

Chapter 15

Ireland

David O'Donovan

1 HISTORICAL DEVELOPMENT OF THE PROBATION SERVICE SYSTEM

1 Historical development of the probation service system

1.1 The start of probation in Ireland

In common with other European countries, Ireland has a strong tradition of charitable support and assistance to less fortunate members of the community. In the second half of the nineteenth and early twentieth centuries, government became more and more involved in regulating and structuring social services, making them more widely and routinely available in particular circumstances. Under the Criminal Justice (Administration) Act 1914, religious and philanthropic groups applied successfully to be “recognised societies”, who assisted the courts by acting as probation workers in a voluntary capacity. They received small grants for indigent relief and were encouraged by successive Ministers for Justice to see themselves as working in partnership with the State. Their activities continued until 1972. Meanwhile, the Probation of Offenders Act 1907 also applied to Ireland, but only one full time probation officer was operating in Dublin at the foundation of the State (1922). Over successive decades, the number slowly increased (but none outside Dublin) yet was still in single figures by the mid 1960s. An internal report prepared for the Ministry proposed that the potential of probation be recognised, and that the numbers of full-time officers be substantially increased. This recommendation was accepted and a nationwide Service was gradually put in place from 1971 onwards. Now, thirty six years later, there are almost 500 staff employed in the Service, every Court exercising criminal jurisdiction (including higher courts) has probation reports and supervision available to it, and teams of officers operate from local, easily accessible, offices so making probation part of the fabric of the community. It is noteworthy that this expansion continued throughout the thirty years when the concern of government and public alike was focused on combating the activities of subversive organisations and the overspill from the ‘Troubles’ in Northern Ireland.

1.2 Important developments

The major areas of work at the end of the 1960s were the implementation of probation orders made by courts and the supervision of prisoners granted conditional release. In the 1970s, judges started requesting pre-sanction reports and began to appreciate the valuable assistance they gave in deciding on the appropriate penalty. So demand for them and reliance upon them grew exponentially, from just 150 per annum in 1979 to almost 7,000 in 2006. This brought into focus an increasing challenge to put together programmes for offenders on supervision that would maintain them in the community without any further crime and that began to address often deep seated patterns of criminogenic behaviour. Effective co-ordination with other services remains a pre-requisite, plus referral to specialist facilities where appropriate and available. The first residence for homeless offenders was opened in 1969, and was joined

over the following decades by a range of projects targeted at offenders, alongside arrangements agreed with mainstream voluntary organisations to accept referrals of offenders with alcohol or drug dependency, sexual dysfunction or with deficient social skills.

In 1980, the Service was organised on a regional basis and titled the 'Probation and Welfare Service'. New legislation on Misuse of Drugs gave probation a statutory role in providing reports and supervision for addicted offenders, and 1985 saw the commencement of Community Service Orders, the implementation of which is overseen by Probation Officers. A report on the operation of the Criminal Justice System in Ireland in 1984 and another on the Prison System in 1988 both pointed to the importance of the probation role and argued for greater attention to its development. A policy document from the Ministry in 1994 on the Management of Officers proposed to expand the Service and implement the European Rules on Community Sanctions and Measures. It was followed by a discussion document on the entire Criminal Justice System "Tackling Crime" in 1997 which saw probation making a more significant contribution and described the Service as a primary area for additional resources. The Minister then set up an Expert Group on the future of the Service in November 1997 and it reported finally in 1999. Two years later, the Children Act gave a central role to the Service in preparing reports and implementing community sanctions for juvenile offenders, while the Sex Offenders Act introduced assessment of and post custody supervision of sex offenders. Also in 2001, the Comptroller and Auditor General initiated a value for money audit of the Service, which report was released in 2004. This all culminated in June 2006, when the Minister formally re-branded the Probation Service ('Welfare' dropped from the title) with a new logo, new strategic direction, new management structure, and an explicit acknowledgement that probation was an integral part of the criminal justice 'family'.

1.3 Probation activities in a nutshell

In Ireland, delivery of probation interventions is an exclusively public sector role, so is fully exchequer funded, with the Service as the national agency for this work, separate from the Prisons Service. In many ways it has come of age as a public sector body, with its own corporate identity, its own management and career structure, and its own Training and Development Unit, Finance Unit, Corporate Affairs and HRM sections, delivering services through a network of national, regional and local offices. It interlinks with the other agencies in the Irish Criminal Justice System and over the years its focus has broadened from simply offering support and assistance to offenders to reducing re-offending and enhancing public protection through changing criminogenic behaviour patterns, facilitating desistance to further crime. This change of approach has come about not just by domestic developments in combating crime but also by learning from and contributing to debate within Europe on the future of probation. In particular, mutual co-operation with the Probation Board for Northern Ireland has resulted in joint management meetings, agreed protocols on co-ordination of services, participation in all-Ireland bodies such as the Public Protection Advisory Group and the annual production of the Irish Probation Journal,

produced by a Joint Editorial Committee. An E.U. funded project also brought together a network of probation staff and criminal justice experts from both jurisdictions on the island. Over the last half century therefore, probation has changed, matured and established its place in Irish society. It faces an interesting, challenging but promising future.

2 LEGISLATIVE BASIS AND MISSION

2.1 Legislative basis

In Ireland the age of criminal responsibility is twelve years, apart from very serious offences where it is set at ten years. The Probation Service therefore can deal with offenders aged ten and upwards but very few under fourteens are referred by courts. If under eighteen years of age defendants come before the Children Court. A specific division of the Service has been created for staff specialising in young offenders, Young Persons Probation (YPP). All criminal offences tried before Irish courts may result in the preparation of a Probation report or an Order that the offender be under supervision by the Service for a period, except where the penalty is mandatory (e.g. for murder). In practice however, courts rarely refer to probation when dealing with minor breaches of regulations on the one hand (e.g. cycling without a light), or very serious offences on the other (e.g. armed robbery, hostage-taking). The functions and procedures of probation are detailed in the legislation governing that penalty, e.g. Community Service Orders, but there is no legislation establishing and governing the Service as a distinct corporate body in law.

2.2 Mission and mission statement

The aim of the Probation Service is to work towards safer communities, through respect, accountability, restoration and social inclusion. Strategic objectives are linked to the core areas of work in the following diagram.

Strategic Objectives

- to assist courts in sentencing decisions by presenting pre-sanction reports that explore what is needed to prevent re-offending and that specify what community based programmes could be put in place to this end;
- to design, provide and promote a range of effective supervision programmes that will challenge and motivate offenders to change their attitudes and behaviour, to understand and accept their responsibilities, and

Core area of work

- preparation of pre-sanction reports requested by courts on persons guilty of criminal offences;
- assessment of risk using internationally validated assessment instruments;
- development of programmes custom-designed for offenders that address the identified criminogenic factors and utilise the available community based projects and services;
- supervision of offenders on

- to avail of the support and specialised expertise made available;
 - to work efficiently with offenders given the chance to remain in the community under supervision, using flexible teams of staff based in local offices that deliver a range of services and enjoy a high profile in the community;
 - to deliver multi-faceted interventions in co-ordination with other agencies, to specific targeted categories, in particular
 - young offenders
 - sexual offenders
 - dangerous and high risk offenders;
 - to make offenders conscious of the consequences of their crime for others committing them to undertake reparation to their victims and to the community;
 - to prepare those in custody for their return to the community by focussing their attention on their criminal history and other social handicaps, plus making arrangements for follow through intervention after release;
 - to involve significant community interests, non-governmental organisations, business and local residents in planning and managing facilities for more effective intervention with disadvantaged offenders;
 - to organise review and appraisal of probation operations;
 - to communicate information on current functioning and new advances in community sanctions and measures, internationally and domestically.
- Court Orders or on temporary release from custody;
 - development of a network of local offices and projects, expanding probation's footprint and strengthening links with statutory and voluntary bodies;
 - implementation of the Children Act, 2001, growing the YPP division to address lifestyle issues with young offenders, encouraging them to acquire marketable skills and desist from drifting into further crime;
 - Implementation of the Sex Offenders Act 2001, assessing their potential for harm and putting appropriate programs in place for higher risk offenders;
 - implementation of the Community Service Orders legislation;
 - sponsoring restorative justice initiatives;
 - work with offenders serving custodial sentences or in detention;
 - developing and making effective use of probation projects and other community organisations;
 - commissioning programme evaluation and research studies, contributing to sectoral analysis of criminal justice and social inclusion programmes;
 - publication of annual report, co-operation with study visits, provision of advice on European probation developments and legislation;

