



## **IPRT Submission to inform the role and priorities of the Probation Service's *Strategic Plan 2018-2020***

**16th February 2018**

### **About IPRT**

Established in 1994, the Irish Penal Reform Trust (IPRT) is Ireland's leading non-governmental organisation campaigning for rights in the penal system and the progressive reform of Irish penal policy. Our vision is one of respect for human rights in the penal system, with prison as a sanction of last resort. We are committed to respecting the rights of everyone in the penal system and to reducing imprisonment. We are working towards progressive reform of the penal system based on evidence-led policies and on a commitment to combating social injustice.

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## Introduction

IPRT welcomes the opportunity to provide its views on the role and priorities of the Probation Service as part of the development of its *Strategic Plan 2018-2020*.

One of the core objectives of IPRT's advocacy work is to ensure that prison is used as a sanction of last resort. Even short periods of imprisonment can have long-term, damaging effects, including disruption to family life, loss of employment and access to services, and an increased risk of institutionalisation as a result of the prison environment. Within this context, IPRT believes the promotion, and effective delivery of alternatives to custody, extended nationwide, should remain a key priority for the Probation Service in the period of 2018-2020. The Probation Service plays a vital role in reducing the prison population and providing individuals with opportunities to contribute to society in a meaningful way.

Last year, IPRT engaged in a number of significant international human rights fora. These included Ireland's examination by the UN Committee on the Elimination of Discrimination against Women (CEDAW, February 2017) and the UN Committee against Torture (UNCAT, July 2017). A key *Concluding Observation* made by UNCAT to the Irish State was:

*"Consider increasing the use of non-custodial measures and alternatives to detention, in keeping with the United Nations Standard Minimum Rules for the Treatment of Prisoners (The Tokyo Rules)."*<sup>1</sup>

The *UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women*<sup>2</sup> (the *Bangkok Rules*) are also important to consider here, with IPRT recommending the need for the State to increase gender-specific alternatives to custody in its submission<sup>3</sup> to CEDAW.

In preparing for this submission, IPRT has reviewed previous Probation Service Strategic Plans in particular, the most recent *Probation Strategic Plan 2015-2017*.

IPRT believes the mission of the Probation Service should retain a strong focus on rehabilitation, while placing increased emphasis on the valuable role the Probation Service can play in the reintegration process. For example, in focus groups with offenders as part of the work of the *Strategic Review of Penal Policy*, positive feedback on Probation Officers referrals links with appropriate services were identified.<sup>4</sup> Successful long-term reintegration is vital if the State is committed to reducing re-offending and transforming lives.

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<sup>1</sup> Committee against Torture (2017) *Concluding Observations, CAT/C/IRL/CO/2*  
<http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/IEIndex.aspx>

<sup>2</sup> *UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women*  
[https://www.unodc.org/documents/justice-and-prison-reform/Bangkok\\_Rules\\_ENG\\_22032015.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf)

<sup>3</sup> IPRT (2017) *Submission in Advance of the Examination of Ireland's combined sixth and seventh periodic reports under CEDAW* <http://www.iprt.ie/contents/3065>

<sup>4</sup> *Strategic Review of Penal Policy (2014) Final Report*, p.118,  
<http://www.justice.ie/en/JELR/Pages/PB14000244>

IPRT believes that the following should be the key priorities for the Probation Service *Strategic Plan 2018-2020*:

1. Promote, increase and extend the delivery of effective, direct alternatives to custody
2. Increase focus towards prioritising reintegration in its work
3. Deepen understanding about the work of the Probation Service with key stakeholders
4. Continue and increase the monitoring, evaluation and publication of relevant data and research to support evidence-informed policies
5. Focus on alternative options for offenders with substance misuse issues
6. Adopt and tailor programmes to specific cohorts (e.g. women, young people) with a view to rolling these out at a national level
7. Enhance governance and accountability structures within the Probation Service
8. Further strengthen relationships with other criminal justice bodies and external bodies (including housing, education and employment) and build inter-agency co-operation and capacity.

## **Context**

In recent years, considerable improvements have been evident within the Probation Service in Ireland. One key development has been the joint inter-agency working between the Probation Service and the Prison Service, with the development of an innovative pre-release structured programme, *Community Return*, which IPRT strongly welcomed. IPRT is aware of the success of this programme in terms of (a.) reducing the prison population and, (b.) releasing individuals from prison in a structured manner. Compliance rates for this programme have been recorded above 90%.<sup>5</sup>

In its *Concluding Observations*, the UN Committee against Torture (CAT) welcomed the Community Return Programme as a 'positive aspect' in its report<sup>6</sup> The Committee also commended the State on the enactment of the *Criminal Justice (Community Service) Amendment Act 2011*<sup>7</sup> which provides that community service would be used as a direct alternative to imprisonment for sentences of less than 12 months. In addition, the Committee welcomed the *Fines (Payment and Recovery) Act 2014*<sup>8</sup> describing this piece of legislation as significant in reducing the female prison population.

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<sup>5</sup> The Irish Prison Service and the Probation Service (2014) *Community Return: A Unique Opportunity: A Descriptive Evaluation of the first twenty-six months (2011-2013)*  
[http://www.pprobation.ie/EN/PB/0/B91750D1528ECFA780258195003C33A1/\\$File/Community%20Return%20Study%20Report%20\(November%202014\).pdf](http://www.pprobation.ie/EN/PB/0/B91750D1528ECFA780258195003C33A1/$File/Community%20Return%20Study%20Report%20(November%202014).pdf)

<sup>6</sup> Committee against Torture (2017) *Concluding Observations*, CAT/C/IRL/CO/2  
<http://www.ohchr.org/EN/Countries/ENACARegion/Pages/IEIndex.aspx>

<sup>7</sup> Irish Statute Book, *Criminal Justice (Community Service) (Amendment) Act 2011*,  
<http://www.irishstatutebook.ie/eli/2011/act/24/enacted/en/html>

<sup>8</sup> Irish Statute Book, *Fines (Payment and Recovery) Act 2014*,  
<http://www.irishstatutebook.ie/eli/2014/act/7/enacted/en/html>

In IPRT's recent discussion paper<sup>9</sup> on community service orders in Ireland, we highlighted the need for investment in:

- (a.) Early intervention, prevention and diversion strategies
- (b.) Community based sanctions and non-custodial alternatives
- (c.) Rehabilitation and post-release supports

According to Penal Reform International, there are four ways that probation systems can contribute to 'effective justice'<sup>10</sup>:

**(1.) Reduce the prison population**

**(2.) Provide more constructive punishment than prison**

**(3.) Offer individuals an opportunity to make a positive contribution to society**

**(4.) Provide opportunities for rehabilitation**

IPRT believes that the Probation Service should consider and reflect upon these four functions when reviewing its role and priorities for its future strategic plan.

