



The impact of supervision.  
A Literature Review  
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## I. Background

This literature review is conducted under the project 'Strategic Targeting Through Evaluation and Monitoring' (STREAM), co-funded by the European Commission. The Association of Social Work Schools in Romania was responsible for this activity package.

## II. The purpose of this literature review

The purpose of this literature review is to present in an accessible way the conclusions of research in Europe on the impact of one-to-one supervision.

There are only a few studies that look in particular on what is the impact of one to one supervision. Most of the studies focus on the impact of supervision in general or on the effect of probation on different variables. Therefore, as far as this study is concerned, there is a large overlap between one to one supervision and probation in general. As Hedderman (1998) noted:

'we know little about the content of one-to-one supervision. Yet currently, this is the form most supervision takes' (1).

The same idea is expressed more recently by Raynor et al. (2013):

'... one-to-one contact is the main method used to supervise millions of people subject to probation and similar community sentences world-wide, and has been since the origins of probation in Massachusetts a century and a half ago' (1)

It can be concluded that although the supervision landscape has changed over the last 20 years this form of supervision remains dominant in most of the probation services in Europe (see also van Kalmthout and Durnescu, 2008). Hence, the focus of this review is still on one to one supervision but studies that look at supervision as a whole without mentioning its forms and shapes will be included. Therefore, all forms of general supervision of offender that takes place in the community will be included despite their juridical denomination: probation order, community punishment order, suspended sentence under supervision, conditional discharge with supervision, conditional prison sentence with supervision, conditional release etc. As long as they take place at the individual, one to one bases they can be included in this paper.

## III. Inclusion/Exclusion criteria

In brief, for the purpose of this literature review the following inclusion criteria are:

1. published and unpublished papers describing the impact of one to one supervision or the impact of probation in general,

2. only young and adult supervision is included,
3. impact can be evaluated statistically but also in a narrative form,
4. issued after 1970,
5. research produced or/and published in one of the EU countries.

When necessary attention is also paid to the American and Australian literature but this is not the focus of this review.

The only strict exclusion criteria is that published or unpublished papers that cover specialized forms of supervision or interventions (e.g. electronic monitoring, community service, different programs, groupwork etc.) are not included in this review. The results of these forms of supervision were reviewed in the past by other researchers (see Losel et al., 2011 STARR Final Report for juveniles, drug users and domestic violence<sup>1</sup>). When necessary these studies are mentioned in order to support one view or another.

Another set of studies that is not included in this review is the one discussing the perceptions of one-to-one supervision. Exception to this rule is the studies that reflect the changes in offender's perceptions. This change may be very important in the desistance process.

The reason behind this decision is that this review is interested in the impact of the intervention and not the surrounding aspects of it. Issues like relationship, motivation etc. speak more about the way to achieve an outcome and not about the outcome itself. That does not mean at all that perceptions are not important in facilitating the impact. On the contrary, studies like Rex (1999), Barry (2007), McCulloch (2005), Farrall (2002) emphasize the importance of subjective perceptions of probationers in actively engaging with supervision.

#### IV. The sources of literature

The main sources of literature are:

1. International databases such as: SAGE Humanities and Social Science, Web of Science, Taylor and Francis Library, Oxford Journals Full Collection, ProQuest Central, Scopus and SpringerLink Contemporary. The key words that were used are: supervision, one to one supervision, probation, community sanctions and measures, alternatives, probation service, surveillance, offenders, probationers, case management, casework and programs. Journals in other languages are also scrutinized (e.g. Arpenter le Champ Penal) using the same words but translated into the local language. Combinations of words were also used (ex. supervision + impact + after 1970).
2. Access to national experts in order to receive guidance towards the relevant publications. In this respect networks such as Community sanctions and measures WG (of the European Society of Criminology) and the COST action ('Offender Supervision in Europe') were consulted.
3. Consultation with the project partners based on a short questionnaire.

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<sup>1</sup> Available at:

[http://www.cepprobation.org/uploaded\\_files/Rep%20STARR%20ENG.pdf](http://www.cepprobation.org/uploaded_files/Rep%20STARR%20ENG.pdf)

4. Consultation with the colleagues in the project board.
5. Consultation of other projects websites, such as: DOMICE ([http://www.domice.org/default.asp?page\\_id=217](http://www.domice.org/default.asp?page_id=217)), STARR ([http://www.starr-probation.org/default.asp?page\\_id=143](http://www.starr-probation.org/default.asp?page_id=143)) or Probation measures and alternative sanctions in the EU (<http://www.euprobationproject.eu/>).

## V. Previous reviews on supervision

Systematic reviews, literature reviews and meta-analysis on corrections have been published internationally in the past. Most of them were concerned with the effectiveness of different forms of sanctions on reconviction rates or on recidivism. Some of them concluded that correctional treatment, and probation supervision in particular, has no better impact on recidivism than other sanctions (Martinson et al., 1975; Whitehead and Lab, 1989). Some other studies of this kind concluded more optimistically that, at least under some circumstances, probation supervision can make better impact on recidivism (Gendreau and Ross, 1979; Lipsey, 1991; Palmer, 1992; Redondo et al., 1999).

One of the most influential meta-analysis is the one conducted by Andrews et al. (1990) who demonstrated that approaches characterized by certain principles result in reductions in recidivism of around 50%. They suggested that effective approach are those focused on criminogenic needs (the need principle) and on problem solving, are focused on anti-social attitudes, are based on pro-social modeling and reinforcement and target high risk offenders.

Another useful review that includes also European studies is the one conducted recently by Villettaz, Killias and Zoder (2009) on the effects of custodial vs. non-custodial sentences on re-offending. After introducing into the systematic review only studies with very strong methodologies (level 3 and up in the Sherman et al., 2007 scale) – i.e. randomized control trials, natural experiments, matched-pair design etc. – the authors identified only 23 studies all over the world (only five were based on RCT or natural experiments - Barton and Butts, 1990; Bergman, 1976; Killias, Aebi and Ribeaud, 2000; Schneider, 1986; Van der Werff, 1979). Based only on these studies, the authors were unable to say whether non-custodial sanctions are more effective to prevent re-offending than custodial sanctions. When taking into consideration all 23 studies, Killias and Villettaz (2008) conclude that most studies show lower rates of re-offending following a non-custodial compared to a custodial sanction. A similar conclusion was reached also by Smith, Goggin and Gendreau (2002) after meta-analysing 117 studies from 1958 onwards.

Almost all these systematic reviews and meta-analysis were conducted or based mainly on the North American literature (with the notable exception of Villettaz, Killias and Zoder, 2009). Some are based on studies that meet very high methodological standards. The majority of them had as inclusion criteria studies conducted in a quantitative fashion and sometimes only on experimental or quasi-experimental manner. Due to the difficulties in running this sort of research (for a full account of the criticism to the experimental

criminology see Sampson, 2010) these meta-analysis ended up with a relatively small number of studies or small number of offenders to allow for sophisticated statistical analysis. Even if they controlled for three or five matching criteria in order to make the groups comparable, none of these studies controlled for staff skills or staff style of supervision. As we will see latter these factors seem to count a lot in the reconviction economy.

It may be that the inconclusive results of some of these reviews are due to these restrictions and the small number of studies that follow very rigorous methodological demands. A immediate observation is that the more focused on randomized control trials designs the less optimistic these meta-analysis are. Once the methodological criteria for inclusion were more relaxed and included surveys or qualitative studies, the conclusions were more optimistic and useful for developing the correctional practice.

## VI. What is the impact? What impact?

As noted in the first part of this paper, this review needs to start with some conceptual clarifications. One of the first notions that need to be clarified is the impact. What is the impact? By answering this question inevitably one has to think about evaluation because one cannot measure impact without proper evaluation. The issue of evaluation opens up a new series of questions: what is evaluated, what is the purpose of evaluation, what type of evaluation and so on. To simplify these complex issues, we will use the definition of Merrington and Hine (2001) which understood evaluation as ‘does the intervention achieve its intended objectives?’ (2-2). The decision to choose this definition is helped also by the observation that probation organizations around Europe share a large variety of purposes and objectives and therefore generate different forms of impact on offenders, on victims or on the criminal justice system as a whole. Durnescu (2008), for example, identified at least four models of probation organization based on their mission statement: probation services based on promoting community measures and sanctions, probation services based on the model of assisting the judiciary; probation services based on the rehabilitation model/public protection and probation services based on a punishment or enforcement model. This taxonomy was very usefully completed with another three models by Shapland et al. (2012): offender’s welfare and reinsertion into the community, victim’s interest and reparation.

For the sake of simplicity, rehabilitation can be merged with offender’s welfare and the victim’s interests can be seen together with reparation. Therefore, the main purposes of probation (and implicitly of one-to-one supervision) can be synthetized as in Table 1.

