

Probation Work in Courts and Communities Information for Judges, Lawyers & Court Staff - 2014

Introduction

This document is intended as a brief resource and guide, for Judges, solicitors, barristers and Courts staff, on the work of the Probation Service. Although the document has summary information on key work areas, it is not possible to include everything here. So, where necessary, additional resources are 'signposted' for the reader. It is intended to update this information – probably annually - and to republish accordingly. This is not a legal document. It is for the information of members of the Judiciary, Lawyers and Court Staff. Any feedback on the document or suggestions for future versions, are welcome, to psinfo@probation.ie



Vivian Geiran, Director
October 2014

General Information

The Probation Service has 395 staff, which includes 216 probation officers, 183 of whom work in courts and communities across the country (i.e. 1 Probation Officer for every 25,000 of population, or an average of 6 per 'county'), and 43 community service supervisors. The Service has a budget (2014) of €37.3 million, which includes €10+ million in grant-in-aid provision for community based organisations (c.45 adult facilities, and 15 more funded by IYJS across the country) that partner with the Service in providing programmes (e.g. education, training and employment, addictions, mentoring, restorative justice, and programmes for sex offenders). Probation staff working with offenders are organised in teams, which generally operate within a county boundary organisational structure, with each team headed by a Senior Probation Officer. Clusters of teams are overseen by Regional Managers and are further organised into five geographical regions, with two additional regions having national responsibility for service delivery to (a) young people and (b) prisoners. The Service works closely with a wide range of statutory and community and voluntary organisation, delivering services on an interagency basis.

Probation Service Role and Goals

To help achieve a safer and fairer Ireland, by:

- Ensuring Court orders are implemented,
- Reducing risk of harm to the public,
- Reducing likelihood of reoffending, and
- Making good the harm done by crime (reparation and restorative justice)

Probation Officers' Work

Probation Officers are professionally trained, drawing on social work and psychological approaches and methods, and (a) provide offender assessment reports for the Courts and for the Parole Board, and (b) supervise offenders in the community on Court-ordered supervision and on supervised early release from prison/detention ('parole').

Methods used include motivational interviewing, boundary setting, role clarification, pro-social modelling, counselling and advocacy, crisis intervention, brief, strengths and solution-focused interventions, and adult learning and educational approaches. Officers work with individual offenders as well as offering group and family-based programmes, as part of a structured case management plan. That plan is built on a thorough initial assessment, which takes into account factors contributing to the person's offending behaviour, and issues he/she needs to address to avoid reoffending.

On any day, the Probation Service is managing up to 7,000 offenders on Court-ordered supervision in the community (c.7% of whom are under 18, and c.12% women), as well as carrying out approximately 1,600 offender assessments for Courts at any one time. Probation Officers are actively engaged with over 1,500 prisoners in custody on any day, preparing assessments, addressing offence-related issues and preparing prisoners for reintegration in their communities. Each Probation Officer works with up to 45/50 offenders at any one time. They are overseen and supported in this work by their line manager / Senior Probation Officer.

More statistics are available in our most recent [annual report \(for 2013\)](#) on our website, under *Publications-Annual Reports*.

More Information

General information on our work, programmes and organisation is available on our website: www.probation.ie. Information on specific services available locally or regionally can be clarified by contacting your local Probation Service Office or Court Liaison Officer/Senior Probation Officer. You can also sign up to receive our bi-monthly e-newsletter, *Probation works*, by emailing your request to: psinfo@probation.ie. Our Head Office is in Haymarket, Smithfield, Dublin 7 (ph: 01-8173600).

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Probation-Court Liaison

Service staff are available to address any relevant issues impacting the Courts. In the first instance, it is best to contact local managers/Senior Probation Officers in the Court area. Ms. Emer Hanna (pictured below), based in Haymarket, Dublin (ph: 01-8173600, email: emhanna@probation.ie, manages Service liaison with Courts nationally, particularly in the Dublin area and more generally with other Courts, across the country, as required.