**1. Promote, increase and extend the delivery of effective, direct alternatives to custody**

Ireland's daily imprisonment rate has experienced a welcome decline in recent years and currently stands at 78 per 100,000 per population.<sup>11</sup> Comparatively, many Nordic countries continue to have much lower daily imprisonment rates at 57 per 100,000.<sup>12</sup> Sweden's population at 9.9 million<sup>13</sup> is larger than that of Ireland of 4.2 million.<sup>14</sup> IPRT believes that as a small, wealthy nation, Ireland should be aspiring towards a similar rate.<sup>15</sup>

In contrast, compared to European average, the number of persons under the supervision of the Probation Service in Ireland is disproportionately low. For example, on the 31<sup>st</sup> December 2013, the numbers of persons in Ireland under the supervision of the Probation Service was 143.4 per 100,000, compared to a European average above 209 per 100,000.<sup>16</sup>

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<sup>9</sup> IPRT (2017) *Community Service Orders in Ireland: A Qualitative Exploration of one alternative to short-term imprisonment*, <http://www.iprt.ie/contents/3201>

<sup>10</sup> Penal Reform International (2016) *On Probation: Models of Good Practice for Alternatives to prison*, pp.9-10 <https://www.penalreform.org/wp-content/uploads/2016/12/Probation-model-report-final-2016.pdf>

<sup>11</sup> World Prison Brief (2017) *Ireland*, <http://www.prisonstudies.org/country/ireland-republic>

<sup>12</sup> World Prison Brief (2017) *Finland* <http://www.prisonstudies.org/country/finland> and *Sweden* <http://www.prisonstudies.org/country/sweden>.

<sup>13</sup> <http://www.worldometers.info/world-population/sweden-population/>

<sup>14</sup> <http://www.worldometers.info/world-population/ireland-population/>

<sup>15</sup> See IPRT (2017) *Progress in the Penal System: A Framework for Penal Reform*, <http://www.iprt.ie/contents/3208>

<sup>16</sup> O'Hara, K. and M. Rogan (2015) Examining the Use of Community Service Orders as Alternatives to Short Prison Sentences in Ireland, *Irish Probation Journal*, Volume 12, p.23 <https://arrow.dit.ie/cgi/viewcontent.cgi?article=1069&context=aaschsslarts>.

The number of persons sanctioned to serve any community sanction or measure under the supervision of the Probation Service in Ireland during 2013 was 136.2 per 100,000 population, much lower than the European average of 254.6 per 100,000.<sup>17</sup> In 2015, the total number of persons under the supervision or care of Probation per 100,000 was 131.8.<sup>18</sup> These figures continue to show Ireland's over-reliance on imprisonment as a sanction:

*"These aggregate statistics demonstrate Ireland's use of imprisonment as its default approach to punishment, when compared to community based sanctions."<sup>19</sup>*

IPRT acknowledges the positive developments that have occurred in the promotion of direct alternatives to custody including the enactment of legislation, the *Criminal Justice (Community Service) (Amendment) Act 2011*. However from the figures demonstrated above, we believe more work is required to ensure that imprisonment is used as a sanction of last resort.

IPRT welcomes the continued success of the community return programme with 270 persons completing the programme in 2016.<sup>20</sup> This is one concrete example where the Probation Service could have an even greater impact in reducing the prison population.

### *Community Sanctions*

IPRT has previously highlighted the importance of community sanctions as a response to crime in our position paper.<sup>21</sup> More recently, in 2017, IPRT published a discussion paper<sup>22</sup> that again highlights the benefits of community service orders for individuals, families and society.

The report highlighted key issues based on findings from doctoral research<sup>23</sup> that examined the outcomes for a person placed on a community service order versus those placed on a period of short-term imprisonment.

Through qualitative interviews with offenders on community service orders, the research highlighted the benefits of community sanctions. Individuals felt a sense of purpose by participating in community service, making a contribution to society. Individual's developed soft skills such as self-esteem and motivation while completing a community service order.

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<sup>17</sup> Aebi and Chopin cited in O'Hara, K. and M. Rogan (2015) Examining the Use of Community Service Orders as Alternatives to Short Prison Sentences in Ireland, *Irish Probation Journal*, Volume 12, p.23.

<sup>18</sup> Council of Europe, *Annual Penal Statistics Space II, Survey 2015 Persons Serving Non-Custodial Sanctions and Measures in 2015*, p.22 available at [http://wp.unil.ch/space/files/2017/03/SPACE-II\\_report\\_2015-Final-Report\\_160313.pdf](http://wp.unil.ch/space/files/2017/03/SPACE-II_report_2015-Final-Report_160313.pdf)

<sup>19</sup> O'Hara, K. and M. Rogan (2015) Examining the Use of Community Service Orders as Alternatives to Short Prison Sentences in Ireland, *Irish Probation Journal*, Volume 12, p.23  
<https://arrow.dit.ie/cgi/viewcontent.cgi?article=1069&context=aaschsslarts>.

<sup>20</sup> The Probation Service (2017) *Annual Report 2016*, p.4  
<http://www.probation.ie/EN/PB/0/E2CB568BA6CBC8F68025811E0032F923/%24File/FINAL%20-%20Probation%20Service%20Annual%20Report%202016.pdf>.

<sup>21</sup> IPRT Position Paper 8 (2010) *Community Sanctions*, <http://www.iprt.ie/contents/1555>

<sup>22</sup> IPRT Discussion Paper (2017) *Community Service in Ireland: A Qualitative exploration of one alternative to short-term imprisonment* <http://www.iprt.ie/contents/3201>

<sup>23</sup> O'Hara, K. (2016) *Examining the comparative use, experience and outcomes of community service orders as alternatives to short prison sentences in Ireland*, Dublin Institute of Technology.

One significant finding from this study demonstrated that the community service order is only operating as an alternative to imprisonment *in some cases*. The research demonstrated that a large proportion of offenders on a community service order were first time offenders. Interviews with participants for this doctoral research identified that community service orders were not used to replace short-term periods of imprisonment, but were only used for those the participants described as ‘redeemable.’

O’Hara’s (2016) study indicated that community service orders may be imposed on offenders convicted of low level drug offences who may not have otherwise received a custodial sentence, highlighting the importance of monitoring ‘*any such initiatives so as not to expand the net of punishment.*’ (O’Hara, 2016: 331).

O’Hara (2016: 334-335) also identified the need for an audit to be undertaken to provide an understanding of how community service is currently operating. This should include monitoring and publicising the average time taken to complete cases in each court jurisdiction to **enhance the credibility** of the sanction. Given, the large variation in sentencing practice across district court jurisdictions, these recommendations should be taken on board in light of the Probation Service Strategy going forward.

#### *Government Policy*

Increasing the use of alternatives to custody is a policy recommendation that dates as far back as the ‘Whitaker Report’ (1985).<sup>24</sup> This principle is as relevant today, where last year the United Nations Economic and Social Council (ECOSOC) published a resolution: *Promoting and encouraging the implementation of alternatives to imprisonment as part of a comprehensive crime prevention and criminal justice policies (2017)*.<sup>25</sup> The Resolution highlighted the importance of considering the proportionality of sanction to the offence committed.