<b>Model of probation</b>	<b>Characteristics</b>
Promoting community sanctions and measures	Increase the proportion of the community sanctions and measures as compared with imprisonment.
Assisting judiciary decisions	Judicial satisfaction with reports and supervision
Public protection	Controlling offenders in the community
Punishment/Enforcement	Compliance and recall
Rehabilitation / Preventing reoffending / Promoting desistance	Reduced reconviction and improve social inclusion
Victim's interest	Victim satisfaction and redress

*Table 1. Main models of probation based on their purposes*

As noted by others (Robinson and McNeill, 2004; Durnescu, 2008; Shapland et al., 2012) this taxonomy is not without problems. Each of these purposes can be pursued in different ways and most of the time they are pursued in concert. Therefore, these models illustrate only the priority given by one organization to one mission at a certain point in time. This taxonomy is particularly useful in defining the outcomes that probation can produce: promote non-custodial sanctions, monitor offenders in the community, enforce sentences, reduce recidivism, promoting desistance, providing victim with reparation and compensation. In the following sections we will look at all these outcomes one by one.

## **VII. The impact of one to one supervision as promoting community sanctions and measures**

When they were introduced – at the beginning of the 20<sup>th</sup> Century – the main rationale of the community sanctions was to set up an alternative system to short-term imprisonment. Thus, this aim of probation is the oldest one, historically speaking. The same applies also to the suspended sentence. When it was first introduced in France by Senator Berenger the purpose of it was to: *'to mitigate the punishment sufficiently to avoid the dangers of imprisonment'* (Ancel, 1971:17).

The impact of one to one supervision on promoting community sanctions and measures can be measured comparing the market share of this type of sanctions against others like: fine, imprisonment etc.. In discussing the role of probation in relation to other sanctions, literature ( see Austin and Krisberg, 1982) demonstrates that sometimes probation results in 'net widening' (offenders receive probation but otherwise would have received fines), 'net strengthening' (offenders would get more surveillance or more conditions than traditional probation) or 'net shifting' (when offenders are transferred from one penal regime to another with no saving cost). The existing literature tends to focus almost exclusively on how and to what extent probation manages to act as an alternative to prison and thus divert prison-eligible cases to community

supervision. In other words, probation would be successful if once introduced in one jurisdiction the number of prisoners would decrease.

The available evidence is not straight forward in supporting this view. On the contrary, introducing suspended sentence in UK (in 1967), for instance, led to the reduction in use of fine and probation rather than a reduction in the rate of imprisonment (Bottoms, 1987). Oatham and Simon (1972) concluded that between 40 to 50% of the offenders sentenced to suspended sentence would have been sent to prison if the other option would not be available to the court. Bottoms (1987) also observes another malfunction of the suspended sentence namely that magistrates courts tend to pass longer sentences when suspending sentences than when passing immediate terms of imprisonment. Brignell and Poletti (2003) reported also that suspended sentence can sometimes act as a net wideners in New Zealand. The risk of using probation as an alternative to softer options was emphasized also in Czech Republic. Rozum et al. (2008) observed that sometimes alternatives to imprisonment tend to replace suspended sentence rather than short-term imprisonment. As it can be noted here, language and definitions of terms makes difficult any trans-national comparison.

Somehow ironically, as Raynor (2012) noted in England and Wales, during the rehabilitation revival in the 90s the proportion of community sentences rose and this coincided with increase of imprisonment and a reduction in the use of fines. It was only in 2008 when the Government of England and Wales launched the program of alternatives to short custodial sentences ('Intensive Alternatives to Custody').

One study that demonstrated that introducing suspended sentence led to a decrease in imprisonment rate was the one conducted by Tait (1995) in Victoria, Australia. It seems that the introduction of suspended sentence can be followed by a short period of decrease in the use of imprisonment but this is changed once the offenders on suspended sentence start to breach their conditions. In this case probation can produce a phenomenon labelled 'back-end net-widening effect' (Tonry and Lynch, 1996). If the breach procedures are rigid and automatic, suspended sentence may actually increase the rate of imprisonment. Tait (1995) explained that the decrease in imprisonment rates in Australia was associated with a short duration of the suspended sentence and a wide discretion of the Australian courts to respond to a breach.

On a different scale, the diversionary capacity of probation was tested in different small projects. One project like this was 'The Edge' (Brownlee and Joanes, 1993) that took place in Leeds – UK, between 1989-1993 and targeted young offenders at high custody risk. Apart from what the 'standard probation' offered, the project included also intensive supervision, one to one counselling sessions and other forms of interventions targeting offending behaviour. In order to ensure the alternative to custody nature of the project, the procedure was conceived in such a way that only offenders scoring very high in the Cambridgeshire scale (measuring the risk of custody) were recommended in the pre-sentence reports to be included in the project. The overall rate at which the court accepted the recommendations in the pre-sentence reports to send the cases to the project in the first year was 57% (82 individuals). The

conclusion of the study was that the project had a 89% diversion rate. In other words, if the project would not exist at all, the court would have sent 89% of those referred to the project to the prison. In the same time, the use of custodial sentences fell by 2% while 3% more probation orders were made (Brownlee, 1995).

The complex nature of the probation – prison relationship was also the focus of Phelps (2013) in US who looked at how mass imprisonment correlates with probation at the federal level but also at the state level. Using sophisticated statistical methods she demonstrates the existence of the so called ‘The paradox of probation’:

*‘The paradox of probation model posits that probation simultaneously serves as both an alternative to prison and as a net-widener that expands carceral control.’ (57)*

As she documented, there are states where probation has a more diversionary effect, states where probation plays a more net-widening effect and states where the two effects cancel one another. Based on her observations, it seems that in order to enhance the diversionary power of the probation service, states have to promote reforms in the sentencing policies or/and in the fiscal incentives shaping the sentencing. For instance, by allowing judges to divert low-level drug offenders to intensive probation programs in Kansas the carceral population in this particular state decreased significantly in the subsequent years. In Michigan state, in order to decrease the number of prisoners a new fiscal arrangement was put into place that allows probation services use more funds for increasing the services for felony offenders and reduce the percentage of revocations.

The impact of probation on promoting community sanctions and measures seems to be variable in time and places. The international literature tends to allocate a large amount of attention to the diversionary capacity of probation supervision. The existing empirical evidence suggests that in certain conditions probation can act as a decarceration tool. The favourable conditions for this result are quite complex and inter-related. Some of them are depending on the sanctioning system. The alternatives should be regulated in such a way to target medium to medium-high risk offenders and not low risk offenders. Other factors are more related to the way the state authority and the judiciary are organized. It seems that if judiciary is elected that the populist trends are more likely to become more visible. A lot depends on probation practice and in particular on the non-compliance policies. If supervision time is too long and the breach procedure is rigid and leads directly to imprisonment than the diversionary capacity of probation is nullified.

Having said that, we should not overlook the fact that reducing the number of prisoners demands more strategies and inter-related tactics than just introducing probation. In this respect Seppala’s (2004) case study on Finland is very useful. In his study it becomes evident that reducing the incarceration rates the state should look creatively at the penalties for theft offences, sanctions for different special groups, introducing new community sanctions, measures for juveniles, treatment applied to fine defaulters and so on.

### VIII. The impact of one to one supervision on assisting judiciary in decision-making

The main way probation service could influence the sentencing is through the pre-sentence reports. The interest in how pre-sentence reports can influence sentencing has developed especially in the 1970s (Gelsthorpe, Raynor, 1995). Curran and Chambers (1982) observed that the magistrates followed 69% of the firm recommendations of the probation reports. Stanley and Murphy (1984) found also a 63% agreement between probation recommendations and the sentences. However, as Hine et al. (1978) observed this influence was two ways, with recommendations for probation diverting people from the prison and custodial recommendations sending people to custody who would not otherwise have been sent to prison. This observation made Gelsthorpe and Raynor (1995) assess the importance of quality of the pre-sentence reports and their influence on sentencing. After analysing 151 reports they firmly concluded that:

‘the better reports were more successful in enabling sentencers to pass community sentences with confidence and to rely correspondingly less on imprisonment.’ (197)

More knowledge about what quality means when looking at pre-sentence report we can find in the innovative study conducted in Scotland by Tata et al. (2008). According to them, quality is seen by the sheriffs (local judges in Scotland) in terms of realism and engagement through narrative. Furthermore, they tend to receive any suggestions regarding sentencing with suspicions.

There is still a lack of research in Europe on the relationship between the effectiveness of community sanction's implementation and judge's confidence in this form of penalty. More over, it is not clear yet whether probation services contribute to a better individualization of the sentence.

### IX. The impact of one to one supervision on public protection

Another aim of probation is to protect the public by closely controlling and surveilling offenders in the community. This line of research looks mainly at post-release supervision and its impact on recidivism. Post-release supervision is provided in at least two manners: conditional release supervision (known as parole in US) and indeterminate supervision after release.

