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**Automatic
Conditional Release:
the first two years**

Home Office
Research Study 156

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Automatic Conditional Release: the first two years

by
Mike Maguire, Brigitte Peroud and Peter Raynor

A Research and Statistics Directorate Report

**Home Office - -
Research and
Statistics -
Directorate**

London: Home Office

Home Office Research Studies

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Foreword

Automatic conditional release (ACR) was introduced under the 1991 Criminal Justice Act for prisoners serving sentences of between one and four years and for some prisoners serving longer sentences. This report presents the findings of a two-year study of the new arrangements based upon a postal survey of all probation services; interviews with prisoners, prison officers, field- and prison-based probation officers, probation managers and magistrates; and a casefile analysis in five probation areas. This approach enabled the researchers to build up a very detailed picture of ACR from a number of different perspectives. From this material they were able to produce a detailed analysis of the implementation of the new provisions and identify problems which prison and probation staff encountered in trying to achieve effective throughcare.

CHRIS LEWIS
Head of Offenders and Corrections Unit
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Summary

The report presents the findings of a two-year study of automatic conditional release (ACR), which was introduced under the Criminal Justice Act 1991, for offenders sentenced to at least twelve months but less than four years imprisonment, and for prisoners serving longer sentences who were not released on discretionary conditional release (DCR). The study was based upon interviews, questionnaires and casefile analysis in five probation areas and several prisons, as well as a national survey of probation services. Those interviewed included prisoners before and after release, prison officers, field and seconded probation officers, probation managers and magistrates.

Chapter 1 outlines the background to the introduction of ACR, specifically the Carlisle report's recommendations to replace parole with early release for short- to medium-term prisoners, the Prison Service's aim (encouraged by the Woolf report) of involving prison officers more closely in rehabilitative programmes, and the revival of the concept of throughcare in probation service policy. This chapter also provides an outline of the main procedural elements of the system, and the official guidelines and standards laid down for practitioners.

Chapter 2 focuses upon the custodial phase of the new system, exploring the views and experiences of prisoners, prison staff and seconded probation officers. These interviews revealed that prisoners' understanding of the new system was poor in the early months, but by late summer, 1994, over three-quarters of them understood it well. A majority of all prisoners interviewed also considered ACR to be a better and fairer system than parole.

Contact with prison-based probation officers was not generally seen as helpful and, while attitudes towards 'outside' probation officers were more positive, under 60 per cent of prisoners had received a visit from their prospective supervisor. Even so, most felt that they would eventually 'get something out of' supervision, and about one in five that it might affect their offending behaviour.

Only a third of the prison officers surveyed felt knowledgeable about the ACR system and the great majority felt that more training was needed. They were evenly split between approval and disapproval of ACR, but two-thirds supported the introduction of sentence planning. Although many of these

officers were involved in sentence planning, a large majority had little or no contact with probation officers.

Prison managers were mainly supportive of the ideas behind ACR, but generally felt that the sentence planning element was not yet working because of a lack of resources, inadequate training and increases in the prison population. Some argued that it would be more realistic to target those who presented a particular risk or who were most suitable for special forms of intervention, rather than developing plans for all short-term prisoners on release.

Seconded probation officers echoed many of these comments. They also described the quality of prison officers' assessments and reports for sentence planning as poor, and some complained that their own expertise had been ignored by prison managers. Others were pleased that the role of the seconded officer had been clarified, and in prisons where relationships with governors were good, there was evidence of more fruitful partnerships.

Chapter 3 presents the results of a survey of probation services in England and Wales, conducted in Autumn 1994, to which 47 of the 55 areas responded. About 5,600 offenders were under supervision on ACR licence at the time of the survey, but this figure was expected to increase substantially as the rise in prison numbers fed through. About one-third of the probation areas had fully specialised throughcare teams and most of the remainder were part-specialised: this was generally seen as cost-effective, though less suitable in large rural counties.

Long and costly journeys, sudden transfers of prisoners, unavailability of sentence planning staff and poor interviewing facilities were cited as the main problems faced in contacts with prisons and prisoners.

The probation managers responding to this survey generally considered that the most important objectives of supervision were protecting the public and ensuring compliance with licence conditions. Rehabilitative aims were considerably less important. They reported or opined that levels of compliance with reporting requirements were high, although this does not accord with information recorded in casefiles or comments made in interviews. They also suggested that magistrates were generally ill-informed about the new system and tended to treat breach cases too leniently.

Chapter 4 examines supervision practice at local level in three of the five probation areas studied. It is based mainly on an analysis of 288 casefiles, short questionnaires on 201 of these cases completed by the supervising probation officer, 39 interviews with probation staff, and 42 interviews with offenders originally interviewed in prison and seen again at the end of their

licence period. Evidence is presented from the casefiles of the widespread use of discretion, by both probation supervisors and their managers, in relation to compliance with *National Standards*; and a failure to meet official targets in considerable proportions of cases. For example, only 72 per cent of offenders were seen within two days of release from prison; only 26 per cent received a home visit within five days; and 28 per cent missed three or more appointments, over half of them without acceptable reasons recorded (although, only a very small proportion were breached).

A primary focus for most probation officers was persuading offenders to comply with reporting requirements. Practical assistance was also prominent, but there was little evidence of serious counselling work or offenders' attendance at group programmes. This, supervising officers argued, was due to short licence periods, the lack of preparatory work in prisons, and the fact that ACR licensees were not 'volunteers' for probation assistance.

Interviews with licensees confirmed the picture of officers' difficulties in achieving strict compliance, but produced encouraging findings in terms of opinions of the helpfulness of the supervision and the personal qualities of the officer.

Chapter 5 focuses upon liaison and co-operation between the prison and probation services in relation to ACR. This aspect of the system emerges as particularly problematic, and evidence from several sources paints a picture of poor communication, little personal contact, failures and delays (on both sides) in transmitting forms and reports, and probation officers' dissatisfaction with the quality and usefulness of the documentation received. The general conclusion is that the ideal of joint planning remained far from realisation: insofar as they had contact with prisons, field probation officers tended to concentrate upon making themselves known to prisoners, rather than on formulating joint plans with the staff there. Most supervisors' pre-release work, too, was concerned with contacting families and outside agencies, rather than with prison programmes. In other words, the through-care and sentence planning elements of the system had not become intertwined as intended, and there was in reality little coherent, co-ordinated preparation for release: in many cases, the supervising officer 'started again' once the offender left prison.

Chapter 6 addresses questions about the overall effectiveness of ACR. It suggests that it is too early to form firm conclusions, but that attitudinal measures (CRIME-PICS) showed some positive change in offenders' attitudes to offending and to victims. Also, an analysis of known reoffending rates among a small sample of completed licensees indicated that these were well below expected rates, although this finding must be treated with caution as it is likely to reflect some under-recording.

Finally, Chapter 7 draws the threads together, with a reiteration of the main positive and negative findings on how the system was working, followed by a discussion of the main problems identified and of possible ways of tackling them. One idea considered is encouraging greater use of discretion, guided by risk assessment, in both supervision and sentence planning, so that work is reduced with some offenders in order to gain space for intensive work with others.

1 Introduction

This report presents the results of a two-year research project, funded by the Home Office Research and Statistics Directorate. The primary aim was to monitor and appraise the implementation of new arrangements, under the Criminal Justice Act 1991, for the throughcare of offenders sentenced to terms of imprisonment of 12 months or over, but less than four years. From 1st October 1992, all such prisoners became subject to 'Automatic Conditional Release' (ACR). This meant that they would be released at the half-way point in their sentence, half of the remaining time being served under supervision by a probation officer in the community and the final quarter spent 'at risk' of being returned to prison to serve the rest of their sentence in the event of being convicted of a new offence. These arrangements replaced the system of discretionary release on parole which had been in operation since 1968: discretionary release ('DCR') on the recommendation of the Parole Board is now applicable only to prisoners serving four years and over.¹

Background to the changes

The reforms in question largely followed the recommendations of the Carlisle Committee's *Report on Parole in England and Wales* (Home Office 1988a). The Committee had been set up in response to a general weakening of confidence in the existing parole system. At the broadest level, this had been fuelled by declining faith, evident since the mid-1970s, in the 'rehabilitative ideal'. A large body of research evidence had thrown into doubt the assumption that decision-makers could identify individuals who would respond better to one form of penal 'treatment' rather than another. When other factors were held constant, the choice of a custodial or non-custodial sentence, a longer or shorter prison term, or a more or less intensive programme of rehabilitation, appeared to make little difference to the chances of reconviction (Martinson and Lipton 1975; Brody 1976; Folkard *et al* 1978). In both Britain and the United States, such findings had a major impact on the thinking of academics, policy-makers and practitioners alike. They also helped sustain the growing influence upon penal policy of the

¹ It should be noted that ACR is also applicable to an important category of longer term prisoners: all those serving four years or over who are refused DCR are eventually released at the two-thirds point in their sentence, and then become subject to probation supervision under the ACR scheme. However, as this study was carried out early in the life of the new system, no such offenders had yet appeared in the sample population.

philosophy of 'just desserts', with its emphasis on consistency of punishment - the imposition of penalties commensurate with the seriousness of the offence, rather than tailored to the needs or personal circumstances of the offender (see, for example, Home Office 1988b, 1990). This philosophy was clearly antipathetic to the individualised approach embodied in parole systems, whose defenders in both countries found it increasingly difficult to justify the selection of certain prisoners for early release: in the absence of conclusive evidence that parole reduces reoffending, such selection became widely seen as inequitable to others who had to serve their full sentence (minus a standard remission period).

Attention to anomalies in the parole system had also been heightened by reactions to reforms introduced in 1983 by the then Home Secretary, Leon Brittan, particularly a reduction of the 'parole threshold' (i.e. the minimum period to be served in prison before eligibility for release on parole) from 12 months to six months, and a broad policy of denying parole to violent or drugs offenders sentenced to five years or over. These reforms had the effect of further reducing the correlation between lengths of time actually served and lengths of sentence passed by judges. For example, many prisoners sentenced to 18 months were now spending the same time in prison as those sentenced to 12 months. This erosion of differentials was seen as unsatisfactory both by judges, many of whom felt that the Executive was usurping the judicial function of determining the appropriate penalty, and by prisoners, who widely regarded the award of parole as a 'lottery'. It also focused more attention upon the secretive and unaccountable nature of parole decision-making, with no representation for prisoners, no reasons given for decisions and no avenue for appeals. (For a detailed discussion of criticisms of both principle and practice in the parole system, see Maguire 1992.)

As regards prisoners with sentences below four years, the adoption of the Carlisle recommendations removed the above grounds for criticism at a stroke. By stipulating that all such offenders should serve half their sentence in custody and the remaining half outside,² they abolished executive discretion in the determination of release dates and established a consistent relationship between sentence passed and time actually served. However, the changes were much less far-reaching for longer term prisoners: while some important procedural reforms were introduced, the central element of discretionary release remains in place for those sentenced to four years or over.

While Carlisle's arguments for automatic conditional release rested chiefly on principles such as equity and justice, the committee also argued that

² It should be noted that Carlisle recommended automatic release at the half-way point for all those serving up to and including four years, while the Criminal Justice Act 1991 eventually set the upper limit at under four years (Home Office 1998a: para 268).

post-release supervision could be beneficial in rehabilitative terms, specifically through probation officers helping ex-prisoners to 'become integrated into law-abiding communities' (Home Office 1988a:63). In developing this argument, the committee advocated the revival of a principle which had been neglected for some years: that of 'throughcare'. As this principle now plays a central part in the ACR system, it is worth digressing briefly to outline its history.

The basic idea of throughcare - continuity between work done with prisoners to prepare them for release and work done with them by probation officers after release - was first taken seriously in policy terms by the Advisory Council on the Treatment of Offenders in the early 1960s. Following its report, *The Organisation of Aftercare* (ACTO 1963), the Probation Service began to overcome its long-standing antipathy towards involvement in custody-based activities and it became normal practice for officers to be seconded to prisons to perform a welfare role, to prepare prisoners for release and to facilitate aftercare and supervision arrangements for those with special needs. The introduction of parole in 1968 accelerated this process, the Probation Service playing a major part in the preparation of reports for the Parole Board and taking on full responsibility for supervision in the community.³

The idea of systematic 'throughcare' became more prominent in the 1970s, it being widely argued that, to be effective, rehabilitative work should begin at an early stage in a prisoner's sentence and should be continued in a consistent manner after release. To this end, efforts were made to create better channels of communication between seconded and field probation officers, as well as to involve prison officers in the process through engagement in 'shared work' with probation staff in the prisons (see, for example, Jepson and Elliott 1985). The achievement of these ideals, however, was greatly hindered by continuing problems of communication between the parties inside and outside prison, by the reluctance of overstretched probation services to devote sufficient resources and priority to throughcare and aftercare, and by confusion among seconded probation officers about the precise nature of their role. As a result, interest in throughcare declined during the 1980s until its revival with the introduction of the new parole arrangements and a simultaneous revival of emphasis upon the welfare role of prison staff, encouraged partly by the recommendations of the Woolf Committee on Prison Disturbances (Woolf 1991).

