

THE FUTURE OF COMMUNITY PENALTIES

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This paper will begin by offering a definition of *community penalties* and giving some specific examples of the form that they take. While countries have different community penalties, there are some that are common to many different nations and indeed the challenges of policy and implementation are often much the same. The origins of probation and community punishment in England and Wales will be briefly discussed: although our concern here is with the future, this cannot be properly explored without due attention to the past and the present. The paper will go on to raise some questions about the purpose (or purposes) of community penalties and the extent to which these can be achieved. There will be a brief consideration of new technologies, the difference these are making both to the nature and to perceptions of practice. Before some final reflections on the likely futures of community penalties in England and Wales and indeed in Europe, the paper will set out some of the strengths and weaknesses of community penalties, the opportunities for positive development and some of the obstacles and threats.

I. WHAT ARE COMMUNITY PENALTIES

The Council of Europe 1992 Rules on Community Sanctions and Measures¹ offer the following definition:

The term 'community sanctions and measures' refers to sanctions and measures which maintain the offender in the community and involve some restriction of his liberty through the imposition of conditions and / or obligations, and which are implemented by bodies designated in law for that purpose. The term designates any sanction imposed by a court or a judge, and any measure taken before or instead of a decision on a sanction as well as ways of enforcing a sentence of imprisonment outside a prison establishment.

The Council dislikes the very common expression *alternatives to custody*, incidentally, because it seems to imply that prison is the usual and standard case — the starting point, as it were, so that other sanctions have to prove their worth by the standards of prison. In its Rules, Europe regards prison as a last resort.

While it can be readily agreed that community penalties take place outside of prison, should the expression mean more than this? Should the community be involved somehow? How? These are topics to which we shall return. These penalties are very common in many countries, although they do not often receive as much attention as prison in the academic literature. In the first decade of this century, there were more than twice as many people on probation or parole in America as there were in prison. In Europe it has been estimated that some 2 million people are in prison while about 3.5 million are subject to some form of community sanctions. Again, very many people in prison go on to spend some time subject to community measures like parole.

II. SOME EXAMPLES OF COMMUNITY PENALTIES

While the term *penalty* implies a punishment for an offence, we may also wish to consider related measures. For example, many countries have *bail systems* so that people do not have to be held in police custody or in prison when they are awaiting trial at court. Alternatives to pre-trial detention include such measures as requiring a suspected offender to reside at a specified address, to be supervised and assisted

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¹If there is a distinction to be made between *sanctions and measures* and, on the other hand, *penalties*, it is not relevant for the purposes of this paper.

by an agency specified by a judicial authority. This is not a punishment, because punishment may not be imposed upon people unless and until they are found guilty. Another measure that should be mentioned is *conditional release from prison followed by post-release supervision* — often known as parole. In some countries, this is not regarded as punishment in itself — rather as a protective or preventive measure that follows the punishment of imprisonment, but many of the same practice challenges arise.

Here are some examples of community penalties. In many countries, a *probation order* is used as an independent sanction. This typically involves keeping in regular (though not necessarily frequent) contact with a representative of the probation service. Sometimes courts order a *suspended term of imprisonment* and at the same time imposes conditions with which the individual offender must comply. *Treatment orders* for drug or alcohol misusing offenders and those suffering from a mental disturbance that is related to their criminal behaviour are also used in many countries. There may be more *intensive supervision* for appropriate categories of offenders. There are also *penalties that restrict the individual's freedom of movement* by means of, for example, curfew orders or electronic monitoring. *Community service* (i.e. unpaid work on behalf of the community) is extremely common in Europe. *Victim compensation / reparation / victim-offender mediation* is less common, but of increasing interest for many reasons, as we shall see.

