



The Use of Supervised Community Sanctions as Alternatives to Custody

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Introduction

There are two key points that I want to make this evening, and everything I say will be linked to those two key points.

- The first one is that the issue of prison numbers is not just a prisons issue. So that's the first point I want to make: prison numbers not just a prison issue.
- And the second point that I want to speak to is, as was outlined in Judge Michael Reilly's piece in this morning's *Irish Times*, that a sea change in practice by the various agencies is required if we are to innovate in this whole area. And that is not just regarding community courts, which was the specific subject of Judge Reilly's piece, but more widely within the criminal justice system and specifically the area of community sanctions and alternatives to imprisonment.

So they are the two points I would like to address this evening.

Community Service

In doing this, I would like to give an example from current probation practice and specifically to focus on a new model for community service that we have been developing within The Probation Service. As most or all of you may be aware, community service is a sanction that is available to the courts as a direct alternative to imprisonment, where a court has decided that a custodial sentence is the appropriate one but decides to consider replacing that sanction with community service if the offender is found suitable.

The sanction is available for offenders over 16 years of age, who can be ordered to do between 40 and 240 hours of community service.

Reactions to Crime and Offenders

When we are a victim of crime, no matter how supposedly “low-level” or “minor” that crime may be, or when we know or meet a victim of crime and see or feel the impact of that crime on the victim, we are generally enraged by it and our gut reaction is understandable. We all want our “pound of flesh” but I think - equally as significantly, we want the bad behaviour, the offending - whatever it is, to stop. And it is worth bearing in mind that no matter how serious or otherwise the sanction we feel is appropriate, even where we feel somebody should be sent to prison for life, one of the things we want is for the offending to stop. Or equally, if the sanction is a much lower level sanction, ultimately one of the key goals that I think everybody has is that that person doesn’t reoffend. And we often hear the phrase “that’ll teach them,” or “he’ll know better in future when he has to pay the fine, serve the time in jail” or whatever.

Value for Money Review

When The Probation Service set about restructuring a few years ago, we targeted community service as one of the areas that we wanted to focus on, and develop, and build up. It had been in operation for over 20 years and at a deep down level within the Service we knew that it was underachieving, and the Department of Justice commissioned a review of community service. We facilitated a value for money review of the whole scheme of community service in Ireland, and that *Value for Money Report* was published last year. On the plus side, and I won’t go into the all the details, but just in a general sense, the *Value for Money Report* found that community service is consistent with the role and the goals of The Probation Service, and that it makes an important contribution as an effective community sanction. But on the negative side it found that community service was greatly underused and was operating at well below capacity and not achieving its full potential as an alternative sanction to imprisonment, and that there was a need for an urgent and comprehensive overhaul of the system.

New Model for Community Service

So, that *Value for Money Report* was published last year, and we immediately set about putting things to right. We reassigned dedicated resources to the whole area of community service and we have written a new model for community service which is effectively a new or revised handbook, a whole new manual for how we “do” community service in Ireland. This breaks community service down into a series of *phases* that go to make up an overall *process*. And we have tried to analyse and address each of those phases and the entire process. The phases of community service are:

1. the assessment phase,

2. the imposition of the order and the induction of the offender onto the community service itself,
3. the management of the work performance and, where necessary,
4. how we enforce the order.

The new model is using the *Value for Money* findings to open conversations with all the stakeholders in relation to community service, to develop a far-reaching and innovative system for community service that brings a new energy and practical solutions to whatever challenges there are. And believe me, there are plenty of challenges in undertaking this initiative.

The new model is currently being piloted, since the beginning of this year, in the Dublin area. The pilot will be reviewed in September and then, on the basis of the findings and how we can further improve the system, we will roll it out nationally.

Key Features of the New Model

Some of the key features of the new model of community service are that:

- we provide quicker assessment for courts,
- we are able to take on an increased number of orders and an increased number of people on community service,
- we provide regular feedback to all the stakeholders,
- we have a more efficient and quicker start-up, management and completion of community service orders, and a prompt and consistent response to non-compliance, and
- we deliver an efficient and effective community service and a real alternative to custody where offenders do valuable work and make real reparation in their communities.

The Story So Far

So what's been the story so far? Early indications are that the new model of community service has been welcomed by the courts, by our own staff, by local communities where it's been operating, by voluntary organisations we've been working with, and by offenders themselves. As of today we have almost 600 offenders on community service in Dublin alone. That is surely about the size of at least a good-sized prison by today's standards. There have been 390 new orders for community service made in Dublin this year and almost 150 people have completed community service in Dublin so far this year.

