

The Public Protection Advisory Group: A Model for Structured Co-operation*

Michael Donnellan and Brian McCaughey

Selected by Gillian Montgomery†

Having completed my final-year social work placement with the Probation Service in 2003, I found Michael Donnellan and Brian McCaughey's article on co-operation between the Probation Service and the Probation Board for Northern Ireland a really informative read. When the article was published, I was working in PBNI as an Area Manager in Mid-Ulster, on a team which sits on the Armagh/Monaghan border, and there were frequent requests for transfers between the jurisdictions at that time. The article helpfully outlines the shared common heritage and the fundamental belief in community-based sanctions in both jurisdictions, as well as the differing organisational, political and legislative developments since the 1907 Act. Ultimately, the article reinforces that, despite the different systems and legislative challenges, North–South co-operation on criminal justice matters, currently taken forward via the Public Protection Advisory Group, jointly chaired by the Chief Executives of Probation Board Northern Ireland and the Probation Service, with attendance from Police, Prisons and the Departments of Justice in both jurisdictions, can only enhance public safety on both sides of the border, issues as relevant in 2024 as in 2010 when the article was initially published.



* This paper appeared in vol. 7 of the *Irish Probation Journal* (2010).

† Gillian Montgomery is Director of Operations with the Probation Board for Northern Ireland.

Summary: On Friday, 10 April 1998, the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland was signed, heralding a historic opportunity for a new political beginning. The Good Friday Agreement, as it became known, included plans for a Northern Ireland Assembly and cross-border institutions; under the section on policing and justice, it made provision for a wide-ranging review of the criminal justice system in Northern Ireland. Arising from the recommendations contained in the review, the Intergovernmental Agreement on Cooperation on Criminal Justice Matters was established, providing a framework for co-operation between the two jurisdictions. That work is continuing through the recently completed 2010 Agreement. Under the auspices of the Intergovernmental Agreement Working Group, the Public Protection Advisory Group (PPAG) was formed as a subgroup and is jointly chaired by the Director of the Probation Board for Northern Ireland (PBNI) and the Director of the Probation Service (PS) (Ireland). The PPAG has provided a formal structure for the engagement of the PBNI and the PS and strengthened connections with the other important stakeholders in the Criminal Justice System. It has been meeting since early 2006 and has addressed a range of topics related to increased cross-border co-operation, the sharing of best practice and cross-border offending. This paper sets the context, traces the history of formalised co-operation between the PS and the PBNI from 1998, and describes the structure, scope and activities of the PPAG as a model for bilateral co-ordination and co-operation.

Keywords: Public Protection Advisory Group, Northern Ireland, Ireland, probation, criminal justice, Good Friday Agreement, cross-border co-operation.

Setting the context

There is a momentum for probation agencies throughout Europe to seek to work collaboratively. Increasingly, probation is extending beyond national boundaries at a professional level, at an organisational level and at an operational level.

Ireland is an island with two probation organisations with much in common and a shared commitment in working together, delivering services within their own jurisdictions. Through increased collaboration and co-operation, we have the capacity and commitment to ensure that probation is a robust and valued sanction in the Criminal Justice System across the island of Ireland, and through our working together that our services make a significant contribution to a safer Ireland.

The two services share a common heritage in the Probation of Offenders Act, 1907 and the commitment in it 'to assist, advise and befriend'. The political, social, economic and legislative changes of the past century have contributed to the development of two distinct services in Ireland and in

Northern Ireland. The developments in probation practice over the century have evolved from the offering of general assistance to offenders to evidence-based work in assessing and managing risk and interventions focused on changing the behaviour that contributes to the offending.

Notwithstanding the passage of time and differing contexts politically, legislatively and organisationally, the two services hold strong shared principles as well as the shared belief in the real benefits of community sanctions and the important role that probation can play in the Criminal Justice System.