III. PROBATION IN ENGLAND AND WALES

Probably the oldest and best known community punishment is the probation order. There is a legend about probation's origins in England. A man called Frederic Rainer visited the London Police Courts in 1876 and, dismayed by what he saw, wrote a letter to a Society of the Church of England in which he asked; "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?" His letter is a defiant statement, expressing hope against pessimism, his belief in the possibility of change and rejecting the inevitability of incessant crime and punishment. Rainer wanted to reject never-ending punishment with a response to wrong-doing that respects dignity, decency and affirms a belief in the possibility of change. As it seems to me, Rainer was especially urging the ethical importance of giving people a fair chance to change. These are ethical and expressive values — by which I mean that we should be interested not only in what probation *does* but about what it *says* and *represents* in and through its work. The result of Rainer's letter was to introduce a small number of 'Police Court Missionaries' who attended court and offered, in suitable cases, to help individual offenders where the courts felt there was such a need and a reasonable opportunity to make a difference. These early probation officers gave practical help and used the influence of their personalities to bring about change. (I suspect that they would have immediately understood the ethos of probation volunteers in Japan.) When, thirty years later, these practices were formalised in law, probation was to be *instead of* punishment in appropriate cases. And what this was especially rejecting — though only in suitable cases — was corporal punishment, fines (which people often couldn't afford to pay) and prison.

Since then, probation in England has gone through a number of phases in which it has understood its work in different ways and attempted to present it accordingly to courts and to the public. The table below sets this out.

Phases of probation in England	Approximate dates
● helping people to change	● - 1930s
● rehabilitative treatment	● 1930 - 1970s
● 'nothing works'	● Mid 1970s
● alternatives to custody	● Late 1970s - 1980s
● punishment in the community	● Late 1980s - 1990s
● what works?	● Late 1990s
● public protection; offender management	● To date

This is too simple, of course (for a bit more detail and for further references, Canton 2011). Ways of working and of presenting work carry on and are never quite displaced by new ideas or methods. But roughly this sets out probation's objectives over the years. Helping was often very practical – for instance helping people to find a job or somewhere to live, perhaps trying to mend relationships with their families – but there was also the idea that a strong personality — perhaps a parent figure or an older brother or sister — can help to bring about change. Then followed a more scientific understanding — the use of some psychological techniques (especially counselling) to rehabilitate. In the mid-1970s, however, there was found to be a shortage of evidence that any particular form of intervention worked to reduce reoffending. In the UK, for example, Brody wrote:

It has seemed ... that longer sentences are no more effective than short ones, that different types of institutions work about equally as well, that probationers on the whole do no better than if they were sent to prison, and that rehabilitative programmes ... have no predictably beneficial effects. (1976: 37)

But if probation could not show itself to be better at reducing reconviction than other types of punishment, at least it was no *worse* and in particular it could provide a less damaging and cheaper alternative to prison. Meanwhile, as the issue of crime and punishment became more and more political — an area in which political parties competed — there was a perception that the public demanded punishment. Community penalties were considered to be too easy or lenient and probation was challenged to make them more demanding. This was a crucial step: probation and other community penalties were no longer to be *instead of punishment* but punishment in their own right. Whether or not the courts and the public saw them in this way is another matter.

Towards the end of the 1980s, research from North America challenged the pessimism that nothing worked very well. New research seemed to show that some methods *do* work (I shall say more about this later) and a new period in English probation was based on these claims. But meanwhile the increasing political priority came to be the management and reduction of *risk* and these new concerns came to dominate policy and practice. This digression into probation's history in England is a reminder that the purposes that people set for probation — and the way in which it is understood — *change*. Over time, the kinds of community punishments available have changed and different purposes have been set for them.

