

# Strategic Targeting of Recidivism through Evaluation And Monitoring (STREAM)

## Workstream 4

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# Impact of Council of Europe Probation Rules (EPR)

- To find out if EPR have influenced policy and practice in member states
- To discover how EPR have been used
- To identify any difficulties that have hindered implementation
- To determine the strengths and the shortcomings of EPR in light of experiences of implementation

# Council of Europe Probation Rules

- Part I: Scope, application, definitions and basic principles
- Part II: Organisation and staff
- Part III: Accountability and relations with other agencies
- Parts IV - VI: Probation work (tasks and responsibilities), the processes of supervision, work with victims of crime
- Part VII: Complaint procedures, inspection and monitoring
- Part VIII: Research, evaluation, work with the media and the public
- Glossary
- Memorandum / Commentary

# Impact or compliance?

- If countries are practising in line with EPR, this does not necessarily mean that EPR has had an impact
- They may have been practising in this way already
- EPR after all came out of Europe's ideas of best practice
- We should be interested both in compliance and in impact

# What we did

- Literature review
- Doubtful about written questionnaires
- So identified key people in each country
- Skype conversations wherever possible
- Language limitations – most of the research team spoke only English, but we had a colleague who is also fluent in French and German so respondents were given that option

# How well known are the Rules?

- Most individual respondents knew EPR well (which is why we spoke to them!)
- But said EPR are not well or widely known
- Known by some academics, but not so well by staff in the probation agency
- Known to policy makers and managers better than to practitioners
- Different rules are known to different people (depending on their relevance to their work) and in varying detail

# Are EPR a good way of establishing common standards?

- Necessary and important
- Common framework for systems that are different in many respects
- Mutual understanding needed for EU Framework Decisions
- These views were expressed even by countries where the Rules had received little attention

# How are the Rules being used?

- (In some places, not at all), but
- Influencing legislation
- Benchmarking
- Informing National Standards / Inspection procedures
- A significant reference point
- Training
- Useful in support of implementing Framework Decisions



# Problems of implementation

- Not all are relevant (e.g. victim work)
- “everything to do with Europe has a low profile”
- “{Our country} is already confident that its practices are of a high standard ... (even if the evidence for this is sometimes lacking)”
- cultural resistance to rules and practices being “imposed from outside” - Ministry of Justice claims the right to set own priorities and objectives and would not always accept arguments about following the Rules
- Translations not always available

# Are the Principles of the Rules in accordance with national policies?

- Mostly: Yes *and especially* “We were doing this already”
- Probation has different meanings in different countries and so the thinking behind probation practice and organisation structures differ widely

# Rule 1: Relationships and social inclusion; help and support

- Many countries affirm the ideas of Rule 1 – relationship and social inclusion, help and support ...
- But some have another conception of probation, e.g. “control and monitoring of offenders is more important than ‘welfare’ and rehabilitation”
- Ideas of rehabilitation, relationship and social inclusion are not well understood by the public

# Rule 37: Work with other agencies

- Widespread support for this aim to work and in partnership with agencies within and beyond the criminal justice system
- But some countries are finding agencies are reluctant to cooperate with probation
- Some find that while the law relating to probation allows this, other agencies may feel that they have not got the legal authority to work with “clients of probation”
- This is not about giving special preference to offenders, but ensuring they have fair access to the resources enjoyed by others.

## Rule 93: Work with victims.

- In many countries, probation does not work directly with victims
- In most countries, probation does liaise with victim organisations (often NGO), making referrals, responding to inquiries
- The value of restorative justice and specifically mediation is being increasingly recognised – but not always easy to put into practice

# Conclusions

- EPR has had valuable influence in many countries – especially those with newer probation agencies
- EPR used when new practices are introduced
- Some countries do not welcome European regulation ... but may comply well
- Some are too ready to assume compliance but need to try to verify this
- EPR is about practice: not just law and policy

# Need more research

- Trying to find out the factors that make a difference to the way in which EPR are received
- Countries differ in many ways, history, culture, demography, economy, politics
- Probation agencies: large / small; established / newer; more / fewer resources; centralised / local; understanding of probation; staff training
- Most of these factors cannot be changed, but a better understanding might improve the chances of implementation

# Recommendations from our research

- Reliable translations of text and commentary must be readily available in the national languages of all member states
- Every national probation agency should encourage its staff to study EPR
- EPR should be part of training for all staff
- Periodic benchmarking
- Redoubled efforts to explain the work and the guiding values of probation to judges, politicians and the general public