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Editorial

Volume 4 of the *IPJ* (2007) reflected on the centenary of the Probation of Offenders Act 1907, examining aspects of the history of probation and some of the issues it currently faces. Since then, both the Probation Service and the Probation Board for Northern Ireland have held major functions to celebrate the centenary and we incorporate the texts of key addresses given by the Minister for Criminal Justice (Northern Ireland) and by the then Minister for Justice, Equality and Law Reform (Republic of Ireland) in this volume. Nowadays all service providers are expected to elicit customer feedback and it is encouraging to note that these speeches communicate a high level of stakeholder satisfaction with the probation services across the island of Ireland.

An overview of the development of probation in the Republic (up to 1972) was included in last year's journal, and we plan to carry the second half of the story (up to recent times) next year, along with a corresponding outline of how probation developed in Northern Ireland. Meanwhile, criminal justice systems continue to evolve and new approaches bring changes to the functioning of, and indeed the role played by, probation one hundred years on. Such developments are illustrated in many of the contributions to this volume, particularly the article on the Criminal Justice (Northern Ireland) Order 2008 highlighting the significant changes involved for probation.

Other articles examine, for example, programmes for sex offenders, the experience of young people remanded in custody with some implications for how probation can help, and the value of social work skills in probation work. Looking further afield, this volume also features an article on the state-wide implementation of 'what works' criteria for programmes in Oregon in the United States.

Last year we asked for your feedback on the *IPJ*, and a report on the completed questionnaires is included in this volume. We are grateful to all those who took the time to contribute to this survey. It seems the

content of the journal is well received by our readers, who are to be found in many parts of the world.

The Editorial Committee wishes to express its thanks to the two probation agencies for their support (financial and otherwise), and also to all those who contributed to this edition, including the reviewers, Advisory Panel and publishers. Without their input and support, the journal could not continue. We are confident, however, that it will continue, and so send a bugle call to all our readers to come forward with ideas and draft articles for the next edition. Are you involved in an exciting, innovative probation project? Would you like to share your appraisal of the trends you see in probation practice or 'corrections' philosophy? Are there important developments (legislation based for example) that would be of interest to a wider audience? For our part, we will respond with guidance and encouragement so that the journal continues to stimulate a broad range of readers.

David O'Donovan   Jean O'Neill
Probation Service   Probation Board for Northern Ireland

September 2008

Address by Brian Lenihan TD, Minister for Justice, Equality and Law Reform, at the celebration to mark the centenary of the Probation of Offenders Act 1907, City West Hotel, Dublin, 23 November 2007

Chief Justice, President of the District Court, Distinguished Guests, Ladies and Gentlemen, I am delighted to be here this evening to join the Director of the Probation Service Michael Donnellan and his staff in commemorating the centenary of the Probation of Offenders Act 1907. This is an important milestone in the history of the Probation Service.

In joining you this evening I want to welcome, in particular, former members of staff who are with us tonight. It is the combination of the contributions made by former and current serving staff which makes the Service the organisation it is today.

A special welcome to those of you who are actively contributing to the wide range of projects, programmes and initiatives in the community which support the work of the Probation Service. I want to thank you most sincerely for this work. I know from my work as Minister for Children and my interaction with groups since my appointment as minister that you are contributing your knowledge, expertise and energy, entirely on a voluntary basis, to this important and vital work in partnership with the Probation Service.

The Act we are commemorating tonight – Probation of Offenders Act 1907 – sets out the system for the supervision of offenders. This Act effected great reform and provided a new formal mechanism for supervising, on behalf of the court, the conduct of the offenders placed on probation. The 1907 Act has stood the test of time and today, whilst it is fair to say many other pieces of legislation impact on the work of the Service, this Act remains the primary legislation applicable to the core work of the Probation Service.

In contrast to the legislative base for the work of the Service dating back to 1907, the structure of the Probation Service, as an organisation, has changed dramatically over the past one hundred years. The Service, initially Dublin based, grew from humble beginnings – the video presentation gave you an overview of the changes that have taken place and we will hear a little more on the history from David O'Donovan later – to the point in 1973 when the Service had a staff of forty-seven. Over the next three decades the Probation Service has grown significantly to the organisational structure we have today, with over five hundred staff in thirty-eight locations around the country.

The Probation Service has international recognition, with a representative on the Board of CEP [Conference Permanent European de la Probation], which some of you will know is a body representing probation agencies across Europe. The Service works closely with colleagues in Northern Ireland, exchanging information to strengthen cross-jurisdiction supervision of offenders. The Service has also continued to develop inter-agency, inter-departmental and community links in order to develop a coherent, co-ordinated and results-orientated strategy in the supervision of offenders, with a view to making our communities safer. I am a firm advocate of greater meaningful co-operation between groups, with the clear aim of dealing with an issue in an 'holistic' way.

Whilst the Probation of Offenders Act is the primary legislation which guides the work of the Service, you do not need me to remind you of the many legislative changes in the management of offenders over the past century. Tonight is not a night for listing a long list of Acts of the Oireachtas, but it is important that we acknowledge the many new responsibilities that have been placed on the Probation Service in respect of the supervision of offenders. To mention very briefly some examples: the Criminal Justice (Community Service) Act; post-release supervision of sex offenders; and implementation of a wide range of innovative measures provided for under the Children Act 2001.

I want to particularly acknowledge the pivotal role the Probation Service plays within the criminal justice system here tonight. I want to take this opportunity to acknowledge and thank you for the contribution which all of you are making to the fight against crime. You do make a difference and the high esteem in which the Service is held by the judiciary, the community and the other arms of the 'justice system' is testament to the dedication and commitment of the staff of the Service.

As with any organisation, the tasks and role of the Probation Service have evolved and developed beyond the role 'to advise, assist and befriend'. There is now much more emphasis on public protection and public safety; on reducing reoffending and offering offenders the opportunity to change through addressing their behaviour and the factors contributing to their criminality. Victim issues are – quite rightly – to the forefront of all your work with offenders, be they in custody or under supervision in the community.

The Probation Service as we know it today has evolved and developed through the hard work of many. It would be remiss of me to let the evening pass without paying tribute to deceased staff, including Martin Tansey who headed the Service for close to thirty years, all of whom helped to grow and develop the Service over the years.

Tonight is a night for celebrating the many achievements and developments of the Service. It is a time to look back with pride at what has been achieved and to look forward with confidence to the part the Service can play in the future as a key component of the criminal justice system.

In concluding, I want to wish our host Michael Donnellan, his senior management team and all the staff continued success in your work. You will continue to have my support and that of my department as you work to meet the challenges of the decades ahead.

Enjoy the remainder of the evening. Thank you.

Address by Paul Goggins MP, Minister for Criminal Justice, at the Probation Board for Northern Ireland's Centenary Conference, 'Probation – A Changing World. A Changing Role', Galgorm Manor, Ballymena, 13 March 2008

Thanks to all of you and thanks to you Ronnie, I am sorry I missed the start of your speech but I think I got the important message, which was thanks for the new resources but we might be making a case for more in the future. Well that is, of course, always the way that things are. And Wendy, thank you for reminding me of my past as a social worker, but also this is not the first time that I have been the Minister for Prisons and Probation because I held that job, it was my first ministerial job, in the Home Office for two years. In fact, quietly, I can still claim the record to be the longest-serving Prisons and Probation Minister since Labour came to power in 1997. Whether that is a good thing or a bad thing I will leave you to judge. And, of course, it is a role that David Hanson, who previously was the Criminal Justice Minister here, now holds in the new Ministry of Justice in London.

What I learned in those two years, two years where controversy was never far away for all kinds of reasons, was two things really about both the prisons and the probation service that everybody was agreed on. First of all we had to respect the different roles of the prison and probation services and their different history, but secondly that the case for more closely aligning the two services was absolutely beyond dispute. We have to make sure that we have a continuity of service between the probation and prison services.

So, having been a minister in the Home Office for both those services and seeing how they need to be more closely integrated, I was a bit surprised to say the least when I arrived here in May 2006 as Security Minister, responsible for the prison service, to find that I wasn't

responsible for the probation service, that that was done by a different
minister. And as far as anybody can tell me, that has always been the case.
Now we understand the reasons for that, the history particularly of the
forty years of troubles in Northern Ireland, but I was delighted when we
got devolution in May of last year, and we brought them together in the
Northern Ireland Office in a slightly different way, that I was then the
minister both for prisons and for the probation service. So we could
move on from talking about single services and start to talk about an
integrated system of offender management, which I think is the future for
all of us.

Now the probation service has a huge and admirable and impressive
track record and I was able last year to celebrate with many of you one
hundred years of the probation service at an event at Hillsborough
Castle. And at another event since then I was able to celebrate the
twenty-five years' service that so many probation staff in Northern
Ireland have put in and I really admire and congratulate all those who
have put so many years of effort and service in.

The achievements have been enormous too, just in the recent past
establishing the Victim Information Scheme, setting high standards for
the supervision of offenders in Northern Ireland, rolling out the
Electronic Information Management System (the wonderfully named
EIMS system), all of these things are very impressive. And it is as well to
remember that the prison service supervises on a day-by-day basis
around 1,500 people at the moment. The probation service is monitoring
and supervising already 4,000 every day in the community and that, of
course, is a number that is going to increase.

I am particularly delighted that today we are focusing here on the
changing role of the probation service because it is a role that is
changing. I think that the role is well described in the new corporate plan
and strategic priorities which are being launched today with an emphasis
on partnership; partnership clearly and especially with other criminal
justice agencies, the courts, the police, the prison service. There is also an
emphasis on the key role that the probation service will play in assessing
risk and protecting the public and the central aim, of course, of reducing
offending and managing integrating offenders back into the community.

If the role of the probation service is changing, that reflects of course
the changing context within which it is operating, in particular the
introduction of the Criminal Justice Order that we have all debated and
discussed at length over these last couple of years. But the truth is that

we are now almost at the point where that Criminal Justice Order will be a reality, i.e. we laid the order in parliament last week, we will debate it in committee in the first week of April and we are on track to have Royal Assent for that Criminal Justice Order by May.

So we are almost at the point of implementation and we know that the core aims of the Order are to enhance public protection, but also to rebalance the criminal justice system. So there will be an end to automatic 50% remission. The majority of offenders who are sentenced to custody will get a new form of custodial sentence, they will serve a custodial element of their sentence in full with no remission, but then when they are released they will be released on licence with conditions and under the supervision of the probation service. And, of course, the most serious and dangerous offenders will be placed either on life sentences or on indeterminate sentences where they can be held in prison for longer, where they won't be allowed out until it is safe for them to be allowed out. And again, when they are out, it will be under the supervision and monitoring of the probation service.

The other features of the Criminal Justice Order, which are about the rebalancing of the system, are the introduction of new rules in relation to curfews and the introduction for the first time in Northern Ireland of electronic tagging so that we can have tag on bail, as an alternative to remanding in custody, but we can also have an electronic tag as a condition of a community sentence to make them tougher and more credible.

We are also introducing the supervised activity order which will be an alternative to prison for fine defaulters and certainly the Secretary of State has indicated recently that he wants to see further and radical action in this particular area. It is such a waste that fine defaulters are sent to prison, just for a few days at a time, to no real effect other than the cost to the prison service that is involved. So we want to introduce new rules that will allow the deduction of money from wages and from benefits, and other systems to make sure that we don't have to send fine defaulters to prison. But the supervised activity order, which is in the Criminal Justice Order, will certainly be a good start.

So with all this additional responsibility, of course we have to make sure that the resources are available. We have to will the means if we wish to see the ends. And it has been a tight round of spending, the Comprehensive Spending Review 2007, but I am delighted that over these last few weeks and months we have been able to put in place a good

budget for policing. I was able to announce, before Christmas, 400 additional prison places that will enable the prison service to cope with the additional numbers coming through. We put in place the funding to make sure that we get a new integrated college for the prison service, for the police service and for the fire and rescue service too.

But it is important as part of that overall provision that we build up the capacity of the probation service as well, and over the next three years I am able to confirm that £55 million will be allocated to the probation service. That means the service will be able to continue with its existing work, but there will be an additional £6 million to introduce the new criminal justice reforms. And what that means, is that, by 2010 to 2011, the probation service in Northern Ireland will have a budget of around £20 million, which is more than 20% of an increase compared with the current year. And what that means, of course, is additional front-line staff. At the moment the probation service has around 330 staff; that will go up to nearly 400, with 55 additional probation staff on the front line doing that very, very important work.

So what are the characteristics of the probation service in the future? First of all and very important, the service must have a victim focus. Much of the work of the probation service of course is done with offenders, but there needs to be a concern for the victim right at the heart of everything that the probation service does. And, of course, the probation service is responsible for the Victim Information Scheme, keeping victims and the families of victims informed about the supervision of offenders. And I am very pleased to see that, whilst victims are often very vulnerable because of their experience, there is a very high satisfaction rating indeed for that area of work.

The second characteristic is high quality programmes and inter-ventions. I expect to see innovation in the kind of programmes that are run. Clearly, many of them will be intensive programmes, particularly with sex offenders. I think it is important that we build up the restorative principles within the programmes and the work that you do. Just an anecdote from my own constituency: I have a particular crime hotspot in one of the wards in my constituency, part of the problem is a lot of undergrowth has been allowed to get out of hand, bushes and so on, and lots of space for people to get up to mischief. The probation service has put a team of offenders doing unpaid work into that situation to cut everything back, to create an open space and to make the local community feel safer. And it seems to me that is the kind of practical way

in which the probation service can help offenders to put something back into the community against which they offended, and in a way that meets the approval of people and they understand that offenders are putting something back for the wrong they have done.

Within those programmes I also want to see a greater emphasis on education and training. It is very important that when you are, as a probation service, engaging with offenders that that opportunity is used to enhance education, skills and training so that people who have had an offending past could move on into work and have higher aspirations.

The third characteristic, and this touches on something that Ronnie was saying, is the need for cautious but confident risk management. The Criminal Justice Order will put the MASRAM arrangements on a statutory basis and it will mean the stricter supervision and management of offenders in the community, both on community sentences and after their release from prison. So I am very confident that overall this will mean stronger public protection.

We have no illusions, do we, about this? Many of these individuals are challenging, difficult individuals. Sometimes things will go wrong and it is very important therefore that we accept, as a service, that there will be closer public scrutiny of the work that the service does and a greater degree of accountability. And it is important in that context not to be naive, not to shy away from that interest, but to approach it with confidence and be prepared to explain what the service does and to see the wider context of public protection and to be able to help the community to understand that in more detail.

A fourth characteristic is the emphasis on partnership and this I can't emphasise enough, particularly of course partnership with the prison service, which will become more and more important. When it was put to me a few months ago that we needed to do something radically different in relation to the imprisonment of women in our system in Northern Ireland, I couldn't agree more. The present circumstances are better than we had in the past but they are not ideal and they need to be improved. But I am not prepared just to look at the provision of custody for women, in isolation from the rest of the provision that we have for women offenders. So, as part of the review that we are doing into new arrangements for women in prison, I want to look at what the community provision is like, what the hospital accommodation needs to be, so that we have an end-to-end review and a plan that comes out of that. And that partnership between prisons and probation right across the whole of the offending system will be really important in the future.

But it doesn't stop just at the prison service. A stronger partnership with all elements of the public service will, I think, be very important – with health, with education, with housing, with training, with the benefits agency – so that those people who are in the care and under the supervision of the probation service are enabled to move on from a life of crime to one where they keep the law and make a positive contribution to their own community. And I am delighted that the Executive have agreed to establish a ministerial group to oversee the co-ordination of all these different agencies in the effort to reduce offending.

The fifth characteristic, and again Ronnie touched on this in his remarks, will be that the modern probation service will be accountable to a local minister in a devolved administration, something I am strongly in favour of and I am pleased to see from the debates this week that it is something that all the parties in Northern Ireland are also in favour of. Of course there is the question of trust, there is the question of timing and that will require a lot of talk, a lot of dialogue for discussion in the coming period ahead. But that will be the conclusion, I am confident, of those further discussions. And quite right, it will be for a local minister, a locally run department that will oversee the probation service and the prison service. And I know Jeffery Donaldson, I don't think he is here yet, he is, I certainly want to pay tribute to Jeffrey in the work that he has done with the committee that he has overseen over these recent months, doing a lot of detailed work, making the way, preparing the way towards devolution. Without that commitment at this stage – and of course I was saying we need more conversation, we need more time, we need to make sure that the confidence is there – but a lot of detailed work has been done and I thank Jeffrey, and he is to be congratulated on his recent appointment as a minister.

So the probation service of the future will combine those old characteristics of advising, assisting and befriending offenders with the need to assess, to protect and to enforce orders and the supervision which the service is responsible for. In the end, of course, while ministers set the framework and allocate resources, while managers manage, it will be the probation staff on the front line of the service who manage offenders, who assess those risks, who use the interventions that are available to help and support offenders to get them to change their lives and in turn help to create a community with less crime, a community which is safer. And as the service develops in that way it can do so in the knowledge that it has the full support of government.

A View from the Bench

Roisin Muldoon★

Summary: This article contains the full speech of the Presiding Magistrate for Northern Ireland, Fiona Bagnall, as delivered to the Probation Board for Northern Ireland (PBNI) Centenary Conference on 13 March 2008, with comments from the author in relation to the various themes addressed.

Keywords: Sentencer, probation, offender, legislation, satisfaction survey, delay, community service.

On 13 March 2008 the Presiding Magistrate for Northern Ireland, Fiona Bagnall, addressed the PBNI Centenary Conference, convened to mark the celebration of the centenary of the probation service. Mrs Bagnall was appointed as Presiding Magistrate for Northern Ireland in September 2006. In June 2008 the Presiding Magistrate was renamed the Presiding District Judge (Magistrates' Courts) in Northern Ireland. In her opening remarks, she acknowledged that:

> The theme of the conference is a changing world, a changing role; with the objective to examine the contribution of probation to criminal justice at present and in the future. The role of the probation service both within the criminal justice system and indeed in society in general should never be underestimated as it is tasked with the job of managing offenders in a way which reduces reoffending and, as importantly, provides public protection. To successfully carry out such an important role it is vital that the probation service maintains not only the trust and confidence of the public at large, but also, to function properly, maintains the trust and confidence of those working within the criminal justice system, and from my perspective, in particular those who sentence convicted offenders. I think as a general

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statement you can be content that the probation service does indeed enjoy such trust and confidence.

It is fair to say that all judges and magistrates, whether in the Crown Court or Magistrates' Court, value the contribution of the probation service in providing information about offenders: his or her life setting, the risks he or she poses and what possible options are available to deal with the defendant in the community where such an option is appropriate. The recent Northern Ireland Office Sentencer Satisfaction Survey is still in its draft form, however the indications are that, of the sentencers who responded, nine out of ten were satisfied with the quality of sentencing proposals included in the pre-sentence reports and with the detail of such proposals. Furthermore, 97% of respondents reported that they were satisfied with the objectivity of pre-sentence reports and 95% reported that they were satisfied with the usefulness of pre-sentence reports in reaching a sentencing decision.

The Northern Ireland Sentencer Satisfaction Survey, which had the prior approval of the Lord Chief Justice, was conducted by the Northern Ireland Office (NIO) in the autumn of 2007 at the request of the PBNI. The conduct of the survey was therefore independent of the PBNI. The main purpose of the survey was to gauge the level of sentencer satisfaction with services provided by the PBNI.

The sample for the survey comprised 63 sentencers: all judges of the Supreme Court, 18 full-time County Court judges, 21 full-time resident magistrates and 10 lay panel members. The questionnaire was issued during November 2007. It was completed anonymously and achieved a 62% response rate, this can be broken down as follows: judges (66%), lay panel members (70%) and resident magistrates (48%).

