

PROBATION IN EUROPE

Bulletin of the Conférence Permanente Européenne de la Probation

Profile of a Vice President

Han van der Leek



Han van der Leek

>> The Reclassering Nederland is one of the very few independent organisations undertaking mainstream probation work. Its origins lie in the 1820's and it represents a continuous stream of Dutch philanthropic work with offenders. Its independence as an organisation has often been the envy of colleagues in probation services caught up, as it sometimes seems, in the aggravations and constraints of public service existence. The Reclassering has held on to a vision of humane work with offenders in the community which has deep roots in Dutch society. But for all this, the Netherlands is affected by broader trends in Europe in public and political attitudes to offenders characterised, at their

'harshness of current developments'

worst, by growing intolerance and demanding more punishment and control. The one time unthinkable has happened and the prison population of the Netherlands is increasing.

Han van der Leek, Vice President of the CEP and Director

General of the Reclassering Nederland, finds himself leading one of the best respected probation services in the world at a time when it faces pressures which are familiar in many parts of Europe. It is ironic that Han is at the helm in this particular situation. He recalls that he was often tough in times when he felt that the ethos of the service was too soft but he is not at all in sympathy with the harshness of some current developments.

Han studied Law and Criminology and stayed on at the Free University of Amsterdam as a lecturer. He remains intellectually curious and he is a shrewd and thoughtful observer. His first venture into the community was to found a legal assistance office in Amsterdam – the first of its kind – and he has been active in a wide range of community organisations and initiatives ever since. He was at one time Vice President of the Dutch Refugee Council and he has also been active in the field of mental health. It is no accident that he has been involved in community-based organisations meeting the needs of vulnerable people who are easily marginalized. >>

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Han van der Leek first came to work in the probation service in 1979 as head of staff for the Amsterdam probation council and since that time he has had two periods in the Ministry of Justice but has always returned to probation, almost as if there is some kind of probation recidivism in his spirit. From 1983 to 1985 he was deputy head of the department for legal aid in the Ministry of Justice. Then he returned to be the director of the probation service in The Hague. In 1990 he was head hunted to be one of the four regional directors of the Immigration Service within the Ministry of Justice. It was an interesting transition for an activist in refugee organisations. Later in 1993 he became the director of immigration policy within the Ministry.

In 1996 Han returned to the probation service to be the director of the service in the Amsterdam region and deputy director of the Reclassering Nederland. In 2002 he succeeded

Ted van der Valk as Director General. He is proud of the skills of his colleagues in the Reclassering in working with difficult, chaotic people and bringing about changes in their behaviour. The challenge is to make this more visible and recognised. He points to a calculation that the cost from the prosecution of an offender to imprisonment amounts on average to €15,000. The cost of probation supervision is on average €2,000 so that each person the service supervises who does not re-offend represents a saving of €13,000 to the criminal justice system alone. The CEP can only wish Han good fortune in explaining this in the current climate.

All that has been said so far would make Han appear to be a very serious person and he is without question a man with strong personal values who takes his work seriously. He has no time for pretence or posturing. But anyone who has spent any

time in with him will know that he is a courteous friend and very good company. He enjoys the pleasures of life and recognises a good bottle of wine. In his time he has been an oarsman of some standing and he enjoys the outdoor life. His tastes in music are wide ranging, taking in the very different traditions of jazz, classical and Portuguese Fado. He is very widely travelled – relishing the world's diversity – in Asia, Africa, North America, the Caribbean and all over Europe – typically Dutch you may say! He is a devoted family man who will not let work stand in the way of important family events.

CEP is especially indebted to the Reclassering Nederland which has provided us with an office and all kinds of uncosted and uncostable support. Han has been determined that this should continue and that the good fellowship which CEP promotes in the European probation community should flourish and be fun. <<

The Sprecher model

Probation officers Peter Niedermeier, Andreas Andresen, Peter Kleiss and Norbert Leiste from Itzehoe in Schleswig Holstein describe a democratic model for organising a probation service.

>> In the federal German Republic, individual states or Bundesländer are responsible for their own justice systems, their organisation and practice. The way they are organised and their methods differ considerably. They vary from predominantly hierarchical models to the democratically organised Sprecher or 'speaker' model used in Schleswig Holstein. Whilst the concept of senior probation officers, who have responsibility for service delivery and development, exists in other Bundesländer, Schleswig Holstein features a uniquely structured model.