One of the most important community penalties was first introduced in England in 1972. Community service is a community penalty which involves offenders working without payment for the benefit of the community as real or symbolic reparation for the harms their crimes have caused. Over the years this has become a very common punishment in almost all European countries. But it is a good example of the difficulties involved in trying to specify a particular single purpose for a community penalty. For example, some have argued that community service should be regarded as a *punishment* because it takes away people's time, labour and skill. Others insist that the work itself should be tough — it ought to be hard labour and nothing easy. But it can also be a form of *rehabilitation* — because giving people useful things to do enables them to develop their skills and interests and, at best, enables them to develop useful work habits and a more considerate attitude to others. It *makes amends* — by undertaking useful work offenders can really begin to pay the community back for the harm they had done. Some feel that the tasks assigned to offenders should in some way emphasise *social inclusion*. Having several different purposes — and purposes that may not always easily fit together — is very typical of community punishment in general. It is rare that a penalty has just one purpose, but if there are a number of purposes hard questions arise: are the several purposes compatible? (can they all be pursued?) are some purposes more important than others?

IV. PROBATION OBJECTIVES IN EUROPE

Nowadays different countries set one or more of the following objectives for community penalties. It is to be noted that these are different objectives and evaluation of their success would therefore need different indicators.

- To reduce prison numbers by providing alternative sentences
- To protect the public by controlling offenders in the community

- To reduce reconviction through rehabilitation
- Reparation and mediation

We shall have a look at these objectives one by one in more detail.

A. Reduce Prison Numbers by Providing Alternatives to Custody

This could be done either by sending fewer people to prison and instead imposing community penalties ('closing the front door') or by early release schemes like parole under which prisoners would be supervised after leaving prison ('opening the back door'). (Or by both methods, of course.) But community penalties have been disappointing in their effects in this respect. They do not seem to reduce the prison population and may not even much slow down its increase. Rather than displacing people from custody, they just draw more people into a net and subject them to increased levels of intervention. In most European countries, large numbers of people subject to community punishments are offenders who would probably **not** otherwise have gone to prison, but would have been dealt with in other ways — by financial penalties, warnings, other community penalties (Aebi *et al* 2015). And many of those early released from prison are then recalled for violations of their conditional release. The judgement has been taken that the public will only tolerate early release if they can be assured that there will be tight enforcement and that any violation will lead to a recall to prison. In the UK, this has led to large numbers being received back into prison. In the USA, this tendency has been even more marked. In 2006, almost 2/3 of all prison admissions in California were parole violations and many of them were technical. (See Robinson, McNeill and Maruna 2013). And of course once someone has been seen to 'fail' on parole, authorities will often be most reluctant to give them another chance. The general message is clear. Community penalties are not an efficient means of reducing the prison population. They have contributed to some successes in certain countries (Lappi - Seppälä 2007), but many countries, especially in eastern Europe where there is often a legacy of high prison populations from their Soviet days, have discovered that establishing a probation service and creating a range of community penalties will not solve this problem on its own.

B. Protect the Public by Controlling Offenders in the Community

Public protection is political priority in many countries. There are examples of arrangements where high risk offenders have been managed safely in the community. England and Wales is very proud of its Multi-agency public protection arrangements (MAPPA) under which several agencies, usually led by the police and by the probation service, work together combining their skills and resources to guard against serious offending by dangerous people. These achievements must not be under-estimated. But here too there is a challenge of credibility. The public only becomes aware of public protection when things go wrong — a serious crime takes place and arrangements are judged to have failed. Even when inquiry shows that probation and other agencies have done everything possible, there is still often political criticism and calls for changes to be made. Can community punishment ever match the certainty in protection that imprisonment seems to offer?

