

# **PROBATION PICKLIST**

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## **Disclaimers**

1. This picklist is intended to be used as a guide, not as a menu of options to select from in any given case. It sets out suggested standard wording for common types of conditions that arise; however, other than any compulsory conditions, many will not be appropriate in every case. Judges always have discretion in deciding how the law should be applied. They may or may not choose to use the picklist wording.
2. Anyone referencing the picklist is required to read the picklist number, if there is one, and the complete wording of the condition on the record.

## **Introductory Statements**

1. Section 732.1(3)(h) provides for the imposition of any reasonable conditions that are desirable “for protecting society and for facilitating the offender’s successful reintegration into the community.”
2. Some conditions contain exceptions or options that may or may not be applicable depending on the circumstances.

## Length of Order

<p>LENGTH OF THE PROBATION ORDER</p> <p>The maximum term is 3 years – Code s. 732.2(2)(b)</p>		<p>You must comply with the probation order for a term of ____ months. The conditions are:</p>
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## Compulsory Conditions for Probation

<p>COMPULSORY CONDITIONS</p> <p>Code s. 732.1(2)</p>	<p>5001</p>	<p>You must keep the peace and be of good behaviour.</p>
		<p>You must appear before the court when required to do so by the court.</p>
		<p>You must notify the court or the probation officer in advance of any change of name or address, and promptly notify the court or the officer of any change of employment or occupation.</p>

## Reporting

<p>REPORT</p>	<p>5002</p>	<p>You must report in person to a probation officer at ____ by 3:00 PM today (date and time), and after that, you must report as directed by your officer.</p>
<p>REPORT BY PHONE</p>	<p>5003</p>	<p>You must report by telephone to a probation officer at (address and telephone) by 3:00 PM today (date and time). If the office is closed, you must continue calling daily during regular business hours until you have spoken to a probation officer and received further direction to report. After that, you must report as directed by your officer.</p>
<p>REPORT AFTER RELEASE FROM CUSTODY / Conditional Sentence</p>	<p>5004</p>	<p>You must report in person to a probation officer at ____ within (two business days) after your release from custody (completion of your conditional sentence) unless you have obtained, before your release from custody (completion of your conditional sentence), written permission from the probation officer to report elsewhere or within a different time frame. After that, you must report as directed by your officer.</p>

REPORT AFTER DETENTION	5005	If you are arrested, detained or served a sentence for another offence, you must report to your probation officer within two business days of your release from custody, or completion of the sentence.
END OF REPORTING	5006	<p>Your reporting ends when you have satisfied your probation officer that you have:</p> <ul style="list-style-type: none"> <li>a. paid your restitution in full;</li> <li>b. completed all your community service work;</li> <li>c. completed all your counselling and treatment, or that it is not required;</li> </ul> <p>and your officer has told you that you are no longer required to report.</p>

**No Contact and No Go: Optional Conditions**

NO CONTACT Code s. 732.1(3)	5101	<p>You must have no contact or communication, directly or indirectly, with ____[name].</p> <p><u>The exceptions are as follows:</u></p>
	5101-A	a. through (writing; email or text; telephone; ____[name]; online banking) for the sole purpose of _____.
	5101-B	b. for the sole purpose of arranging, picking up, and dropping off your children for parenting time.
	5101-C	c. as allowed by a family or child protection order made by a judge or associate judge who has been given a copy of this probation order. You must immediately file a copy of this order in any family or child protection proceeding in which you are a party or become a party.
	5101-D	d. during one attendance with a peace officer (or ____[name]) to get your belongings.
	5101-E	e. through or in the immediate presence of ____[name] (but only after they have been informed by your probation officer of this order, and your history as described in your criminal record, Pre-Sentence Report, if any, and these Reasons for Judgment).

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	5101-F	f. if you are sober and have no alcohol, intoxicating substance or drugs in your body, except with a medical prescription.
	5101-G	g. only if ____ [name] is sober. If they become intoxicated in your presence, you must leave their presence immediately and not return to their presence until they contact you and satisfy you that they are sober.
	5101-H	h. through or in the immediate presence of a lawyer who has been given a copy of this probation order.
	5101-I	i. through or in the immediate presence of one or more of the following professionals, after they have been given a copy of this probation order: counsellor, family justice counsellor, mediator, or restorative justice counsellor.
	5101-J	j. in a public place (in the presence of ____ [name] / when other adults are present).
	5101-K	k. through court documents served through a third party and during scheduled court appearances or case conferences but only with a sheriff present unless a judge or associate judge waives this requirement.
NO SOCIAL MEDIA POSTS	5102	You must not distribute, publish, post, or make publicly available in any way, information, including comments and images, which refer to or depict ____ [name].
REMOVE POSTS	5103	Within 24 hours of your release from custody, you must take all necessary steps to remove from any network, including the internet, any website, social media page, or posting which you have created, maintained, or contributed to, which contains any words, or images which refer to or depict ____ [name].
NON-ASSOCIATION	5104	You must have no contact or communication directly or indirectly with ____ [name of co-accused].
		<u>The exceptions are as follows:</u>
	5104-A	a. during scheduled court appearances.

