

comment

The Probation Service for tomorrow

Paula Donohoe believes the concerns expressed by **Jeremy Cameron** in his article 'The Probation Service Today' (CJM 38) are not justified.

Jeremy Cameron's article expressed strong views regarding the functioning of the modern day Probation Service. He suggested that we operate within a void and whilst officials make elaborate claims that we can do our jobs, the reality is that we cannot. High case loads, lack of staff, excessive sick leave, no administrative support and an increasing variety of tasks prevent this. Offenders don't actually see a probation officer, they are 'farmed out' to 'other agencies'. Meanwhile nobody cares, particularly about the practitioners, and nobody speaks out, other than a Home Secretary, intent on sending everybody to prison.

The picture portrayed has an element of truth: resources are tight; a functional computer system has not yet been implemented; we are undergoing a process of change, and this has created disruption in it's wake. However, is change not part and parcel of being a statutory service? Different governments with differing ideologies expect services to adapt accordingly. Whether we agree or disagree with the presiding philosophy, there is still a job to be done,

and part of doing that job is accepting change as an integral part of the profession. Should we disagree with government decisions we need to provide reasoned evidence to support our argument. This we do not have.

Jeremy Cameron's argument that offenders are simply ticked in and out as standard practice is an insult to the professionalism of many officers. To argue that it is not possible to engage in any meaningful work aimed at reducing reoffending is an exaggeration. On the contrary, there are positive examples of effective practice. Probation officers have shown creativity and tenacity in meeting the needs of offenders and challenging their offending behaviour, regardless of the political climate.

No more excuses

National Standards were developed to regulate the degree of contact an offender should have with a probation officer. Prior to this there was no set standard for contact and the purpose of an offender visiting a probation officer was often unclear. The practice

was on alleviation of the social problems experienced by the offender, the underpinning ideology being that social problems lead to the commission of crime by individuals. If these are remedied then the criminal behaviour would dissipate. Research has exposed this philosophy as erroneous. Such factors are part of the problem but not the whole explanation. Why do some impoverished individuals offend and others not? As successive governments have discovered, throwing money at a problem does not make it go away.

The school of thought which dominated probation practice was a psycho-analytical belief that dysfunctional family relations shaped the individual into an anti-social being. This was used to both explain and rationalise anti-social and problematic behaviour. Various schools of thought within psychology have shown this theory to have a weak explanatory and predictive basis. Again, it is only part of a wider picture.

Community intervention needed to change. Changes have included greater regulation of community penalties and an increased focus on personal responsibility. Such steps were taken so that probation intervention could be situated within a 'coherent sentencing framework', and so that proportionality was the basis on which judicial decisions could be made.

The role of partnership

Jeremy Cameron's view that a multitude of social factors cause individuals to commit crimes and it is the probation officer's job to alleviate such problems, is not new. This is part of established probation culture. Offenders do frequently have myriad social problems and they certainly

need to be addressed if recidivism is to be reduced. But these issues can be most effectively addressed by encouraging individuals to take responsibility for and understand their own life circumstances, so that they may identify how to move onward. This is not to undermine the gravity of the social issues concerned, but we must question in every individual case the extent to which social problems are a symptom of a lifestyle based upon impulsive and ill considered behaviour and a complex rationalisation process on the part of the offender which justifies their behaviour, hence perpetuating a vicious cycle. Housing problems, drug use, family breakdown, poor education are definitely issues which need to be tackled. We do so by referring an individual on to appropriate partnership agencies specialising in addressing the particular social issue identified. The probation officer is employed with a specific duty to address offending behaviour and to reduce the commission of future offences. This is best facilitated by increasing the sense of personal responsibility on the part of the individual through working in conjunction with statutory and voluntary sector professionals. To rubbish this referral system as 'farming out' is myopic. In instances where officers assume such high levels of responsibility they set themselves, the clients and potentially the probation service up to fail.

Prioritisation

We work with offenders in motivating them to move forwards, assisting in their personal evaluation of the decisions they have made and the consequences, to themselves, victims and society. By learning from past mistakes an individual is equipped to make more

appropriate decisions in the future. Excessively high case loads can hinder this task, and in such instances probation officers have needed to prioritise which offenders they need to invest their time in. These offenders are usually identified according to the level of risk of harm they present and the opportunities they have to commit crime (i.e. whether they are in the community or not). This does not have to mean that those imprisoned are over-looked. Keeping in touch by letter and forwarding offence focused exercises, encouraging evaluation can be an effective strategy in maintaining contact, informing assessment and managing time.

