

# Offender Supervision in Europe

COST Action IS1106



## Experiencing Supervision

*Ioan Durnescu, University of Bucharest, Romania*  
*Christian Grafl, University of Vienna, Austria*

### Introduction: The silent voice of the offender

The briefing summarises the learning from the first year's activities in Working Group 1 of the COST Action on Offender Supervision in Europe (COST IS1106: [www.offendersupervision.eu](http://www.offendersupervision.eu)).

It is somehow surprising to note that after more than one hundred years of offender supervision the number of studies looking at the subjective experience of those receiving or affected by supervision is still quite limited. Searching in international databases or in the library catalogues produces very little satisfaction for someone looking for literature in this area.

Acknowledging this constraint, this briefing aims at consolidating the knowledge about how people experience different forms of supervision and how others are interacting with this process. In order to collect data in a systematic way, a format was agreed among the members of the Working Group on Experiencing Supervision.

### Process

Researchers were invited to submit reports based on an agreed format to reflect the studies conducted in their own countries. The structure was as follows:

1. Introduction (the supervision system in their country)
2. Offenders under supervision (a brief profile of the contemporary supervised population)
3. Experiencing supervision – the offenders' accounts (their perceptions of supervision)
4. Experiencing supervision – from the perspective of third parties (families, neighbours, employers), taking into account victim engagement with supervision as well as public attitudes, the views of politicians, the judiciary, the media and service providers
5. General conclusions

We were fortunate to receive accounts from 14 different jurisdictions: Austria, Belgium, Croatia, Denmark, England and Wales, France, Germany, Ireland, Italy, the Netherlands, Romania, Scotland, Slovenia and Switzerland<sup>1</sup>.

Regrettably, there are still geographical areas that are not represented in this picture. We would mention here the South European states like Greece and Spain or, in the North, the Baltic states like Lithuania, Estonia and Latvia. We have tried to compensate their absence in the country reports with a more in-depth search in the electronic databases. Unfortunately, this attempt was not very successful.

## **Offenders under supervision**

The process of penal expansionism can be noted when looking at the number of offenders under community supervision. In most Western European countries that are part of this survey the probation population has increased greatly in the last 20 years. In England and Wales for instance the use of community sentences by the courts increased by 28% between 1999 and 2009 (Ministry of Justice, 2010). After 2000 the number of probationers overtook the number of prisoners in a significant number of European countries. Drawing again of the British experience, in 2010 there were 243 000 individuals under supervision (Ministry of Justice, 2010) while ‘only’ 84 725 individuals were in prison<sup>2</sup>. The same movement can be noted in Austria where from 2008 the number of clients of probation service is larger than the number of prisoners. In 2011, in Austria there were 10 057 probationers and 8 836 prisoners.<sup>3</sup>

The socio-demographic profile of the typical offender under supervision in Europe is: mostly young, mostly male and socially disadvantaged. If this is a rather traditional picture of the ‘typical’ offender under supervision, there are some transformations we need to note in terms of offences and nationality. Before the 1960s most of those under community supervision were first time offenders convicted for property offences. In the post-industrial world, property offenders remain the majority of those under supervision but increasingly we can find other crimes that can trigger supervision such as: crimes against people, drug-related crimes, drink driving, white color crimes and so on.

If in the 1980s or 1990s foreign nationals were almost excluded by law from being eligible for a community penalty, after the 90’s this population has become more and more part of the mainstream probation population. In

---

<sup>1</sup> The contributors included: Christian Grafl and Christina Enengl (Austria), Delphine Vanhaelemesch (Belgium), Ines Sucic, Renata Glavak Tkalic, Ivana Vrselja, Anja Wertag (Croatia), Anette Stogaard – Denmark, Lawrence Burke and Wendy Fitzgibbon (England and Wales), Luisa Ravagnani (Italy), Deirdre Healy (Ireland), Pascal Decarpes (France), Vera Hoetjes and Janine Plaisier (Netherlands), Ioan Durnescu (Romania), Fergus McNeill (Scotland), Martin Lulei (Slovakia) and Jonas Weber and Jachen C. Nett (Switzerland).

<sup>2</sup> World Prison Brief, available at:

[http://www.prisonstudies.org/info/worldbrief/wpb\\_country.php?country=169](http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=169)

<sup>3</sup> Statistics available at NEUSTART website: [www.neustart.at](http://www.neustart.at)

Switzerland, which is one of the most popular destinations for immigrants in Europe, 21.2% of those on community service in 1996 were foreign nationals. In 2011 this percentage increased to 36.7%.

To conclude this section one could observe that penal expansionism is more and more visible as a phenomenon not only in terms of the penal apparatus but also in terms of its subjects. The offenders that feed in this machine are not only growing in number but are also coming from more diverse social strata and committing a wider variety of crimes than before.