Prior to the re-unification of Germany, Schleswig Holstein had been one of the last of the Bundesländer to establish a probation service. Since 1956 the courts had employed probation officers individually. These single 'combatants' were responsible for their own work and did not require an organisational structure. However, the increasing number of probation officers highlighted the need for organisational issues to be addressed. Courts began to demand more dependable information and a more effective exchange of information.

A kollegiale or 'co-operative' form of organisation was developed almost twenty years ago and was initially accepted informally by the Presidents of the Courts. The Presidents retained responsibility for the service overall whilst the monitoring of service provision was left to individual judges.

What does the kollegiale organisation – the Sprecher model – look like?

It is based on regular service meetings. The highest decision making level is at the joint service meeting which takes place monthly. Significant contributions to this meeting range from the Sprecher's report, case discussions, resolution of organisational issues (e.g. geographic division of work allocation, arrangements for representation, general administration, statistics), exchange of professional information, questions about joint working with other organisations and co-operation to recruit new staff.

For practical reasons a spokesperson needed to be available. A Sprecher, who carries out this function for a period of two years, is democratically elected from the ranks of probation officers. The Sprecher has the task of co-ordinating, organising and representing the service in external contacts. The Sprecher is authorised by the service meeting to act on behalf of all colleagues. The Sprecher is not a manager and has no management authority or function.

The Sprecher prepares for and leads service meetings, is responsible for chairing the discussion, setting the agenda and following through decisions taken. The Sprecher is responsible for raising issues in the service meeting. The Sprecher also represents the court district at the speakers' conferences, at the professional association conference and at the conference set up by the Ministry of Justice. The Sprecher is also the contact person for the courts' administrative services.

Other specific tasks such as quality assurance, debt counselling, specialist offender supervision etc. are carried out by other colleagues. The rotation principle applies to these tasks as well as to those carried out by the Sprecher but normally for terms longer than two years.

This model of collaboration in the context of kollegiale principles, creates a basis of trust which ensures the full participation of all colleagues in the work of the service.

In the 1990s the social democratic government of Schleswig Holstein fundamentally questioned the

system of the freely elected Sprecher. Under the title 're-organisation of social services' a comprehensive change was planned. It was intended to have one social service department directly responsible to the prosecutor.

This led to massive opposition from probation officers and to the development of probation standards. Emphasis was placed on such issues as supervision to ensure the quality of professional activities. The Ministry of Justice decided to continue with the planned reforms. Pilots were run to demonstrate the reform model's greater efficiency.

During this phase the hierarchical model in Flensburg was compared to the Sprecher model in Itzehoe. An examination of the work of the probation service was accompanied by scientific research. Dr. Kurze of the Centre for Criminology in Wiesbaden was unable to establish any qualitative improvement in the service's work which could be attributed to the senior probation officer model. Following a critical assessment of all the findings, the Sprecher model emerged as the one leading to greater flexibility and increased motivation.

In 1996 the parliament of Schleswig Holstein passed a new law on probation

The former organisational structure including the use of a Sprecher was set down in statute.

It is noted that in Schleswig Holstein the majority of offender related helping agencies were set up as a result of probation officer initiatives. Such individual initiatives are encouraged by the democratic collective. The model presupposes that all probation officers are fully and responsibly involved.

Development of professional standards, research into offender lifestyles and international contacts, for example with Estonia, have been developed and built up by practitioners. Examination of the various models highlights the measure of individual initiative allowed in each. The current system promotes creative initiative in each probation officer and prevents any retreat into isolation.

We invite European probation officers to examine the use of this model in their own national setting. <<

Director-General National Probation Service for the UK addresses probation leaders in the US

Donald G. Evans

President Canadian Training Institute,
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>> Eithne Wallis, Director-General, National Probation Service for England and Wales participated in the Annual Training Institute hosted by the American Probation Parole Association, held in Cleveland, Ohio August 23-25, 2003. Her first presentation was to the National Association of Probation Executives, Annual Awards Breakfast. In her address she focused on the issue of leadership and the power of leadership in managing change. Addressing the fact of the UK's embracing of 'what works' in the practice of probation she expanded this concept to a consideration of 'what works' in organisations. She discussed the need to develop and cultivate cutting edge organisations in which to embed the 'what works' practice agenda. We need, she said, to be clear about the success factors of a healthy organisation as we are about effective offender interventions. Wallis reminded the probation executives in the audience that leadership is a function of place and time. She then briefly outlined the circumstances facing probation in the UK that led to the creation of the national service. Wallis attributed the threat to probation's existence to a failure of leadership. She noted that UK probation had failed to develop:

- an effective practice strategy that was results driven
- business acumen
- political skill
- staff (the service had both expected too little and too much).