An important element of throughcare under the new system (also endorsed by Carlisle) is 'sentence planning'. This was officially implemented for ACR

³ Previously, most aftercare had been provided by the Discharged Prisoners' Aid Societies. The Probation Service took on a regular basis only with particular categories of offender for whom post-release supervision was compulsory: these included ex-Borstal and Approved School trainees and adults sentenced to preventive detention.

prisoners in November 1993, although it had been started with DCR prisoners in October 1992 and some prisons had introduced it voluntarily in ACR cases in the interim period. It entails the drawing up by prison officers, in consultation with the Probation Service, of a specific plan for work with each prisoner; identifying his or her problems and needs and recommending suitable courses or other means of addressing them. In theory, the sentence plan constitutes the first element of a coherent, integrated plan for work with offenders, which is completed by means of the supervision plan followed by a field probation officer after release.

Of course, the idea of investing considerable resources in the creation of individual plans for, and in the post-release supervision of, all prisoners sentenced to twelve months or more in prison, seems difficult to reconcile with the 'penological pessimism' - the doubts about the capacity of rehabilitative programmes to alter offending behaviour to any significant degree - which has characterised much criminological thinking over recent years and, as noted above, contributed greatly to the Carlisle recommendations to reduce the use of discretionary parole in the first place. In our view, this contradiction has not been fully confronted or resolved, either in the Carlisle report or in the subsequent policy and practice documents. Rather, it has been lost sight of as new discourses have grown up about the aims of supervision in the community.⁴ In these discourses, terms such as 'rehabilitation' and 'social work with offenders' have been replaced by a variety of tougher sounding words and phrases. Three concepts, in particular, have been prominent: probation supervision as part of the sentence; as a tool for protecting the public; and as an aid to the resettlement of ex-prisoners.

The first of these, the notion of supervision as part of the sentence, has much more to do with punishment than with rehabilitation. Carlisle placed considerable emphasis upon this point. The report called for measures to tighten up procedures for ensuring compliance with licence conditions, recommending stricter National Standards and clearer rules on punishing breaches (Home Office 1988a:93). As we shall see, achieving 'compliance' has become a central concern of many probation officers, sometimes overshadowing other objectives. For most ACR licensees, too, it might be said that the punitive (or, at least, 'inconveniencing') aspect of supervision - the requirement to present themselves a set number of times at a probation office - is predominant, there being no comparable requirement to cooperate with rehabilitative programmes.

The second concept which has gained a prominent place in the language of conditional release is that of supervision as a means of 'monitoring' or 'controlling' offenders. This was accorded considerable importance by the

⁴ A similar process is discernible in debates on community service orders - see, for example, Whitchard and Scott 1993.

Carlisle committee in relation to DCR, where it sought to enhance the level of control by encouraging the Parole Board in suitable cases to attach 'more rigorous' conditions to licences and to consider new monitoring techniques such as testing urine for drugs (Home Office 1988a:92). However, where ACR prisoners were concerned, Carlisle recommended neither extra licence conditions nor powers to return them to prison on the grounds of general concern about lifestyle. In other words, the assumption - broadly echoed in subsequent policy - seemed to be that protection of the public and prevention of reoffending can be achieved through a monitoring process based largely, if not solely, on the requirement of regular meetings with a probation officer.⁵ Relatively little attention was paid to what, precisely, the officer should do at these meetings and how this might achieve the desired outcomes.

The third prominent notion, which is the only one clearly associated with the rehabilitative ideal, is that of resettlement. This was often an aim of Parole Board members in the past when recommending short 'launch' periods of supervision for longer term prisoners who would not have been granted parole on other grounds. There was concern that such prisoners, who may have lost touch with relatives and have no home or job to go to, could be simply released 'cold' at the end of their sentence. Indeed, it had been a general criticism of parole that many of those who most needed practical help and support from probation officers after release - who were often also those at greatest risk of reoffending - did not receive parole and were thus denied this support (Hall Williams 1975; Maguire 1992). The Carlisle committee's recommendation of supervision for all prisoners sentenced to twelve months or over⁶ was based to a large extent on its perception of the high value of probation assistance in achieving resettlement (see Chapter 9 of the report). It also saw early preparation for release as a key element in this process and urged probation services to place a higher priority on throughcare than it had received in the past. As will be shown later, some probation officers (including managers) have likewise come to see the facilitation of resettlement as the main aim of supervision, and place a primary emphasis upon practical tasks such as helping ex-prisoners to find housing and jobs.

Finally, it should be pointed out that, while much of the official rhetoric surrounding the introduction of ACR has steered away from claims that post-release supervision has a direct 'rehabilitative' effect, focusing instead upon the aims of punishment and control, it is not difficult to find practitioners

5 Country to Carlisle's recommendation (Home Office 1988a:91), the legislation does allow extra conditions to be attached to ACR licences, although these were rare in our experience. It is also possible, when the supervising officer is concerned about a licensee's lifestyle, for a request to be made for new conditions to be attached to the licence post-release, but this had occurred in only one of the cases in our sample.

6 Carlisle thought that there was a good case in principle for compulsory supervision of all released prisoners, but concluded that it would not be 'cost-effective' to extend the scheme to adults sentenced to less than twelve months (Home Office 1988a:72). This argument was accepted by the government, and shorter term prisoners are now released automatically at the half-way point in their sentence without supervision.

who feel it has rehabilitative potential, given adequate resources. Indeed, even academic belief in the possibility of rehabilitating offenders through probation intervention has seen something of a revival in recent years. This has not been marked by the idealism and over-optimism of the 1960s, but 'neo-correctionalists' (Palmer 1992) have begun to produce evidence that specific kinds of programme 'work' with particular kinds of offender, and probation services in many countries are experimenting with new approaches based on, *inter alia*, cognitive theories, direct confrontation of offending behaviour, and education about drugs and alcohol (see, for example, Gendreau *et al* 1987; Ross *et al* 1986; Trotter 1993; Raynor and Vanstone 1994). This is reflected in the increasing emphasis, in probation policy statements and in practice guidelines, upon the aim of addressing offending behaviour (see below). Such approaches, of course, may be appropriate only for certain kinds of offender. Moreover, many probation officers argue that their success depends heavily upon the willing co-operation of the offender. They therefore do not appear to sit easily with the notion of compulsory supervision, to strict National Standards, of *all* ex-prisoners. They may also be undermined by the severe administrative burden which mass compulsory supervision imposes upon the Probation Service.

To conclude, while this report is concerned to a large extent with practical issues arising from the introduction of ACR, these can only be fully understood in the light of fundamental questions, such as those raised above, about the purposes of the system and how these are interpreted by the different parties involved in its implementation.

The ACR system and National Standards

We now provide a brief description of the ACR scheme, including its formal provisions, the procedures involved in throughcare, sentence planning and supervision on licence, and the main thrust of the official standards and guidelines which have accompanied its implementation.

As noted above, all offenders receiving custodial sentences of at least one year, but less than four years, are entitled to automatic conditional release at the half-way point in their sentence, taking into account any time spent in custody on remand. The second half of their sentence is served in the community, but during this period they remain at risk of being returned to prison to serve out the full sentence if they are convicted of a further crime. For the first half of the period in the community (i.e. for the third quarter of their sentence), they are supervised on licence by a probation officer: if they fail to meet the requirements of the licence, they can be charged in a magistrates' court with a breach of licence and dealt with in a variety of ways, including being returned to custody. The final period of the sentence is completed without supervision, but they remain at risk as described above.

The general principles and core procedures of the throughcare process are covered by the *National Framework for the Throughcare of Offenders* (Home Office Probation Service Division and Prison Service 1993). This document was prepared jointly by the Home Office and Prison Service, in consultation with senior representatives of the Probation Service. It brings together the Prison Service's twin policies of developing programmes to prepare offenders for release and of fostering closer co-operation with the Probation Service (both recommended by the Woolf Committee and adopted by the government in the 1991 White Paper, *Custody Care and Justice*) with the Home Office Probation Division's development of National Standards for supervision. These standards, which apply to probation orders as well as to post-custodial supervision, were first set out in a booklet called *National Standards for the Supervision of Offenders in the Community* (Home Office 1992). More detailed than the *Framework*, they stipulate the specific tasks and responsibilities of the various practitioners at each stage of the process. The *National Standards* underwent a process of re-evaluation in 1994 and a revised version was published in March 1995 (Home Office 1995).

Both the *Framework* and the *National Standards* express a strong commitment to the principle of throughcare and to the two services sharing responsibility for its achievement. They also lay down 'expected practice'. While not legally binding, they have considerable force in practice, not least because compliance with standards constitutes a major focus of visits by both the Probation Inspectorate and HM Inspector of Prisons.

Both documents emphasise the importance of (a) starting work with prisoners at an early stage of their sentence and (b) continuing communication and co-operation between the main parties involved in the process. The throughcare process is expected to begin shortly after an offender is committed to prison. New prisoners are interviewed by a member of the prison staff who draws up a formal 'sentence plan'. This seeks to identify the individual's problems and needs and proposes ways of dealing with them.

Sentence plans are clearly defined in the *Framework* as a responsibility of the Prison Service, rather than of Probation, but both here and in *National Standards* it is stressed that seconded probation officers and prospective supervising probation officers should be consulted during their preparation. In many prisons inmates are now allocated a 'personal officer', a member of the uniformed staff, whose tasks include oversight of the progress of their sentence plan. The seconded probation officer may contribute to its execution by, for example, advising the personal officer, organising groupwork programmes, or counselling prisoners individually.⁷ He or she is also expected to keep the supervising officer informed about progress and any changes to the plan. Plans are reviewed periodically (at least once a year is

7 The precise use made of seconded probation officers' skills remains, however, largely in the hands of the prison governor, who draws up a contract for the former's services with the local Chief Probation Officer.

stipulated) and, once again, it is intended that all three of the main parties should contribute to these reviews. A final review takes place two months before release and an official 'discharge report', intended to ensure continuity between work with the offender inside and outside prison, is then prepared. The prison is required to send this to the supervising officer, together with other relevant documents from the prisoner's file, at least one week before release.

In addition, the Prison Service should request a 'pre-discharge report' from the supervising officer, which the latter should return at least a month before the offender leaves prison. At the time of our research, the standard form for these reports was fairly brief, requesting only the discharge address, reporting instructions and details of any special needs or concerns (e.g. regarding possible contact with victims). The new Standards, however, require much more information - including a formal risk assessment - and 'should be based on an interview with the offender' (Home Office 1995: 46-7). On the supervising officer's recommendation, a Governor grade officer in the prison may decide to add extra conditions to the standard licence, although these are comparatively rare in ACR cases.

Precise guidelines in the *National Standards* also cover offenders' contact with probation officers after release. The 1992 version required them to make face to face contact with the supervising officer 'on the day of release or, in exceptional circumstances, the next day.'⁸ Subsequent visits by the offender to the office were required first within ten working days, then once a week for the rest of the first month, and not less than monthly thereafter.⁹ In addition, the officer was required to carry out a visit to the offender's home within five days (unless his or her line manager decided that there was an exceptional risk to personal safety).

Failure to attend appointments has to be recorded, together with any explanation given by the offender. Both versions of *National Standards* state that if the officer does not consider there to be any acceptable explanation, at the very least a formal warning should be given. A second warning may be given for a further failure to comply (without acceptable explanation), but on the third occasion breach action should be instituted. The 1992 version allowed supervision to continue without breach, 'in limited circumstances only', if this course of action was 'approved by the probation manager as being in the best interest of the objectives of supervision' (Home Office 1992:115).¹⁰ Unlike in the previous parole system (and in the current DCR

8 See Home Office 1992:109. The 1995 version relaxed the requirement slightly, stating that the initial meeting should be on the day of release 'where practicable... and in any event on the next working day after release' (Home Office 1995:80).

