

Implementation of EU Framework Decision on Probation Supervision



Probation Service, Haymarket, Smithfield, Dublin 7
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Review of Findings - Policy

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Context

- Articulate thinking
- Different Stages – earlier/later
- Various issues emerging
- Value of this type of forum



Competent Authority

- **Variety of models**

- Cover a number of FDs
- Existing bodies
- Role of Public Prosecutor and Judiciary

- **Functions**

- Administrative
- Interface with other jurisdictions
- Communication
- 1 identifiable point of contact
- **Exploration Stage**



State other than Home State

- Usually returns to where 'lawfully and ordinarily residing'
- 3rd State
- CA 3rd State as decision maker
- Standard checklist
- 'Jurisdiction shopping'
- Employment
- Costs and resource implications



Probation Measures + Alternative Sanctions

- Clarity of Probation Measures
 - Definitions in legislation
 - Agreed in principle
 - ? List extensive vs additional
 - Legislative mandate- home circumstances and availability of services
 - Obligations rests with sentenced person



Findings

- **Double Criminality**

- Standard list of offences
- Seriousness
- Recognisable to executing state

- **Revocation and Breach**

- Executing state
- Local Court
- Legislation for Jurisdiction



Transposing into National Law

- Awareness of legislation
- Focus on legislation for executing State
- Register order/mechanism to enforce
- Availability of different sanctions in different member states