



# What is the role of probation officers ?

Probation officers play a very important role in the child justice system, and with the enactment of the Child Justice Bill their role will be formalised and clarified. Probation officers will have to:

- Assess a child after arrest and before the preliminary inquiry;
- Make a recommendation at the preliminary inquiry;
- Arrange and monitor any diversion options; and
- Prepare pre-sentence reports with recommendations.

The purpose of assessment is to determine the probable age of the child; establish the prospects for diversion; determine whether the child is in need of care; and formulate recommendations for the release of the child that, where possible, will avoid pre-trial detention.

The Bill provides that at assessment, the probation officer must explain the purpose of assessment to the child, inform him or her of his or her rights, and find out whether the child intends acknowledging responsibility for his or her actions. The probation officer may consult with the prosecutor, any police official involved in the matter, and anyone who may provide necessary information. The probation officer must then complete an age estimation report and an assessment report with recommendations.

The Bill provides that the probation officer must, after submitting his or her reports, then attend the preliminary inquiry along with the child and the child's parents and guardians, and anyone else the inquiry magistrate has subpoenaed to attend. At the inquiry the probation officer may be called upon to explain, elaborate or justify any statement or recommendation made in the report.

If the child is then subsequently referred to a diversion option such as family group conference or victim-offender mediation, the Bill provides that the probation officer must convene the conference or conduct the mediation. The probation officer must record the details of and reasons for any plan agreed to at the conference or mediation.

Probation officers are also involved in presenting developmental programme interventions, and have to report back to prosecutors on each individual child's co-operation and insight development, as well as the possibility of withdrawing a case, where such a programme was a pre-trial intervention.

Where a child's matter has gone to trial and the child is subsequently convicted, the court must request a pre-sentence report from the probation officer, prior to imposing sentence. The Bill provides that the report must be completed within a month of being requested.

Due to the current capacity of probation officers, the Child Justice Alliance submits that other suitably qualified professionals be utilized, where appropriate, to assist with certain tasks that have been designated to probation officers, for example, assessments after the arrest of the child could possibly be carried out by ex-educators or persons with honours degrees in psychology.