2.2.1 Priorities

Public bodies in Ireland are required to prepare revised Strategy Statements and Business Plans at stated intervals. The Probation Service does so every three years agreeing with the Ministry its priorities and targets for the coming triennium. These specify the contribution that the Service will make to achieve the objectives set in the Programme for Government and the National Development Plan. Particular attention is paid to targeted categories where the public interest in combating crime is high e.g. initiating and entrenching systematic work with young delinquents (YPP) and programmes for high risk offenders. An essential ingredient in rolling out these initiatives as planned is an appropriate response from other stakeholders, so the Service engages in ongoing dialogue with courts, prison administration, the management of other agencies and officials from the Ministry, to enlist their co-operation. Procedures are reviewed and arrangements agreed, with amendments made as necessary in the light of experience. Service management assesses the progress made and difficulties encountered from time to time, taking what action is open to them so that target achievement is maximised.

2.3 Crime prevention

The strategic focus of the Probation Service is on the prevention of further offending by those found guilty of criminal acts and placed on supervision in the community or who are on supervision post a custodial sentence (tertiary prevention). Experience shows however that many offenders have younger (sometimes older) siblings who are very much at risk of following in their footsteps, and Probation Officers address these issues when working with families of offenders. Service staff are also aware that offending activity is often a group activity, shared with others in a culture of anti-social activity and alienated from wider social values. Representatives from the Service participate in local social action partnerships designed to address wider problems in disadvantaged areas, pointing up the criminal justice challenges posed by patterns of late night drinking, dearth of community facilities, poor neighbourhood design etc. Probation also takes part in regional and national fora that examine and plan responses to concerns such as drug abuse, poverty and social exclusion, dysfunctional child development, so that a significant input is made at the secondary prevention level.

2.4 Victim protection

The rise of victimology across Europe in the last two decades has influenced developments in Ireland, where the concerns of victims are now high on the social and political agenda. Victim support funding has been re-organised and co-ordinated. The Probation Service is not responsible for providing direct services to victims but it and other criminal justice agencies enjoy good informal links with the voluntary bodies that do. The Criminal Justice Act 1993 empowers

courts to seek and consider victim impact statements and reports. Approx. 50/60 times a year, courts request the Probation Service to prepare an independent report on the hurt and trauma, damage and loss suffered by the victim in the case before the court. If a Probation Report is also requested on the offender, the victim report is prepared by a different officer and is subsequently filed separately from files on offenders. In Ireland the courts system is often seen as dichotomous, with agencies categorised as being on the victims' side or the offenders. Probation stresses that it seeks to prevent further victimisation, and it is often a surprise to victims how seriously the Probation Officer understands and addresses their concerns. A goal in the Service's current Business Plan is to generate more victim awareness among Probation staff so that it becomes more to the fore in report preparation and supervision generally. A first step is to update and systematise practice and procedure in the preparation of victim impact reports (currently underway).

Some specifics are also relevant here. The Children Act 2001 requires the Probation Service to organise and hold a family conference, by direction of the court, where a young offender (u.18) has accepted responsibility for his or her criminal actions but the trial has not proceeded to a finding of guilt or innocence. These conferences follow the New Zealand model, hence involve members of the extended family and significant others in the young persons life, as well as the victim and representatives from the relevant services. The conference aims to agree an action plan, which may include compensation in money or kind as well as requirements as to behaviour etc. If accepted by the court, it is implemented by the Service and a progress report made to the court after six months. Where these provisions have been invoked, over three quarters have resulted in successful completion of the action plan.

Parallel to this, two of the projects supported and funded by the Probation Service offer restorative justice mediation and reparation to those referred by the courts. Volunteers from the community are involved in both management and delivery and mediators are trained by more established sister bodies in the U.K. Both were initiated in 1999, and there is a view that the path finding phase is over and the experience needs to be thoroughly evaluated. Looking at these lessons and at experience in other countries, proposals can be formulated about spreading the benefits of such projects to all criminal courts, perhaps legislating to this end. The Ministry is supportive of rolling out Restorative Justice in a structured way, if thought through proposals are put forward. The Minister set up a National Commission for Restorative Justice in March 2007, with these tasks as its brief. Probation has contributed both from its experience and its understanding of comparable schemes abroad and the Service is represented on the Commission.

3 THE ORGANIZATION OF PROBATION SERVICES

3.1 Main characteristics

Ireland has a unitary rather than a federal government structure, so operation of the criminal justice system is a function of central government, not of local or

regional authorities. Probation is therefore a public service, with one national agency ultimately responsible to the Minister for Justice, Equality & Law Reform.

3.2 Internal organization

The re-launch and re-branding in 2006 also included a new management structure and devolved responsibilities for training, I.T., finance, corporate services and human resource management (HRM).

