



■ PROBATION. WHY AND HOW?

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Foreword

Since the 1970s the use of imprisonment as a sanction has escalated. The harms and unintended consequences of imprisonment are well documented (Dirkzwager et al., 2014; Kirk, 2021). Today there are over eleven million people imprisoned worldwide (Walmsley, 2020), the highest number ever recorded, with ever increasing costs and no evidence of benefit for the wider community or those imprisoned. Imprisonment should be used as a sanction only when necessary to protect the public or as a sanction of last resort for the most extreme and dangerous cases.

CEP advocates the proportionate use of probation, other supervised community sanctions and alternatives to custody as the norm in sentencing in criminal matters. I warmly recommend taking note of this brochure as it explains why probation and other supervised sanctions and measures in the community are efficient, effective and value for money. They provide meaningful and effective alternatives to custody for most people who offend.

Gerry McNally

President of the Confederation of European Probation (CEP)



Key message

Probation is a fast-developing field that plays an important role in the response to crime and the prevention of reoffending. Probation covers various sanctions and community-based measures, including supervision and community service, designed to promote community safety and the social inclusion of offenders.

This brochure is intended for justice ministers, other politicians and senior civil servants interested in setting up or upgrading a probation service¹. The 'key message' highlights the main topics and messages in this brochure. Readers who want to learn more about the benefits of probation and about how to bring these into practice should read the full text.

Council of Europe standards

In 2010, the Council of Europe agreed the European Probation Rules: a set of basic principles for probation services supported by all member countries. The European Probation Rules give guidance on the organisation, policy and practice of probation. They are based on the European Convention on Human Rights and Fundamental Freedoms, and therefore reflect the values shared by all European nations.

Benefits of probation

Developing a strong probation service and promoting community sentences can be a "smarter" approach to dealing with offenders, for several reasons:

- Probation is cost-effective.
- Probation reduces the prison population.
- Probation reduces reoffending.
- A probation service can help judges and prosecutors.
- Probation promotes rehabilitation.
- Probation encourages reparation and restitution.

"Community alternatives have the potential to significantly enhance the efficiency and effectiveness of every arm of the criminal justice system – law enforcement, the judiciary and the correctional system." (Porporino, 2015)

Setting up and running a probation system

For probation to work well, it's important to have a coherent strategy that covers the following:

¹ In this brochure, the term 'probation service' is used to refer to organisations that perform probation tasks. Probation is used to refer to the various sanctions and measures implemented by probation organizations

- A clear policy on community sentencing and probation.
- A legal framework for community sentencing, in which monitoring and support can be combined.
- A strong infrastructure and adequate resourcing.
- Skilled professionals.
- A probation service that cooperates with judicial services, health care services, educational, employment and social welfare services.
- An active media policy.
- International cooperation.

The main domains of probation

The European Probation Rules describe the main domains of probation. Those countries that have mature probation services are active in all domains and at various stages of the justice process. That increases the scope for making use of community sentencing and for reducing the prison population.

- In the pre-sentence phase, the probation agencies provide information and advice to judicial and other relevant authorities to help them reach informed and just decisions.
- Community supervision offers an excellent opportunity for offenders to address the problems that led them into crime, with the help of the probation service. Community service involves unpaid labour supervised by the probation service for the benefit of the community.
- During a prison sentence, probation services can advise prison authorities about detention planning in line with prisoners' risks and needs, and help prisoners prepare for their release.
- Supervision following early release aims to meet the offenders' resettlement needs and to ensure compliance with the release conditions.

Partnerships

During community sentences several organisations are involved in supporting and treating offenders to help them change their behaviour and protect the community. Collaboration between the probation service and health care providers, the police, local social service providers, the prison service and the judiciary is essential.

1 Introduction to the full text

Probation is a fast-developing field that plays an important role in the response to crime and the prevention of reoffending. Probation is a term that covers various sanctions and community-based measures, including supervision and community service, designed to promote community safety and the social inclusion of offenders (Council of Europe, 2010). Across Europe, more offenders are now on probation than are in prison. A strong probation service is cost-effective, improves sentencing and helps reduce reoffending.