The difference in reconviction rates between those released on parole and those released after serving the full sentence (max out) was evaluated several times in US with mixed results. Solomon et al. (2005) for example concluded that post-incarceration supervision did not result in a significant reduction in recidivism compared with prisoners who max out. Specifically, they found out that 60% of the max outs were rearrested within 2 years from release compared with 54% of offenders released from prison to discretionary parole and 61% of offenders released via mandatory release. The small differences were preserved also when checking for differences in the criminal history and other risk factors. After following up a random sample of 500 offenders who were released from New Jersey in 2001, Schlager and Robbins (2008) noted that 70% of max outs were rearrested and 44% were reconvicted compared with 60% of parolees who were rearrested and 34% who were reconvicted up to 4

years after release. It seems that the big difference between these two groups appear in the first three months after release. Differences appeared also in the survival time. The mean survival time was 349 days for max outs and 465 days for those on parole.

However, as Ostermann (2013) usefully noted when the time of the active supervision is taken out the difference in reconviction between these two groups seems to be about 1%. If the parole time is at least 3 years than there is a difference of 8% between the groups in terms of reconviction rates. The conclusion is that parole seems to be constructed in such a way that undermines the pursuit of the long term rehabilitative goals in favour of the short term discharges.

In Europe this kind of studies are not yet sufficiently developed. Five were the studies that we found dealing with post-release supervision.

Rozum, Kotulan and Tomasek (2008)<sup>2</sup> followed a sample of 672 convicted persons conditionally release for whom a court ordered supervision and who were under the supervision of the Probation and Mediation Service in Czech Republic in 2003. During supervision, 268 (39,9%) offenders committed a new offence. There were 18 people who were convicted more than three times during conditional release. Further statistical analysis indicated a clear connection with the age of the person. Half of the youngest persons under supervision were re-convicted during conditional release.

Another study that assessed the impact of post-release supervision is the one of Dawson and Stanko (2010) who evaluated the impact of the Diamond Initiative in London run in a probation police partnership. The programme consisted in helping offenders meet their needs by working directly with them or their partners. The reconviction data of the Diamonds Initiatives participants (405) showed a reconviction rate of 28% over six months. When compared with reconviction rates of the control group from an earlier year (43% over the same period) it was concluded that the difference in reconviction rates between treatment and control group was 15%. When measured with OGRS it was concluded that the groups were comparable.

Another study conducted in England and Wales on the topic is the one by Lewis et al. (2003) who assessed the impact of the pathfinder projects of resettlement on released offenders. Two models were evaluated: one so called probation led with more cognitive behavioural interventions and one called voluntary organization led projects which were more concerned with the practical help. According to the authors, probation led projects achieved significantly higher levels of continuity of contact with offenders and better results in changing attitudes, beliefs and self-reported life problems. Although the projects involved a small number of cases, the authors suggested that the probation-led projects had significantly lower reconviction rates than those in the other projects. Crucial in post-release supervision is the continuity of contact between supervision staff and offenders, use of motivational interviewing, developing relationship with offenders and structured interventions. The same conclusion

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<sup>2</sup> <http://www.ok.cz/iksp/en/docs/s348.pdf>

is emphasised by Zwemmer (2008) in the Netherlands. After assessing the prison gate officer's initiative, he concluded that ex-prisoners with many problems tend to disengage from the intermediation process or they disappear from the placement very soon after intake. He calls for special arrangements or more flexibility in dealing with vulnerable groups (for more about the importance of contact see Maguire and Raynor, 2006).

Echoing Ostermann (2013) conclusions, Lai study (2013) shows that in England and Wales there is some difference in reoffending rates between those released on licence and those released under no licence within one or two years. However, in year three there is no statistically significant difference in the reoffending rate.

In order to protect the public some jurisdictions adopted different regulations and penal devices that allow for supervision even after full release (England and Wales, France, Germany etc.). One example as such that has been evaluated is Multi-Agency Public Protection Arrangements (MAPPA) in England and Wales. MAPPA is a set of arrangements to assess and manage sex offenders and violent offenders that was created in 2003. This mechanism bring together police, probation and prison service under the MAPPA Responsible Authority set up in each area. In the same time there are other agencies under the duty to co-operate: Children's Service, Health Trusts etc. Without going into details regarding the categories of offenders or the levels of supervision involved in MAPPA, we will provide some data that will support the general opinion that this arrangement can contribute to public protection (based on Ministry of Justice, 2012). On 31 March 2012 there were 55 002 MAPPA-eligible offenders. The number of registered sex offenders increased from 76 to 81 per 100 000 inhabitants between 2011 to 2012. Out of 55 002 offenders under MAPPA only 145 offenders were charged with a 'serious further offence' (which carries a maximum penalty of 14 years or life) in 2011/2012. Taking into consideration only this criteria, Kemshall noted in front of the House of Commons in 2011 that in 2009 only 0.26% of the probation caseload out of some nearly 180,000 offenders who would have been supervised in the community at that time, went on to reoffend seriously harmfully and to necessitate what is called a serious further offence report.

To conclude this section, we can appreciate that community supervision makes a difference in terms of public service although it is difficult to quantify it. It is almost impossible to state for certain whether some of the offenders supervised after release would not stop offending just because of aging or other factors that we know that promote desistance. What we know for sure is that arrangements like MAPPA are quite vulnerable on the human rights grounds (see for instance the case of *R . v. Secretary of State for Home Department*, 2010, UKSC 17).

## **X. The impact of one to one supervision on punishment and enforcement**

No doubt about the fact that probation supervision is both about rehabilitation and control, about reintegration and punishment in the community for the harm done. In case of probation, perhaps narrowing down the number of potential possibilities, the punishment is expressed statistically in the revocation or recall rates (prisoners released conditionally being called back into prison). Indeed in a special issue dedicated to recall practice in Europe, Nicola Padfield (2012a) summarizes the huge number of difficulties associated to this relatively new phenomenon. It seems that in the 21<sup>st</sup> Century prisons are not full only with offenders but also with ex-offenders who did not follow the obligations and the conditions imposed on them by the courts or administrative bodies. Statistics seem to suggest that the number of recalled prisoners is growing and growing every year. For instance, in England and Wales, the number of recalled prisoners in 2009/2010 was 13 919, compared with 2 457 prisoners recalled in 2000/2001. It is more than 500% increase in 10 years time. As Appleton (2009) usefully observes in 2006 more lifers were recalled (164) to prison than were released (135). The reasons for recall are numerous and complex. Digard (2010) for example noted that the procedural fairness of the process is very important for sex offenders. Padfield (2012b) emphasises that pre-release processes (e.g. the availability of different programmes), the process of recall itself (e.g. too much power in the hands of the offender managers) and the journey towards re-release (e.g. the arbitrary nature of the re-release decision) are the main causes of the increase of recall cases in England and Wales.

From this paper's perspective the greatest challenge is how to look at the figures of revocation or recall. Is it a sign of good probation performance if more offenders have their suspension or conditional release revoked? Or it is bad performance demonstrating actually that supervision did not succeed in engaging with the offender in a constructive way? How are the recall statistics viewed in a probation service that aims primarily at promoting alternative to custody? A useful discussion here is related to compliance. Based on the work of Bottoms (2001), Robinson and McNeill (2008) advance an interesting model of compliance based on the distinction between formal compliance and substantive compliance. The first one implies that the offender meets the minimum specified requirements of the court sentence. The latter – the substantive compliance – on the other hand implies an active engagement and co-operation from the offender with the requirements. In this case, the offender shows a genuine desire to tackle his/her problems and stay out of offending. From these two forms of compliance it seems that the substantive one is more related to reducing recidivism because this form is the only one concerned with a long term change in the offender's motivation, thinking and behaviour. Developing further more the understanding of compliance, McCulloch (2013) makes a case of 'giving compliance back' to those who own it rightfully. In the end it is about offenders and their decisions to comply or not. She also suggests that compliance is a dynamic process and not an outcome.

Of course, formal compliance is also important because, for instance, it can be a good indicator of the substantive compliance or it can be easily measurable in case of breach. But focusing exclusively on the formal compliance can be a big mistake for one probation agency. As Robinson and McNeill (2008) demonstrated, formal compliance can mask postures of defiance (e.g. resistance, disengagement, game-playing) or can create problems with offenders genuinely motivated to engage with supervision but not able to keep

the appointments, for instance. This form of compliance can consolidate the view that supervision is only a superficial exercise, which involves mainly 'turning up' and 'signing in' rather than a meaningful work undertaken towards desistance. This image could be particularly dangerous with 'game-players' who will find ways to subvert the system and complete their order with minimum effort and engagement.

Having said all that, we wonder how the explanation of the Parole Board in Scotland that the increasing number of recalled prisoners is explained by the 'improved quality of service in the post-release phase' (Padfield, 2012a) should be interpreted.

## **XI. The impact of one to one supervision on rehabilitation/preventing reoffending/desistance**

This line of research covers mostly reconviction or effectiveness studies because they measure to what extent one to one supervision or probation intervention manages to reduce reoffending, re-arrest or reconviction among offenders. In doing so, some studies compare the reconviction rates after custody with the same rates but after or during supervision.

On the contrary, the desistance studies are concerned mainly with the questions of how and in what circumstances some ex-offenders succeed in staying out of crime.

