

Offender Supervision in Europe

COST Action IS1106



Some of the members of the Action's Core Group at a recent meeting at Ross Priory on the banks of Loch Lomond in Scotland. From left to right: Miranda Boone (University of Utrecht and co-leader of our Working Group on Decision-Making and Supervision), Fergus McNeill (University of Glasgow and Chair of the Action), Gwen Robinson and Kerstin Svensson (University of Sheffield and Lund University and co-leaders of our Working Group on Practising Supervision), Christine Morgenstern (University of Greifswald and co-leader of our Working Group on European Policy and Practice) and Kristel Beyens (Free University of Brussels and Vice-Chair of the Action).

Welcome to the first annual newsletter of COST Action IS1106.

We began our work on 'Offender Supervision in Europe' on March 27, 2012. This newsletter summarizes our progress during the first year of the Action. It includes brief resumes of the work of each of our four working groups, and an account of our first international conference at Liverpool Hope University on April 26-27, 2013. But first, a few words about why we set up the

network and what it aims to achieve.

The Action was created to address the neglect in existing social science research and scholarship of the emergence of 'mass supervision' (of 'offenders' in the community). In our proposal, we argued that, as well as representing an important analytical lacuna for penology in general and comparative criminal justice in particular, the neglect of supervision meant that research has not delivered the knowledge that is urgently required to

engage with political, policy and practice communities grappling with delivering justice efficiently, effectively and legitimately. The Action aims to remedy these problems by facilitating cooperation between institutions and individuals in different European states (and with different disciplinary perspectives) who are already carrying out research on offender supervision or, in the case of early stage researchers, are attracted to that field.

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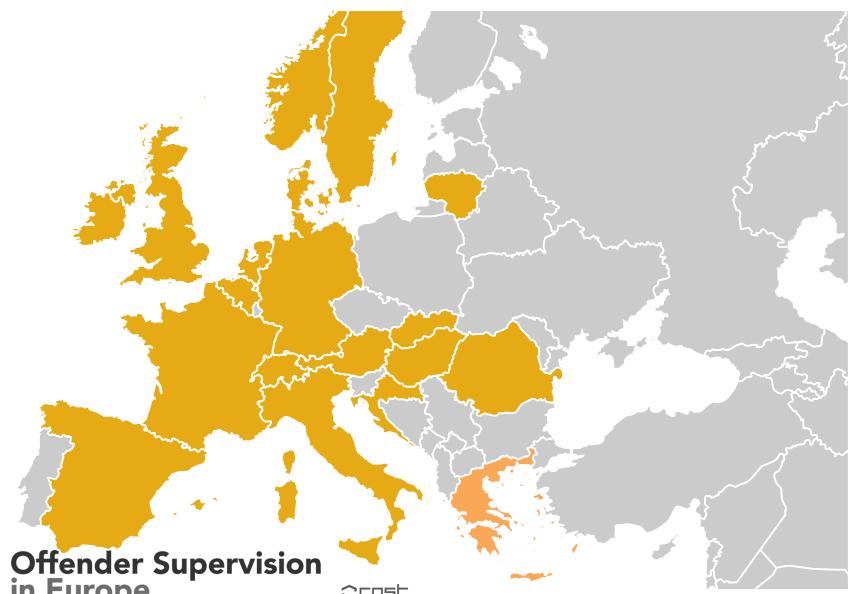
2. Progress reports from our working groups on 'Experiencing supervision', 'Decision-making and supervision', 'Practising supervision' and 'European Policy and Practice'.
5. Our First International Conference
6. Looking Back, Looking Forward, Looking Across.



We hope that this collaboration will help us meet our main scientific objective, which is **to increase and deepen knowledge about offender supervision**, so as to better understand its evolution and development in social context, how it is experienced by those subject to it, how it is constituted and constructed by those that practice it; and what its impacts and consequences are for those affected by it. By the end of the first year of the Action, in pursuit of that task, we had recruited almost 100 researchers from the 20 European countries shown on the map opposite.

We organized ourselves in four working groups and set them the following challenge for year 1:

'Each working group will review existing knowledge in its field of interest so as to (1) assess the extent of research evidence and scholarship about OS (2) identify methodological limitations in the existing research and (3) identify substantive gaps in knowledge. This phase will therefore provide a **mapping of current understanding of the nature of OS** as experienced, as practiced, in different jurisdictional contexts, as well as a detailed exploration of relevant datasets about and methodologies deployed in this field and their strengths and limitations... This first phase will allow Working Groups to devise individual work plans and for participants to start to build collaborative relationships to address the gaps and deficits they have identified'.