Groupwork is being introduced systematically throughout probation services. Research has indicated that this is an effective means through which to address an individual's offending. Few offenders are not suitable for this type of intervention. For many groupwork may, in itself,

be sufficient, providing the opportunity for them to consider the potential consequences of their behaviour. However, one to one contact with a probation officer or partnership professional can run alongside this work where required.

The effective practice agenda

The public receive limited insight into probation practice. Our profile needs to be raised within society and this can only be done with government support of the objectives we are working towards. Part of the problem is lack of sufficient evidence regarding effective practice. Insufficient staff and computer resources limit a service's ability to evaluate practice and subsequently provide evidence. If managers and politicians want such evidence they will have to provide the support needed in it's collation. More constructive steps at ground level, empowering officers to

meet this demand, need to be taken (including computerisation). That said, proof will not be provided by allowing offenders to be chaotic and avoid contact. Home Office statistics indicate offenders who avoid contact are more likely to commit offences. (Which may partially explain why prison populations increase when enforcement action is not taken). To enforce an order in instances where offenders believe they can attend as they please, is not doing offenders a disservice, it is simply reinforcing a consistent and clear message about expected behavioural boundaries (to not reinforce is giving a mixed message). Ultimately compliance is an order of the court. It is the probation officer's task to work in a sensitive respectful manner with individuals and to encourage and promote pro-social behaviour. We cannot do this if we allow individuals to fail to attend.

Whatever the pitfalls of

current governmental policy, their methods of implementing change within the statutory sectors, or interpretation of relevant statistics, their intention to make community penalties an accepted and workable alternative to prison is an honourable one. To develop as a service and in terms of effective practice we need government support. We also need to examine the implications of research showing the difference between effective and ineffective practice and we need to incorporate that which is shown to work into everyday practice. Then we can make a reasoned and supported argument for further resources or challenge government decisions. In the meantime, we need efficient systems and committed, supportive staff and managers to enable full development of an evidence based practice agenda. ■

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comment

On Rediscovering the Pain of Imprisonment

Stephen Shaw, Prisons Ombudsman, reflects on the human aspects of life in prison.

A funny thing happened to me on the way from the Prison Reform Trust to the office of Prisons Ombudsman. I rediscovered the pain of imprisonment.

So what? would be a pardonable response to this revelation. By any standards, I am a very minor public figure. I spent a couple of years researching penal policy and then 18 years as director of PRT. As Prisons Ombudsman, I investigate complaints from fewer than one prisoner in every hundred. To share my awakening to the nature of prison as a punishment may appear the height of self-indulgence. After all, if I did not realise that prison was painful, what on earth did I think I was doing for nigh on two decades as director of one of the principal penal pressure groups?

Self-indulgent it may well be, but the curious depth of feeling which has come over me during recent visits to prisons and prisoners, may encourage others to muse on the true nature of the penal experience.

In the popular imagination, of course, the pain of

imprisonment is no mystery at all. It consists of poor physical conditions, brutal or uncaring guards, abuse - both physical and mental - by other prisoners. Sometimes these ideas are given an intellectual veneer. The notion of 'less eligibility' for the undeserving poor continues to mark most public discourse about prison conditions. Thomas Mathiesen teaches us that - caring or uncaring - the one thing prisoners never successfully challenge in their gaolers is the legitimacy of the imprisonment process itself. And recent research - including some I once commissioned for the Prison Reform Trust - has demonstrated the degree of coercion which prisoners exercise over one another. Prison exactly illustrates the truth of Jean-Paul Sartre's dictum, "l'enfer, c'est les autres". Hell is other people.

I do not doubt the wisdom of any of these insights. Indeed, there is much to be learned from approaches which emphasise the impact of incarceration on relationships. Ask prisoners about imprisonment and they talk about two things:

separation from family and friends and the way they are treated by individual members of staff.

Prisoners may often have proved less than easy family members: poor children, poor partners, poor parents. But separation from family plays a huge part in prison life: witness the photographs lovingly displayed; the letters read and re-read and treated like icons; the visits long anticipated and long reflected upon.

And the behaviour of staff - no matter that the behaviour of prisoners towards staff may often try the patience of a saint - also plays a huge role. Am I treated as an adult? Am I treated as an individual? Am I shown respect? Am I told the truth (another irony, that one)? No proxy is perfect - but I still regard one's reception by staff on the gatehouse as the best possible guide to the standards set within. When a colleague and I were ignored and patronised by staff on the gate at a South London gaol recently, I knew pretty much what to expect from an impending report from HM Chief Inspector of Prisons.