C. Reduce Reconviction through Rehabilitation

The pessimistic idea that nothing works was challenged by research findings, especially from Canada and the USA, that some kinds of programme were successful in reducing reconviction after all. These successful programmes focused on:

- Risks — the higher the risk of reoffending, the more intensive and extended the supervision programme should be. This principle can accordingly be used to determine who should be worked with and to what level.
- Needs — the focus of intervention must be on those needs or factors associated with their offending. These are known as criminogenic needs².
- Responsivity — 'ensuring that all interventions, programmes and activities with offenders are run in a way which is engaging, encourages full participation and takes account of issues of identity

²These differ from person to person, of course, but common needs include: pro-criminal attitudes ('thoughts, values and sentiments supportive of criminal behaviour'); pro-criminal associates; employment; poor personal relationships; substance abuse (drugs, alcohol) (Andrews and Bonta 2010: 46).

and diversity.' (Dominey 2007)

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- Multi-modal (different methods / skills) — offenders' problems are diverse, calling for a correspondingly diverse repertoire of interventions.
- Delivered as intended (programme integrity) — supporters of RNR claimed that where results were disappointing this may be because they had not been implemented appropriately (Andrews and Bonta 2010)
- Community based — Programmes in the community were said to be more effective than those undertaken in prisons.

It was claimed that programmes — sequenced and structured interventions — could reduce reoffending below the predicted rates by measurable amounts and these insights were the basis of English policy for probation in the late 1990s and the early years of this century. There were ambitious claims made when these programmes were developed in the UK, but they have not, perhaps, fulfilled the whole of their promise. Assessing the achievements of these programmes after 20 years of experience in England, it could be said that:

- Some things work quite well — if conditions are optimal
- Some things work in one context but not another, e.g. perhaps they work in the community but not so well in prison
- Some things work with some people but not others — for example, perhaps they work quite well with men, but less so with women; or they work well with younger people, but not so well with older
- 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

It is to be noted that by far the most usual form of community supervision in Europe remains 1:1 supervision (rather than group work) and undertaken in a fairly unsystematic way. While this is the most common arrangement, very little is known about how probation staff undertake this work and, for example, whether some approaches are more successful than others.

Whatever the value of programmes of intervention, most countries are fully aware that prisoners (and people subject to community punishments) experience huge social disadvantage. A UK government report found:

Compared with the general population, prisoners are **thirteen** times as likely to have been in care as a child³, **thirteen** times as likely to be unemployed, **ten** times as likely to have been a regular truant from school, **two and a half times** as likely to have had a family member convicted of a criminal offence, **six** times as likely to have been a young father, and **fifteen** times as likely to be HIV positive. Many prisoners' basic skills are very poor. **80 %** have writing skills, **65 %** numeracy skills and **50 %** reading skills at or below the level of an 11-year-old. **60 to 70 %** of prisoners were using drugs before imprisonment. Over **70 %** suffer from at least two mental disorders. And **20 %** of male and **37 %** of female sentenced prisoners have attempted suicide in the past. The position is often even worse for 18–20-year-olds, whose basic skills, unemployment rate and school exclusion background are all over **a third** worse than those of older prisoners. (Social Exclusion Unit 2002: 6, emphasis in original).

³In care means brought up in a children's home or a foster family.

It is plausible to link these disadvantages with their offending and unless their life chances are improved, further offending is likely to result. Even if their attitudes and thinking can be changed by probation interventions, they need fair opportunities to develop lawful ways of living — lives in which offending has no place.

The report particularly identified the importance of the following factors in influencing further offending or desistance:

- Accommodation
- Education, training and employment;
- Health
- Drugs and alcohol
- Finance, benefits and debt
- Children and families
- Attitudes, thinking and behaviour

It seems likely that many countries would report a similar experience, even if they would add or subtract from this list and perhaps give a different emphasis to some of these factors. Given this wide range of social needs, it made sense for probation to work with other agencies of civil society. There are other organisations whose task it is to help people who are homeless, help them to find employment, offer drug treatment and so on. Rather than try to create these services within the probation agency, it would be better to work with these other organisations to make sure that offenders have fair and reasonable access to the services available to other citizens. In England, these insights have transformed the way in which probation goes about its work and the expression 'offender management' is now commonly used. This has given its name to modern English probation — which is part of a National Offender Management Service. At its best, this represents the idea of social inclusion and means that community punishment is more than just punishment-outside-prison.

