

The Future of Community Penalties

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This presentation covers

- What are community penalties?
- Some examples
- Origins of probation in England
- The purposes of community penalties
- New technologies
- Strengths, Weaknesses; Opportunities and Threats
- Thoughts about the future

What are ‘community penalties’?

- Sanctions and measures that take place in society
- (not inside prison) ...
- but should it mean more than this?
- For example, should the community be involved somehow?
- ‘Alternatives to custody’

Examples of community penalties

- alternatives to pre-trial detention
- probation as an independent penalty
- suspension of a prison sentence with imposed conditions
- community service (i.e. unpaid work) as actual or symbolic reparation to the community
- victim compensation / reparation
- victim-offender mediation

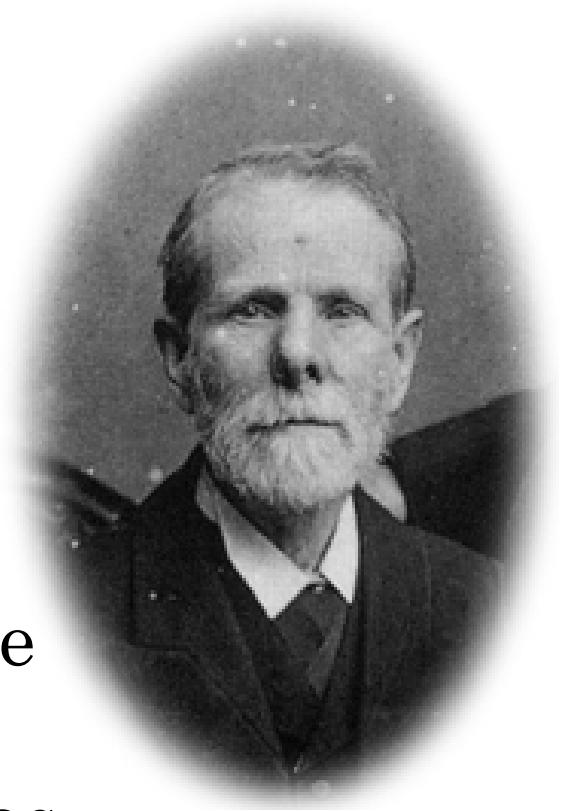
Other examples

- treatment orders for drug or alcohol misusing offenders and those suffering from a mental disturbance that is related to their criminal behaviour
- restriction on freedom of movement - for example, curfew orders or electronic monitoring
- conditional release from prison followed by post-release supervision / parole.

