

Trinity College Dublin

Coláiste na Tríonóide, Baile Átha Cliath The University of Dublin

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Net-widening in probation: Is it all about the strings or the holes?

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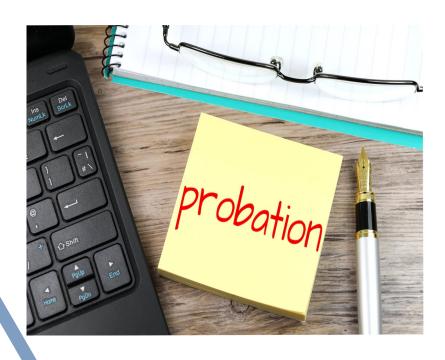
Casting the net wide and somewhat indiscriminately?



What net?
What goal?
What scale?
What cost/s?
'Environmental'
impact?



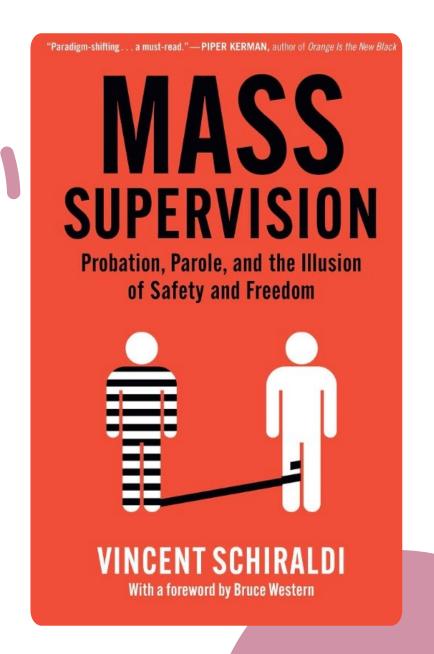
Some Trends in Numbers



- 1,349,220 on probation supervision in Europe, Jan. 2022 (and 981,575 in prison 138:100).
- Probation increase of 4.6% from 2021.
- Median probation population rate grew from 155 to 161 persons per 100,000 population.
- Increase of 5% or more in 26 jurisdictions; 13 stable and decrease of 5% or more in 5.
- Probation population higher than prison in 36 (of 41) jurisdictions.
- Highest rate of probationers to prison inmates was Belgium (591:100); lowest in Montenegro (11:100).
- Ireland on 1 April 2024: 6,339 (+1764) probation supervision : 4,889 inmates. (130 : 100).
- Progression towards mass incarceration and mass supervision?

So what?

- Vincent Schiraldi on mass supervision.
- USA 2 million in custody; 4 million under supervision in the community, 'at risk of being sent to prison at the whim of a probation or parole officer for the least imaginable infraction.'

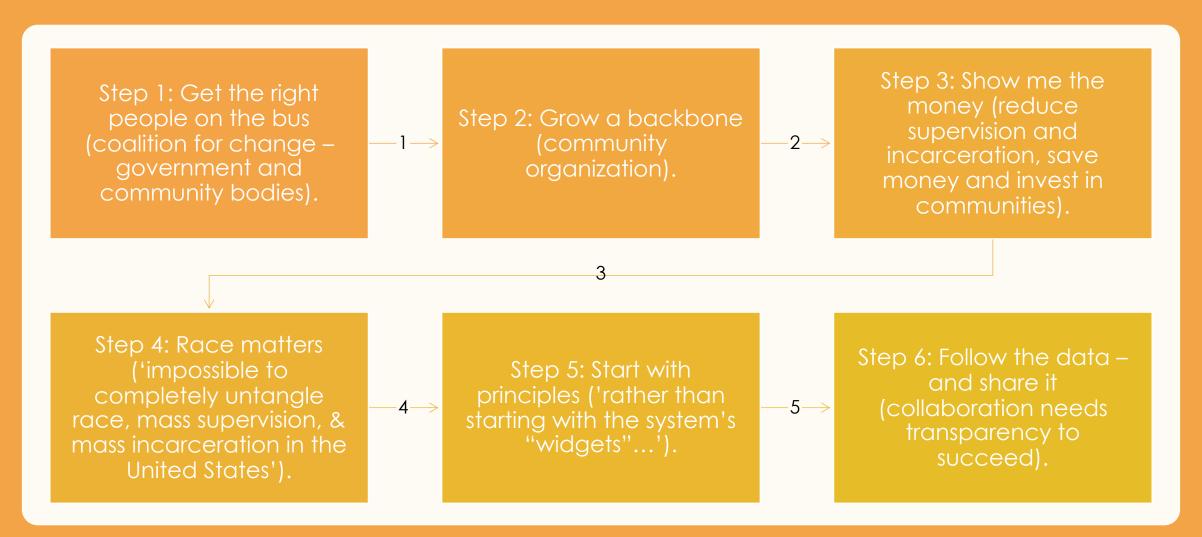


Straw man /person

- Argues for:
 - Incremental abolitionism.
 - "...a reasonable approach to returning the process of supporting those who have broken the law to their neighbors. After nearly two centuries of failed government-run community supervision, it is time to give the community a shot at it."