Wallis concluded her address by noting that leadership is the ability to inspire ordinary people to do extraordinary things.

The next day, Director Wallis delivered the keynote address at the opening session of the American Probation and Parole Association's Annual Training Institute. Her address centered on the need to develop a strong, effective organisation

that supplies the support necessary for cutting edge probation practice. She noted how difficult change can be for an organisation and its people. Successful change, she said, is about courage and staying power. Wallis then outlined the drivers for change in the UK probation service that included pressures external to the service, the fact that probation was in danger of being dissolved and the lack of any evidence-base for probation practice. Another issue related to finding a solution to the problem she called 'justice by geography and personality', in other words the need to have service delivery depend less on where you lived and whom you dealt with.

The very specific question was asked: do you need a probation service? The answer, after consultations and various reviews and studies was a resounding yes, but with changes in approach and organisation. The result was the development of a National Probation Service for England and Wales. The main levers for change were:

- legislative action that created the National Service
- a major redesign of the organisational structure of the service.
- a goal of reducing re-offending
- public protection as a major aim of the service
- development of an evidence-based probation practice.

Wallis noted that the vision driving the newly structured service was one that would see fewer victims and less revictimization, less crime, enhanced public protection with reduced fear of crime by citizens.

The reaction of the approximately 1100 participants was positive to Wallis' message of an evidence-based probation practice supported by an effective, cutting edge organisation. <<

The juvenile justice system should avoid repressive approaches and focus on education and reintegration

Jürgen Mutz

Jürgen Mutz, CEP's representative, reports on a new Council of Europe Recommendation concerning juvenile delinquency

I. The CEP Bulletin in June 2002 carried information about the brief, the working methods and the composition of the committee of experts on new ways of dealing with juvenile delinquency and the role of juvenile justice (PC-JU). In April 2003 the Committee completed its work. The proposed Draft Recommendation and Draft Explanatory Memorandum were approved by the European Committee on Crime Problems (CDPC) in June 2003 and submitted for approval to the Committee of Ministers.

The work of the PC-JU committee is seen as an extension of the work leading to Recommendation R(2000)20 on the role of early psychosocial intervention in the prevention of criminality, as well as reinforcing and building on Recommendation R(87)20 on social reactions to juvenile delinquency¹.

So far European juvenile justice has no common vision or philosophy. Some countries have predominantly 'welfare' based models constructed around the needs of the juvenile, whilst others have 'justice' based models, which emphasise retribution and public protection². The new recommendation aims to bring together these apparently contradictory approaches by focussing on three principles:

- the prevention of offending and re-offending,
 - the socialisation and reintegration of the offender and
 - reparation to compensate for wrongdoing.
- These reflect, in combination, the best interests of young offenders, their victims and the public.

II. The recommendation does not contain any provisions on the treatment of juveniles in prison or subject to community sanctions and measures. It does, however, lay down certain basic concepts and standards for dealing with juvenile offenders. The recommendation urges a more strategic approach and new responses, including the following:

- The juvenile justice system should be seen as one component in a broader, community-based strategy for preventing juvenile delinquency (§ 2).
- Resources should particularly be targeted towards addressing serious, violent, persistent and drug- and alcohol-related offending (§ 3). Member states should develop a broader spectrum of new, more

effective (but still proportional) community sanctions and measures. They should, where possible and appropriate, deliver mediation, restoration and reparation to the victim (§ 8).

- Interventions with juvenile offenders should, as much as possible, be based on scientific evidence on what works, with whom, under what circumstances (§ 5).
- Expanding the range of suitable alternatives to formal prosecution should continue to be developed (§ 7).
- Parents should be encouraged to become aware of and accept their responsibilities in relation to the offending behaviour of younger children. They should be required, where appropriate, to attend counselling or parent training courses (§ 10).
- It should be possible for young adults under the age of 21 to be treated in a way comparable to juveniles and be subject to the same interventions, when the judge is of the opinion that they are not as mature and responsible for their actions as full adults (§ 11).
- Short time periods for each stage of criminal proceedings should be set to reduce delays and ensure the swiftest response to juvenile offending (§ 14).
- Juveniles should not be detained in police custody for longer than 48 hours in total (§ 15).
- When, as a last resort, juvenile suspects are remanded in custody, this should not be for longer than six months to trial commencement (§ 16).
- The response to juvenile delinquency should be planned, co-ordinated and delivered by local partnerships comprising the key public agencies and the voluntary and private sector (§ 21).

