



Confederation of European Probation



Managing sanctions in the community

'models of probation: classics & alternatives'

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Confederation of European Probation



Background of CEP

- Established in 1981 by ten countries
- Concern at that time: growing number of European foreign nationals in national prisons
- Aim at that time: knowledge exchange



CEP today

- Today: 59 member organizations in 34 countries and 38 jurisdictions
- Concern at this time: decreasing budgets
- Recognized by the European Union and the Council of Europe
- Collaboration (CJPE) with other network organizations like EuroPris, the EF for Restorative Justice, Victim Support
- Affiliation agreements with EFUS and APPA



Goals of CEP

- To unite probation organizations and individual professionals all over Europe, sharing the same principles
- To professionalize the sector of probation in Europe
- To raise the profile of European probation organizations
- To promote social inclusion of offenders through community sanctions and measures such as probation, community service, mediation and conciliation.



Models of Probation

Model of probation	Characteristics
Promoting community sanctions and measures	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
Punishment/Enforcement	Compliance and recall
Rehabilitation / Preventing reoffending / Promoting desistance	Reduced reconviction and improve social inclusion
Victim's interest	Victim satisfaction and redress



Community Sanctions and Measures

- The oldest 'alternative' purpose
- One of the best solutions for overcrowding in prisons
- No additional damage for the offender (loss of jobs, housing, relationships etc.)
- Visible in the community
- Growth of community sanctions and measures in Eastern Europe and Balkans;
- Reconviction rates slightly lower after community sentences than after imprisonment (Durnescu, 2013)



Controlling offenders in the community

- Post-release supervision
- Parole and indeterminate supervision
- MAPPA (Co-ordinated supervision after full release for violent and sex offenders)
- Electronic Monitoring. Only effective in reducing crime in combination with supervision
- Based on the limited studies it seems that supervision by probation is slightly more effective than prison in reducing re-offending, or at least not worse (Durnescu 2013)



Desistance

- Why people desist from a criminal career (Farrall, 2002)
 - desistance is related to overcoming obstacles.
 - overcoming obstacles is associated with prior motivation and changes in the social circumstances
 - desistance often take place without probation interventions. Solving obstacles related to family problems and employment are related to desistance (Leibrich, 1993).
 - Skills and attributes of the correctional staff when delivering supervision have a strong impact on recidivism.
 - Combining RNR paradigm with core correctional practices are effective in reducing re-arrest (Robinson et al., 2012).



Z.S.M. (A.S.A.P.)

- 'ASAP'-procedure: Short criminal justice procedure for common and simple crimes in the Netherlands
- Cooperation between public prosecution, police, probation service, child protection agency and victim support
- Fast (within 72 hours) procedure: light cases handled fast
- Prosecutor model
- Decision (community sentence or penalty) taken by the prosecutor is based on the advice of the ZSM partners
- Victim is involved and approached (compensation)
- Prosecutor cases (2012): 250.000; Inflow ZSM (2012): 25%; Assessed in ZSM:72%



Drug Courts

- Problem-solving courts.
- Offenders in a Drug Court are often in a mentally chaotic state with a long history of drug use and related offending.
- Accountability to the court throughout an (DTTO) order and sanctions available to the Sheriffs are considered effective tools in the motivation of offenders to comply with the drug treatment & testing program.
- initial findings provide cause for optimism that Drug Courts may prove to be a valuable resource for responding to drug related crime.



Security Houses

- Partnership between law enforcement authorities, local authority and health care.
- Aim is to bring permanent change in the behaviour of individual offenders on the basis of a joint vision and a common purpose.
- Also a real building where the partners meet.
- Availability of supporting staff.
- The first Safety House was established in 2002. There are now 45 Safety Houses in the Netherlands.
- The ultimate objective is less recidivism and a safer community.



The Paradox of probation:

'The paradox of probation model posits that probation simultaneously serves as both an alternative to prison and as a net-widener that expands carceral control.' (Phelps, 2013)

- Regulate CSM for medium and medium-high risk offenders
- Reform the sentencing policies – e.g. divert drug offenders
- Promote probation practices that support compliance
- Do not look at probation as 'a magic bullet' – adopt flanking measures



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