Trends in Community Corrections: The Case for Probation
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Trends in Community Corrections: The Case for Probation

By Donald G. Evans

Before beginning my discussion of the international trends in community corrections as they apply to probation I wish to give a brief description of probation in Canada. It is my intention in this chapter to make a case for the use of probation both as an agency and as a sanction to further the goals for a community correctional service. Given the apparent desire of legislators internationally to limit the use of imprisonment as a general sanction and reserve it for serious offences and high-risk offenders the expansion of community sanctions and penalties has been a major legislative activity in the past ten years. The paragraph that follows is a descriptive notation regarding probation in Canada, which is, in a general sense, in keeping with most definitions currently in use internationally.

Probation in Canada

Probation is a court-ordered sanction where an adjudicated offender is placed under the control, supervision, and care of a probation officer in lieu of imprisonment so long as the probationer fulfills certain standards of conduct. Probation is a common form of criminal sanctioning in Canada and represents the largest number of offenders who are conditionally supervised in the community. The practice of releasing offenders on their own recognizance rather than imposing a sentence gained legal authority in 1889 with the Act to Permit the Conditional Release of First Offenders in Certain Cases. By 1892 probation is mentioned in the criminal code and in 1921 code amendments required the offender to report to an officer of the court. The first probation service was started in 1922 with the passage of the Ontario Probation Act. This 20th century sanction had its' major growth after World War II. Probation is a judicial function and a provincial responsibility and all provinces and territories have probation services. The maximum probation sentence is 3 years and can be given in

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conjunction with a suspended sentence, fine, term of imprisonment of less than two years. All probation sanctions include the condition of keep the peace, be of good behavior and appear before the court as required by an agent of the court. Probation services provide pre-sentence reports to the courts and community assessment reports to parole boards as required.

In recent times probation has been viewed as a soft option and has received public criticism. Probation services have worked to change the “soft on crime” image by instituting risk assessment instruments, intensive supervision practices, and evidence-based programming such as cognitive-behavior treatment programs for substance abuse, domestic violence and sexual offending. Multi-agency partnerships are also developing as a means to expanded services and supervision. Partnerships with police assist in the supervision of high-risk offenders. Treatment agencies are involved with special need cases. Probation participates in the new emerging drug courts. All of these new ventures are strengthening the role of probation within the criminal justice system. Probation today is based on careful assessment and differential supervision. The emerging style of supervision includes control through surveillance and assistance through treatment. By a careful melding of control and assistance the objective of providing a public safety service is met. In looking more closely at some of the trends and changes that are occurring in probation we can see some very clear trends in regard to supervising and managing offenders in community settings. The ten trends I intend to discuss in this chapter are broken down into categories of what I consider major tasks of probation as a community correctional service. These ten trends cover the probation service from courts, to corrections and the community.

1. Court Services and Probation

Traditionally, probation provides pre-sentence reports to the courts as an aid to the sentencing of offenders. In recent years however a trend has developed where the courts are becoming more involved in the management of offenders and the probation role has expanded, in some countries, to include assistance and case management services to the new specialized courts. The most dramatic example is the emergence of drug courts for the managing offenders with substance abuse problems. The drug court remains seized of the case, while the offender undergoes a treatment program. Probation again supplies reports and participates in the case conferences. There have also been other specialized courts for such offences as domestic violence, youth courts and more recently (in the United States) reentry courts dealing with offenders released from prison. This trend indicates that a closer working arrangement between the courts sentencing role and the supervisory role of probation is leading to a greater continuity of treatment service for offenders and enhanced safety for the community.
2. Correctional Services: Prison and Probation Together

A recent trend internationally has been the creation of unified correctional services. The traditional probation service had been an arm of the courts or a separate stand alone agency in the criminal justice system. Over the past three decades more and more jurisdictions have merged prison and probation into one correctional service in order to provide a continuum of supervision of offenders from the community and back to the community. The latest example of this trend is in England and Wales with the creation of the National Offender Management System that will coordinate the management of offenders both in prison and in the community.

3. Case Management and Coordination

Greater emphasizes is being placed on case management as a key element in the supervision of offenders. The need to coordinate the assessment and supervision regime is essential. A number of probation agencies are integrating their risk/need and responsivity assessments with the case management processes. The case management process allows for greater individualization of services for offenders. The key is more intensive supervision and interventions aimed at the higher risk offender.

4. Community Supervision: the Role of Technology

Many probation agencies are turning to technology to assist them in providing better supervision services. As the conditions of probation are increasingly calling for verification of an offender’s whereabouts, the absence of substance use and an early detection of violations the use of technology is being deployed. Electronic monitoring is the best known and is in use in North America, and Europe. It includes or can include global positioning satellite systems, voice verification systems, and so forth. Substance use testing is another technology that uses urine, saliva or hair to detect drug use. Breathalyzers are used to detect alcohol use and in some jurisdictions this technology has been incorporated into the ignition interlock which prevents someone under the influence of alcohol from starting their automobile. In terms of sex offenders under community supervision the use of computer software that detects an offender’s use and reports, to the probation agency, any internet sites visited. Also, in some jurisdictions polygraph technology is used to verify the truthfulness of sex offenders reporting statements. The development of integrated information systems are allowing the sharing of information between and across jurisdictional boundaries and making the monitoring of an offender’s movements easier.


A major turnaround has occurred in probation in the past decade. After nearly twenty years of reducing or eliminating rehabilitative programs a fresh wind of
change is blowing through probation. From the research by a small group of Canadian researchers has flowed the suggestion that there are programs that work in the reduction of reoffending behavior. This research provides support for well designed treatment interventions. This research has become know as the “what works” literature and a number of probation agencies around the world have begun adopting its principles and practices. The best known of the programs supported by the research is the cognitive-behavioral programs such as “Reasoning and Rehabilitation” which has demonstrated its efficacy in reducing reoffending in offenders completing the program.