Literature is quite generous with effectiveness studies after the 70s or 80s when the issues of effectiveness and evaluation become important in some of the European countries generating the so called 'the culture of evaluation'. One major factor acting in this direction may be the European Commission who is more and more interested in the outcomes evaluations and good value for money. Bearing in mind that the European Commission is financing more and more projects in the criminal justice sector it is likely that evaluation research will increase in volume at least.

Depending on the research methodology studies measuring effectiveness of probation can be divided into different categories:

1. studies using randomized controlled trials (RCT),
2. studies using quasi-experimental or other quantitative designs,
3. qualitative studies

This taxonomy serves only to classify the studies and says nothing about the quality of these studies. They are all very important and tend to complement each other. For instance, RCT can provide quite reliable percentages and numbers but tells little about how the results were achieved. On the contrary, qualitative studies focus more on the process and less on the results. For the purpose of this review, all studies are equally important and informative as long as they follow rigorous and explicit methodologies.

The first RCT studies of this kind were conducted in US (see Bergman, 1976; Petersilia, Turner and Peterson, 1986) and compared the prevalence of reoffending between a group of individuals sent to prison with a group given probation. In both cases the groups were matched on a number of

characteristics, such as gender, number of previous offences etc. The results suggested that those given probation were significantly less likely to be charged with a new offence. In the Berman study (1976), for instance, those allocated to probation had a significant lower prevalence of reoffending (14%) compared with the prison group (33%), within one year.

In Europe, these studies were developed a little later. In France, Tournier (2005) published the results of a quasi-experimental study comparing suspended sentence, suspended sentence with probation, community service, suspended sentence with unpaid work and custody. The results are based on a relatively large sample of 5234 cases. After controlling for the age, criminal history and occupation and also looking at the quality of reoffending, the author concludes that there are significant differences in reoffending between these groups. Comparing reoffending rates with immediate imprisonment (very severe reoffending), Tournier observed that reoffending rate within 5 years from release or within 5 years from sentencing (for no-custodial sanctions) are: 61% for those release from prison, 52% for those on suspended sentence with probation, 43-44% for those on community service or suspended sentence with unpaid work and 36% for those on suspended sentence with no supervision. When comparing all types of reoffending, the rates are significantly changed: 72% for those leaving the prison or on community service, 68% for those on suspended sentence under supervision, 65% for those on suspended sentence with unpaid work and 62% for those on suspended sentence with no supervision. The conclusion is that the great difference between reoffending among different groups of offenders or different sanctions is more on the quality side than in numbers. It seems that those released from prison reoffend with more severe crimes than those under different types of non-custodial sanctions.

This conclusion was confirmed also by Jolliffe and Hedderman (2012) who conducted an experimental study (RCT) in England comparing the reoffending rates within one year between a group of 3 793 offenders under community order or under post-release supervision and 1 707 ex-prisoners. In order to ensure the comparability between the two groups, the authors used the propensity score and two methods of balancing the covariates (nearest-neighbour and stratification). Of the 5 500 individuals in the sample, 2 155 (39,2%) had reoffended within 12 month of commencing their community order or under post-release supervision. In the same time the reoffending rate after release from prison was a lot higher (53.3%). The study also noted a difference between the two groups in terms of the frequency of reoffending (3.3 offences per offender for the community supervision and 4 offences per offender after release from prison) and also regarding the survival time (135,4 days average time to reoffense for community supervision and 122,5 days average time to reoffense for those release from prison). After the propensity score was balanced the difference between the reoffending rate of the two groups was still significant (6,6%) within 12 months.

Evaluating the effect of The Edge project in Leeds (see above the details of the project), Brownlee (1995) compared the reoffending rates between three groups that shared a lot of similarities: one referred to the project, one with individuals who were recommended to be referred to the project but the court

decided to send them to custody and one group of those sent straight to prison by the court. Methodologically, this was a 'natural experiment' because the cases although quite similar were allocated in different categories by the court. The reconviction rate for these three groups after one year was around 73%. This score should not come as a surprise since the high risk offenders were the target group of the project. After 24 months the project reconviction rates were not worse than those of the custody group. Significant differences were observed in terms of incidence and the survival time. The average time to first reconviction among the members of the project group was 11.7 months. The same average time for the second group (recommended to be referred to the project but incarcerated) was 7.5 months. For the third group, the survival time was only 10.4 months after release. The average number of reoffences between the three groups was also different (0.8 reconvictions as opposed to 1.1 reconvictions for both custody groups). The author also noticed that the project offenders were less likely to be reconvicted for burglary and violent crimes.

Another study conducted in Italy by Leonardi (2007) concluded that there are significant differences between offenders sentenced to probation and those sentenced to immediate imprisonment in terms of recidivism. In order to evaluate this difference Leonardi (2007) conducted a quantitative longitudinal study among those who ended their assignment to the probation service or were released from prison in 1998. The follow up period was between 1998 to 2005. The result was that only 19% of those who were assigned to probation service re-offended while 68% of those who were in prison did so in the same period of time. The author concluded that probation is a valid solution to reduce recidivism and also to achieve social reintegration for offenders.

The same conclusion was advanced in Spain (Catalonia) by Villacampa et al. (2006) who followed up a number of 329 subjects for five years after finishing a community sentence in 2000. Their conclusion was that the group with community sentence had a lower recidivism rates than the control group with a prison sentence.

These conclusions should be taken with some degree of caution since they do not check for comparability between the groups and do not use control groups.

Recently, Ministry of Justice (2011) in England and Wales conducted a study that compared reoffending of a large sample (24,978 offenders) of those receiving different levels of probation supervision and those receiving custodial sentence up to 12 months. The result suggested that those who had been sentenced to custody had a reoffending rate between 6.5% and 7.4% higher 12 months after release than those who received probation. The same conclusions with little variations were mentioned also in 2012 – 44.7% reconviction after court orders and 56.4% after custody (Ministry of Justice, 2012). These percentages may look high if compared with relapse figures in the Nordic countries (Kristofersen, 2013). For instance, the percentage of new sentences within two years after custody in Sweden was 43% while only 20% of those under a community sentence were recorded for a new sentence.

As Kristofersen (2013) recommends these statistical data should be taken with great caution since differences may be explained by differences in the clear up rates at the police, the sanctioning system, the way re-offenders are dealt with in the court, the offence composition of each custody or probation group and so on.

But probation or one to one supervision is not a monolithic construction imposed on offenders. Depending of the details of the case, the courts can impose one or more supervisory conditions or obligations. The nature and the number of these variables impact obviously on the outcomes. Bewley (2012) for instance, demonstrated in UK that adding a punitive requirement (e.g. unpaid work or curfew) to supervision had no impact on reoffending, but reduces the number of reoffences committed within the first year of the community sentence by 8.1%. It seems that this difference in impact is mainly due to the curfew obligation. Adding a supervisory requirement to a punitive requirement produces both a reduction in reoffending (with 6.8%) and the number of reoffences committed (by 8.7%) within two years from the start of the project implementation.

Based on these studies it seems that the reconviction rates after community supervision is slightly lower than the ones from custody. In any case the reconvictions rates after probation supervision are not higher than the ones after imprisonment. This conclusion should be taken with a degree of caution. Methodologically, these studies pose a lot of difficulties. First, most of them compare prison with probation supervision. We know that there is not such a thing 'prison' and 'probation'. There are different types of prison regimes, different moral performances of the prisons (see Liebling, 2004) and so on. On the other hand, there is no community supervision or probation as such. There are different forms and intensities of probation supervision. There are different obligations and interventions available for offenders while under supervision and so on. It is not easy to compare like with alike in this respect.

Secondly, even the most rigorous studies (based on RTC) were not able to control for the factors that can have an impact on reconviction. The use of staff skills is just one example of such a factor. The other studies based on quasi-experimental or qualitative designs are usually based on very small samples or on opportunity samples and that can lead to distorted results.

Further more, some of the studies compare reconviction rates between those released from prison with those just sentenced to community sanctions. This comparison is not without problems since if we measure reconviction rates of the community sanctions from the moment of their beginning that means that the 'treatment' was not implemented yet.

### ***XI.1 The impact and the content of intervention***

One of the first question raised when effectiveness studies begun was what is there that makes a difference in reducing recidivism, what makes an intervention effective? Like in most of the sections above, the first studies on this subject were conducted in US and Canada. One of the most influential meta-analysis of this topic is the one commenced by Andrews et al. (1990). In

this meta-analysis, the authors reviewed 80 controlled interventions that yielded 154 effect size estimates. Their conclusion was that adherence to the risk/need/responsivity principles (RNR) was associated to reduction of recidivism. In 2010 this review was expanded to include 374 effect size estimates (Andrews and Bonta, 2010) and concluded that nonadherence to these three principles was associated with a small increase in recidivism ( $r = .02$ ). When treatment adhered to one principle there was a small decrease in recidivism ( $r = .02$ ). Larger decrease in recidivism were observed with increased adherence to the RNR principles –  $r = .18$  for two principles and  $r = .26$  for three principles.