9 These requirements were tightened slightly in the 1995 version, which stipulates fortnightly visits for the second and third months after release.

10 This specific power of discretion was removed in the new version, which aims 'at most two warnings in any 12-month period of licence may be given before breach proceedings are instituted' (Home Office 1995:53), although a general power was granted to managers to depart from the standards in exceptional circumstances (Home Office 1995:1).

system), decisions to return ACR offenders to prison for breach of licence are taken solely by the courts, not the Parole Board. In Chapters 3 and 4, we shall briefly outline the approaches which magistrates appeared to be adopting in such cases.

At a more general level, the 1992 version of *National Standards* defined three objectives for the supervision of offenders on licence which, it was stated, were analogous to the objectives of supervision under a probation order (Home Office 1992:101). These were:

- (i) protection of the public;
- (ii) prevention of reoffending;
- (iii) successful re-integration in the community.

These objectives, it was implied, were best met by promoting continuity throughout the sentence ('ensuring that the work done with the offender in custody is carried on to the community part of the sentence') and by the supervising officer

'establishing a professional relationship, in which to advise, assist and befriend the offender with the aim of:

- (i) *enforcing the conditions of the licence and securing the offender's co-operation and compliance with those conditions;*
- (ii) *challenging the offender to accept responsibility for his or her crime and gaining their co-operation in avoiding offending in the future;*
- (iii) *helping the offender to resolve personal difficulties linked with offending and acquire new skills;*
- (iv) *motivating and assisting the offender to change for the better and to become a responsible and law-abiding member of the community;*
- (v) *assessing the risk of the offender reoffending and/or of presenting a danger to the public and responding appropriately' (op cit: 101-102)*

The main difference between supervision on a probation order and on ACR licence, it was also stated, was that the latter should be 'more intensive'. In particular, it included an early home visit, which 'can help impress upon the

offender that he/she is still serving part of the sentence so that he/she is in no doubt as to the demands imposed by the supervision period' (p102).

While the objectives listed above seem clear enough, *National Standards*, like the Carlisle report, has never acknowledged possible contradictions (or, at least, mixed messages) in the procedures recommended for achieving them.

For example, in the 1992 version, prime emphasis was put upon strict compliance with licence conditions and reporting requirements, reflecting the new understanding of probation supervision as 'punishment in the community' through explicit restrictions on liberty (Home Office, 1990), and perhaps hoping to convey to offenders the additional message that 'you are being watched'.¹¹

Yet on the other hand, favourable reference was made to the traditional Probation Service motto of 'advise, assist and befriend' and to aims such as 'motivating and assisting' offenders, 'gaining their co-operation' and 'helping them to resolve personal difficulties': in other words, counselling practices traditionally associated (principally under probation orders) with the supervision of offenders who have been specially selected as likely to respond and who have formally assented to the process.

The new version of *National Standards* does not appear to us to clarify the issue greatly. Interestingly, it replaces the aim of 're-integration in the community' with that of 'rehabilitation of the offender' (Home Office 1995:43), but at the same time omits the reference to the importance, in achieving the stated aims, of 'establishing a professional relationship, in which to advise, assist and befriend the offender'. Instead, it sets out the principles of new 'supervision plans' (to build on sentence plans), in which emphasis is given to 'challenging criminal behaviour' and 'encouraging change in attitude' (ibid p.50). Whether these can be effective in the context of a large-scale, compulsory and explicitly punitive system of post-release supervision, of course, remains open to question.

Scope and methods of the research

The research project was initiated with five main objectives in mind. First, to canvass the views of prisoners subject to ACR about the fairness of the new arrangements in comparison with parole; secondly, to explore offenders' understandings and experiences of a system based on throughcare and compulsory supervision - their expectations, perceptions of its purposes,

¹¹ This was implicit, for example, in the statement that a home visit 'can help impress upon the offender that he/she is still serving part of the sentence so that he/she is in no doubt as to the demands imposed by the supervision period' (Home Office 1992:102).

and responses in practice; thirdly, to seek indicators of the effectiveness of the system, including early levels of reoffending; fourthly, to gather opinions from the other main actors in the throughcare system - prison officers, seconded probation officers and field officers - about how well it was working and how it might be improved; and finally, to look at the attitudes and sentencing practices of magistrates in relation to cases of breach of licence conditions or reoffending while on licence.

Most of the research was carried out in five probation areas, which will not be identified in the report. Three of these areas were selected for detailed research, information being gathered on all aspects of the system, while the other two were examined in less depth. In addition to statistical information held by each probation area, data were obtained from analysis of 288 individual casefiles, semi-structured interviews with 26 field probation officers, and specially designed assessment forms for 201 of the 208 cases in our samples, completed by the supervising officers. Further, interviews were conducted with a total of 249 prisoners in eleven prisons, 136 uniformed prison officers completed a questionnaire, and numerous informal interviews were carried out with senior probation and prison managers, magistrates, court clerks and other interested parties. Forty-two of the prisoners were reinterviewed after release, towards the end of their supervision period. In addition, a questionnaire was sent to all 55 probation areas in England and Wales; the team attended a number of practitioners' conferences and workshops on topics relating to throughcare, ACR and sentence planning; they 'sat in on' an official inspection of the ACR arrangements in one probation area (carried out by a Probation Inspector); and a considerable amount of academic, Home Office and Probation Service literature was sifted for background information. More detailed descriptions of the data collection methods, research instruments, and casefile and interview samples, will be presented at appropriate points in the text.

Structure of the report

The report is divided into seven chapters. In Chapter 1 we have provided a broad introduction to the thinking behind the creation of the conditional release system, have described its structure and main procedures, and have outlined the research methods used to examine its operation in practice. The focus of Chapter 2 will be upon the custodial phase of sentences passed under the new system, exploring the views and experiences of prisoners, prison officers and seconded probation officers in relation to ACR, sentence planning and preparation for release. Chapter 3 takes a broader look at how the system is working, from the viewpoint of Probation Service managers across the country. This is based on the results of our survey of all probation areas in England and Wales. Chapter 4 looks in more depth at supervision

after release, examining in our five study areas the kinds of work done with offenders, the impact of *National Standards*, and the handling of cases of non-compliance with conditions. Chapter 5 will focus upon throughcare issues, particularly the relationships and liaison between prisons and outside probation officers. Chapter 6 will address the issue of the effectiveness of the new system, considering how this can best be measured and providing some data on the extent of reoffending. Finally, Chapter 7 contains a broad summary of the findings and a brief discussion of their implications.

2 The custodial phase: participants' views

In this chapter, we focus upon the custodial phase of the sentences served by offenders subject to ACR, exploring the attitudes of prisoners, prison staff and seconded probation officers to the new system and identifying practical issues and problems in its implementation.

The prisoners' perspective

We began the research fieldwork in early 1993 by interviewing two samples of prisoners who would be subject to ACR, as well as a small number who had been sentenced prior to October 1992, and were thus still eligible for parole under the old system.

The main sample referred to in this chapter is what we have called the 'Cardiff sample'. This consists of adult male prisoners and young offenders who were sentenced, between October 1st 1992 and June 1st 1993, to a period of at least 12 months, but less than four years, and who were received under sentence at Cardiff prison. Most of these were identified from records at Cardiff prison, but some who had already been transferred by the time the research began were identified on visits to training prisons in the South-West region. Altogether, we found 195 prisoners who met the above criteria. For practical reasons - the need to minimise costs and our plans to re-interview as many as possible after release - the list was reduced by excluding (a) those already transferred to prisons at some distance from Cardiff where there were too few potential interviewees to make a special trip to see them worthwhile, and (b) those known to have no intention of returning to South Wales after release.

Efforts were made to see all the remainder, either in Cardiff prison or on visits to training prisons. A small number were unavailable through pressing duties, illness or re-transfer, and two refused an interview, but we have no reason to believe that the final interviewed population of 125 inmates differs in any significant way from the whole population of 'ACR prisoners' received into Cardiff prison during the relevant period. The interviews were conducted between January and June, 1993; just over one-third in the local prison and the remainder in seven training prisons. This last point should be firmly borne in mind throughout: the use of the term 'Cardiff sample' does

not mean that interviewees were always speaking about their experiences in, or opinions of, Cardiff prison.

The majority (70 per cent) of those interviewed were serving less than two years and 84 per cent were adult prisoners. About one-third were seen early in their sentence (60 per cent of these in Cardiff), one-third around the middle point and one-third towards the end of their stay in prison. In addition to the Cardiff sample, we conducted interviews with a sample of adult sentenced prisoners eligible for ACR in HMP Horfield, Bristol. As we had no plans to re-interview this sample, it was selected at random from among all such prisoners who happened to be in that prison on each of our visits, and all were interviewed within the prison. The final total interviewed was 62. As in the Cardiff sample, the majority (73 per cent) were serving under two years.

In order not to overlook any major differences that might exist between ACR prisoners' views and those of prisoners still subject to the old parole system, we interviewed 22 inmates who had been sentenced (within the same range, one to four years) before October 1992. These were simply selected at random from among those available for interview on visits to various prisons. We found few differences between their responses and those of the main samples, and only passing reference will be made to this group.

Finally, to obtain a broad indication of whether views and experiences had changed as prisoners became more familiar with the scheme, we interviewed 40 more ACR prisoners towards the end of our fieldwork period, in Summer, 1994. This exercise had not been planned in the original research design and had to be fitted in among other pressing tasks. Consequently, as with the 22 prisoners subject to discretionary parole, the interviewees were not selected in a systematic manner, but simply co-opted at short notice on visits to four prisons (one local and three training) as time and availability permitted. The results must therefore be treated with some caution. The composition of the resulting 'sample' differed somewhat from the original Cardiff sample, in that all (as opposed to 84 per cent) were adult prisoners and a higher proportion (60 per cent compared to 30 per cent) were serving sentences of two years or over. In order to save time, the interview schedule used was a considerably shortened version of the original, so comparable data were not produced on all topics.

The interviews were conducted by four people, two male and two female. Staff were generally very supportive, locating the named inmates we asked to see, and providing suitable private interviewing rooms. Each prisoner who agreed to take part (having first been assured of confidentiality) was taken through a semi-structured questionnaire and the responses were recorded by the interviewer. The interviews normally lasted between 30 minutes and an hour.

Understanding of the system

We first asked all interviewees to tell us how much they knew about the new ACR arrangements - at what point in their sentence they would be released, what would happen once they were released, and so on. Depending upon their answers we classified them into four groups, with 'full', 'fair', 'vague', or 'little or no' knowledge of the system (see Table 2.1).

Table 2.1
Inmate knowledge of ACR system, Spring 1993
and Summer 1994

| | 1993 <i>Cardiff sample</i> (N=125) % | 1993 <i>Bristol sample</i> (N=61) % | 1994 <i>sample</i> (N=40) % |
|------------------------|---|--|--------------------------------------|
| Full knowledge | 22 | 18 | 43 |
| Fair knowledge | 28 | 26 | 30 |
| Vague knowledge | 39 | 32 | 22 |
| Little or no knowledge | 11 | 23 | 4 |
| Total | 100 | 99 | 99 |

As might be expected early in the implementation of a new scheme, many of the prisoners interviewed in 1993 were unclear both about its purposes and its implications for their own sentence. Overall, less than half had even a fair knowledge of the system,¹ while in Bristol almost a quarter had little or no understanding of it. Although nearly all knew the date of their release, many did not know quite how it had been arrived at; and although most were vaguely aware that they would be subject to supervision from a particular probation office, many did not know for what purpose, for how long, or that this would be followed by a separate 'at risk' period. One reason for the difference between the two 1993 samples may lie in a contrast in the numbers of prisoners who had seen a seconded probation officer since their sentence: a much higher proportion of the Cardiff sample had done so than the group interviewed in Bristol. The main official source of information about the new arrangements, inmates affirmed, was from probation officers, rather than prison officers (some of whom, incidentally, admitted that they were not fully familiar with the new arrangements themselves).² Even so, the

1 As one might expect, older prisoners were better informed than younger prisoners: more than one-third of those aged over 30 appeared to understand it fully.

