

Experiencing Supervision

Ioan Durnescu & Christian Grafl

Liverpool Hope University
26-27 April 2013

Offender Supervision in Europe

COST Action IS1106

 **cost**
EUROPEAN COOPERATION
IN SCIENCE AND TECHNOLOGY

Country reports received

- Austria
- Belgium
- Croatia
- England and Wales
- France
- Germany
- Ireland
- Italy
- Latvia
- The Netherlands
- Romania
- Scotland
- Slovakia
- Switzerland

We still need accounts from:

- Catalonia
- Spain
- Greece
- Nordic states (Denmark, Sweden, Norway and Finland)
- Baltic states (Lithuania and Estonia)

The structure of the country report

- General introduction
- Offenders under supervision – Who are they?
- Experiencing supervision – the offender
- Experiencing supervision – third parties
- Victims engagement
- Public/judiciary/media/politicians view
- General conclusions

General introduction

Aims at setting up the scene for the supervision – the structure that deploys supervision, the dynamics in supervision etc.

Observations

- Supervision is now configured before imprisonment, instead of imprisonment, as an interlude for imprisonment (see the temporary release) and after imprisonment (and life long)
- Some countries are still governed by very old legislation (Ireland, 1907) or traditional type of legislation (‘advice, assist and befriend’ - rehabilitation), some others - new legislation that goes beyond the traditional rehabilitative supervision (public safety) – **multipurpose organizations**.
- Sanctions – the supervision devices – main categories - are quite limited in scope and shape: deferred sentences, suspended sentence, community order. But the content (conditions and obligations) has changed: some rehabilitative (treatment obligations), controlling & surveillance (curfew, EM) or reparative (mediation)

General intro

- A little more diversity for juvenile offenders – mentoring orders, training order/obligation etc. – but some are ‘re-branded versions of the existing sanctions and practices’ (Kilkelly, 2007) - **lack of penal imagination**
- State agencies or carrying state authority – women dominated services (e.g. 71% in E & W)
- Separate systems or separate approaches – adults/juveniles
- Number of supervised subjects – growing steadily sometimes alongside with the prison population. Probation overcrowding – new source: public protection arrangements

Offenders under supervision

- little knowledge about the entire “supervision population”, mostly data to specific types of probation (e.g. victim offender mediation, community orders)
- data comparison difficult because of different legal systems and ambiguous understanding of “probation” and “supervision”
- nonetheless a rough picture:
 - number of probationers exceeds number of prisoners
 - number of offenders under supervision was and is increasing
 - mostly young people, mostly males
 - percentage of foreigners less than in prison
 - type of offences depends on type of probation (e.g. victim offender mediation: mostly offences against the person; probation: mostly offences against property)

The offender's account – 'the silent voice'

- In general as a **positive and helpful** experience – a good opportunity to build up a new life and avoid prison.
- But supervision is also a diverse experience:
 - Supervision was described **as helpful** when the process focused on problem solving, when client welfare was considered important (employment, housing), when the PO was reasonable, open, flexible, trustworthy, provides encouragement and HAD A GOOD RELATIONSHIP with the user (especially women probationers).
 - Supervision was described as a **negative experience** when there was a lack of procedural fairness (see recall cases), the punitive bite was too painful ('pains of supervision' – too many appointments, too much self-discipline – EM,) or when PO failed to keep their promises.
 - **Mixed accounts** are coming from the community service which is perceived both as a constructive but also as a demanding sanction.
- Community service
 - Half educational and half "true punishment" (sometimes as a warning)
 - The perception depends on the relationship with the supervisor and the nature of work (if corresponds with the skills they have or like to develop, if interesting).

As McNeill (2009) defined it supervision as a 'helping, hurting and holding' experience.

Lived experiences of supervision

- It seems that supervision is perceived by users depending first on how PO construct his/her professional identity and work and his/her personal characteristics and only afterwards depending on the content of the sanction.
- A few studies looked at users as **a differentiated groups**: ethnic minorities clients, women etc. or as subjects to **different requirements**: drug rehabilitation requirement, community service, electronic monitoring
- Only one or two studies on offenders under voluntary sector's interventions
- It seems that those with short criminal careers tend to respond positively to probation and those persistent tend to need persistent interventions and therefore generate mixed reactions to supervision.
- The length of the supervision session seems to be important for the client satisfaction – between 30 min to 1 hour
- The dynamics of supervision are not known until the narratives of the supervised ones are better described. Knowing only what works, who works and in what circumstances does not provide the whole picture.

