

Building Capacity in Probation

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Opening Remarks

“A World of Probation”



Content

- International Standards
- Elements of a Framework for Probation Capacity Building
- Challenges to Capacity Building
- Gaining Support from the Changing World of Probation
- Tips and Solutions

**CAPACITY BUILDING IN
PROBATION OVERVIEW
Elements of a Framework**

International Perspectives on Probation

- International Standards include:
 - The Council of Europe European “Probation Rules” (2010)
 - The United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) (1990)
 - The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Sanctions for Women Offenders (The Bangkok Rules) (2010)
- Other important guidance includes:
 - United Nations (Office of Drugs and Crime) Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment (2007 and Updates)

Contents of Rules & Standards Include:

- Preamble, Scope and definitions
- Basic Principles and Aims
- Organisation and Accountability
- Competencies (Domains) and Measures
- Processes of Supervision
- “Resources” including staff and training
- Partnerships
- Complaint procedures, inspection and monitoring
- Research, evaluation
- Work with the media and the public
- Glossary and Explanatory Memorandum

Thinking about Probation Aims

Probation Aim	Characteristic
Promoting community sanctions and measures and Reducing use of Prison	Increase the proportion of the community sanctions and measures as compared with imprisonment.
Assisting judiciary decisions	Judicial satisfaction with reports and supervision