The Probation Service (PS), an agency within the Department of Justice and Law Reform, has been on a journey of substantial change and modernisation in recent years. In 2006, a rebranded PS with a new management structure, a strengthened in-house corporate structure and a renewed Service Strategic Plan was launched. Staff numbers increased to almost 500; the Service extends to all 26 counties, is available to every court in Ireland exercising criminal jurisdiction and has staff working in all prisons and places of detention.

Legislation has added more and more new functions, including supervision of part-suspended sentences under the Criminal Justice Act, 2006. The Department of Justice and Law Reform, through the Prisons and Probation Policy Division, provides direction, support and co-ordination across the Criminal Justice System.

The Probation Board for Northern Ireland (PBNI) is a Non-Departmental Public Body (NDPB). When policing and justice functions in Northern Ireland were devolved to the Northern Ireland Assembly on 12 April 2010, the Department of Justice was established as a new Northern Ireland Department by the Department of Justice Act (Northern Ireland), 2010. From this date, the Probation Board became an NDPB of the Department of Justice. Prior to this, it was accountable to the Secretary of State for Northern Ireland.

The PBNI believes that the devolution of policing and justice powers presents real opportunities to strengthen and build on what has been achieved to date. There are currently around 420 staff in 31 offices across Northern Ireland, and probation officers work in every part of the community – in, with and through the community.

The PS and PBNI recognise the need to continue to develop initiatives that improve and assist the efforts of those under supervision who want to break the cycle of offending, change their lifestyle and become contributing members of their communities. The shared agenda of the two services, the mutuality of vision, goals and commitment to effective practice provided

both the platform for and impetus to progress the recommendations outlined in the Criminal Justice Review 2000.¹

Good Friday Agreement

On Friday, 10 April 1998, a comprehensive political agreement – known as the Good Friday Agreement – was signed. The British and Irish Governments signed a new British–Irish Agreement committing them to give effect to the provisions of this multi-party agreement, in particular those relating to constitutional change and the creation of new institutions.

The Good Friday Agreement included provision for a wide-ranging review of the Criminal Justice System in Northern Ireland, to assess the need for reforms and to ascertain the scope for ‘structured co-operation between the criminal justice agencies on both parts of the island’. The Review Group reported on its findings in March 2000, making a total of 298 recommendations. The British government accepted the recommendations and published legislation and an implementation plan to give effect to the recommendations.

PROTECT North and South

Two of the recommendations of the Criminal Justice Review were of particular significance in promoting joint working by the PBNi and the PS in the development of a jointly managed and staffed project.

Recommendation 279 proposed ‘that the scope for the joint delivery of training, education (including continuing professional development) and the exchange of good practice on criminal justice issues should be examined’; and Recommendation 282 advocated ‘fostering co-operation between researchers through joint conferences and seminars and ... that specific research projects might be undertaken on an all island basis’.

PROTECT North and South (Probation Reducing Offending through Enhanced Co-operation and Training) was established by the PBNi and PS in direct response to the recommendations. Funded by the Special European Union Programmes Body (Peace II), it was launched in 2004 as a two-year initiative.

The objectives of PROTECT North and South were to ‘maximize the opportunity provided by peace, to begin to understand, share and develop professional approaches to assist in the effective management of a range of offenders’. Its four key aims were to:

1 Available at <https://cain.ulster.ac.uk/issues/law/cjr/report30300.htm>

1. Develop cross-border approaches to the management of offenders
2. Disseminate knowledge of effective models of supervision approaches
3. Promote and engage with local communities
4. Create opportunities for staff exchanges.

By the time the PROTECT North and South project had reached its conclusion in 2006, it had worked on identification of shared issues and hosted conferences (Kennedy, Moore and Williamson, 2005) and seminars demonstrating effective practice. It had progressed the development of a shared protocol for the monitoring of sex offenders and the joint delivery of programmes addressing domestic violence and drink driving on a cross-border basis.