The *Strategic Review of Penal Policy*<sup>26</sup> (2014) also recommended developing and increasing the use of community sanctions especially those that address the root causes of offending behaviour. As highlighted by the Group:

*“There must be appropriate non-custodial sanctions available to sentencing judges. These sanctions must be seen to be effective, credible and command public confidence in managing both those who pose a general risk of re-offending and those who presenting a real risk of harm and danger to the public.”* (p.44)

Therefore, the Probation Service should consider prioritising the collation of evidence to support the benefits of community based sanctions. This evidence should be used to inform and communicate with key stakeholders. For example, by disseminating and providing the judiciary with evidence of the benefits of community based sanctions, it may result in a greater deployment of these sanctions. This point is interlinked with the need for external monitoring and evaluation all non-custodial sanctions further outlined in this submission.

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<sup>24</sup>The Report of the Committee of Inquiry into the Penal System (1985) Government of Ireland, Dublin.

<sup>25</sup> See the United Nations Economic and Social Council Resolution at [https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ\\_Sessions/CCPCJ\\_26/CCCPJ\\_Res\\_Dec/ECOSOC\\_Draft\\_Res\\_Dec/ECOSOC\\_Draft\\_Res\\_II\\_-\\_2017.pdf](https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_26/CCCPJ_Res_Dec/ECOSOC_Draft_Res_Dec/ECOSOC_Draft_Res_II_-_2017.pdf).

<sup>26</sup> Strategic Review of Penal Policy (2014) *Final Report*, <http://www.justice.ie/en/JELR/Pages/PB14000244>

The Probation Service may also wish to consider the importance of professional staff relationships with offenders in the successful completion of community sanctions. For example the *Strategic Review of Penal Policy* previously noted that offenders experience of probation were ‘negative’, complaining that the Service was ‘overly focused on monitoring and supervision.’<sup>27</sup> Continuous professional development and staff training is important in this respect and should include anti-racism, equality and cultural competency training.

A number of steps in relation to progression of programmes such as *Community Return* have yet to be implemented as outlined in the Strategic Review Group’s *fourth report*<sup>28</sup> of the *Implementation Oversight Group to the Minister for Justice and Equality* (November, 2017) where it called for the Probation Service and the Prison Service to review the eligibility criteria for this programme, as well as extending sites around the country for these programmes to be rolled out.

When reviewing the roles and priorities of its strategic plan, the Probation Service should consider:

- **The Concluding Observation made by UN CAT (2017) and recommendations by the Strategic Review of Penal Policy and focus on increasing the use of alternatives to custody nationwide.**
- **Consideration should be given to the findings of a recent four-year PhD research study on Community Service Orders in Ireland. Auditing the effective use of community service orders is essential and linked to point 4 made in this submission-(monitoring and evaluating all Probation Service programmes).**
- **The Probation Service should prioritise and fulfil the recommendations made in the Fourth Report of the Implementation Oversight Group of the Strategic Review of Penal Policy including considering eligibility criteria for the Community Return Programme and its availability nationwide.**
- **Based on the figures available and presented above, IPRT believes that imprisonment is still not being used as a sanction of last resort, with some research evidence of ‘net widening’. The Probation Service plays a critical role in addressing this and can work towards progressing this goal through a number of steps outlined in this submission including targeting and educating key stakeholders.**

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<sup>27</sup> Ibid, p.118

<sup>28</sup> *Fourth report of the Implementation Oversight Group to the Minister for Justice and Equality*, p.23, [http://www.justice.ie/en/JELR/4th Report of the Penal Policy Review Implementation Oversight Group to the Minister for Justice and Equality.pdf/Files/4th Report of the Penal Policy Review Implementation Oversight Group to the Minister for Justice and Equality.pdf](http://www.justice.ie/en/JELR/4th%20Report%20of%20the%20Penal%20Policy%20Review%20Implementation%20Oversight%20Group%20to%20the%20Minister%20for%20Justice%20and%20Equality.pdf/Files/4th%20Report%20of%20the%20Penal%20Policy%20Review%20Implementation%20Oversight%20Group%20to%20the%20Minister%20for%20Justice%20and%20Equality.pdf)

## 2. Increase focus towards prioritising reintegration in its work

*“One of the main individual obstacles to reintegration is self-motivation, which is known to be undermined by the custodial experience but restored by aspects of community and social life.”*<sup>29</sup>

Preparing to leave prison and integrate into society is a difficult transition. Ensuring prisoners are prepared prior to release (through effective and early sentence management) as well as ensuring that prisoners are linked in with the relevant services (housing, employment, education, addiction services) upon release is vital to facilitating successful reintegration. In the final report of the *Strategic Review of Penal Policy*, prisoners reported positively of the Probation Service in terms of acting as a point of referral to relevant services.<sup>30</sup> Access to education, training and employment courses prior to and upon release are essential in supporting effective reintegration.

Some cohorts face particular challenges; for example, in 2014 research findings suggest that female offenders were 4.6 times more likely to experience difficulties with accommodation compared to males.<sup>31</sup>

2017 figures<sup>32</sup> from the UK found that 38% of women in prison did not have accommodation arranged for release, while another UK report<sup>33</sup> highlighted the poor reality of post-prison housing for women. Therefore, further consideration might be given to the particular supports required and available to this cohort upon release.

In 2017, IPRT published a new report<sup>34</sup> *‘Progress in the Penal System’* which set out 35 standards. Two standards focused on pre-release preparation and inter-agency co-operation upon release from prison. The Probation Service has a pivotal role in preparing and supporting an offender for release, as well as linking individuals in with relevant agencies beyond the criminal justice remit (for example, housing, health, social welfare, as well as links to community-based organisations) to ensure the successful reintegration and resocialisation of the individual.

We welcome that the Probation Service in partnership with other relevant agencies including the Department of Housing, the Local Government Management Agency, the County and City Managers Association, the Department of Social Protection and the Irish Prison Service has implemented a joint protocol for people being released from custody with the aim of reducing the risk of homelessness for people leaving custody.<sup>35</sup>

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<sup>29</sup> Burnett & Maruna 2004, Farrell and Calverly 2005 cited in Mc Alinden (2016) *The Reintegration of Sexual Offenders*, *Irish Probation Journal*, Volume 13, p.10.

<sup>30</sup> Strategic Review of Penal Policy, *Final Report*, p.118

<http://www.justice.ie/en/JELR/Strategic%20Review%20of%20Penal%20Policy.pdf/Files/Strategic%20Review%20of%20Penal%20Policy.pdf>

<sup>31</sup> Kelly, J. & J. Brogue (2014) *Gender Differences in Criminogenic Needs among Irish Offenders*, *Irish Probation Journal*, p.97.

<sup>32</sup> *Women in Prison (2017) Key Facts*, <http://www.womeninprison.org.uk/research/key-facts.php>

<sup>33</sup> *Women in Prison and Prison Reform Trust’s (2016), Home truths: housing for women in the criminal justice system* <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Home%20Truths.pdf>

<sup>34</sup> IPRT (2017) *Progress in the Penal System: A Framework for Penal Reform*, <http://www.iprt.ie/contents/3208>

<sup>35</sup> The Probation Service, *Annual Report 2016*, p. 40

<http://www.probation.ie/EN/PB/0/E2CB568BA6CBC8F68025811E0032F923/%24File/FINAL%20-%20Probation%20Service%20Annual%20Report%202016.pdf>.



