1), remove or vary any such condition.

1992, c. 20, s. 133; 1995, c. 42, ss. 48, 71(F); 1997, c. 17, s. 28.

Instructions to released offenders

134. (1) An offender who has been released on parole, statutory release or unescorted temporary absence shall comply with any instructions given by a member of the Board or a person designated, by name or by position, by the Chairperson of the Board or the Commissioner, or given by the institutional head or by the offender's parole supervisor, respecting any conditions of parole, statutory release or unescorted temporary absence in order to prevent a breach of any condition or to protect society.

Definition of "parole supervisor"