



PROBATION SERVICES
COMMUNITY AND CORRECTIONAL SERVICES
OFFICE OF THE ATTORNEY GENERAL

WOMAN ABUSE PROTOCOL

February, 2001

INTRODUCTION:

The Office of the Attorney General, Community and Correctional Services, Probation Services, has overall responsibility to deliver community-based correctional services to both adult and young offenders. The following protocol has been developed to assist Probation Officers in responding to incidents of woman abuse.

PREAMBLE:

There is a growing social consensus that woman abuse is a deep-rooted problem that extends across all socioeconomic, cultural and ethnic boundaries. To act fairly and nondiscriminately, Probation Officers must understand the dynamics of woman abuse through education, training and self-examination of their own biases. The aim of this protocol is to ensure the offender is held accountable for his actions and correct his behaviour; taking into account the safety of the woman; by utilizing a clear, consistent response to woman abuse.

DEFINITION:

For the purposes of this protocol, woman abuse is defined as actual or threatened physical or sexual assault, by a spouse or partner. Intimidation, emotional abuse, neglect, and financial exploitation must also be recognized as behaviours which are part of the continuum of violence.

PROBATION SERVICES

Probation Services is the Community Services program primarily responsible for the protection of society and provision of services to offenders. Probation Services, in cases involving woman abuse, can include:

- ☐ Preparation of Presentence Reports
- ☐ Supervision of Probation Orders
- ☐ Supervision of Conditional Sentence Orders
- ☐ Supervision of Recognizance Orders or Undertakings
- ☐ Development and supervision of Alternative Measures Agreements

PRESENTENCE REPORT:

In preparation of a Presentence Report, in cases where the offender has been found guilty/convicted of an

offence where woman abuse was involved, the Probation Officer shall:

☐ Discuss the circumstances of the offence with the offender to assess his attitude concerning the offence, his amenability and willingness to participate in treatment programs.

☐ Consult with Victim Services to determine if a Victim Impact Statement has been prepared and whether contact with Probation Services is desired.

☐ Contact the victim and request assistance in verifying the facts related by the offender concerning family relationships and the offence as well as obtaining further relevant information concerning the future of these relationships, i.e. plans for separation, divorce, reconciliation and whether there has been any contact during the court process. Should the Probation Officer learn, through contact with the victim, that the victim is unaware of services provided by Victim Services, the Probation Officer shall inform the victim the service exists and refer the victim to Victim Services or, where appropriate, inform the victim of services available in the community.

☐ Where the victim is under 18 years of age, their parent /legal guardian will be consulted.

☐ Determine what programs are available in the community to assist the offender with his problems.

☐ Make an assessment of the situation, and provide the Court with information concerning treatment programs, including the time required to access treatment programs, and the offender's motivation and willingness to participate.

☐ Ascertain the victim's wishes as to future contact with the offender and provide that information to the Court.

PROBATION DISPOSITION:

Where an offender involved in woman abuse is given a disposition of Probation, the following will occur:

☐ Where practical, cases will be assigned to either a Probation Officer II or III for supervision.

☐ If a Presentence Report has been prepared, a case plan will be developed based on the information contained in the Presentence Report and/or a comprehensive intake assessment will be completed at first meeting and a caseplan developed.

☐ At the first meeting with the offender, the Probation Officer will review the conditions of the Order and develop a reporting schedule.

☐ Where treatment in relation to woman abuse is a condition of the Order, the Probation Officer shall refer

the offender for assessment, counselling and treatment as prescribed within a reasonable time frame.

Referral to the Turning Point Program will include all relevant information, which may consist of the Presentence Report, Crown Brief, Prior Record, Agreed Statement of Facts, Statements, etc..

The Probation Officer will establish liaison with the Turning Point Program to monitor offender's progress and participation.

In cases where probation follows a period of incarceration, contact with the offender will be established prior to his release and information will be obtained from the correctional facility concerning the offender's behaviour and any treatment programs he has participated in while incarcerated. Where required, follow-up referrals will be made to ensure treatment is initiated or maintained in the community.

During the initial interview the Probation Officer shall determine the current status of the offender's relationship with the victim, including current living arrangements, and the status of any children of the relationship. The appropriate risk/need classification tool should be completed by the end of the second interview.