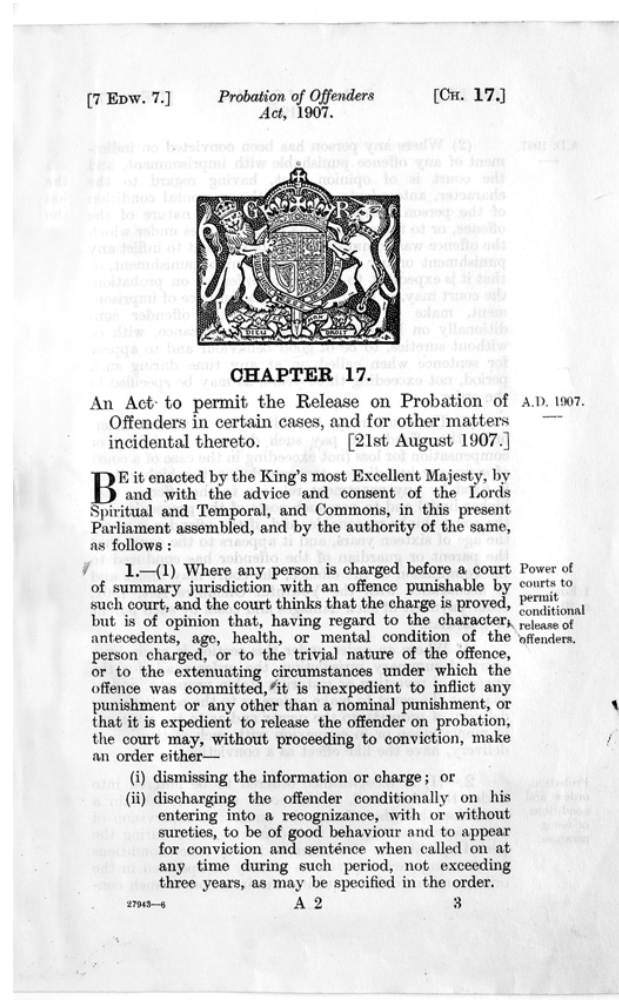
Frederic Rainer

1876: Letter to a
Church of England
Society

‘Offence after offence and sentence after sentence appear to be the inevitable lot of him whose foot has once slipped. Can nothing be done to arrest the downward career?’



Advise, Assist and Befriend



Probation supervision was instead of punishment

Phases in Probation's history in England

- helping
- rehabilitative treatment
- 'nothing works'
- alternatives to custody
- punishment in the community
- what works?
- public protection; offender management
- Till 1930s
- 1930 – 1970s
- Mid 1970s
- Early 1980s
- Late 1980s – 1990s
- Late 1990s
- To date

Community Service: Unpaid Work

Community service is a community punishment which involves offenders working without payment for the benefit of the community as real or symbolic reparation for the harms their crimes have caused by an offender.



Should Community Service:

- a) be a tough and demanding punishment?
- b) do as much as possible to reduce the incidence of reoffending?
- c) involve work of genuine value to the community ?
- d) do all it can to promote reintegration and social inclusion?

Can it do all of these things at the same time?

Probation objectives in Europe

- Reduce prison numbers by providing alternatives
- Protect the public by controlling offenders in the community
- Reduce reconviction through rehabilitation
- Reparation and Mediation

Reducing numbers of prisoners

- Closing the front door (fewer people going to prison)
- Opening the back door (early release schemes)
- But prison numbers have increased in most European countries

Protecting the public

- A political priority in many countries
- Multi-agency public protection arrangements are believed to be very successful
- But the public only becomes aware of this when things go wrong – a serious crime takes place and arrangements are judged to have failed
- Can community punishment ever match the certainty that imprisonment seems to offer?

Rehabilitation: Work that focuses on

- Risks
- Needs
- Responsivity



- Multi-modal (different methods / skills)
- Delivered as intended (programme integrity)
- Community based

What works? – where we are now

- Some things work quite well – if conditions are optimal
- Some things work in one context but not another e.g. prison / community
- Some things work with some people but not others – e.g. men / women, young / old
- Programmes must be well-designed and targeted at those who are ready to change
- Programmes must be completed and must be followed up by probation staff

One to one supervision

Most common ...