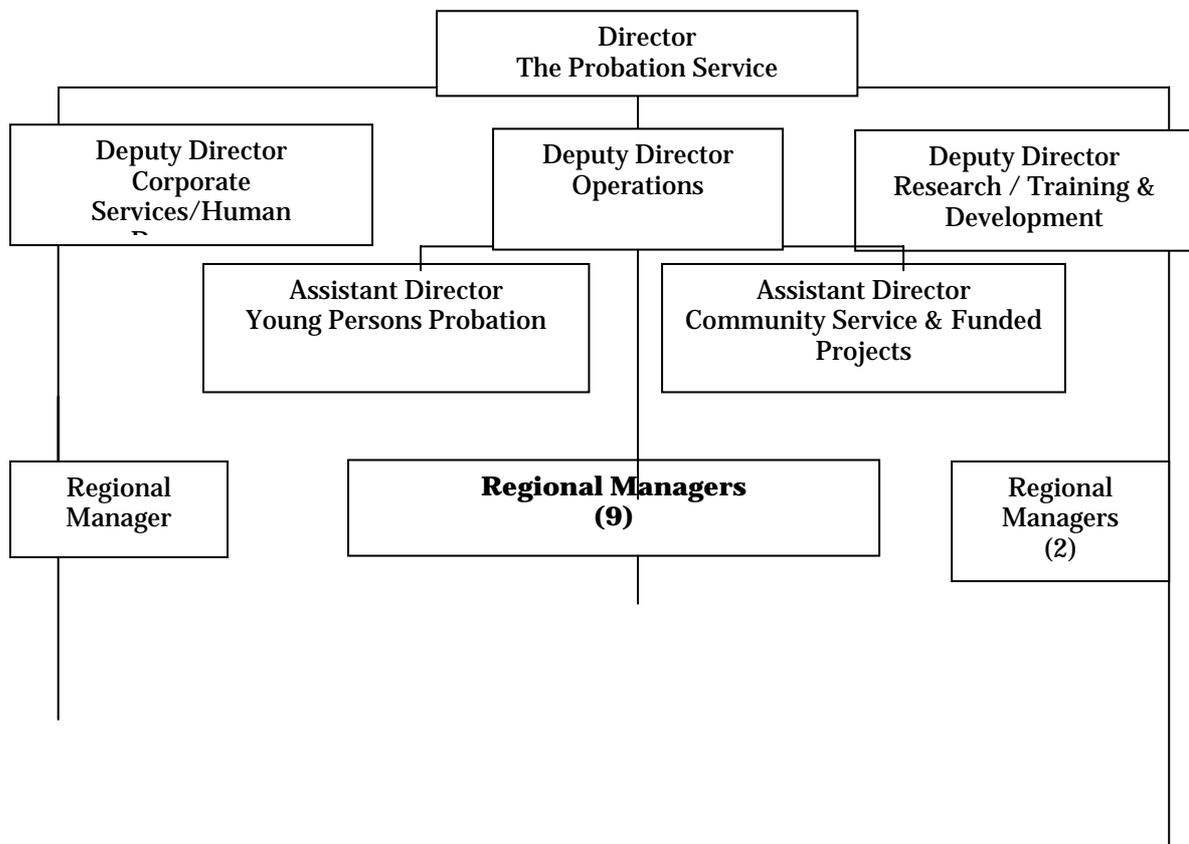
3.2.1 Probation workers

The Service is now headed by a Director, recruited from open public competition, with three Deputy Directors responsible respectively for:

- Operations;
- finance, Corporate Affairs and HRM;
- research, Training and Development.

There are also two Assistant Directors with specific responsibility for YPP and for funded projects and community service, both reporting to the Director of Operations. Across the three Directorates there are twelve Regional Managers each in charge of an operational region or a designated core function. Teams of Probation Officers are headed by Senior Probation Officers and are grouped within regions. An administrative management structure is also being put in place to ensure a uniform high standard of support and back-up for staff in the field and efficient implementation of corporate functions (incl. estate management, supplies and financial accounting, file registries, HRM administration, health and safety standards etc.). (See organigram). The Service also recruits Community Service Supervisors to take charge of a range of community service projects across the country where offenders carry out work of benefit to the community that would not be done by paid labour, with Probation Officers overseeing and reporting to court on the performance of the Orders.

ORGANIGRAM



Administrative staff are general grade civil servants, assigned by the Ministry to work in the Service. They comprise:

- Assistant Principal Officers (2)
- Higher Executive Officers (5)
- Executive Officers (13)
- Clerical Officers (68)

As noted above, many volunteers from the community do trojan work on the management Boards and Committees of funded projects. Offenders on supervision to the Service are dealt with directly by full-time salaried professional probation officers. Teams delivering supervision in the community are presently grouped into five geographical regions, with a further region structuring YPP interventions and other managing inputs to offenders in penal institutions, high risk offenders and local probation residences. Four of the teams specialise in assessments for courts (Dublin North and South, Cork, Limerick), and two teams (Dublin, Cork) undertake intensive probation programmes with high risk offenders from the higher courts and on release towards the end of sentences of two years or more.

Officers on generic community based teams typically work with a caseload of between 35 and 60, varying not just between urban and rural areas, but also on the use made by different judges of community based sanctions. Senior Probation Officers allocate new referrals to officers on their team and monitor the progress made, taking particular note of reports requested to update the court and of the application of procedures applied to an offenders failure to respond, usually resulting in breach proceedings if non-performance is confirmed. In addition, renewed stress is placed on supervision of staff, especially those in the first years of service, with a view to offending guidance and support, and ensuring standards of intervention are maintained. Seniors in turn have regular supervision sessions with regional managers, informing them of the flow of referrals, calibre of work done and issues arising. When problems are encountered, these are first addressed at local level, e.g. access to specialist services for offenders with drug abuse or behavioural issues. Links with other statutory and voluntary bodies can be availed of to unblock access to services. If

unsuccessful, the Regional Manager normally has access to regional networks and can take the matter further.

3.2.2 Education, training requirements and opportunities

To become a Probation Officer, candidates must possess a third level degree or diploma in social work or equivalent, with a minimum of at least one year's relevant experience. In recent times, the majority of candidates already have further qualifications plus social work experience, e.g. a masters degree or the professional practice diploma (National Qualification in Social Work), having followed a post-graduate course recognised by the NQSW Board. As far as possible Officers who do not possess this latter are facilitated to acquire it through block release and payment of fees. The Service is keen to support staff acquiring additional relevant qualifications, and recoups in part fees paid in the pursuit of third level qualifications in criminology, addiction studies, counselling, mediation, etc.

Staff are also facilitated in attending conferences, seminars and symposia that enhance their professional skills or update them on contemporary developments in working with consumers of public services (e.g. data protection, health and safety, presentation skills, civil service requirements such as the Performance Management Development System (PMDS) etc.)

All new Officers joining the Service have a two week induction course, to familiarise them to Probation's role within the Criminal Justice System. This is supplemented by related follow-up training during the first year in post. A schedule of staff training days is drawn up annually, in response to articulated skills needs to broaden familiarity with Service standards and practice and procedure guidelines, and to update staff on new developments in legislation and practical operations. Familiarisation courses are also organised for the administrative staff, while their acquisition of knowledge and skills is addressed in liaison with the Training Section in the Ministry. Management training programmes are also being introduced for front-line supervisors and for newly promoted or freshly assigned managers. All in all, over €64,000 was spent on training and staff development in 2006, and this figure will rise with new programmes coming on-stream.

Government requires all service providers to co-ordinate their inputs, and Probation personnel play their part in multi-agency committees, linked to but outside the probation system. These organisations support the work of the Service but are not directly involved in probation work.

3.2.3 Other organizations involved in probation work

Employees of the Service are represented on industrial relations issues by a number of staff associations, primarily IMPACT the public sector union which represents Probation grades, Community Service supervisors and Service officers in separate branches. For the administrative staff, there is the Civil and Public Services Union (CPSU) for Clerical Officers. The Public Service Executive Union (PSEU) for executive grades, and the Association of Higher Civil Servants (AHCS) for Assistant Principal Officers.

4 PROBATION IN DIFFERENT PHASES OF THE CRIMINAL PROCESS

4.1 General

Table 1: Activities of Probation at different stages of criminal procedure

	Pre-Trial Phase See: 4.2	Trial and Enforcement Phase See: 4.4	Post Release Phase See: 4.4
Preparing pre-sanction report		x	
Supervising etc. sanction of probation		x	
Supervising etc. conditional sentence		x	
Supervising etc. special measures drug addicts		x	
Supervising etc. community service		x	
Supervising training or learning projects		x	
Interventions with young offenders		x	x
Supervising etc. suspended sentence		x	x
Assistance/ support of offenders in prison/ detention			x
Preparing pre-release reports, prisoners			x
Supervising condition release/ parole			x
Supervising post custody, sex offenders			x
Preparing victim impact reports		x	
Mediation/ victim support		x	

4.2 Pre-Trial phase

The only alternative to prosecution before the courts in Ireland is to be placed on a diversion programme operated by the police ('Garda Síochána'). All young people suspected of crime are considered for inclusion, particularly if it is a first offence and/or they are unlikely to re-offend. There is a limited parallel scheme for young adults. Apart from this, suspected offenders are prosecuted before the courts. There are no public prosecutors with quasi-judicial powers to order performance of certain obligations in lieu of proceeding to trial. Criminal sanctions as penalty for offences can only apply after the offender has pleaded guilty or been found guilty to the charges preferred, so it is only at that point in the criminal process that the Probation Service can become involved.

4.3 Trial and enforcement phase

4.3.1 General

Typically a court may request a report on an offender guilty of at least one offence. Other reports (e.g. medical/psychiatric) may also be made available to the court. These are considered, commented on and challenged if defence attorneys think fit, at a specific hearing, following which either the matter may be deferred to a later date (usually under supervision by the Probation Service), or a decision will be pronounced. Broadly, this could be:

- a non-custodial penalty without supervision, e.g. a fine, binding over to keep the peace, dismiss with admonition, sentence suspended without supervision;
- a community sanction (details below), or
- a custodial sanction.