Emer Hanna, Senior Probation Officer

Probation Officer: Court Attendance ('Court Duty')

The Service provides Court Duty attendance in Courts with significant numbers of referrals; where there are Children Court sittings, and where facilities for Same Day Assessment reports allow. In other situations and locations, arrangements are made for referrals to be transmitted to the Service and assessment reports to be delivered to Courts in alternative ways, when an officer cannot be present.

Including outstanding requests for assessments, and existing supervision orders, certain work has to be prioritised over others.

In relation to assessments, where necessary, assessment report requests are prioritised locally on the following basis:

Category of Offender	Timeframe for Preparation of Assessment
(i) Children and young people up to 21 years of age	Four weeks
(ii) Community Service	Either (a) same day (where available - see above), or (b) four weeks (adjourned, on bail).
(iii) Sex offenders	Generally, up to eight weeks (local SPO confirm).
(iv) Those already under PS supervision	Generally, up to eight weeks (local SPO confirm).
(v) Others (not in {i} to {iv} above)	Generally, up to eight weeks, but not generally ahead of above categories (local SPO confirm).

Note: Where a Court has a specific request to prioritise a case for assessment, for particular reasons (e.g. an offender with acute vulnerabilities), the Service is willing to consider prioritising such case/s for assessment, at a Court's request.

Offender Assessment

Probation Officers are trained in and utilise a range of established and validated risk assessment instruments. These instruments assess offender needs related to offending, risk of general reoffending, and of causing future harm to the public. A number of the instruments are designed and used for specific offenders and offence categories, including young people, sex offenders, and in some cases domestic violence. Probation reports generally take up to 8 weeks to prepare, although in Children's Court cases, they are required to be completed in 4 weeks. Community Service assessment reports can be completed on the same day, in appropriate cases, and where a duty Probation Officer is in Court.

In Dublin and Cork, specifically dedicated Assessment Teams are in place, to carry out offender assessments on all adults referred for assessment reports to the Probation Service in those areas. The establishment of the Court Liaison Team based in the Courts of Criminal Justice (CCJ) in Dublin in 2011 has significantly impacted on an improved delivery of service. Maintaining a standing presence in the CCJ in Dublin, where they manage the intake of all referrals from those Courts and provide same-day assessment reports, and quick referral to programmes such as Restorative Justice, as required. (Further information on offender assessment, as well as Court liaison arrangements and referral to programmes, are available, if required).

Priorities in Assessment & Supervision

The Probation Service strives to respond in a timely and efficient manner to all requests from the Courts for offender assessments and orders for supervision. Unfortunately, there are times when, due to resource constraints,

Probation Supervision

This can be provided under a number of options:

1. Probation Order (under the Probation Act, 1907 and the Children Act, 2001).
2. Supervision during deferment of penalty.
3. Fully suspended sentence with supervision (Criminal Justice Act, 2006).
4. Part-suspended sentence with supervision (Criminal Justice Act, 2006).

Offender Supervision in the Community - Court Orders

In every case where a person is placed by a Court under Probation Service supervision, the supervising Probation Officer carries out a thorough assessment of offence-related risks and needs. The Officer puts in place a Case Management Plan, in co-operation with the offender, and any others relevant to the case, which will aim to help the offender address any offending related problems as well as balancing this help with an appropriate level of control, relevant to the person's assessed risk of causing harm to the public. Supervision of the offender and the case management plan will typically involve frequent meetings of the Officer with the offender, and any others (e.g. family, peers, addiction workers, education/training/employment officer, project workers, teachers etc.) to help the offender comply with the terms of their Court order, to achieve the goals in their case management plan and to live a crime-free, pro-social life.

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Encouraging Compliance / Responding to Non-Compliance

Probation staff work hard to engage offenders under supervision in a positive professional relationship, within which offenders can be motivated to make lasting positive changes in their lives. This can and does take time, particularly where an individual's behaviour is long-established and may be complicated by addiction, mental health issues, family breakdown, chaotic lifestyle, social exclusion and homelessness. The 'default' approach taken by the Probation Service is to return matters to Court where a supervisee (a) reoffends, (b) poses an escalating level of risk of reoffending, or (c) is seriously or consistently in breach of their supervision order. In the case of those on supervised Temporary Release from custody, including those on Community Return (see below right), they can be returned directly to custody by way of non-renewal of their Temporary Release.