Summarizing a significant number of meta-analysis (Andrews et al., 1990; Cleland et al., 1996; Dowden and Andrews, 1999) Dowden and Andrews (2004) conclude that:

*'programs that incorporate all of these principles into their therapeutic framework are associated with the strongest reductions in recidivism, with an average reduction of 26 to 30%'. (204).*

On the European continent, the effectiveness of one to one supervision with young and adults offenders is tackled rather in small-scale studies or in the qualitative ones.

One small-scale study that reports on the results of the application of one to one program between 2002-2008 in West Mercia, England is the one conducted by Hankinson and Priestley (2010). One to one (OTO) is a 21 session individual program, targeting medium and medium/high risk offenders and based on cognitive-behavioural methods, problem solving, cognitive restructuring, moral reasoning, self management and social skills training. The outcomes of the program were evaluated longitudinally between 2002 to 2008 in terms of: programme completion rates, participant feedback, case studies, re-conviction data and impact on staff.

Regarding the programme completion, national statistics shows that 53.6% of 2 783 programme starters completing the programme. A vast majority of the completers indicated that the programme was 'very useful' in tackling problem recognition, problem solving (74%) and reducing reoffending (81%). Based on a relatively small number of OTO cases ( $n = 51$ ) the programme shows a 13.3 % difference between expected reconviction score (55.3% measured with OGRS) and the 'actual rate' of reconviction (42%). Although it is not clear how the cases were selected and the sample is rather small for significance, the 'results are in the right direction' (391). Interestingly, this study measured also the impact of the programme on the implementing staff. It seems that although some of them were quite sceptical about the programme demands at the beginning, the programme was evaluated as very useful in structuring the sessions, building up rapport with clients, being more responsive and even in helping some practitioners in advancing their career.

Looking more broadly at the context in which probationers desist from the criminal career, Farrall (2002) reports on a longitudinal study that aims at evaluating the impact of supervision on the subsequent offending career of 199 male and female probationers aged 17-35. The sample was considered

representative of the national caseload in England and Wales in terms of age, gender, ethnicity and conviction history. The study was based on interviews with officers and probationers on topics like: offending behaviour; the context in which this took place; wider social and personal circumstances; desires, abilities and motivations to stop offending, obstacles to desistance and so on. The conclusion of the study was three fold: desistance was related to overcoming obstacles, overcoming obstacles was associated with prior motivation and changes in the social circumstances and desistance took place often outside probation intervention (like in Leibrich, 1993 in New Zealand). As the author concluded solving obstacles related to family problems and employment was strongly related to desistance. Latter McCulloch (2005), in Scotland, concluded on the bases of twelve semi-structured interviews with probationers and their probation officers that welfare needs are the ones that seem to be the most important ones associated to desistance. She argues that increased level of probation involvement in family issues and tackling practical problems can lead to reducing reoffending. Sobottka (1990) observed also that in Germany most of the probation work is located in the context of professional relationship and in dealing with practical problems, especially with getting a job (2/3 of the clients) (for a full account of the desistance literature see Shapland et al., 2012).

Some other qualitative studies emphasized differences between genders and ages in terms of reoffending or desistance. Jamieson et al. (1999), for instance, interviewed in Scotland 75 young people classified as desisters (not offended in the last year), resisters (who never offended) and persisters (reoffended recently) and concluded that younger desisters tend to desists because of the fear of consequences of crime and view offending as morally wrong. Older desisters are more likely to stop offending as a consequence of becoming more mature and moving on with their lives. Male offenders tend to attribute desistance to a 'personal choice', while females were more inclined to explain their desistance in terms of 'relational factors' such as gaining parental responsibility, not wanting to let their family down and so on. On the contrary, persisters tend to have family members or peers involved in crime. This observation was more visible among female persisters who were usually involved in a relationship with partners with criminal activity.

In the Netherlands, The Research and Documentation Centre of the Dutch Ministry of Security and Justice reports on two important desistance studies that confirms largely conclusions of the research conducted in US<sup>3</sup>. V van der Geest analysed the role of employment in delinquent development in 270 high risk males from age 18 to 32. Although recidivism is high most individuals desist in their mid-20s or around the age of 30. Over factors like personality or background, the author noted that employment is significantly related to decrease in offending. Another small scale desistance study is the one conducted by Werdmolder who followed up 40 Moroccan and Dutch offenders between 1982 to 1988. The author concludes that getting regular work,

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<sup>3</sup> Summaries available at: <http://english.wodc.nl/onderzoeksdatabase/jv201105-van-interventie-tot-stoppen-met-misdaad.aspx>

marriage and a permanent place of living is very effective in the process of desistance. Werdmolder's conclusion is that personal qualities such as discipline, taking up responsibilities and motivation are also essential. Although the role of the probation service in achieving these outcomes is not clear the conclusions of these studies can be useful for future correctional interventions.

Consistent with other reviews conducted or published in Europe (see for example Redondo et al., 1999, Losel et al., 2011) it can be concluded that interventions based on the RNR principles can reduce significantly the recidivism rates. The reduction is dependent on a number of factors such as: the age of the offenders, the criminal history, the type of offence, the way it is measured and so on. Therefore it is difficult to put forward concrete numbers. However, in the literature there is some evidence that using evidence based interventions can reduce recidivism between a minimum of 12% (in Redondo et al., 1999) to a maximum of 30% (in Dowden and Andrews, 2004). In Redondo et al. (1999) studies on psychiatric treatment, sex offending, prison based programmes and so on were included along with the community based ones and therefore it is possible that the modest reduction could be attributed to this diversity in the nature of offence, criminal history and contextual factors. The most effective methods of intervention are cognitive-behavioural and problem solving. Increasingly the desistance literature emphasizes on the importance of the officer-probationer relationship and also of the subjective processes that take place within offenders. Interventions like practical help begin to gain more and more recognition as legitimate means to assist in the desistance process.

### ***XI.2 Probation officer's skills and reoffending***

Increasingly, the literature emphasizes not only the importance of the content of interventions but also other aspects that can influence the outcome. One factor of this kind is the skills and the attributes employed by the correctional staff when delivering supervision. Previous research conducted in Canada (Andrews et al., 1979; Bourgon et al., 2012) or in Australia (Trotter, 1990) demonstrated that pro-social modeling, problem solving approach, reinforcement and empathy have a strong impact on recidivism. Combining RNR paradigm with core correctional practices was also found to be very effective in reducing re-arrest (see STARR evaluation in US, Robinson et al., 2012).

Chris Trotter (1996) reports on a study conducted in Victoria where 30 community corrections officers were trained during five days on pro-social modelling and reinforcement, problem solving and empathy. Two research officers undertook file analysis to rate if any of these three principles were used into the subsequent practice. Three hundred and sixty six clients were followed up through the file analysis. The clients were selected by systematic random sampling from the caseload of those who participated in the training course. The conclusion was clear: where ratings of use of the three principles were 5 or above client breach rates were significantly lower than where file ratings were below 5. The same differences were observed also after four years suggesting

that the benefits of supervision were sustained after the period of supervision finished. Further more, pro-social modelling and problem solving were correlated with recidivism. Correctional officers with high scores in the use of these skills tended to have clients with lower recidivism rates. For instance, correctional officers using pro-social modelling had clients with 23% recidivism while those with no evidence of the use of this skill had clients with 73% recidivism within four years.

Based on interviewing 21 probation officers and 60 probationers, Rex (1999) concluded that probationers who attributed positive change to probation benefited from an active and participatory supervisory experience. In terms of the professional skills that probationers would like to see in the probation officer, Rex (1999) noted that the probation officer needs to be experienced, knowledgeable, reasonable and also to display 'expert qualities' (371) that would encourage probationers to disclose sensitive information and feel confident that they are listened to and taken seriously. In order for probationers to feel committed and positively engaged in the supervisory relationship, the probation officer needs to demonstrate empathy (87% of probationers), to have the capacity to listen and to show interest and understanding, and enable them to talk (65% of probationers). At the same time, 65% of the probationers said that they appreciate more formal aspects of supervision, 35% of them declared that a certain amount of distance would be useful and 58% wanted to be treated with respect. Structure and control are also words used by some offenders in Germany when they define supervision (Hesener, 1986). Only a small minority of cases (out of 294) did not look at supervision as a helping offer. On the contrary most of the offenders considered probation officers as 'sympathetic guys' but 'not as trustworthy enough to be told everything' (162).

An important study in Europe that looks at staff skills and their impact on the reconviction rate is the one carried out by Raynor et al. (2013) in Jersey which demonstrated convincingly that the way probation staff carries out interviews with offenders influence the reconviction rates.

The research was based on 95 video-recorder interviews with people under supervision or pre-sentence investigation. A two – year reconviction follow-up was conducted with 75 interviewees in order to determine whether differences in skills used by the probation officers reflect into the outcomes of supervision. The skills used by the probation officers were measured based on a checklist that looked at: set up of the interview, non-verbal communication, verbal communication, effective/legitimate use of authority, motivational interviewing, pro-social modelling, problem solving, cognitive restructuring and overall structure of interview.