All decisions of courts of first instance may be subject to review on their merits by an appellate court. Appeals can be against conviction and sentence or against sentence only. This applies also to court decisions imposing penalties for failure to comply with the requirements of a community sanction. Community sanctions are clearly regarded as penalties for offences, so not to be taken lightly, and are premised on the expectations that the offender will both avoid further crime during the period of supervision and will avail of the opportunity presented to address and amend criminogenic behaviour attitudes and patterns. This latter usually means trying to work with the offender to remedy deficits in socialisation and to challenge habits of drug abuse, aggressive and anti-social behaviour, and the need to make constructive use of leisure time and social relationships. Courts in other words are giving offenders a chance, provided they honour the requirements imposed. A poor view tends to be taken therefore of those who come back before the courts and give reason to believe that they are making little or no effort to seize the opportunity offered.

In all their dealings with offenders, Probation Officers are obliged to implement the law and be sure to follow correct procedures. From time to time, superior courts give rulings in cases before them that have wider application by clarifying aspects of the law, e.g. the law of evidence, administrative law or criminal procedure. These then must be observed in day to day operations, if actions taken are not to be successfully challenged. For example, assessment and related reports are 'intensely valuable' to a sentencing judge, but must be made available to both prosecution and defence, so that each has an opportunity to cross-examine and challenge the conclusions. Hence reports must be supplied to the court and to the parties sufficiently in advance of the hearing. Fresh reports must be prepared where there has been a material change of circumstances. At the opposite end of the process, fair procedures also apply to an offender who is returned to custody having allegedly broken a condition of release. All these rulings having binding effect, so failure to observe will invalidate the action taken. In addition, judicial review by Superior Courts may set aside lower Court proceedings or decisions made by public authorities if constitutional requirements of due process and fair procedures have not been met.

4.3.2 Pre-sentence report

Reports prepared for court on offenders are known as pre-sanction reports, since their function is to assist in determining penalty and that penalty might not be necessarily be a sentence, and frequently is not. Only the presiding judge is

entitled to request that a report be prepared by the Service, since Probation Officers are officers of the court and not therefore appearing for either defence or prosecution. Often lawyers in the case will suggest such a course to the judge, or the court may seek a report of its own volition. Probation Officers do not propose or volunteer the preparation of a report. They are not normally sought in minor offences or breaches of regulations, but may be requested in any case where a custodial sentence is possible in law, apart from cases where the law prescribes a mandatory penalty. The request for a report suggests that the court may be willing to consider a non-custodial penalty if an appropriate programme of supervision in the community can be put together to address identified criminogenic factors, and if the offender is likely to respond. Reports tend not to be requested where the offender is guilty of a very serious offence (e.g. rape, armed robbery), as it is not a function of reports to indicate the length of a custodial sentence. A report is required before a community service order is made, but except for this and for reports on young offenders (Children Act 2001, Part 9), the scope for reports is unfettered by legislation so considerable discretion is exercised by judges. Reports prepared by courts of first instance are considered too by a higher court if an appeal is taken against the decision of the lower court. Sometimes an updated report is requested, or the appeal court may request a report if the court of first instance did not do so. All in all, the demand for reports has risen quite dramatically over the years and continues to increase.

Once a request for a report is received, with specifics as to the offence and any particular requirement of the court, it is transmitted to the relevant Senior Probation Officer and allocated to one of the Probation Officers on the team. In Dublin, Cork and Limerick, assessment teams have been formed to prepare pre-sanction reports where there is a constant level of demand. Outside these cities, reports are normally done by an Officer dealing with referrals in the geographical 'patch' that includes the offenders' residence and circle of social functioning. Reports are expected to be completed within three weeks, or earlier if the offender has been remanded in custody. To compile the report, interviews are held with the offender and his family or loved ones, and individuals he/she interacts with regularly, such as employer, teacher, youth club or sports club organiser etc., where the situation can be handled sensitively. Contact is also made with the police officer in the case to have a clear understanding of the circumstances of the offence and to obtain the police view of the offender's history of and propensity to crime. Care has to be taken not to allow allegations of unproven criminality to colour perceptions unduly, since the offender is only before the court for the offence of which found guilty. Contact may also be made with other statutory and voluntary bodies, e.g. if it transpires that the offender or the family is already known to social services, and here the links formed in local co-ordination committees can be of considerable help.

The LSI-R (Level of Service Inventory – Revised) risk assessment instrument is in standard use throughout the Service, and this is applied to the offender as an integral part of the assessment. As it has been internationally validated, it yields a reliable predictor of the risk of re-offending, and the overall result is referred to in the report furnished to the court. The process to be gone through is fully explained to the offender at the first meeting, an assurance is given that while not everything said to the Probation Officer will be repeated verbatim, nonetheless

significant issues will be drawn to the courts attention and the report is not to be construed as a plea for mercy in mitigating circumstances. Relevant facts will be highlighted, whether they meet the offenders felt need to be dealt with leniently or his/her long term need for improved social competence. The offender is also told that if appropriate, a program of supervision that responds to the situation will be offered to the court. The offender or his/her legal representative will be given a copy of the report, as will the prosecution. The report is not read aloud in court, but the contents may be subject to comment and questioning and may occasionally receive passing mention in the press since criminal courts conduct their proceedings in public, with stated exceptions (e.g. Children Court). Offenders therefore are entitled to challenge the conclusions drawn up if they wish. Probation Officers re-iterate that the Service and the courts are sensitive to and concerned to protect individual privacy. Apart from the court, prosecution and defence, copies of reports are not given to anyone else, except by Court Order. Offenders also enjoy rights under the Data Protection and Freedom of Information Acts, which include provisions on confidentiality.

Offenders may however decline to co-operate in the preparation of the report, but they must realise that the consequence may be a custodial sentence if the court is not informed that a supervision programme can be put in place to which they will respond. Where a report is prepared, outlining both what needs to be done and what can be done, it forms the basis for the programme for supervision of the court subsequently applies a community sanction or defers determination of final penalty to a later hearing. The principal forms of supervision operated by the Probation Service and their legislative bases are as follows:

4.3.2.1 Probation Orders (section 2, Probation of Offenders Act 1907)

Where the Court considers that a custodial punishment is not warranted on the case before it because of the character, age antecedents or mental condition of the offender, or the (relatively) trivial nature of the offence, or other extenuating circumstances, it may place the offender on a probation order. Offenders give an undertaking to the court that they will be of good behaviour, avoid further crime, and observe all the courts requirements as laid down in the bond (form of undertaking) for a specified period which can be up to 3 years but is more usually 12 months. Extra conditions can be added later if appropriate or initial conditions amended or deleted, to facilitate implementation, e.g. the court may require participation in a training course, residence in a facility, attendance at clinics for treatment of substance abuse, etc. The supervising Probation Officer monitors the observance of the requirements and may be asked to report to Court on an offender's response. The order may be terminated early if there is no value in continuing supervision, or unusually may be extended for good reason. The Probation Officer challenges any failure to comply with a requirement, and offenders are reminded that further crime or repeated breach of requirements may result in a return to court and possible sentence. Supervision is an integral element of the order, but is suspended when breach proceedings are initiated, pending court determination and further order. Once the order is terminated, supervision ceases.

Subsequent statutes have amended the basic Act in minor ways, extending it slightly and adapting the provisions to new situations, but revised and updated legislation is clearly needed. Application of the Act is precluded in some summary proceedings, e.g. liquor licensing such as drunken driving, as well as some offences under labour and social welfare law. Standard forms for court orders etc. and procedural requirements for courts are prescribed in the District Court Rules 1997.