Reoffending on or after Service Supervision

The Probation Service, in partnership with the Central Statistics Office (CSO) carries out studies on reoffending by those placed on direct Court-ordered Probation Service supervision. Of 3,761 placed on probation or community service in 2008 (most recent CSO study - published in [2013](#)), almost 60% did not reoffend for up to three years after the Court Order. The comparable rate for those completing a custodial sentence is 49% (i.e. did not reoffend within three years). Findings for Probation/Community Service reoffending in Ireland compares well with international comparators. It is hoped that future studies will evaluate a bigger range of issues, including type of offences committed by those who reoffend. The studies cited are available on our website, at: *Publications/Research Publications*.

Prioritisation within Supervision

The Probation Service has a clear obligation to manage the supervision of Court Orders. Where it is necessary, because of pressure on resources locally, to prioritise supervision orders, it is done on the following basis in relation to 'new'

New Supervision Cases Prioritised in the First Instance (in the following order)

- | |
|--------------------------------------------------------------------------------------------------------|
| (i) Community Service Orders (direct alternative to custodial sentence) |
| (ii) Children and young people up to twenty one years of age (Service policy) |
| (iii) Sex offenders (potential risk of harm to the public) |
| (iv) Full and part-suspended sentences with supervision |
| (v) Life sentence prisoners on the community |
| (vi) Any offender placed on Probation supervision and assessed as moderate to high risk of reoffending |

Community Service

Community Service - under the Criminal Justice (Community Service) Act, 1983 (as amended) is a direct alternative to a custodial sentence, available to all Courts in criminal cases involving defendants aged sixteen years or more, where a custodial sentence is being considered.

Legislation requires that a Court consider a Probation Officer's assessment before making a CSO, which can be for between 40 and 240 hours, and must be completed within twelve months.

Community Service Order tasks are undertaken in two ways:

1. Small work groups, supervised by Community Service Supervisors employed by the Probation Service.
2. In individual placements, where the accepting organisation provides work supervision and support through a link person.

Most of those sentenced by a Court to perform community service are assigned to group work programmes, where a community service supervisor manages up to eight offenders at one time. Some on community service, depending on relevant factors and individual circumstances, are assigned to individual work placements. These placements are generally for more motivated individuals, who already have an established work ethic and experience, and where a suitable organisation is available to undertake supervision of the offender on behalf of the Probation Service.

Offender Supervision in the Community - Supervised Early Release / Parole

Early release of those serving custodial sentences is governed by the Criminal Justice Act, 1960 (as amended). Two Prison Service staff members are now located in Probation Service HQ, where they work with Probation colleagues, managing cases involving post-custody supervision of offenders in the community, specifically those on the following two programmes, Community Return and Community Support.

Community Return

This joint Probation Service-Prison Service programme started in October 2011 and provides for early release of suitable prisoners, serving one to eight years, under Probation Service supervision. Prisoners are assessed by the multi-disciplinary prison based team, including a Probation Officer, and if suitable, are released on supervised Temporary Release, with an additional condition of performing community service work, in place of the remainder of their 'jail time.' Over 1,000 prisoners have been released on to the scheme so far, with 450 expected to be released early under the initiative in 2014. A review of the Community Return programme is expected to be completed in 2014.

Community Support

This Prison Service funded programme offers pre and post-release support to prisoners serving sentences of up to one year, who are assessed as needing assistance in accessing services such as accommodation, addiction, social welfare in the community, and without which they are likely to be at increased risk of reoffending after release. The service is provided by the Prison and Probation Services, in partnership with a number of local community based organisations, which provide the front-line support and advocacy service delivery in these cases. Community support is currently available in the Greater Dublin and Cork areas. It is in the process of being rolled out to Limerick.

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Low Intensity Supervision

In order to allow the prioritisation of cases that require high levels of Probation input on the basis of high levels of risk of harm and/or reoffending, the Service has introduced a system of Low Intensity Supervision (LIS) for offenders who either (a) have 'earned' a reduction in levels of control and monitoring, as a result of their compliance with supervision over time, or (b) who have been re-assessed as having reduced their level of risk and need after a period under supervision.