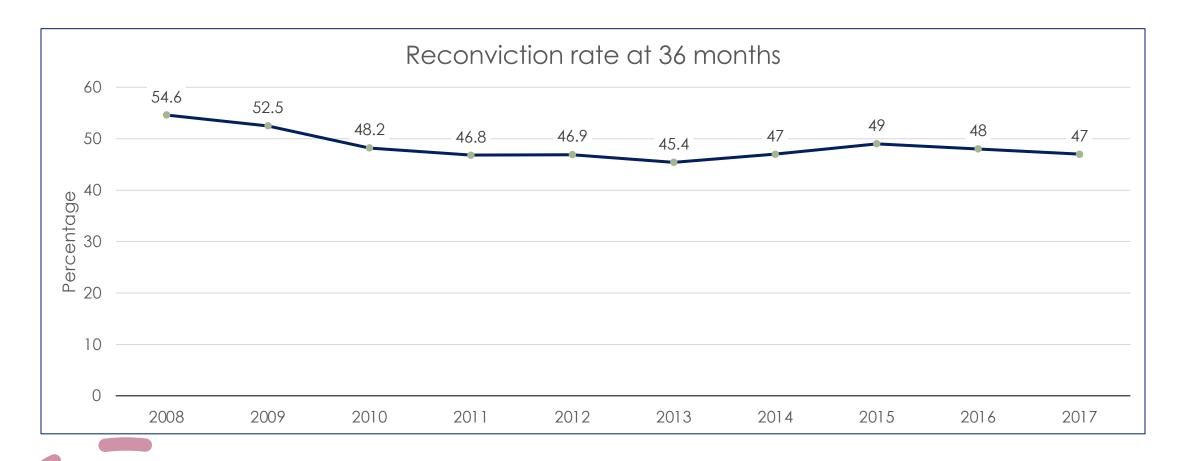
Schiraldi (2023) argues that "community supervision is largely ineffective" and for "key steps towards piloting the elimination of mass supervision..."



Case Study: What may we have gotten right in Ireland?

- Police discretion and diversion programmes.
- Probation of Offenders Act, 1907 advise, assist and befriend.
- Supervision during deferment of penalty.
- Lengthy 'assessments.'
- Use of dismissals (of court proceedings).
- Contributions to 'The Poor Box.'
- Separation of powers and executive management of sanctions.
- Community Return programme.
- Community Support programme.
- Fines legislation.
- Electronic Monitoring (EM).

Irish reoffending rates by first reoffence up to thirtysix months after probation supervision* imposed



^{*} Probation Orders, Community Service Orders and Post-Release Supervision Orders.

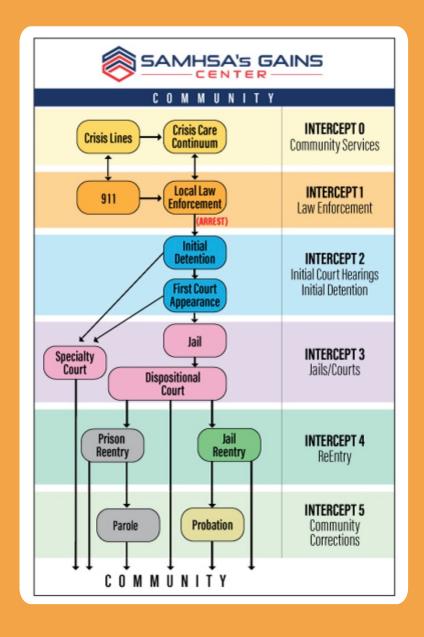
Issues / concerns to be considered

- Rising prison population: women, pre-trial, foreign nationals.
- Strategic goals and risk focus.
- Resource limitations stock and flow.
- Pressure for efficiencies in caseload management.
- Time limits of court-ordered, supervised community sanctions.
- Organisational and professional roles and responsibilities.
- Interagency issues.
- Perceptions of community sanctions.

For the future

- Consider / see the bigger picture.
 System as system.
- Probation Service as 'thought leaders' in criminal justice.
- Update but don't abandon the intentions of – Probation of Offenders Act, 1907.
- Pass the Community Sanctions Bill.
- Use Electronic Monitoring (EM) judiciously?
- Community development and capacity building as part of probation role.
- More diversion (and intervention?), including pre-trial.