Clearly as a general comment the level of satisfaction amongst the judiciary is high in relation to the information provided to the courts to facilitate sentencing. When one considers that the Probation Board for Northern Ireland provides around 6,200 pre-sentence reports to the Magistrates' and Crown Courts per year, this is significant testament to the professionalism and competence of all probation officers. However, it may well be that issues in relation to the length of time it takes to prepare reports will become more important in the future.

Roisin Muldoon

Timeliness is a key issue being addressed across all criminal justice
agencies at the present time. Mrs Bagnall continued by acknowledging
the PBNI's key contribution to reducing delay, the re-launch of the
specific sentence report:

> In the Magistrates' Courts, resident magistrates, as sentencers, have
> worked closely with the probation service to re-introduce the use of
> specific sentence reports, these can be prepared on the day of the
> court or within a short time of the court date. Such reports provide a
> considerably reduced amount of information and risk assessment and
> therefore clearly are only suitable for relatively straightforward, low
> level offences which do not have a violent or sexual element and where
> the offender does not have complicating characteristics such as mental
> health issues or an extensive addiction history necessitating detailed
> assessments. However, where such reports are appropriate it creates a
> win-win situation for everyone: probation officers don't have to carry
> out lengthy detailed assessments, defendants can have their cases dealt
> with more quickly, victims learn the outcome almost immediately, and
> from the court's perspective cases are disposed of more expeditiously.
> The re-introduction of specific sentence reports has been successfully
> piloted in Belfast and is now being rolled out across the province and
> I am particularly grateful to those within the Probation Board who
> have assisted in identifying appropriate cases for such reports and
> developed the format of the reports themselves.

The specific sentence report is only available to sentencers in the
Magistrates' Courts, and this was reflected in the survey responses: 38%
of respondents reported that they had often requested specific sentence
reports, 30% reported that they had occasionally requested them, 22%
reported that they had never requested them and 11% reported that they
were not applicable to their work.

> Judges and magistrates recognise the value of the work carried out by
> probation officers under the various orders handed down from the
> courts. It is important to realise that the Probation Board are
> supervising around 4,000 offenders, with 80% of them in the
> community. A number of specific programmes of work are of
> particular value to the Magistrates' Courts. The drink-driving course
> has been recognised by magistrates as very successful in challenging

offenders with regard to their behaviour and it has been shown to have significant impact in reducing re-offending. Other programmes relating to alcohol or substance abuse, anger management, and driving while disqualified are all considered very worthy programmes of work which are carried out by the Probation Board under probation supervision orders. We appreciate that the Probation Board continues to develop the programmes available and I understand a new Think First programme which focuses on cognitive behaviour is soon to be introduced and will no doubt provide further options of work to be undertaken by offenders.

The provision of such programmes as part of court orders has given sentencers confidence in relation to handing down probation as part of a disposal because the judge or magistrate can specify courses or programmes of work to be undertaken during the order. This allows emphasis to be placed on addressing issues which impact on reoffending, where it is appropriate, and tailors the order to make it genuinely challenging for the offender. In this way the sentencer can be satisfied that the order will meet the objectives envisaged by the court and will provide constructive challenging work for the offender.

The PBNI is presently completing a rigorous training schedule in relation to the Think First programme and programme delivery is due to commence in August 2008. Think First is an intensive Home Office accredited programme that tackles the way participants think and behave. It aims to change behaviour by teaching problem-solving skills, which will enable participants to manage difficulties in their lives and to avoid future reoffending.

> The success of such orders is, of course, always difficult to quantify, however one of the most important measurements must be reconviction rates. According to Northern Ireland Office figures published in September 2007, two-thirds of adults commencing supervision in 2003 were not reconvicted within two years. I understand that these statistics compare very favourably against the experience of other jurisdictions and therefore pay tribute to the work of all probation officers in Northern Ireland.

The NIO has responsibility for the publication of statistics and research relating to the effectiveness of the criminal justice system. A key measure

of effectiveness is indeed the rate of reconviction. More recent Northern
Ireland adult reconviction rates, published on 30 April 2008, are equally
positive and include the following findings:

• 7 in 10 people subject to community supervision (custody probation
  order, combination order, community service order and probation
  order) are not reconvicted within two years (31% reconviction rate
  overall).
• 3 in 4 people who complete unpaid work (community service) are not
  reconvicted in the next two years (a reconviction rate of 25%).
• The two-year reconviction rates for combination orders and probation
  orders are 43% and 32% respectively.
• Supervision in the community following a period in custody reduces
  reconviction – the two-year reconviction rate of custody probation
  orders was 38%, compared to 48% for those with no post-release
  supervision (Freel and French 2008).

Turning to the area of community service, Mrs Bagnall noted:

Community service orders are of course another important order
which is supervised by the Probation Board and available to the courts
as a sentencing option. Approximately 100,000 hours of community
service per year have been completed by convicted offenders. There
are, however, challenges for the Probation Board in this regard:
community service is frequently considered unsuitable in the
Magistrates' Courts because offenders have mental health conditions
or are on incapacity or similar benefits. This can inhibit the courts'
opportunity to consider such orders when sentencing offenders and
clearly has an impact on the usefulness of community service orders
as a sentencing option. It may be that in the future the Probation
Board can design programmes of work which are suitable for such
categories of offenders.

The PBNI is committed to exploring the possibility of facilitating the
courts in using community service in cases where the offender is on
Sickness or Incapacity Benefit. This work will be piloted initially within
the Magistrates Court in which Mrs Bagnall sits at Laganside, Belfast,
during the autumn of 2008.

In recognition and acknowledgement of the pending legislative changes in Northern Ireland, Mrs Bagnall continued:

Paul Goggins has recently published the draft Criminal Justice (NI) Order 2008. This, I think it is fair to say, will, never mind the impact on the courts, potentially have very significant implications for your work especially in the post-release field and in dealing with dangerous offenders. Clearly the new provisions will need to be phased in very carefully so that the existing services you provide do not suffer. I do not envy you the challenge!

In conclusion the Probation Board can be assured that it is held in high esteem by judges and magistrates. We recognise and value the role it plays in the criminal justice system, a role which is likely to become more important and demanding in the future. I am sure all those within the Probation Board are ready to meet and indeed relish the challenges which lie ahead.

All that is left is to congratulate you on your first 100 years and wish you well for the next 100 years.

Presiding District Judge Bagnall acknowledged the dedication of probation officers and the valuable contribution that the PBNI makes through the preparation of pre-sentence reports. She also highlighted areas where efforts need to be made to improve on service delivery, namely in relation to the timeliness of reports, the availability of community service to offenders who are dependent on sickness benefits, and the challenges which face us now as we prepare for the roll-out of the new sentencing framework review. The PBNI welcomes these challenges and looks forward very much to a continued positive working relation-ship with sentencers in an effort to resolve or improve on these areas.

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Criminal Justice (Northern Ireland) Order 2008

Rosemary Bailie★

Summary: One of the most important and far-reaching pieces of Northern Ireland criminal justice legislation was given Royal Assent on 7 May 2008. The Criminal Justice (Northern Ireland) Order 2008 puts in place significant changes to the sentencing framework, providing courts with a range of powers that are designed to address public protection and safety in the community and to improve the criminal justice system. The legislation provides sentencers with the opportunity to pass indeterminate sentences for potentially dangerous offenders. It poses a challenge to the Northern Ireland Prison Service and the Probation Board for Northern Ireland (PBNI) to assess risk, address dangerousness and supervise offenders for lengthy periods.

Keywords: Legislation, sentencing framework, public protection.

The Criminal Justice (Northern Ireland) Order 2008 removes the 50% remission in relation to prison sentences. This arrangement, which had arisen as a result of the Troubles, was criticised by the Northern Ireland public, particularly after the murder of Attracta Harron by Trevor Hamilton within months of his release under 50% remission. Prison sentences will now be served as stated by the court, in full. They will have two components: a period in custody, followed by a period of post-release supervision. For offenders who commit a specified sexual or violent offence and who are assessed as 'dangerous', release from custody will be dependent upon the reduction of risk.

The legislation defines 'dangerousness' as 'significant risk to a member of the public of serious harm occasioned by the commission by the offender of further specified offences'. 'Serious harm' is defined as 'death or serious personal injury, whether physical or psychological'. Dangerous offenders may be dealt with by one of two new sentences: an

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indeterminate custodial sentence (ICS), where release is subject to licence which could potentially last for life; or an extended custodial sentence (ECS), where an extended licence period is served which may last for a maximum of eight years for a sexual offence, and a maximum of five years for a violent offence. A new body, to be known as the Parole Commissioners, will make decisions on release.

The PBNI will take the lead in assessments, both at court stage and at tariff expiry stage. It must therefore ensure that assessment instruments are fit for purpose and that staff are trained to a sufficient level as the principle of defensible decision making will be paramount. The Prison Service must ensure that offenders have the opportunity to undertake appropriate programmes to address risk issues identified at the time of sentence. Participation in itself will not be sufficient to indicate reduction of risk; instead, offenders must demonstrate that they do not pose a risk to the public before they are considered for release.

All offenders serving a sentence of imprisonment will have licence conditions on release, and consent is not a requirement. Where there is lack of compliance, recall to prison will be executed through an Executive Recall Unit, with a review of all recalls by the Parole Commissioners. Supervision of offenders in the community is also strengthened. The legislation brings in the power to use electronic monitoring of curfews, not just as a licence condition but also for use in community orders, such as probation orders, and as a condition of bail.

Public protection is also being addressed in the new legislation through the placing of the existing multi-agency risk-management arrangements for sex offenders on a statutory footing. The agencies that are required to co-operate are listed in the legislation, and the arrangements are extended to include violent offenders.

Prison is to be reserved for those who merit it. To help reduce the numbers in custody as a result of their non-payment of a fine, a supervised activity order is to be introduced as a default mechanism. This will be a reparative order where hours of unpaid work will have equivalence to the amount of money owed.

Other matters dealt with in the new legislation include: new powers in relation to knife crime, and to road traffic laws; measures to deal with the sale of alcohol to minors, and test purchase powers in relation to off-licences; increased sentences for driving while disqualified or without insurance; and sentencing by live link will be possible with consent.

In summary, the new legislation contains measures to deal with dangerous sexual and violent offenders, ensuring that they will only be released when their risk to others is reduced. The removal of 50% remission, along with the introduction of compulsory post-release supervision, will support a seamless sentence through custody and beyond to help reduce reoffending. Community supervision is also strengthened, and additional measures are being introduced which seek to improve the criminal justice system in Northern Ireland.

The legislation has implications for the PBNI in terms of increased responsibility and workload. The government has made provision for the associated staffing and other resources required to keep pace with the phased implementation of the new order. The PBNI will be central to the criminal justice arrangements in Northern Ireland; a significant challenge, but one that the organisation faces with confidence and determination.

Social Work: The Core Qualification of Probation Officers in Northern Ireland

Paul Doran and Louise Cooper★

Summary: The Probation Board for Northern Ireland (PBNI) employs approximately 150 probation officers and 25 area/senior managers who are all social work qualified. Although work undertaken by probation officers is offence and offender focused, it is not limited to the analysis of offending behaviour; holistic assessments of individuals and interventions are required. In this article we assess the requirements for probation work in Northern Ireland in 2008 against six key social work roles and make the argument that probation officers with a background in social work bring added value to criminal justice and public service in Northern Ireland. New legislation and the PBNI's Corporate Plan 2008–2011 will undoubtedly necessitate new bodies of knowledge and expertise, and the organisation will be increasingly required to work in multi-agency and multi-disciplinary settings. However, we believe that social work remains the most appropriate qualification to enable probation officers in the PBNI to meet the demands of their role.

Keywords: Probation, social work, qualification, Northern Ireland.

Introduction

It is essential that probation officers are appropriately skilled to fulfil the variety of responsibilities they may have in the course of their careers. This article examines the role of the PBNI within the criminal justice system, the roles and responsibilities of probation officers working in the PBNI and the skills, knowledge and values gained through the social work degree, which is currently the core qualification for probation officers in Northern Ireland. Central to each of these areas is the goal of reducing reoffending.

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Effective interventions to reduce reoffending

There is comprehensive international literature discussing factors associated with offending. A recent Home Office study (Harper and Chitty 2005) provides a helpful overview of these factors, which include problems with education, employment, accommodation, drugs and alcohol, mental health and social networks. The PBNI uses the Assessment, Case Management and Evaluation (ACE) risk assessment instrument, adopted for use in Northern Ireland during the mid-1990s, to assess the factors which contribute to offending behaviour. The ACE process is supplemented by other assessment tools as appropriate, for example the assessment of the risk of harm posed by offenders. This method is very similar to and totally compatible with the social work process.

Northern Ireland standards for the assessment, supervision and management of offenders specify that an ACE assessment is to be the basis for the provision of pre-sentence reports to courts, and also the basis for work to be undertaken with individual offenders (PBNI 2006). The regular and systematic assessment and review of an individual's needs and risks is therefore at the foundation of all PBNI interventions.

McGuire and Priestly (1995) outline the principles for the design and delivery of effective interventions:

• Risk classification (level of service matched to level of assessed risk).
• Criminogenic needs (factors producing or leading to crime).
• Responsivity (altering style of intervention based on individual).
• Community base.
• Treatment modality.
• Programme integrity.

Other research points to the importance of the nature of the relationship the probation officer has with the offender. Trotter (2000) concludes that pro-social modelling and problem-solving skills are significant in reducing rates of breached supervision. Furthermore, McNeill *et al.* (2005) identify four key social work practice skills for reducing reoffending, namely:

• Building relationships that support change.
• Assessing risks, needs and strengths.
• Research-based planning and delivery of interventions.
• Managing change.

The level of an individual offender's sense of responsibility and his or her co-operation with supervision is another important element in determining the effectiveness of probation interventions. This begins with the requirement to consent to PBNI supervision at court, and continues through routine visits to the offender in his or her home during supervision in the community and through the regular reviews of work plans to which the offender contributes. To reduce reoffending and protect the public, the PBNI therefore requires professionally competent staff who can challenge and positively change offenders' attitudes and behaviours by assessment, supervision and rehabilitation.

In the Northern Ireland context, probation officers have successfully worked in courts, prisons and the community for 100 years. With its social work ethos, the PBNI is uniquely placed to assess and manage risk and deliver services in these three key environments. Probation officers have demonstrated outstanding public service, as evidenced by their unbroken service to the entire community, courts and criminal justice system throughout the difficult times of the late twentieth century.

Role of the PBNI

The PBNI occupies a pivotal role in the Northern Ireland criminal justice system. It has the dual responsibilities of public protection and rehabilitation of offenders, and there is evidence to demonstrate that it has discharged its role with distinction throughout its history. The Northern Ireland Office is the sponsoring department of the Board, which has the status of a non-departmental public body and which is one of the seven criminal justice organisations that make up the Criminal Justice Board.

The PBNI provides a range of services to offenders and their victims at a number of points in the criminal justice process: prior to sentencing at court, in custody, on release from custody, in the community and in certain circumstances after a court order ends. It supervises approximately 3,700 offenders, subject to a range of court orders, on any given day;[1] and prepares some 6,200 pre-sentence reports per annum.[2] The organisation works with a broad spectrum of offenders, ranging from

[1] 31 August 2007.
[2] April 2006 to March 2007.

first-time offenders who have committed a petty crime to prolific, serious sexual and/or violent offenders. It works in, with and through the community to achieve its objectives, and promotes partnerships with other criminal justice agencies, government departments and the voluntary and community sector.

The most commonly used method of evaluating the effectiveness of court disposals is reconviction analysis. Independent research published by the Northern Ireland Office in April 2008 shows that community supervision is effective in reducing reoffending and also that people supervised after their release from custody offend less than those who are not supervised (see Table 1). The majority of people leaving custody are supervised by the PBNI on a custody probation order, a disposal unique to Northern Ireland. Supervision of community-based disposals by the PBNI also compares favourably to probation supervision in England and Wales and in Scotland.

Table 1. Two-year adult reconviction rates (%)

Disposal	Northern Ireland 2004	England and Wales 2004	Scotland 2003/04
Combination order	43	52	–
Community service order	25	38	39
Probation order	32	57	61
Community supervision	31	51	–
Immediate custody	48	65	64
Custody probation order	38	–	–

Source: Northern Ireland Office 2008.

The PBNI anticipates that recent criminal justice legislation – particularly the Criminal Justice (Northern Ireland) Order 2008 – will significantly increase the volume of work undertaken by the organisation in the medium to long term, with the introduction of new sentencing options and arrangements, including public protection sentencing, Parole Commissioners and the supervision of all people following release from custody (see article by Rosemary Bailie in this volume). Consequently, the probation officer complement of the PBNI will increase and this is a clear vote of confidence in the professional social work base of the organisation.

It is also expected that much of the PBNI's work will be increasingly undertaken in multi-agency and multi-disciplinary settings. A social work base is important in establishing such partnerships. For example, the shared social work values of the PBNI and the Department of Health, Social Services and Public Safety contribute to effective cross-agency communication in dealing with the complex risks and needs of individual cases, facilitating practitioners to draw on a common value base for defensible decision making and thus allowing the most suitable intervention to be planned. Similarly, the PBNI is often involved in cross-border co-operation with colleagues in the Irish Probation Service, in particular in relation to public protection issues. The social work base of both agencies enhances these arrangements. In other circumstances the PBNI may be the only agency bringing a valuable social work perspective to a particular matter.

Role of a probation officer

The PBNI currently employs around 150 probation officers. The range of work undertaken by these officers varies depending on the specific role they are assigned to within the organisation at any given time. All PBNI probation officers are required to hold a social work qualification and to be currently registered with the Northern Ireland Social Care Council (NISCC). Social work remains a value-based activity that attempts 'to reconcile potentially conflicting care, protection and control functions through the exercise of professional judgement, informed by legislation and guided by agency policies and procedures' (Gibson 1997).

A probation officer's responsibilities include:

• Assessment of offenders' risks and needs (in custody and in the community).
• Provision of reports for, and advice to, courts and other decision-making bodies.
• Resettlement services to those within custody and after release.
• Supervision of offenders in the community (planning, supervising, reviewing and enforcing interventions).
• Offending behaviour programmes for high-risk offenders.
• Partnership and multi-agency delivery of services.
• Services to victims.
• Training social work students.

Assessment: The key skill

Assessment is the means of understanding an offender. All interventions with offenders to reduce crime should be steered by a thorough, structured assessment which allows the probation officer and the offender to understand the offender's strengths and areas for development. Assessment is an interactive, dynamic process, enabling an officer to gather historical information, analyse current circumstances and identify targets for change. The social work ethos furthers an officer's ability to interact, engage and support an offender while also challenging negative behaviour.

Each offender subject to PBNI supervision will be managed through a work plan based on an individual assessment of risk and needs. A range of probation staff, not only probation officers, may be involved in the delivery of this work plan, as well as other government and voluntary representatives. The provision of services to an individual may be direct or indirect, and may involve advocacy on behalf of an offender to facilitate social inclusion, for example meeting accommodation needs or improving employability.

