

CEP STATEMENT ON PROBATION VALUES AND PRINCIPLES

Explanatory note:

The General Assembly of CEP asked the CEP Board to articulate a collective vision and set of basic values that would be shared by all members. This statement aims to set out the vision and values of CEP and is presented for debate at the 2010 General Assembly for adoption.

We believe that this statement will be useful for our work in the European Union and with the Council of Europe. New and developing probation services may also find it helpful.

We are grateful for comments from Professor Rob Canton on this paper, from his position as an advisor to the Council for Penological Co-operation, Council of Europe on the new Probation Rules for Europe. We have aimed for consistency with these rules and other guidance from the Council.

Extensive consultation has taken place with members, who gave thoughtful and valuable feedback and the board has formally discussed drafts of this paper on two occasions. We have tried to find the common ground between European Probation Services, reflecting the core elements which bind us together.

Introduction

Probation works with offenders in the community to protect the public and to reduce offending. The Probation Services across Europe work with offenders in the community, on court orders, through community sanctions and measures, or on release from custody. Probation work has its roots in voluntary and religious organisations working with offenders over two hundred years ago. It is now a major force within the criminal justice system, offering a range of community-based options to the courts, with skilled and professional staff. It also supports and seeks to rehabilitate and resettle those from penal institutions who are being reintegrated back into the community. Probation agencies are distinguished by their emphasis on assistance, guidance and persuasion in working with offenders.

Society has a duty to protect the vulnerable, including those who may be victims of crime. In some jurisdictions, probation agencies offer services to victims of crime. Probation staff members work with people who are in the main from the most disadvantaged and socially excluded groups in society, who themselves have frequently been victims of crime as well as perpetrators. Some of them pose a significant risk to themselves and to others which must be managed very carefully in the community. However we believe that in principle people are able to change their behaviour and take responsibility for their actions. Probation gives them that chance to change. The harm caused by offenders to victims and communities should be acknowledged by them and further harm reduced by effective sanctions. Offenders are encouraged to make reparation for this harm.

Probation stands for the following beliefs and values:

1. Probation works towards rehabilitation through working with offenders to help and encourage them to lead law-abiding lives. This includes creating opportunities for offenders, helping them to acquire the skills they need to make good use of these opportunities and motivating them to do so.
2. Probation services play an essential role in contributing to a reduction in the prison population. Community sanctions and measures are appropriate for many people who are now in prison or remand centres and in many cases community intervention would be both fairer and more effective.
3. Social inclusion is a requirement of social justice and a key guiding principle in probation practice. Since people who do not have fair and reasonable access to the services and institutions of civil society (social exclusion) are more likely to offend, probation's commitment to social inclusion also helps to reduce offending. Motivation, the opportunity to make reparation and positive citizenship experiences for offenders can achieve better results than simply punishment and blame alone.
4. Probation services must work in close partnership with the agencies of civil society and individual volunteers, to increase offenders' social inclusion. Co-ordinated and complementary inter-agency work is required for meeting the complex needs of offenders.
5. Each person is unique and their differences are to be respected and valued. Probation services shall ensure that in all their work they respect the diversity of those who use their services and challenge all unfair discrimination. To ensure that everyone is dealt with well and fairly, services must take full account of individual circumstances and needs.
6. All probation practices must respect the interests and rights of victims of crime, as well as working with offenders to make them aware of the harm that they have caused. Offenders should be held accountable for the hurt they have caused victims and their families through the sentences of the court. Probation services should develop and support development of restorative justice programs and elements in their judicial practice.
7. Some offenders pose significant risks to the public, but this risk can often be managed and reduced through co-coordinated inter-agency public protection arrangements. Although probation and the police often lead these arrangements, for effectiveness they must be able to call on the skills and willing commitment of a range of relevant agencies.
8. One important measure of society is how offenders are treated. Since sanctions administered by probation services are imposed as a consequence of an offence, they constitute a form of penalty and involve a limitation of the rights of offenders. Any restrictions on offenders' rights must be justifiable either as a retributive penalty or as a requirement of public protection. In accordance with the European Convention on Human Rights, restrictions on offenders' rights must not exceed what is proportionate to the seriousness of the offence or what is necessary to protect the public from a real risk of substantial harm. The concept of proportionality should also extend to mandatory conditions of community

- sanctions and measures and to interventions through specific work programmes to effect change.
9. Probation aims to be a reliable and credible sanction in the eyes of the judiciary and the public. The aspects of control which are built into community sanctions and measures are therefore an important visible demonstration of the consequences of the offence. Supervision should aim to combine assistance and control, appropriate to the individual case and risk profile. Probation can build on the positive aspects, aspirations and strengths of individuals who have offended. Research suggests that building on strengths is particularly effective in achieving desistance.
 10. Where probation works with defendants before conviction, any intervention must take place with their consent and shall be without prejudice to their right to be presumed innocent. Probation staff need to ensure that there are no conflicts of interest which may affect any subsequent court proceedings.
 11. High quality assessments and advice to the judiciary are central to effective interventions with offenders. These assessments must be objective and not meant to serve as mitigation documents. Their prime purpose is to inform the judiciary and accurately offer a professional opinion of the offender.
 12. National law shall specify the agencies that provide probation and aftercare to offenders, their duties and responsibilities and their relationship with the authorities and other agencies.
 13. Work with offenders by probation services should involve research-based methods which have demonstrated effectiveness. Probation Services have a professional duty to contribute to the advancement and dissemination of knowledge about the delivery and effectiveness of the services they administer. The delivery of effective services is supported by being carried well qualified and appropriately skilled staff to carry out probation work.
 14. Probation agencies shall be accountable to, and take instruction from, the appropriate authorities and shall be subject to monitoring and inspection. In specific cases, they shall give account to the judiciary or other criminal justice agencies under whose authority they undertake their work.
 15. Probation services shall be accorded an appropriate standing as one of the main criminal justice agencies, with due recognition of their expertise, and shall be adequately resourced. Probation staff members need to be well trained, developed and supported to achieve successful outcomes.
 16. Probation agencies shall explain their work and its significance to the public, to criminal justice and to other agencies. Their policies and practices must be open and must command the confidence and trust of the community. They should be willing to continuously improve.
 17. Users of the services of probation must have access to a clear and impartial procedure for investigating any complaints.
 18. Probation agencies throughout Europe and wider afield should seek both to work collaboratively and wherever possible to support legislation and practice that achieves this aim.