4.3.2.2 Recognisances under the Misuse of Drugs Acts, 1977 & 1984

Medical and social background reports may be sought where an offender has been convicted of certain drug offences, principally possession for personal use and possession for sale or supply. Following consideration of the reports, the court may permit the offender to enter a recognisance (undertaking) to keep specified conditions including supervision by a Probation Officer, for a specified period. The intention was to facilitate treatment not custodial punishment for addicted offenders. However, these provisions of the Act have fallen into disuse as Courts have used more flexible probation type supervision instead. A Probation Officer is attached to the 'pilot' Drug Court set up in Dublin City, following the U.S. model.

4.3.2.3 Supervision during deferment of penalty

A form of conditional sentence, the determination of final penalty is deferred to a later date, usually following receipt of a pre-sanction report, with a requirement that the offender be under Probation Service supervision in the interim. Although without a legislative base, judges frequently defer penalty to test the offender's response to supervision. A follow up report is presented at the next hearing, and dependent on progress made, the matter may be further adjourned or a final order made. It has been used widely for a variety of offences.

4.3.2.4 Community service orders, Criminal Justice (Community Service)

Act 1983

Offenders aged 16 years and upwards may be ordered to perform a certain number of unpaid hours of Community Service, between 40 and 240, in lieu of a specified custodial sentence, where such a sentence might be imposed for the crime of which they were convicted and the court considers that the offence in question would warrant that penalty. The legislation does not apply to the Special Criminal Court (subversive type offences) or where there is a mandatory penalty fixed by law.

Before an order can be made, the court must first be satisfied, following receipt of a Probation report, both that the offender is a suitable person to perform Community Service work and that appropriate work is available. The offender must also consent to the making of the order, so the consequences of such an order being made are discussed with the offender beforehand. The work to be done must be of benefit of the community and which otherwise would not

be done. A copy of the order is served on the offender and he then is instructed when and when to commence. The work also has to be done in the offender's free time, to preserve employment or eligibility to take up employment.

The order may be reviewed in the light of changed circumstances and may be extended if not completed within twelve months. Community Service supervisors oversee the work done and ensure that it is done to a satisfactory standard, while the Probation Officer supervises generally the implementation of the order, assigning and transferring if necessary to another site. Written warnings are sent and if unheeded a summons is issued to re-enter the punishable by a fine of up to €381 while permitting the order to continue. Alternatively the court may activate the custodial sentence that was substituted when the community service order was made. Convictions for further minor offences do not automatically terminate the order, but might occasion a review, while imposition of a fresh custodial sentence would make the offender unavailable to perform work so would trigger a review. After almost a quarter of a century, a thorough review of community service is appropriate and has now commenced.

4.3.2.5 Intervention with young offenders (Children Act 2001, Parts IX and X)

The Probation Service has a pivotal role in responding to offending by young people, commencing with Family Conferencing and continuing with the preparation of assessment reports and the supervision of community sanctions. The Act provides for ten of these, eight of which are new. The Service also has responsibility for parental supervision orders, deferment of sentence orders, “half and half” custody and supervision orders and supervision on release from detention.

4.3.3 Probation procedures and processes

As with reports, court orders are notified to the Service at the local office, and transmitted to the relevant Senior Probation Officer who allocates the case to one of the Probation Officers on the team. Orders with particular sensitivity or from higher courts are usually allocated to more experienced officers or may be supervised by the Senior Probation Officer in exceptional situations. The skill of the supervising officer lies in combining implementation of the order with support and encouragement to tackle the behavioural and social functioning issues. Again, the LSI-R is applied to yield a measurement of risk of re-offending, and the Harris model of assessment for sex offenders is being introduced in partnership with the Probation Board for Northern Ireland. Work is already underway to identify an appropriate instrument to measure risk of harm or dangerousness which could then be more widely applied.

A programme for supervision is put together at the start of every order, based normally on the assessment undertaken for the pre-sanction report. If not report was requested, then this assessment is the first order of business. The particular ‘mix’ in each programme depends on the presenting issues and what specialist services are accessible in the community. The frequency of home visits, meeting with the offender and attendance at facilities are determined within the context of the supervision programme. Officers consult and obtain guidance from their managers in putting programmes together and how the different programmes are working is a core topic in staff supervision sessions. While there is no dominant theoretical paradigm, cognitive behavioural approaches are increasingly applied, particularly with more serious or more recidivist offenders, such as on the Intensive Supervision teams. This has been the critical development in probation work in recent decades, alongside increased use of motivational interviewing and group work. It was spurred by recognition and implementation of the lessons from the ‘what works’ movement, leading to an emphasis on assessment of risk and consequent development of programmes delivering evidence led and research based practice – what interventions are more successful in reducing further crime with specific categories of offenders.

There are fifteen custodial institutions in Ireland, including one open and one semi-open prison, with capacity between them for 3,200 offenders. With around 10,000 committals to custody annually, there are at any time between 3,000 and 3,100 serving sentence and a small number on remand only, plus around 250 on

conditional release. Probation Officers working in the prisons and places of detention perform a number of functions:

- assessments and preparation of reports for courts, for the Parole Board (serious offenders, about 150 reports a year), and on prisoners seeking repatriation to their countries under the Transfer of Sentenced Prisoner Acts;
- offence focussed work, addressing patterns of crime and criminogenic factors, planning and delivering individual group programmes such as offending behaviour and attitudes, anger management, sex offender treatment, etc.;
- liaison and co-ordination with a myriad of statutory and voluntary bodies providing specific services to and sessions with prisoners;
- dealing with resettlement and reintegration issues, such as accommodation, employment, referrals to other agencies, family contact;
- linking with community based Probation Officers in planning and preparing for supervision following release;
- general social work issues (including general and specialised counselling, child protection, mental health, addictions interventions) and welfare work, helping the prisoner and family to cope with incarceration;
- contributing to prison administration, (e.g. suicide prevention, sentence management, inter-agency co-ordination).

4.4 Post-release phase

Supervision of offenders who have served part of a custodial sentence is the responsibility of the Probation Service. This can happen in several ways. Under the Criminal Justice Act 1960 and the Criminal Justice (Temporary Release of Prisoners) Act, 2003, offenders may be released prior to expiry of sentence with remission but subject to conditions, one of which may be supervision by the Service. Through their work with offenders serving sentences, Probation Officers working in places of custody are well placed to assess the risk of further offending and the supports/requirements to manage offenders in the community, if they are to be released. Reports are prepared on the offender for prison management which influence the decision taken. Releases may be initially for short periods, and then renewed or extended for longer durations. Failure to return to custody by the specified date or breach of any condition is itself an offence. Supervision by the Probation Service is the norm towards the end of longer sentences or where serious offences are involved. The Parole Board, in which Service management plays an active role, examines the cases of all those who have served seven years in custody, particularly life sentence prisoners (approximately 250 such in custody in recent years). After interviewing the prisoner and receiving reports from the Probation Service, Gardai (police) and prison management, it recommends to the Minister the programme to be followed and the conditions to which any release should be subject. Such offenders receive priority attention while on release, because they are high risk and tend to be high profile. As noted above, the Probation Service has a pivotal role in implementing interventions with young offenders under the Children Act 2001. Officers supervise offenders under 18 years of age whose committal to detention has been deferred to give them one last chance to respond in the community, plus those who have been sentenced to a period in detention followed by an equal period of supervision

("half and half"). The Service also implements provisions in the Act whereby assessment and advice is given on who may be released early, the supervision of those so released and voluntary aftercare support where the full period of detention is served.