Lack of supports upon release increases the risk of re-offending. Increased emphasis in the Probation Service's strategic plan should be placed on meaningful and successful reintegration of individuals into society. For example, working with families of offenders is a key factor in promoting desistance and rehabilitation. In a recent report by Lord Farmer in the UK, he stated that "*there is an unacceptable inconsistency for the role families can play in boosting rehabilitation and assisting in resettlement across the prison estate.*"<sup>36</sup> This might be one aspect the Probation Service might consider to examine in its new plan, increasing its role in supporting and working with families in order to achieve successful reintegration.

The Probation Service in conjunction with the Irish Prison Service may consider developing some benchmarks to assess performance in reintegration under a few thematic areas for example, employment attainment and stability, housing attainment and stability, education, substance abuse and health.<sup>37</sup>

- **IPRT believes that the Probation Service should further consider its role in the reintegration process in (a.) sentence management and pre-release planning (particularly for those serving long sentences) and (b.) co-ordination of supports post-release.**
- **IPRT believes that post-release supports are crucial in order to ensure successful long-term reintegration. The Probation Service is a vital link for prisoners to access new opportunities in education and employment, as well as relevant appropriate access to services the individual requires in the community.**
- **The role and priorities of the Probation Service in terms of reintegration should be clearly set out in any new policy. Performance measures should be established and assessed on reintegration in conjunction with other relevant agencies such as the Irish Prison Service in key areas such as employment attainment, educational attainment, housing attainment, health and substance abuse.**

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<sup>36</sup> Ministry of Justice (2017) *The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime* by Lord Farmer available at <http://www.iprt.ie/contents/3189>

<sup>37</sup> *Performance Measurement Beyond Recidivism: A Quick Guide to Reintegration Measures* available at <https://www.urban.org/sites/default/files/reintegration-measures-guide-final-for-website-april2014.pdf>

### 3. Deepen understanding about the work of the Probation Service with key stakeholders

*“Increasing public understanding and confidence in the work of probation services have been recognised as an explicit goal in many countries in recent years. Indeed the Council of Europe’s Probation Rules include as a key principle that the ‘competent authorities and the probation agencies shall inform the media and the general public about the work of probation agencies in order to encourage a better understanding of their role and value in society.’”<sup>38</sup>*

Penal Reform International<sup>39</sup> identify a number of approaches in terms of winning public support for probation including:

- (a.) Training and updates to courts and other criminal justice stakeholders about probation with feedback to courts about completion rates of sanctions
- (b.) Keeping the public informed about how probation is used, what it entails and the positive outcomes it achieves
- (c.) Providing the public with opportunities to become involved in the work of Probation in various ways, whether as volunteers or in suggesting unpaid work projects
- (d.) Publicising success stories which show how offenders have turned their lives around while on Probation
- (e.) Gaining support from ‘champions’ or local leaders

Raising awareness of the work of the Probation Service is an important objective to inform and build public support on the role and value of the Probation Service. The more that is known about the effectiveness and quality of probation services, the more such services will be used. Building confidence among relevant stakeholders is crucial in this respect.

IPRT welcomes the work currently being carried out by the Probation Service including the development of recent communication materials about the work of the Probation Service on its website and *YouTube* channel with a video<sup>40</sup> providing an overview of the work of the Probation Service. This video is one good example that should be disseminated widely to key target groups including: the judiciary, legislators and politicians to provide a greater understanding on how probation works.

#### *(a.) Judiciary*

IPRT believes that greater communication and information sharing between the Probation Service and the judiciary is an important aspect in the promotion of alternatives to custody:

*“Information sharing and consultation with the judiciary is of paramount importance if non-custodial alternatives are to be utilised to their fullest potential.”<sup>41</sup>*

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<sup>38</sup> Penal Reform International (2016) *On Probation: Models of Good Practice for Alternatives to Prison*, pp.29-30, <https://www.penalreform.org/wp-content/uploads/2016/12/Probation-model-report-final-2016.pdf>

<sup>39</sup> Penal Reform International (2016) *On Probation: Models of Good Practice for Alternatives to Prison*, p. 32 <https://www.penalreform.org/wp-content/uploads/2016/12/Probation-model-report-final-2016.pdf>

<sup>40</sup> Probation Service, *An Overview*, <https://www.youtube.com/watch?v=svYwUxD3Wfw>.

<sup>41</sup> O’Hara, K. (2016) *Examining the comparative use, experience and outcomes of community service orders as alternatives to short prison sentences in Ireland*, pp.333-334, Dublin Institute of Technology.

O'Hara (2016) further recommends that guidance on the number of community service hours that correspond to a month of alternative imprisonment should be provided and decided in consultation with the judiciary as operated in Finland to provide the sanction with greater credibility.

By working in conjunction with the judiciary, it helps support and build co-operation, as well as benefits the community.

IPRT welcomes the development of the Probation Service's communication strategy directed at the judiciary<sup>42</sup> a key cohort to target in terms of raising awareness and increasing the use of alternatives to custody.

*(b.) Legal Professionals*

The role of legal professionals cannot be under-estimated in terms of promoting the use of alternatives to custody:

*"Training for criminal justice professionals is recommended; the role solicitors, barristers, probation officers and others play in the court process is very significant.*

*Communicating how community service operates at a local level may entice more professionals to discuss its operation with their clients and suggest the use of CSOs as alternatives to short-term prison sentences."*<sup>43</sup>

The Probation Service may wish to include this area as a specific priority in their next Strategic Plan.

*(c.) Politicians, Media and the General Public*

IPRT believes that the Probation Service should widen and strengthen its communication work to provide a greater understanding of its work and its benefits to the whole community. IPRT believes that in order to achieve a greater understanding of how probation works, it might provide short briefings to politicians on key facts and figures of Probation, its benefits to the community and its impact on individuals (e.g. testimonials).

This type of information could also be communicated regularly to the media which in turn would educate the general public in terms of having a greater understanding of the role and impact of the Probation Service.

**-IPRT recommends that the Probation Service continue to work in collaboration, and develop links with the judiciary, including undertaking consultations with the judiciary in developing guidelines on the use of community service orders.**

**-The Probation Service should communicate directly with relevant audiences in order to increase awareness and understanding of the benefits of the work of the Probation Service. Target audiences should include: judiciary, criminal justice professionals and politicians, media and the general public.**

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<sup>42</sup> The Probation Service, *Annual Report*, 2016, p.34

<http://www.probation.ie/EN/PB/0/E2CB568BA6CBC8F68025811E0032F923/%24File/FINAL%20-%20Probation%20Service%20Annual%20Report%202016.pdf>

<sup>43</sup> O'Hara, K. (2016) *Examining the comparative use, experience and outcomes of community service orders as alternatives to short prison sentences in Ireland*, pp.333-334, Dublin Institute of Technology.

