



Making Change Happen – Probation in the Criminal Justice system

Winston Churchill said; “To improve is to change. To be perfect is to have changed a lot”. Over the last decade Northern Ireland has changed beyond recognition. We have in place a locally elected government - local politicians making decisions on a range of issues. We have, despite the economic recession made significant progress in attracting investment to these shores. Our cities and towns are now home to many who have come from Europe, and beyond to find a better life. There has been much change but it is not perfect.

Our criminal justice system has also undergone fundamental change over the last 10 years. The Criminal Justice Review which was published in 2000 made 294 recommendations including the establishment of: the Northern Ireland Judicial Appointments Commission, the Criminal Justice Inspection Northern Ireland, and the Public Prosecution Service. It also looked at the development of a new partnership based approach to community safety. The aim of the reforms was to ensure the Criminal Justice System was responsive, transparent and fully accountable. There has been much change but it is not perfect.

The theme of today’s conference is ‘making change happen’. Radical changes have taken place throughout the political, economic and social landscape and there have been wide-ranging changes within the criminal justice system itself. However the system is by no means perfect.

Too often the news agenda is dominated by stories of families who feel let down by the criminal justice system. Whether that is because a victim or their family believes that the perpetrator received a sentence that was too lenient, or that the victim’s rights were deemed to be less important than the perpetrators. There are many reasons why people feel justice is not always done. As leaders of criminal justice organisations we have a responsibility to do all we can to build public confidence and ensure people are not only safer but also feel safer and to make the



system as near to perfect as we can.

In order to make change happen we need to begin with the end in mind and think about the type of system we want here. Is it a system where there are more people in prison or less people in prison? Is it a system where there is faster justice or quality justice? Should we be concentrating time and effort on achieving targets or should our focus be on meaningful outcomes that increase confidence?

When we know what we want to achieve and have an idea of what success looks like, it becomes easier to identify the changes that need to take place to bring us to that point.

Over the next 10 minutes I want to look at the changes that have taken place within my own organisation - the Probation Board for Northern Ireland and describe how those changes have helped improve the service we deliver. I will then outline the changes that need to occur within PBNI over the coming months and years to ensure that we are able to contribute to increasing public confidence and making communities safer.

There is a clear need for us to have a vision for change within the criminal justice system and I will also touch on what I believe that vision should look like and what changes need to be effected to help achieve that vision.

Change that has taken place within PBNI

PBNI is a non-departmental public body. It is answerable through an independent board, to the Secretary of State. Probation has existed as a public service for more than 100 years and has been provided in Northern Ireland through the current arrangement since 1982. Although the Criminal Justice Review suggested that probation should become – again – part of the NIO/Justice Department ‘if it ain’t broke don’t fix it’ might be a more sensible approach.

Our core business is risk assessment and the management of offenders. We do that



at three stages. At the initial phase we prepare over 6,000 assessments and pre-sentence reports for the courts to assist with sentencing. Secondly, we work with those who are currently serving sentences in prison. Alongside colleagues in the Northern Ireland Prison Service we deliver work plans so that prisoners are challenged to address the issues that cause them to be in prison in the first place and we work in partnership with other agencies to prevent them re-offending when they leave prison. The third stage of our work centres on supervising offenders released from prison and those subject to community sentences. Currently the Board is supervising 4,400 offenders – 3,600 in the community and 800 in custody. Of those 25% have a high likelihood of re-offending and 43% a medium likelihood.

While, in financial terms we are one of the smallest organisations in the criminal justice family, with only 1.5% of the overall budget, the introduction of the Criminal Justice (NI) Order 2008 has placed us at the heart of the arrangements for managing offenders. We are now supervising the greater number of offenders in the community. Our challenge to the future Department of Justice is to ensure that the appropriate funding matches responsibility and visible delivery.

The new legislation has had a significant impact on the role of probation and how probation officers carry out their job. It means that PBNI will now supervise anyone who receives a sentence of twelve months or more when they are released from custody into the community. Other powers in the legislation relate to the management of offenders in the community by way of electronic monitoring and strengthening the public protection arrangements which PBNI is part of.

To deal with these increased responsibilities we recruited additional staff throughout the last year to support those delivering front line services. We now have 423 staff in place of which 275 are providing frontline delivery of services to offenders. I want to acknowledge the tremendous interest and volume of applicants from members of the public. While the criminal justice system may have its critics there are plenty of people willing to step up and be part of criminal justice organisations. We have also embarked upon a restructuring of the organisation



beginning with our senior management structure to ensure that we are fit for purpose.

As the organisation grows and the business expands, I also believe the potential increases to use probation experience and expertise more effectively to prevent reoffending and divert those who may be at risk of offending away from that path.

