



Probation and Parole Services

An offender is placed on probation as part of the disposition of the case in court if the offender is found to be guilty of or pleads guilty to the offence for which he was charged. (See Crown Section D, "Sentencing" for possible dispositions.)

Probation and Parole officers (hereafter called officers) have a dual role of assisting in the rehabilitation of offenders and enforcing the conditions of a probation order. Through the appropriate usage of these roles, assistance is therefore given to the protection of society and most importantly to the protection of women and children.

In the area of rehabilitation, their role is to work with offenders to prevent a repetition of the offence, by linking them with programs and by supporting and encouraging them to effectively utilize these resources. The role of the officers, in the area of enforcement, is to enforce orders made by the courts.

Officers, in the course of their work need to have contact with the offender's partner. Information provided by the woman can assist in the enforcement of the conditions as well as ensuring accountability of the offender, thereby aiding in the protection and safety of the woman and her children. Officers can offer support to the woman by actively educating her about the role and process of probation and can support her and her continued co-operation with enforcement by assisting her in linking with appropriate community services, such as counselling and shelters. This involvement also assists them in ensuring offenders obey the law and protects the safety of the woman and her children.

As a result of their dual responsibility, probation officers play an integral role in linking the justice system and community services.

SECTION A: INITIAL INTAKE PROCEDURE

When placed on probation by the court, an offender receives a probation order which outlines certain conditions. All probation orders contain the condition:

To keep the peace and be of good behaviour.
Appear before the court when required.

Additional conditions, which relate to woman assault cases can be added, such as:

Reporting to a Probation/Parole officer,
Not associating with the woman and/or having access to the woman,
Participate in and be amenable to treatment and/or counselling as directed,
Participate in substance abuse treatment,
Any other case specific conditions.

Specific and clear wording of conditions in orders makes laying breach charges easier.

After court, the offender is assigned to an officer who meets with the offender and conducts a thorough intake and assessment which determines a Plan of Supervision. In conducting this process, the officer utilizes a number of possible sources of information to develop an assessment and Supervision Plan that is accurate and appropriate to ensuring the accountability of the offender.

Officers are expected to verify all client reported information through collateral. As part of this process of verification, the woman is contacted as a primary source of information whenever her whereabouts are known. If



the woman's whereabouts are unknown, the officer will check with the Bail and Parole office to ascertain if there is an updated address and telephone number on file with them.

This contact also provides an opportunity to explain to the woman the role and process of probation and to assist her in understanding the need for enforcement to continue and her role in this process. The officer should endeavour to provide an open, supportive atmosphere to discuss and deal with any questions, concerns or fears she may have about the process or her role. This will assist her in feeling safe and being clear about any procedures and her role in these procedures in the future.

Other collateral which may also assist in verifying client reported information and assessing safety needs are:

- Police, through the occurrence report, the investigating officer or information on CPIC.
- Other community professionals as appropriate.

Collateral related to the safety of the woman should be maintained throughout the supervision plan and process.

A woman should be made aware that no specific information regarding the offender's routine activities or probation can be divulged by the officer in accordance with the Ontario Freedom of Information and Privacy Act. Officers will advise and discuss with the woman confidentiality of the information she provides and the limitations of confidentiality.

The officer will then meet with the offender to review the plan and to pursue appropriate or required treatment.

SECTION B: REHABILITATION

Rehabilitation of the offender is one of the roles of the officer. If an offender has a probation condition to attend for a specific type of treatment or counselling, then the officer is responsible for accessing the appropriate service and ensuring that the offender attends and participates. Follow-up is done on the offender and communication with service professionals and agencies is ongoing. If an offender does not have a specific probation condition for treatment, then the officer will work with the offender promoting the necessity of an appropriate type of counselling.

Rehabilitation and treatment comes in many forms and may include referrals to some of the following:

- Social workers/therapists
- Spousal Abuse Program
- Substance Abuse Counselling
- Probation/parole staff psychologist

In those situations where the offender has been charged with generalized violence or there are indications of substance abuse, referrals to the last two options are appropriate prior to a referral to the Spousal Abuse Program. In situations where woman abuse is the primary problem, the referral should be made only to the Spousal Abuse Program.

In the event that the offender does not attend or attends but is not amenable or does not abide by any other related condition, the officer will review the case and determine the course of action for the breach of conditions.