... and least researched



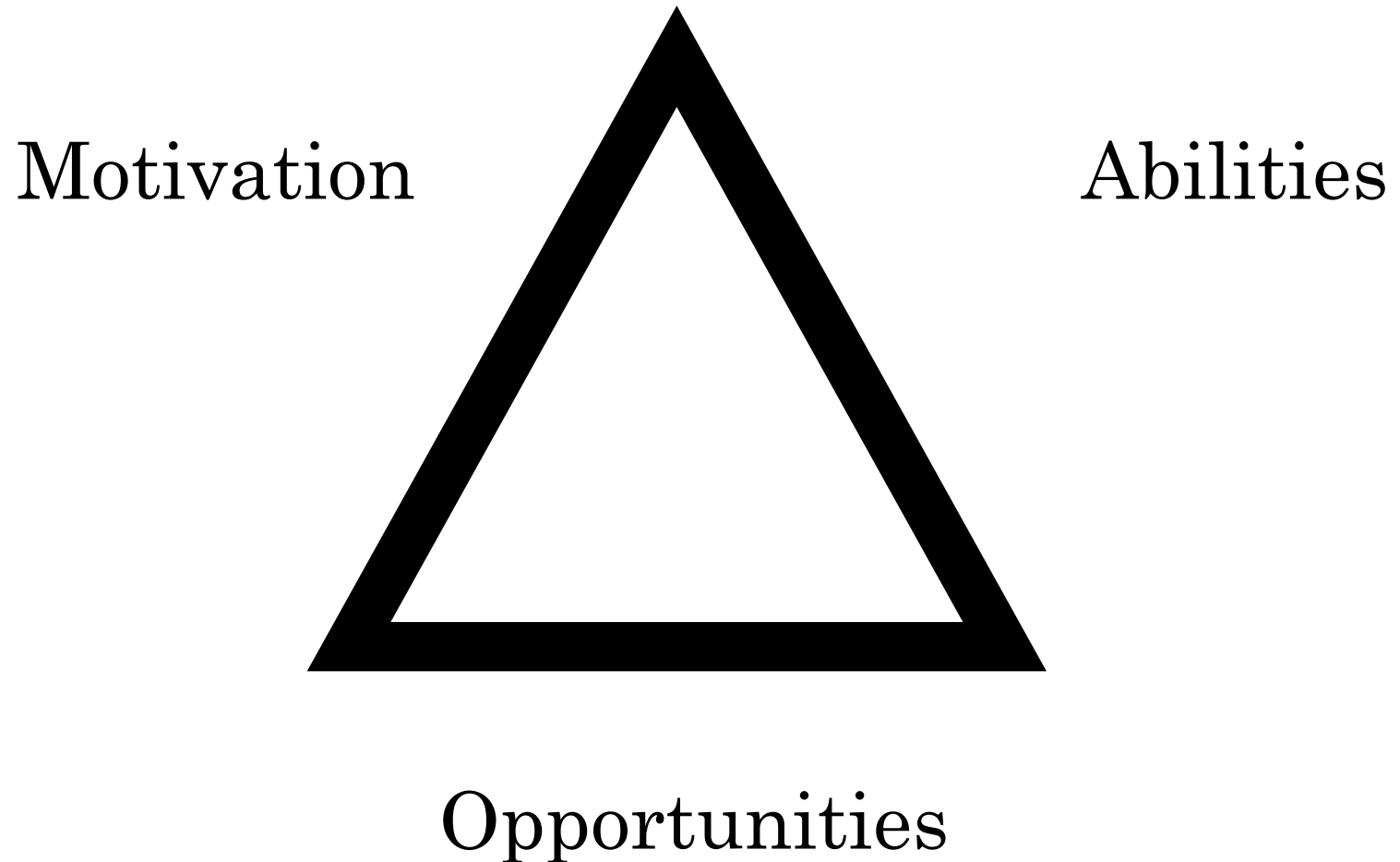
Social Exclusion

- Prisoners (and people subject to community punishments) experience huge social disadvantage
- This is linked with their offending ...
- ... and unless their life chances are improved, further offending is likely to result