#### 4. Continue and increase the monitoring, evaluation and publication of relevant data and research to support evidence-informed policies

*“The building blocks of evidence-informed policy are data and research. Accurate up to date and comprehensive data is essential to the policy making process.”<sup>44</sup>*

Collating and publishing data is an essential part of the evaluation process which supports evidenced-based criminal justice policy in Ireland.

IPRT would like to acknowledge the work done in this area by the Probation Service over the past number of years including the development of the North-South Probation Journal<sup>45</sup> which has been published on a consistent, annual basis since 2004. IPRT also welcomes commissioned studies undertaken by the Probation Service including research reports such as: *Probation Service Individualising Justice: Pre-Sentence Reports in the Irish Criminal Justice System* (2017)<sup>46</sup> publication of the fourth recidivism study<sup>47</sup> as well as studies<sup>48</sup> carried out on substance misuse among adult offenders on probation.

However, IPRT believes the publication of research reports should occur on a more consistent, thematic basis. This could be achieved through the development of an annual planned research programme as part of the Probation Service’s new strategic plan. In this respect, we welcome the commitment made by the Probation Service previous in its 2015-2017 Strategic Plan to *‘generate a research programme, annually, to inform our practice, collaborating with our stakeholders as well as incorporating staff and academic expertise.’* We hope this action will be retained in its new strategic plan, with full publication of the annual research programme.

As highlighted in recent Irish criminological research:

*“Enhancements in policy, practice and research are required if reforms aimed at decreasing the use of imprisonment are to be successfully introduced, and community service considered an acceptable substitute to imprisonment.”<sup>49</sup>*

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<sup>44</sup> O’ Hara, K. (2016) *Examining the comparative use, experience, and outcomes of community service orders as alternatives to short prison sentences in Ireland*, p.332. Dublin Institute of Technology.

<sup>45</sup> Irish Probation Journal, <http://www.probation.ie/EN/PB/WebPages/WP16000126>

<sup>46</sup> Carr N., & N. Maguire (2017) *Individualising Justice: Pre-Sentence Reports in the Criminal Justice System* <http://www.probation.ie/EN/PB/WebPages/WP17000047>

<sup>47</sup> Central Statistics Office, *Probation Recidivism* [http://pdf.cso.ie/www/pdf/20161109092450\\_Probation\\_Recidivism\\_2010\\_Cohort\\_full.pdf](http://pdf.cso.ie/www/pdf/20161109092450_Probation_Recidivism_2010_Cohort_full.pdf)

<sup>48</sup> See for example, Horgan, J. (2013) *Drug and Alcohol Misuse among Young Offenders on Probation Supervision in Ireland* <http://www.drugs.ie/resourcesfiles/ResearchDocs/Ireland/2014/DrugandalcoholmisuseamongyoungoffendersOctober2013.pdf>

<sup>49</sup> O’ Hara, K. (2016) *Examining the comparative use, experience, and outcomes of community service orders as alternatives to short prison sentences in Ireland*, p. i. Dublin Institute of Technology.

The *Council of Europe (CoE) Probation Rules*<sup>50</sup> guidance is particularly relevant to consider in this respect which outlines:

- Probation Policy shall be as far as possible evidence-based (Rule 104)
- Revision of existing laws, policy and practice shall be based on sound scientific knowledge and research that meets internationally recognised standards (Rule 105)
- Statements of policy and practice of probation agencies shall be made available to other agencies, to service users and to the general public, both nationally and internationally, in order to promote confidence and improve probation standards and practices (Rule 106)

As highlighted by Penal Reform International (PRI) in its report<sup>51</sup> there are a number of key questions to consider about probation and community sanctions. This includes:

- a. The extent probation and community service orders are being imposed and reasons for low take up by the courts
- b. Whether probation is replacing prison sentences and if there is any net widening effect
- c. The extent offenders made subject to orders complete them and reasons behind non-compliance.
- d. Impact of probation on re-offending
- e. Attitudes of the public, victims of crime and criminal justice stakeholders towards probation.

Penal Reform International<sup>52</sup> made two key recommendations for Probation systems:

- (1.) Collect timely and relevant data about probation, ensuring records are securely maintained, with access defined and confidentiality respected, as well as ensuring that data is analysed where lessons can be learned.**
- (2.) Provide annual research programmes on particular aspects of probation which are of interest to the key stakeholders.**

One particular area that needs further attention is the collation of demographic statistics on ethnic minorities. Collation of data should include cross referencable data in relation to age, employment, health, sentencing, offences and uptake of the service. Information such as this should be disaggregated, analysed and made publicly available in a timely manner. The rationale and merits of ethnic data collection should be communicated. The collation of all data should be carried out in an anonymised manner.

- **Alongside the proposed research projects as recommended by Penal Reform International, IPRT suggests further research areas for inclusion by the Probation Service should include (a.) continuation of research on prevalence of substance misuse among offenders in the Probation Service, (b.) examination of 'what works' for the needs of particular cohorts including women, young adults and ethnic minorities.**

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<sup>50</sup> Council of Europe, *Recommendation CM/REC (2010)1 of the Committee of Ministers to member states on the Council of Europe Probation Rules* available at <http://www.cep-probation.org/knowledgebase/council-of-europe-rules-recommendations-on-probation/>

<sup>51</sup> Penal Reform International (2016) *'On Probation: Models of Good Practice for Alternatives to Prison'*, pp.32-33, <https://www.penalreform.org/wp-content/uploads/2016/12/Probation-model-report-final-2016.pdf>

<sup>52</sup> Ibid, p. 33.

## 5. Focus on Alternative Options for Offenders with Substance Misuse Issues

In 2017, 70% of prisoners were recorded as having issues with addiction<sup>53</sup> with even higher rates for the female offender population at 85%.<sup>54</sup>

In 2016 the Probation Service and the Irish Prison Service commissioned external research to conduct a *Review of Drug and Alcohol Treatment Services for Adult Offenders in the Community*<sup>55</sup> The review set out a model of practice for the effective treatment of adult offenders, with the objective of facilitating a continuum of care from prison to the community. In this report, principles underpinning this model include: equity of access, choice, person centred provision that uses evidence-based treatment and intervention options and co-ordinated approaches with clear treatment pathways into and out of different settings.<sup>56</sup> The key components of the model outlined include: pre-work and preparation, referral, assessment, care planning, case management, treatment and recovery management for the model to work in both a prison and community setting.<sup>57</sup>

The report recommended that funding should focus on services or community based organisations that had an evidenced based treatment regime including integrated aftercare programmes.