The introduction of LIS allows these offenders to be managed and supervised at a reduced level of contact over the remainder of their supervision order, while simultaneously allowing local managers to focus priority resources on those at higher levels of risk and at an earlier stage of their supervision order. Around 10% to 15% of those under Probation supervision in any area/county could be on the LIS programme at any one time. If a person's risk level increases while on LIS, they can be restored to standard supervision as required.

Young People

The work of the Probation Service with young people is governed by the Children Act, 2001 (as amended). Probation Officers organise and chair Family Conferences, when requested by a Court. These meetings aim to help the young person address the impact of their behaviour, as well as drawing on support of the young person's family and significant people in their life, in developing an action plan - regarding what needs to be done to rectify the problematic behaviour - to be presented to the Court.

Probation supervision with young people is similar to work with adults, however Probation staff take an approach more suited to the developmental stage and needs of the young person, and their connection with their family. This approach often includes more intensive contact, restorative practice approaches and what might be termed 'hand-holding' than one might use with adult clients. Similarly, supervision of young people frequently involves a lot of contact with the person's family, educational supports, peers and social network etc.

Women Who Offend

The Probation Service and the Irish Prison Service published a joint strategy (2014-2017) - [An Effective Response to Women Who Offend](#), in March 2014. The strategy is available on our website, under Publications - Probation Service Strategy Statements. Part of this strategic approach involves the development of gender-informed practice, tailored approaches to assessment and supervision of women offenders, and women-specific programmes such as Community Service work. The Service, in conjunction with a range of partners, is also currently working on developing a 'one-stop-shop' centre for vulnerable women, including residential, educational and therapeutic facilities and services, in the Dublin area. This centre will incorporate supported housing and related services, as alternatives to custody.

Offender Programmes

Every offender under Probation supervision, is entitled to receive the same basic level of service, to help them reduce their risk of reoffending. This can only be achieved to the extent that the individual offender is co-operative, and willing to help themselves, and to avail of the help on offer. The Service pays over a quarter of its annual budget to community based organisations who partner the Service in working with offenders, and provide a range of valuable services and programmes that add value to the Probation supervision process. More information on these [community based organisations](#) is available on our website, at: [Community Initiatives](#).

The Service has developed and delivers a range of group and individual programmes, aimed at specific types of offending and related problems including:

- **Choice & Challenge:** general offending behaviour programme (group and individual), for those assessed at medium to high risk of reoffending.
- **Anger management:** where the management of anger and aggression is a problem (for the individual offender and others).
- **Alcohol and offending:** (a) short-term programmes for those whose alcohol misuse has directly led them into trouble (e.g. public order offences) and (b) more intensive programmes for those whose alcohol abuse is more entrenched and linked to more serious offending.
- **Strengthening Families:** a multi-agency group/family programme, to help families to draw on their own strengths and build their own capacities for managing.
- **Safer Lives:** a group programme for sex offenders,

What programme/s may be appropriate for specific offenders may be proposed by the Probation Officer when presenting a Pre-Sanction Assessment Report to Court, or decided at the start of the person's supervision, after the Court decision on sanction has been made.

Restorative Justice

This response to crime views offending as a three-way relationship, comprising the victim, offender and community. Restorative practice has been a part of probation work for many years. In assessing and supervising an offender, we seek to increase victim awareness and empathy in the offender, and offender accountability. This work includes specific elements of reparation and restoration such as Community Service, victim impact assessment reports completed for Courts, as well as family conferences, victim-offender mediation and community-based restorative panels. The Probation Service's [Restorative Justice Strategy](#) - published in 2013 - is available on our website, at: [Publications/Probation Service Strategy Statements](#). Not all programmes provided by the Probation Service/RJS/RJC are yet available in every Court area. The Service plans that Restorative Practice be extended as widely as possible over the life of our strategy. For more information, check with Service staff locally.

Specific Services for Victims

The [Probation Service Victims Charter](#) is available on our website. Probation Officers provide Victim Reports for Courts on request, and also address victim issues in offender assessment and supervision. The Service has a National Victim Services Co-ordinator (Ms. Ursula Fernee) and a Team, to respond to victim requests for information and support.

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