

## **PRESIDENT'S MESSAGE**

December 2002

Our 50<sup>th</sup> anniversary year has come to an end, but not without celebration. Over the past year, we introduced the first PO Week in Ontario, posted historical information about our Association in the Monitor, on the website, and featured a display of our proud history at the Symposium. Our gratitude goes to Darlene Humeniuk for her diligence in exploring the archives and providing us with historical perspectives throughout this special year. In further celebration of our fiftieth, we gave each POAO member a 50<sup>th</sup> anniversary commemorative portfolio. Thanks to all former Presidents, Provincial and Branch Executive members, and the general membership for keeping our Association strong for the past 50 years!

Symposium 2002 featured a beautiful facility, relevant and stimulating training, and inspiring keynote speakers. Gino Franche, Susan Carey, and their Planning Committee did a wonderful job of organizing this successful conference. We had media coverage in radio, newspaper, and television. Thanks to the Ministries of Public Safety and Security (MPSS), and Community, Family and Children's Services (MCFCS) for their support of this event. On to 2003 in Niagara Falls!

Aside from the Symposium, the fall was extremely busy, as I participated in numerous meetings, presentations, and continued to address important issues. On October 18, Lori Santamaria and I presented to the Task Force on Corrections. Despite the short notice for preparation, we provided a comprehensive presentation regarding current issues impacting our profession. Specifically, we discussed the incredible amount of change in legislation, policy, technology and the offender population, and how this has affected our ability to perform our vital duties. We provided an overview of some positive public safety measures which have been introduced, but which lack appropriate staffing resources for effective implementation. Other areas discussed included respecting front-line staff and their level of expertise, the appropriate roles of the public service and transfer-payment agencies, and change management issues. The overall message we provided was that we have dedicated professionals who are committed to public safety; however, more Officers are desperately needed so that we can perform all of our duties in an effective and timely manner.

I met with Minister Runciman on December 2, 2002, and discussed issues including workload, resourcing within the criminal justice system, technology, and the Youth Criminal Justice Act. Regarding the YCJA, he indicated support of our position regarding the breach of probation issue, and who should be responsible for the new sentences. In terms of workload, the Minister expressed understanding of the issue, but also noted financial limitations.

The Provincial Auditor's Report, which was released December 3, covered many issues we had explored with the Provincial Audit team early in 2002. The description of

workload concerns, inconsistent implementation of the PPSDM, the impact of OTIS, and the lack of a workload index are all areas identified by the Auditor with which we concur. It is our hope that the Ministry will respond effectively to these issues and we have already discussed working collaboratively on the recommendations.

The Office for Victims of Crime (OVC) held its second annual conference from December 4 – 6, with the focus being Restorative Justice and Corrections. The first day, I spoke on an educational panel regarding the provincial and federal corrections systems. Several participants expressed considerable frustration with our system, particularly in the area of enforcement matters. Our opinion, that breaches are frequently not dealt with by the Courts in a satisfactory manner, was clearly articulated by participants. Conditional Sentences are also not only problematic for Probation Officers; other law enforcement personnel and victims expressed strong opinions on the inappropriate use of this sentencing regime.

The second days' panel pertained to restorative justice and the criminal justice system. I spoke about the true purpose of restorative justice and the potential for “restoring” when it is used appropriately. I also noted that the term restorative justice has been used quite loosely in some cases, at times inappropriately, in order for service providers to obtain funding. The delegates were given some cautionary messages regarding restorative justice, specifically: that there be monitoring and accountability mechanisms; that there not be a conflict between the service providers' inherent philosophy and program goals (such as making sentencing recommendations); to watch for conflict when one can refer into one's own programs; the “violent vs. non-violent” definitions which some have loosely interpreted to expand client base; differences between pre- and post-sentence restorative justice circles; and not attempting to duplicate services that are provided by the public sector. Overall, this was an enlightening conference and we certainly identified legislation, workload, and other issues that directly impact our ability to protect named victims, and the general public.

