

Offender Supervision in Europe

COST Action IS1106



Working-group 2: Decision-Making and Offender Supervision

Miranda Boone, University of Utrecht, University of Groningen (NL)
Niamh Maguire, Waterford Institute of Technology (IL)

Introduction

This briefing summarizes the activities from the third year's activities in Working Group 2 of the COST Action about Offender Supervision in Europe (COST IS1106: www.offendersupervision.eu). The main aim of the Working Group is to explore the processes involved in the imposition and administration of Offender Supervision at different stages of the criminal justice process. This year we have continued with the work we started in year 2: that is, exploring and developing vignette methodology that can be used to research and compare decision-making processes in and across countries.

Piloting the vignettes

After the meeting in Malta in March 2013 (discussed in our 2014 briefing paper), the WG members succeeded in creating two common vignettes that were universal enough to use in pilot research in 12 jurisdictions. One vignette dealt with a 22 year-old unemployed man, 'John', sentenced to community service and another dealt with a slightly older 'John' who had been released on parole. Various situations were created that could possibly result in breach: John not attending work, John not attending an appointment with his supervisor, John getting a positive result in a drugs test, among others, and we formulated various questions for the relevant decision makers about these scenarios.

Most of us succeeded in doing 2, 3 or 4 interviews with decision-makers involved in breach processes, based on one of the vignettes. The WG members all brought 'process maps' to the Action meeting in Belfast (in October 2014) outlining the relevant actors, norms, requirements and decisions involved in decision-making processes in breach in the several jurisdictions. We also shared the main results of our pilots and ideas on how breach works in different countries and how we could refine our comparative methodology.

For most of us, the vignettes proved to be great conversation starters: they made decision makers talk and allowed researchers a good understanding of

the decision making process, of the roles of the actors involved and of the criteria used, both at a formal and at an informal level. We managed to produce a list of the most relevant topics/research questions around which we could already compare our results.

Refining vignette-methodology

To make our data more comparable, we agreed that we needed to develop a way to translate our qualitative data into more quantitative data or put it together differently to better structure our findings so as to allow for comparison across and within jurisdictions on a more abstract level. During our meeting in Athens in April this year, Anders Persson and Alfredas Laurinavicius presented us several options for this next step.

- I) Dichotomous scales (the easiest to create, but the least useful for comparisons). Response options: true-false, agree-disagree, yes-no.
- II) Multiple choice scales (with one answer or several answers). Response options: true-false, agree-disagree, yes-no.
- III) Likert type scales (the most desirable ones). Types of response options: Agree – Undecided – Disagree; Extremely – Moderately – Not at all; Almost Each Day – Once a Week – Once a Two Weeks – Once a Month – Few Times a Year

We discussed the different options extensively in Athens and agreed that a combination of scales would be necessary to make our data more comparable, but we agreed a preference existed for Likert scales. This work will be continued in the period until our next meeting in Zagreb in October this year.

Book Proposal on Causes & Consequences of (differences in) Breach Processes across Europe

In Athens we also discussed the first draft of a book proposal on breach-processes.

This book aims to further our understanding of the processes of breach in the context of unpaid work orders and early release from prison across a range of different European jurisdictions. The book will provide a descriptive analysis of the process of breach in a range of common law and civil law jurisdictions. With insights from preliminary research involving interviews with practitioners including immediate supervisors, probation officers and judges, brief country chapters will examine a range of breach processes in jurisdictions as diverse as Belgium, Spain, Greece, Lithuania, England and Wales, Germany, Malta, Ireland, Sweden, Scotland, the Netherlands and Hungary. Informed by comparative analysis, the book will expand our current understanding of how decision-making in breach processes is influenced by differences in contexts, procedures and practices across twelve European jurisdictions. The book will also have thematic chapters on a number of key issues including discretion, due process, experiencing and practising breach.

As such, this book will draw upon and make a contribution to the already growing body of work examining the nature of offender supervision in Europe.

Outputs

- Several of the WG members contributed to the *Community Punishment in Europe* book edited by Gwen Robinson and Fergus McNeill that will be published in autumn this year (Beyens, Blay, Boone, Evans).
- A contribution was written to a special issue of the *European Journal of Probation* on methods used in research on Offender Supervision that will appear at the end of the year. The activities of year 2 and 3 were presented at the COST conference in Athens in April this year.

Future activities

A panel proposal has been accepted for the European Society of Criminology conference in Porto later this year, called *Understanding breach processes in a European context*. The following papers will be presented:

- ‘Breaching community sentence in the EU: some reflections on statistics’ (Klara Kerseszi, Alfredas Laurinavicius)
- ‘Parties, roles and responsibilities in the breach process’ (Esther Blay, Miranda Boone, Ineke Pruin)
- ‘To breach or not to breach?’ Discretion in breach decision-making processes (Kristel Beyens, Gill McIvor, Anders Persson)
- ‘Legitimacy, Fairness and Justice in the breach process: European Perspectives’ (Christine Morgenstern, Luisa Ravagnani, Alessandro Zaniboni and Consuelo Murrillo).
- ‘Legitimacy, Fairness and Justice in the breach process: Comparative Perspectives’ by Anthea Hucklesby, Jose Cid, Maria Anagnostaki and Niamh Maguire

The papers presented in the panel will be drafts for some of the chapters of the book mentioned above.