Following a recommendation from the *Strategic Review of Penal Policy*, IPRT welcomes the pilot integrated community service model, where one-third of participants on a community service order is to be used to facilitate attendance at programmes or treatment in order to address issue related to offending. The difference in this model outlined by the Probation Service states:

*“In contrast to the traditional approach, the integrated model, formally recognises the rehabilitative and reintegrative potential in undertaking community service.”<sup>58</sup>*

As highlighted by O’Hara (2016: 331) : *“the use of alternatives to custody for those presenting with substance misuse problems also require consideration’* as further highlighted by O’Hara (2016: 331) *“whether community service in its current form in Ireland is suitable for offenders with significant drug problems requires more investigation before significant policy changes are made.”<sup>59</sup>*

- **IPRT believes that implementation of the findings based on the commissioned review on drug treatment services should be addressed, prioritised and implemented in the forthcoming Probation Service Strategic Plan.**

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<sup>53</sup> More than 70% of Prisoners have Addiction Issues, *The Irish Times*, <https://www.irishtimes.com/news/crime-and-law/more-than-70-of-prisoners-have-addiction-issues-1.2961144>)

<sup>54</sup> Clarke., A & A. Eustace (2016) *Review of Drug and Alcohol Treatment Service for Adult Offenders in the Community*, Eustace Patterson Limited. p.74  
[http://www.justice.ie/en/JELR/PS\\_IPS\\_Probation\\_Review\\_of\\_treatment\\_for\\_offenders.pdf/Files/PS\\_IPS\\_Probation\\_Review\\_of\\_treatment\\_for\\_offenders.pdf](http://www.justice.ie/en/JELR/PS_IPS_Probation_Review_of_treatment_for_offenders.pdf/Files/PS_IPS_Probation_Review_of_treatment_for_offenders.pdf)).

<sup>55</sup> Ibid.

<sup>56</sup> Ibid, p. 5

<sup>57</sup> Ibid.

<sup>58</sup> The Probation Service, *Annual Report 2016*, p. 6  
<http://www.probation.ie/EN/PB/0/E2CB568BA6CBC8F68025811E0032F923/%24File/FINAL%20-%20Probation%20Service%20Annual%20Report%202016.pdf>

<sup>59</sup> O’ Hara, K. (2016) *Examining the comparative use, experience, and outcomes of community service orders as alternatives to short prison sentences in Ireland*, p. 331,. Dublin Institute of Technology.

- The Probation Service should publish an evaluation of the Integrated Community Service Model as committed to in its *Annual Report 2016*<sup>60</sup> to assess whether the pilot is effective and should be rolled out a national basis.

## 6. Adopt and tailor programmes to specific cohorts (women, young people) with a view to rolling these out at a national level

### (a.) Women

Female offenders represent 10% of those on Community Service Orders in 2016.<sup>61</sup> Working with women who offend requires a distinct approach. As highlighted by the Probation Service, *female offenders pose a low risk to society and have a higher level need.*<sup>62</sup>

An estimate of 85% of the female prison population have addiction issues.<sup>63</sup> The same report<sup>64</sup> highlighted the limited options women have in particular, women with children, in addressing their addictions. The report recommended the need for more specialist services to be available to women.

IPRT acknowledges the good work achieved by the Probation Service in identifying the needs of women in particular, the publication of the Joint Probation Service-Irish Prison Service Strategy 2014-2016, *An Effective Response to Women who Offend*.<sup>65</sup>

We also welcome some key components of the work of the Probation that have a tailored response to women including: the development of gender-informed assessments and supervision frameworks, female responsive community service projects, peer mentoring and supportive accommodation projects<sup>66</sup> Of note, IPRT commends the BRIO<sup>67</sup> programme, established in 2016 and suggests consideration of increased resourcing and roll out of this programme in the next Strategic Plan.

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<sup>60</sup> The Probation Service, *Annual Report 2016*, p.6  
<http://www.probation.ie/EN/PB/0/E2CB568BA6CBC8F68025811E0032F923/%24File/FINAL%20-%20Probation%20Service%20Annual%20Report%202016.pdf>.

<sup>61</sup> Ibid. p.7

<sup>62</sup> Ibid.

<sup>63</sup> Clarke., A & A. Eustace (2016) *Review of Drug and Alcohol Treatment Service for Adult Offenders in the Community*, Eustace Patterson Limited, p.74  
[http://www.justice.ie/en/JELR/PS\\_IPS\\_Probation\\_Review\\_of\\_treatment\\_for\\_offenders.pdf/Files/PS\\_IPS\\_Probation\\_Review\\_of\\_treatment\\_for\\_offenders.pdf](http://www.justice.ie/en/JELR/PS_IPS_Probation_Review_of_treatment_for_offenders.pdf/Files/PS_IPS_Probation_Review_of_treatment_for_offenders.pdf).

<sup>64</sup> Ibid.

<sup>65</sup> Joint Probation Service-Irish Prison Service Strategy 2014-2016, *An Effective Response to Women who Offend*  
[http://www.irishprisons.ie/images/pdf/women\\_strat\\_2014.pdf](http://www.irishprisons.ie/images/pdf/women_strat_2014.pdf).

<sup>66</sup> The Probation Service, *Annual Report 2016*, p.7  
<http://www.probation.ie/EN/PB/0/E2CB568BA6CBC8F68025811E0032F923/%24File/FINAL%20-%20Probation%20Service%20Annual%20Report%202016.pdf>.

<sup>67</sup> BRIO, *The Saol Project* available at <http://www.saolproject.ie/BRIOHome.php>

In 2017, IPRT highlighted a number of key issues for women in prison to the UN Committee on the Elimination of Discrimination against Women (CEDAW) including the disproportionate number of female committals for non-violent offences, the lack of gender-specific alternatives to custody, the women's prisons in Ireland being the most overcrowded in the State and the lack of an open prison or step down facility for women upon release from prison.<sup>68</sup>

IPRT believes that the Probation Service should fulfil its commitments to women who offend as identified in the Joint Policy with the Irish Prison Service, *An Effective Response to Women who offend*.<sup>69</sup> In the Joint Strategy 2014-2016, the Probation Service made a number of commitments including:

- Reviewing standards and guidelines related to assessment interventions
- Management of non-compliance with supervision by women offenders
- Developing specific women recidivism data
- Providing a one-stop shop which will provide supported accommodation
- The development of women-specific community return and community service options. This commitment require further reiteration and implementation by the Probation Service.

In light of these commitments, IPRT believes the Probation Service should consider women offenders as a target group and again, commit to implementing gender-specific community sanctions in its next Strategic Plan including:

- **Prioritising the implementation of the goals outlined in the Joint Strategy in order to respond effectively to women who offend.**
- **Ensure the evaluation and monitoring of gender appropriate sanctions as committed to in the Strategic Review of Penal Policy.**
- **Establish customised programmes (with availability nationwide) in order to meet the needs of women who offend.**

#### *(b.) Young People*

There has been a growing shift internationally towards the need for differential treatment for young adults 18-24 in the criminal justice system.<sup>70</sup> As highlighted by IPRT, there are two key factors that place young people at increased risk of offending (1.) Scientific evidence demonstrates that the human brain and maturity continues to develop well into adolescence (2.) Socio-economic factors also places affected young people at risk of offending including not being in employment, education or training, living in a disadvantaged area.