Yet it has also been emphasised that, without a guiding relationship, offender management is likely to be uncoordinated, confusing (especially for the offender in the middle of these often complex arrangements) and fragmented. Listening to what offenders themselves say about their experience of being supervised has returned attention to the importance of this working relationship. A relationship — based on trust and mutual respect — turns out from research to be every bit as important as the particular treatment method favoured. Without a relationship none of these benefits is likely to be achieved. Again, the similarity to the role of Japanese VPOs is apparent.

To summarise findings about rehabilitation: the predominant model of rehabilitation in Europe and North America is Risks-Needs-Responsivity. But the insights of desistance research — finding out more about the circumstances in which people come to stop offending — have emphasised that there is not only a need for personal change — change, that is, in the attitudes and motivation of offenders — but also in the opportunities available to them. Typically people stop offending by establishing ways of living in which offending has no place, where they come to see themselves not as offenders but as workers, perhaps, as husbands and wives, as parents and are regarded in this way by other people as well. In other words, they come to lead to good lives. But not everyone has the same understanding of what a 'good life' is and offenders must be allowed to flourish as they decide. Rehabilitative methods like RNR emphasise weaknesses and limitations — risks and needs — but more attention should be paid to offenders' strengths, their potential and their own ambitions. These 'positive' goals constitute more powerful motivation than the aversive goals associated with risks and needs. Probation can support these developments but cannot and should not try to lead them.

D. Reparation and Mediation

Attention to the needs and rights of victims has prompted many probation agencies to introduce into their policies and practices ways of working with and for victims. In many parts of the north and west of Europe, this has proved quite difficult as well-established agencies, created to work with offenders, have tried to work out how to add on — or, better, to *integrate* — work with victims. Newer services in Eastern Europe have managed this better, perhaps, and Romania and — especially — the Czech Republic have developed their new services with a full understanding of the importance of working with victims. The Czech Probation Service is named the Probation and Mediation Service. These are the guiding principles of working in this way.

- the response to crime should repair as much as possible the harm suffered by the victim;
- offenders should be brought to understand that their behaviour has had real consequences for the victim and the community;
- offenders can and should accept responsibility for their action;
- victims should have an opportunity to express their needs and to participate in determining the best way for the offender to make reparation;
- the community has a responsibility to contribute to this process. (Czech Republic Probation and Mediation Service 2013).

Traditional justice represents the relationship between the state and the offender. Reparation considers the offender and the victim, but at best goes further than this. The community — at a local rather than a national level — has an interest and a responsibility in responding to crime — in supporting the victim, holding the offender to account, trying to bring it about that the offender does not offend again. And as we have seen this involves not only personal change, but also opportunities. One obvious example is employment. It is well established that being employed is a very strong influence in avoiding further offending, but if employers take the view that they will not employ offenders because they are untrustworthy, then this 'pathway' out of crime can be blocked. Reparative approaches have the potential to enable communities to see that a crime could be interpreted as a sign of something wrong in society and a challenge to see how it can be put right — not only for this offender but to avoid offending by others.

V. NEW TECHNOLOGIES

Probation in Europe and in North America has been influenced in its work by new electronic technologies. Most obviously, the emphasis on case recording and the inputting of data onto computers leads many probation staff in England to complain that they spend much more of their working time staring at a screen and typing at a keyboard than in meeting with offenders or victims. The capacity to build and analyse large data sets has led to a mode of 'actuarial' criminal justice where offenders are dealt with not as individuals but as members of groups. There are also other technologies that have the potential to transform probation practice. This seems, in Europe and North America at least, to make a difference to our thinking about the future of community penalties.