Assessment is the critical skill demonstrated by social workers generally, and probation officers specifically, and is relevant for areas of work such as child protection, mental health and physical disability. It is an essential skill for probation officers making decisions on whether individuals can be maintained safely in the community, released from custodial establishments or discharged from institutions. However, assessment is only one aspect of the social work process, as outlined by the Sutton Aspire model (Parker and Bradley 2008):

<div align="center">

AS   Assessment
P   Planning
I   Intervention
RE   Review

</div>

While social work practice is dynamic, occupational standards provide the framework for accountability to government. All work conducted with offenders by PBNI staff is governed by Northern Ireland standards (PBNI 2006), agreed with the Northern Ireland Office. These standards cover the work of probation from assessment to work planning to interventions and review. Although probation officers work within a

prescribed legislative framework and observe various organisational policies and procedures, the work conducted with offenders is based on individually assessed needs in order to effect positive behavioural change (including, most importantly, desistance from offending) and rehabilitation back into the community.

The knowledge, skills and experience of probation officers is invaluable in assessing the effectiveness of PBNI practice, developing new interventions, developing innovative ways of working and providing expert opinions to government regarding the drafting and implementing of new criminal justice policies and legislation.

Qualification routes for probation officers

It is the position of the PBNI that probation work is a specialised facet of social work and that probation officers must have a social work qualification. Criminal justice social workers in Scotland are also required to have a social work qualification, and it is a desirable qualification for employment as a probation officer with the Irish Probation Service.

The Degree in Social Work (DSW), which at its introduction in September 2004 superseded both the Diploma in Social Work and the Certificate of Qualification in Social Work pathways in Northern Ireland, is an undergraduate or graduate programme provided by the University of Ulster and Queen's University Belfast. The programme requires the completion of a two-year (accelerated route for graduates) or three-year honours degree, during which students complete academic modules covering a range of subjects, as well as two practice placements. The degree is followed by a pre-registration year (also known as the assessed year in employment), the successful completion of which is required for full registration with the NISCC.

Probation areas in England and Wales use the Diploma in Probation Studies (DipPS) to train probation officers. Students are employed as trainee probation officers by local areas while they complete the DipPS. The programme is delivered over twenty-four months by a mixture of taught, distance and e-enabled learning methods; and credits are gained through both academic work and assessed practice. The DipPS combines an NVQ level 4 with an honours degree. Cohort 10 of the DipPS commenced in October 2007 and will be the final cohort as new training arrangements are to be introduced in England and Wales in 2008.

Table 2. Key characteristics of the DipPS and the DSW

	Diploma in Probation Studies	*Degree in Social Work*
Duration and mode of attendance	2 years, full time	3 years (or 2 years accelerated route for relevant graduates), full time plus one year pre-registration
Qualification gained	NVQ level 4 in Community Justice Degree in Community Justice (Probation Studies)	BSc Hons Social Work
Programme structure	Taught through distance learning and other methods. Trainee probation officers are based in local offices (3 or 4 days a week), with the rest of the time for study.	Taught at Queen's University and University of Ulster. During practice placements students are based in local offices for 3 days a week; with another 2 days per week dedicated to the learning and development unit to enable access to practice tutors and facilitate study time.
Content	Assessed practice (half of the academic credits): Part 1: Completion of a foundation practice portfolio (made up of four modules: risk, responsivity, criminogenic need and working as a member of an organisation). Part 2: NVQ Level 4 in Community Justice. In line with the core curriculum devised by the universities that provide the DipPS, agreed by NPS and NOMS, academic modules include: criminal justice system, risk, public protection, assessing and addressing offending behaviour, social sciences,	The main areas of study are: social work theory and practice skills, sociology, social policy, psychology, and the law relating to social work. Stage 1 concentrates on giving students a foundation in these areas and on helping them to develop practice skills in preparation for their placements. Stages 2 and 3 include the exploration of the needs of different users of social services and different methods of intervention with practice placements that will allow a broad development of knowledge and experience. Throughout the programme there is an emphasis on the

Table 2. Key characteristics of the DipPS and the DSW (cont'd)

	Diploma in Probation Studies	*Degree in Social Work*
	professional development, assessment of risk and need, diversity and ethics, desistance, working with victims, substance use, working in the organisation, probation law, mental health, penal policy, understanding research, criminology.	application of knowledge, theory and values to the practice contexts of social work.
Strengths	Specific training programme for probation officers. Based in higher education. Close link with probation areas allows the programme to be responsive to changes and developments in probation practice. Use of distance learning and e-learning techniques enables trainees to be based in their workplaces.	Provides a comprehensive overview of social work theory. Third-level graduate or postgraduate qualification obtained. PBNI input into academic modules. Provision of PBNI practice placements.
Weaknesses	Expensive programme. Training structure has led to intensively funded training for one group of staff to the detriment of training for other staff. Closed programme, not available to staff from other criminal justice agencies.	In Northern Ireland social work courses are not representational of the general population.

The *Northern Ireland Framework Specification for the Degree in Social Work* (Department of Health, Social Services and Public Safety 2003) sets out the skills, knowledge and final outcomes to be achieved through the attainment of the qualification and lists the values on which all social work practice is based. It also specifies six key roles of social work. Table 3 maps these roles against the responsibilities of a probation officer and provides evidence of the fit between a social work qualification and the role of a probation officer.

Table 3. Mapping the key social work roles with the responsibilities of a probation officer

Key roles of social work	Responsibilities of a probation officer
1. Prepare for, and work with, individuals, families, carers, groups and communities to assess their needs and circumstances.	• Assessment of risk and harm of the offender which takes into consideration public protection issues and which is used to inform sentencing decisions and the level of intervention required. • Services for victims.
2. Plan, carry out, review and evaluate social work practice, with individuals, families, carers, groups, communities and other professionals.	• Resettlement services in custody. • Supervision in the community (plan, review, supervise and enforce). • Offending behaviour programmes.
3. Support individuals to represent their needs, views and circumstances and to achieve greater independence.	• Assessment of risk and needs informed by the offender. • Advocacy for offenders to access mainstream services.
4. Manage risk to individuals, families, carers, groups, communities, self and colleagues.	• Balancing offender needs, rights and responsibilities with public protection. • Managing offenders in a multi-agency setting.
5. Manage and be accountable, with supervision and support, for their social work practice within their organisation.	• Each probation officer has their own caseload for which they have primary responsibility.
6. Demonstrate and be responsible for professional competence in social work practice.	• Requirement for NISCC registration and continuing professional development.

Probation officers must be registered as social workers and must renew their registration with the NISCC every three years, and in so doing demonstrate the maintenance and ongoing development of their professional knowledge, skills and understanding.

For the past forty years social work training has been aimed at qualifying persons to make judgements where liberty is at stake. In probation terms, this has evolved to qualifying persons to assess levels of risk and dangerousness and the likelihood of causing serious harm. This

is the level at which the qualified social worker or probation officer is expected to work.

The social work qualification in Northern Ireland, whether graduate or postgraduate, has created a pathway from school to higher education to work settings. This route has credibility and visibility to teachers, parents and pupils. The social work qualification is the minimum requirement for entry to employment as a probation officer and provides a validated, regulated route towards a career.

The social work pathway offers a continuous supply of employees, to the PBNI specifically and to the criminal justice and social services arena more generally, and an alternative qualification route would be expensive to administer if the only potential employer was the Probation Board. The cost per place of a qualification route to service this demand would be excessive. In addition, the benefit to individuals of participating in the multi-agency and multi-disciplinary delivery of professional training in social work would be lost.

Conclusion

Society's understanding and support for social work careers may have declined in the recent past. The public perception of the social work professional is shaped largely by media attention. Much media interest centres on the cases 'where things went wrong', resulting in the press seeking to apportion blame and devaluing the role of social workers. It is important therefore for social work professionals to highlight the effectiveness of a social-work-based service. In this respect there is clear evidence to support the positive contribution probation officers have made to a reduction in reoffending and protection of the public.

We contend that the effectiveness of the PBNI is due, at least in part, to probation officers having received the most appropriate training available and, in our view, this training is the Degree in Social Work. The six key roles of social work outlined in the degree framework are entirely congruent and compatible with the role of probation officers in Northern Ireland. A probation officer must have these skills to assess complex situations and people holistically, with offending behaviour being only one of the many elements examined.

The completion of the social work degree, the assessed year in employment and the requirement to be registered as a social worker

(which must be renewed every three years) combine to enable probation officers to undertake risk and needs assessments of individuals and to plan, supervise, review and enforce effective interventions. Professional judgement is essential to inform decisions about the level of intervention required for each individual, which may range across care, protection, control and rehabilitation or a combination of these interventions.

We believe that social work should remain the core qualification of probation officers for the duration of the PBNI's Corporate Plan 2008–2011, as it best equips people to:

- Understand, work with and value people as individuals rather than 'just someone who offends', and thus promotes positive change.
- Exercise professional judgement about complex situations that involve the potential for harm and loss of liberty.
- Plan appropriate interventions for individuals to promote positive behaviour change, reduce the likelihood of reoffending and rehabilitate them.
- Evaluate the effectiveness of the intervention by holding the offender to account.
- Balance the needs, rights and responsibilities of the offender with the overarching need to protect the public.

2008 will be a critical year for criminal justice in Northern Ireland and the PBNI faces the future with confidence in its social work value base, professionalism and dedication to public protection and positive behaviour change.

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A Country-Wide Approach to Increasing Programme Effectiveness is Possible: Oregon's Experience with the Correctional Program Checklist

Tom O'Connor, Bill Sawyer and Jeff Duncan★

Summary: This article describes the Correctional Program Checklist assessment process implemented in Oregon to meet the new legislative requirement that all state-funded correctional programmes be evidence based. On average, programmes scored in the 'needs improvement' evidence-based category at baseline but in the 'very satisfactory' category when reassessed. Northern Ireland and the Republic of Ireland could follow a similar process and achieve substantial gains in evidence-based practices and hence programme success.

Keywords: Evidence-based practices, Correctional Program Checklist, programme integrity, recidivism.

Introduction

There are some penal comparisons between Oregon and Ireland that captivate one's imagination. With a total population of around 5.9 million, Ireland has about 4,856 incarcerated men and women (1,500 in Northern Ireland and 3,356 in the Republic of Ireland), and has roughly 11,200 under community supervision (3,700 in Northern Ireland and 7,500 in the Republic of Ireland) on any given day (Irish Prison Service 2007, Probation Service 2008, PBNI 2008). In contrast, approximately 20,300 of Oregon's population of 3.5 million are incarcerated on any

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given day in state prisons or county jails, and 30,000 are under community supervision on probation or parole. These striking comparisons could be even more extreme; for Oregon, at 580 prisoners per 100,000 residents, has a lower rate of incarceration than the US average, which currently stands at 750 prisoners per 100,000 residents (Warren *et al.* 2008). This opening point, therefore, rings an alarm bell. Great care needs to be taken lest the Irish correctional systems come to resemble the size and more punitive aspects of US penal systems. If the Northern Ireland and Republic of Ireland rates of incarceration were the same as Oregon's, then Ireland would currently incarcerate roughly 34,220 men and women instead of 4,856.

Lack of data makes it difficult to compare Oregon and Irish crime rates (O'Donnell 1997), however, it is likely that they do not differ greatly. Kurki (1997) reached the following conclusion about the comparative crime rates in developed countries after studying the 1995 International Crime Victimisation Survey: 'the overall victimization rate – weighted to reflect the seriousness of offenses – was lower in the United States than in England and Wales and the Netherlands, and only slightly higher than in Canada, France and Sweden. In 1995, only Northern Ireland and Finland, for example, had lower theft rates than the United States'. So, the vast disparity in incarceration and community supervision rates between Ireland and Oregon is more likely to stem from differences in cultural assumptions and penal beliefs, policies and sentencing practices, than from differences in crime rates.

Most people who commit crimes can learn to live without committing crimes. Effective correctional staff and programmes can reduce recidivism. There is ample evidence in the literature, often called the 'what works' literature, to show that staff and programmes following the 'principles of effective correctional treatment' reduce recidivism by meaningful amounts in a cost-effective manner (Aos *et al.* 2006, Gendreau 1996, Lipsey 1995). The 'what works' literature also provides evidence to show that 'get tough' approaches with people, for example giving them more and longer prison sentences, actually make most people worse and have the overall effect of increasing their risk of recidivism by about 7% (Andrews *et al.* 1990).

The intention of this article is not to focus on the success that Oregon has had in funding and creating a huge prison and community-based penal complex, nor indeed on the so-called 'get tough' incarceration/ supervision approach that has dominated the US penal system from the

1970s to today. Rather, it describes something fairly unique that Oregon has done from a 'what works' perspective within its larger 'get tough' penal context (Latessa 2004); something that is very creative, exciting and potentially significant in terms of helping Oregon to reduce the recidivism rates of those who are under the care of its penal system. We hope that our experience in Oregon can make a contribution to colleagues in the Irish penal systems, as work continues to help offenders turn from a life with crime to a life without crime and to reduce the number of crime victims in Ireland.

A true story of agency change

The story begins in April 2005 in Josephine County, a small, rural county in south-western Oregon with a population of 81,688. Interestingly, Oregon has 36 counties compared to Ireland's 32, but Oregon is almost three times the land mass or size of Ireland. Each county in Oregon has its own Community Corrections agency that supervises its probationers and parolees. The Community Corrections agency in Josephine County, under its Director Abe Huntley, is responsible for supervising over 1,000 people on probation and parole.

In April 2005 Huntley led a team of 14 parole and probation officers, three drug and alcohol counsellors, six work crew programme staff, one home detention programme worker, five support staff and one treatment supervisor. This team was dedicated to the kind of 'best practices' that had resulted from over thirty years of get-tough, law-enforcement-oriented supervision strategies. Then the Oregon Legislature passed Senate Bill 267 into law and required a radically new way of conducting business for all state-funded correctional treatment programmes in the community or in prison.

Senate Bill 267 stipulated that the state of Oregon would spend 25% of state monies for correctional programmes on programmes that were evidence based by 2005, and this would increase to 50% of state monies by 2007, and 75% of state monies by 2009. It defined an evidence-based programme as one that 'incorporates significant and relevant practices based on scientifically based research' and that is cost-effective in the sense that it realises cost savings over a reasonable period of time that are greater than the programme costs.[1] In other words, the legislature

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[1] See www.oregon.gov/DHS/mentalhealth/ebp/sb267summary.pdf (accessed 3 July 2007).

laid down standards of correctional effectiveness for state-funded correctional programmes.

Faced with these new requirements, Huntley asked a team of evaluators to assess and measure the fidelity of the programme practices of his agency to evidence-based practices. He received a 17-page report that rated his agency as not meeting evidence-based standards with what he called a 'dismal score of 44%'. Even though his agency score was relatively low, Huntley and his team found the assessment process helpful and encouraging. His response to the report is best summed up in his own words:

> The broad picture was clear. Do a better assessment, work together to share information, develop treatment plans and find a good curriculum, that includes proper staff training, and implement the curriculum in the way it was designed [referred to by the experts as 'fidelity']. It was a detailed, topographical type of roadmap to a better practice, a more effective way to supervise with clear directions to behaviour change. All we needed to do was to put a team of practitioners together and start to plan the route.

Huntley inspired and equipped his team, with the help of key people such as treatment supervisor Denise Olson, to follow the roadmap. Two years later, in April 2007, Huntley invited the programme assessors back. Once again we hear from him:

> The results were different this time and we were recognised as making great strides in our journey, and although not perfect we were commended for 'implementing changes and improvements to their substance abuse treatment program and associated interventions that consistently follow evidence-based principles and should have a lasting and positive impact on the clients they serve and the community as a whole'. An overall score of 85%, or 'very satisfactory', was good to see and felt as though the efforts we made were validated and not in vain. The second 'map' also provided suggestions for continued improve-ment, particularly in the area of quality assurance or gathering and measuring data to measure success on an on-going basis, which certainly made sense.

What if every state-funded correctional treatment programme in Oregon's prisons and in its 36 counties travelled a similar path to that

taken by Huntley and his team? What would it mean for the Oregon correctional system and the repeat offence or recidivism rate for Oregon's offenders? What would it mean for the citizens of Oregon if every programme for the 20,300 prisoners and 30,000 people under community supervision advanced its rating from 'unsatisfactory' to 'very satisfactory' or from 44% to 85% fidelity to evidence-based practices for reducing future criminal behaviour in a cost-effective manner?

Such a state-wide approach is exactly what the Oregon Department of Corrections (in charge of funding for state-wide adult correctional programmes) and the Oregon Youth Authority (in charge of funding for state-wide juvenile correctional programmes) set out to do in response to Senate Bill 267. This article will comment on some results from that state-wide process for adult corrections, but first it describes the instrument called the Correctional Program Checklist (CPC) that Oregon uses to assess a programme's fidelity to evidence-based practices.

Correctional Program Checklist (CPC)

A team of researchers led by Professor Ed Latessa at the Center for Criminal Justice Research in the Criminal Justice Division of the University of Cincinnati developed CPC. The researchers modelled CPC on a similar instrument called the Correctional Program Assessment Inventory or CPAI (Gendreau and Andrews 1996, 2001). CPC is an evidence-based checklist tool that helps correctional staff know how closely their work and programmes meet known principles of effective intervention such as the risk, need and responsivity principles from the 'what works' literature.

The risk, need and responsivity principles guide agencies and programmes to assess and focus on offenders who are at high risk of future crime, work with them on their particular need areas that are criminogenic (i.e. predictive of future crime), and do so with treatment interventions that are motivating and cognitive-behavioral in nature (Bogue *et al.* 2008). Other evidence-based practices include developing programmes that are based on a review of the relevant programme literature, hiring staff members that have the ability to develop empathic working relationships with their clients, and having an evaluation process to measure programme quality and outcomes. The more a programme follows these evidence-based practices, the more it is said to have 'programme integrity'.

To select and validate CPC indicators or measures of programme integrity, the University of Cincinnati researchers used data from studies of over 400 correctional programmes in both prison and community settings that served over 40,000 offenders (both adult and juvenile). These studies identified programme characteristics that were related to positive programme outcomes and found strong correlations between programme outcomes (reduced recidivism) and CPC programme integrity scores (Holsinger 1999, Lowenkamp 2004, Lowenkamp *et al.* 2006). The higher the CPC score, the more likely the programme had a positive impact on the success of its clients.

CPC examines five areas or domains:

1. Leadership and development: The qualifications, skills and experience of the programme director, and how well he or she developed and secured public and staff support for the programme.
2. Staff: The qualifications, skills, training, experience and values of the programme staff.
3. Client assessment: The extent to which the right kind of offender is involved in the programme, and the extent to which the programme assesses the criminogenic risk, needs and personal characteristics of the offender.
4. Treatment characteristics: How well does the programme target criminogenic behaviours and what type of treatment does it use to target those behaviours?
5. Quality assurance: How well does the programme monitor the quality of its programming and evaluate its effectiveness or outcomes?

CPC has 77 indicators or measures of evidence-based practices worth up to a total of 83 points across the five individual domains. The assessors using CPC arrive at a score for each of the five domains, as well as an overall score, which is broken down into four categories. Oregon has chosen to name these four categories: 'very satisfactory' (a score of 65% to 100%), 'satisfactory' (55% to 64%), 'needs improvement' (46% to 54%) and 'unsatisfactory' (45% or less). It should be noted here that the CPC instrument uses different names for the four categories – very effective, effective, needs improvement, ineffective – but the same scoring convention.

After assessing almost 400 programmes across the US, the researchers at the University of Cincinnati found that approximately 7% of the programmes were classified by the assessors as very satisfactory, 18% as satisfactory, 33% as needs improvement and 42% as unsatisfactory. Seventy-five per cent of programmes, therefore, were considered to be inadequate for the task of helping offenders reduce their recidivism risk. This CPC-based finding of large-scale programme infidelity to evidence-based practices is similar to findings by assessors who used the different but similar CPAI programme integrity assessment tool (Gendreau and Goggin 2000, Lowenkamp 2004, Nesovic 2003). Correctional systems around the US are spending an enormous amount of money on programmes that are ill prepared to achieve their principal aims of reducing repeat crime and making the community safer.