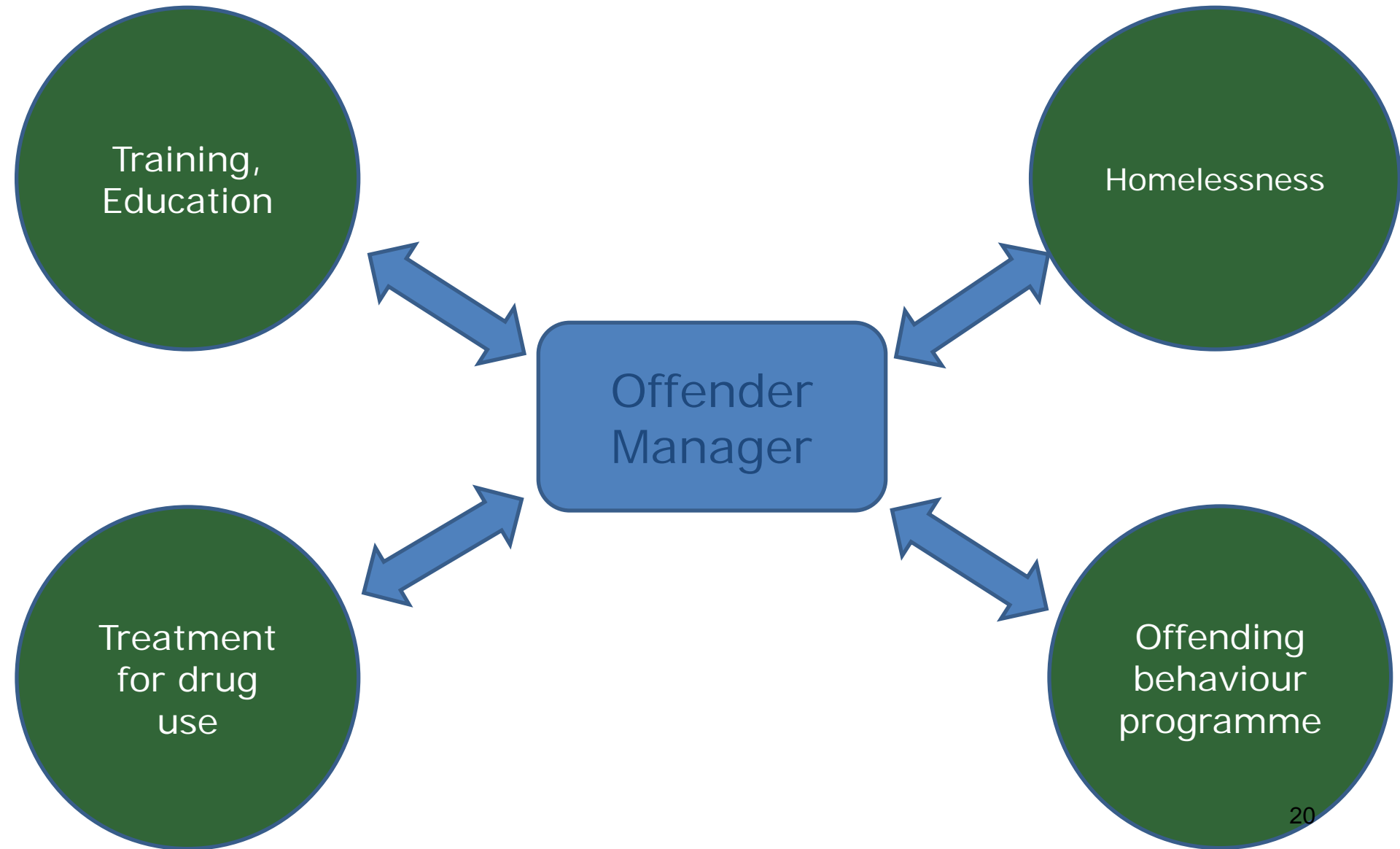
Social influences on crime and desistance

- accommodation
- education, training and employment;
- health
- drugs and alcohol
- finance, benefits and debt
- children and families
- attitudes, thinking and behaviour

Behaviour - a function of motivation,
abilities and opportunities



Offender Management and Coordination



Relationship

- Without a guiding relationship, offender management likely to be uncoordinated
- A recurring finding ... is that no method or intervention is any more effective than the rest; rather it is common aspects of each intervention that bring about change
- Relationship skills ... are at least as critical in reducing re-offending as programme content
- Ex-offenders much more likely to recall the influence of a person than of a programme

Some models of practice

- Risks, Needs and Responsivity (Canada, USA, UK)
- The Good Lives Model
- Strengths-based models