The Electronic Surveillance Program (ESP) pilots are approaching quickly. We have expressed our disappointment at the lack of recent discussions on this project. Although we were initially consulted on ESP, as I described in previous Monitor issues, there has been a lack of communication on this matter. I discussed this during a recent meeting with ADM Michael Simpson and we are hoping that this situation will be rectified quickly. At two recent ADM meetings, we were assured once again that the Probation Officers' roles and responsibilities would not be interfered with by the private technology partner.

Those of you who attended our Symposium Opening Ceremonies, will recall that I read a welcome message from Daniel Coughlan who was unable to attend due to health reasons. It is with sadness that I inform you of his passing on December 15, 2002. Our thoughts and prayers go to his family, friends, and many colleagues at this time. A donation has been made in his memory. Thank you to Mr. Coughlan for his pioneering work in our profession.

In closing, I would like to thank out-going Provincial Executive member Joy Wallace, and welcome Directors Lisa Hadland and Mark Stehlin. We have yet another challenging year ahead of us and your dedicated Provincial Executive is ready to continue to advocate on behalf of our profession.

Please feel free to contact me or any member of the Provincial Executive with your thoughts on current issues. Best wishes for 2003!

### **Youth Criminal Justice Act (YCJA) Update:**

April 1, 2003 is approaching quickly! Accordingly, the Ministries have struck several committees to prepare for implementation. Unfortunately, we were prohibited from being on any of these committees, and have expressed our displeasure with this decision. While front-line staff are involved, the Ministry refused to allow for POAO representation. Rather, they have continued to discuss YCJA matters with us outside of these tables. Our position on extrajudicial measures, sanctions, and the new sentences, is being heard within the Ministries and by our justice partners. From the various meetings that I have participated in, I can say there is cause for optimism about direct delivery of the new sentences. At the ADM / Team Lead, and Ministerial levels, there is agreement with our position that it is essential for Probation Officers to manage the new community sentences. Management Board approval is now being sought for the sufficient number of POs to perform new functions under the Act, as well as program funding for the community.

A concern regarding breach of probation that has existed for some time based on the federal government's philosophy, has recently escalated as a result of the Department of Justice training sessions. It has been repeatedly stated by Department of Justice officials that breach of probation is a "minor" offence which should be diverted to extrajudicial measures. We are strongly opposed to this statement and are voicing our concerns at the federal and provincial levels. Given that youths can have an unlimited number of extrajudicial measures/sanctions prior to proceeding to the actual trial and sentence process, one can assume that youths who have sentences with conditions would clearly require them. To suggest that a breach should be diverted out of the court system, where there would be no finding of guilt and accordingly no criminal record entry reflecting non-compliance, is irresponsible. This would undermine the authority of both Probation and Police Officers, as youths would quickly recognize that conditions on court orders are a "joke". Given that POs attempt other measures prior to initiating a breach, charges should then be taken seriously. Minister Runciman is in agreement with our position on this matter, and recognizes that such an approach would further undermine the integrity of the youth justice system. Stay tuned for the next edition of the Monitor for an update on this breach issue.

The issue related to transfer-payment agency activity is still one to monitor closely. We recognize that there are insufficient resources in the community for offenders to access, and certainly encourage funding of quality programs that will assist in rehabilitation. However, we continue to emphasize that assessment, supervision, referral, brokerage,

and enforcement are functions that must remain in the realm of direct delivery. The lines of responsibility must not be blurred, as has been the potential during this Youth Justice Renewal pilot period.

On January 30 at 5:30 p.m., Central Branch will host a gathering for POs and PPOs regarding the YCJA and related issues. For those of you within driving distance who may be in other branches, please feel free to attend. It is important that POs can come together to discuss relevant issues and the impact in their own communities of this new legislation.

As always, your feedback is welcome.

Cathy Hutchison  
President