### **Experiencing supervision: offenders' accounts**

From the scarce literature that was made available to us it can be observed that often offenders define the supervision experience as positive and helpful. Supervision was described as a good opportunity to build up new life and avoid prisons. More specifically, supervision was described as helpful when the process focused on problem solving or when the offender's welfare was considered important (especially in relation to employment and housing). Supervision was also considered positive when probation staff were reasonable, open, flexible, trustworthy and developed a good relationship with the offender. The last observation seems to be even more valid for the women offenders.

The 'pains of probation' were mostly described in connection with the lack of procedural fairness or when the punitive bite was too hard. This is the case especially for probationers under electronic monitoring. Mixed accounts are provided of community service or unpaid work. In this case, it appears that offenders perceive this sanction both as constructive but also as too demanding. Community service seems to be situated subjectively somewhere between educational and 'true punishment'.

If initially the studies dedicated to offenders' views approached this group as a homogenous one, in the 1980s, with the prominence of values of anti-oppression and anti-discrimination, differences began to be acknowledged. Studies started to look at how different sanctions were perceived by different groups of offenders (e.g. women, ethnic minorities, etc.). This step was an important one in emphasizing the idea that supervision experience is not unique for all the people subject to it but has a lot of factors that need to be taken into consideration. This nuanced attention to different personal, social or cultural factors should be maintained in future research.

As McNeill (2009)<sup>4</sup> defined it, offender supervision is a 'helping, hurting and holding' experience. It is helping when probation officers provide help and assistance for solving the myriad of practical and personal problems people face. It is hurting sometimes because of the abusive or oppressive nature of supervisory authority and sometimes because of its more legitimate or

---

<sup>4</sup> McNeill, F. (2009) '*Helping, Holding, Hurting: Recalling and reforming punishment*', the 6<sup>th</sup> annual Apex Lecture, at the Signet Library, Parliament Square, Edinburgh, 8<sup>th</sup> September 2009. Available online at: <https://pure.strath.ac.uk/portal/files/521675/strathprints026701.pdf>

intended 'pains'. It is holding given the surveillant nature of the sanction and constraints that it imposes.

### **Third parties**

Unfortunately, there is not a great deal of data to work with regarding the experiences of third parties affected by supervision. With respect to families, eight out of the 14 countries that submitted their country reports did not have any research at all about family members' perceptions of supervision. In some studies, e.g. in Ireland or England and Wales, the importance of family for the supervision process was assessed from the offender's point of view. In Belgium, a study on housemates' experiences with electronic monitoring is currently being conducted.

Actual results on family's perceptions of supervision can only be found in Austria and the Netherlands, however, one has to consider that only a small number of family members/housemates were interviewed for these studies. It is interesting to see that the Austrian report seems to focus on the positive aspects of electronic monitoring, while more negative aspects are listed in the report from the Netherlands. In Austria, offenders' partners were relieved to be able to still live with their partners, considering EM much less burdensome than imprisonment. By contrast, in the Netherlands, researchers found that electronic surveillance sometimes creates tension at home, especially in the beginning of an electronic monitoring period; offenders and roommates get the feeling of being stuck together.

In relation to employers, the amount of available data is even more disappointing. The majority of countries that submitted their country reports cannot offer any studies at all regarding employers' experiences of supervision. Actual results can only be found in Austria (regarding community service orders and electronic monitoring), in Belgium (regarding the autonomous work penalty) and in Ireland (regarding employer's attitudes towards working with offenders in general).

Austrian and Belgian studies focused more on employers' actual experiences when working with offenders. Most of the employers seem to have a positive attitude towards supervision and got along well with offenders. However, 34 % of interviews with employers in Belgium indicated that having an offender in their service means an additional burden. These studies also showed that a lot of employers consider their participation in such projects as social contribution or even consider it their social duty. However, all of these results were drawn from studies conducted during pilot projects, thus the number of interviewees was limited.

All in all, there is a lack of studies regarding third parties' views on supervision. As a complete appreciation of the existence of unintended side effects is only possible when the actual experience of all of those affected by supervision is studied further research on this field is desirable.

## **Victims' engagement with supervision**

Although some probation services provide direct services to victims, research into their experiences is limited. Questions like how victims understand and are affected by offender supervision remains to be asked. Most of the existing studies look at how victims perceive mediation or other services they receive directly from the criminal justice agencies. When they are informed or when they agreed to participate in victim-offender mediation programs they tend to be satisfied. One of their main needs, as resulted from a number of studies, is to be heard and recognized as victims.