Public protection	Controlling offenders in the community/ supporting change
Punishment/Enforcement	Compliance and Recall
Rehabilitation / Preventing reoffending / Promoting desistance	Reduced reconviction and improve social inclusion
Victim's interest	Victim satisfaction and Redress

Rules and Standards complement capacity building.

Approaches such as the **European Excellence Model** provide a framework for how to achieve results

Including:

Leadership, Strategy, Communication

Working “Processes” such as supervision...

...and their management

Resources including Staff Recruitment and Training

Partnerships

Results

And lead us to consideration of the Four “Domains” of Probation

Probation - Areas of Responsibility

Pre-Trial and Pre-Sentence:
Bail Information
Pre-Sentence Reports

Community Supervision:
Community Order
Suspended Prison Sentence with Supervision

Prison Sentence:
Prison Stage – Reports and
Offender Management

Prison Sentence:
Community Stage –
Offender Management

Probation Work in the FOUR domains: includes...

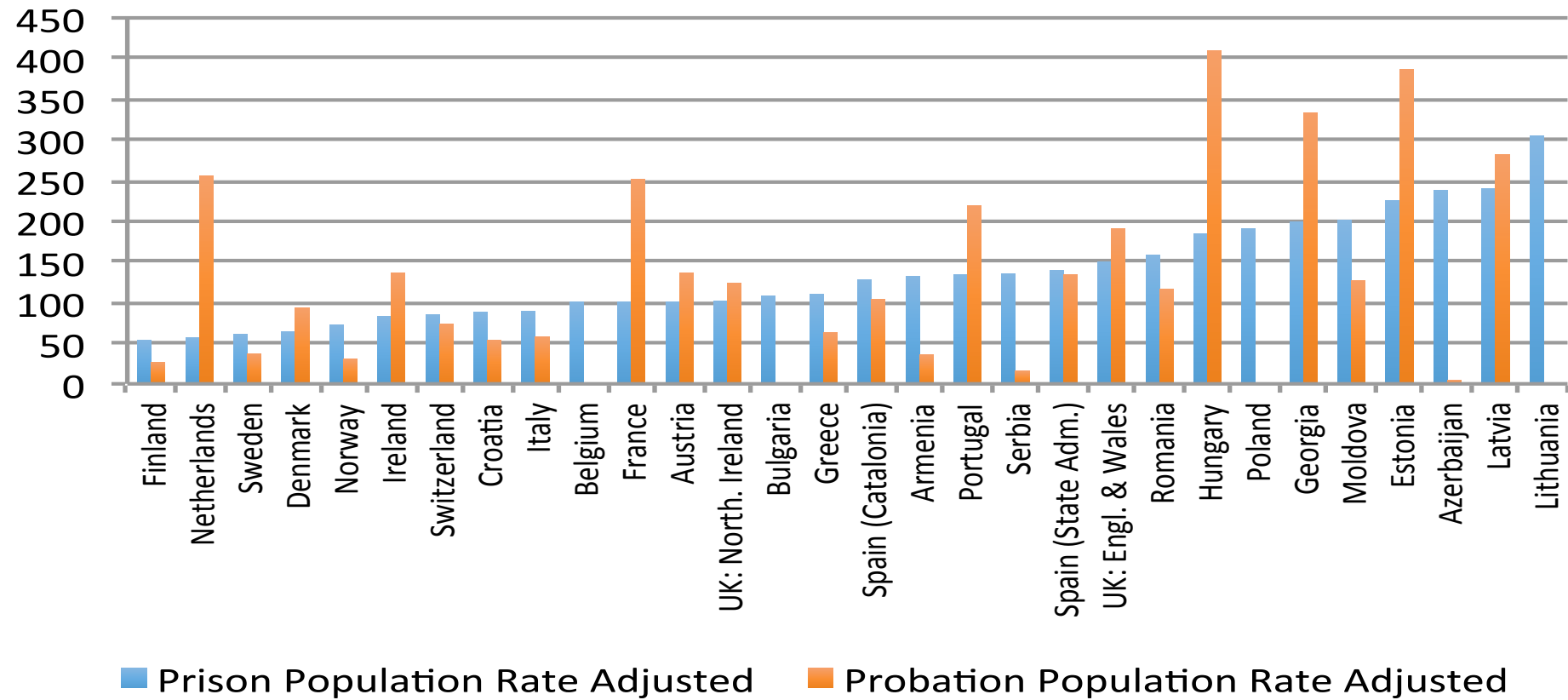
- Pre-Trial/ Pre-Sentence
 - Information to assist Court in decisions to avoid pre-trial detention (application of bail or suspension of pre-trial detention on condition)
 - Provide Pre-trial/Pre-sentence Reports
- Non-custodial Options
 - Community Order (e.g. Community Service, Supervision, EM),
 - Suspended Prison Sentence with conditions
- Immediate custody
 - Parole Reports
 - Support for Preparation for Release (including education and work)
- Early Release
 - Managing prisoner “Through the gate” and post release