This brochure is intended for justice ministers, other politicians and senior civil servants interested in setting up or upgrading a probation service. It covers:

- Council of Europe standards
- Benefits of probation
- Setting up and running a probation system
- The role of probation in different stages of the execution of criminal sanctions
- Helping offenders desist from crime
- Essential partnerships

".....if community sanctions and measures are used wisely and proportionately, they can make a contribution to reducing prison numbers. In any case they should be valued not only for their potential to reduce the size of the prison population but for their positive contribution to justice and social inclusion." (Council of Europe, 2017).

The authors hope that this booklet will help countries that don't yet have probation systems or are in the early stages of developing probation systems to realise the potential benefits of community sentencing. Part A discusses the strategic issues emphasizing why probation is important. Part B explores the operational issues around bringing probation into criminal justice practice.

Part A: Why probation?



2 Council of Europe standards

In 2010, the Council of Europe agreed the European Probation Rules: a set of basic principles for probation services supported by all member countries. The European Probation Rules give guidance on the organisation, policy and practice of probation (Canton, 2019). They are based on the European Convention on Human Rights and Fundamental Freedoms, and therefore reflect the values shared by all European nations. According to these rules, the purpose of a probation service is to reduce reoffending, and thus contribute to community safety and the fair administration of justice. The rules go on to detail how probation services should work and relate to offenders, victims, other agencies, media and the public (Council of Europe, 2010).

The European Probation Rules say that, for probation to realise its full potential, it needs to be integrated with all phases of the justice system: from the pre-trial phase to post-custodial aftercare. Close cooperation with the judicial partners is therefore essential. See, for example, the description of the Irish and the Dutch probation system on the CEP website.²

² <https://www.cep-probation.org/knowledgebases/>

The development of strong probation services is a global movement. In the Tokyo Rules, the United Nations promotes the use of non-custodial sentencing and defines the minimum requirements that should be met.³

An example of a typical probationary sanction:

An offender has committed an offence that is punishable with a prison sentence. However, the judge chooses to impose a conditional prison sentence: the offender is placed on probation for a certain time and has to report to the probation service every two weeks. The probation officer helps the offender to understand the background to and causes of the offending, and supports the offender's efforts to overcome the underlying problems. Other conditions might be attached to the probation order, such as electronic monitoring and the acceptance of mental health care. If the offender does not fulfil the conditions, the probation service may refer the case back to court. The original prison sentence may then be activated.

3 Benefits of probation

Developing a strong probation service and promoting community sentences can be a smarter approach to dealing with offenders, for several reasons:

a. Probation is cost-effective

Promoting community sentences and establishing a strong probation service can substantially lower the cost of criminal justice. The potential savings vary from country to country and depend on the alternatives, but studies in various countries have shown that non-custodial sentences are significantly cheaper (Gelb et al., 2019; Hamilton, 2021; Porporino, 2015). Data from a Dutch study suggests that, on average, the cost of a community service order is about 12% of the cost of a prison sentence (Wermink, 2010). Figures from England and Wales are similar, the comparative cost of a twelve-month community sentence being about 10% of the average cost of a prison sentence of the same length.⁴

³ <https://www.ohchr.org/documents/professionalinterest/tokyorules.pdf>

⁴ Inferred from National Audit Office, UK, 2007: https://www.nao.org.uk/wp-content/uploads/2008/01/0708203_1.pdf and from Transforming Rehabilitation-Justice Committee-House of Commons (2018) <https://publications.parliament.uk/pa/cm201719/cmselect/cmjust/482/48208.htm>

b. Probation reduces the prison population

Many European countries have high rates of imprisonment. However, custodial punishment is the most expensive response to crime. Prison is associated with higher rates of reoffending due to the lower rates of successful rehabilitation and resocialisation. Detention has a disruptive effect on the offender's life, potentially causing the loss of income, work, housing or social and family contacts, which is liable to lead to reoffending. Contact with other inmates can also increase the risk of reoffending.