Sequential Intercept Model



Mooney, S., et al (2024) The 'Sequential Intercept Model' – a trauma-informed diversionary framework, HMIP: Academic Insights 2024/01.

Intercept 0
Community services

Intercept 0 identifies early intervention points to intercept people with complex needs *before* they engage with the CJS. Both Intercept 0 and 1 focus on diverting people who are not considered a danger to the community away from criminal justice processing toward alternative service provision which can provide more appropriate treatment and support. Developing and resourcing a range of community-based services across the crisis care continuum is therefore considered essential to effective diversion at these early intercepts.

Intercept 1
Law enforcement
and emergency
services

This intercept is the initial point of contact between an individual and police officers or other emergency responders. Like intercept 0, the goal of diversion at intercept 1 is to reduce further contact with the CJS by implementing alternatives to arrest and connecting individuals with complex needs to an appropriate range of services. At intercepts 0 and 1, there exists the possibility of 'step down' to community services or 'step up' to some level of CJS involvement depending on the presenting concerns.

Intercept 2
Initial detention/
court hearing

Even with optimal mental health and social care services and effective pre-arrest diversion programmes in place, some individuals with complex needs will nevertheless be arrested. This intercept focuses on efforts to interrupt the standard prosecution process after the person has been arrested but before he/she proceeds to trial or enters a plea. It includes efforts to divert vulnerable individuals from formal prosecution pathways (for low level offences) as well as decision-making on initial release/detention and conditions of release pending trial for those arrested. The aim is to avoid pre-trial detention as well as reduce the likelihood of subsequent conviction and incarceration.

Intercept 3 Courts/Prison Intercept 3 occurs after the initial hearing, and involves jails/prisons, courts and forensic evaluations. At the court level, initiatives often take the form of alternative judicial procedures, such as problem-solving/treatment courts (e.g. drug or mental health courts). Speciality court diversion interventions are characterised by screening, assessment, and negotiation between court and staff to decide on diversionary alternatives. Once an individual has been incarcerated, the focus of Intercept 3 turns to the provision of prison-based health and social care. Common strategies involve screening and assessment of prisoner needs and linkages with in-house and community-based treatment and service options.

Intercept 4 Re-entry This intercept is focused on reintegration and rehabilitation, recognising that nearly everyone in prison will be released at some point. Re-entry is recognised as a critical transition which addresses *the continuity of care* between prison facilities and community service providers. The aim is to facilitate successful transition from an institutional setting to community-based treatment and services.

Intercept 5
Community
corrections and
supports

This final intercept focuses on justice-involved persons supervised in the community and involved with community corrections. Probation and parole interventions are designed to prevent deeper CJS involvement by supporting engagement with community services, thus reducing the risk of reoffending.

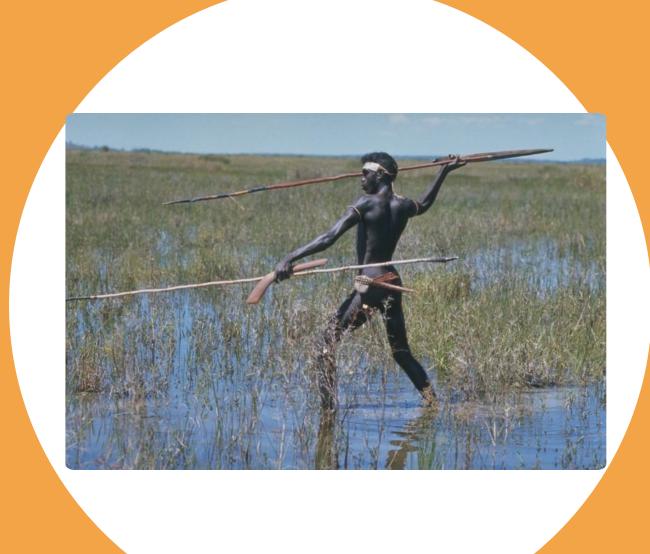
HMIP Paper (2024): Key Messages



More focused / individualized? How accurate and appropriate?



Maximum targeting and accuracy?



⁷. Geiran, CDPPS, 24-25 June 2024



Revisit Schiraldi (2023)

- Step 1: Get the right people on the bus (coalition for change government and community bodies).
- Step 2: Grow a backbone (community organization).
- Step 3: Show me the money (reduce supervision and incarceration, save money and invest in communities).
- Step 4: Race matters ('impossible to completely untangle race, mass supervision, and mass incarceration in the United States').
- Step 5: Start with principles ('rather than starting with the system's "widgets"...').
- Step 6: Follow the data and share it (collaboration needs transparency to succeed).

Do no harm. Leave things and people better off, if possible. Remove the 'hook' and 'stain' of contact.



End Thank you

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