2 Forty-three of the Cardiff sample said that they had had the system explained by a probation officer (fairly evenly divided between 'inside' and 'outside' officers), while only 15 had been given such information by a prison officer.

majority in both samples said that what they knew had been picked up largely from conversations with acquaintances, solicitors, other inmates and so on.

The most common area of misunderstanding and ignorance about ACR concerned the 'at risk' period. Many assumed that, once their period of supervision had come to an end, the sentence would be over. As we shall see, this was also the aspect of ACR to which (whether they already knew about it, or had it explained by the interviewer) the greatest number objected.

The interviews conducted with prisoners over a year later indicated that knowledge of the system had increased considerably (Table 2.1). We adjudged nearly three-quarters of those responding in 1994 to have either 'full' or 'fair' knowledge (compared with 50 per cent of the adult prisoners in the 1993 Cardiff sample). Once again, the 'at risk' period was one of the elements least known about. There were also indications of a change in prisoners' sources of information: while, once again, the majority said they had simply 'picked it up', recollections of explanations by prison officers were this time almost equal in number to those by probation officers. This may reflect the increased involvement of prison officers in sentence planning for ACR prisoners (see below).

Opinions of the system

Where inmates were unsure of the basic rules of ACR, we explained them in detail. We then asked all respondents in broad terms what they thought of the new system. In all three samples, considerably more regarded it favourably than unfavourably. In the Cardiff sample, 62 per cent made generally positive comments and only 18 per cent generally negative comments; the equivalent figures in the 1994 sample were 70 per cent and 22 per cent, while in the 1993 Bristol sample (where there were more 'don't knows') they were 40 per cent and 26 per cent. The great majority of the positive comments centred around the 'peace of mind' factor - the removal of uncertainty about one's release date and the end of the distress caused by dashed hopes or expectations of parole. Typical comments were:

*'You know where you stand.'
'No wind up, no stress.'
'Parole was a lucky dip.'*

The negative comments were more diverse, though the most common were that well motivated prisoners could no longer earn release at an earlier point in their sentence and that it was wrong to remain 'at risk' for the full period of the sentence.

We also asked all prisoners specifically (a) whether they thought the new system more or less *fair* than parole (an important consideration in the light of the Woolf Committee's emphasis upon fostering confidence in the justice of the prison system amongst inmates), and (b) if they had had a choice, under which system they would have preferred to be dealt with on their current sentence.³ The responses are summarised in Table 2.2.

Table 2.2.
Parole and ACR: Inmates' Views and Preferences

A. Perceived fairness of ACR

| | 1993 Cardiff sample (N=125) % | 1993 Bristol sample (N=62) % | 1994 sample (N=40) % |
|------------------------|--|---------------------------------------|-------------------------------|
| Fairer than parole | 62 | 53 | 60 |
| Less fair than parole | 21 | 16 | 22 |
| No difference | 14 | 27 | 10 |
| Don't know/no response | 5 | 3 | 7 |
| Total | 100 | 100 | 100 |

B. Preference for own sentence^{*}

| | 1993 Cardiff sample (N=125) % | 1993 Bristol sample (N=62) % |
|------------------------|--|---------------------------------------|
| Prefer ACR | 64 | 53 |
| Prefer parole | 34 | 37 |
| No preference | 1 | 0 |
| Don't know/no response | 2 | 10 |
| Total | 100 | 100 |

* This question was not put to the 1994 sample.

³ If they were serving only 12 months (which would not have made them eligible for parole), we asked them to imagine that their current sentence was 16 months.

Overall, the results look gratifying for the designers of the new system. It was clearly seen as fairer than parole and - despite the fact that many prisoners would actually serve longer under the ACR arrangements than they would have served under the parole system - most said that they would opt for it in their own case if they had the choice. It should, however, be noted that the extent to which prisoners favoured the new system was partly dependent upon the length of sentence they were serving. Among the Cardiff sample, for example, only 51 per cent of those serving two years or over, compared with 75 per cent of those serving under 18 months, found the new system fairer. Similarly, a smaller proportion (54 per cent) of these longer termers than of the short termers (68 per cent) stated that they preferred to be subject to ACR. The main reason for these differences seems to be that, while the 'peace of mind' factor of knowing one's release date from early on was perceived as an attractive feature of ACR, the price to be paid for it - serving half the sentence rather than a possible third - was seen as much higher for longer termers, especially those who would have expected to get parole. For example, it was pointed out that a 'three year man' who would have been a 'good bet' for parole will now almost certainly serve six months longer than in the past.

Perceived changes in the behaviour of prisoners and prison officers

Interviewees were asked whether, as far as they could tell, the changes to the system of early release had made any difference to how either prisoners or prison officers behaved.⁴ The great majority saw no differences, although around 12 per cent of the Cardiff sample thought that prisoners' behaviour had worsened as a result of the introduction of ACR, mainly because, with release no longer discretionary, there was less incentive to 'keep one's nose clean'. Four per cent thought it had become better, mainly because of the end of what one called 'the parole wind up'. Finally, ten per cent saw officers' behaviour as improved, while seven per cent saw it as worse. These latter perceptions, however, seem less likely to be related to the advent of ACR *per se*, than to many other changes which were taking place in prison regimes at the same time. In sum, there was little evidence that the introduction of ACR had had any negative effects in terms of prisoners' behaviour or staff - inmate relations, calling into question one of the old arguments for the retention of discretionary parole - that it acted as an important tool of control within prisons (see, for example, Hall Williams 1975).

⁴ If this was their first prison term, interviewees were asked what they had picked up from other inmates in this regard. Questions on prison behaviour were not included in 1994.

Contact with seconded probation officers

Excluding young adults (who were in one prison the responsibility of 'personal officers' rather than probation officers), just over 90 per cent of the Cardiff sample, but only 49 per cent of the Bristol sample, recalled a meeting with a seconded probation officer at some point during their current sentence. The majority of the Cardiff sample had had only one such meeting, and this had most often taken place in Cardiff prison, within a few days of reception under sentence. The meeting had often been requested or initiated by a seconded probation officer (as part of a general system of induction), rather than by the prisoner himself.³

The lower proportion who had seen a probation officer in Bristol seems to have stemmed from a different approach within that prison's probation office, where more emphasis was put upon intensive work with a limited number of offenders, rather than attempting to 'chase' everybody. (Unlike the Cardiff sample, the majority of those who had been seen, had been seen more than once.) Bristol had two wings holding lifers and other prisoners with special needs, a factor which influenced this policy. It was also worthy of note that over half of those in the Cardiff sample whom we interviewed in training prisons claimed not to have seen a seconded probation officer since leaving Cardiff prison. This suggests that a more selective approach to communication with inmates tends to be adopted by probation staff in prisons where a lower turnover of prisoners allows opportunities for more intensive long-term work. However, it is difficult to generalise from a period where policy and practice were changing rapidly in many prisons. Since the time of our interviews, more prisons have set up induction programmes, which often involve probation officers. More importantly, formal sentence planning has been introduced for ACR prisoners, with official encouragement of joint prison and probation staff contributions to every prisoner's plan. This may eventually lead to routine contact between prisoners and seconded probation officers in most institutions, although (as will be discussed below) some seconded probation officers told us that staff in their prison organised sentence planning with little or no consultation.

We asked all prisoners in the 1993 samples who had seen a seconded probation officer to rate, on a scale of one to four, how helpful they had found the contact (see Table 2.3). The results suggest that where, as in Bristol, probation attention to prisoners is more selective and more intensive, those prisoners who are seen will have a higher opinion of the helpfulness of the contact than will those seen in a more 'routine' fashion.

³ Only 19 of the 129 in the Cardiff sample had initiated the first contact.

Table 2.3
Ratings of helpfulness of seconded probation officers
(Those who had seen an officer only)

| | Cardiff (N=101) % | Bristol (N=30) % |
|--------------------|-------------------------|------------------------|
| Very helpful | 13 | 37 |
| Quite helpful | 20 | 37 |
| Not very helpful | 16 | 3 |
| Not at all helpful | 51 | 23 |
| Total | 100 | 100 |

We also asked *all* interviewees (i.e. including those who had had no contact) for any general comments about the role and effectiveness of prison probation officers. Among the 1993 samples, we were able to classify 40 (21 per cent) of the 187 replies as broadly positive and 101 (65 per cent) as broadly negative, the remainder having mixed feelings or no opinion. Some insight into the reasons for the predominance of negative images can be obtained from a selection of comments made by interviewees. The first set undoubtedly reflects a common inmate view of prison probation officers as bureaucratic, inefficient, disinterested and under-resourced - particularly in local prisons, but also among the (to us) surprisingly large number of prisoners in training prisons who had had no contact with seconded officers:

'Only routine.'

'A formality.'

'They forget your name.'

'They should put more interest in the person they are dealing with.'

'They can't even be found, let alone talked to.'

'There were a group of us waiting to see him. He forgot we were there.'

The second set of comments, some equally negative, some more positive, illustrates the fact that many prisoners still adhere to the traditional understanding of the role of seconded probation officers as 'welfare' officers (i.e. there to sort out inmates' practical problems for them) and judge them primarily according to how much assistance they are willing or able to provide in response to individual requests:

'Very good. They helped me for home leave - sorted out everything.'

'They can help people who've never been here before.'

'There's not enough understanding about people's personal needs.'

'They won't do anything for you.'

'It's just talking.'

'You need more help in prison than out.'

Finally, we discussed with interviewees the notion of 'addressing offending behaviour', which the 1992 *National Standards* had identified as a central element of work with prisoners (Home Office 1992:104). To most, this was an alien notion which they resisted - especially if it involved sharing confidences with prison officers and seconded probation officers. Reasons given included lack of respect for both these professions, concern that what they said would not be kept confidential, and plain disinterest in reforming their behaviour. Nevertheless, there was a significant minority (including some sex offenders on Rule 43) who actively welcomed attention of this kind and whose complaint, if any, was that probation officers did not have the time to see them as often as they would like.

Contact with field probation officers

The majority (81, 71 and 85 per cent, respectively) of interviewees in the Cardiff, Bristol and 1994 samples knew to which probation office they would have to report on release and were aware that they had been assigned a particular officer to supervise them. Although they often could not recall the name of the officer, most could at least remember being contacted by him or her by letter. This applied even to those who had been in prison for only a few weeks.⁶ However, a considerably smaller proportion (47 per cent of the 1993 samples and 42 per cent in 1994) said that they had received any visits from their potential supervisors. This was true even among prisoners nearing the end of their sentence: in the Cardiff sample, for example, only 58 per cent of these said that they had been visited.⁷ As we shall see, the prisoners' statements paint a very different picture than the responses of probation managers to our national survey, most of whom thought that high proportions of ACR prisoners were being visited.

How useful did the prisoners who had had probation visits find them? First of all, it should be pointed out that only a small minority had had more than one such visit so, unless the prisoner and the officer knew each other already (which was not often the case),⁸ the visit was likely to serve largely as an introduction. Secondly, we found that, in order to use resources efficiently, probation officers tended to arrange their visits so that they could see a 'batch' of prisoners on one day, and hence had only limited time with

6 In the Cardiff sample, 77 per cent of recently sentenced prisoners had some information about who was to supervise them. Among those nearing the end of their sentence, the figure was 86 per cent.

7 Moreover, in the follow-up survey after release (see Chapter 4), 18 of 42 licensees said that they had not been visited by an outside probation officer while in prison.

8 Pre-sentence reports are normally prepared by different teams of probation officers than those involved in post-sentence supervision, so unless a prisoner had been on licence to that office previously, he is unlikely to have met his future supervising officer. And even then, there has been a high level of reorganization in recent years, with many transfers, reducing continuity of personal contact in many areas.

any one individual (see Chapter 5). Not surprisingly, therefore, under half of those who had received visits said that they had discussed their release plans in any detail, few had received any practical help from the officer who visited and, as Table 2.4 shows, only a minority had found the visit(s) quite helpful. Even so, it should be noted that there was much less criticism of 'outside' probation officers than of those based within prison - perhaps because there are lower expectations of practical help from them than from seconded officers during the prison stage of a sentence. Moreover, some prisoners clearly found the maintenance of contact with a sympathetic outsider valuable in itself, and several said that it was 'right' that they should at least meet each other before release.