"Finland reduced its prison population by adopting a coherent long-term reform policy. In the 1960s, Finnish authorities realized its prison numbers were disproportionately high compared to its Scandinavian neighbours. Politicians reached a consensus that they should and could deal with prison overcrowding. A raft of measures were taken among which restricting the use of imprisonment as a default penalty for unpaid fines, the extension of the use of conditional imprisonment and the system of early release, and the introduction of community service. These reforms contributed to a systematic long-term decline in prison figures. By the 1990s, Finland had fallen to the bottom of the west European list of prisoners per 100,000 inhabitants, down from its top slot in the 1970s." (United Nations Office on Drugs and Crime. 2007)

c. Probation reduces reoffending

Community sentences increase the scope for helping offenders to desist from crime. Many offenders have mental health problems, substance abuse problems or (mild) mental disabilities or disorders. The care they need is often unavailable in prison (Byrne & Taxman, 2005). A community sentence provides more opportunity for intervening to address the underlying causes of offending. The offender can be helped out of substance abuse or into work, for example. If community sentences are integrated with support measures, they can help reduce reoffending (Hillier & Mews, 2018). Although treatment and support can be offered in detention, they are more effective when provided in the community (Bonta & Andrews, 2017). If necessary, behavioural restrictions and extra monitoring can be used to minimise the risk of reoffending during a community sentence.

Community sentences are therefore a better option, certainly for minor offences. Although

In a Dutch study comparing people sentenced to community service with matched offenders given short prison sentences, community service was found to lead to a 46.8% reduction in reoffending in the five years after the sentence. (Wermink et al., 2010)

prison may be appropriate for people who commit more serious offences, it is still advantageous to have a conditional release system where offenders are helped to address the problems that led them into crime.

For more information about how community sentences can help to reduce reoffending, see part B of this brochure.

d. A probation service can help judges and prosecutors

A probation service can help judges make better sentencing decisions (Durnescu, 2008). A system where the probation service gives advice in a pre-sentence report on the feasibility of community sentencing helps to promote the use of non-custodial sentences. By assessing the offender's criminal behaviour, problems and social circumstances, the probation service can advise on whether a community sentence can be effective and, if so, what conditions should be imposed. Such information can help judges make good decisions about what type of sentence to impose.

Dutch judge in an exchange meeting with colleagues from Serbia: *"I feel uneasy imposing sentences without a proper picture of the risk of reoffending and the various options for tailoring the sanction that I have to impose. Then I ask myself, "If I were the offender, is this how I would want to be judged?"*

e. Probation promotes rehabilitation

Most offenders return to society at some point. When they do, it is important that they can participate fully and make a positive contribution to society. The prospect of a better life can be an important driver of behavioural change (Ward & Marchall, 2007). Society therefore needs to be open to rehabilitating people who have made mistakes in the past (McNeill, 2018). Many offenders face multiple problems. A probation service can be an important link between the justice system and society. The service can promote reintegration and social inclusion by supporting offenders and helping them establish or strengthen contacts with local social service providers, employers and the local community.

f. Probation encourages reparation and restitution

In many countries, the interests of victims play an increasingly important role in criminal justice. To enable victims' voices to be heard and their needs to be met, restorative justice is an option in a lot of countries and its use is encouraged. Restorative justice is "any process which enables those harmed by crime, and those responsible for that harm, if they freely consent, to participate actively in the resolution of matters arising from the offence, through the help of a trained and impartial third party" (Council of Europe, 2018, point 3). Restorative justice can help both the offender and the victim deal with what has happened. For the victim, it offers a chance to express their emotions and understand the crime. At the same time, the opportunity to express responsibility or remorse can increase the offender's willingness to change and stop offending (EFRJ, 2017; Marder, 2020). A probation service can contribute to the process by:

- Ensuring that victims' needs are taken into account in the criminal justice process
- Increasing offenders' awareness of the consequences of their criminal behaviour
- Encouraging and – if trained, independent officers are available – facilitating mediation between offender and victim
- Organising community service orders under which offenders repay their victims or the local community

85% of victims participating in Restorative Justice felt it was a positive experience; 78% would recommend it to others. (Shapland et al., 2007)

4 Setting up and running a probation system

For probation to work well, it's important to have a coherent strategy that covers the following:

• Governance

Politicians should develop and maintain a clear policy on community sentencing and probation.

Romania started developing a national probation service in the mid-1990s. The service has since grown and professionalised considerably. Romania's 2013 Probation Act clearly drew inspiration from the European Probation Rules.