Working Group 1: Experiencing Supervision

Leaders: Ioan Durnescu (University of Bucharest) and Christian Grafl (University of Vienna)

The Experiencing Supervision working group currently includes 19 representatives from the following COST countries: Austria, Ireland, Switzerland, The Netherlands, Romania, Denmark, Italy, Spain and the UK. The members come from different research and educational backgrounds: criminology, sociology, law, social work, psychology and so on.

In order to describe the state of art in the research literature on experiencing supervision, the WG members elaborated a detailed guideline questionnaire that was placed in a dropbox account and also on the Action website. We have received and analysed 12 country reports describing the research available in that jurisdiction focusing on experiencing supervision.

Some of the studies are old and completed but others (for

example, in the Netherlands or Belgium) are ongoing. As a general observation, the literature on this particular topic is quite scarce and the research methodologies are not very robust. Most of the studies are based on small, opportunistic samples and use only one or two data collection instruments. Furthermore, the research questions are formulated in different ways in different places and that makes comparative analysis quite difficult. It may be that a European Supervision Survey will facilitate this process and will illuminate what is missing and what needs to be developed further in terms of researching supervision. We will explore this possibility further in year 2 of the Action. You can find some of the country reports at: www.offendersupervision.eu/documentsandresources

Working Group 2: Decision-Making and Supervision

Leaders: Miranda Boone (University of Utrecht) and Martine Herzog Evans (University of Rheims) *Pictured opposite*

This group comprises of 18 members representing the following countries: Belgium, France, Germany, Hungary, Ireland, Italy, Lithuania, Spain, Sweden, Switzerland, the Netherlands, and the United Kingdom. Our task is to explore the processes involved in the imposition and administration of OS at different stages of the criminal justice process. We decided to explore the following three phases: pre-trial, sentencing and release.

In each phase, we explored issues such as: Who decides and what are the procedures? What are the factors associated with decision-making, e.g. nature of the legal system (in particular written law vs. common laws system); nature of the procedure (in particular fair trial vs administrative); culture of practitioners and cognitive schema; bureaucratic pressure; balance of power between the authorities who impose and those who implement supervision; seriousness of the offence; victim impact and (perceived) public opinion; rules governing breach and how breach is defined, and so forth.

The group obtained reports from all the members, which contained a description of the legal rules and procedures applying to the three phases. They also described the empirical literature (object; methodology; findings). The literature reveals – but with variations between countries – that the following factors are of particular importance: the nature and quality of pre-trial or pre-sentence reports, the decision to impose pre-trial detention; the seriousness of the offence and perceived risk of reoffending; the competence and skills of the attorney, and the values of the judges (punitive/rehabilitative). The review of the literature also confirms that there is an important lack of research in this field. It points to numerous gaps, and, *inter alia*:

With the pre-trial phase: the influence of factors such as the number of available alternatives to pre-trial detention; the nature, quality and amount of information pertaining to the offender's circumstances; and the use of risk-assessment tools;

With the sentencing phase: the influence of factors such as pre-trial decisions and of pre-sentence reports, and the available information about the person's circumstances (and those which have the greatest impact); the weight of risk assessment and experts' testimonies;

With the release phase: the impact of the two major systems (discretionary vs automatic release) since both are represented in European CJ systems and, correspondingly, of the two opposed procedures: executive versus judicial decision-making. So far, if the literature does point to the decisive influence of factors such as risk assessment; existing desistance factors (family ties, housing, work, income, treatment); release plans; behaviour during the current and/or former sentence and in particular former breach of order or measure; the nature of the offence and of the release measure, and ethnicity; but much more information is needed on the influence these factors may have on decision makers.

Interestingly, despite the considerable differences between the legal and procedural European criminal justice systems, the empirical literature, albeit scarce, does show important common denominators.



Working Group 4: European Policy and Practice

Leaders:
Christine Morgenstern
(University of Greifswald)
and Elena Larrauri
(Pompeu Fabra University)

Working Group 4 has members from nine countries: Spain, Italy (two), Malta, Austria, Germany, Belgium, Norway, the UK (all three coming from England) and Lithuania. They come from faculties of law, criminology, social work and (forensic) medicine; interdisciplinary work therefore is possible. One example is the issue of offender involvement and consent the group is dealing with – legal aspects differ from medical views and criminal social workers again may add new insights.

We started with six members and now have eleven.

(Continued overleaf...)