PBNI has over the last 40 years been in the unique position of being able to work directly in all communities in Northern Ireland. I often say our role is to work 'in, with and through communities'. What that means in practical terms is being able to go to offenders' homes in whatever part of the community they reside and assess them in their own surroundings and verify – not see – verify at first hand the environment they live in and their relationships with others. It is that first hand experience that enables us to make thorough assessments of risk. While that might seem very obvious, it is not always the experience of other probation services in GB to work in all parts of the community to the same extent that PBNI has been able to.

The very fact that our Board which provides strategic leadership to the organisation is made up of people from across the community highlights the fact that community engagement is central to what we do. Our presence in every provincial town, our delivery service in every locality and our financial support to voluntary and community partners are a clear statement of our intent for the future to be a public service rather than part of a system – to be open, transparent and accountable.

The programmes provided by PBNI for offenders being supervised in the community are robust and challenging. I mean by that, that they are delivered to clear standards and service requirements and in accordance with best practice principles of what works. The Probation Board now has the capacity to deliver a wide range of programmes tackling violent behaviour including specific programmes for those who perpetrate domestic violence and sexual offences. We have now developed specific programmes for those who use the Internet to perpetrate abuse and following a number of cases where young men carried out



some of the most horrific and serious sexual offences, we have worked with colleagues in the Prison Service to develop a programme targeted at young male sex offenders.

And, most importantly, the evidence shows that the programmes we provide work. The Impact programme which was designed to deal with those involved in car crime was evaluated and almost three-quarters of the participants examined were not convicted of any car crime offences in the 12 month period after the completion of the programme. A sample of men who completed the domestic abuse programme indicated that 84% of those who completed did not appear before the court within 2 years of attending the programme

The evidence is clear – those who receive community supervision on release from custody are less likely to re-offend. Research published in 2008 shows that the 2 year reconviction rate for those with community probation orders was 43% in comparison to 49% for those with no post release supervision.

Another sentence which PBNI has responsibility for supervising is community service. Each year, offenders deliver an average of 100,000 hours of unpaid work to the community in Northern Ireland through community service sentences. Offenders work on environmental and conservation projects, painting and decorating, gardening and home maintenance. The community service sentence enables offenders to pay back the community for their wrong doing. It is a visible and practical way of ensuring offenders give something back. It benefits the offenders in that it helps them integrate back into the community and helps them develop skills they can put to use and most importantly prevents them re-offending. 3 out of 4 people who complete community service are not reconvicted in two years. The reconviction statistics show community service is the most successful community sentence we currently operate.

It is clear PBNI is central to offender management and has an important role to play in keeping communities safer. However I believe there is more that we as an



organisation can do to contribute to community safety.

Making change happen within PBNI

A recent Omnibus Survey asked about the public's awareness of what PBNI does and how effective it believed we were in supervising offenders. That survey highlighted some interesting facts. It is clear is that, as an organisation, we have much more to do to build confidence in our ability to supervise offenders. We need to explain to people that we are effective in managing offenders and that are programmes are robust and challenging. It doesn't help, of course, when newspaper headlines decry 'drunk driver freed on probation' or ' man walks free on probation'. These headlines perpetuate the myth that probation is some kind of soft option or easy ride. It is not. I fully accept that it is our responsibility to explain accurately and honestly to the public that we are effective in managing and supervising offenders in the community.

The same survey makes clear we have much to do to reassure communities that the views of victims are central to our work. Probation officers carry out their job in an attempt to prevent people becoming victims of crime. In a very practical way we listen to the views of victims through our victims unit. Established in 2005, the unit is responsible for managing the Victim Information Scheme which provides information to victims about what it means when someone is sentenced to an Order which requires supervision by the Probation Board. Approximately 60% of those who have used the Victim Information Scheme have provided feedback and 94% were very satisfied/satisfied with their contact with the Scheme.

However, I believe there is more we could do to ensure that victims play a more central role in supervision of offenders. For example, I believe that when someone is sentenced to community supervision we should be taking the views of victims into consideration in determining the type of work the offender undertakes.

We are running a number of restorative justice pilots throughout Northern Ireland and we have trained staff to work on restorative justice techniques. However I think there is much more we can do to ensure victims' voices are heard and that they are



able, in the right circumstances, to make clear to the offender the impact the crime has had on their life.