	5104-B	b. through or in the immediate presence of a lawyer who has been given a copy of this probation order and only to prepare your case.
NO GO	<p>5105-1</p> <p>5105-2</p> <p>5105-A</p> <p>5105-B</p> <p>5105-C</p> <p>5105-D</p> <p>5105-E</p> <p>5105-F</p> <p>5105-G</p>	<p>You must not go to (or be within ___ metres of):</p> <p>1. any place where ___[name] lives, works, attends school, worships, or happens to be. If you see them, you must leave their presence immediately without any words or gestures.</p> <p>2. [specific address].</p> <p><u>The exceptions are as follows:</u></p> <p>a. once to get your belongings, and only in the presence of a peace officer (or ____[name]).</p> <p>b. for picking up and dropping off your children for parenting time (you must remain inside your vehicle during all pickups and drop-offs).</p> <p>c. as allowed by a family or child protection order made by a judge or associate judge who has been given a copy of this probation order. You must immediately file a copy of this probation order in any family or child protection proceeding in which you are a party or become a party.</p> <p>d. in the immediate presence of ____[name], for the sole purpose of _____.</p> <p>e. if you are sober and do not have any alcohol, intoxicating substances or drugs in your body or your immediate possession, except with a medical prescription.</p> <p>f. only if ___[name] is sober. If they become intoxicated in your presence, you must leave their presence immediately and not return to their presence until they contact and satisfy you that they are sober.</p> <p>g. while in a moving vehicle on your way to some other place for the sole purpose of _____.</p>

NO GO VICTIM	5106	You must not be any place where _____ [name] happens to be. If you see them, you must leave the place immediately without any words or gestures.
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## Intermittent Sentence

<p>INTERMITTENT SENTENCE</p> <p>Mandatory</p> <p>the maximum is 90 days – Code s. 732</p>	5201	<p>You are sentenced to ___ days. You must serve this sentence intermittently from (Friday) at ___ PM to (Sunday) at ___ PM on consecutive weeks starting on _____ at the (Police Station*; Correctional Centre), in _____, BC.</p> <p><i>[*NOTE: If it is proposed that the sentence be served in a police station or detachment, have the police confirmed they will have space to accommodate the sentence?]</i></p> <p><b><u>Probation Order</u></b></p> <p>At all times when you are not in custody on this order (until the completion of the sentence / for ___ months), you are on probation with the following conditions:</p> <ol style="list-style-type: none"> <li>1. Keep the peace and be of good behaviour.</li> <li>2. Appear before the court when required to do so by the court.</li> <li>3. Notify the court or the probation officer in advance of any change of name or address, and notify the court or the officer of any change of employment or occupation.</li> </ol>
Intermittent Sobriety	5201-A	On each occasion when a part of the intermittent jail sentence is to be served, you must arrive at the place where the sentence is to be served on time and in a sober condition, without any alcohol, intoxicating substance or drugs in your body except with a medical prescription.
Intermittent Medication	5201-B	If you need medication while in jail, you must bring the medication in its original container.
Intermittent Follow rules	5201-C	You must follow the rules of the facility where you are serving your sentence.

## Address, Curfew, & Change in Employment

ADDRESS No change without notice	5301	When first reporting to your probation officer, you must provide them with the address where you live and your phone number. You must not change your address or phone number without notifying your probation officer in writing (at least ___ days) in advance of any change.
ADDRESS AS APPROVED	5302	You must live at an address approved in advance by your probation officer and provide them with your phone number. You must not change your address or phone number without prior written permission from your probation officer.  <i>[Note: Community Corrections policy requires at least 48 hours to conduct an assessment of suitability of a residence.]</i>
SPECIFIC ADDRESS  Report if expelled	5303  5303-A	You must live at _____ (surety/treatment/recovery home) and provide your probation officer with your phone number. You must not change your address or phone number without prior written permission from your probation officer.  a. If you are evicted or expelled from the place where you are living, you must tell your probation officer immediately. If the office is closed, you must contact your probation officer immediately when the office opens on the next business day.
NOT LEAVE BC	5304	You must not leave British Columbia unless you have the prior written permission of your probation officer. You must carry the written permission, which can be in electronic format, with you at all times if you are outside the province.