The CPC process has both advantages and disadvantages. Advantages include:

- CPC criteria derive from empirically based principles of effective programmes.
- Research has shown that CPC indicators are correlated with reductions in recidivism.
- The CPC process gives programme staff normative feedback on the integrity and quality of their programme, and provides insight into the so-called 'black box' or content of a programme.
- The CPC process is quick and relatively inexpensive (it takes two trained assessors approximately three to five working days depending on how they structure the process).
- The CPC process identifies programme strengths, weaknesses, opportunities and threats.
- The CPC process gives an agency or programme encouragement by highlighting what it is doing right as well as providing it with a roadmap and recommendations for making improvements.
- The initial CPC assessment establishes a benchmark that allows a programme to be compared with other programmes that have been assessed using the same criteria. It also enables one to determine the extent, if any, of progress made by the programme at a later date.

The main disadvantages of the CPC process are:

- The objectivity and reliability of the programme assessors or evaluators cannot be guaranteed (proper training and experience for the assessors is therefore critical).

- CPC scoring is specific to the actual programme reality at the time of the assessment, it does not take planned improvements into consideration.
- The CPC process does not identify the reasons why problems exist within a programme.
- The CPC process requires assessors who are able to motivate and encourage the programme leadership and staff to make changes based on their own desires to change and improve their programming.

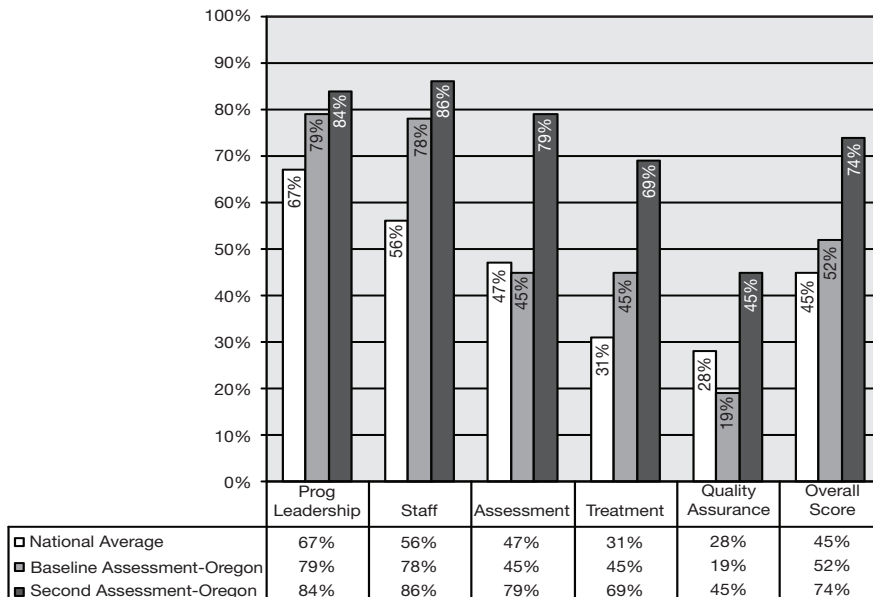## Initial findings and results from Oregon's experience with CPC

In Oregon the majority of the adult correctional funds from the legislature for both the state-controlled prison system and the locally controlled Community Corrections system of probation/parole are channelled through the Oregon Department of Corrections. In response to Senate Bill 267 the Oregon Department of Corrections trained a group of people in the use of the CPC instrument and decided to assess gradually all of the adult state-funded correctional programmes. To co-ordinate this state-wide project and maintain quality assurance, the department hired one additional full-time staff member, who took CPC training and became skilled in the CPC process through practice and coaching. The state-wide co-ordinator always assesses a programme with the help of another person from the pool of people who took CPC training and who make the CPC assessment process a relatively small part of their ordinary job.

The results of the initial or baseline assessments for 47 programmes that have been assessed using the CPC and for six programmes that have had follow-up or second assessments are given in Figure 1. Programmes are usually not reassessed until after one or two years pass from the time of the initial assessment, so the second round of assessments is only beginning.

Overall, the results from the assessment process show that the adult correctional programmes in Oregon are consistently meeting or exceeding the standards set by Senate Bill 267, so the standards set by that law were realistic and attainable. Figure 1 illustrates the programme integrity scores for each of the five CPC domains and the overall score of three different groupings of programmes. The white bars show the average US baseline CPC scores for 404 programmes from around the

US. The grey bars give the average Oregon baseline CPC scores for 47 programmes from various parts of Oregon. The black bars display the average Oregon follow-up CPC scores for the six adult programmes in Oregon that have been assessed at two points in time.

Figure 1. Baseline and follow-up CPC scores in Oregon compared to national average baseline CPC scores

	Prog Leadership	Staff	Assessment	Treatment	Quality Assurance	Overall Score
☐ National Average	67%	56%	47%	31%	28%	45%
☐ Baseline Assessment-Oregon	79%	78%	45%	45%	19%	52%
■ Second Assessment-Oregon	84%	86%	79%	69%	45%	74%

Notes: Very satisfactory = 65% or higher, satisfactory = 55% to 64%, needs improvement = 46% to 54%, unsatisfactory = 45% or less.

Figure 1 shows that the US national average overall CPC score for 404 programmes was 45%, which falls into the 'unsatisfactory' category. The Oregon average baseline overall CPC score for 47 programmes was 52%, which is in the 'needs improvement' category. The Oregon average follow-up overall CPC score for six programmes was an impressive 74%, which is categorised as very satisfactory.

In the baseline assessments Oregon scored higher than the national averages in the overall score and in three of the five domains (leadership and development, staff, and treatment characteristics), but lower in two of the five domains (client assessment and quality assurance). By the

time of the follow-up assessments, Oregon was scoring considerably higher than the baseline national averages in the overall score and in all five of the domains. At baseline, the assessors rated Oregon's programmes as strongest in the programme leadership and development, and staff domains, and weakest in client assessment, treatment characteristics and quality assurance. The six follow-up assessments indicate that Oregon's programmes are maintaining their strengths and making substantial gains in the areas that most needed development.

Figure 1 suggests that Huntley's experience in Josephine County is not unique, for the domain that clearly remains in need of development, even after the follow-up assessments, is that of quality assurance. The domain of quality assurance looks at eight indicators, including: Are clients assessed on their satisfaction with the programme? Are the risks and needs of clients reassessed during the programme to capture gains? Are recidivism rates for programme participants tracked?

Discussion

Everyone who has worked in the field of corrections for any length of time has an understanding that our field is primarily about people with difficult problems and is thus very complicated. There are no easy answers or panaceas. There are weaknesses to the CPC process and it is possible for a programme to achieve a fairly high CPC score and yet not be a very effective programme. For example, a programme can have a high overall score, but a pretty low score in the domain of treatment characteristics. So it might have a good programme director, good staff, good client assessments and fair quality assurance procedures in place, however its treatment characteristics or core programming may be found to be severely wanting.

The CPC process is simply one tool that is available to professionals in our field and it complements the many excellent evidence-based tools or strategies for probation officers and correctional staff that have emerged from at least four different bodies of literature in recent years, and which are identified by Bogue *et al.* (2008). Examples of these 'tools' include the development of empathic working relationships using motivational interviewing strategies; risk, need and responsivity assess-ment strategies; contingency management strategies (rewards and sanctions) that encourage pro-social behaviour and discourage antisocial

behaviour; and strategies for helping offenders to shift their social networks, engage with pro-social roles and develop a sense of self-agency. Wisely used, the CPC process can be an important tool. Although Oregon has, to date, only completed six follow-up assessments in the adult field, the results are encouraging. One swallow does not a summer make, but six swallows tell you that summer might be quite close.

There are a few key or important elements to a wise CPC process. First, the government, or at least a government agency, should back evidence-based practices at a policy level and set clear programme standards and accountability structures for effective practices. Second, the government agency needs to make the process available at a national level if it is to impact on not only individual programmes but the penal system as a whole. Third, senior management must set out a vision and make the necessary resources available to agencies, programmes and staff for achieving that vision (a small increase in personnel and staff trained in and available to conduct a quality CPC assessment process at little cost to the receiving agencies). Fourth, skilled assessors are required, who can make sound clinical judgements informed by assessment instruments and who can engage programme leadership and staff in a process that is motivating and encouraging of change. Fifth, there must be at least two CPC processes: a baseline and a follow-up process. Sixth, it requires its own quality assurance procedures and an analysis of the data and information collected in the process at an individual programme and a national system level.

This article cannot demonstrate that the work of the programme directors, staff and assessors who engaged in the CPC process resulted in a reduction in the rates of recidivism among Oregon's offenders. The reader will remember that the CPC process revealed that one of Oregon's weakest areas of programme integrity was the area of quality assurance. So the programmes assessed in Oregon were generally not collecting recidivism data and so were not in a position to say if they were having an effect on recidivism. Gradually, however, they are making gains in the area of quality assurance, and they ought to be able to determine their impact on recidivism in the next few years.

The research evidence suggests, however, that the programme improvements made in Oregon are likely to reduce recidivism because better programme integrity measured with the help of an instrument like CPC correlates with better outcomes. This article demonstrates that the correctional system of a state can implement a systematic national

process for improving correctional programme integrity and fidelity to the evidence-based practices that have been found in hundreds of studies and many meta-analyses to reduce recidivism when they are followed.

What if the directors and staff of every correctional treatment programme in Northern Ireland and the Republic of Ireland travelled a similar path to that taken by Abe Huntley and his team? It is likely that communities all across Ireland would become safer places in which to live as the correctional systems increasingly brought evidence-based practices in a systematic, intentional and documentable way to those under their care.

The Probation Service and the Probation Board for Northern Ireland have increased spending on staff training and development in recent years, therefore a small additional investment would enable both bodies to capitalise on that development and implement a country-wide CPC process that would significantly increase the fidelity of their correctional programmes to evidence-based practices. Such an increase in pro-gramme integrity would help men and women who have engaged in criminal behaviour to desist from crime and reconnect in more positive ways with their friends, families, work situations and communities. A country-wide development in correctional programme integrity would also mean greater satisfaction for staff, fewer victims and increased public safety.

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From Research to Practice: The Development of the Internet Sex Offender Treatment Programme (i-SOTP)

David Middleton*

Summary: The phenomenal growth in Internet-related sexual offending has proved a challenge for those providing intervention programmes to address this new form of sexual offending behaviour. This article describes the research that underpinned the development of the Internet Sex Offender Treatment Programme (i-SOTP). It explores similarities and differences between viewing behaviour and contact sexual offending, identifies treatment needs and describes the model of change upon which the treatment programme is based.

Keywords: Problematic Internet use, sex offender treatment, child pornography.

Introduction

The widespread implementation of cognitive-behavioural techniques in the treatment of sex offenders has reflected the move towards offence-focused work in dealing with criminal populations. Meta-analyses of treatment outcomes have shown that the most successful programmes are those which target the specific criminogenic behaviours involved (Andrews *et al.* 1990, Antonowicz and Ross 1994, Andrews 1995, Lipsey 1995, Losel 1995, Losel and Schumucker 2005). Typically such programmes focus on enhancing social and empathy skills, restructuring offence-supportive attitudes and improving self-management through the implementation of relapse prevention techniques (Fisher and Beech 1999).

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In 1992 the HM Prison Service (England and Wales) Sex Offender Treatment Programme (SOTP) was established in response to the 1991 UK government strategy for the containment and treatment of sexual offenders. In 2001 the National Probation Service (England and Wales) began national implementation of community-based sex offender treatment programmes in a move to apply research evidence of effectiveness in a consistent manner. Each area of the service would run one of three programmes that had been accredited as conforming to standards of design, range of methods used, appropriate targeting, sequencing, motivation and evaluation (Middleton 2002, Home Office 2002). All probation areas were delivering community programmes by 2003, achieving 1,200 annual completions by 2007 (NOMS 2008a). Initial evaluation evidence suggests that those who complete the programmes reconvict at a rate 61% below the predicted reconviction rate (Hollis 2007). Over a follow-up period of two to four years, 4% of completers reconvicted, 'which is around half the expected rate' (NOMS 2008b).

Although the development and implementation of these programmes represented a significant achievement, the programmes were designed for male sex offenders, aged 21 years or over and within the normal range of IQ and, while differing offending types (for example rapists, child molesters and exposers) were accommodated within them, a need to move beyond a 'one size fits all' approach became apparent (Allam *et al.* 1997, Middleton 2002). In particular, the needs of sex offenders with learning difficulties and the growth in Internet sex offender convictions required the development of a new treatment programme (Home Office 2004).

In England and Wales in 1999 there were 238 convictions for publication, possession or distribution of obscene matter and indecent photographs of children. By 2005 this figure had reached 1,296 (Hansard 2008), representing an increase in convictions of approximately 500%. This level of convictions had a significant effect on the proportion of sex offenders entering or waiting to commence treatment programmes, leading to questions about the suitability of the treatment programme content, appropriate treatment dosage and the possible 'contamination effects' of exposure to contact child sex offenders.

The design of the Internet Sex Offender Treatment Programme (i-SOTP) was a direct response to the phenomenal growth in the number

of Internet sex offenders in the criminal justice system (Middleton and Hayes 2006). The programme developers sought to review the literature on both the use of the Internet by sex offenders, and the risk of escalation from viewing behaviour to contact sex offences. They also conducted research into the psychological profiles of convicted Internet sex offenders and incorporated feedback from practitioners on the problems of applying current programme content to Internet offenders. This feedback provided the opportunity to develop a 'second generation' of accredited programmes that allow for a more motivational approach and offer greater flexibility for programme facilitators to tailor programme content to meet the individual offender's requirements.

The role of the Internet in child abuse

Before examining the role of the Internet in child abuse it is necessary to recognise that the term 'child pornography' has been often used in legislation and in the literature to refer to indecent images of children. This term does not seem appropriate, since it may mislead the reader into an assumption that pornography is produced with the consent of those taking part. Where children are concerned, this clearly is not the case. Indeed it is likely that the production of such images involved abuse of the child sexually, emotionally and psychologically. However, authors use of the term 'pornography' has been adhered to in this article's discussion of their work.

The rapid development of Internet usage, whilst in many respects beneficial and benign, has led to a significant increase in the production and distribution of child pornography (Taylor and Quayle 2006). It seems clear that computers can act as an aid for those who are sexually interested in children and can allow for the production, viewing, storage and distribution of child pornography. The medium also allows paedophiles to communicate with each other and acts as a conduit for contact with potential victims (Wolak *et al.* 2005, Gallagher *et al.* 2006).

The significant features driving the expansion of online sexual activity may be said to be its 'affordability, accessibility and anonymity', described as the 'triple "A" engine' (Cooper 1998). It is suggested that most child pornography is free and users can access material in quantities and at a speed hitherto not possible. Furthermore, rather than venturing into a bookshop or ordering through magazines, users can access

indecent material online with a lower risk of detection than previously associated with such behaviour. Carr (2003) reports that 'collecting, cataloguing, trading and swapping is itself part of the pleasure for many of the men who get involved with child abuse images on the internet'.

The risk of offence escalation

In relation to the possible escalation of viewing behaviour into contact offending, the evidence is not conclusive. Most of the available research either predates or does not involve indecent images on the Internet. For example, Check and Guloien (1989) note that 'men who are predisposed to aggression are particularly vulnerable to negative influences from pornography'. Also, Vega and Malamuth (2007) found that 'high pornography consumption added significantly to the prediction of sexual aggression', although it should be noted that 'pornography consumption' relied on self-reported usage of *Playboy* (and similar magazines) rather than on indecent online images of children.

Drew *et al.* (2008) conducted a longitudinal reconviction study following a sample of convicted contact sex offenders against children (n = 341) assessed between 1982 and 1992. Participants were asked to rate the frequency and type of pornography viewed. Deviant pornography was categorised as involving children and/or violence. The study found that only 10% self-reported viewing 'deviant pornography' and that the use of this material was unrelated to their assessed risk level (using Static-99). In the total sample for the men who scored high on general and specific risk characteristics, frequent pornography consumption increased the risk for aggression. In contrast, the amount of pornography use had little predictive value for men assessed to be at low risk for sexual aggression. Those who viewed deviant pornography were more likely to reoffend than individuals who did not view deviant pornography and this difference was consistent across the levels of risk.

Marshall (2000) states that it is possible to 'infer from the available literature that pornography exposure may influence … the development of sexual offending in some men'; such individuals would be those who have experienced childhood development of vulnerability that in turn leads to a variety of problems including 'a greater focus on sex, and the

need to control events during sex'. Viewing indecent images of children on the Internet can be used as an aid in generating inappropriate sexual fantasy, which in turn is reinforced through masturbation.

The escalation model, described by Sullivan and Beech (2004), suggests that users of these images report that they normalise the fantasy and this 'disinhibits' them. In other words, as users become familiar and bored with the pornography viewed, they seek out more 'intense' content. The combination of disinhibition, increased risk taking and the need to seek more intense experiences suggests the possibility of escalating behaviour into seeking opportunities for 'real-life experiences' and the potential for contact sexual abuse. It is of course the case that the production of any indecent image viewed must inherently involve exploitation and abuse of the child, however for many Internet sex offenders this fact has either been blocked or misattributed into offence-supporting cognitions, such as the children were willing or enjoyed the activity. However, Marshall (2000) cautions against ascribing a direct causal link between viewing pornography and contact sexual offending, suggesting that viewing pornography may accelerate a process already underway or may further justify an established set of antisocial beliefs.

The implication of these findings for the development of the i-SOTP was that the programme should aim to prevent further viewing behaviour and reinforce inhibitions to avert escalation to contact offending (Middleton and Hayes 2006).

Reconviction studies for Internet sex offenders

Few studies currently exist of reconviction rates for Internet offenders, primarily due to the relatively recent nature of this form of offence behaviour. Seto and Eke (2005) looked at the criminal records of 201 adult males who had been convicted of possession, distribution or production of child pornography, in order to identify potential predictors of later offences. The results suggest that offenders with prior criminal records are significantly more likely to offend again generally, that is both sexual and non-sexual offending. The study also found that those with contact sexual offences reconvicted at a higher rate, both for sexual and for non-sexual offences. In total, over a period of 2.5 years, 17% of the sample reoffended; however, only 6% committed new child pornography offences and 4% committed contact sexual offences.

In a later paper Seto and Eke (2006) extended the follow-up period to 3.6 years on 198 offenders from the original sample. They found that 6.6% had committed a new contact sexual offence during the extended follow-up period, and 7.1% had committed a new child pornography offence. The overall rate for any new offence was 22%. Interestingly, they found that the most consistently significant predictor of new offences was violent offence history. Men with more extensive violent offence histories (non-sexual or sexual) were more likely to offend again, sexually or non-sexually. Prior non-contact offences, including prior child pornography convictions, were not a significant predictor of new offences.

However, the sample in the Seto and Eke (2006) study appears to have a high proportion of prior offenders. They found that 57% of their sample had one or more prior convictions, 24% had prior contact sexual offences, 17% had prior non-contact sexual offences and 15% had prior child pornography offences. These levels, together with the relatively small sample size, may have led to a bias in the reported results. Wolak *et al.* (2005) examined a sample of 1,713 arrests in the US for possession of child pornography in the twelve months beginning July 2000. They found that 22% had prior convictions for previous non-sexual offences, 11% had prior violence convictions and 11% had prior sexual offence convictions against children.