As I mentioned earlier on, we are trying to improve and *are* improving the efficiency of community service and we have been keeping statistics on the pilot in Dublin. Almost 8 out of 10 offenders in Dublin

now start their community service within 10 days, and almost 7 out of 10 complete their entire order within 6 months, a big improvement on what had been found by the *Value for Money Report*.

We have also introduced *same day assessments*. This is a whole new development for us. In the Criminal Courts of Justice complex in Dublin a judge can ask for a community service assessment this morning and by this afternoon we'll have completed the assessment and reported back to the court. So far, since February this year, we have completed 150 of these, and two-thirds of these have translated into community service orders imposed on the same day. Every month, at the enforcement end, we bring up to a dozen people back to court in the Dublin area. We are finding that now because those involved realise we mean business, they cooperate much more quickly and much more readily and fully.

On that topic, the new model has surfaced two truths as we have identified them:

1. First, that focus works. When we focused our energy and our resources on this initiative, it brought positive results.
2. The second thing we have identified is that behaviour changes for the better when we show that we mean business and we are consistent in "walking the talk."

The Future

Overall, I think the future for community service is promising. When fully operational, the new model will double our use of community service over the whole country. Last year we had around 1,600 people placed on community service nationally. And over the next year, we would hope to double that and add to that again in the following year.

It has also added to the value of community service as a supervised community sanction, as an asset to communities and as a credible alternative to imprisonment, as well as keeping offenders out of prison, which is one of the fundamental objectives of it all.

Are we happy with where we've got to, so far? I would have to say that there is an "on the one hand and on the other hand" answer to that question.

- Yes, insofar as we have identified and started to implement the "sea changes" that were identified for us by the *Value for Money Report*. And they are very significant and it does take a lot of positivity and energy to swing that ship around.
- And *no*, we're not happy insofar as we see what remains to be done and what we want to do, and need to do, over the coming months.

We want to be able to do quicker assessments for the courts. We want to be able to do more. We want to streamline the processes that we have, even more fully. We want more variety and better work programmes. We have made significant progress in that regard. We have had very good success in the community and voluntary sector with engaging a wide number of bodies now, placing people on really

meaningful work programmes in the community, as evidenced by our graffiti-removal programme, which we have been operating throughout Dublin and recently extended to the Cork area as well.

A Good News Story

Community service, I think, is a good news story for the courts, for the criminal justice system more widely and for the community, for victims, offenders and the community and voluntary sector organisations. I feel very strongly that it will be an even better news story in the months ahead. It should, can, and will be a bigger part of what we do in the Probation Service.

Other Probation Work

I want to say a little bit about the other things we do, because community service is just one element of the work we do in the Probation Service. Probation is fundamentally about giving people who have offended a chance to change for the better, and probation supervision of various types is the other side of what we do.

We assess and supervise offenders in the community; and on any day we have up to 8,500 offenders on supervision or being assessed in the community and we supervise those in partnership with a whole range of organisations. And we also work on any one day with up to 1,800 of the people who are serving time in prison. Of the 8,500 people we are supervising and assessing in the community today, between 800 and 900 of those are juveniles. And again in the context of the discussions today, I want to highlight that we are supervising an increasing number of people in the community who are on supervision as part of a custodial sentence. We have almost 70 people who were serving life sentences, 150 sex offenders on post-release supervision orders, and last year there were over 500 sentences imposed by the courts nationally that involved a period of imprisonment followed by a part-suspended sentence - a period of probation supervision in the community - this is a growing area of work for us.

Conclusion

Coming towards a conclusion, I would emphasise that probation supervision and community service are not soft options for minor offenders, as they have been seen in the past. Probation supervision and community service are the *right* options for medium to higher risk offenders, if reparation and rehabilitation are parts of the goal in sanctioning those offenders. We know quite a bit now about what works regarding offender rehabilitation. And prison *is* necessary in a proportion of cases, but it has to be a last resort as far as sanctions are concerned. Rehabilitation can also be, and *is* undertaken, within prisons, but ultimately prisoners return to the community and the eventual conclusion of their rehabilitation has to be undertaken in those communities.

I started by saying that prison numbers are not just a prison problem and that sea changes among all of our respective agencies are required. In conclusion, I would reiterate that The Probation Service initiative regarding community service is undertaken not just as a good thing to do in itself, but as part of a bigger system, as part of a wider response. The sea changes needed for innovation are sometimes simple, but they can take a lot of drive and commitment from many players. And finally, we in The Probation Service are 'up for it' - to play our part of that growing response to the wider issue of how we rehabilitate and change the behaviour of offenders – and address the growing prison numbers with realistic alternatives.

Thank you very much.