CURFEW	5401	<ol style="list-style-type: none"> <li>1. You must obey a curfew by being inside your residence located at ___ [Address], (or on its lot), between [Time 1] and [Time 2] every day.</li> <li>2. You must present yourself immediately at the door to your residence or answer the phone when any peace officer or probation officer attends or calls to check on you during the curfew.</li> <li>3. You may be away from your residence during the curfew with the prior written permission of your probation officer. Such permission is to be given only for employment or other compelling reasons. You must carry the permission with you when you are outside your residence.</li> </ol>
CURFEW  Option 1	5402	<p>You may also be away from your residence during the curfew hours:</p> <ol style="list-style-type: none"> <li>a. While at, or going directly to, or returning directly from a healthcare facility because of a medical emergency. If asked, you must provide your probation officer with proof of your attendance at the facility.</li> <li>b. In the immediate presence of ___[name] but only with the prior written permission of your probation officer.</li> </ol>
CHANGES IN EMPLOYMENT	5403	<p>You must provide your probation officer with the details of your employment status. You must inform your officer within two business days of any change in your employment status.</p>

## No Go and No Contact with Minors

NO GO PARKS OR SCHOOLS	5501	<p>You must not go to any public park, public swimming area, community centre or theatre where persons under the age of ___ years are present or can reasonably be expected to be present, or a daycare centre, school or playground.</p> <p><u>The exceptions are as follows:</u></p>
	5501-A	<ol style="list-style-type: none"> <li>a. With the prior written permission of your probation officer. Such permission is to be given only for compelling reasons. You must carry the permission, which can be in electronic format, with you at all times when you are in the prohibited area.</li> </ol>
	5501-B	<ol style="list-style-type: none"> <li>b. In the immediate presence of ___[name] (and only after they have been told about this order by your probation officer, and your history as described in your</li> </ol>

	5501-C	criminal record, Pre-Sentence Report, if any, and these Reasons for Judgment). c. In the immediate presence of ____ [name].
NO CONTACT WITH MINORS	5502	You must not have any contact, communication directly or indirectly, or be in the presence of any person under the age of ____. <u>The exceptions are as follows:</u>
	5502-A	a. With the prior written permission of your probation officer. Such permission is to be given only for compelling reasons. You must carry the permission, which can be in electronic format, with you at all times
	5502-B	b. In the immediate presence of ____ [name] (and only after they have been told by your probation officer about this order, (and your history as described in your criminal record, Pre-Sentence Report, if any, and these Reasons for Judgment).
	5502-C	c. In the immediate presence of ____ [name].
	5502-D 5502-E	d. They are your children. e. In the immediate presence of the child’s guardian.
ACTIVITIES WITH CHILDREN	5503	You must not engage in volunteer work or employment that would bring you in contact with persons under the age of ____ years without the prior written permission of your probation officer. You must carry this permission, which can be in electronic format, when you are engaged in the activity.

## Drugs and Alcohol

NO ALCOHOL OR DRUGS	5601	You must not possess or consume alcohol, or controlled substances as defined in the <i>Controlled Drugs and Substances Act</i> or any other intoxicating substance, except with a medical prescription.
NO DRUGS	5602	You must not possess or consume controlled substances as defined in the <i>Controlled Drugs and Substances Act</i> except with a medical prescription.
NO ALCOHOL Except at Home	5603	You must not possess or consume alcohol, except while inside your residence (or on its lot), or while transporting it sealed directly to your residence.

NO GO LIQUOR OUTLETS	5604	You must not enter any liquor store, beer and wine store, bar, pub, lounge, nightclub, beer garden or any other business from which minors are prohibited at any time by the terms of a liquor licence.
DRUG PARAPHERNALIA	5605  5605-A	<p>You must not possess drug paraphernalia that is suitable for the sale or consumption of drugs that have not been prescribed for you.</p> <p><u>The exceptions are as follows:</u></p> <p>a. When you are at government-authorized overdose prevention or safe consumption sites.</p>