Public Protection Advisory Group

The Criminal Justice Review referred to North–South co-operation on criminal justice matters, recommending that ‘a group of criminal justice policymakers from the two jurisdictions be established ... to identify and advise on the opportunities for co-operation at government level and between the criminal justice agencies North and South’ (Recommendation 278).

The Agreement on Cooperation on Criminal Justice Matters was signed on 26 July 2005 by Minister for Justice, Equality and Law Reform Michael McDowell and NIO Criminal Justice Minister David Hanson, MP. In April 2010, a new Intergovernmental Agreement was signed, which ensured that this framework would remain in place following the devolution of policing and justice powers to the Northern Ireland Assembly.

The Intergovernmental Agreement on Cooperation on Criminal Justice Matters provides a framework for co-operation that includes at least one ministerial meeting per year between the relevant Belfast and Dublin Ministers, who receive reports from a Working Group made up of officials from both jurisdictions.

Under the auspices of the Intergovernmental Agreement Working Group, the Public Protection Advisory Group (PPAG) was formed as a sub-group² and is jointly chaired by the Directors of PBNi and PS. Its role is to advise the Working Group on the potential for strengthening enforcement of non-custodial sentences and post-custodial supervision, with a view to enhancing protection of the public.

² PPAG membership consists of senior representatives from the Criminal Justice Directorate Northern Ireland Office, the Department of Justice and Law Reform, the Northern Ireland Prison Service, the Irish Prison Service, An Garda Síochána and the Police Service of Northern Ireland.

The PPAG has provided a formal structure for the engagement of the services and strengthened connections with the other important stakeholders in the criminal justice systems, North and South. It also provided a forum to address Recommendation 286 of the Criminal Justice Review, which proposed that 'the issue of developing mutual arrangements for continued enforcement of non-custodial sentences and post custodial supervision should be addressed. Arrangements for accessing programmes available in the other jurisdiction should also be considered.'

The terms of reference of the PPAG, revised in 2006, are:

- To examine existing policies and practices on the rehabilitation of offenders in both jurisdictions and elsewhere, to identify best practice and any gaps in rehabilitation services, so that those approaches with a proven record of success are assessed for common adoption
- To develop joint recommendations for the future rehabilitation of offenders, which will also reduce the rate of recidivism, and enhance community safety and social integration.

The PPAG has been meeting since early 2006 and has addressed a range of topics and built on initiatives arising under the PROTECT North and South project. The issues identified include increased cross-border co-operation, the sharing of best practice and addressing cross-border offending.

As common issues emerged, it became increasingly clear that a collaborative approach by the two services in addressing these would be the most effective. The overarching consideration in all our work continues to be the imperative to maximise community safety and prevent victimisation, and we believe this can best be achieved through effective probation and interagency practice. To this end, the PPAG has identified the following priorities.

1. Best practice in the management of sex offenders

The Sex Offender protocol agreed between the services and effective from 1 May 2010 is aimed at enhancing public protection across the island of Ireland by strengthening the management of sex offenders who move between jurisdictions. It provides a framework for the secure and confidential sharing of information between the PBNi and the PS while co-ordinating the supervision and management of sex offenders in the community in both jurisdictions.

The protocol has been informed by up-to-date practice developments, data protection issues and case-management reviews in relation to offenders who moved from one jurisdiction to the other.

The PPAG-supported implementation of an all-island approach to the assessment and management of sex offenders has resulted in the application of agreed risk assessment tools by probation and police services in both jurisdictions. Relevant staff have been trained in RM 2000 (Thornton *et al.*, 2003) and in Stable and Acute 2007 (Hanson and Harris, 2000; Hanson, Harris, Scott and Helmus, 2007).

2. Best practice development in managing diversity

The increasingly multicultural society North and South is an important consideration for all public services in responding to the needs of service-users. Rather than relying on anecdotal information, it was recognised that accurate information about foreign nationals under the management of the PS and PBNI was necessary. A survey was undertaken by both services on 1 May 2009, which provided information on ethnicity, language, location and numbers, as well as highlighting other barriers in accessing probation services.