Statutory post-release supervision of those who have been convicted of a specified sexual offence is mandated by the Sex Offenders Act, 2001. Under Part 5 of the Act, the court may impose a sentence consisting of both a period of imprisonment and a period of supervision after release if the court considers this is necessary to protect the public from serious harm, to prevent the commission by the offender of further sexual offences and to rehabilitate or further rehabilitate the offender. There is no prescribed duration of the period of supervision in the Act, save that the aggregate of the two periods may not exceed the maximum term of imprisonment that could be imposed for the sexual offence concerned. Since legislation permits a life sentence to be imposed for some of these offences (e.g. rape), there is a wide discretion and supervision periods of five and even ten years are not uncommon. The court may impose whatever conditions it considers appropriate for the period of supervision, having regard to the needs of the offender. In particular, the court may include a condition prohibiting the sex offender from doing things where this is necessary to protect the public from serious harm (e.g. a paedophile frequenting children's playgrounds), and a condition requiring the sex offender to receive psychological counselling or other appropriate treatment provided by the Probation Service or a body recommended by the Service to provide it. The consequences of the post-release supervision requirements are explained by the court to the offender when imposing the sentence, including that the conditions may subsequently be varied or discharged by the court on application during the supervision period by either the offender or a Probation officer. Failure by the offender without reasonable excuse to comply with any of the conditions is itself an offence, punishable by a fine of up to €1,900 or 12 months imprisonment or both. A custodial sentence imposed for failure to comply suspends the supervision period which then re-activates on release.

The Criminal Justice Act 2006 introduced suspended sentences into Irish Law. When fully suspending custodial sentences, courts have discretion to make this subject to whatever conditions are considered appropriate, but the Probation Service is not usually involved at this point. The legislation however makes explicit provision for Probation Service supervision as a condition of partly suspended sentences, when the offender has served the unsuspended portion. Orders for part supervision may include whatever conditions will reduce the likelihood of the person committing any other offence, plus specifically conditions requiring the offender to:

- be subject to probation supervision;
- co-operate with the Probation Service for the purpose of rehabilitation and the protection of the public and
- undergo a course of treatment or programme approved by the court, such as psychological counselling, treatment for drug or alcohol or substance addiction, and/or a course of education, training or therapy. A Probation Officer may apply to the court at any time during the currency of the Order, to have specific conditions applied, so attendance may be required at other

programmes or perhaps new programmes not on stream when the original order was made.

If the offender is convicted of an offence during the period of suspension, then the order must be revoked unless it is considered that such would be unjust in all the circumstances. Where revoked, the entire sentence must be served, or such part as the court considers just, making allowance for time already spent in custody. Where there are reasonable grounds for believing that the offender has contravened one or more conditions, then the Probation Officer applies to the court to re-enter the case. If the court is satisfied that a condition has been broken, then again the Order is revoked and the offender serves the specified sentence, unless the court considers this would be unjust.

An offender placed under supervision following release from custody is expected to implement the programme negotiated while avoiding further crime. The Probation Officer must ensure that the conditions set down are kept, while interacting with the offender to support and motivate him/her to make best use of the opportunities and develop a lifestyle that does not involve repetitive offending. Liaison is maintained with other community based agencies with a role in the programme, e.g. providers of accommodation, training or education, substance abuse treatment programmes etc. If required, reports are prepared on the offender's progress to date and observance of conditions.

A number of internal practice and procedure manuals have been put together, in consultation with staff, to promote best practice in key areas of work. Copies are made available for judges and other criminal justice agencies, so that there is a better understanding of how the Service views the objectives of the role. These guidelines set standards for staff undertaking intervention with offenders, so are referred to in staff supervision sessions with the officer's manager. When the present re-structuring of the Service has bedded in and the guidelines have been honed by experience in the field, it is planned to set up a small internal inspection and quality assurance unit.

4.4.1 Pardon and amnesty

The power to grant an individual pardon for a criminal offence is vested by the Constitution in the President of Ireland, but it is only exercised on the advice of the Government. It is only exercised on very rare occasions when later circumstances cast doubt on a conviction after all appellate procedures have taken place. It sets aside the penalty so the Probation Service has no role in the matter. There is no general amnesty for prisoners in Ireland.

4.4.2 Aftercare following completion of the penalty imposed

With the exception of the post-release provisions described above, there is no statutory aftercare in Ireland. Offenders who are released having served their full sentence may wish to continue with a programme initiated in custody, and they will be supported in following through on arrangements made. Some offenders also seek assistance where they have been deported or have chosen to re-locate here after release in another jurisdiction. Typically they are helped to obtain

emergency social security, temporary accommodation and referral to training or employment services.

Occasionally offenders being supervised in the community, either from court or from custody, request continuation of intervention and support on a voluntary basis. After consultation with the local manager, this will be acceded to if it is considered both that specific worthwhile targets could be achieved and that the required resources of staff time etc. be made available. As workload pressures mount, this becomes increasingly problematic. Such voluntary supervision usually terminates within six months with the offenders opting to manage their own affairs.

5 FINANCES, REGISTRATION, EVALUATION AND OUTSIDE OPINION

5.3 Registration systems and evaluation procedures

In Ireland a Probation Officer is defined in law as a person appointed by the Minister for Justice to be a Probation Officer, etc. So the Probation Service is the only agency delivering probation services. Service data on its staff and activities therefore constitutes the registration system. This information is only accessible by Service staff and is used for internal managerial use, analysis and policy development. Summaries are usually included in the Service's Annual Report. Probation projects and other voluntary bodies funded to take probation referrals are closely linked to the system. They maintain their own records, and make returns of funding, volume of referrals dealt with and outputs, so information on these activities are also included in the Annual Report.

Data on offenders dealt with by the Service is stored in the computerised Case Tracking system (CTS). A single database for the entire country, it stores personal and referral details, (e.g. age, gender, family, home, court, offence, police officers involved in the prosecution, reports, supervision, type of order, breaches or successful completions). Risk assessment results, interventions made and supervision programmes are also recorded, as are links with other statutory and voluntary bodies. The system is used to track offenders' progress through different types of supervision, to monitor caseloads and changes in the volume of work by area and by referral source, for authorised research studies and associated purposes. Only staff of the Service registered on the system may log on, and access is doubly password protected. The system also generates pro forma reports and standards, as well as checklists of data required for particular categories of entry, so is designed to be time saving for hard pressed staff. Headline figures of the number of persons dealt with, number of reports prepared and supervision orders implemented by category are included in the Service's Annual Report.

The Value for Money audit conducted in 2001 – 2004 by the Comptroller and Auditor General concluded that valuable work was being done, but that there was insufficient data to measure target achievement, or the effectiveness and efficiency of Service operations. The CTS system only commenced in 2003 and work is being done to enhance its storage of output data to address the lacunae

identified. There has been no large study consequently in recent years, but a major research study on the effectiveness of probation intervention is being planned. Officers studying for a Masters degree often undertake small scale studies of their work, and these become available over time. In addition, arms-length evaluation of probation projects often seeks the views of the judiciary and others on the value of probation as a sanction for offending. Some of these latter are subsequently published, e.g. an appraisal of the effectiveness of alcohol and drug abuse intervention programs provided by a Service funded facility at Harristown House, Castlerea, Co. Roscommon. (See Relevant Publications). Research studies are also published from time to time, whether commissioned externally (e.g. a study of homelessness among offenders dealt with by the Service) or internally (e.g. interventions prior to custody). Articles outlining such studies are often published in the Irish Probation Journal, published annually as a joint production between the Service and the Probation Board for Northern Ireland.

