

Pre-sentence work – The Jersey experience

Brian Heath
Chief Probation Officer
Jersey Probation and After Care Service
www.probation.je

Jersey

- British Channel Island close to France
- Area 118 sq. km.; population 97,857
- Part of Normandy in 933
- Conquered England in 1066
- In 1204 chose to remain with English King when Normandy became French
- Self-governing with its own legal system – loyal to crown not UK parliament
- Official language French until 1957
- Finance, Agriculture, Tourism
- Low reported crime: 59.6 per 1000 population in 2005 (England and Wales had 112.7)

Jersey Channel Islands



Jersey Probation and After Care Service

- £1.6 million revenue budget, (decreasing) 86% staff costs
- £25,000 budget programmes, grants etc
- 600 – 700 reports per year
- Approx 150 -200 Probation Orders per year
- Approx 200 Community Service Orders per year
- Automatic prison through care since 2006.
- Approx 25% take up of Prisoner Voluntary After Care
- 37 employees (26 Full time equivalent)
- Caseloads under 40
- 8 volunteers
- Strong partnership working

Jersey Probation and After Care Service



Jersey 1989

- 602 Custodial sentences
- 91% of custodial sentences under 6 months
- 116 Probation Orders made – mostly first offenders
- 64 Community Service Orders imposed

Jersey now

- Custodial Sentences down – 143 in 2011.
- Sentences of under 6 months reduced to 62 in 2011 (High compared to 2009 and 2010)
- In January 2012 only 8 out of 165 prisoners were serving sentences of less than 6 months – none aged under 18 years
- 160 Probation Orders (2011)
- Community Service Orders up to 218 (2011)

What changed?

- No additional restrictions on the use of custody
- Little new legislation
- Probation service targeted short sentences
- “Educated” Judiciary and gave sentencing feedback – effects of short custodial terms

What changed

- “Sold” alternatives to custody (even before we had the evidence!)
- Sought feedback on report contents
- Negotiated changes as Court are our employer but led to the Court feeling part of the solution – extension of therapeutic jurisprudence?
- Used local effectiveness evidence as it emerged

Adult characteristics and reconviction (Miles and Raynor 2009.)

Sentence	LSI-R Mean "risk"	% "Serious" offence	% recon 2 year	% "Serious" offence
Community Service	11.9	85	19	47
Probation	25.4	71	28	42
Bind Over	17.4	47	18	15
Prison	23.3	78	67	46

Targeting resources

- Good assessment and targeting (we use LSI-R) makes the best use of scarce resources and maximises success
 - Low / medium seriousness + low likelihood of reconviction = fine, B.O etc.
 - Custodial seriousness + low likelihood of reconviction = Community Service
 - Medium / Custodial Seriousness + medium / high likelihood of reconviction = Probation

What changed?

Some examples of targeting

- Drunk and Incapable offenders
 - Shelter Drunk and incapable Unit (Pre Court)
- Possession of Drugs
 - Drug awareness programme (pre Court and as part of Court sanction) Drug treatment on Probation Orders
- Drink driving
 - Alcohol Study Group (part of Probation Order); Community Service

What Changed?

- Stand down reports in Court (though not for Probation Orders) – an assessment in 20 minutes
- “Fit for custody fit for Community Service” Policy
- Justice “bonne et brève” “à la frouque”

What Helped?

- SER in all cases in Royal Court
- SER whenever Court considering imposing custody
- Work Plan rather than conditions recommended.
- Breach of Probation and Community Service can result in sentence for original offence
- Fair enforcement
- Concentrated on effectiveness rather than “toughness” – prison will always win that one
- Good information systems and University links

Pre-Court Diversion -

Parish Hall Enquiries

- States of Jersey Police (SOJP) “Paid Police” – no right to charge
- Each Parish has an elected unpaid Police Force with the Centeniers having decision re prosecution. (Lensman in Norway?)
- Serious offences – Centenier to PHQ.
- Otherwise Parish Hall Enquiry

Parish Hall Enquiry

- Centenier meets with accused.
- Considers Police report
- Decides if there is a case to answer and if so whether prosecution is in the public interest
- Guidelines from Attorney General
- Can caution or conditionally defer prosecution or fine up to £100 for some statutory offences – if the offence is admitted

Parish Hall Enquiry - Children

- Probation speak with family (and / or SW if LAC) following arrest to learn about child and to brief on the PHE
- Probation and parent attend PHE
 - Probation assist with conditional deferments for Restorative Justice, drug education, voluntary supervision

Parish Hall Enquiries - Children

- 301 PHE's attended in 2011 – only 6 cases sent to Youth Court from PHE
- 26 Cases sent to Youth Court from PHQ

Social Enquiry Reports

- Use LSI-R – and other specialist tools in some cases
- Subject's life history
- Offending history and context
- Likelihood of reoffending and risk of harm
- Analysis and assessment
- Recommendation
- If Probation recommendation – Work plan

Probation Orders

- Require consent
- Instead of a sentence - across the tariff
- About positive change
- Pro Social Modelling and Problem solving (Trotter)
- Continuity of supervisor but delivered in partnership
 - Social Security, group work (R+R etc), mental health, substance misuse, housing etc

Community Service

- Can only be imposed as custodial alternative
- 180 hours = 12 months custody
Maximum 480 hours in two years
- About one third on individual placement
- Meaningful work with the value of the task explained
- Not identified as offenders

Community Service – over 20,000 hours per year

