

Community Corrections Programs:
The Functioning of
Probation, Temporary Absences,
Fine-option Programs, and Attendance Centre Programs

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The concept of using correctional programs which are based in the community rather than in an institutional setting has become increasingly popular over the past two decades, particularly since the importance of such programs was identified by the Ouimet Committee in 1969. Community corrections has three primary objectives, as set out by the Outerbridge Report in 1972 (in Ekstedt and Griffiths, 1989:438): 1. to divert persons entirely from the criminal justice system and incarceration; 2. to provide temporary relief from incarceration; and 3. to reduce the length of incarceration. This paper will look at the roles of probation, temporary absences, fine-option programs, and various attendance centre programs in attempting to achieve one of those, and various other objectives.

Along with parole, probation served as the earliest form of community corrections, and has been used since 1889 in Canada. In 1921, an important addition was made which required the offender to report to a person who had been given the responsibility for supervising his behaviour. The changes made to probation since that time have been largely a matter of fine-tuning that basic concept. The legislation which accepted probation services as a territorial responsibility in the Yukon was not enacted until 1964.

Probation is currently the only form of community corrections which exists as a distinct sentencing option which the court can impose. It is used for less serious offences, for offenders who are not considered to be a danger to society,

generally as an alternative to fines or incarceration. Probation allows the offender to maintain a relatively normal life, while at the same time being under court order to maintain a certain standard of behaviour. A probation order can be imposed for any period up to three years, and a wide variety of conditions may be attached to the order, based on the reintegration model of correctional philosophy. There are general conditions which are attached to all probation orders, and specific conditions which are aimed at the specific offender's situation; these include compulsory attendance at various treatment programs, described below.

*Judges
Don't always
ask for a
PSR when
considering
probation.*

The suitability of an offender for probation is assessed through a Pre-Sentence Report (PSR), which is generally prepared by a probation officer, and contains a wide range of socio-biographical information on the offender, including employment history, prior criminal record, substance dependencies, and so on. The probation officer may also include a recommendation regarding an appropriate sentence, or conditions to be attached to the probation order; the judge is not obligated to heed the recommendation, although in practice there is a high correlation between the recommendation and the sentence.

In supervising the offender, the probation officer has two functions, to protect the public by ensuring that the conditions of the probation orders are fulfilled, and to assist the probationer to reintegrate into the community. This assistance may take two different approaches: the casework approach is based

on the medical model, and uses one-to-one assessment, treatment and evaluation of the offender; in using the brokerage, or community resources management approach, the probation officer is not the primary agent of treatment, but merely arranges for suitable treatment by other specialized agencies. The case-load of probation officers generally does not allow for casework treatment, or, it has been argued, even effective supervision.

An important condition of probation is the possibility of revocation of probation if any of the conditions of the order are not followed, or if a new offence is committed. There is considerable discretion allowed on the part of the probation officer, which has brought criticism of the policy.

The Temporary Absence program is a form of short-term release, for both federal and provincial/territorial inmates, and may be escorted (ETA) or unescorted (UTA). TAs may be granted for medical, educational, rehabilitative, humanitarian, employment, or family-related reasons; offenders on TAs may reside either in the institution, or in a community residential facility such as the ARC in Whitehorse.

Bill C-36 (1992) has tightened up the regulations for federal TAs in order to further protect society from high-risk offenders. ETAs are granted by the Correctional Service of Canada (CSC) except in the case of offenders who are serving life or indeterminate sentences; in those cases, the National Parole Board must approve the absence, except when the absence is for medical purposes. Escorted Temporary Absences may be granted at

any time during the offender's sentence.

Unescorted Temporary Absences may be granted at any time after the offender has served 1/2 of the period before full parole eligibility, or six months (whichever is greater). The CSC is responsible for granting UTAs, except for high-risk offenders; those classed as violent, serious drug offenders, lifers, or those convicted of sex crimes against children. For those offenders, the National Parole Board has jurisdiction; those offenders with a maximum security classification are not eligible for UTAs. Normally, UTAs are granted for periods of 3 days or less, but periods of up to 60 days are possible for specific programs, and a new Work Release Program allows for specific periods of absence for employment or community service work, under CSC-approved supervision. The criteria which determine whether a UTA will be granted include a determination that the offender will not pose a risk to society, that he would benefit from the absence, that he has behaved responsibly in the past, and that all the details of the offender's activities while absent are known to the authorities.

Fine-option programs are available in most of the provinces and territories, including the Yukon, and offer an offender an alternative to paying a fine which has been imposed, by voluntarily working on community service projects. This option, though its availability is not widely known, alleviates the discriminatory nature of fines imposed on low-income people; this is a crucial point when non-payment of a fine may result in

incarceration. The program has been criticized because of the difficulty in enforcing compliance. The option may be applied for by the offender at any time, and is granted at the discretion of the court.

Attendance Centre Programs are normally stipulated as one of the specific conditions set out in a probation order, on the recommendation of the offender's probation officer, or as part of rehabilitative treatment by offenders on Temporary Absences or parole. Failure to attend the program could result in revocation of a probation order, TA or parole. These programs may focus on drug or alcohol dependencies, including impaired drivers' courses; management of aggression or sexual deviance; various forms of life skills training; or other specific problems. Attendance may be daily, or at any other interval, and may be in a residential or non-residential setting. They may be operated by any level of government, or by various private agencies on a contract basis. These programs in general are criticized because of the lack of consistency in the use of the programs, and the uneven quality of the programs themselves.

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Excellent!