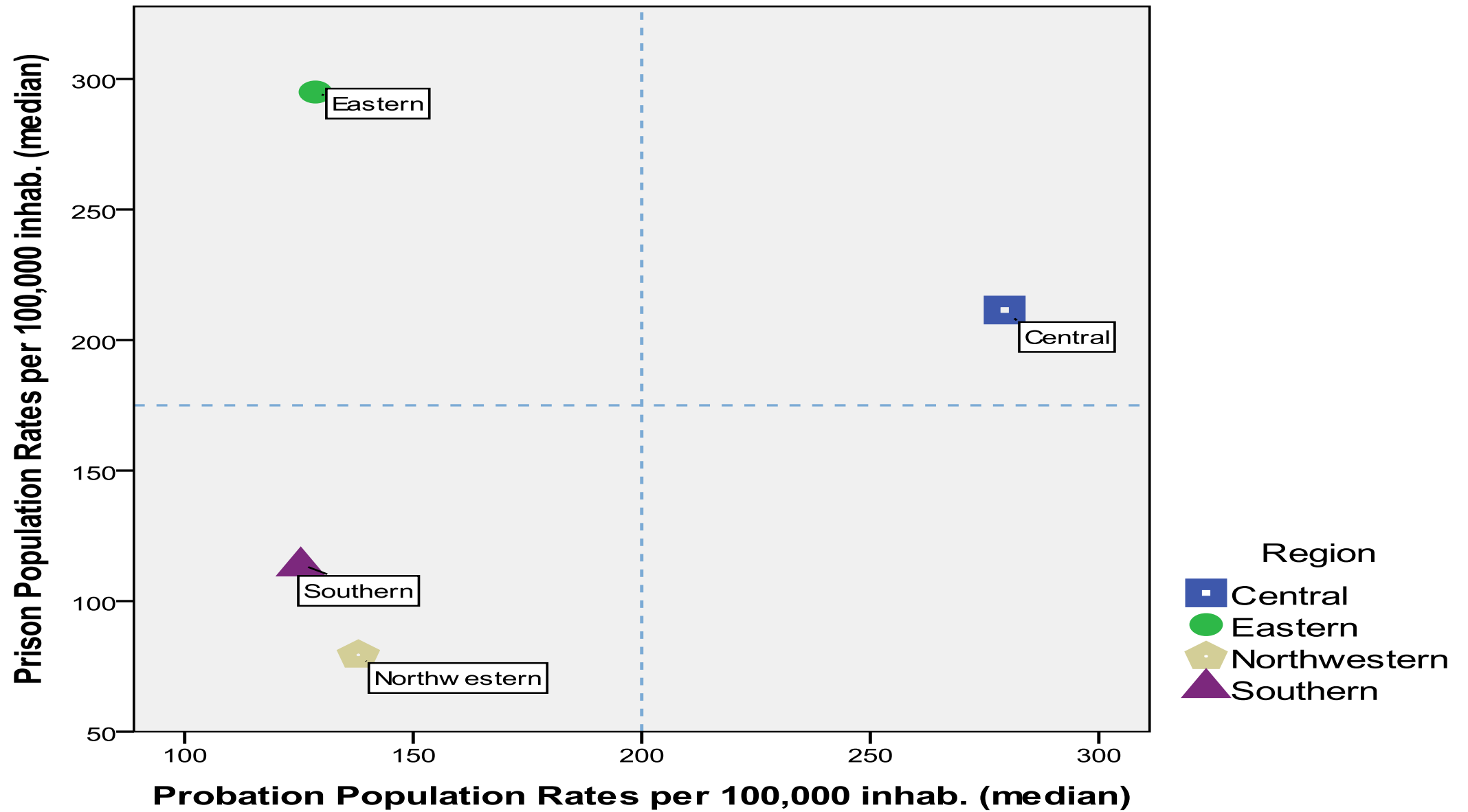
Penal Moderation (less use of custody)