IPRT would like to acknowledge the good work done by the Probation Service in particular that of Young Persons Probation. Currently Young Person's Probation caters for 12 -18 year olds.<sup>71</sup>

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<sup>68</sup> IPRT (2017) *Submission in Advance of the Examination of Ireland's combined sixth and seventh periodic reports under CEDAW* available at [http://www.iprt.ie/files/IPRT\\_Submission\\_in\\_Advance\\_of\\_the\\_Examination\\_of\\_Ireland\\_under\\_CEDAW\\_FINAL\\_20Jan20171.pdf](http://www.iprt.ie/files/IPRT_Submission_in_Advance_of_the_Examination_of_Ireland_under_CEDAW_FINAL_20Jan20171.pdf)

<sup>69</sup> Joint Probation Service-Irish Prison Service Strategy 2014-2016, *An Effective Response to Women who Offend* available at <http://www.justice.ie/en/JELR/Pages/PR14000060>

<sup>70</sup> IPRT's Turnaround Youth (2015) *Young Adults 18-24 in the Criminal Justice System: The Case for a Distinct Approach* <http://www.iprt.ie/files/IPRT-Turnaround-web-optimised.pdf>.

<sup>71</sup> Irish Youth Justice Service, *Young Person's Probation*, <http://www.iyjs.ie/en/IYJS/Pages/WP08000101>



IPRT believes in line with international developments and the *National Policy Framework for Children and Young People 2014-2020*<sup>72</sup>, Young Person's Probation could be extended to 18-24 year olds as they make a critical transition into adulthood.

One key commitment made in policy is:

*"Planning for and providing coordinated support at key moments of transition can help ensure better outcomes, in particular those with special needs or those who have a disability or those who have experienced care or detention. The Government is committed to bringing a stronger focus on effective transitions particularly within the areas of education, health, child welfare and youth justice."*

The Probation Service should consider rolling out programmes for specific cohorts, including developing programmes tailored to the needs of young people between the ages of 18-24.

O'Hara (2016: 337) identifies the need for further research to identify the most effective non-custodial sanctions for this cohort who are disproportionately represented in the criminal justice system.<sup>73</sup> As highlighted by O'Hara (2016:334-335) young offenders may require more specialised community service placements if outcomes are to be enhanced among these populations.

Previous research has also highlighted the importance of 'one good adult' in young people's lives.<sup>74</sup> One way of achieving this is through mentoring. Recent research<sup>75</sup> in Ireland has shown that:

- mentoring works to reduce youth offending (a reduction by an average of 28% in offending behaviour)
  - mentoring has positive impacts for young people in a number of areas, including self-confidence, hopefulness, communications, engagement in activities and, crucially, offending behaviour.
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- **IPRT believes that the evidence demonstrates that the right interventions at the right point of time can successfully lead to a reduction in the offending rate among young adults. The Probation Service has a vital role to play in this and in line with domestic policy, Young Person's Probation should adopt a child/youth rights approach and consider extending their work to young people between the ages of 18-24.**
  - **IPRT believes that there is much evidence to support the importance of having 'one good adult' in young people's lives. Mentoring is one approach that supports and develops a young person's soft skills. Mentoring of young people on probation should be expanded nationwide for all young people who would benefit from it.**

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<sup>72</sup> Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures, The National Policy Framework for children and young people 2014-2020* available at

[https://www.dcy.gov.ie/documents/cypp\\_framework/BetterOutcomesBetterFutureReport.pdf](https://www.dcy.gov.ie/documents/cypp_framework/BetterOutcomesBetterFutureReport.pdf)

<sup>73</sup> O' Hara, K. (2016) *Examining the comparative use, experience, and outcomes of community service orders as alternatives to short prison sentences in Ireland*, Dublin Institute of Technology.

<sup>74</sup> McElvaney R, Tatlow Golden M., Webb, R. Lawlor E.& B.Merriman (2013) *Someone to Care: The Mental Health Needs of Children and Young People with Experience of the Care and Youth Justice Systems* available at [http://www.drugs.ie/resourcesfiles/ResearchDocs/Ireland/2013/SOMEONE\\_TO\\_CARE\\_2013.pdf](http://www.drugs.ie/resourcesfiles/ResearchDocs/Ireland/2013/SOMEONE_TO_CARE_2013.pdf)

<sup>75</sup> O'Dwyer, K. (2017). *Reducing Youth Crime in Ireland. An Evaluation of Le Chéile Mentoring.*

- In addition, mentoring of parents/carers of young people on probation would also be beneficial, because of its evidence of effectiveness in improving parenting skills, self-confidence and child-parent relationships.<sup>76</sup> Mentoring should be available and accessible to parents/carers of young people in the criminal justice system nationwide.
- In particular, the Probation Service should consider age-specific alternatives to this cohort including intensive community orders, restorative justice and the extension of youth justice diversion programmes.
- The Probation Service can play a vital role in the reintegration process for young offenders through linking young people with the relevant services upon release including support with employment and education, stable accommodation and assistance to drug and alcohol misuse. An interagency approach is required where there is young person's centred approach taken to support access to education, training, welfare and family support in order to maximise opportunities for young people including the importance of aftercare for young people who go into detention.

*(c.) Life Sentence Prisoners*

Life sentenced prisoners are a particular cohort of offenders that need great preparation prior to, and supports upon release. Previous research has shown that lifetime prevalence of mental illness was significantly higher for those serving a life sentence.<sup>77</sup>

IPRT acknowledges the important work the Probation Service does within Irish prisons including the work of various group programmes such as *Living with Life* in Wheatfield, Mountjoy, Portlaoise, Limerick and Cork Prison.<sup>78</sup>

IPRT believes that the Probation Service and other criminal justice bodies should closely adhere to the Council of Europe principles on the management of life-sentenced prisoners.<sup>79</sup> Some of these core principles could guide the work of the Probation Service should include encouraging and promoting individualisation, normalisation, responsibility and progression.

- **The Probation Service should place increased focus on reintegration and resocialisation of offenders, in particular that of life sentenced prisoners whom the Probation Service supervises upon release.**

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<sup>76</sup> Ibid.

<sup>77</sup> Kennedy H., Monks S., Curtin K., Wright B., Linehan S., D.Duffy, C.Teljeur & A.Kelly (2005) *Mental Illness in Irish Prisons* [http://www.drugsandalcohol.ie/6393/1/4338\\_Kennedy\\_Mental\\_illness\\_in\\_Irish\\_prisoners.pdf](http://www.drugsandalcohol.ie/6393/1/4338_Kennedy_Mental_illness_in_Irish_prisoners.pdf).

