

# Implementation of EU Framework Decision on Probation Supervision



Practice Workgroup Report

Probation Service, Haymarket, Smithfield, Dublin 7  
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# Review of Findings - Practice

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## Planning for the FD – where is it at?

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- Wide spectrum of knowledge and action to date
- FD as a good initiative with potential benefits
- Enthusiasm and willingness to implement the Framework Decision.....but how and at what cost?



# What is going on now?

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- Informal bi-lateral arrangements in place
- Reports by voluntary arrangements
- Supervision without legal mandate
- How might we retain and develop what is best in current arrangements?
- Potential, in the short term, to monitor and 'test' voluntary to see what works.....



# What do we need to know?

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- How many foreign offenders currently subject of Community Sanctions or Supervision are:
  1. Settled in the country and intending to remain
  2. *Transients* who would return home or travel to a third jurisdiction
- How many people in EU member countries in trouble with the law, under supervision or in custody might wish to come to Ireland under the FD?

Lack of reliable data at present



# Capacity

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- 'Not likely to be a big affair'....?
- Risky reliance on anecdotes and current undocumented ad hoc and voluntary bilateral arrangements – can we quantify and gather data on current practice numbers
- 'Winners and losers' – some jurisdictions will be net executers (more coming in than going out)...impact?
- Likely areas of demand - post-custody supervision orders or community sanctions from Courts...impact on resources?
- At present different levels of priority being attached – impact of treating as own cases.....risk being regarded as unwelcome addition burden on limited resources...leading to refusals?



# Some practice issues

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- Managing in the same way and to the same level will require major information sharing, briefing and mutual understanding to ensure realistic expectations....a challenge?
- When does supervision begin in practice? Delay in starting supervision leads to reduced effectiveness and possible problems in change motivation....60 day delay in beginning could be fatal...
- Active promotion and communication of a shared understanding of how orders are managed and enforced in each jurisdiction will be essential to develop and maintain the essential mutual trust



# Some practice issues

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- Differing rights to remain and rights of movement applying in different jurisdictions ....impact on use of the FD
- How informed and real is consent to leave a jurisdiction if fear of consequences of refusal?
- Risk of use as a form of 'deportation'?
- Law of Unintended Consequences





# Information Transfer

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## Organisational

- International desk as point of contact and information distributor (internally and externally) in each jurisdiction – is it feasible?
- Could a (low cost) network of international desk/point-of-contact managers be developed to share knowledge and experience to build trust and reliability
- Is a single central information clearinghouse to coordinate, advise and monitor progress across Europe necessary, of value or duplication?
- Could a central database of easily accessible, jargon-free reliable information on probation systems, sanctions and options be developed, maintained and available on each country



# Information Transfer

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## Questions

- Practice protocols on information shared between authorities and jurisdictions – who shares what and with whom?
- Information in annexe 1 is limited and insufficient for action in practice.
- What mechanism for information on personal background and circumstances, key issues in offence and offending, issues to be addressed.....?
- Checking claimed addresses, links, relevance etc prior to transfer?



# Information Transfer

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## Information for stakeholders

- How and what to communicate with sentencers, prosecution and defence counsel, offenders and sentence managers on the possible option of supervision transfer?
- Who needs to know what and how?
- Whose responsibility and task is it to inform these stakeholders?
- Data gathering and reporting....who will do it/ensure it is done?
- CEP role in information – DVD presentation, press releases, events...?



# Information Transfer

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## Questions

- Different levels of records and information held across Europe – impact in practice?
- Different rules on expungement of sentence records – is the criminal record in the issuing or executing jurisdiction or both?
- Different rules including data protection on use and exchange information? Impact of formal arrangement on current ad hoc arrangement?



## Next steps....how?

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- Need to gather and document info on current informal arrangements
- Need to identify and consult likely partner jurisdictions
- What are the likely best ways to manage processes in Probation?
- Can we pilot arrangements before new structures are in place?
  
- Need to identify possible obstacles and unintended consequences
  
- Start working now...time is short!