III. Governments of member countries are asked to:

- review, if necessary, their policies, legislation and practices;
- bring the recommendation and its explanatory memorandum to the attention of all relevant agencies, the media and the public;
- acknowledge the need for separate and distinct European Rules on Community Sanctions and Measures and European Prison Rules for Juveniles.

¹ Final activity report – CDPC(2003)9 Addendum I – Draft Explanatory Memorandum – Introduction – foot-note 7

² Commentary on the Recommendation – Paragraph 1

Integrating a victim perspective in probation: challenges

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»» More and more people are convinced that we should try to develop – at least to a certain degree – a victim dimension in the varying aspects of probation work, be it in a non-custodial or custodial setting. Restorative justice can offer a practical and theoretical framework to do this. Indeed, restorative justice *‘is not a particular practice, but a set of principles which may orientate the general practice of any agency or group in relation to crime.’*¹ The aims and objectives of probation are not in competition with victim oriented work or restorative justice. On the contrary, at the levels of individual work and public service, victims should be integrated in a substantial way, both in daily probation work and in specific projects. Common elements of probation and restorative justice are: the orientation on problem solving and on the whole context that should be taken into account; the focus on empowerment, responsibility and reintegration of the offender; and the emphasis on good relations instead of merely formal rules.² By putting the emphasis on autonomous, participatory processes of conflict resolution and communication, restorative justice can help to formulate an answer to current tendencies of instrumentalisation.

In other words, probation services should not stay on the sideline in developing restorative justice or victim oriented attitudes and abilities. However, experience in different countries teaches that it is far from easy to develop this perspective effectively. Strong resistances exist, and official regulation in this direction is often not very successful. Some challenges for probation in developing a perspective oriented to victims and restoration are the following.

1 The victim oriented approach has to be implemented in an organisation with a clear offender oriented tradition and culture that is considered as almost self-evident. Task perceptions are not victim oriented, and often a conflict of interests is experienced by probation workers. The latter say that working with the offender and

the victim cannot be combined, amongst others because of the principle of confidentiality. Probation workers are afraid that their relationship with the client will be troubled and that – by taking into account the victim’s position – they will be directed into a more controlling role. This attitude refers to a particular approach of crime: delinquency seen as malfunctioning at the individual level. The action is centred on person-related causes and consequences of the crime, not in an integral way on the manifold aspects of the offence and the different parties involved.

- 2 Referring to the implementation of victim-offender mediation, a useful distinction can be made between a social work model and an independent mediation model.³ Mediation based on social work principles tends to be more offender oriented (confrontation with the victim as a tool to influence the offender’s behaviour), professionals play a dominant role and a more directive mediation style is often used. In the autonomous model, mediation is seen as an equal service to victim and offender, there is more room for volunteer work and the mediator acts more as a facilitator than as an actively directing third party. The first model strives for reform or rehabilitation of the offender, the second one for equal participation as a value for justice on its own.
- 3 Specific methodological and practical obstacles are mentioned by probation officers in victim oriented work, such as the financial insolvency of the offender, the interference by insurance companies, the high number of victims or offenders sometimes involved, or the type of offence (for example sexual offences would not be appropriate).
- 4 Prerequisites for integrating a victim perspective in probation work are: proper training, acknowledging this task explicitly in mission statements, objectives and regulations, and inevitable organisational changes. Special provisions have to be foreseen, for example on some (new) staff functions, in order to support developments in an effective way.
- 5 The notion of ‘restoration’ within probation services is often defined in a broad way: restoration to the self, to the family, to the victim, to the community and to the state. This broad orientation keeps the objectives and the context of

restoration too vague and might hamper the implementation of well-defined restorative actions.