Working Group 3: Practising Supervision

Leaders: Gwen Robinson (University of Sheffield, *pictured opposite*)
and Kerstin Svensson (Lund University)



In June 2012 the WG leaders sent out a document to members of the WG in 8 COST countries: UK, Sweden, Norway, Romania, Croatia, Hungary, Malta and Slovakia. This document invited members to write a review of the key research literature in their country relating to practicing OS (3,000-5,000 words). Five key areas were identified, to help structure the literature reviews:

1. The roles, characteristics, recruitment and training of key actors in the delivery of offender supervision [who may be located in public, private and / or third sector organisations; 'characteristics' could include things like skills, values etc.]
2. Interactions and relationships between key actors in the delivery of offender supervision and other relevant professionals [e.g. sentencers; police; social workers etc.]
3. The delivery/practice/performance of offender supervision [this will include specific aspects of 'offender supervision' such as assessment processes, face to face supervision of individual offenders, group work, enforcement etc.; but it should also include any studies of 'practice cultures' more generally]
4. The role of tools and technologies in the delivery of OS [e.g. manuals; programmes; assessment instruments – what is known about how these are used; their impact on discretion etc.]
5. The management, supervision and / or regulation of practitioners and their practice.

When the WG met in October 2012 our membership had increased to 13 participants from 12 COST countries (additional ones being France, Belgium, The Netherlands and Ireland) and we had received 7 written reports. WG members delivered verbal presentations of research in their country at that meeting, and a plan of action was agreed, such that second drafts of research summaries (or first drafts where none had yet been produced) were requested by the end of November.

Between October and December 2012, two new countries were added to WG3: Denmark and Germany, bringing the total to 14 COST countries. WG leaders created an email distribution list for the group.

By April 2013, WG leaders had received a country report from all but one jurisdiction and had begun to make progress toward a summary of the work of the WG in the first year, in preparation for the Liverpool conference.

Working Group 4 (continued)

The group is concerned with the role of European institutions for offender supervision and questions of policy transfer. Last year's discussions – in Brussels and extensively via e-mail – concentrated on the EU Framework Decisions on the transfer of probation decisions, because Member States have to transpose it into national legislation and implement it into national practice. We therefore have established close contact to the ISTEP project (see: http://www.cep-probation.org/uploaded_files/ISTEP-Project-Overview-Letter.pdf).

The second focus was on the European human rights framework for offender supervision, provided mainly by recommendations by the Council of Europe (European Probation Rules and the European Rules on Community Sanctions and Measures). Thirdly we discussed methods to study the question of policy transfer.

The general idea of establishing an inventory of research only partly works for our WG 4 – in many European countries our topics are simply not covered by research (yet). We nevertheless have reports from all countries represented that reflect the different level of impact European questions have in different states. We see the need for developing a robust methodology to study quality and impact of the European instruments because the comparative approach must work on different levels. We will test this approach by addressing the issue of offender implementation and consent. We will explore both how the European instruments cover it and how Member States deal with that issue. We plan a special issue of the European Journal of Probation (www.ejprob.eu) on this topic.

Our first international conference took place at Liverpool Hope University on 26-27th April 2013.

About 120 delegates attended; half were members of the Action and half were colleagues from policy and practice, or people with direct experience of being subject to supervision.

This mix of delegates made for a dynamic and thought-provoking event, where our Working Group leaders were able both to present the findings from their first year's work, and to hear immediate responses from policymakers, practitioners and ex-supervisees.

The conference also allowed us to subject our work to evaluation by senior academics external to the Action, like the distinguished scholar of comparative criminal justice, Professor David Nelken (who contributed to our closing plenary), as well as to learn from scholars in the USA -- Josh Page and Michelle Phelps -- engaged in related work in the USA (who helped us to open the conference).

We were able to audio and video record the conference sessions, and these are now available on our website at:

<http://www.offendersupervision.eu/international-conference/conference-multimedia>

The full conference programme and the PowerPoint presentations can be found at:
<http://www.offendersupervision.eu/international-conference>



During the conference, to try to reach an even wider audience, we encouraged delegates to tweet using the hashtag **#OSEConf**.

Afterwards, we collected all of the tweets using Storify. You can see some of the comments and responses below, but to read the full story of the conference, visit http://storify.com/COST_OSE/offender-supervision-in-europe-conference

 Storify

Offender Supervision in Europe Conference

 Raymond Lunn
@raymondlunn
@gerhardploeg Much to read, study & ponder after this weekend.
#OSEConf the bookmark will be getting plenty of use in the coming months!