Restorative Justice – Reparation and Mediation

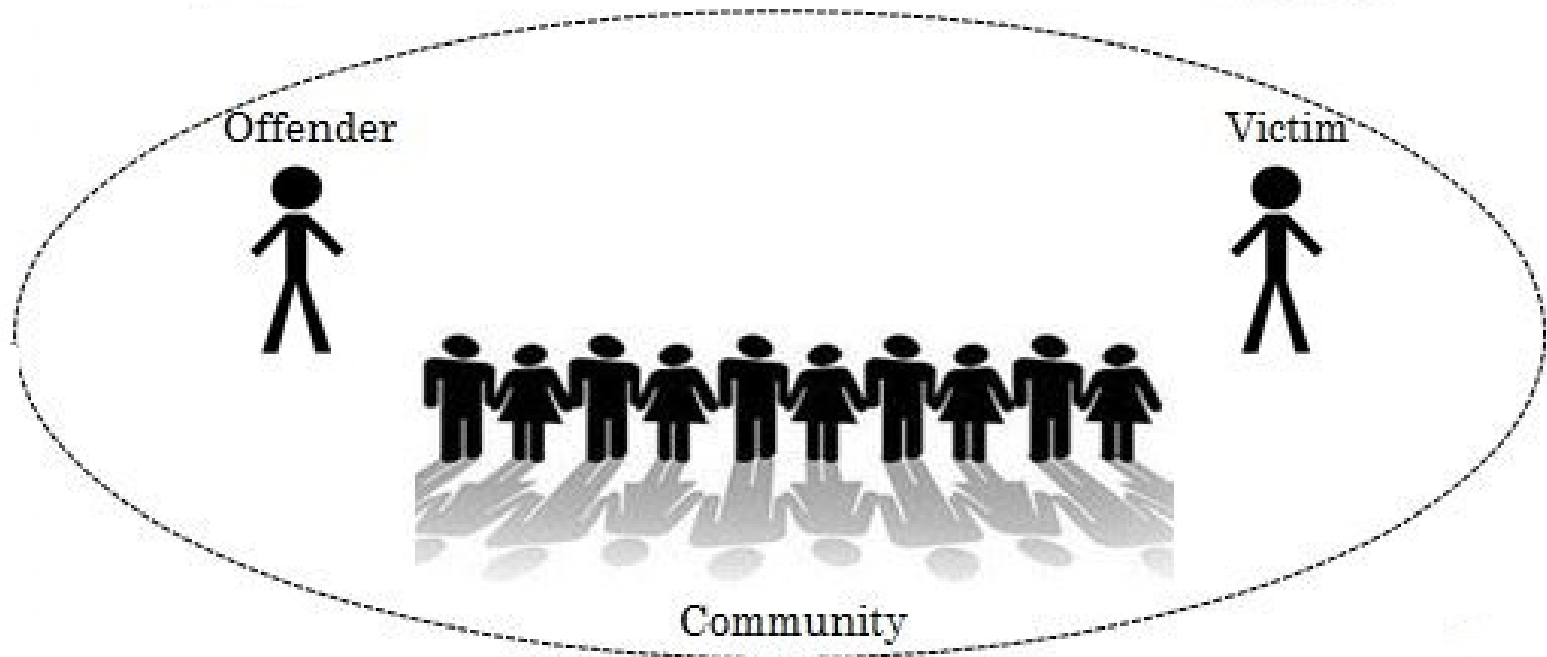
- a. the response to crime should repair as much as possible the harm suffered by the victim;
- b. offenders should be brought to understand that their behaviour has had real consequences for the victim and the community;
- c. offenders can and should accept responsibility for their action;
- d. victims should have an opportunity to express their needs and to participate in determining the best way for the offender to make reparation;
- e. that the community has a responsibility to contribute to this process.



