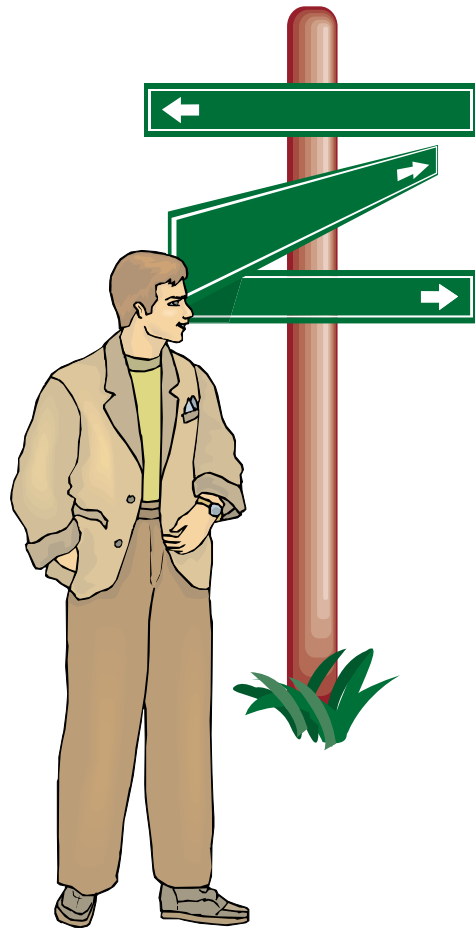


Probation

Everyone's responsibility
Offenders and Community



What is Probation?

Probation is a sentence or a disposition of the court, which allows an offender to remain in the community under specific conditions prescribed by the court. In 1999-2000, 951 young persons and 2,416 adult offenders were involved in supervised probation, on a monthly basis.

If in doubt, the court may decide more information is needed about an offender before passing sentence and may ask for a Pre-sentence Report. This report presents background information about the offender's character, family involvement, peer group factors, employment and education information. It contains all relevant information available including risk assessment, which helps the court to arrive at a decision on sentencing.

The court takes into account a variety of factors before deciding on an appropriate sentence, including:

- the nature of the offense
- the character of the offender
- factors for rehabilitation
- protection and consideration of the community
- and, any other related information readily available at the time of sentence.

Probation is designated to encourage the offender to become a more responsible person in the community and to live a law-abiding life, without necessarily being placed in custody.

Conditions of a probation period, which may be for as long as three years, might include any one, or a combination, of the following :

- reporting to a probation officer
- abstaining from alcohol and/or the non-medical use of drugs
- performing a community service
- obtaining psychiatric treatment
- attending school
- abstaining from owning or possessing firearms
- abstaining from contact or association with certain persons
- abstaining from operating a motor vehicle
- observing a specified curfew
- any other condition that might reasonably restrict the offender and encourage a law-abiding lifestyle and/or
- participating and completing specific programs such as anger management or mental health counseling, under the supervision of a probation officer.

The appropriate condition(s) will be stated in a Probation Order, the legal document that is ordered by the judge. Under certain circumstances, the probation order can be altered by the sentencing judge at the request of the offender, the probation officer, or the crown prosecutor.

What are the functions of a Probation Officer?

A Probation Officer generally:

- prepares pre-sentence reports when requested by the court
- accepts offenders on probation and conditional sentence
- provides supervision, guidance and enforcement
- reports violations of the Probation Order to the police
- refers offenders to programs while monitoring participation and attendance.

In performing those general duties, the probation officer assists the offender in:

- assuming responsibility
- overcoming short and long-term obstacles
- coping with problems in personal adjustment
- shaping a positive attitude.

The probation officer also assists the offender in developing positive qualities and abilities. This occurs when the offender admits there are problems and decides to take appropriate steps to deal with them.

These might involve seeking:

- referral to educational resources
- referral to alcohol or substance abuse rehabilitation programs
- help from mental health agencies, or, any other appropriate agency of the community.

In addition to direct and day-to-day responsibilities for the special needs of offenders on probation, the probation officer also assumes a responsibility to help educate the public about the role of probation, the criminal justice system, crime prevention, and the community's role in dealing with re-integrating the offender. As with all corrections' programs, probation is designed to encourage responsible interaction between the offender and the community while ensuring the safety of the public.

This pamphlet is for general information and discussion purposes. Should you wish to learn more, please contact the Department of Public Safety in:
Fredericton, (506) 453-2367
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Saint John, (506) 658-2495
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