Other studies of Internet sex offenders suggest an even lower level of prior convictions. In the UK, for example, Webb *et al.* (2007) reported that only 8% of their sample of 90 Internet offenders in the UK had any previous convictions. While O'Brien and Webster (2005), in a study of 123 incarcerated and community-based Internet offenders, found that the mean number of any previous convictions for the sample was .40 (SD 1.3; Range 0–0) and the mean for previous sexual convictions against children was .10 (SD .57; Range 0–5). These findings led them to conclude that 'the total number of previous convictions for sexual offences against children in the sample was considered to be low'.

Psychological characteristics of convicted Internet sex offenders

At the present time, therefore, it is possible to conclude that there is little evidence to show that collectors of indecent images of children invariably or even predominantly go on to commit contact sex offences against children, although it is known that some do. Those that reoffend and

those that escalate their offence behaviour would seem to have *static risk factors* that are similar to those that predict higher rates of recidivism amongst contact child sex offenders.

Middleton *et al.* (2005, 2006) sought to examine whether there was evidence that *dynamic risk factors* were congruent between Internet and contact child sex offenders. A sample of 213 offenders convicted of sexualised behaviour associated with Internet use was compared with a sample of 191 sex offenders convicted of contact offences against children. All offenders completed the standard psychometric sex offender assessment battery used in the National Probation Service for England and Wales (Mandeville-Norden *et al.* 2006). The results suggest a number of similarities.

In particular, the largest clusters for both groups were characterised by intimacy deficits and problems with emotional regulation. Both of these factors have been linked with a higher risk of sexual recidivism (Hanson and Morton-Bourgon 2004). It was suggested that the behaviour of those in the intimacy deficits cluster reflected a need to engage in a sexual relationship with another person to alleviate loneliness and to compensate for a lack of intimacy. Individuals in the emotional dysregulation group may have offended in the presence of strong, negative mood states, which, in conjunction with the use of sex as a coping or soothing strategy, led them to seek sexualised images of children to meet their sexual needs; such offenders often described viewing behaviour that includes a wide variety of pornography. Unlike those in the intimacy deficits cluster, those in the emotional dysregulation cluster were often in relationships; however, those relationships were often lacking intimacy, and there was also evidence of negative reaction to stress in the relationship and/or in work situations.

Support for findings that Internet sex offenders report higher levels of intimacy deficits or emotional dysregulation comes from Laulik *et al.* (2006), who assessed a sample of 30 Internet offenders under community supervision using the Personality Assessment Inventory (PAI, see Morey 1991). They found significant differences between Internet offenders and a normative population in both interpersonal functioning and affective difficulties. The combination of Low Dominance and Low Warmth scale scores on the PAI for the sample is indicative, the authors suggest, of a rejecting and submissive inter-personal style, which is thought to preclude effective interaction with others. The study also found higher than usual levels of depression

amongst the sample and, in particular, that this corresponded with increased usage of the Internet to access indecent images.

This correlation supports Morahan-Martin and Schumacher's (2000) assertions that viewing indecent images of children may be used as a mechanism to escape from negative mood states and provide individuals with, albeit temporary, psychological and physical relief from unpleasant feelings. The implications for treatment appear to be that a functional analysis must be conducted with each individual to explore the context of the behaviour and the needs that were being met. Once these are identified, the treatment programme should seek to develop skills within the offender to meet these needs in a pro-social way.

Although it may appear axiomatic that Internet offenders who access indecent images of children do so because of deviant sexual interest and arousal, practitioners find, at least in the initial stages of assessment, that such offenders deny any arousal. However, a study by Seto *et al.* (2006) provides confirming evidence of deviant sexual interest. They report on a sample of 685 male patients referred for assessment of sexual interests and behaviour, including 100 child pornography users. The latter group showed greater sexual arousal to children (measured by phallometric assessment) than to adults. Overall, child pornography offenders had nearly three times greater odds of showing phallometric arousal to children than did men who had committed contact sex offences against children. Clearly, any treatment programme must contain some exercises designed to help the individual deal effectively with deviant sexual fantasies and intrusive thoughts.

In an ongoing debate in the literature, some contend that problematic Internet behaviour encompasses the characteristics of addiction (see, for example, Cooper *et al.* 1999, Pratarelli and Browne 2002, Young and Rodgers 1998). Others suggest that while there is undoubtedly evidence of escalation in terms of hours spent online, particularly for those who are also collecting large volumes of indecent images, the case for addiction is not clear (see, for example, Beard and Wolf 2001, Caplan 2002, Quayle and Taylor 2003). Shapira *et al.* (2003) assert that individuals who exhibit problematic Internet use often suffer from other psychiatric disorders and that 'in the face of this comorbidity, it is essential to evaluate whether these individuals represent a distinct class of disorder, or a manifestation/coping mechanism related to other underlying diagnosis'. They further suggest that 'based on the current limited empirical evidence, problematic internet use may best be

classified as an impulse control disorder'. Certainly it seems helpful to move away from the term addiction in relation to accessing abusive images of children on the Internet since, as Quayle and Taylor (2003) suggest, addiction represents an illness over which there is little or no control.

Davis (2001) suggests that the individual who uses pornography compulsively will begin to use the Internet on learning of the vast content of Internet pornography. The accessing of Internet pornography represents an immediate stimulus–response condition, whereby the individual can immediately locate and get reinforcement from it. In doing so, the behavioural response becomes stronger. Davis further suggests that these symptoms are cognitive in nature and include obsessive thoughts about the Internet, diminished impulse control, inability to cease and the feeling that the Internet is the individual's only friend. This can lead eventually to social isolation and a loss of interest in non-Internet activities.

In designing the i-SOTP, therefore, it seemed necessary to incorporate material designed to address sexual compulsivity, obsessional thinking and problematic Internet use which arises from collecting behaviour. However, since not every offender will have these behavioural characteristics, the programme needed to be flexible in design.

The structure and content of the i-SOTP

The model of change used in the general sex offender treatment programmes employed by the National Probation Service was developed by Fisher and Beech (1998). The i-SOTP developers also took cogniscence of the 'Model of Problematic Internet Use' (Quayle and Taylor 2003) and the 'Good Lives Model' (Ward and Stewart 2003). All three of these models, and the review of literature described above, are reflected in the i-SOTP model of change.

The revised model of change incorporates steps to:

• Increase motivation, decrease denial and identify and reduce discrepancy between perceived pro-social values and behaviour (addressing distorted attitudes).
• Challenge offence-supportive attitudes and behaviours (addressing distorted attitudes).

- Build an empathic response to identifying that children depicted in the indecent images are real victims of child abuse (addressing distorted attitudes and socio-affective functioning).
- Reduce use of sex as a strategy for coping and emotional avoidance, replacing it with effective problem-solving strategies (addressing socio-affective functioning and self-management).
- Develop adequate relationship, intimacy and coping skills; improve self-esteem and internal locus of control (social adequacy factors and self-management).
- Develop realistic relapse-prevention strategies and new pro-social lifestyle goals (addressing self-management and socio-affective functioning).

The i-SOTP is designed for offenders convicted of the qualifying offences who have been assessed as low, medium or high risk using RM 2000 (Thornton *et al.* 2003) and as low deviance following assessment of psychometric responses (Mandeville-Norden *et al.* 2006). Offenders assessed as very high risk and high deviance are more likely to have treatment needs which will require referral to a longer generic sex offender treatment programme, as are offenders who have used the Internet as a means of facilitating meetings with children for sexual abuse purposes.

The programme was originally designed to be delivered on an individual basis during which the exercises would be selected directly according to treatment need. In this format the six-module programme lasts for between 20 and 30 sessions of 90 minutes' duration. Following piloting and feedback, the programme was further developed to be delivered in a group format comprising 35 two-hour sessions, again broken into six modules. Both formats were accredited for implementation in the community in December 2006. Provisional accreditation was awarded for implementation in custodial regimes from December 2007 (NOMS 2008b). In addition, agreement has been reached for the Probation Board for Northern Ireland (PBNI) to begin implementation of i-SOTP in late 2008.

The i-SOTP begins with a number of exercises designed to help offenders identify values which are important for themselves, and how their behaviour has in some aspect not reflected these values. Building on the cognitive dissonance from this process enables a focus on new goal-setting, which can assist offenders to meet desired values. The second

module includes a functional analysis of the offence behaviour and a beginning of the challenge to offence-supportive cognitions. The third module examines the victim experience and seeks to develop victim awareness. Facilitator feedback from piloting the programme suggests that most Internet sex offenders, once victim awareness is established, do not have difficulty in demonstrating appropriate empathy. Many offenders, it appears, had not previously considered their viewing behaviour to be linked to child abuse.

The longest section of the programme, module four, focuses on skills practice to deal with intimacy or emotional self-regulation deficits. Module five deals with recognition of, and appropriate responses to, collecting and compulsivity issues. This module also provides an opportunity to examine the needs met through joining pseudo-communities online and how these may be more appropriately met. Finally, some exercises are undertaken to deal with deviant sexual fantasy. The final module draws the new learning which has taken place on the programme together and incorporates this learning into relapse prevention strategies or a 'New Life Plan'.

Strengths and weaknesses of the i-SOTP

The i-SOTP is an offender intervention which seeks to draw on the success of previous generic sex offender programmes in the UK. It applies a 'risk–need' model that requires the identification of individual characteristics contributing to the likelihood of further offending and proposes a treatment of appropriate dosage to reduce those characteristics. The treatment plan focuses on reducing the dynamic risk factors, or criminogenic needs, that drive the offending behaviour. However, the i-SOTP also recognises the requirement to take a more holistic approach to individuals rather than simply acquiring coping skills to manage high-risk situations in an adaptive manner. To this end, the identification of values and goals that take into account an offender's strengths becomes an essential part of the therapeutic process. The personal action plan that each offender leaves the programme with should contain goals that can be strived for, in addition to goals that are obtained by avoidant behaviour.

The i-SOTP benefits from the use of an extensive assessment battery that has a proven utility with sexual offenders (Mandeville-Norden *et al.*

2006). These assessments have been further refined to assist in identifying the suggested aetiology in the offence pathway (Middleton and Hayes 2006), which in turn provides guidance for facilitators in determining which exercises should be a focus of attention for individual offenders. In the individual format of i-SOTP, exercises that will have less utility can be omitted. In the group format, offenders, whilst remaining present in the room, will not be the focus of exercises that are not relevant to their treatment needs, but will be expected to contribute to the learning of other group members by sharing their experience of positive strengths.

The weakness of the i-SOTP is that the focus is solely on the offender. Although not every offender is in, or wishes to enter, a relationship, there are obvious limitations in working on developing intimacy and relationship skills without the ability to work with both partners. This is not to attribute blame or responsibility to partners for the offence behaviour but to seek to gain positive encouragement for the offender as they practise new skills. In addition, it would be appropriate to recognise the needs of partners who seek an understanding of the offence behaviour. It was not possible to address this deficiency within the accredited programme structure, but it may be something which can be remedied at a local agency level.

Finally, the programme requires evaluation and this is currently being undertaken by the Interventions and Substance Misuse Unit within the National Probation Service.

Conclusion

The term 'sex offender' is often used to cover a wide range of behaviours and it appears that the emerging use of the term 'Internet offender' also covers a spectrum of behaviours that are not homogeneous. The context and meaning of the deviant sexual behaviour requires individualised assessment. Viewing indecent images of children using the Internet fuels the demand for such images and requires children to be sexually abused in order to produce the images. This outcome in itself is sufficient to justify intervention in order to arrest the viewing behaviour. However, there is also concern that viewing such images can lead the individual to seek opportunities for contact sexual abuse with children. It is difficult to prove any causal link between the two behaviours, however the

overlapping static and dynamic risk factors shared by Internet and contact sex offenders suggest that an individual may move from viewing to contact sexual abuse given the environmental opportunity and diminished inhibitors. It is hoped that early intervention through treatment programmes such as the i-SOTP can reduce this possibility and also help the individual to achieve a more satisfying and pro-social lifestyle.

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The COPINE Project

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Summary: Each new technological advance has brought with it abusive practices towards children. This is also the case for the Internet. This article describes the collaborative work of the COPINE research project in the context of how children are made vulnerable through the new technologies. It focuses on images as evidential material, the primacy of child victims, and the behaviour of offenders in their engagement with abuse images. Finally, the challenges and difficulties in developing systematic assessment and intervention materials will be explored.

Keywords: Child abuse images, Internet sex offenders, COPINE Project.

Introduction

While there is widespread recognition that the creation and use of abusive images of children on the Internet constitute a major area of social concern, our understanding of these issues is limited. Indeed, it is difficult to imagine another similarly important area, commanding enormous political and media attention, that is so lacking in basic policy development, supportive research and conceptual enquiry (Taylor and Quayle 2005). The COPINE Project has been at the forefront of developing understanding in this area through its programmes of action research and analysis and its close relationship with law enforcement, probation, prison and child welfare communities. This article describes the origins and nature of the project, and briefly summarises some of the results of its work.

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Origins of COPINE

COPINE is an acronym that stands for COmbating Paedophile Information Networks in Europe and was the name of the project that received the first European Commission funding for work to explore the nature of the problem of abuse images and the Internet and to hold the first major international conference in this area (in Dublin in 1998). In reality, the COPINE Project is not one project but a collection of projects, all of which are related to the ways in which children are made vulnerable through the new technologies.

As the availability of the Internet increased in the late 1990s, its benefits quickly became apparent, as did its problems. Collaborative work between what was to become COPINE and the Paedophile Unit of the London Metropolitan Police highlighted the significance of abusive images as an element of child sexual exploitation, along with the growing role of the Internet as both a medium for distribution and a factor in its own right. From this context the Project developed four distinct emphases:

• Images as evidential material.
• The primacy of child victims.
• The behaviour of offenders in their engagement with abuse images.
• The development of systematic assessment and intervention materials.

Over the years a considerable attempt has been made to retain a focus on victimisation rather than on offending. However, it must be noted that almost ten years after the first funded project for COPINE, our knowledge of victimisation remains scant. Paradoxically, we know considerably more about those who offend than we do about the children in the images (see Middleton forthcoming).

Our work would not have been possible without collaborative engagement with other government and non-government organisations and supportive funding from the European Union.

Images as evidential material

It is apparent that very many people access images that may be indicative of sexual interest in children. However, not all images that appear to be attractive to adults with a sexual interest in children are necessarily illegal

(Taylor *et al.* 2001). Internet images lie along a continuum, which can be expressed in terms of the degree or level of victimisation (which may not necessarily relate to the capacity for an image to generate fantasies). Understanding the nature of victimisation shown in abuse images is an important but controversial issue, the significance of which has been reflected in the sentencing guidelines for offences related to possession of abuse images in the UK (Court of Criminal Appeal Division 2002). These guidelines relate sentence length on conviction of charges related to possession of abuse images to the content of the images. A further reason for focusing on image qualities is that offenders' collections of images reflect their level of engagement with the material, as well as providing visible evidence of sexual fantasy and, on occasion, of sexual assault.

Until recently the term 'child pornography' was used to describe these images, but this term carries with it complex connotations, allowing comparison with the depictions of 'consensual' sexual activity between adults that are widely available from newsagents and video retailers. Such a view of pornography is of course contentious, and authors such as Itzin (2002) have presented a compelling argument that pornography per se is 'instrumentally causal in the aetiology of sex offending'. In the context of children, however, there can be no question of consent, and use of the word 'pornography' may effectively allow us to distance ourselves from the true nature of the material. Many practitioners therefore prefer the term 'abuse images'; however, it must be recognised that in many countries, including Ireland, the term 'child pornography' has a legal meaning and, at least within that context, will continue to be used.

Different jurisdictions have different legal definitions of child pornography, and some have no definitions at all. Of the 184 Interpol member countries, 95 do not have legislation that specifically addresses child pornography and 41 do not criminalise possession of child pornography, regardless of intent to distribute (ICMEC 2006). This means, for example, that the production and distribution of child pornography in Thailand is not seen as illegal, while the accessing of such material by someone living in the US would probably be seen as both illegal and pathological.

Outside of high-tech crime units, the majority of people working in the area of Internet offending will never have seen child pornographic images from the Internet (Quayle and Taylor 2002b). In part this relates to the

legislation in many countries that criminalises possession. However, this leaves a difficult situation where communication between professionals (for example the police, child protection workers and the judiciary) becomes problematic, and highly subjective terms are used to describe the content of the images held by an individual. The development of the COPINE Scale (see Figure 1) was an attempt to provide a typology of Internet child pornography images (Taylor *et al.* 2001), based on an analysis of publicly available images obtained from newsgroups and websites.

Figure 1. The COPINE Scale

Level 1: Indicative
Non-erotic and non-sexualised pictures showing children in their underwear, swimming costumes etc. from either commercial sources or family albums. Pictures of children playing in normal settings, in which the context or organisation of pictures by the collector indicates inappropriateness.

Level 2: Nudist
Pictures of naked or semi-naked children in appropriate nudist settings, and from legitimate sources.

Level 3: Erotica
Surreptitiously taken photographs of children in play areas or other safe environments showing either underwear or varying degrees of nakedness.

Level 4: Posing
Deliberately posed pictures of children fully clothed, partially clothed or naked (where the amount, context and organisation suggests sexual interest).

Level 5: Erotic Posing
Deliberately posed pictures of fully, partially clothed or naked children in sexualised or provocative poses.

Level 6: Explicit Erotic Posing
Pictures emphasising genital areas, where the child is either naked, partially clothed or fully clothed.

Level 7: Explicit Sexual Activity
Pictures that depict touching, mutual and self-masturbation, oral sex and intercourse by a child, not involving an adult.

Level 8: Assault
Pictures of children being subject to a sexual assault, involving digital touching, involving an adult.

Figure 1. The COPINE Scale (cont'd)

Level 9: Gross Assault
Grossly obscene pictures of sexual assault, involving penetrative sex, masturbation or oral sex, involving an adult.

Level 10: Sadistic/Bestiality
a. Pictures showing a child being tied, bound, beaten, whipped or otherwise subject to something that implies pain.
b. Pictures where an animal is involved in some form of sexual behaviour with a child.

The Sentencing Advisory Panel (2002) in England and Wales published its advice to the Court of Appeal on offences involving child pornography. It believed that the nature of the material should be the key factor in deciding the level of sentence, and adapted the COPINE Scale to five levels. It dropped levels 1 to 3 completely, arguing that nakedness alone was not indicative of indecency. The proposed structure was therefore that COPINE levels 4 to 6 constitute sentencing level 1 and COPINE levels 7 onwards each constitute an individual sentencing stage (Gillespie 2003). These levels are under revision again and it is likely that further minor changes will be made.

The use of such an objective measure increases the likelihood of consistency across sentencing without necessitating that all involved view the images, and is increasingly being used in countries outside England and Wales (Cooper 2008). One difficulty, however, is that while the typology was created as an indicator of how children are victimised through Internet child pornography, it is increasingly being used by the courts as a measure of the seriousness of the offence, or even the dangerousness of the offender. This trend is problematic, in that there is little evidence to indicate whether, for example, viewing images of children sexually engaged with animals is more likely to increase the risk of a contact offence than viewing images of children who are clothed (Middleton forthcoming). However, a meta-analysis of recidivism studies by Hanson and Morton-Bourgon (2005) did suggest that sexual recidivism was associated with two broad factors: deviant sexual interest and antisocial orientation. Deviant sexual interest is indicated through an enduring attraction to sexual acts that are illegal (for example sex with children or rape) or that are highly unusual (for example fetishism and autoerotic asphyxia). This may be of relevance in

relation to Internet offences, but this is yet to be confirmed (Quayle 2008).