- 6 Probation is part of a more general evolution in criminal justice and crime control towards individualisation, risk thinking (actuarialism) and focusing on efficiency and effectiveness (managerialism). Victims (as well as offenders) become more and more 'objectified'. Seen from the perspective of the criminal justice system, the victim is rather a side-phenomenon that can be dealt with efficiently from a top-down approach, without giving him/her an essential place or voice in criminal justice processes. In this context, Shapland refers to a 'Solomon model of justice', predominantly oriented to decision making.⁴ In turn, she defends the idea of 'integrity in criminal justice' and the notion of 'responsible agencies', which have the duty of meeting the legitimate expectations of all involved.
- 7 Victim oriented probation work in prisons is sometimes highly determined or biased by the advisory function of probation in conditional release procedures. More and more the inmate's attitudes towards the victim have to be checked, as a criterion and possible counter indication for granting parole.
- 8 We are lacking operational models on how to involve 'the community' as third party in restorative justice and probation. The community is often represented in an abstract or symbolic way, and in this sense reparation is done in the form of community service. Ways of making this

community more visible and included in restorative justice processes have to be explored. One of the principles could be that an action of restoration towards the community should be set up in such a way that the involvement of, and the effect on the community can be observed and assessed concretely.

- 9 Multi- or inter-agency approaches are quite promising in order to develop community based restorative justice practices. Organising a restorative justice programme in a partnership guarantees a better, well-balanced involvement of the different actors with their own rationalities. Probation should form strategic alliances, including with organisations for victim support.
- 10 We should be aware of the position of probation services in a given country at a certain moment. This position can be very different between countries, amongst others with respect to its relation with the criminal justice system and the community, and with respect to the phase of development of probation services and structures. These elements are important when choices have to be made about creating new initiatives or supporting particular projects. <<

1 Marshall, T.: *Restorative Justice. An overview*. London: Home Office Research Development and Statistics Directorate 1999.

2 Nellis, M.: *Towards a new view of probation values*. Unpublished, Leicester 1994.

3 Marshall, T.F.: 'The evolution of restorative justice in Britain'. *European Journal on Criminal Policy and Research* 1996, 4.4, 21-43.

4 Shapland, J.: 'Victims and Criminal Justice: Creating Responsible Criminal Justice Agencies' in Crawford, A. & Goodey, J. (eds.): *Integrating a Victim Perspective within Criminal Justice*. Ashgate: Aldershot 2000, 147-164.

THE EUROPEAN INDOOR FOOTBALL PROBATION TOURNAMENT

The European Indoor Football Probation Tournament was held this Spring in Dresden, Germany. 24 Teams from Germany, Switzerland, Austria, England, Scotland and the Czech Republic participated. The winner was a team from Austria (Styria/Tyrol). The next tournament will take place from April 15 to April 17 2004 in Graz, Austria, the European Culture Capital 2003.

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'Moving Probation Forward' A Review

Gerhard Ploeg

Wing Hong Chui and Mike Nellis (eds.)
Harlow, 2003, Pearson Education Ltd.

»» It is therefore not just for practitioners and theoreticians in England and Wales a good thing that a book is published every now and then which presents an overview of what has been going on in the last couple of years. 'Moving Probation Forward', edited by Wing Hong Chui and Mike Nellis, is such a book.

'strict rules and standards'

It contains a number of chapters, each written by experts in their fields, which cover just about every angle of probation work that you can imagine. On the whole it presents a clear image of recent and current paradigms, yet it also makes it clear exactly where the cracks are beginning to show.

While many of the authors sing their praise to the 'What works' movement and its emphasis on the evidence-based and programmatic approach, at least an equal number comment on the way the rather strict rules and standards that come with it have influenced probation work. The adoption of 'What works' by the respective governments of the last decade is not always considered a credit, since it stems mostly from a desire to turn the probation service into a sanctioning agency. The same tendency can be seen in other countries, where community sanctions not only become more

There is a lot that can be said about probation work, but it's never really boring. New theories, new methods, new research and new political guidelines are flying around the room almost every day. The probation service in England and Wales has always been in the vanguard in these developments, and many other European countries are watching it like a hawk, ready to accept that which seems to be working and to criticise that which isn't.

frequent, but also much stricter as a result of their increased use for replacing prison-capacity.

As a result, a substantial part of the contributions makes a plea for returning at least part of the focus to the relationship between the probation officer and the offender. It is not just what works, it is equally important how it can be made to work. Sufficient thought has been given for the moment to the contents of the programs; it is time to turn to the more or less forgotten bit concerning the practical implications. Several methods and techniques are discussed and put in perspective. Moreover, the phenomenon of case-management is touched upon,

'focus on the relationship'

among other things in connection with partnership philosophies. At the same time, attention is called to aspects concerning human rights and moral values.