Electronic monitoring is widely used. At the moment, in UK, this mostly takes the form of a device fitted to the individual's ankle that communicates with another device attached to their home telephone. This is how curfews⁴ are monitored. If the offender is away from home, the monitoring centre will receive an alert and as soon as possible someone will attend the premises to find out what is going on. Note that while this device can report an absence, it cannot tell you where the offender *is* (if away from the appointed place). Increasingly, this technology is looking likely to be replaced by GPS technology, using satellites to locate the offender — just like cell phones. Exclusion zones could be monitored in this way. For example, an offender might be ordered to stay away from a particular area and the GPS tracking device would be able to monitor this.

⁴A curfew is a requirement to remain at home at certain hours, usually and especially at night time.

There are plenty of other devices besides. These include devices that detect the presence of alcohol through a deep lung breath sample. The results are transmitted remotely through a telephone connection. Test results are matched against a highly reliable biometric voiceprint to make sure that it is the offender (and not their sober friend!) who is blowing into the tube. At the start of a programme, subjects are visited to set up the system and the voice verification process is explained to them. An initial voice recording is taken from the subject, which is used as a blueprint for all future communication by telephone. Manufacturers claim “Our technology enables us to check the unique voice of the subject against our recorded and stored version each and every time the subject calls through.”

In London there has been an experiment to allow offenders released from prison and those serving community penalties to report to electronic kiosks rather than to probation officers. Some people would like this to be extended. Offenders will log into the machines, located in probation service offices, using fingerprints. Biometric reporting, as it is known, is used in the US, where the machines interact with large numbers of offenders. The machines ask offenders a series of questions, including whether they have changed their address or job and if they have been arrested since their last report or wish to speak to someone. Probation service managers will also be able to add individually tailored questions to those asked by the machines, which are believed to cost around £130,000 a year to operate. (23,348,433 Yen; \$ 191,000). Whether this is considered expensive depends on judgements about how much probation officer time they might be able to replace.

Technology brings both opportunities and threats. Will technology add to or replace the personal relationship? The Council of Europe prefers electronic monitoring to be used to support conventional probation supervision. But maybe some offenders would prefer an impersonal intervention. There is some evidence (Nellis 2010) that electronic monitoring can have some rehabilitative benefits – by bringing some structure and discipline into people’s lives — but it is not promoted to the general public or marketed in this way so much as a surveillance / control device. A personal worry is that the involvement of commercial firms in the manufacture of these devices, and often in their deployment, will have the effect of greater and greater use and lead to an expansion of penal control. Perhaps the most important message is that we must make sure that we use technology to support our work — technology should not lead it and we should not do things just because we can.

VI. STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS

Before moving finally to consider the future of community penalties, it will be useful to look at their strengths and weaknesses, the opportunities they present and the threats of which we must be aware.

A. Strengths

Here are some of the conspicuous strengths of community penalties.

- Avoiding the negative effects of prison.
- Potential to support desistance — people have to learn to stop offending in the community. Prison cannot bring this about. It has been said that you cannot teach someone to live responsibly in freedom by locking them up.
- Flexibility — several types of intervention can be combined to meet the diverse needs and circumstances of offenders.
- Relative financial costs — in principle, community penalties cost society much less than imprisonment.
- Represent the belief that people can change — the hope that Rainer expressed.
- Try to promote social inclusion. The prison wall ‘says’ you are apart, not one of us. Community penalties try to convey a very different message.
- Encourage communities to take responsibilities towards (ex)offenders and probation can advise

how to do this. (Japanese probation seems to do this very well. “The mission of all volunteer probation officers shall be, in the spirit of volunteer social service, to assist persons who have committed crimes and juvenile delinquents to improve and rehabilitate themselves, and **to enlighten the public on crime prevention, thereby enhancing the local community and contributing to the welfare of both individuals and the public.** (Art. 1, VPOs Act)” (Minoura, emphasis added)

B. Weaknesses

On the other hand, community penalties have a number of weaknesses.

- They are not easy to explain to courts and to the public.
- They do not always look like a sufficient punishment.
- It is hard to find good evidence that community penalties achieve their objectives.
- Community involvement is often limited — ‘community’ often means no more than ‘not in prison’.