3. Information sharing and co-operation

The work of the PPAG has advanced the day-to-day co-operation and co-ordination of the two services, facilitating information and knowledge sharing and the development of complementarity and consistencies in practice. A point of contact within each jurisdiction for all transfer requests and information exchanges has been established and has structured communication between the services. It also allows for the collation of information, which is presented to the PPAG on a six-monthly basis.

The development of an international desk in each jurisdiction is particularly noteworthy and establishes a process and structure that will enhance communication and ease the implementation of EU Framework Decision 2008/947/JHA³ on the application of the principle of mutual recognition to judgements and probation decisions, with a view to the supervision of probation measures and alternative sanctions. Under the Framework Decision, from December 2011, it should be possible to transfer the probation supervision of community sanctions between jurisdictions.

3 Available at <http://eur-lex.europa.eu/en/index.htm>

Implementation of the Framework Decision is among a number of priority areas in the work programme agreed by the Ministers for action by summer 2011.

The way forward

Ministerial commitment

The first formal meeting of the cross-border criminal justice ministerial group was held in Carlingford on 9 July 2010. The Minister for Justice and Law Reform, Dermot Ahern, TD and the Northern Ireland Justice Minister, David Ford, MLA met to discuss a range of issues, including the work of the PPAG.

Speaking after the meeting, Minister Ahern said:

There is a real closeness in North/South relations in the justice and policing area that can only be to the benefit of the wider public on both sides of the border ... We are also promoting engagement on a strategic level between the various criminal justice agencies with a view to the exchange of expertise, best practice and policy development. We face the same challenges and it is important that we share ideas and co-operate in tackling them.

Minister Ford said:

I am committed to working closely with Dermot Ahern to drive forward a range of criminal justice initiatives to make Ireland, both North and South, a better and safer place to live. The devolution of policing and justice powers provides an opportunity to enhance the working relationship with the Irish Government. Co-operation between criminal justice agencies is critical.

Value of the PPAG to the criminal justice systems North and South

The PPAG in its work with criminal justice agencies North and South has provided invaluable leadership in joint working across jurisdictions and in the development of all-island initiatives. The achievements to date in the closer working between the services, the shared understanding and the effective systems in place are testament to the important impact of the PPAG. We now have valuable structures in place, enhanced communication and an ongoing sharing and development of knowledge and expertise.

These structures are increasingly important not only for us on the island of Ireland but also throughout Europe, as evidenced in the forthcoming EU Framework Decision on the transfer of community sanctions across jurisdictions.

We need to share knowledge, skills, expertise and experience and have strong communications to ensure that, as offenders cross from one jurisdiction to another, we have a strong and sound management plan in place. Co-operation and communication between agencies and across jurisdictions in how we manage offenders are vital if we are to collaborate effectively and achieve results.

The leadership and vision provided by the PPAG as a model for structured co-operation is undoubtedly making an enormous contribution to keeping communities safer. The strength of the PPAG is in the development of bottom-up practical co-operation and, as the Heads of our respective services, we will strive to see that practical work continue

References

- Hanson, R.K. and Harris, A.J.R. (2000), 'Where should we intervene? Dynamic predictors of sexual offense recidivism', *Criminal Justice and Behavior*, vol. 27, pp 6–35
- Hanson, R.K., Harris, A.J.R., Scott, T. and Helmus, L. (2007), *Assessing the Risk of Sexual Offenders on Community Supervision: The Dynamic Supervision Project*, Ottawa: Public Safety Canada
- Kennedy, C., Moore, J. and Williamson, D. (2005), 'Inaugural Protect N&S National Conference Summary', *Irish Probation Journal*, vol. 2, pp 101–6
- Thornton D., Mann, R., Webster, S., Blud, L., Travers, R., Friendship, C. and Erikson, M. (2003), 'Distinguishing and combining risks for sexual and violent recidivism', *Annals of the New York Academy of Sciences*, vol. 989, pp 225–35, discussion pp 236–46