6. Conflict Resolution and Restorative Probation

In some jurisdictions there has been an effort to develop non-traditional (or in the perspective of indigenous peoples, traditional) justice systems that focuses beyond the detection, arrest and conviction of the offender. The techniques of conflict resolution and the philosophy of restorative justice are used as a means of sanctioning the offender and restoring or repairing the harm done to a victim or the community. The process also includes an effort at community-based problem-solving to prevent future criminal activity. The probation agency and the community together take a proactive and preventive stance in their approach to the community’s security and safety needs. Restorative probation programs exist in New Zealand, Australia, Canada, the United Kingdom and the United States. In some locations this has been referred to as the community justice model. This model provides a role for the victim and the sanction on the offender is likely to involve restitution and community service. The model also provides a role for the community that might include local justice boards or advisory panels. The State of Vermont in the United States has established reparative boards where community members have a role in determining the appropriate disposition of the cases that come before them. Other examples are victim-offender mediation, conferencing models and circle sentencing. Both the conferencing and circle sentencing models replace traditional courts and involve offender and victims and others who have a stake in the outcome of the conference or circle sentence.

7. Community Safety: the Rationale for Probation

The impact of security concerns worldwide has impacted the delivery of probation services and treatment interventions in the community. The significant trend in probation relates to changes in mission and goals of the agency. Many have adopted community safety as their number one objective or mission. The emphasis is on the safe reintegration of offenders back into the community. The management of risk is a key element in the provision of this security service. The important aspects of this approach is seen in the rigor of risk assessment, the tailoring of specific approaches to the supervision of high-risk offenders and the sharing of information with key partners in community safety. The effectiveness of probation in meeting this goal will go a long way to securing public confidence and political support for community corrections.
8. Collaboration and Partnerships

Probation agencies are realizing the difficulty in providing adequate supervision and appropriate interventions given their resources. In order to enhance and expand their organizational capacity probation agencies are seeking ways and means to develop collaborative relationships with law enforcement and social service agencies and where possible to establish formal partnerships for specific tasks. A good example of a formal partnership is the police-probation partnerships that have emerged to assist in the management of high-risk offenders, especially sexual offenders. England and Wales is the jurisdiction that has created legislative authority for the establishment of multi-agency public protection panels that provide a duty to cooperate upon the police, prisons and probation.

9. Community Involvement and Engagement

A new challenge is facing probation (and parole) agencies namely locating a site for their offices. In some jurisdictions local resident groups have organized to block the location or relocation of probation offices. This issue is calling for probation agencies to become more engaged and involved in their communities. In the past they have concentrated mainly on incident management, a reactive approach to a specific problem involving an incident by a supervised offender. It has become clearer that probation will need to be more proactive in its approach to the local community if it expects to be able to locate offices and work in a specific neighborhood. Community engagement can be described as the involvement of the public, either as individuals or as a community, in the policy and service decisions that affect them. Several communities believe that the decision to locate an office in which offenders will travel through their community to keep appointments is a decision that affects their safety. Community engagement strategies can be seen to move along a continuum from preparative to productive to protective stages. In the preparative stage the agency involves itself in information-gathering, consultation and participation with citizens in matters concerning them. The productive stage involves the maintenance of relationships established in the preparative stage. The final stage is the protective one and should not be difficult if the other stages have been attended to adequately. It involves dealing with damage control when an incident or “bad” event occurs. If the agency has developed any good will in the neighborhood through the other stages of engagement this will be a difficult time for the agency. Guidelines for establishing positive community engagement include: trust and manage the process; know your stakeholders; expect resistance; build on challenges not promises; work hard to get people involved; strive to learn; keep good records; and, build on established relationships. Probation needs to become more visible in their local communities if they are to make a significant contribution to community safety.
10. Commissioning Community Services: the Privatization of Probation?

Another trend that is coming into prominence is the potential for commissioned services. This results from the expectations and demands being placed on probation to deliver a vast array of specialized services to a ever increasing caseload that is diverse and contains many offenders with special needs. There is especially a need for specific treatment interventions for offenders with mental illness. Commissioning is one solution to these growing needs and demands. This would involve commissioning other agencies to deliver the services rather than expecting the probation service to provide all things to all offenders. The contracting out for specific services has been going on for sometime, especially in the provision of supervised housing or residences, treatment services and pre-employment readiness training. The new approach, being implemented in England and Wales involves commissioning specific services from the public, private, and voluntary sectors. The idea is to find the best quality service without determining in advance whether it is government or non-government operated. The question in most critics' minds is whether that means that the supervision of offenders in the community can be privatized. The concept of commissioning doesn’t necessarily lead to that conclusion but neither does it exclude it. This trend is one that most probation agencies will be watching closely.

Conclusion

The impact of these ten trends on probation has and will be great, especially in the recruitment and training of staff. The multi-level tasks of probation in the future will require that careful attention be given to the skills and knowledge requirements of staff working in probation. Probation over the decades has proven itself to be an adaptive service that has responded to the changing environment in criminal justice and is well placed to be the leader in furthering the efforts of a community corrections approach to offender supervision and community protection.

Probation, as the carrier for community corrections has benefits that will keep it as a primary correctional practice. These benefits include lower costs, increased opportunities for rehabilitation, flexibility of programming, and the reduction of the risk of reoffending. Improved performance of probation will lead to a reduction in reoffending and as a result an increase in community safety. Significant increase in political support should lead to serious investment in an increased capacity and capability of probation to deliver services and interventions that create a return on investment in terms of justice and safety.