C. Opportunities

- Community penalties challenge the automatic assumption that punishment must involve prison.
- If used well, community penalties can contribute to reducing the numbers of people in prison. Community penalties have had no more than limited success in lowering prison populations, as we have seen, but unless these sanctions exist and are well-developed, prosecutors and courts will have fewer options.
- Community penalties can help a community in recognising its responsibilities in reducing and responding to crime.
- Help to bring it about that offenders have genuine access to services available to the rest of the community — “VPOs, as liaisons between offenders and their communities, are the key individuals to facilitate this sense of acceptance by the community as well as the rehabilitation of offenders.” (Minoura)
- Greater participation of victims — who are often overlooked entirely in some criminal justice systems.
- Potential to solve problems rather than avoid them — prison avoids or postpones problems. Community penalties can attempt to solve them.⁵

D. Threats

- Community penalties have often drawn more people into the processes of control and punishment rather than displacing them from prison.
- The increasing involvement of commercial and technology could lead to expansion.
- There is a risk that community penalties will be valued **only** as a device for reducing the numbers in prison not for their own intrinsic worth.
- Political demands for tough punishment could make it even harder to explain the value of

⁵The concept of ‘community justice’ is of relevance here. It has been said that this rests on three principles: “First, the community is the ultimate consumer of criminal justice. Rather than offenders, or even victims, it is communities that the system ought to serve. Second, community justice is achieved in partnership at the local level. Third, it is problem focused: problems are addressed rather than cases processed.” Winstone and Pakes 2005: 2)

community penalties to a sceptical public.

- There is a risk that if community penalties are made more demanding in an attempt to show that they are ‘credible’ punishment, this could lead to *more* imprisonment (as has happened in parts of the USA). More requirements lead to more potential violations; then tight enforcement leads to more prison.

VII. THE FUTURE OF COMMUNITY PENALTIES

Penal policy is influenced by social, political, economic and cultural factors that can be hard to anticipate. For example, penal policy has become much more ‘political’ in the UK and the USA than it was forty years ago. It has become more punitive and it is now hard for politicians to change direction for fear of accusations of ‘being soft on crime’. On the other hand, financial pressures have brought about changes in some states of the USA, succeeding in reducing prison populations where other arguments have failed. Community penalties have been able to adapt by being presented in different ways – as punishment, as rehabilitation, as control. Public confidence / legitimacy is extremely important and is won by stating clearly what you are attempting to do and then doing it well — not by making unrealistic claims about rehabilitation or public protection.

One future for community penalties is that they will come to be seen just as means of surveillance and control. Political and / or public pressures will be seen to make it necessary for community penalties to be punitive and ‘prison-like’. Increased technology might replace the human relationships on which probation fundamentally depends and more people will be drawn into an expanding system.

Another and better future might be this. Community penalties could be used to place an emphasis on social inclusion and to support opportunities for desistance. Crime can be regarded and used as an opportunity for the community to reflect on what is going wrong and to try to work out how arrangements might be improved. Japan again offers this vision of community involvement.

In order to promote public awareness of the importance of offender rehabilitation, improve social environments and engage communities in the prevention of crime, various activities are carried out in local communities by VPOs. These activities include street parades, small symposia for local citizens, video forums in school, essay competitions and displaying posters. VPOs conduct these crime prevention activities in cooperation with municipal governments, community citizens, police and other volunteer groups. Through these activities, local communities promote bonds in the community, and as a result, those efforts build safer and stronger communities. (Minoura)

Finally, I suggest that community penalties could be greatly enhanced by more attention to the voice of offenders themselves. In the UK, probation areas are establishing ‘user councils’ to find out what probationers and ex-prisoners themselves find to be best and, on the other hand, what needs to change. In UK probation has not taken these opportunities before, but is increasingly discovering that this is an invaluable guide to policy and to practice.

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