<sup>78</sup> The Probation Service, *Annual Report*, 2016, p.9  
<http://www.probation.ie/EN/PB/0/E2CB568BA6CBC8F68025811E0032F923/%24File/FINAL%20-%20Probation%20Service%20Annual%20Report%202016.pdf>

<sup>79</sup> Council of Europe, *Recommendation Rec (2003) 23 of the Committee of Ministers to member states on the Management by prison administration of life-sentence and other long-term prisoners* available at <http://pjp-eu.coe.int/documents/3983922/6970334/CMRec+%282003%29+23+on+the+management+of+life+sentence+and+other+long+term+prisoners.pdf/bb16b837-7a88-4b12-b9e8-803c734a6117>

## 7. Enhance Governance and Accountability Structures by the Probation Service

IPRT acknowledges the commitment made by the Probation Service in its last Strategic Plan 2015-2017 to: *‘implement a programme of professional standards and inspection to support and strengthen professional practice and accountability at all levels of the organisation.’*<sup>80</sup> IPRT believes this commitment should be retained, with evidence of how this is achieved and communicated in the public domain.

In order to ensure good governance and robust accountability structures, the Probation Service should commit to developing mechanisms which facilitate inspection of its services including: the external development of standards for inspection, while also the Service should commit to adopting international principles of best practice in relation to community sanctions and community service orders as outlined in IPRT’s (2017) *Community Service Orders in Ireland* paper<sup>81</sup>, as well as relevant COE recommendations and the European Probation Rules.

In the United Kingdom, inspections take place by the HM Inspectorate of Probation. The purpose of the Inspectorate of Probations is to *‘report on the effectiveness of work with adults, children and young people who have offended.’*<sup>82</sup> Ireland’s Probation Service has no equivalent.

In order to identify issues systemically, and takes steps in addressing key issues, governance and accountability structures should be re-examined.

- **The Probation Service in its Strategic Plan should prioritise and enhance governance and accountability structures. This would increase transparency and credibility of the organisation.**

## 8. Further strengthen relationships with other criminal justice bodies and external bodies (including housing, education and employment) and build inter-agency co-operation and capacity.

The Probation Service has an instrumental role in supporting the reintegration process that deserves attention in its new strategy. Interagency cooperation is a key success factor. As highlighted by the Strategic Review of Penal Policy (2014:43):

*“The Review Group has identified rehabilitation and reintegration as a core principle and significant factor in reducing crime and considers that such aims are best achieved in a non-custodial environment as far as possible. However a non-custodial environment presents its own challenges and ensuring the effective and appropriate treatment of offenders is not the responsibility of a single Department, agency or body. A holistic approach addressing a person’s offending and related needs be it behavioural, health, addiction, treatment, educational, housing or other will require extensive levels of collaboration by a number of parties, at State and community level. Without that collaboration, however the rehabilitation and reintegration of offenders is substantially undermined, creating potentially negative consequences for society.”*

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<sup>80</sup> The Probation Service, *Strategic Plan 2015-2017*, p.8 available at <http://www.probation.ie/EN/PB/WebPages/WP17000017>

<sup>81</sup> See IPRT’s (2017) *Community Service Orders in Ireland, Discussion Paper*, pp. 23-24 <http://www.iprt.ie/contents/3201>

<sup>82</sup> HMI Probation website <https://www.justiceinspectors.gov.uk/hmiprobation/about-hmi-probation/>

In the current context, access to housing is an issue for many groups in society. Offenders are a group particularly vulnerable:

*“The housing crisis and access to long term accommodation, particularly with the focus of policy on accommodation for families. It was felt that there is a danger that accommodation for single men, which was always challenging, will become even more pronounced.”*  
(Eustace Ltd., 2016: 23)

Recent research<sup>83</sup> published in Northern Ireland recommended that *“appropriate accommodation at release is significantly related to successful resettlement. It should be a priority to engage with accommodation providers and services to improve service provision for young adults post custody.”* (Maguire, 2016: 131).

IPRT welcomes steps taken by the Probation Service and other criminal justice bodies to work collaboratively in particular recognising the joint approach taken by the Probation Service and Irish Prison Service in the development of *J-ARC (Joint Agency Response to Crime)*<sup>84</sup>, *the Joint Strategy on the Management of Offenders 2016-2018*<sup>85</sup> and the *Joint Irish Prison Service and Probation Service Strategy 2015-2017*.<sup>86</sup>

Two key steps outlined in the *Strategic Review of Penal Policy (2014)* should be implemented include (a.) agreement of multi-agency protocols to the management of placements in the community and (b.) a plan for accommodation for high risk offenders.

In the *Review of Drug and Alcohol Treatment Services for Adult Offenders in the Community*<sup>87</sup> it states:

*“Information sharing, communication and co-ordination are requirements for effective throughcare planning. At present, care plans do not follow the offender from one setting to another and at each stage, the prison health staff, prison-based addiction counsellors, community-based treatment staff, Probation Officers, ISMs and community prison link workers are relying on the offender to inform them of what treatment or interventions they have engaged in before.”*

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<sup>83</sup> Maguire C. (2016) Resettlement Outcomes for 18-21 year old males in Northern Ireland, *Irish Probation Journal*, Volume 16.

<sup>84</sup> *Joint Agency Response to Crime* <https://www.garda.ie/en/About-Us/Publications/Policing-Plans/Strategy/Joint-Strategy-on-the-Management-of-Offenders.pdf>

<sup>85</sup> *The Joint Strategy on the Management of Offenders 2016-2018*  
<http://www.justice.ie/EN/PB//WebPages/WP16000165>

<sup>86</sup> *Joint Irish Prison Service and Probation Service Strategy 2015-2017*  
[http://www.irishprisons.ie/images/pdf/jointstrat\\_english.pdf](http://www.irishprisons.ie/images/pdf/jointstrat_english.pdf)

<sup>87</sup> Clarke, A. & A. Eustace (2016) *Review of Drug and Alcohol Treatment Service for Adult Offenders in the Community*, Eustace Patterson Limited. p.10

[http://www.justice.ie/en/JELR/PS\\_IPS\\_Probation\\_Review\\_of\\_treatment\\_for\\_offenders.pdf/Files/PS\\_IPS\\_Probation\\_Review\\_of\\_treatment\\_for\\_offenders.pdf](http://www.justice.ie/en/JELR/PS_IPS_Probation_Review_of_treatment_for_offenders.pdf/Files/PS_IPS_Probation_Review_of_treatment_for_offenders.pdf)

In terms of gaps upon release, the report states:

*“Considerable progress has been made in the management of release planning from prisons e.g. the introduction of ISMs. However there are still a number of areas where release of offenders with addiction can be problematic, e.g. those who are homeless or who are still chaotic drug users, or who are on remand, or who are released on bail by the courts, or who are on temporary release or post custody supervision. Managing these complex cases jointly and developing shared protocols would support more effective communication and coordination of such cases.”* (pp. 10-11)

The report went on to recommend that a standardised template be developed between the Probation Service and the Irish Prison Service for the contracting of community based organisations.

IPRT believes the Probation Service should continue to prioritise effective collaborations with all relevant bodies including that of NGOs as a crucial part of working to reduce re-offending in communities.

- **IPRT believes that the Probation Service should develop protocols with relevant stakeholders in order to improve information and communication exchanges between bodies to support successful inter-agency working.**

IPRT hopes the views expressed in this submission are of assistance to the work of the Probation Service and will be considered in identifying the role and priorities of the Probation Service going forward.