The primacy of child victims

Research within the COPINE Project has always taken child protection and the primacy of child victims as its principal focus. But the sad reality is that there is very little published research that relates to victimisation through the production of abuse images (Svedin and Back 2003). Indeed, the few studies that have been conducted in this area predate the Internet.

One of the fundamental problems in understanding the consequences of victimisation through the production of abuse images relates to our ability to distinguish these effects from the impact of other sexually exploitative practices. In part this is problematic because of the close connections between abuse images, intra- and extra-familial abuse and studies of ritualised abuse. What we can conclude, is that there is no single response pattern to sexual abuse and that this is likely also to be the case for the consequences of image victimisation.

In the context of abuse images, there are four substantial studies which have sought to examine the impact of 'child pornography':

- Burgess *et al.* (1984) examined children's involvement in pornography and sex rings.
- Silbert (1989) examined child pornography production in the context of child prostitution.
- Svedin and Back (1996, 2003) studied a group of children exposed to both the production of pornography and intra- and extra-familial abuse.
- Scott's (2001) study was in the context of ritual abuse.

The populations in each of these studies vary and only the more recent data from Svedin and Back (2003) relates to Internet images.

All four studies are broadly similar in the accounts that they give of the symptoms the children produced during the abuse. Again it is difficult to disentangle the consequences of the abuse per se (physical symptoms such as urinary infections and genital soreness, as well as behavioural symptoms such as sexualised behaviours) from the consequences of being photographed. However, Svedin and Back (1996) give details

amongst their sample of restlessness, depression, hunger, exhaustion, concentration difficulties and aggressive behaviours, which are not immediately associated with sexual exploitation. Silbert's (1989) study also suggested that children who were exposed to longer periods of exploitation suffered more intense emotional reactions, such as feelings of isolation, fear, anxiety and emotional withdrawal.

What is apparent in relation to these studies is a pattern of enforced silence. The children studied by Svedin and Back (1996) were reluctant to disclose the abuse and the authors suggested that the recording of the abuse exacerbated, and in some cases prevented, disclosure. Even when confronted with the visual evidence of their abuse, children continued to limit disclosure, telling people only what they thought they already knew. Silbert (1989) had earlier coined the phrase 'silent conspiracy' to describe this silence.

It is unclear as to whether the sense of shame and humiliation often reported in these studies relates to the photography itself or the fact of disclosing it to others. It may also be that children fear being thought to be complicit in the abuse or photography through the evidence of, for example, their smiling faces. Scott (2001) reinforced this idea in the description of how abusers had shown children films they had made of them as a way of demonstrating their level of engagement and enjoyment.

Silbert (1989) made reference to the long-term effects of being photographed as being more debilitating than those in the short or medium terms, and that these are compounded when children are involved in more than one form of sexual exploitation. This may also be exacerbated by the knowledge that others may see or distribute the films. One account given to the COPINE Project by a victim of abuse images talked of feeling fearful every time the post arrived, overwhelmed with anxiety that it would contain photographs and that her mother would see them. Silbert (1989) described such feelings as 'psychological paralysis'. Such feelings are also accompanied by the knowledge that their photographs may be used to exploit other children (Svedin and Back 1996).

This research clearly has implications for children involved in the production of Internet abuse images. They are confronted by the knowledge that the images can never be destroyed and that they may continue to be viewed and used by many thousands of people. The age of the child at the time of the production of the abuse images may also

be relevant. In an interview through the COPINE Project with a now adult victim, it became apparent that the images, which spanned a time period up to when she reached pubescence, had now been scanned and distributed through the Internet. As an adult woman, she was probably still identifiable from these images. It may be that when images are taken of very young children, the radical physical changes that take place as a result of growth and physical development offer at least some protection from future identification when such children reach adulthood (Taylor and Quayle 2005).

Our analysis of offender accounts from the COPINE Project also allowed us to examine in detail what actually happened to children who were photographed. Through this analysis it emerged that, in relation to the Internet, there were different levels of victimisation through photography that related to the degree of involvement of the child in the process. Expressing this seemed important to us because it enables a focus on issues additional to, or perhaps compounding, the actual sexual abuse.

Unfortunately, the COPINE research also suggests that the resources available to such victims (at least in the context of the UK and Ireland) are often inconsistent and poor. Studies such as those of Svedin and Back (1996) emphasised the need for long-term support and the destruction of materials. Clearly the latter is impossible in the context of the Internet and this alone may be a major exacerbating factor, making closure difficult to achieve. In relation to long-term support, there needs to be more training offered to child protection workers in this area, and inevitably more resources made available to explore and to generate appropriate therapeutic strategies and contexts in which they can be used (von Weiler 2008).

There are also implications for law enforcement in how cases are managed. In Svedin and Back's 1996 study, some of the children only acknowledged the abuse when they were confronted by the photographs, which depicted various sexual acts between themselves, other children and the abusers. These children were not given a choice about this disclosure, nor to whom the information was to be disclosed. Although there may well be justification for such practices, in terms of acquiring evidence for prosecution purposes, this highlights how legal and law enforcement priorities can exclude or override the needs of these children. It also highlights in a specific way a more general point about ethical problems that relate to the child's knowledge that others (either

from within or without a child protection framework) have witnessed the abuse, a consequence of which may be exacerbated feelings of humiliation and shame. The child is no longer gatekeeper to the disclosure of what has happened to them. There are further important related ethical issues that concern the confrontation of an adult abused as a child when his or her pictures are discovered in a seizure of Internet abuse images.

In more recent times concern has been expressed about the exposure of children to both harmful material and a medium that might facilitate sexually problematic behaviour (Quayle 2007). Kanuga and Rosenfeld (2004) have argued that, 'While it might not be possible to precisely define what constitutes normal sexual behaviour, there should be concern for young people with a relatively narrow perspective who are exposed to frequent images of behaviours such as sodomy, group sex, sadomasochistic practices, and bestiality'. To date, there is very little published research that helps us understand what it is that young people do (as opposed to what they may be exposed to) that constitutes sexually problematic behaviour in relation to the new technologies. There is evidence, however, of three classes of problematic behaviours which might help in our understanding of the issue. These are: soliciting or sexually harassing behaviours; downloading, trading and production of child abuse images; and self-victimising behaviours (Quayle and Taylor 2006).

Self-victimising behaviour is evidenced through self-generated material, an example of which was described in a report in the UK's *Daily Mail* (Levy 2005). Police and social services were called in after six Suffolk schoolgirls took topless photographs of each other and posted them on the Internet. The 15-year-olds posted the pictures on a website they had set up and one of the girls was arrested on suspicion of taking indecent photographs of a child. The COPINE Project's research with Barnardos and the NSPCC would suggest that such sexually problematic behaviour is not isolated and appears to be increasing.

The behaviour of offenders in their engagement with abuse images

There are four broad classes of Internet sex offending: downloading, trading, production and Internet solicitation (also called grooming).

These are clearly not mutually exclusive categories. All revolve around engagement with the Internet and the possession of abuse images. Downloading child abuse images is invariably a purposeful activity. For some people we might conceptualise downloading as a largely passive way of collecting images, perhaps from websites or from peer-to-peer (P2P) networks. Although it may involve searching for material (and therefore interaction with Internet processes), such passive collecting is unlikely to include substantial direct social engagement with other people engaged in similar activities. However, awareness that there are large numbers of people similarly engaged may heighten the individual's justification of such activities.

Not all collectors of abuse images move from passive collecting to contact or communication with others. But social contact can be very important in legitimising and normalising sexual interests. The drive for material to trade may also provide the stimulus for the production of new material. Most highly abusive images are largely, but not exclusively, produced in a domestic context. Research from COPINE suggests that where child victims have been identified, they are almost invariably part of the offender's real or acquired family, or on the receiving end of a care-giving relationship (Holland 2005). Where offending takes place in these circumstances, such offences may relate to the need to sustain and increase credibility amongst others, and as a way of gaining access to other desired images of child abuse, as well as an expression of sexual behaviour. It is significant that 'newness' of images is central in ensuring status within a trading community, and giving access to such images is a source of power to the producer. It is also apparent that images may be created according to the producer's personal fantasies or perception of the market.

We have no idea of the numbers of such people who offend on the Internet. We can examine conviction rates, but these reflect only the countries where possession and distribution of child pornography is illegal and where there are either the resources or inclination to act upon detection. In the US, Wolak *et al.* (2005) reported that law enforcement made an estimated 2,577 arrests during a twelve-month period in 2000 for Internet sex crimes against minors. Two-thirds of offenders who committed any type of Internet sex crime against minors possessed child pornography, with 83% of these possessing images of children between the ages of 6 and 12 years, and 80% having images explicitly showing sexual penetration of minors.

In another US study, Finkelhor and Ormrod (2004) examined child pornography patterns from the FBI's National Incident-Based Reporting System (NIBRS). The data from 1997 to 2000 on 2,469 crime incidents involving pornography revealed that over those three years pornography offences increased by 68% and juvenile victim/child exploitation pornography offences increased by 200%. Yet at the time of this report, only a small minority of all pornography offences known to the police was coded as involving a computer.

However, these statistics reflect only those who are caught. Data provided by one leading UK Internet service provider suggested that it blocked more than 20,000 attempts to access child pornography on the Internet per day in July 2004. The COPINE Project's unpublished data relating to the CROGA Internet self-help site for people experiencing difficulties in relation to child pornography recorded 8,684 users of the site between June 2004 and April 2006. Similarly, in the UK, statistics from Stop it Now! (2006) suggested that between 2002 and 2005, 45% of calls to its helpline were from people experiencing problems in relation to their own behaviour, a significant number of whom were using, or feeling a compulsion to use, the Internet.

The primary function of abuse images is as an aid to sexual arousal, where many of the images accessed (but not all) are used for masturbatory purposes. Offenders may be selective in the images used in terms of, for example, specific age groups, physical types, gender of the child or a particular sexual activity. Images may also be selected to concur with earlier contact offences or new offending fantasies. For many people involved in accessing abuse images, levels of masturbatory behaviour appear to increase with access to the Internet (Quayle and Taylor 2002a, Sheldon and Howitt 2007).

Abuse images also function as collectibles, and a medium for exchange and trading. Offenders often call themselves 'collectors', and use this term to differentiate themselves from 'paedophiles'. In this sense collecting abuse images in many ways is no different to the collection of any other artefacts, except that their content is illegal and they function as an aid to sexual arousal. Offenders can rapidly build up large collections of images and such rapid acquisition is often accompanied by the ability to trade or exchange images, while maintaining relative anonymity. For some offenders this undoubtedly facilitates the building of community networks, and as a general point, the importance of the 'collection' for some offenders cannot be underestimated. Internet abuse images of children are often given a sense of structure and unity by being

created as part of a numbered or named series. Inevitably, as with other 'collections', status is gained from having a 'complete' collection, and referral back to 'old images' often takes second place to seeking out new material, which is an important aspect of collecting per se. In some cases this may directly lead to the production of new material through the abuse of children in the offender's immediate social network (Quayle and Taylor 2003).

For many people with a sexual interest in children, abuse images can be used to facilitate social relationships with like-minded individuals. Child abuse images and social relationships are almost exclusively seen in the context of offenders who trade images and who use synchronous or asynchronous forms of communication to link up with others. The exchange of images and the discourse surrounding this practice (which may or may not be sexually related) enables social cohesion and allows for the rapid acquisition of images through trading networks (Taylor and Quayle 2003). Such networks appear to have their own social hierarchies, associated with the number of images, the ability to complete picture series and the level of access to new or unusual material.

For many offenders, establishing online relationships provides important social support that often replaces unsatisfactory relationships in the offline world. What is more problematic, in the context of excessive or compulsive Internet use for sexual purposes, is the likelihood not only that the individual is using the Internet to change or avoid negative mood states, but that the material accessed is highly reinforcing, particularly as access often culminates in masturbation (Quayle *et al.* 2006b, Middleton *et al.* 2006).

Whilst the primary focus for concern is of course the images, our research also suggests that the Internet itself can have an effect on individuals with problematic sexual behaviour, emphasising again the significance of a notion of process in understanding engagement with abusive images and the Internet. For such people the Internet is not just a passive means of communication. In summary, the Internet may:

• Alter mood.
• Lessen social risk and remove inhibitions.
• Enable multiple self-representations.
• Show evidence of group dynamics.
• Validate, justify and offer an exchange medium.
• Challenge old concepts of regulation.
• Disrupt and challenge conventional hierarchies.
• Empower traditionally marginalised people and groups.

Abusive images of children seem to serve a variety of purposes for those who collect them. As already emphasised, this is best conceptualised as a process, rather than a state, and an individual may move between different kinds of engagement with child abuse images depending on context. In understanding the function of abuse images for the offender and how this relates to the Internet, we can start to build a conceptual model that allows us to examine offending activities that relate to abuse images as such a process (Quayle and Taylor 2003). This is important as adult sexual interest in children on the Internet embraces both legal and illegal activities.

The risk of the commission of a contact offence against a child

The risk that someone accessing abusive images of children on the Internet will commit a contact offence against a child is a question that is currently posing immediate concerns for practitioners working in the area of risk assessment. Yet again, there is very little to inform judgements about which Internet offenders may also pose a risk to children within an offline environment, and much of the research that has examined the relationship between viewing pornography and offending behaviour predates the Internet.

Marshall (2000) suggested that there is not a causal link between viewing pornography and sexually offending behaviour, but that it can accelerate psychological processes, enhancing the cognitive distortions of offenders. Seto *et al.* (2001) also felt that the evidence for a causal link between pornography use and sexual offending remained equivocal, and concluded that people who are already predisposed to offend are the most likely to show an effect of pornography exposure.

Seto and Eke (2005) examined the criminal histories and later offending activities of child pornography offenders. Of 201 adult male child pornography offenders, those with prior criminal records were significantly more likely to offend again in the same way during the follow-up period, and those who had committed a prior or concurrent sexual offence were the most likely to offend again, either generally or sexually. However, it is not clear from this study how many of the offenders had used the Internet to access child pornography. Finkelhor and Ormrod (2004) found only a modest association of general pornography crimes with child victimisation. However, Wolak *et al.* (2005) studied child pornography possessors arrested in Internet-related

crimes and found that 40% of their sample were 'dual offenders' who sexually victimised children and possessed child pornography.

An interesting and challenging study by Seto *et al.* (2006) investigated whether being charged with a child pornography offence was a valid diagnostic indicator of paedophilia, as represented by an index of phallometrically assessed sexual arousal to children. Their results indicated that child pornography offenders had almost three times the odds of being identified as a paedophile phallometrically than offenders against children. They suggested that child pornography offending is a stronger diagnostic indicator of paedophilia than is sexual offending against child victims. However, such a conclusion poses problems for us in how we make sense of the many thousands of people who seem to be accessing child pornography every day. Do we conclude from this that our understanding of the numbers of people who may be classified as paedophiles is a gross underestimate of the prevalence within the general population? Another possible, or at least partial, explanation for the results of this important study may lie in the nature of the stimuli themselves, and that for men who have spent long periods downloading and accessing child pornographic images and masturbating to ejaculation to them, the visual stimuli themselves are highly salient, and perhaps more so than for others who use private fantasies or actual children as the focus of their arousal (Quayle 2008).

The development of systematic assessment and intervention materials

As yet there is only a small literature relating to Internet sexual abuse, and even less that has assessment as its focus. There is even confusion as to what constitutes Internet sexual abuse as, while the term is most frequently used in relation to people who commit sexual offences against children online, it could also be argued that it should include offences against any age group, such as cyberstalking (Adam 2002). In relation to the COPINE Project's research, the focus has been on the former category, in part because it reflects a large number of individuals who, in recent times, both are evident in the criminal justice system and have a presence online as consumers. We can infer this from the volume of abuse images clearly available online through media such as Web Pages (which is only one of the many sources). In 2007 the Internet Watch Foundation

in the UK reported that 'it managed a 34 per cent increase in reports processed by its "Hotline". The reports led to the confirmation of 10,656 URLs, on 3,077 websites, containing potentially illegal child abuse content. 82.5 per cent of all the websites were apparently linked to the US or Russia, up from 67.9 per cent in 2005' (IWF 2007).

The COPINE Project's research has attempted to examine how we might adequately assess Internet sex offenders, but the reality is that we still know very little about this group and how comparable they are to those who commit offences against children in the offline world. It is apparent that there are similarities between these categories of offender, but there are also differences, and as yet there is insufficient data for us to be able to make reasoned, rather than emotive, predictions about future behaviour. As yet there are few dedicated assessment tools for those whose offences relate to the Internet (Middleton forthcoming, O'Brien and Webster 2007). Internet sex offenders are often referred to as paedophiles, and are often conceptualised as a homogenous group. Indeed, our stereotypes of this offender group are often reinforced by many of the educational campaigns aimed at keeping our children safe.

In the context of diagnosis and sex offenders, Marshall (2007) has suggested that categorical models such as DSM (American Psychiatric Association 2000) leave a lot to be desired and that a more useful approach would be to rate the features of each type of sexual offender along dimensions ranging from normal to seriously problematic. Marshall argues that, 'Considering the problems of each client to be numerous, and to lie along definable dimensions, is likely to more accurately guide assessment (and risk assessment) and treatment, and should serve to circumvent the considerable difficulties (and likely failures) that arise from the "one size fits all" approach to treatment'. With this in mind an initial, tentative attempt can be made to describe some of these dimensions as they might apply to Internet sex offenders, offering a structure that may guide clinical assessment (Quayle forthcoming).

Assessment clearly has a relationship with intervention and therefore the research on Internet sex offenders has been used to arrive at guidelines as to how the concerns raised in this article might be approached therapeutically. In doing so the heterogeneity of this client group and the need for assessment and intervention strategies to reflect this have been stressed (Quayle *et al.* 2006a). This has also been reflected in the work commissioned from staff involved in the COPINE Project

by the Probation Service in the production of a handbook on sex offenders.

As an acknowledgment of the mismatch between availability of resources and those who are seeking help, COPINE has also been involved in the development of an online resource (CROGA) for people engaging in illegal activity in relation to abusive images of children on the Internet (Quayle 2005). This site is now managed by one of the research partners – Lucy Faithfull Foundation – as part of the services offered by Stop it Now! and hopefully will provide a resource for clients, practitioners and non-offending family members.

As previously stated, unpublished data from CROGA suggest a considerable number of people are self-identifying as engaging in illegal activity in relation to child pornography. Duff and Willis (2006) outlined the issues raised by the increasing number of clients who present to forensic services with a limited offence history but who have disclosed that they are at risk of sexually offending against children. While this study does not focus on Internet offenders as such, it raises important questions about the usefulness of current risk assessment approaches for understanding and developing treatment plans. It is suggested that in this population risk must be embedded within a psychological formulation that places the individual and his or her likelihood to offend within a descriptive context that includes an understanding of the nature of their disclosure and thus, potential triggers. Duff and Willis call such individuals 'offenders-in-waiting'. With the opportunities that the Internet and the new technologies afford for people to engage in highly problematic sexual behaviour, along with the proliferation of violent and sexualised content, it may be that there are many more 'offenders-in-waiting' than had previously been predicted. The author's current research in relation to P2P networks and the distribution of abuse images would seem to support this.