I also believe there is more we could do to enhance community engagement with PBNI. I outlined earlier that we worked 'in, with and through the community' and the participation of our Board drawn from across the community. However we are also members of community safety partnerships throughout Northern Ireland. We would view the reduction in the number of council areas, and thereby the number of Community Safety Partnerships (CSPs) and potentially District Policing Partnerships (DPPs) as an opportunity to bring an increased strategic focus and expertise to this participation. We believe there is a need for strong partnerships to work to tackle anti social behaviour and prevent and divert those at risk people away from crime. Probation would happily step up to the mark to play their role in those new arrangements.

Changes within the criminal justice system

This New Year is an opportune time to consider the changes that need to be implemented within the criminal justice system as a whole. At this point as we look forward (hopefully) to devolution of policing and justice we have a real opportunity to shape the future of criminal justice within Northern Ireland. Now is the time to have an open and honest dialogue about the change that is needed and the system we want to create.

Vision for criminal justice

In my view there is a need for the criminal justice board and leaders within criminal justice organisations including myself as Director of Probation, to define their vision for the future. I do not have all the answers - in fact I'm not sure I even know all the questions let alone any of the answers. But what I do believe is that we need a system where the victims needs are properly recognised by all agencies and organisations. I believe we need a system where the victims voice is not only heard but where their views are reflected in sentences imposed upon the offender. It is also important that we make justice visible - and by that I do not mean we have



offenders wearing yellow bibs carrying out community service but rather than we raise awareness and take time to communicate with the public about the work we carry out. We need a system where resources are directed at preventing and diverting people from crime as well as towards investigating crime and dealing with adjudicated offenders. There is also a need for clarity as to whether the Criminal Justice Board continues to operate as a voluntary coalition or is mandated with more powers to effect and deliver changes in Criminal Justice. I also believe there is a need for a criminal justice system that is truly joined up and able to share resources if and when is necessary. Where this can be out of the same building – all the better. I believe this is the type of system that will help build public confidence and make communities feel safer.

Some of the changes that need to occur to achieve that vision include: having a more joined up approach to dealing with offending through the development of a offender management strategy; a policy shift away from sending people to prison for less than 6 months; and instead have them managed and supervised through tough community sentences and streamlined funding for organisations working with offenders.

I will now look at some of those issues in more detail.

More joined up approach across government

Many of those who offend can have physical and mental health problems, low levels of literacy and numeracy, poor employment prospects, housing needs and difficulties in sustaining personal relationships and behavioural problems. It is necessary to address all of these factors which impact upon offending in a 'Northern Ireland Offender Management Strategy'. There is a need for a joined up approach right across government departments particularly across the department of health, department of education, department of employment & learning, department of social development and department of justice when it is established.

Community supervision instead of short prison sentences

Those who commit serious offences must be imprisoned. However short prison



sentences may have the worst outcome in terms of preventing re-offending. The Scottish Prison Commission reporting in 2008 found that imprisonment for short sentences (under 6 months) can do little or nothing in that time to reduce the likelihood of offending. Instead by breaking positive ties and building negative ones, the very experience of imprisonment can do a great deal to increase reoffending. The Commission found that short sentences are not a solution to the problem of persistent offending; rather they can be a cause of it. Statistics show that rather than imposing a short prison sentence on an offender supervising an offender in the community is more likely to reduce re-offending.

Sentencing Practice

PBNI would advocate that sentencing guidelines and clarity about sentencing options be made more available to the public.

Streamline funding for work with offenders

There are currently a range of funding streams of voluntary and community groups working with offenders. PBNI believes there should be streamlined funding for third sector and less focus on outputs and more focus on outcomes. Funding this work used to constitute a third of PBNI budget but has fallen victim to resource constraints. If we are serious about working with the community to reduce offending and reoffending we must increase this area of spending significantly.

Increased sharing of expertise

Northern Ireland unlike England and Wales has one police service, one probation service, one prison service, one court service and one Public Prosecution Service. In looking at future policy it is important to learn from the experience of others and it is clear to PBNI that the experience of NOMS (National Offender Management Service) is not a system that needs to be replicated in Northern Ireland. However PBNI believe that there is a need to maximize resource effectiveness and there should be a greater sharing of experience, through increased secondments, exchanges and research within the criminal justice system.



I think these changes will go a long way towards building an effective and efficient criminal justice system and one that can command the confidence of all communities.

Conclusion

The onus lies on everyone within this room to create the conditions for change to occur. There is also a responsibility on public representatives, media and those of us working in community safety and public protection to explain accurately to the public what works in cutting crime and preventing people becoming victims of crime. It is too easy to say all offenders should be locked up. We know that isn't always the best way of protecting communities and preventing re-offending. But we must demonstrate to the public there are other and indeed more effective ways of preventing offending. We have a real opportunity at this time to identify the change that needs to take place. I look forward to working with everyone in this room and all communities to make that change happen.