However, the very limited number of studies that look at victims' views are based on small and opportunistic samples that cannot have more than exploratory aspirations. Most of these studies treat victims as if they are a uniform group without paying attention to issues like age, gender, ethnic origin and so on.

## **Public/Judiciary/Media/Politicians**

When talking about public attitudes towards supervision, we found that studies on this topic exist in almost all of the countries that submitted their country reports. However, the vast majority of these studies are not representative. In most cases the samples are too small, in others there have been other limitations regarding the methodology. Nonetheless, we can say that there is a general ambivalence about alternative sanctions. There seems to exist an openness and support for them in some countries, whereas public opinion is less positive in others. All in all, we are under the impression that there is significant public support for community-based sanctions where they can achieve constructive outcomes.

However, when talking about these results one has to consider another important result we gained from the different studies: There seems to be a lack of knowledge about supervision in almost all countries which is unfortunately not confined to those outside of the criminal justice system. A survey of police officers in England and Wales found that 87% did not think that their colleagues understood what community sanctions consist of and all agreed that it would be helpful to have more information. As a result of this lack of knowledge, the value of the studies of public's attitudes is severely restricted.

As a result, we believe that there is a need for sensitization and good information about offender supervision in all the participating countries. In addition, more representative studies on the public attitudes would be desirable as well. We would be in support of a research design that also might help dealing with people's ambivalence and can help deepen our understanding of how people's opinions are shaped.

In about half of the countries that have submitted their country reports there are studies on members of the judiciary's views – these studies focus on all different kinds of legal actors such as judges, magistrates, justice's clerks,

public prosecutors, prison directors and also all different forms of supervision including community service, probation, electronic monitoring, social reporting. But again, hardly any of these studies are representative and since the legal systems vary in most of the countries, it is impossible to draw general conclusions on members of the judiciary's views. We got the impression that members of the judiciary seem to have a positive attitude towards supervision but a lot of them seem to consider it as an exception to the rule and only apply alternative sanctions to a small, well-defined group of offenders, e.g. only first time offenders.

When talking about the media's views on and representations of supervision we only found one Italian study in the reports dealing with content analysis of different Italian newspapers. A similar study is currently being conducted in Croatia. In addition to the results of the Italian study some other countries shared their impression of media coverage on supervision in their country reports. All in all, it seems that in most of the countries the media focuses on the failure of the supervision system without addressing the positive aspects of supervision. For example, the media focuses on new crimes committed by offenders in probation, escapes of people in home detention etc., rather than presenting the potential advantages of these forms of supervision. This media coverage then serves to damage supervision's reputation.

Last, we found no studies regarding politicians' views on supervision. A few of the country reports offered general information about governments' roles and attitudes towards some alternative sanctions but, due to different legal and especially supervision systems, a comparison of the information is difficult.

## **Conclusions**

From the studies described above, it can be asserted that community supervision still enjoys considerable support from most stakeholders. Research into desistance from offending has re-launched interest in the subjective nature of change processes. This, in turn, raises important questions about how people perceive and engage with different supervision processes.

The methodologies employed in studies of experiencing supervision up to now are quite limited in their rigour and innovation. Most of the studies mentioned in this paper are based on semi-structured interviews and on small and non-probabilistic samples. It may be that more creative research strategies based on more than one method could produce more and maybe more insightful conclusions.

We end with a word of caution. Although the descriptions above are based on comparing studies conducted in different jurisdictions it should be noted that this comparison is sometimes quite artificial. First, most of these studies start with different questions and employ different and not always very reliable research methodologies. Secondly, the studies mentioned in this analysis are deeply socially situated in their context. The reader should bear in mind that subjective perceptions and lived experiences of supervision are strongly conditioned by values and attitudes towards what is right and wrong, by

perceptions of the legitimacy of the criminal justice system and so on. It is therefore difficult to compare the supervision experience in England and Wales with the one in France or Belgium, even where formally similar processes apply. Due to the differences in terms of feelings of safety and security, the right to private life, punitive attitudes and so on, it is quite likely that offenders in these countries will interpret and experience supervision in a distinct way even if theoretically this would be organized and delivered in same manner.

A more detailed account of the findings of this and the other Working Groups will be provided in our forthcoming book: **Offender Supervision in Europe**, edited by Fergus McNeill and Kristel Beyens, which is due to be published by Palgrave in December 2013.

For more information about the Action, check out our website:  
[www.offendersupervision.eu](http://www.offendersupervision.eu)

If you are interested in joining or working with the Working Group on Experiencing Supervision contact: [idurnescu@gmail.com](mailto:idurnescu@gmail.com) or [christian.grafl@univie.ac.at](mailto:christian.grafl@univie.ac.at)