- Mature systems work in all four domains; They reinforce each other
- Ideally the following conditions are fulfilled...
 - Use/extension of Pre-Sentence/Pre-Trial Reports
 - Extending beyond vulnerable groups
 - Non-custodial Remand (bail information & alternatives)
 - Alternative options - Extending to more serious cases
 - Parole/early release
 - Seriously considered (supervised early release often preferable to later unsupervised release at term)
 - Informed by reliable assessment of risks and needs
 - Reliable Probation Service delivery
 - but not over-enthusiastic/automatic use of custody for non-compliance
- Benefits may be countered by “Mass Probation”...

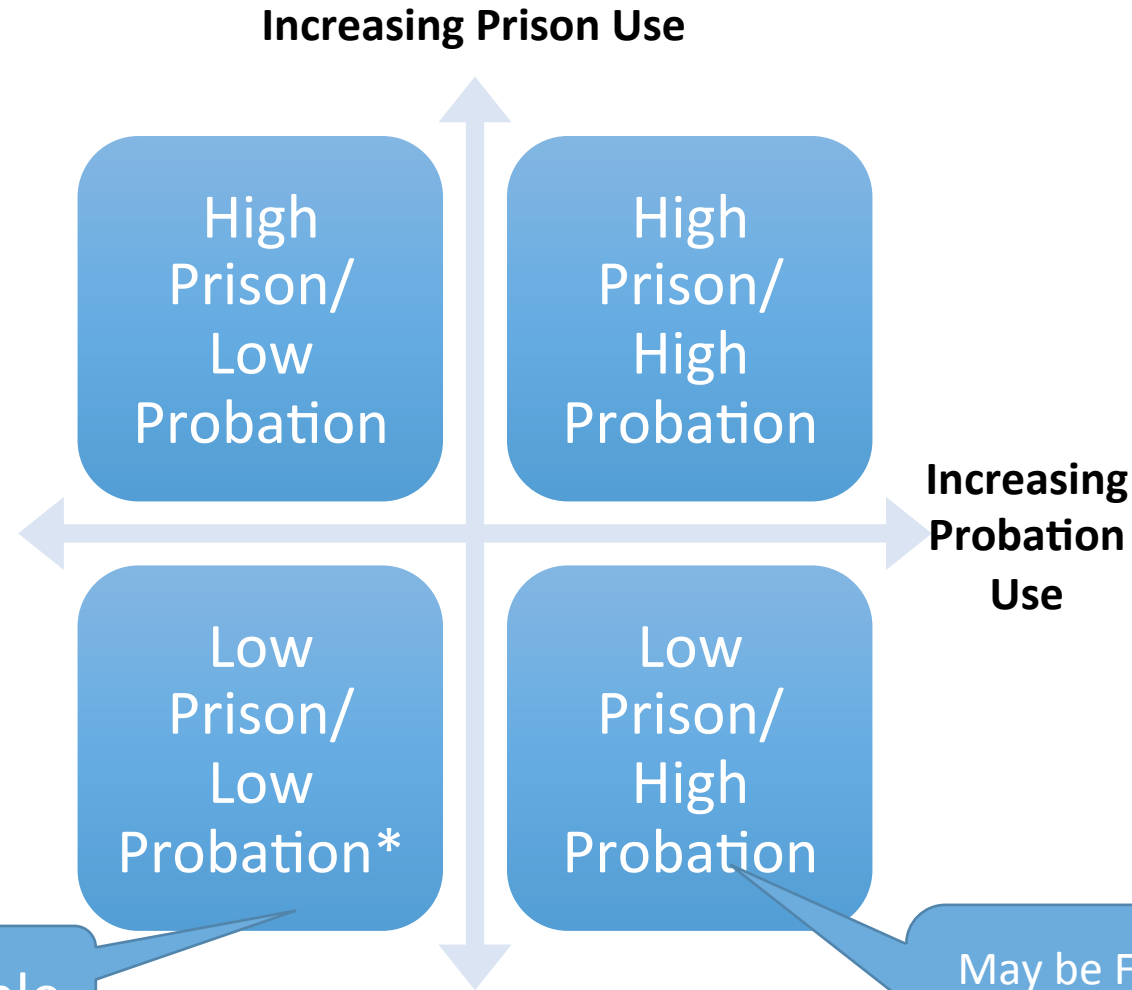
Challenges to Capacity Building

Prison and Probation Rates of Use



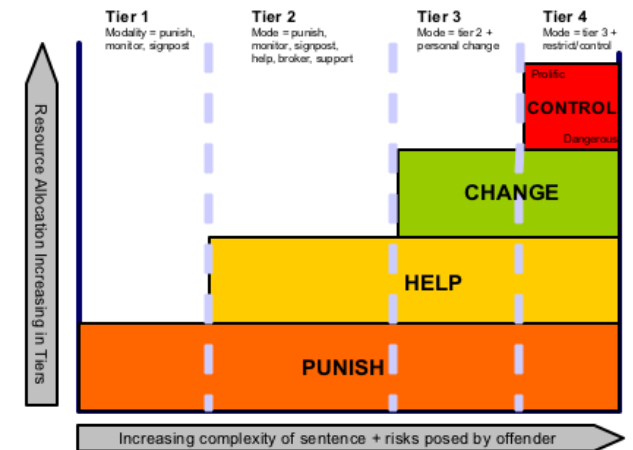


Prison and Probation Rates of Use



Favourable

May be Favourable – provided that intensity of supervision in individual cases gradually decreases and reflects need & risk



E&W Tier Model (Subject to Review)

Prison and Probation Rates of Use

Central: Bulgaria, Croatia, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Serbia

Eastern: Armenia, Azerbaijan, Georgia, Moldova

North-Western: Austria, Belgium, Denmark, Finland, France, Ireland, Netherlands, Norway, Sweden, Switzerland, England and Wales, Northern Ireland