SECTION C: ENFORCEMENT

In the area of enforcement, an officer's role is to monitor an offender's compliance with the conditions of a Probation order. In the event of non-compliance, officers must use their judgement to assess the appropriate actions to undertake. The action will vary depending on the nature of the violation and other circumstances of the supervision of the offender.

The goal of enforcement is to ensure that the offender is accountable for his actions and to correct the behaviour, taking into account primarily the safety of the woman.

Enforcement may include any or a combination of the following:

- Increased supervision
- Issuing a verbal/written warning
- Variation of conditions
- A criminal charge
- A criminal charge of Wilful Failure to Comply with a Probation Order
- Attempting other therapeutic interventions
- Revoking a Probation Order

In assessing the situation and determining what enforcement action is to be taken, an officer will consider the following variables:

- nature of the violation,
- degree of risk to the partner and the community,
- pattern of behaviour,
- level of fear or intimidation being experienced by partner,
- existence of injuries to partner,
- existence of emotional stress and trauma by partner,
- attitude of offender towards violation,
- availability of suitable evidence,
- degree of wilfulness,
- any new charges during period of probation
- any other relevant information or factors

.In considering the variables, it is important that the officer discusses the situation with the woman, other community professionals dealing with offender, and the assistant crown attorney.

1. ASSESSMENT OF ENFORCEMENT OPTIONS

In all instances, it is the decision of the officer regarding the appropriate enforcement action. While generally officers progressively increase the severity of enforcement options, more immediate, serious sanctions will be automatically imposed if it is determined that there is a risk to the woman or the woman feels at risk from any violation.



More immediate, serious sanctions for violations include a Wilful Failure to Comply charge (Breach of Probation) which can be laid by a Probation/Parole Officer.

In instances where the breach of conditions also constitutes a criminal offence (assault, threatening), a new criminal charge(s) should be investigated and if appropriate, laid by the police.

In all cases where there is a new criminal offense, the officer will support and encourage the involvement of the police and an investigation for possible new charges. Where police lay new charges, Probation Officers will support this by also laying a Wilful Failure to Comply Charge.

Information regarding new offenses may come to the attention of an officer from a number of sources.

If the information regarding a violation or new offence is received from the woman the officer will discuss the situation with the woman and encourage and support her in pursuing charges. If the woman agrees to charges, the officer will contact the police and be involved in arranging for the police to meet with the woman for information and evidence.

If the woman is not agreeable to charges, the officer will explore and discuss her fears or concerns and attempt to alleviate them. If she does not want charges at this point, the officer will ensure she has information about services and supports. If, however, the officer has reason to believe that the woman is in life-threatening danger, he/she will use professional judgement and call police to talk with the woman.

If information regarding an assault on his partner is brought by the offender, the officer will notify the police to conduct an investigation.

If the information is received from another source, the officer will contact the partner to verify the information and proceed as above.

2. REVOCATION

Another enforcement option available to an officer is the revocation of an offender's probation order. Revocation provides an opportunity for the assistant Crown Attorney to apply to the Judge to have an offender's Probation Order revoked when an offender has both committed and been convicted of a new offense (including Wilful Failure to Comply with the Probation charge) during the term of the probation order. A revocation may only be initiated where the original disposition was a suspended sentence or a conditional discharge.

A Probation Order which is revoked is terminated and the judge may then impose any sentence that an offender could have received in lieu of probation

SECTION D: PAROLE

Parole is an option which may be granted to offenders who are serving a jail term under two years less a day.

Offenders may apply for parole after they have completed one-third of their sentence.

Parole allows the offender to serve the remainder of his sentence in the community under the supervision of a provincial Parole officer.

The Ontario Board of Parole is the provincial government agency which is responsible for hearing parole requests, deciding whether or not to grant parole and if granted, to impose certain conditions on the offender.



The Ontario Board of Parole believes in the special responsibility the offender has towards the woman and recognizes the role that women play in criminal justice proceedings. In making its decisions, the Board considers the circumstances of the offense and the impact on the woman. Parole is granted if it is unlikely that the offender poses a significant threat to society and his rehabilitation is likely to proceed under supervision in the community.

1. INTAKE PROCESS

When an application for parole is received by the Ontario Board of Parole, the request is forwarded to the Parole officer who is initially responsible for compiling and assessing information and recommendations for consideration by the Board.