Probation cannot contribute properly to criminal justice without the backing of political leaders (Lappi-Seppälä, 2003). The development of a probation system requires sustained commitment, monitoring and coordination at the highest level. In that context, the European Probation Rules are a

valuable resource. They provide a framework for defining legislation, policies and practices, while allowing scope for the development of probation services and activities that reflect the

national culture, traditions and penal policies.

- **Sentencing**

It is important to have a legal framework for community sentencing, in which monitoring and support can be combined. Community sentencing can be implemented in various ways, some of which are summarised in the box below. With all options, a clear procedure is needed for intervention if the offender breaches the conditions of their sentence. The adoption of community sentences depends on judges, politicians and the public being able to see that the system is operating as intended. Courts will not embrace community sentencing if they are unsure how the sentences will be administered or enforced (Porporino, 2015).

When deciding on the most appropriate sentence, the seriousness of the offence and the characteristics and circumstances of the offender must, of course, be taken into account.

Overview of community sentences and measures, in which monitoring and support can be combined (based on Gelb et al., 2019).

- **Parole**: early conditional release from custody.
- **(Partially) suspended sentence**: a term of imprisonment, some or all of which does not have to be served, providing that certain conditions are met. Those conditions might include accepting treatment or a curfew, as well as not reoffending.
- **Intensive correction order**: a term of imprisonment that is served in the community instead of prison and typically includes intensive supervision and conditions that the offender must fulfil.
- **Home detention**: the offender is confined to home, thus avoiding the cost and consequences of imprisonment. Additional conditions can be attached.
- **Community service order**: the offender must perform unpaid work in the community for a certain number of hours. Community service orders can serve various purposes, including deterrence, retribution and reparation.
- **Probation order**: supervision by a probation officer, often in combination with assistance and treatment programmes, with the focus on reform and rehabilitation.

Where community sentences are promoted, policy-makers should be alert to the 'net-widening effect'. In many European countries, the use of community sentences has increased significantly. Yet the number of prison sentences has remained high, even though crime has not increased. It therefore seems that community sentences have been used not only as an alternative to detention, but as complement to detention thus penalising more people or penalising them for longer periods (Aebi et al., 2015).

- **Organisation**

A strong infrastructure and adequate resourcing are vital for the implementation of community sentencing. An organisation such as a probation service has to be tasked with carrying out the sentences. The organisation's management must have a clear mission and vision of how community sentencing is to be implemented. Its budget must be generous enough to enable the organisation to properly train its staff on a regular basis and provide the guidance and assistance that offenders require.

- **Skilled professionals**

For community sentencing to work, judges and prosecutors need to understand the objectives of sentencing and to be familiar with the available options and the circumstances under which they should be used (Lappi-Seppälä, 2003). Also, probation officers need certain skills to supervise offenders and help them change their behaviour. For example, they must be able to:

- Reconcile treatment goals and control goals
- Build and maintain a positive working alliances with people who are unlikely to seek such alliances themselves
- Help offenders to change their behaviour
- Work with people who have multiple and/or complex problems
- Collaborate with professionals in various fields (judiciary, health care, social service providers) and with people in the offender's social network

For more information about the responsibilities of and skills required by probation officers, see part B.

- **Cooperation**

In order to be effective, a probation service must cooperate with judicial services, health care services, educational, employment and social welfare services. Professionals from such services may be involved with an offender in order to meet the offender's needs or to protect the community (Council of Europe, 2010). It is essential that all the professionals involved coordinate their activities to provide cohesive and effective supervision and support.

- **Communicating with the public**

Public education is essential for the promotion of community sentencing. Research has shown that the public often favours strict punishments, including long prison sentences. However, when more information is provided, opinions become more nuanced and people become more open to alternative sentences (United Nations Office on Drugs and Crime, 2007). The media have a crucial role in informing the public. It is therefore important for both the government and the probation service to pursue an active media policy. Particularly when a major incident occurs, such as an offender committing a serious offence when under supervision, it is important to provide the media with an honest but nuanced account.