The conclusion of the study was that scores above average in the use of skills were significantly associated with lower reconvictions. Staff using fewer skills had 58% reconvicted offenders while staff using more skills had 26% reconvicted offenders within two years. As the authors emphasized, this difference was in spite the fact that the initial risk level as measured by LSI-R was greater among the offenders assigned to the staff with more skills. One year and two years follow-up demonstrates that all skills are important in reducing reconvictions but only structuring skills (skills that facilitate change),

relationship skills and problem solving seem to be significantly correlated with reducing reconviction.

In the context of the impact of supervision, this line of research that looks at the importance of staff skills and characteristics can be considered as a real 'scientific revolution' since it became clear that no impact should be measured without paying due attention to the non-client variables.

## **XII. The impact of one to one supervision on the victim's interests**

Some probation services in Europe include the victim's interest into their current routines. In some jurisdictions, probation services provide direct services to victims, such as psychological counselling, court advice and so on (ex. Romania, Turkey, Croatia etc.). In other countries, probation service is deeply involved in restorative justice schemes (England and Wales, Northern Ireland, Scotland, Belgium, Austria, Czech Republic etc.). There are many definitions and forms of restorative justice around the world (for more on this subject see Roche, 2006). For this paper restorative justice is understood as 'a strategy or set of strategies oriented towards the resolution of conflicts or disputes between parties ...' (Shapland et al., 2011: 4).

Different evaluations of restorative justice projects emphasised a wide variety of benefits for this approach.

Roberts and Umbreit (1996) while evaluating the Coventry reparation Scheme found that victims and offenders who participated in mediation were more likely to be satisfied than those who did not participate into mediation. Participating victims were less fearful of being victimised by the same offender. The same findings are reported in studies conducted in Austria (Hammerschick et al., 1994; Altweger and Hitzl, 2002) which stress also that when victims are informed and agree to participate in victim-offender mediation they tend to be satisfied and very satisfied with both the process and the outcomes of the program. Similar finds emerged also from the Belgium studies (Aertsen, 1993; Lemonne et al., 2007). In addition, Aertsen and Peters (1998), mention also other benefits for victims of participating in victim-offender mediation: decreases in the fear of crime, a better chance that the offender will pay the compensation, the redefinition of the crime and a more realistic image of the offender.

Satisfaction, measured in different ways (as usefulness, as a way to solve problems, as satisfaction with the process and the outcomes and so on) was also measured by Shapland et al. (2011) when evaluating three restorative justice schemes in England. Their conclusion was that more than 70% of the victims they interviewed were satisfied with both the process and the outcomes of what they had experienced. The most important factors that contributed to this satisfaction were the communication, the positive way they were treated and the sense of contributing to problem solving. Those unsatisfied tend to put the blame on difficulties in communication or confounded expectations.

Few studies analyzed also the impact of restorative justice on recidivism. Miers et al. (2001) followed for two years the participants in the Leeds Mediation Service and found that 44% of offenders who participated in the mediation re-

offended while 56% of the offenders who did not participate in the mediation were reconvicted. The results held also when checked for comparability with OGRS. Mediation appeared to be most successful with those with the lowest risk of reconviction. The authors also found differences in terms of the frequency and the seriousness of the offence between mediation group and the control group.

These findings were partially confirmed in Shapland et al. (2011) who evaluated three restorative justice schemes in England. Their conclusions were that restorative justice can contribute to the decrease in the frequency of reconvictions over two years ('offenders' reoffending decelerated') and also in reducing the costs of reconvictions. However they did not confirm any significant difference between mediation and control group in terms of reconviction or the severity of reconviction (p. 170).

As suggested above, victim-offender mediation or other forms of restorative justice interventions seem to produce positive outcomes for both the victim and the offender. While victim and offender satisfaction with mediation is unanimously acknowledged more research needs to be done on different issues such as: is there a different impact of mediation on victims with different gender or ethnic origin, is there a different impact on victims with mental health difficulties or with learning disability, what are the facilitator characteristics that can differentiate between a 'good' or a 'bad' mediation or conference and so on. Whilst most of the research on restorative justice focused mainly on victims it can be useful to explore more the benefits of this approach for offenders and the relevant people around the victim or the offender.

### **XIII. Conclusion.**

Going back to the question in the title: is supervision effective? The answer is yes, but only in some circumstances. Currently there is some evidence in Europe that community supervision or probation is effective in reducing reoffending. This conclusion is not always supported by evidence when comparing reoffending rates after community sentence with reoffending rates after imprisonment. Based on the limited studies it seems that probation is slightly more effective than prison in reducing re-offending or at least it not worse than prison in achieving this objective. As mentioned above, this conclusion should be taken with some degree of caution since it is not clear if the comparison is always possible. Most of the time research discussed about prison sentence and community sentence as if they are ideal typical sentences. We know that the penal landscape is more sophisticated than that and experiences and outcomes can be influenced by an unlimited number of factors associated with the content of the sentence itself, offender's characteristics, implementation staff skills and so on. All these diversity makes the comparison between prison and probation outcomes extremely difficult if not impossible. If regarding the reoffending rates there are no definite answers, research seems to be quite clear about the differences between the incidence and the quality of reoffending between these two sentences. It appears that offenders finishing community sanctions tend to reoffend with less serious crimes, less often and after a longer period of time. This observation calls for a more nuanced analysis

of treatment impact that would look also to non-reconviction outcomes – e.g. acquiring and maintaining work, taking up parenting responsibilities etc. All these outcomes are real societal goods, represent a positive contribution of the ex-offenders to the society and are significant steps towards desistance.

Related to the outcomes of supervision, the literature produced or published in Europe demonstrates that if supervision is conducted based on the principles of risk/need/responsivity recidivism can decrease significantly. Further more, it seems that if cognitive-behavioural methods, problem solving and pro-social modeling are very effective methods in reducing recidivism especially if implemented by motivated, respectful and 'human' staff. A word of warning should be also sound regarding the fact that almost all these results were measured in experimental, quasi-experimental environments or at pilot stage. As Lipsey (1999) noted in the American study, there is a big difference between 'demonstration programs' and 'practical interventions'. The first ones are usually more resourced and better implemented than the others and that can explain why the 196 'practical' programs were on average half as effective as the 205 'demonstration' programs. Latter, Raynor (2004) echoed these conclusions and explained that the reasons for poor implementation can be related to the staff enthusiasm and commitment, the organizational support, the leadership in the institution or the resource allocation. All these aspects can distort the deployment of the interventions in such a way that the expected results will not be produced in the real life situation.

From the literature, it can be inferred that the rehabilitation potential can be augmented if supervision would be more focused on providing practical help and in particular assisting for acquiring and maintaining work. European studies seem to pay little attention to the importance of the environmental or even institutional factors that can affect the outcomes of supervision.

From the penal policy perspective, literature in Europe is quite ambivalent as to what extent probation is a decarceration tool or not. This conclusion is based on an extremely small number of studies that analyse the diversionary capacity of probation. In our review, we were not able to identify any recent study that looks into this subject on a large scale. However, studies on a small scale show positive results in this direction.

Most of this ambiguities can be attributed to research or research methodologies. As noted in other reviews, research or evaluation culture in Europe is still underdeveloped. The number of studies dedicated to probation outcomes evaluation is still very small and comes almost exclusively from UK. However, it seems that countries like The Netherlands, Spain, Czech Republic, Norway and France show more interest in this field and we could expect more studies in the near future. This trend appears to be encouraged by the European Commission which demands more and more evidence based programmes and good value for money.

From the methodological point of view, it appears that the current methodologies still can not fully capture the complexities of the criminal justice interventions. It is still difficult for research to demonstrate that some interventions are associated with different outcomes and that these outcomes

would not have happened anyway without interventions (the counterfactual). To solve this difficulty researchers compared treatment groups with control groups and sometimes even with witness groups. The first obstacle in running this sort of analysis is an ethical one: how can the participants in the control group can be convinced that they were not discriminated and disadvantaged by not being selected in the treatment group?

The second major difficulty is how can the researcher make sure that the groups are comparable in terms of offender characteristics, similarity of the treatment, contextual factors and so on? How can the researcher check for the 'selection effects' (e.g. offender's motivation etc.). How can the researcher construct two comparable groups (treatment and control) and in the same time comparable interventions and comparable implementing staff and so on.