Thus far, so familiar. All of these explanations have their place in calculating the quantum of pain represented when a judge imposes a custodial sentence. Yet none begins to capture the ineffable sadness which I have felt recently when contemplating the poverty of prisoners' lives.

One clue may come from a chance conversation at a high security prison. My host - a member of the prison's Board of Visitors - had invited his son, newly graduated - to see behind the massive prison facade. What had struck the young man most powerfully was that prisoners had asked him what lay over the wall.

What was the environment like? Was it built up? Was it hilly, was it wooded, was it farmed? Those prisoners who

had arrived after dark simply did not know. Such is the monstrous efficiency of prison architecture these days that the prisoners simply had no idea what lay the other side of the wall.

Caged birds may sing, but there are few birds in today's high security prisons. There are no trees for them to perch upon. There are no trees in sight. Long-term imprisonment means not seeing a tree from one year to the next.

Another self-indulgent revelation. The truth is, I have no great interest in trees. Only in childhood did I go looking for them, or could identify them, or knew anything of their biology. But I find it hard to imagine a life without trees. Just as I find it hard to imagine a life without queuing for a bus, or pegging out the washing, or making small-talk at a supermarket checkout, or enduring a family row over whose turn it is to clean the bath. A life without bedtime stories, without meeting friends in the pub, without DIY, without trips to the seaside, without art galleries, without late night TV, without Sunday-morning lie-ins and buttered toast in bed.

Again, one will find plenty of learned tomes which talk about prisoners' lack of autonomy. The paradox that those who have been irresponsible in their dealings with others find that all responsibility is stripped away from them in prison.

But it is not just control we are talking about here. Prisoners have removed from them all the things which constitute the richness in the lives of those who are free. Things we rarely associate with 'richness': cars that do not start in the cold; red bills from the public utilities; getting caught in the rain; helping children with their homework; leaving lumps in the gravy. Prison - or rather long-term imprisonment

– means never having to say sorry for burning the supper.

One of my last campaigns at Prison Reform Trust was an attempt to extend the franchise to convicted prisoners. I had all sorts of sophisticated arguments, encouraging in prisoners a sense of social inclusion, promoting a more enlightened interest on the part of politicians etc, etc. But the truth is, most of us regard voting as rather a chore. The great act of democratic choice is a bit of a fag, faintly ridiculous in its rituals of church halls, pencils on string, crosses in boxes. Taking away the vote from prisoners saves them from yet another of life's banalities.

One of the great insights of 20th Century thought is Hannah Arendt's identification of the banality of evil. Tyranny is petty bureaucrats, who love children and animals,

mindlessly following orders. But if evil is banal, so is freedom for much of the time. It is this everyday normality that we deny prisoners when we place them in custody.

For good liberal reasons, I once was keen to argue that prisoners should never be defined as prisoners but rather as people in prison, people with families, hobbies, ideas, hopes, dreams. People like us, save in the degree of choice they are able to exercise over their lives. Increasingly, I have come to doubt my own formulation.

Of course, prisoners have interests, ideas, aspirations like the rest of us. But they enjoy just a fraction of the range of experiences enjoyed – but hardly noticed – by free men and women every day.

Life lasts 25,000 days, give or take. Each day spent in prison is one fewer to experience the full magic of

life: its depth, breadth and texture. Just think of all the things you have done today from the moment you woke up. Compare that with the undifferentiated greyness which is the day-to-day prison experience. No wonder so many of the complaints which come to me concern matters which, outside of prison, would be regarded as unforgivably trivial.

I have been asked a lot recently whether it is good if the Prisons Ombudsman is someone with a track-record in the penal system or whether it would be better to recruit someone who comes at these issues anew. I have answered that it is good to have expertise so that the wool is not pulled over your eyes, but that there are dangers in familiarity: accepting as the norm long-standing policies and practices for which there is no reasonable

justification.

I cannot say why I have felt the pain of imprisonment so intensely in recent months. Nor am I certain that sharing those feelings in this public way offers enlightenment or, indeed, is of the remotest interest to anyone. It may just be plain embarrassing.

My only excuse is this. As a simple matter of arithmetic, I uphold on average just one complaint in three which comes to me as Prisons Ombudsman. Those decisions are based squarely and objectively on the facts of the individual case. But in making each determination, I hope I never forget the impact my decisions have on the quality of life of those who use my office.

Stephen Shaw succeeded Sir Peter Woodhead as Prisons Ombudsman in October 1999.

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