The media have a crucial role to play in informing the public and shaping attitudes to imprisonment. Journalists and others therefore need to be fully briefed about the efficacy of non-custodial sentences, so that they are able to put occasional failures into perspective.
(Council of Europe, 2010)

- **International cooperation**

Introducing a probation system where community sentences have not traditionally been used is a journey into the unknown. However, those embarking on that journey can obtain guidance from other countries, the Council of Europe and the CEP. Countries can learn from each other and support each other. The CEP (Confederation of European Probation) offers a platform for exchange and inspiration. The goals of the CEP are to unite the European probation sector, to enhance the profile of probation and to improve professionalism in the field. The CEP organises conferences on topical probation-related subjects and encourages the exchange of new ideas through its digital newsletter and website.

The CEP is committed to enhancing the profile of probation and to improving professionalism in the field at the national and European levels.

Part B. How to bring probation practices into the criminal justice system



5 The main domains of probation

The European Probation Rules describe the main domains of probation. Those countries that have mature probation services are active in all domains and at various stages of the justice process. That increases the scope for making use of community sentencing and for reducing the prison population.

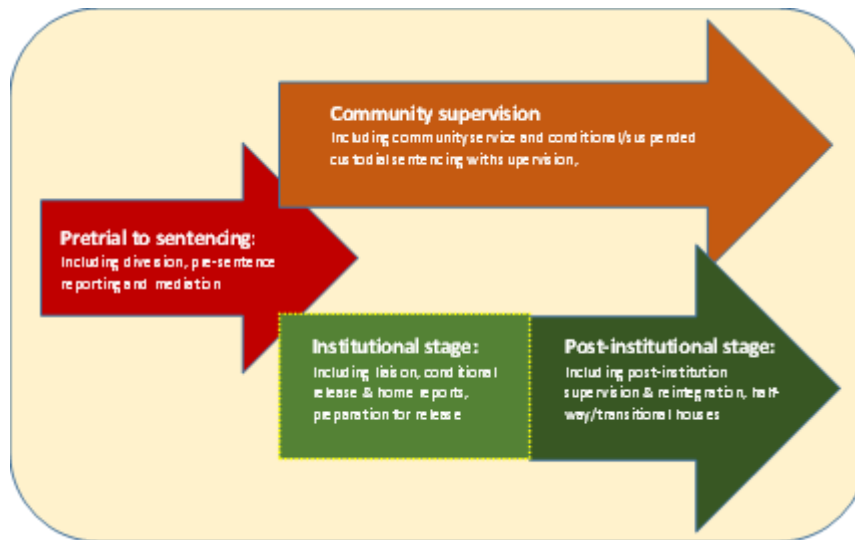


Figure 1. Main domains of probation, based on Pitts & Tigges, 2021.

Pre-trial and pre-sentence phase

In the pre-sentence phase, the probation agencies provide information and advice to judicial and other relevant authorities to help them reach informed and just decisions (Council of Europe, 2010). The advice addresses matters such as the suitability of non-custodial sentences and alternatives to pre-trial detention. Advice may also be given about specific conditions, electronic monitoring or practical supervision arrangements.

Pre-sentence reports often contain the following elements (Canton & Dominey, 2018):

- Offence analysis
- Risk and protective factors
- Risk of reoffending and risk of harm
- Interventions or treatment that can support behavioural change
- Sentencing proposals (for judges' consideration and decision-making) that reflect the seriousness of the offence and address the offender's assessed risk and needs

The Probation Service in the Netherlands participates in a partnership called 'As Soon As Possible' (ASAP). ASAP provides a quick and effective way of dealing with people arrested for everyday offences after being caught in the act. Working together in a shared office, the Public Prosecution Service, the police, Victim Support, the Child Care & Protection Board and the Probation Service cooperate to process petty offences as soon as possible, sometimes within a matter of hours. ASAP delivers a tailor-made response to crime, taking the interests of the victim and society into account.

Community supervision and community service

Community supervision offers an excellent opportunity for offenders to address the problems that led them into crime, with the help of the probation service. Supervision orders can be imposed on condition that the offender accepts behavioural intervention, forensic care or sheltered housing, so that the authorities can be sure that the sentence will reduce the risk of reoffending. Such sentences also involve monitoring and support of offenders by probation officers to protect the community and promote offender rehabilitation (see section 6 for details).