**Counselling, Treatment, *Rogers Orders*<sup>1</sup>, Release of Information**

COUNSELLING	5701	<p>You must attend, participate in and complete any intake, assessment, counselling, or education program as directed by your probation officer.</p> <p><u>This may include but is not limited to counselling or programming for:</u></p> <p>a. anger management;  b. violence prevention;  c. alcohol or drug addiction;  d. spousal abuse prevention;  e. mental health;  f. sexual offence prevention;  g. gambling addiction;  h. parenting skills;  i. other.</p>
TREATMENT  When ordering treatment, judges should identify the type of treatment required.	5702	<p>Having consented in court, you must attend, participate in and complete any intake, assessment, program, treatment or a full-time live-in treatment program as directed by your probation officer. This may include programming or treatment for:</p> <p>a. alcohol or drug addiction;  b. psychiatric and psychological health;  c. sexual offending.</p>

<sup>1</sup> R. v. Rogers (1990), 61 C.C.C. (3d) 481 (BCCA).

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FORENSIC SERVICES	5703	Having consented in court, you must attend for a psychiatric intake, assessment, or treatment program through Forensic Psychiatric Services as directed by your probation officer.
PRIVATE PROGRAMS AND TREATMENT FACILITIES	5704	Having consented in court, you must attend, participate in, and complete _____ program. You must follow the rules of the program as long as the rules do not conflict with this order or the directions of your probation officer. If they do conflict, you must tell your probation officer immediately. Upon completion of the program, you must provide proof to your probation officer.
REPORT AFTER EXPULSION	5705	If you are expelled or remove yourself from the (treatment centre/program/recovery home), you must tell your probation officer immediately. If the probation officer’s office is closed, you must contact your officer immediately when the office opens on the next business day.
ROGERS ORDER	5706	<p>Having consented in court, you must do the following:</p> <ol style="list-style-type: none"> <li>1. Report to Forensic Psychiatric Services or elsewhere for any intake, assessment, counselling or treatment as directed by your probation officer.</li> <li>2. Attend all scheduled appointments with the professionals in charge of your mental health care.</li> <li>3. Take all medications and medical treatment prescribed to you by those professionals.</li> <li>4. Provide your probation officer with the names, addresses, and phone numbers of those professionals.</li> <li>5. Give those professionals a copy of this order.</li> <li>6. If you decide not to follow these directions, you must immediately report that fact to your probation officer.</li> </ol> <p>You have consented in court to those professionals notifying your probation officer if you fail to attend for an appointment or refuse to take the prescribed treatment or medication.</p>
ROGERS ORDER METHADONE, SUBOXONE, NALTREXONE, ETC.	5707	<p>Having consented in court, you must do the following:</p> <ol style="list-style-type: none"> <li>1. Attend all scheduled appointments with your doctor and pharmacist to treat your addiction.</li> <li>2. Take all medications and medical treatment prescribed to you to treat your addiction.</li> </ol>

		<p>3. Provide your probation officer with the names, addresses, and phone numbers of the professionals in charge of prescribing and administering your medication.</p> <p>4. Give those professionals a copy of this order.</p> <p>5. If you decide not to follow these directions, you must immediately report that fact to your probation officer.</p> <p>You have consented in court to those professionals notifying your probation officer if you fail to attend for an appointment or refuse to take the prescribed treatment or medication.</p>
SIGN RELEASE DOCUMENT	5708	<p>a. Having consented in court, you must sign any document that is necessary for your probation officer, counsellors, or treatment providers to check your attendance, and completion, of any intake, assessment, counselling, or treatment program.</p> <p>b. Having consented in court, if asked by your probation officer, you must provide proof of your attendance and completion of any assessment, counselling or treatment program.</p>

## Community Work

<p>COMMUNITY WORK</p> <p>Max 240 hrs* and must complete within 18 mos.</p>	5801	<p>You must complete ___ hours of community work under the direction of your probation officer. Your community work service must be completed by [date].</p> <p><i>[*Note: Input from community corrections may be useful.]</i></p>
<p>COMMUNITY WORK</p> <p>Hours per Month*</p>	5802	<p>You must complete ___ hours of community work under the direction of your probation officer. Your community work service must be completed at a rate of no fewer than ___ hours per month.</p> <p><i>[*Note: Input from community corrections may be useful.]</i></p>

COMMUNITY WORK For the Benefit	5803	Your community work service may be completed for the benefit of ____, with the prior written permission of your probation officer.
COMMUNITY WORK Counselling Credit	5804	Any hours spent receiving counselling under this order will result in a one for one reduction in your community work service hours.

### Restitution

RESTITUTION Monthly Amounts	5805	You must pay restitution in the amount of \$____ to the Clerk of the Court for the benefit of ____ [name], payable in monthly installments of \$____, on the ____ day of each month starting on ____, and continuing until the restitution is paid in full.
RESTITUTION Due Date	5806	You must pay restitution in the amount of \$____ to the Clerk of the Court for the benefit of [name]. Your restitution must be paid by ____.