Southern: Greece, Italy, Portugal, Spain

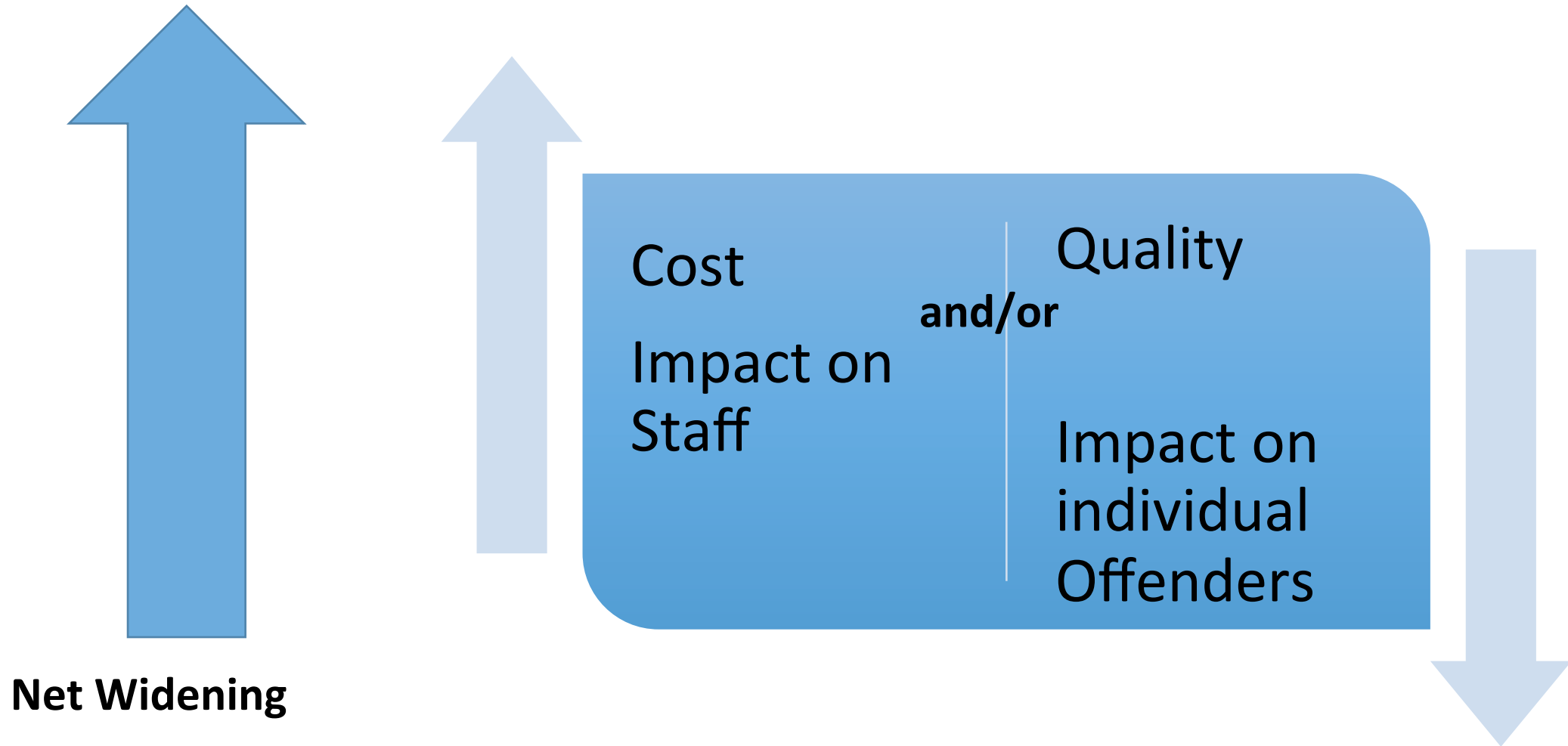
In 2010:

North-Western and Southern countries: moderate use of both prison and probation.

Eastern countries: overuse of incarceration.

Central European countries: overuse of both prison and probation → net widening

Impact of Net Widening



Challenges to Capacity Building...

- **Historical focus on control measures**
- Echoed by justice “chain partners” and public
 - “Silo” working (as often in W. Europe too)
 - Although other public bodies including municipalities may be supportive of social inclusion measures
- **Historical community sentences maintained**
 - Eg Monitoring meetings, liberty restrictions, work earnings deduction, fine management
- **Military and/or mainly hierarchical management styles**
- **Staff – including managers – transferred from traditional roles** (psychologists do “Change” tasks)
 - Administrative burdens
 - May be issues of motivation, turnover
- Resource issues (including practical resources)
- **Lack of Judicial and Chain Partner awareness/information**

Gaining Support - a Changing World of Probation (1)

1. Growth of probation: probation organisations are now in more countries present; the number of officers has grown and the quality has been improved
2. The international guidance is more clear and detailed now; we have now the European Probation Rules to our disposal. The four domains of probation are now clearly defined and accepted in the Rules, approved by the member countries of the Council of Europe
3. The sector of prison and probation work more closely together. In the official international guidance and handbooks references are made to the interdependency of the work of probation and prison
4. The involvement of the community and the visibility of the probation organisations have become greater, mainly as a consequence of the success of community service.