A community service order is a court order requiring an offender to work a certain number of hours in the community. The Council of Europe defines community service as: "a community sanction or measure which involves organising and supervising by the probation agencies of unpaid labour for the benefit of the community as real or symbolic reparation for the harm caused by an offender." (Council of Europe, 2010). There is evidence that community service can support changes in the attitudes or behaviour of offenders, and that reconviction rates are lower than after short prison sentences (which are often the alternative to community service) (McIvor, 2017).

Custodial sentences

Carrying out prison sentences is, of course, the responsibility of the prison service. However, in some countries, the probation service is involved in advising the prison authorities about detention planning in line with prisoners' risks and needs. In order to facilitate the transition from prison to ultimate release, it is important that offenders are gradually given more liberties and are subject to less strict regimes as their release dates approach. The probation service can help prisoners prepare for their release. The probation service can also advise the authorities

whether early release is feasible and, if so, about the conditions that should be attached. For some offenders a halfway house may offer a gradual transition from prison to the community.

Figure 1: Interagency cooperation in Estonian prisons



Early release

Most European countries have early release or parole systems. Supervision following early release aims to meet the offenders' resettlement needs such as employment, housing and education, and to ensure compliance with the release conditions with a view to reducing the risks of reoffending and serious harm (Council of Europe, 2010).

It is important that preparations for supervision are made during the detention phase, preferably on the basis of collaboration between probation officers and prison staff (Duwe, 2014). A consistent and continuous transition from the detention regime to the supervision regime is essential. Such a transition enables probation staff to start building working alliances during the detention phase. During aftercare, it appears to be of great importance to offer emotional and practical help in collaboration with other organisations (Grace, 2017).

“In Ireland, community service programmes were extended, as a key component of the highly successful Community Return (supervised early release) programme, to suitable prisoners who had been serving between one and eight years custodial sentences, as part of a rigorous multi-agency supervision programme.” (Geiran & Durnescu, 2019)

Electronic monitoring

Electronic monitoring (EM) can be imposed as part of a community sentence, as a sentence or to enable early release from detention (McIvor & Graham, 2015). The two main forms of EM regulate the locations and movements of people under supervision. With RFID (radio frequency identification), a wearable ankle bracelet and a monitoring unit installed in the offender's home can confirm their presence or absence to support the enforcement of home confinement or curfews. With GPS monitoring, which also relies on wearable ankle bracelets, the offender can be tracked inside and outside the home and prohibited from entering designated exclusion zones, usually with the aim of protecting previous victims or preventing further offending.

The Council of Europe (2014) promotes the use of EM to reduce prison overcrowding and prison population growth. The Council recommends that EM is not to be used as a punishment in its own right, but as a form of short-term control which supports probation-based rehabilitative programmes. Used properly, EM adds an element of control that probation cannot always achieve on its own, and can contribute to compliance with and completion of sentences and orders (Hucklesby & Holdsworth, 2020). The socio-psychological consequences of wearing an ankle bracelet and knowing that compliance with location and time requirements can be constantly and repeatedly checked, can have beneficial outcomes – providing structure to a client's day, keeping clients away from antisocial contacts or situations, contributing to the maintenance of social bonds and exposure to positive influences (relationships, work, education), and creating time for lifestyle reflection. EM can also have adverse effects in terms of stigma, frustration and paranoia, and is never a substitute for directly addressing the issues that lead people into crime (Hucklesby, 2008; 2009).

A body of empirical knowledge has been built up regarding good practices and outcomes with RFID and GPS monitoring. From the data, it is clear that the best results are achieved when the technologies are combined with supportive and reintegrative activities, rather than used for control or punishment in its own right.

6 Helping offenders to change their behaviour



An increasing amount of information is available about what leads offenders to turn away from crime and how offenders can be helped to change their behaviour. Some of the main insights are summarised below.

- **Combining monitoring and support**

Offender supervision should involve monitoring for risk signals and condition violations, in combination with guiding and helping offenders to change their behaviour (Paparozzi & Gendreau, 2005).

Probation officers must have the skills to perform both functions and must use the authority they have effectively. That entails, for example, clarifying the professional's own role and the rules under supervision, adopting a consistent approach to intervention that is open to offenders' input, and rejecting specific behaviours, not the offender (Dowden & Andrews, 2004). Balance is

“Several studies show that offenders value:

- Sustained interest from a practitioner;
- Being treated as a person and with respect ...;
- Rigorous challenge to offending behaviour;
- Trust, integrity, honesty, listening, being held to account and a non-judgemental approach.” (Bailey, 2007)

important in that context: over-emphasis of authority and sentencing is ineffective (Mowen et al., 2018; Wodahl et al., 2011) .