Another impediment for this sort of studies is the relatively low completion rates that many programs suffer from and does not allow for advanced statistical analysis. For instance, Deering et al. (2001) reported that they were not in the position to produce a reconviction conclusion of their study because not enough probationers completed the program. Therefore reconviction studies are a 'risky business' for the researchers since they might not be in the position to produce the data they are looking for because some independent reasons. Lately, in order to overcome these obstacles, meta-analysis and systematic reviews were launched in an attempt to aggregate more studies and therefore more subjects into the analysis. These reviews come also with their methodological difficulties (for more on this subject see Canton, 2011) but they can produce more solid conclusions. Ministries and national institutes from many European countries run every year or two reconviction studies to measure impact and effectiveness of different penal sanctions. Most of the time the conclusions came in long and difficult to read tables, which made Farrall to state:

*In short, the wholesale quantitative number-crunching of officially recorded data concerning the outcomes of probation supervision is getting a bit stale and is becoming increasingly indigestible. (Farrall, 2003: 266)*

In order to compensate for these limits, researchers use more qualitative research designs that can look more into details of one or a few cases but can not extrapolate the conclusions. In most cases, the main research tool is the researcher him/herself and the replicability of these studies is low.

Therefore the conclusions of most of these studies are indicative or exploratory but they can not be universally convincing.

Therefore there is a matter of urgency to develop more creative and sensitive research methods that can resonate with the changes at the individual level but can also produce valid conclusions outside the population subject to that research study.

More research methods should be developed to measure not only reconviction, frequency of reoffending or seriousness of recidivism but also other important intermediate outcomes such as: getting and staying in employment, changes in the thinking style, improvements in the family life and so on. These outcomes could be divided into short term (changes in motivation, increased learning, awareness etc.), medium term (e.g. change in behaviour, improvements in decision making etc.) and long term outcomes (e.g. reducing recidivism, desistance, reintegration etc.). The intermediate outcomes are all valuable

personal or societal achievements and in the same time important steps towards desistance. Although efforts had been made to measure costs of probation or probation interventions (see for example Shapland, 1995), more should be done to develop methodologies to gather relevant information and estimate costs of different units such as: the cost per report, cost per supervision, cost per reconviction and so on. By assisting probation organizations to collect and use the relevant data to measure costs, more transparency and accountability would be available.

As for innovation, there were only few studies that stood out as new and innovative as research design. One was the Tata et al. (2008) which used 'shadowing writing' as a technic to capture the understanding of the report writer. In short, this technic involved a researcher who accompanied the 'real' probation offices when writing the pre-sentence report. He/she went together with the probation officer to the interview, reviewed the same documents and so on. After this preparation was finished, they both wrote the report independently. After the report was ready, they discussed about different aspects of it that were different or alike in order to understand better the reasoning behind the statements or the conclusions of the probation officer. Another interesting technic used in this study was what it can be called 'corroborating accounts' where expectations or assumptions made by the probation officers were confronted with the expectations and assumptions of the local serifs. By applying this technic, the researchers were able to identify numerous situations where these two professionals did not share the same meanings or symbols.

The second innovative study included in this review is the one conducted by Brownlee and Joanes (1993) which used the Cambridge scale for measuring the risk of custody. Only those offenders who scored high on this scale were recommended to the intensive probation project and therefore the diversionary nature of the project was ensured. Furthermore, in some cases the court ordered differently and some of the offenders although were recommended intensive probation were sent to prison. This created a 'natural experiment' design where offenders with similar risk scores were exposed to two different penal treatment: intensive probation and custody. Having the inter-groups comparability ensured, the authors were able to produce very convincing conclusions.

Another methodological innovation was described in Shapland et al. (2011). In order to overcome the difficulties of setting up a comparable control group for the mediation schemes they evaluated, the authors composed this group with offenders who appeared at the same magistrates' courts over a different time span, matched on variables known as associated with reconviction: offence, age and gender. By doing that they ensured a control group with similar variables as the mediation group but at the right size to allow statistical analysis.

The lesson learnt from this review is that in order for supervision or probation service to be effective there is a demand for a coherent paradigm based on four pillars: penal legislation, organizational issues, practice and access to legal opportunities. Borrowing from the social policy, this paradigm could be called 'active reintegration model' (after the 'active inclusion' concept). The word 'active' should reflect the dynamic and inter-changing nature of the process that

involves equally the offender, the state, the probation organization, the practice and the community. The model could be developed further but here we can sketch out the basic elements. If a probation service in Ruritania would plan to be an effective organization in terms of reducing the use of imprisonment and reducing reoffending it would have to have a penal legislation that promote community sanctions for medium and medium high risk offenders. It would also need to have a welfare legislation that would facilitate ex-offenders access to work and accommodation. In the same time the probation service would need to be an inclusive, creative and learning organization open to test and use on the regular bases those interventions that were proved to be effective in reducing reoffending and promoting desistance. These interventions should be individual based but also family or community oriented. This review and others can suggest a few of such interventions. In the same time, staff would need to be well trained and motivated to use these interventions, showing respect and confidence in the people's ability to change. The revocation practices should be flexible and 'smart' and would rather facilitate compliance than threatening with imprisonment.

This model can be upgraded as the research advances and new dimensions prove to be of relevance for the effectiveness of probation in Europe.

## References

- Ancel, M. (1971) *Suspended Sentence*. London: Heinemann
- Andrews DA, Zinger I, Hoge RD, Bonta J, Gendreau P and Cullen FT (1990) Does correctional treatment work? A clinically relevant and psychologically informed meta-analysis. *Criminology* 28(3): 369–404.
- Andrews, D. A., & Bonta, J. (2010). *The psychology of criminal conduct* (5th ed.). New Providence, NJ: LexisNexis Matthew
- Appleton, C. (2010) *Life after Life Imprisonment*. Oxford University Press
- Austin, J. and Krisberg, B. (1982) 'The Unmet Promise of Alternatives to Incarceration.' *Crime and Delinquency* 28:374-409.
- Barry M (2007) Listening and learning: The reciprocal relationship between worker and client. *Probation* 54(4): 407-422.
- Barton W.H., Butts J.A., "Viable options: intensive supervision programs for juvenile delinquents", *Crime and Delinquency* 36/2 (1990), 238-256
- Bergman G.R., *The evaluation of an experimental program designed to reduce recidivism among second felony criminal offenders*, Wayne State University, Detroit (Mich.), PhD dissertation (77-9368) 1976
- Bewley, H. (2012). The effectiveness of different community order requirements for offenders who received an OASys assessment. Ministry of Justice Research Series 17/12.
- Bottoms, A. (1987) Limiting prison use: experience in England and Wales *The Howard Journal* 26 (3): 177-202.
- Bottoms, A. (2001) 'Compliance with community penalties', in Anthony Bottoms, Loraine Gelsthorpe and Sue Rex (eds) *Community Penalties: Change and Challenges*. Cullompton: Willan.
- Brignell, G. and Poletti, P. (2003), '*Suspended Sentences in New South Wales*', *Sentencing Trends and Issues No. 29*. Sydney: Judicial Commission of New South Wales.
- Brownlee, I.D. and Joanes, D. (1993) Intensive probation for young adult

- offenders. Evaluating the Impact of a Non-Custodial Sentence *British Journal of Criminology* 33(2): 216-230
- Brownlee, I. (1995) 'Intensive probation with young adult offenders', *British Journal of Criminology*, 35(40): 599-612.
- Canton, R. (2011) *Probation. Working with Offenders*. Routledge.
- Curran, J., and Chambers, G. (1982) *Social Enquiry Reports in Scotland*. Edinburgh: HMSO.
- Dowden, C., & Andrews, D. A. (2004) The importance of staff practice in delivering effective correctional treatment: A meta-analytic review of core correctional practice. *International Journal of Offender Therapy and Comparative Criminology*, 48, 203-214
- Dawson, P. and Stanko, B. (2010) *An evaluation of the Diamond Initiative: year one findings*. London: Metropolitan Police Service; London Criminal Justice Partnership.
- Durnescu, I. (2008) An exploration of the purposes and outcomes of probation in European jurisdictions *Probation Journal* 55(3): 273-281.
- Farrall, S. (2002) *Rethinking What Works with Offenders: Social Context, Probation Supervision and Desistance from Crime*. Cullompton: Willan Publishing.
- Farrall, S. (2003) J'accuse: Probation Evaluation-Research Epistemologies : Part Two: This Time its Personal and Social Factors, *Criminal Justice* 3(3): 249-268
- Gelsthorpe, L. and Raynor, P. (1995) 'Quality and Effectiveness in Probation Officers' Reports to Sentencers' *British Journal of Crimonology* 35(2): 188-200
- Gendreau P and Ross B, (1979) Effective Correctional Treatment: Bibliotherapy for Cynics, *Crime and Delinquency*, 463-489
- Hankinson, I., Prietley, P. (2010) Diversity and effectiveness in probation: The One-to-One programme in West Mercia *Probation Journal* 57(4): 383-399
- Hedderman, C. (1998) 'A critical assessment of probation research', *Home Office Research Bulletin*, 39. London: Home Office.
- Hine,J., McWilliams, W., and Pease, K. (1978) 'Recommendations, Social Information and Sentencing', *Howard Journal of Criminal Justice*, 17: 91-100.
- Hesener, Bernhard (1986). *Die Arbeitsbeziehung Bewährungshelfer – Proband: eine Evalu- ationsstudie*. Köln: Heymann.
- Jamieson, J., Mclvor, G. and Murray, C. (1999) *Understanding Offending Among Young People*, Edinburgh: The Stationery Office.
- Killias M., Aebi M., Ribeaud D. (2000) Does community service rehabilitate better than shorter-term imprisonment ? : Results of a controlled experiment, *Howard Journal of Criminal Justice* 39/1: 40-57
- Killias, M. and Villetaz, P. (2008) The effects of custodial vs non-custodial sanctions on reoffending: Lessons from a systematic review *Psicothema*, 20(1), 29-34
- Leonardi, F. (2007) The measures alternative to detention between social reinsertion and the knocking down of recidivism, in *Rassegna Penitenziaria e Criminologica*, vol. 2: 7-26
- Lai (2013) *Does Supervision after Release from Prison Reduce Re-offending?*, London, Ministry of Justice: <https://www.gov.uk/government/publications/does-supervision-after->