In woman abuse cases, some offenders and partners wish to re-unite and a return to the home is being requested while in other cases a separation has occurred and the offender is requesting residence elsewhere. Both of these situations require that certain factors be taken into consideration by an officer.

In preparing a Pre-Parole report, an officer will collect and prepare and assess information on the following:

- criminal history, nature and extent of current charges, family and social history
- problem areas, needs to be addressed
- attitude of offender to previous community supervision
- employment plans or options and participation in community programs
- progress and participation in available programs release plans including contacting the person where the offender has indicated he intends to live to ascertain if the individual is amenable
- release plans including contacting the person where the offender has indicated he intends to live to ascertain if the individual is amenable
- psychological/psychiatric assessments
- police, crown brief reports
- any existing probation orders and conditions
- risk or danger to the woman, including the offender's present attitude to her

An officer will contact the offender's partner, if her whereabouts are known, to determine the impact of the crime on her, assess safety risks and concerns she may have, and advise her of her rights and options as the victim of the crime. (See Section D2, "Victim Impact Statements")

During this first contact with a woman, the officer will advise her that it is important that she keep the Parole office aware of her address and telephone number, assuring her that this will be kept confidential from the offender.

If a woman has any concerns regarding her safety and requires restrictions of non-association with the offender, she should advise the officer.

If the woman's whereabouts are unknown, the officer will enquire, when contacting the sponsor, if the offender is a risk or danger to the woman.

2. VICTIM IMPACT STATEMENTS

In instances where an officer speaks with the offender's partner, the Parole officer will advise the woman of her right to submit a Victim Impact Statement to the Ontario Board of Parole. The statement, which can be given orally



or in writing, provides the partner with an opportunity to:

- describe the effects she is experiencing as the victim of the offense,
- state concerns about the offender, including safety risks or danger to her,
- state her position regarding the possible release of the offender,
- advise the Board if she wishes to be informed of the Board's decision and reasons,
- advise the Board if she wishes to be informed in the event that parole is granted and later revoked and the offender returned to custody,
- provide any other information which she believes is relevant to her experience as the victim or the possible release.

In the statement, the partner must name the offender and she can provide any other important details which identify the case.

It is important that a woman is aware that the offender will be advised by the Board of receipt of the statement unless they are advised that this knowledge would place the woman at risk. While the Board makes the final decision, a woman should indicate the risk or danger to her in her statement.

She should also be aware that under the "Freedom of Information and Privacy Act" that the offender has the right to apply for information contained in his file, including the statement from the victim. As access is not automatic and exemptions can be decided by the Board, it is important that the woman indicates her concerns, if they exist, about the offender having access to the statement. If information is given to the offender, the Board will safeguard in confidence names, addresses or telephone numbers of the woman.

Victim Impact Statements should be mailed marked "Confidential" to:

The Chair
Ontario Board of Parole
2195 Yonge Street, Suite 201
Toronto, Ontario M4S 2B1

(416) 963 - 0368

3. CONDITIONS

If parole is granted to the offender by the Board, specific conditions will be set.

A woman has the right to provide input regarding conditions, specifically those involving contact or association with her if she believes there is a risk of danger to her. This information can be included in the statement or given to the individual who contacts her to advise that parole has been granted.

Once conditions have been set and the offender is released, it is the responsibility of the Parole officer to monitor the conditions of parole. The parole officer informs the Board by telephone and/or in writing of any non-compliance with standard or special conditions by the parolee.



If a member of the Board believes on reasonable and probable grounds that a parolee has failed any parole condition, the member may authorize and sign a warrant for the arrest and return of the parolee to custody.

Upon review, the suspension of parole may be lifted and the parolee again returned to the community on conditions.

A parole violation is not a criminal charge and does not result in charges.

The Parole officer will encourage the woman to notify the officer if she is aware that the parolee has broken any of the conditions of Parole or has threatened or assaulted her. The Parole officer will inform the Board of Parole of breaches of conditions who will decide whether to issue a caution or a warrant for the offender's arrest. In the case of a new offense, the woman will be supported and encouraged to contact the police.

At all times, it is important for a woman to know the number and contact number of the Parole officer and to keep the officer and the Board of Parole up to date on her whereabouts and phone number if she wishes to be advised of information.

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