- **RNR: risk assessment and risk management**

The Risk-Needs-Responsivity (RNR) model is one of the most comprehensive and well-studied models of offender management. In the RNR model, probationary activities must be based on assessment of the specific risks and needs of the offender (Bonta & Andrews, 2017). An assessment of the risk of reoffending helps to determine how intensive supervision should be: the higher the risk, the higher the frequency and longer the duration of supervision (Lowenkamp et al., 2006).

Assessment of the problems that lead to offending provides a basis for identifying the interventions needed to limit the risk of reoffending. The offender should be helped to address the problems that are linked to the criminal behaviour, such as substance abuse, lack of work or anger management issues (Bonta & Andrews, 2017). Different interventions can be helpful to different offenders. The probation service itself can deploy techniques such as counselling interviews or behavioural training, and should collaborate with other professionals such as forensic psychiatrists and local social service providers.

It is also important to identify the offender's strengths – e.g. a support network or skills that can be used to achieve change goals – and to utilise and develop them.

- **Core correctional practices**

Based on a large body of research, various practices have been identified as effective in one-to-one contacts between offenders and probation officers. These are:

Building and maintaining a positive working alliance contributes to the offender's motivation and

“Contact can be difficult in the first phase of probation supervision. After all, this is when you need to set out clear frameworks and at the same time show respect for the person and work on trust.” (Menger et al., 2019)

willingness to change, their well-being, the resolution of problems that lead to criminal behaviour, and the promotion of protective factors. An effective working alliance is characterised by mutual understanding about goals and conditions, trust, bonding (feeling respected, supported and encouraged), and the

mitigation of resistance to mandatory contact (Menger et al., 2019).

Motivational interviewing is a collaborative, person-oriented and targeted counselling style that aims to trigger autonomous motivation for behavioural change. It appears to have a positive influence on the willingness to undergo treatment or behavioural training, compliance with the special conditions and problem awareness (McMurrin, 2009).

Prosocial modelling is a combination of modelling prosocial values and behaviours, positive appreciation of prosocial expressions and behaviours, and disapproval of procriminal expressions and behaviour. Several studies have found a significant correlation between prosocial modelling and reduced reoffending (Dowden & Andrews, 2004; Trotter, 2013).

Using cognitive behavioural techniques involves clarifying the relationship between thoughts and behaviour; identifying procriminal attitudes, thoughts and behaviours; teaching concrete cognitive and behavioural skills; and supporting offenders in applying and generalising such skills in daily life. The use of cognitive behavioural techniques increases the effectiveness of supervision (Trotter, 2013).

Strengthening offenders' practical and emotional problem-solving skills involves teaching offenders to identify problems, as well as to formulate specific goals and plan for their achievement. Offenders are then encouraged to work with probation officers to evaluate plan realisation. Probation officers can also resolve problems for or with offenders, and help them to obtain assistance from appropriate agencies (Dowden & Andrews, 2004; Raynor et al., 2014).

- **Strengthening social bonds**

Social bonds and support are vital for the prevention of reoffending. In addition to practical and emotional support, social bonds also provide social control. Offenders can have supportive social bonds with family or friends. Wider prosocial bonds are also important, such as having a job and being included in the local community (McNeill et al., 2012). Probation officers can support offenders in strengthening supportive social bonds, and reducing criminal contacts.

- **What doesn't work?**

There is a lot of evidence that offender supervision is ineffective if it focuses only on monitoring and does not involve support or treatment. The same is true of intensive offender supervision combined with immediate sanctions in the event of condition violation (Grattet et al., 2011; Hyatt & Barnes, 2017). Interventions that focus on order and discipline, such as boot camps, have also been shown to be ineffective. Finally, practices that offer support with or treatment for problems that are not crime-related have proven to be less effective (Bonta & Andrews, 2017).