There is too much to sum up. The editors have done an excellent job in gathering contributions and putting them in a general perspective. The introductory and final chapters are obligatory for anyone interested in probation work: what it is like, how it got to be that way and where it seems to be going. A single critical note concerns the fact that some themes are repeated

in different chapters. There are, for example, several versions of probation history in the last decade, and various authors explain the methods of motiva-

'human rights and moral values'

tional interviewing or pro-social modelling. However, this allows for the chapters to be read separately and since the editors expect many of their readers to be probation trainees, the decision to choose this form is understandable. Hopefully this book – with its vast index and references – will also reach a larger audience. There is yet again, and either way, much to be learned from the developments within probation work in England and Wales for those of us who live on the continent. <<

Dr. G.J. Ploeg was until recently employed at the policy department of the Dutch Probation Foundation. He is now working as an adviser at the Staff Academy of the Correctional Service of Norway (KRUS).

Estonian Probation – research based practice

Terje Maurer

Probation Division, Estonian Ministry
of Justice

The Estonian probation system was founded in May 1998. Our service has developed from a phase of establishing an organisation to a results oriented one. Our practice must be evidence based and we have to undertake regular research to achieve our goals.

>> The broad role of the probation officer is to be a controller and also to act as a counsellor to the client and a mediator in communication with the Labour Market Board, the Social Board, the court and other institutions. Probation officers actively seek ways to create better conditions for people on probation to facilitate their resocialisation. Local government and other services often play a very important role in this. Our Probation Division in the Ministry of Justice deals with issues of probation in general, trying to create supportive networks and to frame agreements at state level.

In 2001 the Probation Division of the Estonian Ministry of Justice conducted a first research project to map the characteristics of people on probation; in 2002 a second piece of research was undertaken, focussing on what is the reason for our work, what kind results did we expect and what was achieved.

If we are to achieve better co-operation with local authorities and other institutions, which provide services necessary for probationers, we must know what kind of help is actually needed. The results of the study on the needs of probationers gave us the answers we need.

A questionnaire about our clients was completed by the 189 probation officers between 1 June and 31 October 2002. Data was received about 6428 clients (88% of the total) of whom 5859 were male and 569 female. 7% of them were released from prison on parole. The largest group were male aged between 19 and 21, but according to this research the average age of a probationer is 29. 10% (640) of the clients were juveniles. By nationality, 60.5% of probationers are Estonian and 35% Russian.

Probation clients have several social problems. The first problem, which was demonstrated by this research, was that probationers do not have enough education – 36% of them had only basic education, 27% secondary and 16% had only primary education or less.

The employment rate is also a cause for concern. Around 39.5% of clients were employed, 16% had so called casual labour (part time jobs, jobs without agreement etc) and 11% were officially unemployed while 12.5% of probationers were studying. 14.9% were neither working, studying nor registered as unemployed while others were not available for work

for a variety of reasons. Access to provision within the Estonian health care system and other services is often dependant on a person's formal status. This means that many probationers have limited access to several first level services and they cannot afford private services.

Addiction problems are found among 15% of our clients. According to the research, 10.5% are addicted to alcohol and about 4% are drug addicts. However, our feeling is that the actual number of addicted people is much higher, mostly because of limited capacity to identify this problem through testing. Also there are many problems in financing rehabilitation services so that the actual situation is that these services are not provided by the State. It is really difficult to build up motivation to undertake treatment where this is not available.

Although 47% of clients had a criminal history before probation, most probationers do not violate the law during the time of probation. The persons who were released on parole breach probation rules more than persons who are placed on probation by the court. According to the research 12% clients were placed on probation for a second or further time.

The research shows that it is important to pay attention to the following issues:

- 1 the activity/inactivity of 17-23 year olds with only primary level education
- 2 the integration of those with no job experience into the labour market
- 3 better assessment of addiction problems and addressing access to treatment for uninsured persons
- 4 the need to identify the number of people who have financial obligations but who have difficulties with fulfilling them and who would, therefore, need debt counselling.

