

The Probation Service, victims of crime and the release of prisoners

Adam Crawford and Jill Enterkin report on a study of the way victims are provided with information about offenders and the criminal justice process.

The Victim's Charter and the subsequent guidance document, Probation Circular 61/1995, have created an obligation on the Probation Service to contact the victims of "serious violent or sexual offences", including the victims of life sentence prisoners, requiring initial contact to occur within two months of the offender's sentence. This policy necessitates Probation Services to provide victims with information about the custodial process and post-release supervision and obliges Probation Services to seek victims' views about release conditions. However, given the lack of coherence and national guidance as to the policy's intention and implications and the absence of dedicated resources, implementation of these obligations by local Probation

Services has proceeded both hesitantly and unevenly (Williams 1999).

Recent research funded by the Nuffield Foundation explored the attitudes and experiences of victims, service providers, probation officers and other 'users' of victim contact work in two Probation Services - West Yorkshire and Northumbria - both nationally recognised as having in place coherent, and yet different, models of victim contact work (see Crawford and Enterkin 1999). The research, based on those involved in 80 cases (evenly split between the two sites), was concerned, therefore, to explore established practice rather than attempt to provide a representative reflection of the apparently uncoordinated efforts around the country.

Wanting timely and reliable information

The research revealed that victims value and benefit significantly from good quality and well-delivered victim contact services. In comparison with the findings of social research into other services for victims (Sanders 1999), levels of victim satisfaction recorded in both of the Probation Services studied were notably high. For victims, the most tangible and highly valued element of the victim contact service was the provision of timely and good quality information about the offender's sentence and custodial process. In particular, victims were interested in receiving timely, reliable information - preferably from a reliable source like a probation officer - about the offender's custody; contextual information (relating to prison routines); and explanations of criminal justice processes, procedures and terminology.

By necessity, managing victims' expectations constitutes a key element of victim contact work, as services inherit cases some time after the offence took place and typically following the processing of those cases by other criminal justice agencies. Consequently, victims may hold misunderstandings about the criminal justice process and the sentencing of their offender. Hence, victim contact workers must often negotiate around concerns arising from victims' experiences at earlier stages in the process.

Victims still secondary?

Victim contact work can serve to remind victims of their anxieties and their secondary status within the criminal justice system. In illustration, victims were concerned about and frustrated with the discrepancy between what they considered as substantial information, for example about the whereabouts of offenders, and that which victim contact workers are allowed to supply. In some instances, victims' disappointment could be ameliorated by victim contact workers' efforts to explain



Dave Lewis photo courtesy of ILPS

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these limitations and the complex workings of the criminal justice system. This could lead to victims seeking out information from less reliable sources. In some instances, information that could not be provided might actually have eased victims’ concerns.

For some victims the most important element of the victim contact service was the opportunity to contribute to an official report to be put to decision-makers when considering any conditions of release for the prisoner in their case. Nevertheless, the purpose and use of information provided raised many problematic implications for victims, as well as those charged with the responsibility for collecting the information. Through victim reports, victims sometimes sought specific conditions, particularly with regard to exclusion zones. The application of such restrictions to a prisoner’s release licence was often seen by victims as an important outcome of contributing to a victim report and left some feeling more secure as a consequence. However, a significant number of others were sceptical about the significance and impact of such a report but were not necessarily deterred from contributing by this view, instead participating on the ‘off-chance’ of having an impact.

Victim input and public protection: diminishing the security of victims?

The incorporation of victim input into the post-sentencing process, pre-release planning and post-release supervision

presents significant challenges for Probation Services. It provides useful information for probation officers which can, and does, feed into risk assessment, offender management and Probation Services’ wider agenda of ‘public protection’ through post-release supervision. Throughcare probation officers who use victim reports were generally positive, saying they were helpful to risk assessment and offender management. However, some expressed serious and specific reservations about the potential of victim reports to increase the risk victims, given the lack of confidentiality, and to result in victimisation of offenders, given the unchallengeable nature of post-sentence victim testimony. This was seen as having negative ramifications for ‘public protection’.

There remains no satisfactory policy to deal with very realistic concerns voiced by victims and probation officers alike about the safety of victims who might be perceived as having impeded an offender’s release or restricted their freedom through a victim report. This contentious issue has significant implications for the efficacy of integrating victims into criminal justice processes in the future.

Need for guidance in use of victim information

It is clear that the information provided by victims in the course of victim contact work may be of use to the Prison and Probation Services in assessing risks of reoffending and rehabilitation work. However, it is incumbent upon government to set out clear

guidance as to what constitutes appropriate and inappropriate use of such information. Moreover, victims need to be given clear and unambiguous choices as to whether they wish the information provided to be used in certain ways. In integrating victims and taking account of their concerns within criminal justice careful consideration needs to be given to the manner in which such initiatives may disturb the delicate balance between state and the offender and to ensure that victims’ needs are not distorted by the needs and demands of criminal justice itself (Crawford and Goodey 2000).

Victims as customers: ‘unjoined up policy’?

Moreover, there needs to be a wider examination of how victim contact work by the Probation Service connects with other initiatives for victims in and around the criminal justice system. All too often victims are only considered relevant in so far as they relate to narrow core responsibilities of agencies, with little regard to the relation between the victim and criminal justice as a systemic whole. Attention tends to focus upon narrowly construed service delivery and ‘customers’ of a particular segment of criminal justice at a given time and place within the process, rather than upon cross-cutting, horizontal accountability and responsibilities.

It appears that the full implications, of the Victim’s Charter requirement, for offenders, the Probation Service and victims of crime have been given insufficient thought. It is only after addressing the fundamental issues highlighted by the research that Probation Services can begin to come to terms with how best to deliver

a limited and complex service which can otherwise serve falsely to raise victims’ expectations, leaving some ultimately disappointed. It is hoped that Her Majesty’s Inspectors of Probation’s thematic inspection report into victim contact work to be published in the spring will confront and begin to address some of these issues.

Copies of the full research report can be obtained from the Centre for Criminal Justice Studies, University of Leeds, Leeds LS2 9JT, (0113) 233 5034. Price £12.00 inc. p&p.

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References

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