State



Offender

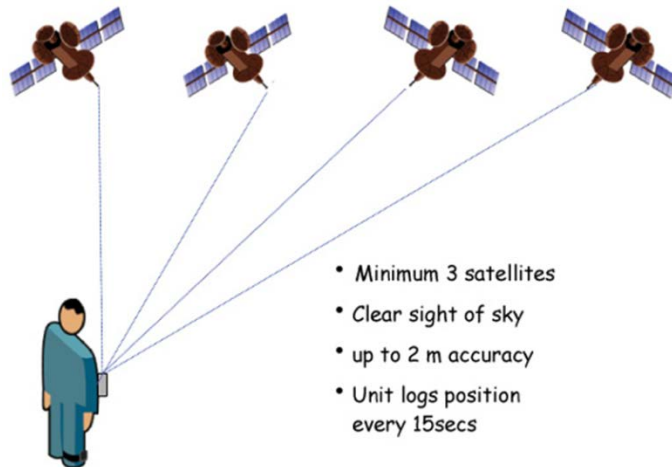


New technologies

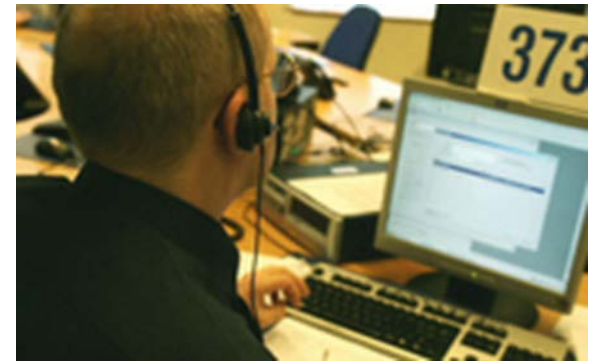
- Electronic monitoring



GPS Positioning



- Minimum 3 satellites
- Clear sight of sky
- up to 2 m accuracy
- Unit logs position every 15secs



New technologies

- Remote monitoring – for example, alcohol use
- Voice recognition software – reporting to an electronic kiosk



New technologies – Opportunities or threats?

- Will technology add to or replace the personal relationship?
- Council of Europe prefers electronic monitoring to be used to support rehabilitation
- But in many cases perhaps monitoring is enough
- Might some prefer an impersonal intervention?
- We must make sure that we use the technology to support our work – technology should not lead it

Strengths

- Avoiding the negative effects of prison
- Potential to support desistance
- Flexibility
- Relative costs
- Represents the belief that people can change
- Tries to promote social inclusion
- Encourages communities to take responsibilities towards (ex)offenders and probation can advise how to do this

Weaknesses

- Not easy to explain to courts and to the public
- Does not always look like a punishment
- Hard to find strong evidence that community penalties achieve their objectives
- Limited community involvement – community penalties often means no more than ‘not in prison’

Opportunities

- If used well, can contribute to lower numbers in prison
- To involve the community in recognising its responsibilities in response to crime
- Ensure that offenders have genuine access to services available to the rest of the community
- Greater participation of victims
- Potential to solve problems rather than avoid them
- Starting to change the automatic assumption that punishment must involve prison

Threats

- ‘Net-widening’ – can bring more people into the processes of criminal justice
- Commercial expansion
- Valued only as a device for reducing the numbers in prison
- More requirements lead to more potential violations; then tight enforcement leads to more prison
- Political demands for tough punishment

The Future

- Penal policy is influenced by social, political, economic and cultural factors
- Community penalties have been able to adapt by being presented in different ways – as punishment, as rehabilitation, as control
- Public confidence / legitimacy is important and is won by stating clearly what you are attempting to do and then doing it well ...
- ... not by making unrealistic claims

One future for community penalties

- More surveillance and control
- Attempts to be - and to present as - punitive and prison-like
- Increased technology replacing human relationships
- More people drawn into expanding system

Another future

- Community justice
- Emphasis on social inclusion and opportunities to desist from crime
- Crime seen as an indication that something is wrong ...
- bringing an opportunity for change for the better
- User voice