Where a condition restricting contact, eg. "no contact", with the victim, or other persons, is included in the Probation Order, the Probation Officer will explain "no contact", i.e. in-person, third party, mail, telephone, electronic mail, etc., and the circumstances under which contact may occur. The offender shall be specifically informed of the consequences of any breach of conditions.

The Probation Officer will inform the offender that the victim will be contacted and provided with a copy of the Order.

Where possible the Probation Officer will contact the victim, explain the contents of the Order, provide her with a copy of the Order¹, encourage her to keep a copy of the Order on her person, or readily accessible, at all times, and advise her how to report breaches of the "no contact" condition.

Where the victim is under 18 years of age their parent /legal guardian will be consulted.

If the "no contact" condition provides for consent for contact by the Probation Officer and the offender or the victim is requesting contact, the Probation Officer shall assess the appropriateness of permitting contact and under what circumstances contact may occur. The Probation Officer shall contact the victim as part of the process.

The victim shall sign the consent form for contact prior to any consent being given to the offender. If

¹Appendix A

consent for contact is granted the Probation Officer will provide written notice to the offender, specifying the circumstances under which contact may occur, and advise him that the consent may be revoked at any time based on his behaviour. The written interpretation² shall be explained to the offender, signed by the offender, witnessed by the Probation Officer and copies will be distributed to the victim, offender and appropriate police agency.

Ongoing monitoring of the consent for contact is required to ensure compliance.

If the offender fails to comply “without reasonable excuse” the Probation Officer shall proceed with charges.

As required, referrals will be made to the appropriate police agency for assistance in investigating allegations of breach of a “no contact” condition.

All offenders shall be actively supervised for the duration of their probation period. Under no circumstances will a Probation Officer place an offender convicted/found guilty of violence against women on inactive status.

All Probation Services staff must attend Divisional training on woman abuse.

CONDITIONAL SENTENCE ORDERS:

Where an offender involved in woman abuse receives a Conditional Sentence Order the following will occur:

Cases will be assigned to a Probation Officer II or III for supervision.

If a Presentence Report has been prepared, a case plan will be developed based upon the information contained in the Presentence Report and/or a comprehensive intake assessment will be completed at first meeting and the case plan developed.

At the first meeting with the offender, the Supervisor will review the conditions of the Order and develop a reporting schedule with the offender.

Where treatment in relation to woman abuse is a condition of the Conditional Sentence Order the Supervisor shall refer the offender for assessment, counselling and treatment as prescribed within a reasonable time frame.

Referral to the Turning Point Program will include all relevant information, which may consist of the

² Appendix B

Presentence Report, Crown Brief, Prior Record, Agreed Statement of Facts, statements, etc..

The Supervisor will establish liaison with the Turning Point Program to monitor the offender's progress and participation.

In cases where the Conditional Sentence Order follows a period of incarceration, contact with the offender will be established prior to his release and information will be obtained from the correctional facility concerning the offender's behaviour and any treatment programs he has participated in while incarcerated. Where required, follow-up referrals will be made to ensure treatment is initiated or maintained in the community.

During the initial interview the Supervisor shall determine the current status of the offender's relationship with the victim, including current living arrangements, and the status of any children of the relationship. The appropriate risk/need classification tool should be completed by the end of the second interview.

Where a condition restricting contact, eg. "no contact", with the victim, or other persons, is included in the Conditional Sentence Order, the Supervisor will explain "no contact", i.e. in-person, third party, mail, telephone, electronic mail, etc., and the circumstances under which contact may occur. The offender shall be specifically advised of the consequences of any breach of conditions.

The Supervisor will inform the offender that the victim will be contacted and provided with a copy of the Order.

Where the victim is under 18 years of age their parent /legal guardian will be consulted.

Where possible the Supervisor will contact the victim, explain contents of the Order, provide her with a copy of the Order, encourage her to keep a copy of the Order on her person, or readily accessible, at all times, and inform her how to report breaches of the "no contact" condition.

If the "no contact" condition provides for consent for contact by the Supervisor and the offender or the victim is requesting contact, the Supervisor shall assess the appropriateness of permitting contact and under what circumstances contact may occur. The Supervisor shall contact the victim as part of the process.

The victim shall sign the consent for contact prior to any consent being given to the offender. If consent for contact is granted the Supervisor will provide written notice to the offender, specifying the circumstances under which contact may occur, and advise that the consent may be revoked at any time based on the offender's behaviour. The written interpretation shall be explained to the offender, signed by the offender and copies will be distributed to the victim, offender and appropriate police agency.