Gaining Support - a Changing World of Probation (2)

1. Volunteers are becoming important again in probation: Circles of Support and Accountability, assisting Prisoners Abroad
2. CEP has grown enormously, and its influence has been increased; CEP has worldwide cooperation (World Congress of Probation)
3. The scientific base of probation has been developed. A lot of academics have probation as a teaching or research assignments. The number of publications have grown. The methodology of probation is developed with and evaluated by academics.
4. The training of probation officers has become much more sophisticated. Training programmes have been developed on a European scale: about skills, about how to change to behaviour, how to assess the offender's behaviour, and his risks and needs, how to gather objective information for the composition of a convincing advice report, how to involve and stimulate the offender.
5. Increased data about costs and benefits...

So – Some Additional Probation Supports/ Benefits:

- Effectiveness
 - UK, Netherland and International Evidence
- Cost
 - Average 10:1
- Sentence Range/Proportionality/Human Rights
- Positive Impact on Prisons
 - Reduced numbers
 - Improved opportunity for rehabilitation
 - Reintegration “Through-care”

*Probation Supervision more effective
(by 7%) at reducing re-offending rates
than custodial sentences of less than 12
months
for similar offenders**

And usually considerably less expensive

*Source: Ministry of Justice Statistical Bulletin 2010

Cost Considerations

*Prison Sentence - Community Sentence 10:1

*Community Order – Pre-Sentence Report 10:1

*Figures are based on Average costs.
Short Format Reports will reduce costs considerably

Observations on making Capacity Building work: (Starting Point CEP Conference Sofia 2009)

Consider Pilots to gain support
and to test approaches

Establish principles & processes
With specific groups e.g. young

Work across and break down Government Silos

Communicate & Involve: Justice Chain Partners

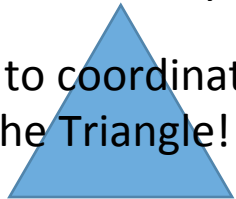
Also all stakeholders including public!

Build donor and delivery partner alliances: not competition

Consider strategy before Legislation

Beneficiary

Try to coordinate the 3 points
of the Triangle!



Donor/
Funding Stream

Delivery Partner(s)

Consider all Domains of Probation!

Moving from a Military to Civilian system

Involve judiciary e.g. site visits

Helpful to move from “Recipient” to Multi-lateral sharing

Ask WHY Probation before WHAT Probation?

Support staff – and managers – motivation,
capacity, self-belief and management of change

Plan longish term: Think about sustainability from the outset
(Public support, political leadership, recruitment, training trainers)

Develop, emphasise Community Strategy and Messages &
involve including volunteers

“Donor” project matrixes too rigid to allow for reality

Involve representatives from countries that have adopted
probation successfully.

Moving from Control dominated to mixed approach – requires a more
rounded understanding of probation

Identify Champions (internal and stakeholders).

Moving from “Top Down” to interactive management (energy)!

Community Service involves stakeholders & public and has clear benefits

No such thing as a Definitive “One size fits all” Probation

Adapt from a range of different countries

Ask: What can probation do for your country?

Try to avoid excessive caseloads: Penal Moderation!

Essential for staff moral and effectiveness

Questions to Audience (1)

1. What were the domains with which you started in your country? What was the original stimulus or reason to start with which domain? What kind of probation tasks and/or activities were/are the most appealing to your country?
2. Have the Probation Rules of the Council of Europe been used in the development of probation? If so, what was the role of these Rules in this process?
3. Role of legislation:
 - when were the relevant laws finalized (or when have they to be finalized)?
Right at the beginning, to allow for pilots; or after the evaluation of pilots?
 - What kind of type of law was/is required? A law that contains a lot of details, or a framework law, with subsequent by-laws to be followed?
4. Convincing stakeholders
 - How to convince society to invest in probation?
 - How to convince judges and public prosecutors of the value of probation?
 - How to achieve a positive and supporting image of probation in the press?
 - What have been the most convincing arguments so far in your own country?

Questions to Audience (2)

- A. What has been the role of NGO's? For instance: initiating, supporting, implementing and/or evaluating?
- B. What Aims do you prioritise and how have you approached effectiveness and impact? Do you have one or more predominant models e.g. to support rehabilitation/reduce reoffending?
- C. How can universities be involved in the development of probation? What is the value of involving universities (independent voice in promoting probation, helping with developing the content of the work, evaluating the work, training of probation officers)?
- D. Is Penal Moderation an issue in your country?
- E. Imagine that in your country the first steps in developing probation could be done again, what would you do in another way? What are the lessons learned?
- F. What can CEP do to help you?

Thank you for your attention!