Third parties

- No studies on neighbours and other relatives
- Families and/or housemates
 - In most of the countries (8 out of 14) no studies at all
 - In some countries (e.g. Ireland, England and Wales) the importance of family for the supervision process was assessed from the offender's point of view
 - Pending study in Belgium
 - Actual results only in Austria and the Netherlands regarding electronic monitoring (but only small samples) :

Positive aspects (Austria)

- Relief to be able to still live with their partners
- Additional advantages of supervision (e.g. partners helping with household chores, the children etc.)
- Additional time together
- Deeper relationships

Negative aspects (Netherlands)

- Tension at home – especially in the beginning
- Convicts and roommates get the feeling of being stuck together
- Restrictions on housemates – convict is forced to stay in, thus housemates feel burdened to leave the house themselves or to invite friends into the house

Third parties (2)

- Employers
 - No studies in almost all countries (11 out of 14)
 - Actual results only in Austria (community service orders and electronic monitoring), Belgium (autonomous work penalty) and Ireland (in general)
 - Only 50 % of Irish employers willing to employ an ex-offender
 - Employers more willing to consider employing ex-offenders when appropriate supports are provided by criminal justice agencies
 - Scope for achieving greater cooperation between employers, ex-offenders and criminal justice agencies
 - In general positive experiences when employing offenders, but also additional burden
 - Participation = social contribution, social duty
- Conclusion: Lack of studies regarding third parties in almost all of the participating countries
 - Further research desirable: Only when the actual experience of all of those affected by supervision is studied, a complete appreciation of the existence of unintended side effects is possible

Victims account or engagement

- Some probation services offer services to victims (Ireland, E&W, Austria, Belgium, Romania and so on)
- Generally - satisfied if informed and not as punitive as assumed,
- They expect to be heard and recognized
- Some research on the 'victims of mediation' – generally satisfied (but is mediation supervision?)
- 2/3 of them are happy with the Victim-Offender Mediation and other forms of RJ
- Victim's view - severely under-researched area, studies look at victims as homogeneous groups, low number of subjects, selection biases etc.
- The main question – if they are satisfied with some services but what about other questions (e.g. how can victim be involved in the offender rehabilitation, how victim see the probation activity even when not directly involved etc.)

Public/judiciary/media/politicians

- **Public**

- Some studies on public's attitude in almost all participating countries (9 out of 14)
- However, almost none of them are representative (Samples too small, other limitations regarding methodology)
- Results
 - Ambivalence about alternative sanctions
 - Public support for community-based sanctions achieving constructive outcomes – but: uncertainty of ability to deliver these outcomes
 - Lack of knowledge about supervision in almost all countries
 - even within the criminal justice system (e.g. police officers in England and Wales)
- Need for sensitization and good information about offender supervision in all countries
- Need for representative studies aiming at explaining people's ambivalence

Public/judiciary/media/politicians (2)

- **Judiciary**

- Studies in half of the participating countries (7 out of 14)
 - On different members (judges, public prosecutors, prison directors etc.)
 - On different areas of supervision (community service, probation etc.)
 - Hardly any of them representative
 - Different legal/supervision systems
- No general conclusions

- **Results**

- Generally positive attitude
- But: only for a small, well-defined group of offenders (e.g. only for first-time offenders)

- **Judiciary's views play an important role**

- Need for representative research

Public/judiciary/media/politicians (3)

- **Media**

- Just one extensive study in Italy; pending study in Croatia
- Media focuses on failure of the system without addressing the positive aspects of supervision
 - e.g. new crimes committed by offenders in probation, escapes of someone in home detention
 - Serves to damage reputation
 - Difficulty to respond positively by probation service

- **Politicians**

- No studies on politicians' views
- Comparison difficult due to different supervision systems

Conclusions 1

- Community supervision is still well supported by all stakeholders.
- The experience of supervision is more and more important once the importance of subjectivity of life events is more and more acknowledged in the desistance literature

Conclusions 2

- Existing research is done based on **different research questions** and on national or regional bases - difficult to compare across Europe
- We have rather sophisticated national and international statistics concerning recorded crimes, convictions and prison population but we lack detailed information on probationers/supervision - maybe a Probation Eurobarometer could help?
- Methodology – mostly qualitative based on in depth interview or semi-structured interview
 - Rarely ethnographic design, survey type design, focus-group, observation
 - Self selected or opportunistic samples
 - Different research questions – difficult to compare results.
 - Small samples - <60 subjects – only descriptive statistics.

Conclusions 3

- Users are still 'passive voices' – even if research started to produce some conclusions they are not used in practice
- Most research on clients view in only few jurisdictions (E &W, BE, NL, Scotland) but increasing ...
- Due to the limited number and sensitive studies on the client views it can be concluded that supervision practice continues to be based on **myths and assumptions rather than on hard evidence.**

Conclusions 4

- There are **different groups of clients** that are not scrutinized for their perception: juveniles, foreign offenders, white color offenders (increased numbers) etc.
- There are **supervision forms that are not assessed** for their impact on perceptions: groupwork programs, attendance center, extended supervision etc.
- A few **research questions** seem essential for future research:
 - What is the impact of offender's perception on engagement, compliance and desistance?
 - How can offender supervision generate positive media and public perception and therefore political support?

Thank you !!

idurnescu@gmail.com / idurnescu@sas.unibuc.ro

christian.grafl@univie.ac.at