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A Risk Assessment and Risk Management Approach to Sexual Offending for the Probation Service

Geraldine O'Dwyer★

Summary: This article reports on a study conducted by the author in 2007, which reviewed the research evidence on effective practice in relation to risk assessment and risk management of sex offenders primarily in the UK. It sought to appraise and draw conclusions in the absence of a specific risk assessment strategy for sex offenders to support evidence-based practice in the Probation Service. It focused on cognitive-behavioural therapy and the assessment and management of risk with sexual offenders and explored the development and use of risk assessment tools. Finally, the author used a small, controlled exploratory study of sexual offenders in the Irish context, involving probation officers who acted as respondents and formed a focus discussion group. The probation officers first assessed a number of sex offenders using clinical practice. Following attendance at a training course on the Hanson and Harris assessment tool, Stable and Acute (2007), they reassessed the clients using the new tool. They then compared, contrasted and evaluated the assessments. The study found that the use of a structured assessment tool provided guidelines as to what is effective in reducing recidivism with sexual offenders. It concluded that the research knowledge provided an evidence-based framework for the assessment and management of risk. It also looked at the implications for practice within the Probation Service, and highlighted the need for research into risk assessment and risk management of recidivism in Ireland.

Keywords: Acute, dynamic, static, risk, Ireland, probation officer, service.

Context

Sexual offences are among the crimes that most concern the general public. It is unclear whether the incidence of sexual offences is on the increase, but what is evident is that the reporting of such cases has

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increased. Since the introduction in Ireland of the Sex Offenders Act in 2001, 300 sexual offenders have been subject to post-release supervision orders by the courts, of which, in February 2008, 73 had completed supervision, 120 were in custody and 117 were on supervision in the community. These statistics reflect the reality that the majority of sex offenders serve part or all of their sentence in the community. Greenfeld (1997) found that, of the approximately 250,000 adult sex offenders under the care, custody or control of correctional agencies in the US, about 60% were typically under some form of community supervision.

The data highlighted in the Irish context do not provide a completely accurate picture, as orders made prior to the Sex Offenders Act 2001 may not be reflected in the total number of 300 offenders subject to post-release supervision orders or community supervision. In addition, there is insufficient information on recidivism; there are problems in the accurate recording of data in relation to sub-groups of offenders; and it is known that a number of these cases are historic in nature, with offences committed many years ago only recently coming to light.

When sex offenders are serving part, or all, of their sentence in the community, probation officers provide the primary line of assurance and defence for victims and can work to prevent future victimisation, minimise harm and reduce public concern. One approach to working with sex offenders is to argue that supervision can only reduce risk when it monitors and addresses factors related to recidivism. In order to address the key factors in recidivism, probation officers need to carry out pre- and post-release assessments of risk/needs in order to implement supervision plans. To provide accurate and detailed intervention, probation officers need to be able to make sound judgements about an offender's level of risk to the community and to identify the factors that would enable him or her to establish a 'good life' (Ward and Stewart 2003).

The development of risk assessment tools is one aspect of a shift over the past decade from relying solely on traditional clinical judgement to appraising current international thinking and adopting more structured approaches. One of the objectives set in the Probation Service's Strategy Statement 2008–2010 is that 'In conjunction with key agencies, particularly within the Criminal Justice System, we will ensure effective offender supervision and management through appropriate risk assessment'. However, probation officers in Ireland have grown accustomed to administering a risk assessment tool called the Level of

Service Inventory – Revised (LSI-R) with adults and the Youth Level of Service/Case Management Inventory (YLS/CMI) with juveniles. These tools target criminogenic needs and are based on static and dynamic measures, but they are not the instrument of choice to be used with sexual offenders. This vacuum highlights the need for a standardised approach to risk management of sexual offenders.

The Probation Service is presently undergoing fundamental change in developing further ways of managing offenders. One option under consideration is to adopt the Stable and Acute risk assessment tool 2007 (Hanson and Harris) in combination with the traditional assessment methods. Such an approach has the potential to transform the way offenders are assessed for risk of reoffending. To be effective, this process will require an imaginative strategy incorporating a comprehensive training programme. A study was therefore commissioned to examine a sample of cases assessed by a small number of probation officers using both clinical judgement and the Hanson and Harris risk assessment tool.

Objectives

The research objectives of this study were:

- To study risk assessment of sex offenders in probation settings.
- To study the possible introduction of a risk assessment tool for sex offenders by the Probation Service in Ireland.
- To compare the use of clinical and risk assessment tools for sex offenders in a small sample of cases in the Probation Service in Ireland.

Methodology

The methodology used to examine the applicability of risk management practice to the Probation Service had three elements: literature review, documentary research analysis and qualitative research.

The literature review consisted, in the main, of recent research findings on risk management with sex offenders. Major works on the topic, including McGee *et al.* 2002, Walsh 1998, Mair 1989, Harris 1992, Wright *et al.* 1984, Maguire *et al.* 2001, McIvor *et al.* 2002 and Hanson

and Harris 2000 and 2001, provided the initial information on which the study was based. Cognitive-behavioural theory was the theoretical framework used to underpin the study. The study also referred to literature on risk assessment tools in the context of looking at how probation agencies incorporate the research evidence on risk management into their work practices. The literature review provided a picture, albeit a limited one, of the state of knowledge regarding risk management's effectiveness in reducing recidivism.

The documentary evidence used in the study was provided by risk assessment instruments, which were used to add measurement and compare pre- and post-test findings with the representative sample. These tools provided additional validity to the findings.

Qualitative research was the main method used because it generates meaning and allows the researcher to explore in detail, and seek understanding of, complex issues and processes by using narrative descriptions. An exploratory comparative study was conducted using three probation officers (the respondents). They assessed a small sample of seven sex offenders from case files. Following the pre-test process using clinical judgement solely, the author collected the raw data to ensure non-contamination. The individual data were coded numerically from one to seven and divided into categories of low, medium and high risk. The respondents then reassessed the same sample group using formal risk assessment tools. The data were inputted onto formal risk assessment sheets and collated. On completion of the assessments, the author drew comparisons and contrasts between both sets of data. A follow-up focus group discussion between the author and the respondents was conducted using conversation analysis to explore themes and issues arising from the process. The points made in discussion were recorded in detail by the author.

Study findings

The comparison between the results obtained using clinical judgement and those using the assessment tool showed that respondents tended to overestimate the risk when relying on clinical judgement alone. This appeared to be due to officers sometimes failing to consider dynamic risk factors, such as interpersonal relationships, employment opportunities and other social factors, which have the potential to mediate or moderate

the level of risk. The use of the assessment drew attention to the fact that a broader range of dynamic factors need to be taken into account. It was clear from this very small group of practitioners that combining clinical judgement and the use of the assessment tool had the potential to improve the assessment of the risk of reoffending. Although this study only examined a limited number of cases, this finding appears to reflect the evidence in the literature.

It was clear that more in-depth information regarding the client group was needed to use the tool effectively. This was an important finding as it showed the information deficit that could arise from using clinical judgement alone. The use of the assessment tool highlighted the need for assessors to collect far more detailed information about the background, social relationships and behaviour of the particular offenders. Discussions with the probation officers following the research exercise emphasised the need for ongoing training in the use of the assessment tool.

The issue of validation of assessments was an important area highlighted in the study. The general view was that the introduction of the assessment tools could validate probation officers' work and give a greater level of evidence-based practice to their role. However, the respondents suggested that working in pairs would further enhance the validity of the risk assessment and their confidence in their ability to carry out valid and extensive assessments. This is an important concern as far-reaching decisions on interventions are based on their assessments, which could affect the future lives of individual sex offenders and the safety of the general public. Their assessments also have resource implications for the Probation Service in so far as the intensity and level of supervision are related to the level of risk assessed. Incorrectly assessed offenders might receive high levels of supervision that are not necessarily required and that could have an adverse effect on their behaviour.

It can be noted from the respondents that took part in the study that change has begun and is welcomed. However, a lack of resources was highlighted as a possible obstacle to further progress. Successful implementation of the risk assessment approach requires clear direction and support from Probation Service management, along with a flexible leadership style that takes account of practitioners' views and knowledge.

Future developments

A number of issues arise for the integration of the use of sex offender risk assessment tools in the Probation Service:

- Greater numbers of officers need to be trained to carry out the assessments.
- There is an argument to be made for the introduction of specialist teams to undertake risk assessments for sex offenders. This would have merit in so far as it could develop a high level of expertise and a supportive network for practitioners. It could also assist in providing a framework for enhancing reliability between assessors.
- The need to commit to a cross-border partnership with the Probation Board for Northern Ireland, which has been undertaking actuarial risk assessments for some time.
- The need for formalised national standard guidelines to be operational within the Probation Service that would underpin and support the risk assessment tool to provide a balanced consistent service, and a model for best practice.
- It is vital that inter-agency co-operation be promoted in order to provide a comprehensive risk assessment strategy, as there is a lack of consistency in protocols across the criminal justice system.
- There is a need for a larger study of the use of the tools, including a comparison of clinical and actuarial assessments. The aim of the study would be to access clients on supervision who could be assessed using the Risk Matrix (RM 2000) and the Stable and Acute (Hanson and Harris 2007) assessment tools. When the client is released from custody the officer who carried out the assessment could assist the supervising probation officer in the community to complete the Acute Dynamic, which is the final part of the assessment. The information gleaned from the study would be invaluable in setting up structures and specialised assessment teams to administer the tools. A longitudinal study, which could assess outcome, would act as a validation of the assessment tool and the level of intervention that follows. In the absence of clear research, such a longitudinal study would inform the Probation Service on the value of the tools.

It is clear that the Probation Service is willing to embrace change. It is exploring adoption of the Risk Matrix (RM 2000) and Stable and Acute

(Hanson and Harris 2007) assessment tools and is keen to build on the early initiatives.

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The Experience of Young People Remanded in Custody: A Case for Bail Support and Supervision Schemes

Sinead Freeman⋆

Summary: This article is based on a wider PhD study examining the issue of coping on remand. The research used court observation and semi-structured interviews conducted with young prisoners aged 16 to 21 years in remand custody. The findings indicate that young people often end up in remand custody as a result of non-compliance with bail. Arising from the research, the case is made that the operation of bail support and supervision schemes may benefit these young people greatly.

Keywords: Custodial remand, young remand prisoners, Probation Service, bail support and supervision schemes.

Introduction

Every person charged with committing a crime is remanded on bail or in custody before they appear for trial or sentence in court. An accused individual may be released on his or her personal bail, with or without an independent surety (undertaking by third party). Conditions restricting certain interactions, movements or behaviours may be included (O'Malley 2006). The Children Act 2001 and the United Nations Convention on the Rights of the Child state that custody should be used as a measure of last resort. Research has shown that, although the vast

majority of young people are remanded on bail rather than in custody in the Republic of Ireland, there is no support or supervision provided to young people remanded on bail and many fail to comply with conditions imposed during the bail period (Kilkelly 2005, Carroll *et al.* 2007).

Little is known about who ends up in remand custody[1] or the exact nature of the Irish custodial remand experience (O'Mahony 1995, McCullagh 1996). Such a dearth of information creates difficulties in assessing the exact role that bail support and supervision (BSS) schemes may play in the Republic of Ireland, and the benefits they may offer. This study aims to address this gap by providing an insight into the reasons why individuals are remanded in custody and their experiences of remand custody. The study focuses on young people, who are recognised as an especially vulnerable group in the prison population (Goldson 2002, Liebling 2007), and who are reported to experience difficulty in complying with bail (Brown 1998, Carroll *et al.* 2007, Kilkelly 2005).

Methodology

The research included two main methods of data collection: court observation and semi-structured interviews with remand prisoners. The court-based research was carried out in the Children Court in Dublin in July 2003. A total of 207 cases involving 203 separate individuals were observed in the Children Court. Of this total, 189 were male and 14 were female. Sixty-two per cent (126) were aged 16 years and over, with 38% (77) under the age of 16. The observation study took place over two weeks. Every case that occurred in this period was observed and the gender, age and remand position of each child were recorded on a pro-forma document.

The prison-based research took place at St Patrick's Institution, Cloverhill Remand Prison and the Dóchas Centre between February 2005 and March 2006.[2] This was prior to the change in the system, on 1 March 2007, which prohibits the use of adult prison for those under 18

[1] The use of the term 'remand custody' in this article refers to the confinement of individuals in a prison or detention centre as opposed to police custody.

[2] St Patrick's Institution is a detention centre which houses remand and sentenced male prisoners aged 16 to 21 years. It is the only remand centre for 16- and 17-year-old males in the Irish context. Cloverhill Remand Prison is a purpose-built remand prison and is the main remand centre for adult males. The Dóchas Centre is one of only two prisons which caters for females aged 18 years and over who are either sentenced or on remand.

years of age. Sixty-two remand prisoners participated, 55 were male and seven were female. This ratio broadly reflects the composition of the Irish prison population, where nine out of every ten prisoners are male (Irish Prison Service 2007). The prisoners were aged between 16 and 21 years with a mean age of 18 years. Forty-eight were Irish, nine were Irish Travellers, two were English, two were African and one was Romanian. Approximately two-thirds had been on remand for less than three months, one-fifth from three to six months, and another one-fifth between seven and twelve months. In terms of prior custodial experience, over one-half had previously been on remand, 19 of whom were remanded on just one other occasion. One-half of the prisoners had spent time in sentenced custody; the majority of these (17 out of 31 cases) having received one custodial sentence. Almost one-third reported that it was their first time in custody.

Findings

Non-compliance with bail as a route to remand custody
Non-compliance with bail emerged as a common route to remand custody in both the court and prison research. During the court observation, nine individuals were remanded in custody. The reason in eight of these nine cases was non-compliance with bail requirements. Almost one-half of the prisoners interviewed in the study had been originally released on bail but ended up in remand custody due to reoffending, failure to attend court or the breach of bail conditions during the bail period. Less than one-third of the prison sample were remanded due to the serious nature of their charge or because they were deemed to be at risk of reoffending. Over one-quarter of the prison sample were remanded for a variety of other reasons, including no fixed abode, inability to pay bail surety and drug rehabilitation.

The prisoners' self-reported criminal histories suggest that serious offending behaviour was not the main reason underpinning their remands in custody. Their accounts differed little from national (An Garda Síochána 2006, Irish Prison Service 2007) and international (Synder and Sickmund 2006, Wilson *et al.* 2006) trends on youth offending. In common with most young offenders, the majority of remand prisoners' alleged crimes, for example public order offences and theft, were not essentially violent in nature.

Analysis of the prison data indicates that the vast majority of the young people's lives prior to remand resembled a chaotic web, entangled by a plethora of difficulties, with little structure or stability. One-half of the prisoners were not engaged in any purposeful, structured activity such as education, employment or training prior to remand. Almost three-quarters reported using drugs in the six-month period before remand, with nearly one-third of the drug-users taking cocaine, ecstasy and/or heroin on a daily basis outside prison. Just under one-half of the prisoners reported receiving assistance for mental health difficulties, primarily depression, aggression and conduct disorder. Despite their young age, many prisoners reported that a number of destabilising events such as family conflict (one-half), parental separation (one-third), the imprisonment of family members (one-half) and the death of close family (three-fifths) and friends (two-fifths) had impacted negatively on their support networks.

The presence of such a complex array of difficulties in the prisoners' lives was identified as playing a considerable role in their non-compliance with bail conditions. In essence, the lack of a structured foundation meant that many of the young people had become unaccustomed to performing certain tasks or being in particular places at predefined times:

I'm in here for breaking me curfew … Like basically there was no structure, there was nothing there. I wasn't doing anything, just running here and there and drinking and messing around. I was just used to doing what I wanted when I wanted.

(P25, Male, Age 18, On Remand 180 days)

The regular consumption of drugs was identified to have a further destabilising influence during the bail period and was generally reported not to be conducive to maintaining strict conditions such as curfews or attending court on a regular basis:

I was on drugs like and it f*** up your head … You don't be like thinking about going to court or anything like that. You be thinking nothing really just drugs, drugs, tablets, tablets.

(P44, Male, Age 18, On Remand 335 days)

The use of drugs was also found to be involved in offending behaviour during the bail period:

Just with the drink and drugs like, I just couldn't stay out of trouble while I was on bail. I tried to like, but I just got caught up in robbing again for drugs.

(P38, Male, Age 21, On Remand 240 days)

The prevalence of mental health problems, especially depression, was also identified as a stumbling block in relation to bail conditions and court appearances. In many cases, prisoners' bail periods reportedly coincided with a general prevalence of hopelessness and apathy in their lives. It appeared many were just living from day to day with little evidence of forward planning or goal setting:

When I was charged, I had lost track of me life, hadn't got a clue. I was feeling very down. Depression was real bad and, well, I'd just nothing else to lose, didn't care missing court and all that.

(P60, Female, Age 20, On Remand 17 days)

Furthermore, the lack of support experienced by many prisoners often resulted in a complete void of familial assistance and encouragement when it came to abiding by bail:

My parents like they wouldn't come to court, no. They wouldn't want to know.

(P61, Female, Age 17, On Remand 35 days)

Thus, amidst all their difficulties, it emerged that many prisoners ultimately had to deal with the requirements of bail on their own, a process the prisoners reported to be particularly hard when trying to adhere to bail successfully:

It can be hard keeping it [bail] when you've no-one behind you … When no-one is there for you, ah it can be hard to stay focused, especially being young. Sometimes you know you just wish there was someone there to help.

(P22, Male, Age 16, On Remand 3 days)

The nature and impact of the custodial remand experience
Analysis of the data indicates that young prisoners are exposed to a particularly negative experience in remand custody. In spite of their

presumption of innocence, the remand prisoners reported that they had to contend with similar experiences to those serving a sentence, especially in relation to the prison lock-up regime:

> Sure no-one cares that you're on remand in here. We're treated the same as any other person really in here. We're just criminals to the staff aren't we?
>
> (P1, Male, Age 16, On Remand 7 days)

> You're just blocked in with four walls for 18 hours. I'm just sitting in there all that time … You've to eat your meals and all in your pissy cell.
>
> (P18, Male, Age 18, On Remand 25 days)

In addition, the remand prisoners identified that they had to deal with a number of difficulties more specific to remand, including a lack of employment opportunities within the prison, along with frequent court appearances, which often incorporated lengthy journeys, handcuffs and holding cells. Furthermore, the prisoners reported experiencing a high level of uncertainty on remand, in particular as no maximum duration for remand custody exists in the Republic of Ireland:[3]

> It's a bad feeling being on remand, you haven't a clue when you are going to be out, honestly I wouldn't like to say. I would be only guessing, pull a number out of the sky will I?
>
> (P42, Male, Age 21, On Remand 135 days)

These issues resulted in prisoners reporting that a custodial sentence was sometimes easier than custodial remand:

> People might think it's [remand is] easier, it's not easier; it would be harder in a good lot of ways. It's harder not knowing what the story is.

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[3] Under the Criminal Procedure Act 1967 there is no time limit on the length of detention for children or adults on remand; the only stipulation is that individuals may not be detained for longer than thirty days between court appearances. If, however, the delay before the trial hearing is prolonged and arguably excessive, an application for a further period of remand in custody may be challenged with some success, at least in that the next hearing may be marked peremptory by the judge, i.e. the charges will go ahead that day or be dismissed.