The Estonian Ministry of Justice, in collaboration with other relevant bodies, is looking for solutions to these problems. Although our social welfare system is in ongoing development by the creation of new services, there is a lack of provision at the moment. Therefore mutual cooperation is valued to minimize the risk of re-offending. <<

Developing Probation in Ukraine

Robin Parker and Kathy Ferguson, of the London Probation Area of the National Probation Service for England and Wales, together with Rob Canton of De Montfort University, Leicester, have been working with Penitentiary Department staff in Ukraine over the past three and a half years. The project, led by the Human Rights Law Centre, University of Nottingham and funded by the UK Department for Interna-

tional Development, has been working to develop new approaches to the community supervision of offenders. This has involved training staff who work with offenders, as well as overseeing demonstration projects. As this phase of the project comes to its end, Ukraine is actively planning the development of a probation service. The project team has compiled a comprehensive training manual and a CD ROM, including short video clips demonstrating the use of methods of assessment and

intervention. The manual is available, in English, Ukrainian and Russian, online at http://www.nottingham.ac.uk/law/hrlc/hrlc_human_ukraine.htm. At this same web address can be found the second edition of a concept paper (in English and in Ukrainian), setting out the challenges that Ukraine is facing and anticipating developments.

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'One-to-One' in Sweden

Compared to the size of its population Sweden is the largest user of the cognitive behavioral programme 'One-to-One', also used in the UK and Norway. We have trained more than 150 tutors since 2000 and the programme is highly appreciated by tutors and clients. The target was initially probation but lately the development of programme teams have allowed the programme to be used effectively also in prisons. The programme was conditionally accredited by the Swedish scientific accreditation panel in May 2003. Although the programme is much appreciated it was, at least in some areas, difficult to implement particularly during the first years. The situation has improved and these issues refer to wider implementation problems inherent in all programmes and not exclusively to 'One-to-One'. A perhaps even more serious problem is competition with other priorities within prisons and probation, that often tend to override the importance of programmes. What seems to improve implementation in 'One-to-One' is to train large number of tutors at the same unit and also have a court order to support completion. Monitoring of

tutor skills has been a weak spot because of lack of funding but hopefully this will change next year. The efficacy of the programme with respect to recidivism will be evaluated shortly.

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Motivational Interviewing in Sweden

Implementation of the evidenced based counsellor style motivational interviewing in Swedish corrections is world leading with respect to volume. Early on at the outset of our what works implementation it was clear that clients not only need skills to handle relapse situations, they also need to want to use these skills. Recent evidence shows that motivation is more important than merely being taught new skills, which by no guarantees that they are actually learnt.

As of now more than 2000 client related probation and prison officers have had three day workshops in MI. The result however has been modest. It seems that MI is a style that

is rather easy to understand but hard to accomplish in practice. As a consequence a semi structured five session MI programme has been produced to help practitioners to get started and to focus on the skills that are essential in using this counselling style. This implementation has been helped by the fact that interventions against drugs have been funded by the government during a 3-year period by 100 million SEK. Part of this has been used to employ 46 people working on a 50% basis to work exclusively with the implementation of this programme. Within the government launch against drugs the programme also focuses on drug misusers to help them consider their situation and enhance motivation to change. The implementation against drugs is monitored by the Crime Prevention Council and specifically the MI-part is being followed and scientifically researched during the next two and a half years by a researcher who is employed by our research committee to work on a 50% basis with this research exclusively.

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Mentoring Project in Denmark

In the summer of 2000 a mentoring project was started in Denmark. The target group is young people (15 – 25 years) with ethnic background other than Danish. They can get a mentor during the last period of their incarceration who continues when they are released on parole or when they get a suspended sentence with supervision. The aim is to link the young person to an adult who can act as a positive role model, in order for the young person to become better at handling problems and taking responsibility for his own life.

The mentor programme has recently been externally evaluated with a positive outcome. The evaluation emphasises the following:

- The mentoring programme is a successful way of finding an alternative to control and punishment.
- A mentor is in many situations the right help. In the majority of the relations the mentor has been instrumental for positive changes in the young person's life.
- The work of the mentors has ranged from practical help over acting as a lawyer to help of a more personal nature.

• The most important resources of the mentors are time, involvement and a positive, sympathetic in some cases even loving attitude towards the youngster. The mentors have in fact been able to function as role models with whom the young persons can identify. The programme is planned to be extended and perhaps even enlarged to include young persons of Danish origin as well.

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Trends in the Treatment of Offenders in Luxembourg

In Luxembourg the state prosecutor is responsible for the overall management of prisons, for the implementation of sentences and the treatment of offenders. This function can be delegated to a magistrate who carries the title Délégué du Procureur Général d'Etat. If a prison sentence is for less than two years the Délégué takes sole responsibility for decisions. For longer sentences the Commission pénitentiaire takes over. This is made up of three magistrates, including the Délégué, and decisions are by majority vote.