🕒 A MONTH AGO  REPLY  RETWEET  FAVORITE 

 Inv_Crimi_UPF
@Inv_Crimi_UPF

Muy buenas conferencias en #OSEConf offendersupervision.eu

 A MONTH AGO  REPLY  RETWEET  FAVORITE 

 CEP
@CEP_prob

Comms Officer and CEP Board members today at @COST_OSE conference ow.ly/1VFqaP #QSEConf, #probation, promote World Congress #wcp13

 A MONTH AGO  REPLY  RETWEET  FAVORITE 

 **David Hayes**
@DavidHayes4

It's been an interesting few days in Liverpool at the #OSEConf. In due course you should check out the podcasts here: bit.ly/Zprz6W

 A MONTH AGO  REPLY  RETWEET  FAVORITE

 Raymond Lunn
@raymondlunn

Difficult to put into words what the #OSEConf has done, offering hope / new dialogue for 'everyone' involved in experiencing supervision...

LOOKING BACK, LOOKING FORWARD, LOOKING ACROSS

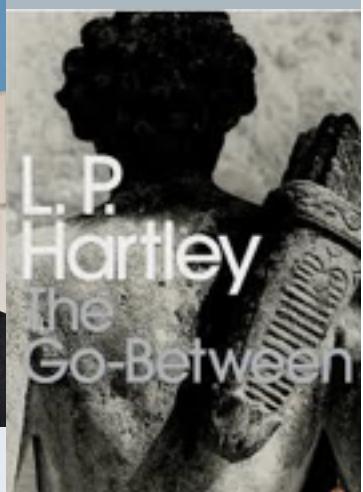
*Reflections from our Chair, Fergus McNeill
(University of Glasgow)*

The first year of the Action has been a busy one. Forming the Management Committee, allocating roles, setting up the Working Groups, building relationships with our partners (especially CEP – the European Probation Organization <http://www.cep-probation.org/>), planning and running our meetings and preparing the conference – all of these were challenging tasks. But the main job was to complete the review of research that we had promised. Individuals and teams of researchers completed dozens of valuable reports that were then synthesized and presented by our erstwhile Working Group leaders. Many of these are now publically available on our website at: www.offendersupervision.eu/documents-and-resources

The Working Group leaders are now drafting briefing papers summarizing their syntheses of European research on offender supervision; we'll publish those on the website in July. But they are also hard at work, along with the Chair and Vice-Chair of the Action, on our first book, '**Offender Supervision in Europe**', which will be published by Palgrave in January 2014. Beyond these planned outcomes, we already have members of the Action collaborating on the production of special issues of journals and on bids for funding for empirical research. Perhaps most importantly, we have forged the strong relationships from which our future collaborations will grow.

At the same time, we are advancing our plans for Year 2. Last year we held meetings in Belgium, England, France and Scotland; next year takes us to Slovakia, Malta and Sweden for two Working Group Meetings and one meeting of the Core Group (of WG leaders and other office-bearers).

The Liverpool conference left us all clear that the job that lies ahead is a daunting but inspiring one. As David Nelken told us, to climb the mountain before us, we need to be clear what we are comparing *for* before we can determine exactly *how* we should undertake the task. I've been reflecting on that helpful challenge ever since and I'm clear about the answers. As we noted on page 2, our overarching goal is '**to increase and deepen knowledge about offender supervision, so as to better understand its evolution and development...**' We are not comparing in order to standardise our 'harmonise' offender supervision; rather we want to better understand and explain the diversity of institutions, cultures and practices of supervision that exist in our continent.



Why does that kind of analysis matter? Part of the answer is that without a properly critical understanding of supervision, we can't properly inform its future development. In this sense, our challenge is the one that increasingly confronts anyone interested in 'civic or public social science'; that is, how can we apply our knowledge and skills to the task not just of improving policy and practice but of informing public debate and democratic deliberation about pressing social issues. In our case, these are issues of punishment and crime control that test the proper limits of state authority, the capacities of civil society, and the rights and duties of citizens. The stakes could hardly be higher.

Year 2 is about imaging and then developing better approaches to the project of comparative criminal justice. In this respect, I think we are a group of 'go-betweens'. A book with that title opens with the famous line, '**The past is foreign country; they do things differently there.**' The narrator of the story is a man who, as a boy, was used as a go-between (or messenger) between two lovers kept distant by social class and cultural difference, and by the power of repressive social institutions. But the narrator himself is also an old man reflecting on the boy that he once was. Like him, we face the challenge of making sense of ourselves in the past and the present, and of somehow moving between different institutions, cultures and practices, while carrying important messages. Hopefully those messages mean something; hopefully, they can help us to understand one another better, and to understand ourselves better. To me, that seems like a good path to the kind of progressive development that both enriches and challenges all of us.