5.4 Societal support and clients views

The only survey of societal attitudes to probation work in Ireland was commissioned from a private research organisation by the Service in 1998. It found that 62% of the sample of adult respondents believed that the Service gets good results, particularly with drug abusers and young offenders. There has been no scientific survey of the attitudes of specific groups (politicians, police, judges), or of the views of offenders dealt with by the Service. The Annual Report is the primary means of disseminating information to legislators, judges and the general public on the work of the Service. From time to time, comments made in Court proceedings on probation reports are picked up and publicised in the media. There are also occasions organised (e.g. launch of the Annual Report, opening of a new probation premises or presentation of awards to participants in probation projects) where the Minister attends and in his speech refers to the work of the Service. This year (2007), the centenary of the 1907 Act is being commemorated and high profile events in the justice arena usually attract media attention. The Service also maintains its own websites, www.probation.ie and www.probation.eu, on which may be found reports of research studies, internal management appraisals, as well as the legislation governing probation in Ireland plus basic facts on Service staffing, structure and operations. Detailed responses are prepared to queries and papers received in the Ministry from domestic and trans-national sources (especially the E.U. and the Council of Europe), while submissions are put together and presented to relevant inquiry bodies and commissions. Material is also prepared for possible insertion into speeches and publications of the Ministry alongside the Service's contribution to debate and policy formation in relevant areas.

6 PROBATION CLIENTS' RIGHTS

All citizens of Ireland, including offenders, enjoy fundamental rights guaranteed by Bunreacht na hEireann (Constitution of Ireland). The State is obliged to respect, defend and vindicate the personal rights of the citizen (Art.40). The Constitution also establishes principles governing the trial of offences (Art.38). These provisions are amplified by Statute law, which is in turn applied and interpreted in court judgements. The general rights of offenders therefore are well documented. In addition, offenders dealt with by the Service have certain procedural entitlements, e.g. to be given an opportunity to challenge statements made about them in reports, to have the consequences of the making of an order explained to them and/or have a copy of the order served on them etc.

The Data Protection Acts, 1988 and 2003, and the Freedom of Information Acts, 1997 and 2003 apply to both automated and manual Service records. Strict precautions have to be taken – physically, procedurally and technologically – against any unauthorised disclosure of information, especially since the Service holds both 'personal' and 'sensitive' data as defined in the Acts (e.g. data on personal opinions, mental health, criminal convictions, etc.). In common with most public services, Probation has to register with the Data Protection Commissioner specifying what records it stores, the types of data held, the

reasons for holding them and those to whom authorised disclosures may be made. An individual on whom a record is held is generally entitled to access it and be given a copy with an explanation or any codes or abbreviations used. If the record can be shown to be incorrect, the data subject can compel rectification. Information on third parties may normally not be disclosed without their agreement. This often complicates compliance as probation records often refer to other members of the family, friends, employers, or teachers, etc. These references must be deleted or blacked out in the absence of consent. If there is a dispute about records not disclosed, this is subject to internal review and if not resolved, an appeal may be taken to the Data Protection Commissioner/Information Commissioner. Bodies subject to the legislation, including probation, are obliged under sections 15 and 16 of the 1997 Act to publish a manual detailing operational procedures, the categories of records kept and the criteria used for making decisions. These booklets may be had on request from the Service and are also generally available in public libraries.

6.1 Confidentiality

Section 26 of the 1997 Act, as amended, specifically authorises refusal to permit disclosure of information where “the record concerned contains information given to a public body in confidence and on the understanding that it would be treated by it as confidential” and where “its disclosure would be likely to prejudice the giving to the body of further similar information from the same person or other persons and it is of importance to the body that such further information as aforesaid should continue to be given to the body”. There are specific exceptions, and the restriction will not apply where in the opinion of the Secretary General of the Ministry, “the public interest would on balance be better served by granting than by refusing to grant the request”. There is therefore a serious obligation on Probation Service staff to respect the confidentiality of disclosures made by offenders on this basis, but within the limits that have evolved both from practice and from court decisions in specific cases. For example, admissions of past crime or plans to commit further offences cannot be ignored, particularly where there is well founded concern for the lives or safety of others. There is a clear professional obligation, founded on public policy and on law, to notify allegations of child abuse to both the police and the child protection authorities.

6.2 Complaints

Offenders or members of their families who wish to complain about the way they have been treated by the Service usually do so verbally to the local Service manager or in writing to the Head of Service, the Director. There are no formal grounds established or procedures specified. Representations from politicians or from judges and occasionally from individuals may also be sent to the Ministry and are then normally referred to the Director for a response. Any issues brought to attention are taken seriously and every effort is made to respond promptly and sensitively, usually after consultation with the relevant senior manager. In Ireland there are no supervision boards or external monitoring of complaints and

the Ombudsman's remit does not extend to decisions in the criminal justice arena. As there are no formal hearings by a quasi-judicial tribunal, legal aid does not arise. If a complainant is dissatisfied with the response by the Service, the option is there of writing to the Minister, who can have the matter further reviewed. Ireland is increasingly a multi-cultural society, so interpreters are not infrequently called upon by the Courts and by the Service where the offender's native tongue is not English. Likewise, the services of a person skilled in sign language are called on where the offender has profound hearing and/or speech difficulties.

7 NEW DEVELOPMENTS

A decade ago Government embraced the Strategic Management Initiative to set an Agenda for change in the Irish public service. Much has been achieved in terms of organisational improvement, a customer focus and use of I.T. as part of enhanced management systems.

The Probation Service has just completed a major re-organisation, reconstructing teams and regional units to better match provision with need. Our aim now is to increase efficiency and effectiveness, to ensure that interventions are designed as to deliver sustained significant change in offender's lives. They should also represent good value for taxpayers by producing positive effects not just in the short term but also the medium to long term. Practitioner's choices and the mix of programmes available must be informed by an understanding of desistance studies, of why offenders stop committing crime. Review, evaluation, keeping abreast of insights garnered from professional literature will all become centrally important as the Probation is increasingly required to demonstrate that it contribute a safer Irish society.

Therefore facts of the probation system that have emerged in recent years will continue to have significant effect. There will be a renewed emphasis on upskilling staff to meet contemporary challenges and requirements including investment in training for management grades, particularly those newly promoted. Corporate management systems (Finance, HRM, etc) will operate with greater day to day involvement. Staff will enjoy increased support through I.C.T., modernised offices with no health and safety hazards, and operational guidelines to minimise situations of possible personal risk. Side by side with this internal practice and procedure instructions are revised and updated from time to time, leading to the inauguration of a best practice unit to monitor and facilitate high standards of work.

Probation aims to maximise public safety, but in a co-ordinated manner, as part of 'joined-up' governance. Multi-agency working involves not just other agencies within the criminal justice 'family', but also a range of other statutory and voluntary bodies, with whom Probation co-operates on the ground, and also in various local and regional fora that seek to drive out co-ordinated responses to pressing social issues (e.g. children, substance abuse, disadvantage, violence to women etc). This of course is good management, to avoid duplication and overlapping and ensure the best use of scarce public resources. But it is also a strategic imperative to address multi-faceted issues from different perspectives,

each intervention designed to complement and give added value to others. For Probation this is and will remain a core method of working, and we will be linking strategically with the Irish Youth Justice Service, COSC the domestic violence agency, etc. In particular, Probation will focus on two areas:

- targeting resources and prioritising core areas of work in consultation with the Courts Service, and
- refocusing work with prisoners to a community perspective, in consultation with the Irish Prison Service.

Specific priorities are set for the Probation Service by objectives contained in the agreed programme for Government, 2007 – 2012, such as

- expansion of mechanisms for monitoring sex offenders after release from custody, and the supervision of persons who are the subject of Sex Offender areas;
- development of the Community Service Order regime by requiring offenders to provide real services to the community they have damaged, and giving victims and communities a greater say in what work offenders do for community service.