Ongoing monitoring of the consent for contact is required to ensure compliance.

If the offender fails to “obey” the “no contact”, treatment or any other condition, a violation will be considered.

CAs required, referrals will be made to the local police agency for assistance in investigating allegations of breach of a “no contact” condition.

CAI Probation Services staff must attend Divisional training on woman abuse.

RECOGNIZANCE ORDERS/UNDERTAKINGS:

In the rare circumstance that Probation Services receive a Recognizance Order/Undertaking requiring supervision by a Probation Officer of an offender, involved in woman abuse, the following will occur:

CWhere practical, cases will be assigned to either a Probation Officer I or II for supervision.

CAt the initial meeting with the offender, the Probation Officer will review the conditions of the Order and develop a reporting schedule with the offender. A comprehensive intake assessment will be completed and a case plan developed.

C During the initial interview the Probation Officer shall determine the current status of the offender’s relationship with the victim, including current living arrangements, and the status of any children of the relationship. The appropriate risk/need classification tool should be completed by the end of the second interview.

CWhere a condition restricting contact, eg. “no contact”, with the victim, or other persons, is included in the Order, the offender shall be specifically informed of the consequences of any breach of conditions.

CWhere treatment in relation to woman abuse is a condition of the Order, the Probation Officer shall refer the offender for assessment, counselling and treatment as prescribed within a reasonable time frame.

CReferral to the Turning Point Program will include all relevant information, which may consist of the Presentence Report, Crown Brief, Agreed Statement of Facts, statements, etc..

CThe Probation Officer will establish liaison with the Turning Point Program to monitor offender’s progress and participation.

CThe Probation Officer will inform the offender that the victim will be contacted.

CWhere possible the Probation Officer will contact the victim, explain contents of the Order, provide her with a copy of the Order, encourage the victim to keep a copy of the Order on her person, or readily

accessible, at all times, and advise her how to report breaches of the “no contact” condition.

Where the victim is under 18 years of age their parent/legal guardian will be consulted.

If the “no contact” condition provides for consent for contact by the Probation Officer and the offender or the victim is requesting contact, the Probation Officer shall assess the appropriateness of permitting contact and under what circumstances. The Probation Officer shall contact the victim as part of the process.

The victim shall sign the consent for contact prior to any consent being given to the offender. If consent for contact is granted, the Probation Officer will provide written notice to the offender, specifying the circumstances under which contact may occur, and advise that the consent may be revoked at any time based on the offender’s behaviour. The written interpretation shall be explained to the offender, signed by the offender and copies will be distributed to the victim, offender and appropriate police agency.

Ongoing monitoring of the consent for contact is required to ensure compliance.

If the offender fails to comply with the “no contact”, treatment or any other condition charges will be considered.

If a charge is warranted, a referral will be made to the appropriate police agency for investigation.

All Probation Services staff must attend Divisional training on woman abuse.

ALTERNATIVE MEASURES:

When an offender is referred to the Alternative Measures program for an offence involving woman abuse, the Probation Officer will review recommendation for Alternative Measures and Crown Brief and

Where practical, cases will be assigned to a Probation Officer I or II for supervision.

Consult with Victim Services to determine if they have received a referral and whether contact with Probation Services is desired.

As appropriate, contact the victim prior to the Alternative Measures hearing to ascertain her wishes regarding contact and conditions. The Probation Officer will discuss with the victim the Alternative Measures process, assess the appropriateness of the victim’s inclusion in the hearing, and invite the victim to participate in the hearing where appropriate.

Where the victim is under 18 years of age their parent /legal guardian will be consulted.

CAs per Alternative Measures policy and procedures “ *Where the Probation Officer concludes that the offender is not suitable for Alternative Measures or has reason to believe that there is a question of the offender’s responsibility for or participation in the alleged offence, the recommendation should be referred back to and reviewed with the Crown Attorney.*”

During the initial interview the Probation Officer shall determine the current status of the offender’s relationship with the victim, including current living arrangements, and the status of any children of the relationship. The appropriate risk/need classification tool should be completed by the end of the second interview.

Develop the Alternative Measures agreement taking into account the safety of the victim and the needs of the offender.