Table 2.4
Prisoners' ratings of value of visits by 'outside' probation officer

| | Cardiff (N=51) % | Bristol (N=28) % |
|--------------------|------------------------|------------------------|
| Very helpful | 16 | 25 |
| Quite helpful | 25 | 21 |
| Not very helpful | 22 | 29 |
| Not at all helpful | 37 | 25 |
| Total | 100 | 100 |

The following is a selection of comments from prisoners which illustrates the diverse range of opinions expressed about the contacts they had had with 'outside' probation officers since their sentence:

- 'He has given me more positive feelings about release.'*
- 'She couldn't have done any more for me. She'll do whatever she can.'*
- 'At least they try to help.'*
- 'It was just a formal meeting.'*
- 'They want to talk about what they know already.'*
- 'They shouldn't write - they should come to us in here.'*
- 'Waste of her journey.'*
- 'I don't really know what they are supposed to do.'*
- 'I didn't need the help.'*

Attitudes to supervision

One basic question we put to all the prisoners interviewed in 1993 was 'Do you see any purpose to supervision by a probation officer when people leave prison?' Encouragingly, fewer than 20 per cent (of both samples combined) said that they could see no purpose at all. However, many of the positive answers referred to prisoners other than the respondent (e.g. 'For some people with real problems, not for me'). Altogether, 55 per cent of the Cardiff sample thought that they themselves would 'get something out of supervision, and just eight per cent that they would 'get a lot out of it'.

When asked whether supervision would make any difference to what they did after release - and, specifically, if it would make a difference to whether or not they reoffended - the majority said no in each case. Typical comments included:

- 'It's just a formality'*
- 'You get out of it what you want out of it.'*
- 'If I'm going to commit a crime, I'll do it anyway'*
- 'I have my own mind now. It will make no difference.'*
- 'It helps some but I don't need them.'*
- 'It just gets in the way - a hassle.'*
- 'It will ruin one day a week.'*

However, there was a group of around 22 per cent in each sample who felt that it would have some effect on their offending, if only to make them 'more cautious' or to 'think twice'. Most meant by this some form of deterrent effect caused by the fact of being on conditional release, although a small number were clearly referring to a rehabilitative effect (e.g. 'will help me get myself together'). Comments included:

- 'It will put me back on the right tracks.'*
- 'Make me cool down.'*
- 'I'll bend the rules, not break them.'*
- 'I'm more likely to work.'*
- 'It'll make me more cautious, think twice.'*
- 'Slows you down.'*
- 'More careful.'*

Although over 60 per cent had some previous experience of probation supervision (chiefly under probation orders or on parole), relatively few had a clear idea of the form that ACR supervision would take - the reporting requirements, licence conditions, whether there would be any obligation to attend groups or treatment sessions, and so on. Most expected it to be largely unrestrictive: less than one-third anticipated any limitations on their

freedom or behaviour apart from the necessity to report. However, if there were any such conditions or restrictions, a strong majority said that they would abide by them (15 per cent said that they would not). In Chapter 4, we shall see to what extent expectations matched actual experiences of supervision.

To sum up, most prisoners did not appear to hold strong views about the idea of being supervised on release. Though generally seeing it as unlikely to have much effect, they were prepared to co-operate with what they saw as a fairly undemanding set of obligations in exchange for early release. Some regarded it as potentially helpful in practical terms (with regard to housing, employment, and so on). On an encouraging note, too, about one in five thought that it might have some effect on their offending behaviour.

Attitudes to the 'at risk' period

As stated earlier, quite a high proportion of interviewees were not even aware that they would be subject to an 'at risk' period following on from the end of the supervision. But once we had explained the situation, their reactions were similar to the rest: most found it the least palatable aspect of the new system. It was likened by many to a suspended sentence which, in their view, should not be tacked on to the end of a prison sentence. One common line of argument was that an offender had 'served his time' by the three-quarter point in a sentence and should not on principle be subject to extra punishment; another was that the police would go out of their way to arrest ex-prisoners for minor offences during this period, in order to see them back in prison.

Nevertheless, a substantial minority (18 per cent of the Cardiff sample) considered that being 'at risk' would make a difference to the likelihood of their offending and some others (11 per cent) thought that it might. Their comments included:

'I won't leave myself open this time.'
'I'll keep my head down.'
'Knowing it's there will put me off.'
'More careful, definitely.'
'I will be thinking about it.'

It goes without saying, of course, that opinions about the effectiveness of deterrence may bear little relation to the success or failure of deterrence in practice.

Prison officers' views

A second element of the prison-based fieldwork entailed canvassing the views of uniformed prison officers. This was achieved mainly through self-completion questionnaires, though these were supplemented by interviews and informal discussions in order to explore some of the issues in more depth.

The questionnaire survey was carried out in Summer 1994, a few months after the formal introduction of sentence planning for ACR prisoners. The questionnaires were distributed to as many available officers as possible in seven institutions, three local and four training prisons. It had become clear from piloting that officers were unlikely to return questionnaires unless they were first seen in person and persuaded of the value of the exercise, then revisited to collect them (preferably on the same day). It proved impracticable to construct a fully representative sample and seek out its members individually, owing to officers' other commitments, shift patterns, leave, and so on, but we made every effort to include officers working in a range of locations and capacities within each prison. Quite high refusal and non-response rates were experienced (together around 50 per cent), but in the end a total of 136 returned completed questionnaires, covering between them a broad range of ages and experience.⁹ If the final sample is in any way unrepresentative, this is most likely to be in the direction of over-representing officers with a positive attitude towards throughcare.

General knowledge, views and experience of the system

A majority of respondents to the survey claimed to be at least broadly familiar with the main elements of the new system (see Table 2.5). Nevertheless, well over a third were relatively unsure, and only a quarter were confident that they could deal with all prisoners' questions about it. It also emerged, in answer to another question, that 20 of the 136 were not even familiar with the term 'throughcare'.

⁹ They consisted of 123 Basic Grade and 13 Senior or Principal Officers; 126 were male, 10 female; 29 per cent had less than six years' service and 29 per cent twelve or more years; 31 per cent were aged 25 or under, and 26 per cent over 45.

Table 2.5
Prison officers' understanding of the new system

| <i>Claim to understand it:</i> | <i>N</i> | <i>%</i> |
|--------------------------------|----------|----------|
| Very well | 14 | 10 |
| Fairly well | 57 | 42 |
| Not very well | 57 | 27 |
| Not at all | 16 | 12 |
| No response | 12 | 9 |
| Total | 136 | 100 |

The lack of full knowledge was reflected in a widely expressed desire for more training: 87 per cent stated that they would welcome this. Excluding non-respondents, 32 per cent rated the level of training so far received as 'poor', and only 18 per cent as 'good'. Moreover, 23 per cent of the full sample said that inadequacies in training had caused them problems in dealing with throughcare-related matters.

Of course, lack of knowledge was not a serious handicap to those officers who had not yet had direct experience of this area of work. Nevertheless, it emerged that the majority had already been personally involved in sentence planning (65 per cent) and/or personal officer schemes (54 per cent).

Responses from prison officers, in survey and interviews alike, suggested that the basic principle of automatic conditional release had roughly equal numbers of supporters and detractors (see Table 2.6). Those in favour cited similar reasons to prisoners: it reduced stress and avoided the problems that frequently follow refusals. Many also stated that it was right that inmates and their families should know their date of release and be able to prepare for it. The detractors seemed to be concerned either about consequent increases in workload for prison officers, or that certain high risk prisoners could be released too early. There was stronger support for the principles of sentence planning and throughcare, with over two-thirds in favour in both cases. On the other hand, over half were against extending these arrangements to include adults serving under 12 months, only 22 per cent expressing support for this idea.

The new system, most respondents agreed, had had an impact upon their working lives, and over a third stated that it had made 'a lot of difference'. Three-quarters reported experiencing increases in workload, and two-thirds increases in 'paperwork'. Nevertheless, roughly equal proportions said that, from the point of view of prison officers, the changes in work had been

'mainly for the better' (36 per cent), 'mainly for the worse' (32 per cent) and 'neither worse nor better' (31 per cent).

Table 2.6
Prison officers' views on the new system

| | <i>Strongly in favour</i> % | <i>In favour</i> % | <i>Against</i> % | <i>Strongly against</i> % | <i>Don't know</i> % | <i>Total (N=136)</i> % |
|-------------------|------------------------------------|-----------------------|---------------------|----------------------------------|----------------------------|-------------------------------|
| ACR | 7 | 33 | 23 | 15 | 22 | 100 |
| Sentence planning | 21 | 48 | 12 | 4 | 15 | 100 |
| Throughcare | 0 | 68 | 4 | 0 | 27 | 100 |

In interviews, the complaints most often expressed about the new system were about excessive 'paperwork', too much complexity in the release structure, lack of time and resources, and inadequate or non-existent training. Some also feared that prison numbers would rise as a result of breaches and reoffending while on supervision, again putting extra pressure on the system. In order to get an idea of how serious they felt the practical problems to be, survey respondents were asked which of four statements best described 'the current situation in your prison' (see Table 2.7). While the great majority felt that there were problems, only 13 per cent felt that these were 'almost insoluble'. However, another 30 per cent thought that they would not be easily solved, but needed to be tackled seriously.

Table 2.7
Prison officers' views of current state of implementation

| | % |
|--|----------------------|
| No problems, implementation going fine | 16 |
| Temporary problems, will sort selves out | 41 |
| Some real problems, need to be tackled seriously | 30 |
| Major problems, almost insoluble without fundamental changes | 13 |
| Total | 100 |
| | (N=105) ^a |

^a 33 'don't know' or non-responses excluded.

Finally, officers were asked whether, as a whole, the Act had been of benefit or otherwise to (a) prisoners, (b) prison officers, (c) seconded officers and (d) prison managers. As Table 2.8 shows, most felt unable to comment on the last two groups, and opinions were split in relation to their own profession. By contrast, there was a strong level of agreement that *prisoners* had benefited from the new system.

Table 2.8
Prison officers' perceptions of benefits to various groups

| <i>For:</i> | <i>Better</i> % | <i>Same</i> % | <i>Worse</i> % | <i>Don't know</i> % | <i>Total</i> (N=136) % |
|--------------------|--------------------|------------------|-------------------|------------------------|------------------------------|
| Prisoners | 53 | 11 | 7 | 29 | 100 |
| Prison officers | 29 | 21 | 28 | 29 | 100 |
| Seconded probation | 9 | 11 | 9 | 71 | 100 |
| Prison management | 14 | 13 | 6 | 67 | 100 |

Communication and relationships

Despite their increasing responsibilities - through involvement in sentence planning and personal officer schemes - in the area of response to prisoners' needs, most prison officers stated that they had had little or no contact with seconded or field probation officers (73 and 81 per cent, respectively), with prison education staff or psychologists (86 and 89 per cent), or with housing agencies or social service departments (93 and 94 per cent). Nevertheless, some indicated that relationships with seconded probation officers, in particular, had benefited from the new arrangements: 17 per cent said that these had improved, and only three per cent that they had worsened. The equivalent figures for 'outside' probation officers were nine and two per cent.

Prison officers expressed much less concern than probation officers (see below) about the adequacy of the documentation which passed between the two services. Among 79 who had experience of exchanging forms or correspondence with probation officers in relation to ACR matters, over two-thirds found the relevant forms adequate, 85 per cent thought that *they* personally filled them in adequately and 69 per cent that prison officers in general did so. The only areas eliciting large numbers of negative responses about documentation were the time taken to exchange forms (54 per cent) and an apparent absence of the feedback which the Probation Service should provide at the end of ACR supervision (only 32 officers altogether

had ever seen any of the relevant forms).¹⁰ Finally, in common with prisoners, most officers felt that the new arrangements had had little effect upon prisoners' behaviour or staff - inmate relations. Only 13 per cent thought that they had made 'a lot of difference' to inmates' behaviour in general, and three per cent that they had made a lot of difference to staff behaviour towards inmates. In nearly all cases, these were positive differences.

Prison managers' views

In addition to the structured interviews with uniformed prison staff, we conducted less formal interviews with a number of other key prison personnel in the ACR system, namely prison governors and 'heads of custody' or others with managerial or administrative roles associated with throughcare and sentence planning. (Those responsible for sentence planning varied from 'Governor 5s' in some prisons, down to Senior Officers in others.) We did not examine organisational aspects of sentence planning in any depth, as it had hardly got underway for ACR prisoners until late in our field-work period. However, we canvassed broad views about the process from prison managers.