The Service will play its part in moves to strengthen structures for the prevention of domestic violence, the formulation of victim policy and the expansion of the drug court programme. It is committed to mainstreaming sensitivity to and recognition of victim concerns in all areas of its work, and will advocate and encourage greater use of Restorative Justice. It is co-operating with the National Commission on Restorative Justice established by the Minister, and will implement relevant proposals accepted by the Minister when the Commission reports.

Movements of social change impacting on the work of Probation clearly include the misuse of drugs and alcohol as well as difficulties with troubled and troubling children. In response to this latter, the Service has created and ring fenced resources for its Young Persons Probation (YPP) division, to drive forward implementation of the Children Act 2001 and the supervision of young offenders generally. Ireland is more and more a multi-cultural society, and faces the challenge of integrating hundreds of thousands of 'new Irish', both old and young, who were not born on the island of Ireland. This significant population change flows both from the movement of citizens of other E.U. states who have rights of residence, and migration from outside the E.U., especially Africa and the Far East. Irish society has to adapt to the consequential changes, and faces many challenges in doing so. The Probation Service will play its part. Already three members of staff were born outside Ireland, efforts will be made to recruit more as opportunities present.

The Service will continue to participate actively in pan European probation affairs through the CEP and otherwise, contributing to the exchange of information and ideas implementing when requested any Framework Decisions on transfer of supervision requirements or other transnational agreements. Aligned with this, and likely to be a marked feature of future Probation activity will be broadening co-operation with the Probation Board for Northern Ireland. Offenders frequently cross the land frontier from one jurisdiction to another, so procedures will be strengthened to share supervision history and social background data. Developments, lessons from experience and new thinking will

continue to be shared between the agencies at management level, in tandem with specific tasks such as the annual production of the pointly edited Irish Probation Journal and setting up parallel projects on both sides of the border (e.g. domestic violence, drunk driving). Increasingly therefore there will be an equivalent caliber of intervention with offenders on both parts of the island.

8 IMPORTANT PUBLICATIONS

Expert Group on the Probation and Welfare Service. First Report (Oct. 1998), Final Report (August 1999). A high level Group established by Government to examine current functioning of the Service and advise on its future role.

Law Reform Commission, Consultation Paper (1994) and Report (1996) on sentencing.

Examines contribution made by Service to determination and implementation of penalties for criminal offences.

Tackling Crime a Discussion Paper, Department of Justice, (1997).

Report of the National Crime Forum, Institute of Public Administration (1998).

Crime in Ireland, Trends and Patterns, 1950-1998, study commissioned and published by the National Crime Council (2001)

Above three analyse the Irish criminal justice system and the part played in it by the Probation Service.

Young Offenders in Penal Custody, contact with the Probation and Welfare Service and experience of community sanctions prior to custodial sentence study conducted by V. Geiran et al., published by the Service 1999.

An Empirical Study of Community Service Orders in Ireland, (1999) Research commissioned by the Ministry and conducted by the Centre for Criminal Justice, University of Limerick .

Homeless Persons before the Court and in Custody (2008). Study of Probations role with homeless offenders, commissioned by the Ministry and conducted by the Centre for Social and Economic Research, Dublin.

9 CONTACT DETAILS

Main offices of the Probation Service:

Athlumney House, Navan, Co Meath

E-mail, (initial letters of individual's first names plus surname)@probation.ie

e.g. dpodonovan@probation.ie

queries to: www.probation.ie

The Haymarket

Theatre Court

Dublin 7

Ph. (xx353) 1 8172600

Fax (xx353) 1 8722737

15, Lower Mallow Street
Limerick
Ph. 061-206320
Fax 061-206339

St Nicholas Church
3 Catherine Street
Cove Street
Waterford
Cork
Ph. (0)51-872548
Ph. (0)21-4836700
Fax (0)51-878238
Fax (0)21-4845146

Abbey Arch
8 Upper Abbeygate Street
Galway
Ph. (0)91-565375
Fax (0)91-567286

Main Probation Service Training Centre and Library
The Haymarket
Dublin 7

Criminal Statistics Databases
Central Statistics Office
Skehard Road
Cork
Ph. (0)21-4535000
Fax (0)21-4535555
www.cso.ie

Associations of Probation Service Workers
(professional staff, sessional supervisors, service officers)
IMPACT the Public Sector Union
Nerney's Court
Dublin 1
Ph. (0)1 8171500
Fax (0)1 8171501

(clerical support)
Civil and Public Service Union
19 Adelaide Road
Dublin 2
Ph. (0)1 6765394
Fax (0)1 6762918

(executive grades)
Public Service Executive Union
30 Merrion Square
Dublin 2
Ph. (0)1-6767271
Fax (0)1-6615777

(administrative management grades)
Association of Higher Civil & Public Servants
Fleming Hall
12 Flemings Place
Dublin 4
Ph. (0)1- 6686077

ANNEX 1

The first table below amalgamates data from the Courts Service, for the volume of criminal cases dealt with in the District Court for the years 2004-2006, with greater detail in the last two years. Almost 90% of all criminal cases are decided in the District Court, including many where there is a right to trial in a higher court but the offender consents to summary disposal. The figures relate to offences, not to offenders. Many persons appear before courts charged with more than one offence, so the volume of offences is approximately one and three quarter times that of the number of individuals concerned. A large proportion of the cases processed in the District Court refer to offences under Road Traffic legislation (e.g. speeding, not wearing a seatbelt, etc.) and the Probation Service is normally not involved, so Road Traffic figures are given in parenthesis.

1 Input Statistics

Table 1.1

	2004	2005	2006
Summary cases disposed of (of which Road Traffic offences)	312,152 (213,063)	302,134 (198,412)	329,775 (222,376)
Indictable cases dealt with summarily (of which Road Traffic offences)	45,645 (2,021)	41,374 (2,134)	48,272 (2,281)
Total criminal cases, District Court	357,797	343,508	378,047
Outcomes:			
- imprisonment/detention	17,995	18,452	21,018
- fine	90,278	91,545	102,715
- community service	2,026	2,010	2,492
- probation	}	25,522	24,483
- struck out	}	121,282	132,698
- dismiss	}247,498	14,955	13,907
- taken into consideration	}	60,412	71,415
- peace bond	}	1,220	1,897
- adjourn generally and other	}	8,110	7,422

2 Average offender population statistics

Courts Service data above refers to offences. It is not known how many different persons are involved for each category of disposal, or simultaneously falling within two or more categories if found guilty of several offences by the same court at the same sitting. Some too are decisions taken on the day, without the offender necessarily being subject to that penalty on a continuing basis, e.g. dismiss, payment of a fine. There can therefore be no meaningful figures as to the number subject to unsupervised sanctions at a given point or points in time.

A contrast can be drawn between those offenders serving custodial sentences and those being managed in the community on supervised non-custodial sanctions. The figures are as follows:

Table 2.1

	2004	2005	2006
Daily average, numbers serving custodial sanctions	3,199	3,151	3,191
Daily average, numbers supervised in the community	6,250	6,575	6,930

Within the Probation system, approximately 2,000 offenders on any given day would be participating in probation sponsored programmes, group programmes or programmes addressing substance abuse (alcohol, drugs)

3 Staffing Statistics

The figures given represent average numbers across the calendar year, and include posts where there were vacancies that would be filled by the next recruitment intake.

Table 3.1

	2004	2005	2006
Probation Officers	199	214	221
Probation Managers, all grades	62	63	63
Administrative support staff, all grades	64	66	67
Community Service Supervisors	76	78	78
	<hr/> 401	<hr/> 421	<hr/> 429

Government authorised 70 extra posts across all grades in the Probation Service in summer 2007, and the numbers quoted in the organigram reflect this expansion. From time to time, there are a small number of staff (3/4) on long term sick leave. The majority of those who leave the Service however do so on retirement. Turnover is therefore relatively small, since the Service was so much smaller decades ago when those retiring commenced their service.