In making a decision about a request from a prisoner the Délégué relies on advice from the Comité de Guidance. This body, which was set up in 2000, has no basis in law but it functions with the approval of the Délégué. Its purposes and objectives have never been prescribed by law. Its establishment followed the creation in 1997 of the psych-social and psycho-educational service – SPSE – in prisons. At the present time the probation service has responsibilities only if the prisoner has his/her domicile

in Luxembourg. In addition the service deals with supervision on conditional release and on probation.

There is a Comité de Guidance in the closed prison in Luxembourg and another in the semi-open prison in Givenich. The committee has representatives of the prison management, the office of the clerk of the court, the SPSE, the employment and training service, a probation officer and a medical doctor. Each decision concerning sentence progress - leave, transfer to semi-open conditions, conditional release - is considered by the committee which is made up of those who each have their own specific responsibilities in connection with the prisoner. This makes it possible to build up a global but also more complex picture of the offender, identifying both strengths and weaknesses.

At the present time two different trends are apparent. That represented by the Comité de Guidance of the closed prison in Luxembourg is oriented towards individualised treatment focussing on the progress of the prisoner towards his/her eventual social and professional rehabilitation. On

the other hand at the semi-open prison in Givenich the emphasis is on security and administration. Classical models of clinical criminology take second place to rational administration and the internal prison regime. Video surveillance has been increased, the freedom of movement of prisoners has been curtailed with the restoration of fences and the use of automatically opening gates and doors. In addition any problem behaviour, such as the use of alcohol or drugs on return from leave, is increasingly dealt with by transfer to the closed prison. In these matters the professional approach of the probation service, and of the SPSE, differs to that of the prison management. Probation officers analyse and try to understand and tackle the observed behaviour of the offender in order to engage him/her in the process of re-socialisation. In all this there are evident two different traditions in penology which are antagonistic to each other.

Further information is available from Daniel Biancalana, probation officer/criminologist, e mail Daniel.Biancalana@ja.etat.lu

A pilot mediation project in Ponent prison in Catalonia

In recent years the Catalanian Ministry of Justice has been very active in the field of mediation in criminal matters. In 1990 mediation services for juveniles were established in four Catalan provinces and in 1998 the first pilot project was set up for adults.

And now, after thirteen years experience, it has been decided to set up a mediation project in a prison. This is taking place in the Presó de Ponent in the town of Lleira, a prison with 950 places – 95% for men and 5% for women. The establishment is for prisoners from the provinces of Lleira and Tarragona but it also takes some from Barcelona and Girona. 37% of prisoners are of foreign origin and 10% are under preventive detention.

At this stage the mediation project is dealing with prisoners sentenced for offences of medium gravity who are normally resident

in the province of Lleira and who are at the point of sentence where they are eligible for leave or for release under supervision in the community.

There are several parties to the operation of the programme:

- criminologists in the prison are responsible for the selection of prisoners according to set criteria;
- the victim support and mediation service in Lleira is responsible for making contact with the two parties – offender and victim – to seek their consent to take part, to decide about feasibility and to set up the process of mediation;
- the Department of Criminal Law at the University of Lleira will evaluate the programme;
- the relevant department of the Ministry is responsible for the coordination and management of the project.

Further information is available from aguillamat@gencat.net

Book these dates in your diary now!

22-25 september 2004

CEP General Assembly and International Conference

>> The next session of the CEP General Assembly will be held in Lugano in Switzerland on 23 September 2004 and will be combined with a one and a half day international conference on 24 and 25 September. The theme of the conference will be



Crime and Insecurity: the relationship of probation with the media and politics. The working languages in the General Assembly will be English, French and German. In addition simultaneous translation into Italian will be provided during the conference.

The whole event is hosted by the Swiss Probation Association, which is providing a generous contribution to the conference by sponsoring the participation of a considerable number of participants from Central and Eastern European countries.

Participants wishing to attend both the General Assembly and the conference are expected to arrive on Wednesday 22 September. <<

More detailed information about registration and hotel reservations will be distributed to CEP members in the course of February 2004 and posted on our website www.cep-probation.org

WHAT IS IPPW?

UNICRI, the United Nations Interregional Crime & Justice Research Institute in Turin, has launched the International Probation and Parole Website. This initiative, in which the CEP has collaborated with UNICRI, is sponsored by the National Probation Service for England & Wales, the Department of Corrections of New Zealand and the Department of Justice of Western Australia. The site has an international directory of probation services, on line publications and a news section. Access the site at www.unicri.it/probation1.htm and add it to your bookmarks.

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