> There is not as much facilities here, there is nothing. I would prefer a sentence and a lot here would say the same.
>
> (P25, Male, Age 18, On Remand 180 days)

The vast majority of prisoners reported that the stress of remand impacted negatively on them, with over two-thirds reporting that they found it difficult to cope on remand. A sense of hopelessness was apparent in a number of the prisoners' accounts and almost one-quarter had experienced feelings of wanting to give up while in custody. The data suggest that the remand experience was particularly difficult for those detained for breach of bail, who not surprisingly appeared least positioned to deal with the restrictive demands of remand:

> I'm used to being out late, not having to stay in … Having curfews and all is hard, locking you up is worse. It's very hard being locked up … It's very difficult, does be wrecking your head. I need to be out of here.
>
> (P50, Male, Age 18, On Remand 90 days)

It emerges that the adverse impact of remand is not just confined to the prisoners' time in custody but permeates beyond the prison walls to exert a disruptive effect on their lives outside prison. Almost one-fifth reported that they had lost their accommodation at the time of interview. Many prisoners also identified that remand had placed emotional and financial strains on their already fractured relationships:

> It's normal for people to say their lives are worse after remand. Everything is just turned at you. You've everything to sort out when you get out: a job, somewhere to stay, your family and all. You lose a lot in custody.
>
> (P31, Male, Age 19, On Remand 180 days)

To make matters worse, the prisoners reported that it was hard to make plans or receive help with their difficulties while in prison due to the uncertainty surrounding the outcome and duration of their remand. Thus, the data indicate that for many prisoners, life will in fact be worse on release than it was on their arrival into remand custody:

When I get out I will be starting from scratch. It's hard knowing when
I get out I don't have things out there, things will be worse. Sometimes
I think I should just come back to prison and stay there. If you're not
able to make a proper go of it, you might as well.

(P25, Male, Age 18, On Remand 180 days)

Discussion

The study paints a bleak picture for prisoners remanded in custody; the
indication being that young prisoners are detained in stressful and
austere conditions, sometimes for lengthy periods of time. The findings
suggest that non-compliance with bail contributes considerably to the
young remand population. It can be argued that the ideology underlying
such remands is counter-productive in that it identifies a problem area
(the inability to abide by restrictive demands), and then increases
exposure to that particular difficulty.

Such grounds for custodial remand appear to draw in particularly
vulnerable young people who have frequently little or no previous
custodial experience. The use of remand custody for such individuals
seems to be both an inappropriate and a disproportionate measure,
particularly in light of the principles under Section 96 of the Children
Act 2001 promoting the notion of custody as a last resort and the
provisions limiting the use of custody under the United Nations
Convention on the Rights of the Child.

Remand custody does not address the issues that result in young
people failing to comply with bail. Rather, the implication is that
custodial remand may increase the possibility of future breaches of bail,
due to its disruptive impact on the prisoners' already unstable lives. Such
findings identify that young people who breach bail would be better
served by avenues other than custodial remand and highlight the
important role that bail support and supervision (BSS) schemes could
play in the Irish context.

Over the last few decades, a number of countries, including England,
Scotland and Northern Ireland, have introduced BSS schemes in order
to minimise the use of custodial remand among those who breach bail
but do not pose a threat to public safety. Such schemes, most often
provided by specialist divisions of the Probation Service, are designed to
help individuals attend court, abide by bail conditions and not reoffend

during the bail period. In particular, the schemes aid specific groups, for example young people, females or those experiencing mental health difficulties, while they are on bail (Scottish Executive 2000, Youth Justice Board 2002, Northern Ireland Office 2006).

Individuals are selected to participate on a BSS scheme following an initial assessment of their needs, their bail history and current circumstances. This assessment is conducted either at court or in remand custody. Following this assessment, a customised support and super-vision programme tailored to each individual is presented and agreed before the court, subject to continual review during the bail period (Thomas and Goldman 2001).

The level of support and supervision put in place for an individual on a BSS scheme may vary depending on the nature of the alleged charge, the frequency of offending and the need of the individual; however, a minimum of three interactions a week between individuals on the scheme and BSS staff is usually required (Thomas and Goldman 2001). Interactions may occur in one or more forms, including individual case management and supervision of court attendance and compliance with bail conditions; compulsory reporting to a specified individual at a particular location; group work; and regular home visits with parents or significant others.

Tailored BSS schemes generally consist of a number of compulsory elements which must be complied with as a condition of bail; however, voluntary aspects may also be included in the programme content. Both compulsory and voluntary elements of the schemes may include a range of measures to aid individuals while on bail, including substance use interventions, health counselling and referral, anger management, training courses, employment advice, liaison with employers and education providers, assistance in finding stable accommodation, referrals to specialist accommodation services, family mediation and participation in constructive leisure activities.

The monitoring of curfews may be specifically provided via telephone, visits or in some cases voice verification or electronic tagging. Court attendance may further be assisted by BSS staff's attainment of correct information from solicitors, police and the courts, along with encouraging responsible attitudes among individuals and their family members towards court. While each individual is entitled to be viewed as innocent until proven guilty of the alleged charge(s), general offending behaviour may also be addressed through participation in general

offending programmes on BSS schemes (Thomas and Goldman 2001, Northern Ireland Office 2006).

BSS schemes yield a major advantage over custodial remand as they enable individuals to remain within or close to their communities during the remand period (Scottish Executive 2000, Raes and Snacken 2004). They also allow individuals to receive help with offending-related difficulties, which is reported to be of benefit even after the remand period (McCaig and Hardin 1999, Thomas 2005, Northern Ireland Office 2006).

Approximately 70% of individuals who are not deemed to require bail supervision complete bail successfully. Research evidence (Bail Support Policy and Dissemination Unit 2000, Youth Justice Board 2002, SACRO 2004) indicates that BSS schemes have a success rate of approximately 80% with regard to preventing reoffending and ensuring that young people abide by bail conditions and attend court. BSS schemes would thus appear to be particularly effective given that those on the schemes are considered to be at greater risk for non-compliance with bail. These figures also suggest that such schemes are the most promising alternative to remand custody as other measures such as electronic monitoring report a lower success rate of 30% (Airs *et al.* 2000).

The types of service provided by BSS schemes would appear to be particularly appropriate and beneficial in the Republic of Ireland in light of the problems reported by young people during the bail period. Such schemes could provide the required assistance to deal with these difficulties and also help young people to avoid the negative and destabilising impact of remand custody. In addition, BSS schemes may help young people to cope better with the actual remand process by allowing them to deal with the uncertainty of their case in a familiar, less transient environment. Also, through the provision of productive activities, which appear to be generally not available in remand custody, BSS schemes may reduce feelings of hopelessness among young people and encourage greater feelings of responsibility and control when it comes to attending court, abiding by bail conditions and desisting from crime. Such opportunities may be beneficial not only to the young people themselves, who are likely to increase their chances of staying out of prison, but also to individuals in prison who may experience less crowded conditions.

While the findings suggest many benefits, it is important to acknowledge that concerns also arise in the development of potential

BSS schemes. As Raes and Snacken (2004) have stated, 'determining the future of remand custody and its alternatives is not an easy task'. It appears that the main task in need of further attention is the establishment of a correct balance between avoiding unnecessary over-intervention in young people's lives (as set out in the Beijing Rules of 1985) and minimising the risk to public safety. In order to strike the right balance in the Irish context, further detailed research is required to establish the exact role different factors play in predicting success or failure with bail conditions, attending court and desisting from crime during the bail period. Evaluative studies of any pilot, probation-led BSS schemes will be necessary to ensure that the correct individuals are selected and the most effective practices are implemented.

Furthermore, it is vital that BSS schemes receive the necessary government support and investment with regard to the provision of human resources and training. Indeed, any financial concerns which may arise out of such a practice should be negated by the research demonstrating BSS schemes are more cost-effective than custodial remands (Northern Ireland Office 2006, SACRO 2004). Finally, in light of the range of difficulties experienced by young people on bail, the findings suggest that the voluntary and community sectors have an integral role to play in the operation of BSS schemes in conjunction with the Probation Service.

Conclusion

BSS schemes appear to have an important and beneficial role to play in the Republic of Ireland. The planned piloting of BSS schemes by the Probation Service will be a welcome development in the Irish context. Indeed, it can be said that by gathering further research data on best practice and attaining government and community agency support, BSS schemes may provide more positive outcomes for young people than remand custody.

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Irish Probation Journal: Your Views

Jean O'Neill[*]

The *Irish Probation Journal* was launched in September 2004 with the aim of providing a forum for sharing theory and best practice, encouraging co-operation and learning between the two jurisdictions and developing debate as to the role and work of the probation services. In preparation for its fifth volume (2008), the Editorial Committee sought feedback from the *IPJ* readership in relation to the content and format of the journal. A questionnaire was therefore included in last year's volume, seeking your views and comments.

Analysis of the results shows that the most respondents had received all three previous volumes of the journal (2004, 2005 and 2006), although there were some (welcome) new readers.

The majority (70%) of respondents considered the relevance of the articles to be high. It is important to ensure that the *IPJ* reflects the very diverse and different areas and interests of those working within probation practice, as well as achieving accessibility and balance in terms of articles from Northern Ireland and the Republic of Ireland, and it is pleasing therefore that the range of articles published over the three years was considered to be relevant. It was also encouraging to note that the majority considered the articles to be all or mostly interesting and thought-provoking (70%). When asked to specify two such articles, a broad range of articles was mentioned, again indicating the diverse interests of the readership.

One of the aims of the *IPJ* is to assist professional development, and all respondents acknowledged that the journal had provided professional development, generally and/or personally; indeed, 88% of respondents

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stated that they had found both general and personal opportunities for professional development.

The Editorial Committee was also interested in feedback on the style, layout and calibre of printing and presentation of the *IPJ*. Overall the response to these issues was extremely positive, and the size, layout and presentation of the journal were all considered to be good. Importantly there were a number of requests to enable electronic access to individual articles of the journal. The journal is available on the websites of both the PBNI and the Probation Service and we are exploring ways to make Internet access to individual articles more straightforward.

In relation to suggestions for topics which should be considered for inclusion in future editions, there were requests for articles relating to the supervision of youth offenders, generic work with offenders, management of life sentence supervision, use of the voluntary sector in adult probation services, and the supervision of probation staff. As ever, we invite contributions from all practitioners, academics, policymakers and representatives from the voluntary and community sectors within the field of criminal justice in responding to the above requests.

Thank you to all who provided feedback, it was good to hear that the *IPJ* has found a readership amongst the range of statutory, voluntary and community services linked to the probation service. We were also pleased to learn that the journal is included in academic training programmes and has found support in England, Scotland and further afield in the United States.

Book Reviews

Justice, Community and Civil Society: A Contested Terrain*
Edited by Joanna Shapland
Cullompton: Willan Publishing, 2008
ISBN: 978-1-84392-299-5, 245 pages, paperback, £29.99

Joanna Shapland's premise in this book is that over the last ten years there has been significant disquiet about the relationship between criminal justice and its 'publics' (community or civil society), and that this relationship is now deeply contested. This book looks at the particular responses of governments throughout Europe and North America to this disquiet.

The book is laid out in ten chapters, each chapter being an independent, self-contained piece that can be read without reference to the other chapters. In Chapter 1 the editor Joanna Shapland explains the book's genesis: the authors from different countries who had researched lay involvement in criminal justice in their own country, met together in a series of seminars over three years.

Chapters 2 and 3 address the situation regarding justice and community in France. The notion of 'community' is excluded from French public phraseology, having entirely negative connotations. The term in France suggests highlighting and giving importance to what makes people different from each other, for example an ethnic community. This is in complete opposition to the major values for the French: unity and equality. The chapters point out, however, that a distrust of 'communities' does not prevent the state from trying to reach out to people. The authors describe the concept of 'proximity justice', how it developed in the 1990s within a framework of policies based on

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local approaches and partnership, reaching out to other institutions. It appears from these chapters that the participation of the public in the French criminal justice realm is marginal and that legal institutions keep tight control over intervention by ordinary citizens.

Chapter 4 states that an explicit notion of 'community' does not exist in the German criminal justice system and, except for policies and programmes for local crime prevention that spread in the 1990s, there has never been an explicit community approach to criminal sanctions in Germany. It is suggested that it is so far uncontested that security, order and social welfare are the duty of, and guaranteed by, the state and local government. As the system of professionalised criminal justice in Germany enjoys a high degree of trust, the community as represented by lay people involved in criminal decision making has a marginal role.

Chapter 5 refers to Rotterdam in particular and Chapter 6 refers to the Netherlands. These chapters suggest that the Netherlands has always been an expert-led democracy in which lay influences play a limited role. Similar to France and Germany, the Netherlands' policies on public safety, crime prevention and the involvement of lay citizens in programmes have been influenced by its history and politics.

Chapter 7 describes the quest to realign 'community' and 'justice' over the past two decades in England and Wales as an awkward and problematic one. The author suggests two reasons for this. First, public policy has emphasised 'managerialism', which has served to marginalise community involvement. Second, there remain important questions about the nature, source and role of legitimacy in relation to policing and criminal justice which policy has largely failed to address. The Police Reform Act 2002 introduced a new type of employee, a community support officer (CSO). CSOs are intended to address public concerns over fear of crime, antisocial behaviour and the perceived lack of police visibility in local neighbourhoods. The recent initiatives have had ambiguous effects, yet the involvement of lay people and 'para professionals' has reinvigorated the capacity of local authorities to reflect and be responsive to the needs of a diverse society.

Chapter 8 discusses the situation in Northern Ireland after thirty years of conflict. The authors state that the keenly fought contest over state justice ownership during the conflict has continued to mark the development of a relationship between state and communities in the transition from conflict to peace. It is suggested that bridge building between the state and strong but historically estranged communities

requires an emphasis on organic and bottom-up styles of partnership, and a willingness from the state in particular to cede some ownership and control. The chapter focuses on the development of community-based restorative justice programmes as a potentially key vehicle in the development of real relationships based on trust and mutual respect. The authors comment on the ongoing challenge for community-based justice projects to hold on to their community focus and legitimacy and not get swallowed up, professionalised and reconfigured into the image of the state.

Chapter 9 focuses on policing in Ireland and considers why Ireland proved to be such a late arrival in terms of policy developments in the field of police–community relations. The Garda Síochána Act 2005 established for the first time in Irish history legislative provisions for formal consultation between the police and the public. The author outlines the historical development of Irish policing and the manner in which informal links between the police and the public were prioritised above formal ones. He then discusses changes in the field of Irish policing. Various types of community policing schemes were put into operation but developed in an informal, ad hoc fashion. The Garda Síochána Act 2005 broke new ground in police–community relations and the field of community safety, placing a statutory onus on the police to obtain the views of the public. According to the author, one of the more prominent provisions of the Act is the establishment of joint policing committees in each local authority area. These committees add a structured format to police–public consultation; however, the guidelines governing their operation bear the mark of the 'informalism' that has characterised police–community initiatives since the force's creation, and their impact remains to be seen.

The final chapter looks at new directions in Canadian justice. Similar to the other countries written about in this book, the concept of community has a particular meaning in Canada. The general idea of community in Canada has been influenced by the federalisation and colonisation of North America. The word 'community' usually refers to Aboriginal peoples and rural areas, and is also used to differentiate between Aboriginal and non-Aboriginal groups. This chapter focuses mostly on describing communities, as defined above, in Canada and the different types of collaboration that have developed between communities and the justice system. The author raises questions about whether communitarianism in Canada actually transfers power to the

community and increases citizen participation in justice issues or whether it is just an illusion to allow more social control. The author also wonders if community representatives lose their community legitimacy when 'officially' trained.

In general it may appear that the general public stand very much on the sidelines in regard to the criminal justice system in the countries described in this book. There are examples in all the chapters of initiatives, some restorative and some to do with crime prevention and community policing, where lay people or representatives of the community are involved. This book displays how the definition of community varies from country to country and relates to national identity and local struggles.

The relevance of this book to probation practice may not seem apparent. However, with the increasing onus on multi-agency work and involving victims and communities in the criminal justice system, it does raise interesting questions about how countries must develop their own response to this issue. Those people with a particular remit to develop community justice may find the book of particular interest.

Working with Involuntary Clients: A Guide to Practice*
Chris Trotter
London: Sage Publications, 2006 (2nd edition)
ISBN: 978-1-4129-1881-2, 214 pages, paperback, £20.99

The 'what works' debate has been central to the development of probation practice over the last 25 years. While pro-social modelling and other direct practice models were included in early guidance, it could be argued that the principles and skills underpinning this model of practice have not received the same attention as other effective methods (Chapman and Hough 1998).

This second edition of *Working with Involuntary Clients*, published in 2006, is a timely addition to the growing knowledge about, and acknowledgement of, the centrality of the service user/worker

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relationship in reducing reoffending (Rex 1999, Maruna 2000, McNeill and Whyte 2007). Chapter 6 provides discussion on some areas of the worker/service user relationship not found in other texts, for example optimism, humour and self-disclosure. Chris Trotter acknowledges the influence of William Reid's work on task-centred casework and of Don Andrews and colleagues' work on pro-social modelling. This book represents a marrying of the two in a way that is accessible to the reader and provides a framework for practice with involuntary service users. A methodical and systematic framework is presented in a way that takes account of the reality of working with involuntary service users.

The book is structured in a logical and easy to follow manner. Chapter 1 explains the book's structure and purpose and introduces the reader to some of the ideas developed and discussed later on: the dual role of social controller and helper, direct practice and the evidence base.

Chapter 2 summarises research findings on 'what works and what doesn't' concluding that 'the research … suggests that some things work better than others' (p. 63). The chapter is helpfully divided into 'approaches that work', 'approaches that sometimes work' and 'approaches that don't work'. Trotter includes a summary of his research into the hypothesis that probation officers who made use of the skills of role clarification, pro-social modelling and reinforcement, collaborative problem-solving and empathy will have clients who experience fewer problems and reduced reoffending than those whose probation officers do not employ these principles. His findings reinforce the importance of staff training and a conscious application of the model. He also found the model to be most effective with 'young, high risk, violent and drug using offenders' (p. 29). The discussion of the outcome in relation to empathy is interesting and helps the reader clarify the importance of appropriate empathy accompanied by a willingness to identify and challenge antisocial thinking and behaviours.

Chapters 3 to 5 deal with role clarification, promoting pro-social outcomes and problem solving. Trotter states that role clarification is an ongoing process that often begins with legal responsibilities and continues throughout the intervention as worker and service user explore the purpose of their time together. The tension between the dual role of probation officers as controllers and helpers is something students and staff struggle to balance. Trotter's book encourages the reader to reflect on his or her role and think about how it might be explained to service users in a way that makes sense. The importance of openness and

discussions with service users about the professional role is emphasised, as are the worker's role in 'socialising' the service user into the professional role, and agency expectations. Case examples are used effectively to help the reader apply the theory and research discussed.

It is in the proposed model of problem solving that the reader will identify the influence of task-centred casework. Trotter adapts this familiar method of intervention by incorporating what is known about effective outcomes in work with involuntary service users. The steps of the problem-solving process – problem survey, problem ranking, problem exploration, goal setting, developing a contract and review – are explained and practice examples given. Criticisms and limitations of the problem-solving approach are acknowledged and discussed, which provides balance to the analysis.

Trotter does not seek to provide a comprehensive examination of review/evaluation procedures but suggests two approaches: single case study analysis to assist in evaluating the progress of the service user against specific objectives, and case analysis as a reflective process for the worker, for example 'What does your client understand to be the purpose of your work with him/her?' (p. 187).

Trotter acknowledges in the introduction that parts of the book are repetitive, but makes no apology for this on the grounds that it saves the reader having to refer back to discussions earlier in the book. As a guide for practice this works, chapters are cross-referenced and busy practitioners will find that this strategy makes the book an accessible and useful reference.

While those of us who work with involuntary service users know that our practice is not the only variable in successful/unsuccessful outcomes, the importance of direct practice skills based on research evidence and appropriate values cannot be ignored. This book offers a systematic framework and analysis of some of those practice skills. Students have found it invaluable, but it also has a lot to offer experienced practitioners interested in developing their practice with involuntary and sometimes resistant service users.

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