

Probation:

Myths, realities and challenges

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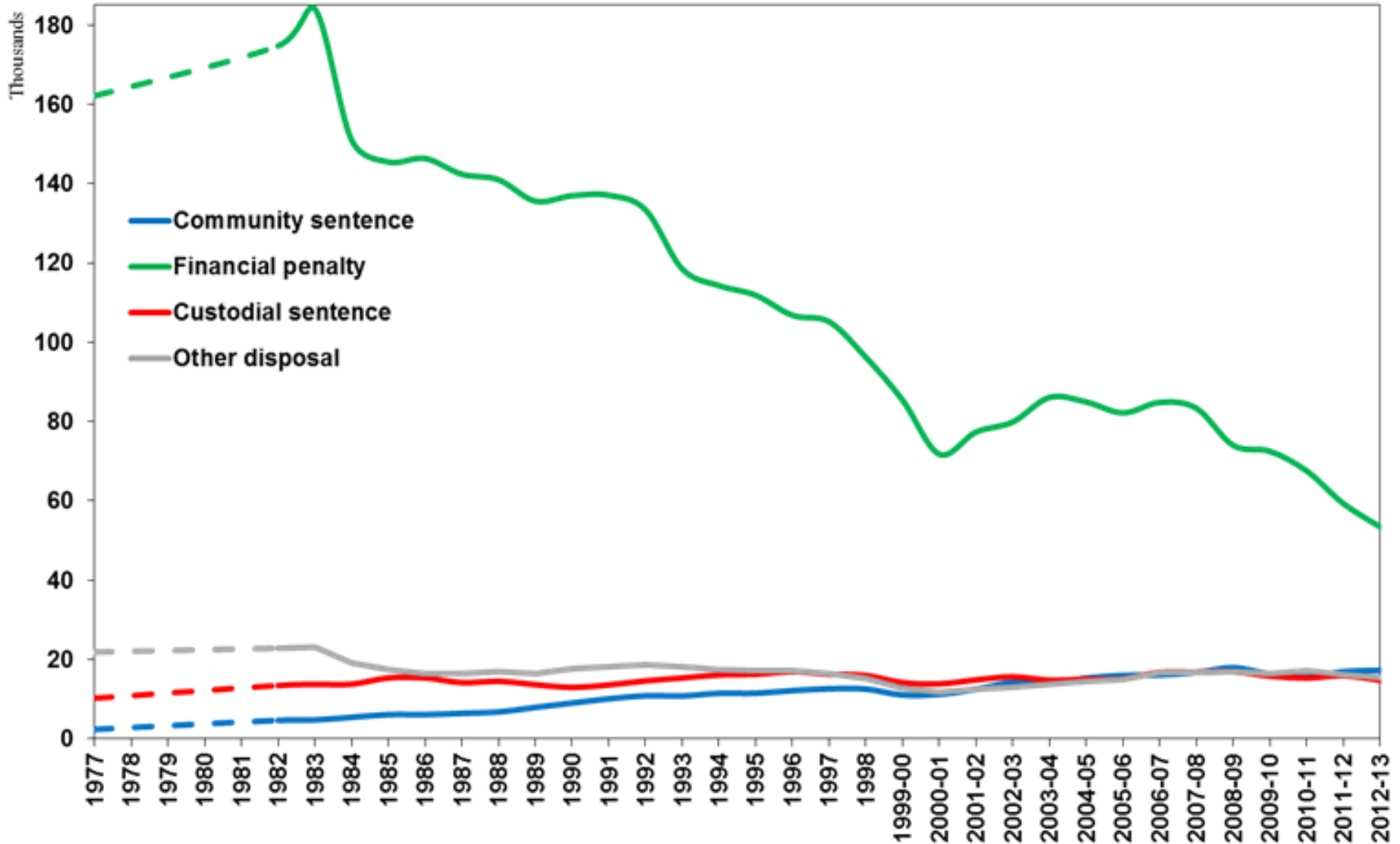
- Growth in volume
- Geographical distribution
- Intensification of conditions
- 'Mass supervision' has been neglected by scholars preoccupied with 'mass incarceration'.... At least until:
 - COST Action IS1106 Offender Supervision in Europe
 - www.offendersupervision.eu

Arguments for probation

- Less expensive than imprisonment
- Less harmful than imprisonment?
 - To its subjects
 - To their families
- More effective than imprisonment in reducing reoffending?
- More respectful of human rights?

1. The growth of probation shrinks the prison population.
2. Making probation 'tougher' and/or more 'credible' and/or more 'effective' and/or more 'professional' increases public and judicial support for it.
3. Doing probation is easier for offenders than doing prison time.