7 Partnerships

Community sentences are served in the community, under the responsibility of the judiciary. Often, several organisations are involved in supporting and treating offenders to help them change their behaviour and protect the community. Such activities therefore involve

collaboration between various partners, such as the probation service, health care providers, the police, local social service providers, the prison service and the judiciary. Research into effective collaboration in supervision has identified several aspects that promote the effectiveness of the collaboration and thus indirectly support the effectiveness of supervision (Bosker, et al., 2020):

- A vision of, and clear demarcation of responsibilities for, activities involving and relating to the offender, which are shared by professionals from all relevant organisations
- Effective information-sharing amongst professionals in various organisations (subject to statutory privacy constraints)
- Proximity, such as working in the same building
- Continuity of the programme for the offender
- Mutual respect and equality-based collaboration
- Involvement of people with suitable expertise and good access to appropriate services or care
- Organisational circumstances that facilitate collaboration (time allocation/caseload size, policy, work processes and administration)

In the UK, Multi Agency Public Protection Arrangements (MAPPA) were developed to manage high-risk offenders. The police, probation service and prison service work together with local agencies to assess and manage violent and sexual offenders in order to protect the public, including previous victims, from harm. Cooperation is promoted by sharing information, combining resources and holding regular meetings.⁵

Finally, collaboration with volunteers can have added value. Volunteers can provide a bridge to society in a way that probation officers cannot, because volunteers are less associated with the justice system. Offenders respond differently to volunteers than to professionals, because they realise that volunteers are committed to them for altruistic reasons. Volunteers offer emotional support and practical help, can monitor potential risks, and for some clients are amongst their few social contacts ((Henskens et al., 2020).

⁵ http://nomsintranet.org.uk/roh/roh/5-multi_agencywk/05_05.htm

Annex

The brochure is based on scientific insights and practical experience. The authors have extensive, transnational experience in probation management and policy. They conduct research and teach in the field of probation.

About the authors

Jacqueline Bosker is Associate Professor at the University of Applied Sciences Utrecht, the Netherlands. She directs a research group Working with Mandated Clients, which studies probation and prison services and forensic care. She also teaches professionals from various forensic and social organizations in the Master Forensic Social Professional. Before taking up her current post, Ms Bosker worked as a Senior Policy Advisor at the Dutch Probation Service.

Leo Tigges has worked at the Dutch Ministry of Justice, as Operational Director of the Dutch Probation Service, and as Secretary General of CEP (the European Confederation of Probation). He now works independently as a consultant in community-based justice, including capacity building in Montenegro, Serbia, Ukraine, Kazakhstan, Azerbaijan, Armenia, as a member of the UK Correctional Services Accreditation and Advice Panel, and as a researcher in the field of probation.

Renée Henskens is a senior researcher at the University of Applied Sciences Utrecht, the Netherlands. She is familiar with probation work through previous work experience. The overall aim of her work is to improve practice by connecting scientific knowledge, professional expertise and client experiences. Renée is also a teacher for the master's programme Forensic Social Professional.

Advisory Committee

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Stephen Pitts, Consultant in Community-Based Justice and Ambassador - Confederation of European Probation (CEP)

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Further reading

- Council of Europe (2010). Recommendation CM / Rec (2010)1 of the Committee of Ministers to member states on the Council of Europe. Probation Rules. See: <https://www.cep-probation.org/knowledgebases/council-of-europe-rules-recommendations/>
- Council of Europe (2017). Recommendation CM/Rec (2017) 3 on the European Rules on Community Sanctions and Measures. See: <https://www.cep-probation.org/knowledgebases/council-of-europe-rules-recommendations/>
- An extensive overview on implementation of probation can be found in: Geiran, V. & Durnescu, I. (2019). *Implementing community sanctions and measures. Guidelines*. Council of Europe. See: <https://rm.coe.int/implementing-community-sanctions-and-measures/1680995098>
- An overview of empirical studies on the effectiveness of offender supervision can be found in: Bosker, J., Monnee-van Doornmalen, J., Henskens, R., & Van der Plaat, D. (2020). *Effective practices in probation supervision. A systematic literature review*. Kwaliteit Forensische Zorg / Hogeschool Utrecht, Lectoraat Werken in Justitieel Kader. See: www.internationalhu.com/research/projects/effective-practices-in-probation-supervision
- Experience with and knowledge about probation in European countries is shared on the website of the CEP: www.cep-probation.org/

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