- release-from-prison-reduce-re-offending- analytical-summary
- Lewis, S., M. Maguire, P. Raynor, M. Vanstone and J. Vennard (2003) *The Resettlement of Short-Term Prisoners: An Evaluation of Seven Pathfinder Programmes*. Research Findings 200. London: Home Office.
- Liebling, A.; assisted by Arnold, H. (2004) *Prisons and their Moral Performance: A Study of Values, Quality and Prison Life*, Oxford: Clarendon Studies in Criminology, Oxford University Press
- Leibrich, J. (1993). *Straight to the point: angles on giving up crime*. Dunedin: University of Otago Press.
- Lipsey M. W. (1991) 'Juvenile Delinquency Treatment: A Meta-analytic Inquiry into the Variability of Effects', in *Meta-Analysis for Explanation*, Russell Sage Foundation, California
- Lipsey, M. (1999), 'Can rehabilitative programs reduce the recidivism of juvenile offenders? An inquiry into the effectiveness of practical programs', *Virginia Journal of Social Policy and the Law*, 6: 611–41.
- Losel, F.A., Koehler, J.A., Hamilton, L., Humphrey, D.K. and Akoensi, T. D. (2011) *Strengthening Transnational Approaches to Reducing Reoffending. Final Report*.
- Maguire, M. and Raynor, P. (2006) How the resettlement of prisoners promotes desistance from crime: Or does it? *Criminology and Criminal Justice* 6(1): 19-38
- Martinson R, Lipton D, Wilks J, (1975) *The Effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies*, Praeger Publishers, New York
- Merrington, S. and Hine, J. (2001) *A handbook for evaluating probation work with offenders*. Home Office.
- McCulloch, P. (2005) 'Probation, social context and desistance: retracing the relationship', *Probation Journal*, 52(1): 8-22.
- McCulloch, P. (2013) Giving compliance back: re-analyzing the debate *EuroVista* 2(7): 27-30
- Ministry of Justice. (2011) *Compendium of reoffending statistics and analysis*. London, England
- Ministry of Justice (2012) *Multi-Agency Public Protection Arrangements. Annual Report 2011/2012*. Statistics Bulletin.
- Oatham, E. and Simon, F. (1972)'Are suspended sentences working?', *New Society*, 233-5.
- Padfield, N. (2012a) Editorial. *European Journal of Probation* 4(1): 1-5
- Padfield, N. (2012b) Recalling conditionally released prisoners in England and Wales. *European Journal of Probation* 4(1): 34-45
- Palmer T (1992) *The Re-Emergence of Correctional Intervention*, Sage Publications, New York
- Phelps, M. (2013) The paradox of probation: community supervision in the age of mass incarceration *Law and Policy* 35 (1-2): 51-80.
- Raynor, P. (2012) Community penalties, probation, and Offender Management in Maguire, M., Morgan, R. and Reiner, R. (eds) *The Oxford Handbook of Criminology* Oxford University Press.
- Raynor, P., Ugwu-dike, P. and Vanstone, M. (2013) The impact of skills in probation work: A reconviction study *Criminology and Criminal Justice*: 1-15.
- Redondo S, Sánchez-Meca J, and Garrido V (1999) The influence of treatment

- programmes on the recidivism of juvenile and adult offenders: An European meta-analytic Review. *Psychology, Crime and Law* 5(3): 251-278.
- Rex, S. (1999) 'Desistance from Offending: Experiences of Probation', *Howard Journal of Criminal Justice*, 36(4): 366-383.
- Robinson, G. and McNeill, F. (2004) 'Purposes matter: examining the 'ends' of probation practice', in G. Mair (Ed.) *What matters in probation*. Cullompton, Devon: Willan.
- Robinson, G. and McNeill, F. (2008) Exploring the dynamics of compliance with community penalties. *Theoretical Criminology* 12(4): 431-449.
- Rozum, J., Kotulan, P. and Tomasek, J. (2008) *Effectiveness of supervision of persons conditionally released* Available at: <http://www.ok.cz/iksp/en/docs/s348.pdf> (accessed on 20th of November 2013)
- Sampson, R.J. (2010) Gold Standards Myths: Observations on the Experimental Turn in Quantitative Criminology. *Journal of Quantitative Criminology* 26: 489-500
- Schneider A.L. (1986) Restitution and recidivism rates of juvenile offenders: results from four experimental studies, *Criminology* 24/3: 533-552
- Shapland, J. (1995) What is criminal justice? Implications of the resource audit Paper to Home Office Research and Planning Unit Seminar 24 May 1995
- Shapland, J., Bottoms, A., Farrall, S., McNeill, F., Priede, C. and Robinson, G. (2012) *The quality of probation supervision. A literature review*. Center for criminological research University of Sheffield and University of Glasgow.
- Seppala, T.L. (2004) Reducing the prison population: long term experiences from Finland in *Crime and Policy in Europe*, Council of Europe Publishing.
- Smith P., Goggin C., Gendreau P. (2002), *Effets de l'incarcération et des sanctions intermédiaires sur la récidive: effets généraux et différences individuelles*, Ottawa : Solicitor General of Canada.
- Sobottka, Jürgen (1990). *Die soziale Arbeit des Bewährungshelfers im Spiegelbild seiner Kontakte zu Klienten und an dem Betreuungsverlauf beteiligten Personen und Institutionen: eine deskriptiv-statistische Untersuchung bei der hauptamtlichen Bewährungshilfe für Er- wachsende in Hamburg*. Bonn: Forum.
- Stanley, S., and Murphy, S. (1984), *Inner London Probation Service: Survey of Social Enquiry Reports*. London: Inner London Probation Service.
- Tait D 1995. The invisible sanction: suspended sentences in Victoria 1985–1991. *Australian and New Zealand journal of criminology* 28: 143–162
- Tata, C., Burns, N., Halliday, S., Hutton, N. and McNeill, F. (2008) Assisting and advising the sentencing decision process *British Journal of Criminology* 48: 835-855.
- Tonry, M. and Lynch, M. (1996) Intermediate Sanctions. *Crime and Justice*, 20: 99–144.
- Tournier, P.V. (2005) Peines d'emprisonnement ou peines alternatives : quelle récidive ? *Actualité juridique. Pénal*, Les Editions Dalloz, (9), 315-317.
- Trotter C J, (1990) Probation Can Work, A Research Study Using Volunteers, *Australian Journal Of Social Work* 43(2): 13-18
- Whitehead J T, Lab S P, (1989) A Meta-analysis of Juvenile Correctional Treatment, *Journal of Research in Crime and Delinquency*, 26(3): 276-295.

- Van der Werff C.(1979) *Speciale Preventie*, Den Haag (NL): WODC.
- Van Kalmhout, A. and Durnescu, I (2008) 'European probation service systems: a comparative overview', in *Probation in Europe*. Nijmegen: Wolf
- Villacampa, C.E., Rosell, N.T. and Reina, M.E.L. (2006) *Le reincidencia en les penes alternatives a la preso a Catalunya* Available at: <http://www20.gencat.cat/portal/site/Justicia/menuitem.6a30b1b2421bb1b6bd6b6410b0c0e1a0/?vgnnextoid=58dda11c6f203110VgnVCM1000008d0c1e0aRCRD&vgnnextchannel=58dda11c6f203110VgnVCM1000008d0c1e0aRCRD&vgnnextfmt=default>
- Villetaz, P., Killias, M., & Zoder, I. (2006). *The effects of custodial vs. non-custodial sanctions on re-offending. A systematic review of the state of knowledge*, Campbell Collaboration Crime and Justice Group
- Zwemmer, J. (2008) *The prison gate office Veenhuizen, final evaluation 2006-2007* Available on:<http://www.narcis.nl/research/RecordID/OND1331344>

Jurisprudence:

- R . v. Secretary of State for Home Department, 2010, UKSC 17 Available at: [http://www.supremecourt.gov.uk/decided-cases/docs/UKSC\\_2009\\_0144\\_Judgment.pdf](http://www.supremecourt.gov.uk/decided-cases/docs/UKSC_2009_0144_Judgment.pdf)