### Apology and Restorative Justice

APOLOGY	5807	You must (may) apologize to ____ [name] in the manner directed by your probation officer and to the satisfaction of your officer by [date].
RESTORATIVE JUSTICE	5808	You must participate in a restorative justice program to address the impact of your crime on the victim, at the direction of your probation officer. If you are subject to a no-contact condition with another person(s) participating in the program, you must only have contact and communication with that person(s) at the time and in the manner directed by your probation officer.

## Computers and Internet

<p>RESTRICTED NETWORK AND INTERNET</p>	<p>5901</p>	<p>You must not access any computer network including the internet to:</p> <ol style="list-style-type: none"> <li>1. Access any content that violates the law;</li> <li>2. Access, directly or indirectly, or maintain any personal profile on any social media sites, social networks, internet discussion forums or chat rooms;</li> <li>3. Communicate or attempt to communicate with any person you know to be or who reasonably appears or represents themselves to be under the age of ____ years, unless they are members of your family.</li> </ol>
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## Trafficking and Drug Production

<p>GROW OP Marijuana Production</p>	<p>5902</p>	<p>You must not possess any marijuana (except with a medical prescription), metal halide lights, light bulbs of more than 250 watts, sodium vapour lights, ballasts, capacitors, light timers or diesel generators.</p>
<p>DRUG LAB Synthetic Drug Production</p>	<p>5903</p>	<p>You must not possess any equipment or ingredients used in the production or preparation of any illegal drugs including but not limited to, heating mantles, beakers, round bottom flasks, glass condensing columns, and reaction flasks of a volume exceeding 500 ml. You must not possess red phosphorous, iodine crystals or tincture of iodine, muriatic acid, ether, acetone, sodium thiosulfate, hypo phosphorous acid, lye, lithium, more than 2 litres of drain cleaner, or more than 3 grams of either ephedrine and/or pseudoephedrine.</p>
<p>DRUG PARAPHERNALIA</p>	<p>5904  5904-A</p>	<p>You must not possess drug paraphernalia that is suitable for the sale or consumption of drugs that have not been prescribed for you. <u>The exceptions are as follows:</u></p> <ol style="list-style-type: none"> <li>a. When you are at government-authorized overdose prevention or safe consumption sites.</li> </ol>



KNIVES	5907	You must not possess any knife outside your residence, except for the immediate preparation or eating of food.  <u>The exceptions are as follows:</u>
	5907-A	a. while on your property;
	5907-B	b. while at work, or going directly to and from work. If asked, you must provide your probation officer with the details of your location and hours of employment;
	5907-C	c. with the prior written permission of your probation officer. You must carry the permission, which may be in electronic format, when you possess knives outside your residence.

### Commercial Crimes

CREDIT CARDS AND IDENTIFICATION	5908	You must not possess any identification documents, including credit cards, debit cards, cheques, negotiable instruments, driver’s licences, birth certificates, social insurance cards, mail, invoices, or bills other than ones in your name.  <u>The exceptions are as follows:</u>
	5908-A	a. items lawfully issued in the names of your immediate family members;
	5908-B	b. for purposes immediately and directly related to your employment.
ACCOUNT INFORMATION DATA	5909	You must not possess any account information, credit or debit card data or any electronic storage medium, including any credit or identification card with a data strip or security chip, that contains personal information other than your account information or data. <u>The exceptions are as follows:</u>
	5909-A	a. account information or data lawfully issued in the names of your immediate family members;
	5909-B	b. for purposes immediately and directly related to your employment.

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<p>IDENTITY THEFT EQUIPMENT</p>	<p>5910</p>	<p>You must not possess any equipment or material, including scanners, card laminators, magnetic strip encoders, embossers, or blank plastic credit, debit or bank cards as defined in section 321 of the <i>Criminal Code</i>.</p>
<p>INFORM EMPLOYER</p>	<p>5911</p>	<p>Before seeking, obtaining, or continuing any employment, or becoming a volunteer in any capacity, that involves having authority over the real property, money or valuable security of another person or corporation, you must provide the employer or the organization with a copy of this order.</p>
<p>NO WORKING IN PRIVATE RESIDENCE</p>	<p>5912</p>	<p>You must not engage in any employment that requires you to enter another person’s private residence unless you have the prior written permission of your probation officer. You must carry the permission, which may be in electronic format, when engaged in such employment.</p>