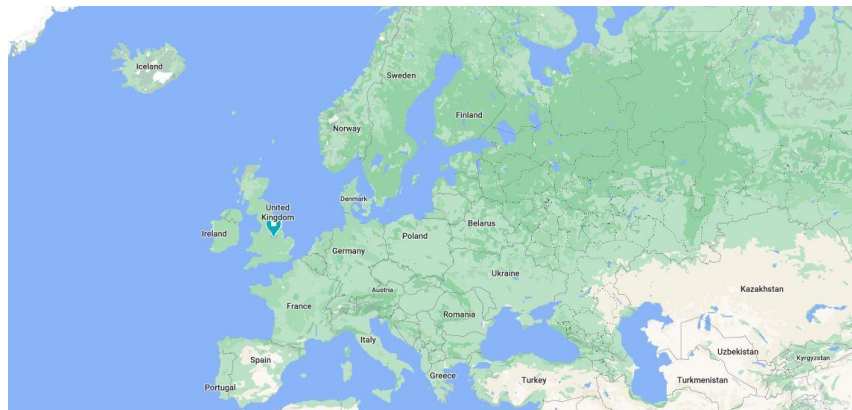


# European Probation Rules: A Celebration and a Reflection on their 10<sup>th</sup> Birthday

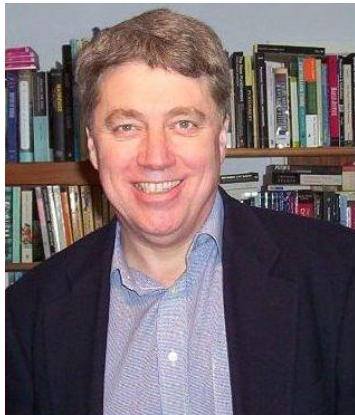
Professor Rob Canton



# Why Probation Rules?

- Model of Prison Rules
- To affirm the importance of probation
- Increasing awareness of the burdens or even the 'pains of probation' (Ioan Durnescu, Fergus McNeill)
- Possible imprisonment for non-compliance, privacy, data protection, intrusions of surveillance (for families too)
- Relationship with Rules on Community Sanctions and Measures?

# Developing the Rules The PC-CP



# European Probation Rules

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

Glossary

Memorandum / Commentary

# Impact of European Probation Rules: The STREAM Project (2013 – 2015)

- 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

# How were the Rules being used?

- (In some places, *not at all*), but
- Inspiration
- Detailed guidance
- Influencing legislation
- Informing National Standards for practice
- Inspection procedures
- A significant reference point
- A research topic
- Training
- Useful in support of Framework Decisions
- Benchmarking

# Benchmarking

- An agency may find that it conforms with EPR in most or all respects – or even goes beyond these standards
- An agency may find that some of its practices do not conform and decide to change them in line with EPR
- An agency may find that some of its practices do not conform and decide that EPR should change

# Problems of implementation

- Not all are relevant (e.g. victim work)
- ‘everything to do with Europe has a low profile’ - resistance to rules and practices being ‘imposed’ from outside
- ‘... is already confident that its practices are of a high standard ... (even if evidence for this may be lacking)’
- Varying conceptions of probation, e.g. ‘control and monitoring’ of offenders seen as more important than ‘welfare’ and rehabilitation
- Probation has different meanings in different countries and so the thinking behind probation practice and organisation structures differ widely





- Probation quite new
- Keen to be 'European'
- Policy guidance from Strasbourg is welcome
- Used rules to develop organisation, policy and practice



- Probation well-established
- Not much interested in Council of Europe Recommendations in this area
- *But in fact quite a high level of compliance*

# COVID-19

- Focus on prisons - early release?
- Some countries (including England and Wales) have not done nearly enough
- But also consider implications for probation
- Will the pandemic accelerate the move towards technologies – which often have unanticipated consequences and put human rights at risk?
- What will this mean for the *positive relationships* on which probation fundamentally depends?

# Future for Probation Rules

- New Recommendations in past ten years
  - Electronic Monitoring
  - Restorative Justice
  - Training
- Should there be e.g. Rules on Throughcare or Court Reports?
- Would it be better to ensure CSM Rules remain up to date?
- Might good practices be better in manuals?



# All future Rules should

- Draw systematically on the experience of implementation – working for example with organisations like CEP
- ... and not only managers' experience but also practitioners'
- Be active in seeking the views of service users