Perhaps the main message to come through was one of positive commitment to the principles of sentence planning and throughcare, and of faith in the abilities of prison officers (with appropriate training) to perform a more 'social work' oriented role, though tempered by reservations about the problems of applying the system to *all* inmates (or rather, all those sentenced to 12 months or over). It was said, in particular, to be very difficult to develop sentence planning for shorter term prisoners. Owing to growing pressures on accommodation in local prisons, some training prisons were receiving higher numbers of short-termers than in previous years, so the problem was common to both types of prison. The logistics of setting up courses for large numbers of prisoners with different needs, many of whom were in the prison for only a few months, were described by one as 'problematic, to say the least'. There were also long waiting lists for some courses, which meant that shorter term prisoners were unlikely to get on to them in time.

A number of prison managers expressed concerns that the process might become mainly a paper exercise for many prisoners, not only involving staff in a time-consuming exercise in form-filling, but creating expectations among prisoners which the institution was unable to fulfil. Typical comments included:

¹⁰ Of course, this could be due either to probation failures to provide feedback, or to prison management failures to pass it on to personal officers, etc.

'There's a big problem with waiting lists - channelling expectations and then we can't deliver.'

'Short sentences are difficult. It's difficult to motivate both prison officers and inmates.'

'Problems with the number of forms, problems with the time to have personal interviews, too many deadlines.'

'Sentence planning for ACRs is much less effective. Over four years is better, three years is OK, but with shorter sentences it doesn't work.'

'There is a timing problem for shorter sentences. Very little can be achieved, while a lot of resources are being used, staff numbers and time in particular.'

'We have to be careful that we do not paint a glossy picture and then not deliver.'

A second major area of concern was slowness in organising adequate training for prison officers in the new system. Managers reported often having to send forms back to officers to 'fill in properly', as well as constantly 'chasing' them for forms to meet deadlines. The ideal solution to this was seen as comprehensive training so that everyone fully understood the system and its purposes, though as several pointed out, sentence planning was simply one more training need among many:

'There aren't any resources to adapt the system and train officers for the personal officer scheme. It's like banging your head against a brick wall.'

'It has to compete with security and control priorities.'

A third problem identified by some prison managers concerned slow responses, or even lack of responses, by probation officers to communications from the prison, particularly in relation to home leave and to sentence planning reviews (mainly for DCR prisoners). As probation officers made similar complaints about the prisons, communication problems were clearly endemic to the system. However, it was our perception that, apart from the obvious factors of lack of time and resources, part of the problem stemmed from mutual ignorance of the working practices (and the general 'culture') of the other organisation. What to a prison officer seems reasonable notice to give a probation officer for preparation of a report on home circumstances in relation to home leave, may appear as ridiculously short notice to the probation officer, who already has deadlines for many other visits and

reports. This may explain why one Governor commented that his staff preferred to deal with specialist throughcare teams, rather than members of generic teams, as they regarded the former as more competent and knowledgeable about both sentence planning and the needs of the prison.

Where relations with seconded probation officers were concerned, there was a varied picture, dependent as much as anything, it seemed, upon the personalities and attitudes of the managers on both sides. In one prison, there was clearly strong mutual antagonism, and the seconded officers had been marginalised in relation to much of the throughcare process. In others, the respective managers seemed to work in a fair degree of harmony and co-operation. Once again, the differences highlighted for us the importance of each knowing more about the other person's job, 'in the round' as well as in relation to overlaps with their own. For example, there was a tendency for prison staff of all ranks to see seconded probation officers as marginal to the 'real' work and life of the institution, with complaints such as 'they're never available', 'we hardly know him/her' and 'we don't know what they do all day' quite common. This was exacerbated by the fact that seconded officers were often posted to a particular prison for a relatively short time. Many also lived at some distance from it, so did not tend to stay 'after hours' to socialise with staff. The official recommendation that seconded officers 'participate' in the sentence planning process can be interpreted in many ways, and in some prisons where existing relations were already poor, it appeared that prison managers and staff had basically decided to 'go it alone', involving them only in a token manner.

Despite the considerable problems and reservations referred to, none of the prison managers we interviewed wished to see the system 'scrapped'. The most common recommendation for change was for more flexibility and discretion to be built into it, allowing officers to focus sentence planning upon prisoners with particular needs, rather than - as one put it - 'attempt to spread a small pot of jam thinly' among the whole population. Interestingly, similar comments were made by several probation officers about supervision on licence (see Chapter 4). Another strong recommendation was to put sentence planning in the hands of as senior a member of staff as possible - it was not seen as a priority by many prison officers and, as one Head of Custody put it, needed to be 'pushed by someone with clout.' Otherwise, the general message seemed to 'keep plugging on', as the basic ideas behind the system had a great deal of support. For example:

'We have to support sentence planning, even if it's not running smoothly. We must just keep trying and pushing, trying to make it a higher priority.'

'My ambition is to get sentence planning seen as important for all relevant prisoners.'

Seconded probation officers' views

Informal interviews were conducted with seconded probation officers in several of the prisons we visited, with a view to eliciting their general opinions about the new system and identifying any problems or benefits they were experiencing or could detect for the future. No fixed questionnaire or set criteria were used for these interviews, which were broad and free-ranging.

The main message from seconded officers was that the new arrangements contained long overdue reforms to a system which had delivered a poor service to prisoners for years, and that there was potential for a system which really worked. On the other hand, the reality of life in prisons - especially overcrowded local prisons - combined with serious resource deficiencies, made it unlikely that this would be achieved in the near future.

On the positive side, approval was expressed that the role and priorities of the seconded probation officer had at last been clarified. For example, one Senior Probation Officer was pleased to see official confirmation of his view that assessment of prisoners was a key task for seconded officers, and another that the official focus upon offending behaviour had given a boost to treatment groups. Most felt, too, that co-operation and communication between probation and prison staff, and between staff inside and outside prison, had improved. And most felt that efforts were now being made to inject some continuity into the progress of individuals through the prison and post-release system.

On the negative side, seconded officers thought that many prison officers were inadequately trained (and in some cases, poorly motivated) for tasks involving assessment and the addressing of offending behaviour, as well as for the proper completion of reports. They were also concerned about resourcing and staffing issues; and that increased paperwork had created delays, incomplete - and sometimes inaccurate or illegible - records, and serious pressure on staff time. Moreover, many felt that it was often not possible, even when prisoners' needs were clearly and correctly assessed, to get them to the right prison or on to the right programme; and it was as yet unlikely, owing to the large numbers involved, that work done with individual prisoners, even if accurately summarised in the documentation, would be continued in a coherent fashion after transfer or release.

Seconded probation officers in some prisons complained that they were not being consulted on a regular basis about sentence plans or discharge reports,

as managing the prison phase of throughcare was now seen as primarily the responsibility of prison staff (albeit, officially, with probation staff participation). Some, indeed, felt that they were being deliberately 'squeezed out' of the process, perhaps as part of a long-term plan on the part of some prison governors to reduce or even exclude Probation Service involvement inside prisons. This notion was fuelled by concerns about the nature of the new contracts which had to be drawn up between prison governors and Chief Probation Officers, defining the services that the former were 'buying' from the latter. The concerns included a fear that some governors might eventually wish to buy in private contractors to fulfil some of the current functions of seconded officers, while transferring the remainder to prison staff.

To sum up, seconded officers, like most members of the other groups we interviewed or surveyed inside prisons, were fundamentally in favour of the move towards more coherent planning of sentences within a throughcare framework. But like the others, they had serious reservations about how well it could be made to work in practice for the bulk of prisoners.

3 Throughcare and the Probation Service: results of a national survey

In this and the following two chapters, the focus moves from prisons and the Prison Service to the role of the Probation Service in throughcare and supervision in the community. In Chapter 4 we shall look in some detail at supervision on licence and in Chapter 5 at probation liaison with the prisons, in each case using data from our fieldwork areas. In this chapter, we begin with a national picture of probation experience in both these areas of work, based upon a survey of every probation area in England and Wales. As the main purpose was to provide a broad background to inform our local studies, the many issues raised will not be discussed in depth at this point, but will be taken up in subsequent chapters.

In Autumn 1994, we sent a questionnaire to all Chief Probation Officers, asking them to pass it on for completion to the manager responsible for throughcare in their area. Reminders were sent where necessary and eventually 47 of the 55 areas returned questionnaires, a response rate of 85 per cent. Three of these provided separate returns for different geographical sectors of their area. In two of these cases, we were able to amalgamate the responses into one return for the whole area. The third was Inner London, whose total caseload was far in excess of all other responding areas, and whose six constituent districts, each with its own throughcare manager, were on a scale commensurate with many whole probation areas elsewhere. In this case, we coded the six returns as though they each represented a different probation area. The total number of questionnaires analysed, therefore, was 52.

Caseloads

The questionnaire began with a request for statistics on ACR cases and their outcomes. First, to gain a broad picture of the numbers of cases dealt with, we asked all areas to state how many files had been opened on ACR prisoners during the 21-month period from the beginning of the scheme to June 30th 1994. As one might expect, given the varying sizes and catchment areas of probation services, there was a wide range of caseloads. Apart from Inner London, whose combined districts had dealt with nearly 4,000 ACR cases (pre- and/or post-release) over the period, the largest was 1,592 and the smallest just 54. However, the majority (58 per cent) had dealt with between

200 and 700, the average figure, counting Inner London as six areas, being 510. Altogether we estimate, assuming average caseloads in the non-responding areas, that about 30,600 ACR casefiles had been opened nationally over the 21-month period. About 8,000 of these had already been completed.

Where currently active cases were concerned, we calculated that the number of registered ACR offenders in England and Wales on June 30th 1994 was about 22,500, an average of 375 per probation service. However, only about a quarter (5,600) of these offenders - an average of 93 per area - were currently under supervision on licence, the remainder still being in prison. This suggests that supervision caseloads have increased further since the time of the survey: in a stable situation, one would expect a ratio of one-third to two-thirds (or higher, as time in prison under sentence is reduced by time spent on remand). There was a substantial rise in the prison population in 1994, the effects of which were beginning to work their way through the system.

Average ACR caseloads for individual probation officers varied considerably, as some specialised in throughcare cases and others also supervised probation orders, community service orders, and so on. In areas without specialist teams, the average throughcare caseload was often in single figures. Where there were specialist supervisors, the average throughcare caseload varied mainly between 40 and 55, and the average ACR caseload between 25 and 40. In many areas, specialist throughcare officers' caseloads were considerably higher than the average generic supervision caseload - though, of course, it should be remembered that a large proportion of the former's offenders were still in prison and did not have to be seen so often.

Completions, breaches and reoffending

We estimate from the returns that around 8,000 ex-prisoners had completed *their ACR licence by June 30th 1994. It also seems that the vast majority had done so without breach or reconviction.* Forty-two probation areas provided figures on the results of completed or prematurely terminated licences (see Table 3.1). In these areas, out of a total of 6,342 offenders whose supervision had come to an end, only 470 (7.4 per cent) were recorded as not completing the licence period successfully: 130 through reconviction, 93 through breach proceedings, and 257 for other reasons (including, we presume, arrest for offences not yet dealt with, as well as death, removal from the country, or disappearance by people of no fixed abode).¹ Moreover, little more than one per cent were said to have been returned to prison during the period of their licence, most commonly as a result of reconviction: 27 of the 77 had been returned to prison for breach only.

¹ Ten had been both reconvicted and breached. As with community penalties, new offences are not usually dealt with by instituting breach proceedings.

Table 3.1
Stated outcomes of supervision by June 30th 1994
(Based on returns from 42 probation areas)

| | <i>No. of cases</i> | <i>%</i> |
|--|---------------------|------------|
| Supervision completed successfully | 5,872 | 92.6 |
| Failed through breach only | 83 | 1.3 |
| Failed through reconviction only | 120 | 1.9 |
| Failed through breach and reconviction | 10 | 0.2 |
| Failed for other reasons | 257 | 4.1 |
| (Returned to prison during licence period) | (77) | (1.2) |
| Total | 6,342 | 100 |

If these figures are accurate, they suggest that ACR has been dramatically effective, and seem to dispel totally the frequently expressed concern that it will lead to an increase in the prison population because of failures on licence. However, while we believe that failures within the licence period have indeed been low, it is likely that there is a considerable amount of under-recording involved, both in the survey returns and in other sources of data on this subject. The whole question of effectiveness will be addressed in Chapter 6, and we shall say no more at this point than that we are particularly sceptical of the accuracy of the reconviction figures in the survey.