One Illustration: Scotland

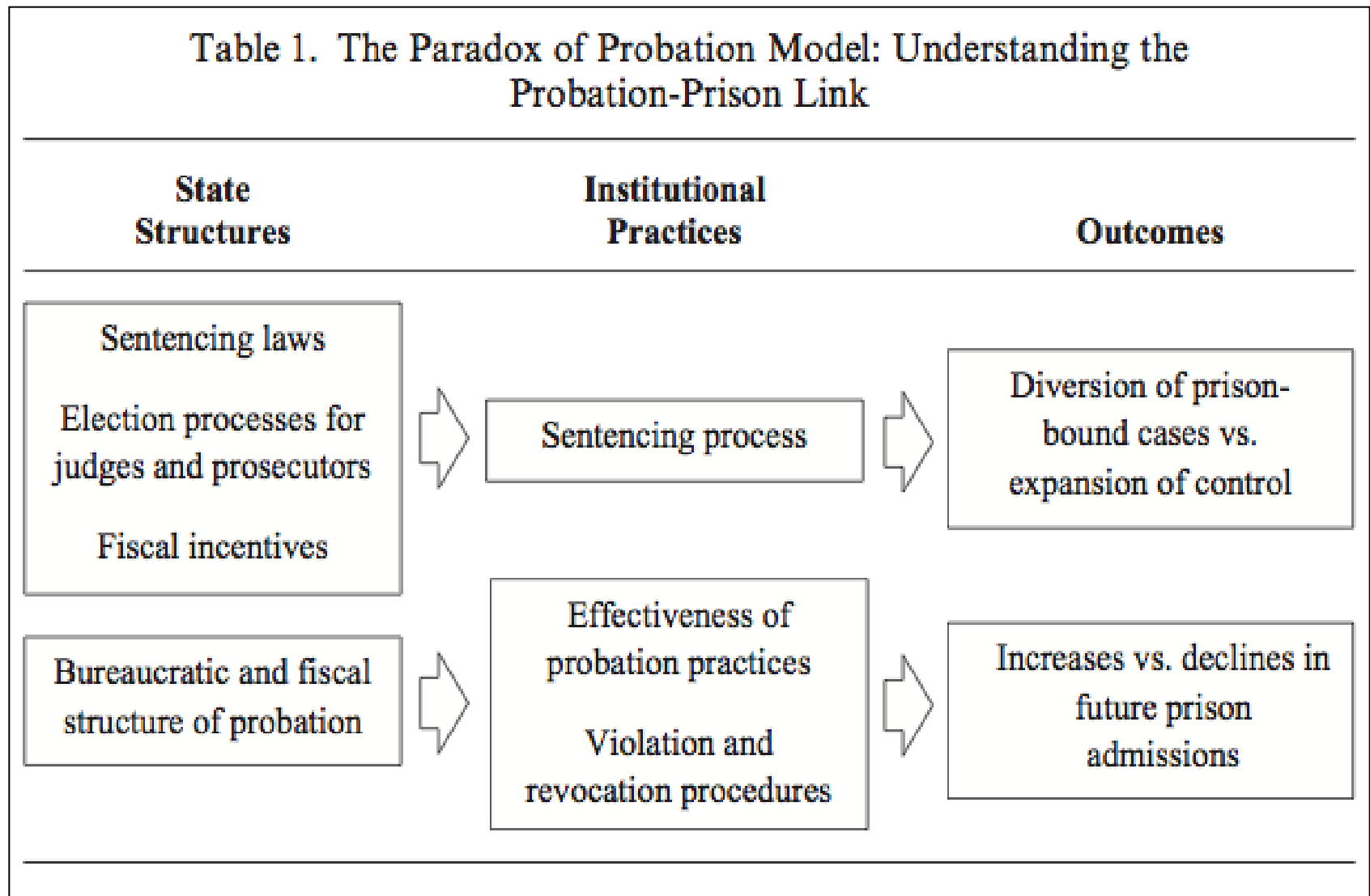


Community Service Order (CSO)	Total number of all offenders = 100	Number of previous convictions			
		None	1 or 2	3 to 10	Over 10
2007-08	3,501	35	25	29	11
2008-09	3,727	34	26	29	11
2009-10	3,631	36	24	29	11
2010-11	3,668	34	25	29	12

Probation Order (PO)	Total number of all offenders = 100	Number of previous convictions			
		None	1 or 2	3 to 10	Over 10
2007-08	4,634	23	23	35	19
2008-09	5,150	23	23	36	18
2009-10	5,048	21	24	35	19
2010-11	4,597	20	22	37	21

Discharged from custody	Total number of all offenders = 100	Number of previous convictions			
		None	1 or 2	3 to 10	Over 10
2007-08	7,060	12	11	32	46
2008-09	7,404	12	11	31	46
2009-10	7,432	12	10	32	46
2010-11	7,289	12	10	29	49

Table 1. The Paradox of Probation Model: Understanding the Probation-Prison Link



- In order for probation to reduce prison populations and to avoid a net-widening effect
 - its systemic context needs to facilitate and incentivize penal reductionist goals (through political and sentencing reform);
 - it needs to be effectively targeted; its practices need to be effective; and
 - its management of breach/violations needs to be careful and considered.

The third myth: Penal burdens

- Access problems and selection effects (Durnescu, Enengl and Grafl, 2013)
- Helping, holding and hurting (McNeill, 2009)
- In comparison with short custodial sentences (Armstrong and Weaver, 2011)
 - More productive and preferable
 - But not because it is easier
- In some studies (mostly in the USA) the simplicity and clarity of custody is preferred

- For most people, most of the time, the community is the better context for supporting change (and desistance)
- But **we cannot and must not assume that probation and its growth is an unqualified good.**
- Like prison, its use must be parsimonious and proportionate, and subject to human rights safeguards