Provide a copy of the signed Alternative Measures Agreement to the victim and encourage the victim to keep a copy of the Agreement on her person, or readily accessible, at all times,.

CA condition of the Agreement shall require participation in assessment, counselling and treatment, as prescribed.

Where treatment in relation to woman abuse is a condition of the Agreement, the Probation Officer shall refer the offender for assessment, counselling and treatment as prescribed within a reasonable time frame.

Referral to the Turning Point Program will include all relevant information, which may consist of the Presentence Report, Crown Brief, Prior Record, Agreed Statement of Facts, statements, etc..

The Probation Officer will establish liaison with the Turning Point Program to monitor the offender’s progress and participation.

If a condition restricting contact, eg. “no contact”, with the victim is included in the Agreement, the wording shall provide the supervising Officer the discretion to grant or refuse consent for contact as deemed appropriate (e.g. “Refrain absolutely from any contact whatsoever with...unless you have the consent of the Probation Officer in advance of such contact. Visitation arrangements are to be made...”).

Where a condition of “no contact” with the victim or other persons is included in the Agreement, the Probation Officer will explain “no contact”, i.e. in-person, third party, mail, telephone, electronic mail, etc. and the offender shall be specifically advised of the consequences of any breach of conditions.

If the offender or the victim is requesting contact, the Probation Officer shall assess the appropriateness of permitting contact and under what circumstances. The Probation Officer shall contact the victim and/or Victim Services as part of the process.

If conditions under which contact may occur are included in the Agreement the Probation Officer will advise that the consent may be revoked at any time based on the offenders behaviour.

Ongoing monitoring of the consent for contact is required to ensure compliance.

If the offender fails to comply with the “no contact”, treatment, or any other conditions the case will be referred back to the Crown Attorney for consideration, direction and appropriate action.

All Probation Services staff must attend Divisional training on woman abuse.

APPENDIX A



COMMUNITY SERVICES AND ATTORNEY GENERAL

CORRECTIONAL SERVICES

PROBATION SERVICES

42 Great George Street

PO Box 2000

Charlottetown, PEI

CIA 7N8

Phone: 902 368 6060

FAX: 902 368 4579

[date of letter]

[victim first/last name]

[victim address]

[victim city/province/postal code]

Dear [Ms/victim last name]:

Re: [offender first/last name]

DOB: [offender dob]

Enclosed is a copy of the Probation Order in relation to the above-noted individual, which was imposed recently in Provincial Court as a result of an offence involving you as a victim.

Please note that (Name of Probationer) is required to:

“Refrain absolutely from any contact with (Victim) unless you have the written consent from the Probation Officer in advance of such contact”

If this individual makes contact with you please telephone me at (Officer's telephone Number) or your local police.

Also enclosed is a list of services for *Victims of Family Violence* and the brochure *What You Should Know About Your Abusive Partner*. If you would like more information or wish to have contact with this individual please telephone me.

Yours truly,

[probation officer name]

Probation Officer

APPENDIX B
COMMUNITY AND CORRECTIONAL SERVICES

PROBATION SERVICES

Customs House
42 Great George Street
PO Box 2000
Charlottetown, PE CIA 7N8

Southern Kings & Queens
Services Centre
PO Box 1500
Montague, PE C0A 1R0

Johnny Ross Young
Regional Services Centre
PO Box 550
Souris, PE C0A 2B0

I, _____, victim, advise Probation Services that I do not wish the condition of the Probation Order dated _____ stating that: _____

(Full name of probationer & conditions) to be enforced as stated.
This request is made without threat or fear of repercussion.
This consent can be revoked at any time by Probation Services based on the offender's behaviour.

Date

Signed

Witnessed

NOTICE OF PROBATION CONDITION INTERPRETATION

TO: _____ DOB: _____

Pursuant to the _____ Probation Order of Judge _____ At _____, PEI conditions including:

EFFECTIVE ON DATE OF THIS NOTICE:

Consent is hereby given for contact to occur between _____ under the following circumstances:

ENDORSEMENT:

I, _____, hereby acknowledge that I have read over the above interpretation of the Probation Order (or have had the interpretation read to me), and I have received a copy thereof and that I understand its contents. I further acknowledge that the provisions of Section 733.1 Criminal Code of Canada have been explained to me.

Dated this ____ Day of _____, 2000 At _____, PEI

Probation Officer/Witness

Offender

Dist: File, Victim, Offender, Police