However, even if not as dramatically low as the above figures suggest, there is little doubt from our discussions with probation officers and magistrates from several parts of the country, as well as analysis of casefiles in our study areas, that - so far, at least - completed breach proceedings have been rare in ACR cases.² Of course, whether this is due to widescale co-operation by offenders, to less than strict enforcement of conditions by supervising probation officers, or to delays in getting 'failures' to court, is a separate question, to be addressed later (see Chapters 4 and 6).

Specialisation

The questionnaire went on to ask respondents to describe their organisational arrangements for throughcare. Table 3.2 shows that most areas had instituted some form of specialisation (only one in six had none), although only just over a third had full specialisation. Similarly, the majority had at

² It may be that many more breach proceedings have been initiated, but not carried through owing to failures by the police to exercise warrants, proceedings being dropped as serving no useful purpose after the passage of time, and so on. There are some indications from our casefile study that this may be the case (see Chapter 4).

least one specialist senior officer supervising officers dealing with through-care cases, although only 37 per cent had specialist seniors in charge of *all* throughcare work. Most probation services dispersed such work in offices throughout the area, but 31 per cent (i.e. the majority of those with specialist teams) concentrated it all in two or three centres.

Table 3.2
Throughcare arrangements

(a) Teams

| | <i>N</i> | % |
|--|----------|-----|
| Specialist throughcare team(s) only | 19 | 37 |
| Mixture of specialist and non-specialist teams | 11 | 21 |
| No specialist teams, some officer specialisation | 10 | 19 |
| No specialisation in throughcare | 9 | 17 |
| Other/no response | 3 | 6 |
| Total | 52 | 100 |

(b) Supervision

| | <i>N</i> | % |
|--|----------|-----|
| Specialist SO(s) supervising all throughcare POs | 19 | 37 |
| Some POs supervised by specialist SO, others not | 9 | 17 |
| Joint supervision by spec/non-spec SOs | 2 | 4 |
| No specialist throughcare SOs | 20 | 39 |
| No response | 2 | 4 |
| Total | 52 | 100 |

We asked respondents to comment on the advantages and disadvantages of specialisation in this field of work. The most common advantages mentioned were the development of expertise (15 respondents) and efficiency/cost saving (12). Others mentioned by six or more respondents were 'consistency of delivery', better liaison with institutions, and a better service to offenders. Typical comments included the following:

'Development of expertise, concentration of effort, hopefully better liaison.'

'Economical use of time. Facilitates practice development. Improved liaison with prisons. Better management.'

'Knowledge, skills, systems better developed in a very specialised area of work'

'Enables effective use of resources and may avoid duplication via prison visiting schedule.'

'I can see only advantages to prison inmates, seconded officers and licensees, in terms of consistency and best practice arising from specialism.'

Considerably fewer respondents mentioned disadvantages. Those most frequently cited were that it was 'geographically difficult' in large rural areas (6), that officers had high or excessively demanding caseloads (6) and that it was 'deskilling' or provided officers with 'too narrow a range of work' (5). Other comments referred to various negative personal effects upon specialist officers, including feelings of 'insularity' and the demoralising effect of working with 'unmotivated cases', as well as to the problem of a lack of continuity for offenders (in that it entailed a change of officer after sentence). Finally, in contrast to those who saw specialisation as cost-effective, two claimed that it was a drain on resources. A sample of comments is provided below:

'Less variety of work - possible link to job dissatisfaction. Concentration of demanding high risk cases. Specialisation necessitates officer change at sentencing point. Some officers find long haul prison visits tiring.'

'Specialist knowledge held by a small number of staff. Dangers of elitism. Lack of sharing and understanding. Lack of ownership by rest of service.'

'Greater distance for POs or offenders to travel, ceasing to offer a community based service. Specialist throughcare POs are likely to feel a degree of isolation from colleagues. Field teams are smaller and have less flexibility to cope with upsurges in workload.'

'The specialist team is an expensive resource. We need to find ways of providing a fully integrated throughcare service within field teams for all prisoners.'

Despite these arguments, and in line with the generally stated preference for specialisation, most of those areas which were considering a change in their post-release supervision arrangements seemed to be moving in the direction of more specialisation, rather than away from it. No fewer than ten mentioned concrete or putative plans of this kind, although three were considering going back to a generic approach.

Finally, others mentioned different plans for change, including several who were considering or embarking upon management reviews or audits of the whole throughcare system, often underpinned by financial concerns and constraints. For example:

'We intend reviewing our throughcare system structure early next year. Also, we need to undertake work to measure/understand what exactly throughcare means in terms of cost, quality, relevance, good practice, effective outcomes, etc.'

'A thorough review is necessary'

'Broad review to take account of the demands on the service re standards and the need to make the most efficient use of our resources.'

More concrete plans included the following:

'Pilot being planned of major input into local prison to offer weekly visit and welfare surgery and input accommodation.'

'Cannot supervise under 12 month sentenced offenders: considering partnership potential as an answer'

'Currently, officers are allocated cases on the basis of which prison the client is in. Soon we will change to a system in which a client should have the same PO throughout the whole of the custodial sentence and licence.'

Relationships with prisons

Respondents were asked to state approximately what proportion of offenders were being visited by their prospective supervisors whilst in prison. Almost half were unable to give an answer, but a surprisingly high proportion (91 per cent) of those providing figures stated that over 80 per cent of both ACR and DCR prisoners were visited. This did not accord at all with prisoners' statements (Chapter 2), nor did it reflect our data from probation

areas or our discussions with probation officers at conferences and workshops. It may be, of course, that the non-respondents were primarily from areas which visited much lower percentages of offenders; or, more likely, many of the respondents, who were mainly senior managers, had insufficient information to form an accurate picture of the situation 'on the ground'.

Whether or not this is the case, many respondents were certainly aware of the financial implications of large numbers of visits to prisons. Indeed, almost a third referred to cost-saving policies in their area (not counting the ubiquitous car sharing schemes) which placed some restrictions on the numbers who could be visited. The most common of these were the need to obtain permission from a senior officer before visiting a prison outside the county or over a certain distance and limits on individual officers' or teams' mileage budgets. Several also gave lists of priorities in terms of visits, on which 'ordinary' ACR prisoners usually came low down. Indeed, only four areas stated that there were virtually no restrictions on visits. Some examples of comments:

'Cash limitations obviously restrict prison visiting.'

'We restrict visits to prisons outside the SE region.'

'Each team has a travel budget and decides its own priorities within policy'

'Officer time is as high a priority as travel cost. Visits are left to the discretion of the local manager'

'We have a maximum mileage per officer, car sharing system, monitoring system.'

'All prisoners visited once during sentence, but not ACRs where excessive expenditure involved.'

'Attempt to visit 'all' as per national standard, but priority to serious/violent/sec/schedule 1 offenders.'

The respondents were also aware of numerous practical problems associated with prison visits. Those most frequently mentioned were long distances (23), transfers of inmates with no warning (22), delays in prisoners being produced for interview (26), shortage of time (18) and poor interviewing facilities (17). Several said that they had taken steps to ameliorate some of the problems inside the prisons, principally through discussions with governors or seconded probation officers.

This leads us to more general questions about relationships between prisons and 'the field'. As Table 3.3 shows, most respondents felt that the level of co-ordination and co-operation between field probation officers and both prison staff and seconded probation officers was fairly good, and a substantial number reported improvements since the implementation of the new system. Even so, over a third reported 'poor' relations with prison staff. Further comments on this topic will be made in Chapter 5.

Table 3.3
Levels of co-ordination and co-operation

(a) Between prison staff and field probation officers

| <i>Level now:</i> | <i>%</i> | <i>Since CJA 1991 has:</i> | <i>%</i> |
|-------------------|---------------|----------------------------|---------------|
| Very good | 2 | Improved | 35 |
| Fairly good | 52 | Remained same | 58 |
| Poor | 35 | Worsened | 0 |
| Don't know | 11 | Don't know | 8 |
| Total | 100 (N=52) | Total | 100 (N=52) |

(b) Between seconded probation staff and field officers

| <i>Level now:</i> | <i>%</i> | <i>Since CJA 1991 has:</i> | <i>%</i> |
|-------------------|---------------|----------------------------|---------------|
| Very good | 8 | Improved | 29 |
| Fairly good | 75 | Remained same | 61 |
| Poor | 15 | Worsened | 2 |
| Don't know | 6 | Don't know | 8 |
| Total | 100 (N=52) | Total | 100 (N=52) |

Table 3.4
Probation involvement in sentence planning

| <i>How happy with level:</i> | <i>N</i> | <i>%</i> |
|------------------------------|----------|----------|
| Very happy | 1 | 2 |
| Fairly happy | 7 | 13 |
| Not very happy | 30 | 58 |
| Not happy at all | 11 | 21 |
| Don't know | 3 | 6 |
| Total | 52 | 100 |

One topic on which there were numerous expressions of dissatisfaction was the level of probation involvement in sentence planning. A strong majority of respondents declared themselves unhappy on this score (Table 3.4) and most of the comments added were negative. They revolved mainly around three practical problems - lack of consultation, short notice (or no notice) of meetings, and 'bureaucratic' approaches by the prisons - as well as the basic concerns that assessments were 'superficial' owing to reliance on untrained prison officers, and that they tended to focus upon prison priorities rather than the offender's potential needs in the community. A few examples are given below:

'We are not consulted, it is just a paper exercise as far as the prisoners are concerned. It focuses upon the regime in prison rather than the prisoner's needs on release.'

'POs don't feel included enough. Sentence planning documents look amateurish. Bureaucratic approach. No real depth.'

'Meetings changed or cancelled at short notice. Often perceived to be superficial.'

'Poor diagnostic skills of prison officers. "Doesn't need help with offending behaviour as s/he has decided this sentence is the last". This is a very common comment on the offending behaviour targets. I would like a separate PO assessment.'

'POs are "invited to comment" on the plan after it has been prepared. Most plans are more dependent on satisfying the needs of the prison rather than those of the prisoner.'

'POs are not consulted enough, and not at all by some institutions. Risk assessment, where probation officers have a contribution to make, is often undertaken by prisons with apparently little understanding of what this means.'

Another topic which appeared to be causing concern among probation managers was the documentation coming out of prisons in relation to throughcare (see Table 3.5). There were particularly high numbers of responses expressing doubts about the quality and content of the written assessments made by prison officers and about delays in the transmission of forms. These issues, again, will be topics for discussion in Chapter 5.

Table 3.5
Documentation coming out of prisons

| <i>Have you experienced problems with:</i> | <i>No/slight problem</i> % | <i>Significant problem</i> % | <i>Major problem</i> % |
|--|-------------------------------|---------------------------------|---------------------------|
| Documentation failing to arrive | 47 | 49 | 4 |
| Documentation arriving late | 32 | 56 | 12 |
| Time given to respond to forms | 52 | 40 | 8 |
| Quality and contents of forms | 28 | 47 | 25 |
| Design of forms | 57 | 37 | 6 |
| Organisation of home leave | 29 | 51 | 20 |
| Arrangements for NEA offenders | 36 | 28 | 26 |

Supervision and standards

Both the 1992 version of *National Standards*, which was in operation at the time this research was conducted, and the 1995 version state that, in normal circumstances, supervising officers should make a visit to the offender's home within five working days of the first post-release interview (Home Office 1992:111; Home Office 1995:49). Of the 37 probation areas able to provide figures or estimates, 27 indicated that they visited at least half their ACR offenders within five days, but only six that they met the target for 90 per cent or more.⁵ However, as will be shown in Chapter 4, even these relatively modest figures may paint an over-optimistic picture of the situation.

⁵ Twenty-three were able to provide figures, while 14 provided estimates only. The distribution of responses was similar in both cases.

One reason for failures to visit sizeable proportions of offenders within five days may be that many are never visited *at all*. The 1992 version of *National Standards* allowed visits to be waived 'in exceptional cases', where there might be physical danger to the probation officer,⁴ and it was clear from questionnaire responses that this was quite frequently a concern. About a quarter of those able to provide figures or an estimate stated that at least 20 per cent of ACR offenders were not visited at all. Two areas also said that they did not visit *the majority* of their ACR offenders. Asked about their policy in relation to the waiving of visits, the great majority (43) referred to officer safety as the key factor. Thirteen mentioned reluctance to visit particular types of accommodation (especially 'lodgings', 'multiple occupancy accommodation' and hostels), either for reasons of staff safety or because supervision is already exercised by resident wardens. There were also isolated references to staff shortages and to 'refusals' by offenders or their families, neither of which appear in the Standards as legitimate reasons for waiving visits. Decisions on visits were mainly made by senior officers, although in two areas they were left to the supervising officer's professional judgement.

We also invited comments on *National Standards* in relation to home visits. Only eleven of the 52 respondents offered positive remarks, which included the following:

'Home visits are vitally important, not just as a means of verifying the address, but as a means of delivering a service.'

'Generally agreed to be a sensible expectation.'

'Reasonable, but many POs seem reluctant to make home visits.'

'Reasonable expectations, but more discretion needs to be allowed.'

Almost all the remainder were critical, with many comments suggesting changes. By far the most common criticism was that the Standards were 'unrealistic' or 'impractical', a sentiment expressed by over one-third of all respondents. This was often linked with complaints about inadequate resources (especially in rural areas), though the risk factor also loomed large. Six questioned the necessity of home visits at all, seeing them as 'tokenistic' or pointing out that addresses could usually be verified without visits. The following illustrate the range of critical comments:

4 Home Office 1992:102. There is no specific mention of potential violence in the 1993 version, although a similar power to waive visits is implied in a general statement that line managers may 'in exceptional circumstances' take a judgement to 'depart from a requirement of the standards' (Home Office 1993:1).

'Unrealistic through risk dimension and resource implication. Unnecessary in many cases (clients and families very well known).'

'Sometimes unrealistic. Officers are invariably hostile to what they see as procedural practice rather than "intervention".'

'Seems tokenistic.'

'Takes no account of safety issues.'

'Too rigid and do not allow flexibility to use professional judgement where appropriate.'

'Unrealistic time scale. No clear purpose for the visit. Address can be confirmed in other ways. What is the point of assessing whether accommodation is suitable when ACR cases are released automatically, i.e. whether or not they have an address?'

In regard to compliance with another important element of the Standards - that of attendance at probation offices - all but six respondents claimed that their area had a policy on what officers should do in the case of missed appointments. In most cases, this was described simply as following the procedures laid out in *National Standards*, with two warnings followed by breach action on the third occasion, any discretion to depart from them being exercised by the relevant SPO. One area had a 'follow up officer', who routinely visited non-attenders at home the next day - an interesting innovation, though its effectiveness is unknown. Many respondents to the survey, however, were unable to hazard even an estimate of the percentage of appointments missed by offenders. Among those who did, the majority put it no higher than 20 per cent, and none at 40 per cent or over. (Again, in Chapter 4, we shall provide figures from our caseload analysis and offender interviews to see whether these estimates are in line with experience on the ground.)

The relatively small number of answers to the above question raises the general issue of what kinds of systems were in place to monitor compliance with *National Standards*. While 83 per cent of areas stated that they did monitor for compliance, and all but three of the remainder claimed to be in the process of setting up monitoring systems, a very wide range of approaches was apparent. The methods mentioned included random sampling of case records (9), 'supervision by SPO' (9), computerised record systems (8), completion of standard forms or 'tick lists' by officers (6), internal inspections and audits (6), 'key indicators' (3) and 'team reviews' (2). However, there must clearly be doubts whether some of these methods are sufficiently formal and comprehensive to provide a regular flow of reliable information.

Breaches of licence and reconvictions

Respondents were asked to describe and comment on how the courts in their area were dealing with breaches of licence. Among the 35 who mentioned specific sentences, over half stated that the magistrates' usual response was to impose a fine; only six reported return to prison as a common outcome, though several others referred to 'mixtures' and 'inconsistent' responses.

Overall, about 40 per cent declared themselves reasonably happy with the courts' approach, 30 per cent were critical and the rest were non-committal. Among the main criticisms was a lack of understanding among magistrates, due perhaps to insufficient training, of many of the issues involved. Typical comments included:

'They don't seem to understand the process'

'Magistrates unclear of what to do, what the system is, tend towards leniency'

'Little understanding of 'at risk' provisions. Only just understanding that breach and reoffending on licence have to be dealt with separately'

'Not very well informed about procedure. ACR breach seems to be a low priority. I question the appropriateness of breach going through the magistrates courts.'

In regard to the level of sentences passed, none complained that breaches were punished excessively. On the contrary, six called for them to be taken more seriously and heavier penalties to be imposed (principally, short prison sentences). A somewhat different view was in evidence in regard to new offences committed during the licence period. Here, although the consensus was that magistrates did not pass heavier than normal sentences to mark the fact that the offender had been on licence,⁵ the lack of a tougher approach did not meet with any criticism. It therefore seems likely (especially in the light of similar worries raised at conferences we attended) that the minority of managers wishing to see heavier penalties for breach were principally concerned that failure to punish non-compliance with licence requirements could seriously hinder supervision by sending a general 'message' to offenders that appointments could be missed with impunity.

⁵ Only 19 per cent reported heavier sentences in this context.

Aims of supervision and general comments

The final section of the questionnaire sought respondents' views on the main aims of ACR supervision and their opinions of the throughcare system as a whole, as well as asking for any other general comments. We first asked them to rank four statements of possible aims, in order of importance (see Table 3.6).

Table 3.6
Survey respondents' views of main purposes of ACR

| Aim. | 1st | 2nd | Ranked | | (Nil) | 'Points' ^a |
|-------------------------------------|-----|-----|--------|-----|-------|-----------------------|
| | | | 3rd | 4th | | |
| Protecting public | 22 | 14 | 5 | 6 | (5) | 146 |
| Compliance with licence | 20 | 10 | 9 | 9 | (4) | 157 |
| Addressing offending behaviour | 7 | 15 | 20 | 5 | (5) | 118 |
| Meeting practical needs of offender | 2 | 10 | 11 | 24 | (4) | 84 |

^a 4 points for each time ranked first, 3 for each time ranked second, 2 for third, 1 for fourth.

It was interesting to find that, on a notional 'points' system (see note to Table 3.6), the great majority put the aims of protecting the public and ensuring compliance with licence conditions ahead of the more individualised goals of 'addressing offending behaviour' and 'meeting the practical needs of the offender'. Chapter 4 will provide further data on supervisors' priorities, based on interviews with probation officers and analysis of case-files in the study areas.

We next asked respondents which of four statements best described their overall view of ACR to date. The results were as follows:

| | % |
|--|----|
| 'Very valuable in both concept and reality' | 12 |
| 'A good idea but only moderately successful in practice' | 67 |
| 'A good idea but largely unsuccessful in practice' | 8 |
| 'Of little or no value in both theory and practice' | 11 |

This clearly indicates that the principles behind the new system had already been widely accepted by probation managers, although many saw practical problems in its implementation. These, again, will be explored in subsequent chapters.

Finally, we requested any other general comments about ACR, throughcare, training, or related subjects. We also asked whether the respondent's probation area had developed any practices which he or she would recommend to others. These questions produced a miscellany of replies, although certain themes recurred. In brief, comments on training referred most frequently to a need for more in the area of sentence planning (including joint training with the Prison Service); on ACR, to the by now familiar complaints of insufficient resources, inflexibility and excessive bureaucracy (e.g. 'A great gift to the paper industry at present'); and on throughcare, to approval of its upgrading in status from a 'Cinderella' part of the Service, as well as to a need for more effective joint working with the prisons. The request for recommended good practices produced relatively little of an original nature, though the following seem worth reproducing:

'Quarterly newsletter to all prisoners.'

'Using clinical/forensic psychologists to assess risk.'

'Meet regularly with local governors/area manager to bridge the gap.'

'Semi-specialist officers working with sex offenders.'

'Allocation of all under 12 month prisoners to one PO.'

'Developing a comprehensive code of practice to complement the National Standards. This is essential to ensure that the realities of the local environment are recognised.'

As noted earlier, our main intention in this chapter has been simply to outline the results of the survey and raise issues for further exploration later. It should also be reiterated that the respondents were probation managers, who may have quite different ideas about how the system is working from those operating it 'on the ground'. In the next chapter we look at the supervision phase of sentences in the context of a study of local probation areas, based on face-to-face interviews and direct analysis of casefiles.

4 On licence in the community

Compulsory licence and the probation service

In moving to a discussion of probation responses to ACR at a local level, it is important to underline once more the extent of change that its introduction entailed for the Probation Service and the new challenges it posed to both thinking and practice. For the first time, all medium-term prisoners, and all long-term prisoners other than those released early under DCR, were to come under a form of compulsory supervision on their return to the community. Before 1992 such 'blanket' arrangements had applied only to young offenders, with substantially different aims to those of ACR.¹ Adult offenders, unless released on parole, life licence or supervision as a restricted patient under the Mental Health Act, had been eligible only for 'voluntary aftercare', a facility made use of by only a small minority.²

Probation officers' experience of post-release supervision of adults thus consisted mainly of supervision consequent on early release on the offender's own application. Parolees could be presumed to have given at least an implicit consent to supervision; in this way that resembled other adult clients of the Probation Service who had consented in Court to the requirements of probation or community service orders.

Against this background, the Probation Service in 1992 was not well geared up to the task of supervising adult ex-prisoners on compulsory licence. The purpose of this chapter, which develops several of the themes introduced from the national survey in Chapter 3, is to show how some local probation areas adapted over the next two years to these new expectations, what kind of supervision was being provided and how it was being received by ACR licensees.

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- 1 Secondary aftercare for young offenders, the earliest form being Borstal Licence and the latest the Young Offender Institution Licence, had its origins in arrangements devised to enhance the intended benefits of particular forms of communal sentence which were set up in deliberate contrast to the adult system (ACTO 1963:71-73 and *passim*). The compulsory nature of the supervision needs to be understood in the context of the perceived need for continued guidance of youthful and immature offenders, as well as the partly benign intentions of the sentences concerned.
 - 2 For example, although probation services reported in 1992 that they were carrying 23,210 'voluntary pre-release' cases, only 3,215 were in contact following release (Probation Statistics, 1992). Moreover, non-statutory work was generally seen as having a lower priority than statutory work, a view that had been given official recognition - and indeed encouragement - in the Statement of National Objectives and Priorities (Home Office, 1984).

The chapter draws on an analysis of the content of 288 probation case files (275 male, 13 female) on completed licences in areas A, B and C; questionnaires completed by supervising probation officers in 201 of these cases; interviews with 26 probation officers supervising ACR licences in areas A, B, and C and with eight SPOs and five Chief and Assistant Chief officers in all five study areas; and interviews with 42 offenders who formed part of the original prison sample and were re-interviewed towards the end of their licence period. In addition, we were able to examine internal practice guidance and statements of objectives in the study areas, together with a number of Internal Monitoring and Inspection (IMI) reports from these areas and others. It also proved useful to lead workshops on ACR at several conferences and to accompany a Home Office Inspector on a three-day visit to one of the study areas in connection with a thematic inspection (HM Inspectorate of Probation 1994).

Questions of priority

The implementation of new requirements for ACR was prepared for as only one part of a large package of practice innovations arising from the 1991 Criminal Justice Act. Although a Chief Probation Officer had served on the Carlisle Committee, the latter's report played a relatively minor part in most discussions in and around the probation service, which were focused primarily upon the themes of the Government's Green and White Papers (Home Office 1988b, 1990a, 1990b). These devoted a good deal of space to the reduction of unnecessary imprisonment and the development of community sentences or 'punishment in the community', but only the 1990 White Paper covered (in seven pages of 48) the Carlisle recommendations. The training materials commissioned from NACRO to prepare probation services to implement the Act included a section on early release on licence, but this followed after, and was rather shorter than, the very comprehensive sections on community sentences and pre-sentence reports (NACRO 1992). In all the study areas, senior managers and practitioners told us that training on throughcare issues including ACR was undertaken as part of pre-implementation training for the 1991 Act, but was given considerably less attention than PSRs and the new community sentences. Many practitioners also told us that ACR seemed a less immediate issue at the time: for example, one had 'no training about throughcare specifically'; another 'asked for training and got two hours'; one SPO told us that in her area training on throughcare had been planned but never delivered. An even more common response was that, although ACR had been covered in the training, this had been rendered less effective through not being consolidated by practical experience. Such experience was slow to come initially: numbers of post-release ACR cases took time to build up, whereas PSRs and community sentences were central issues for everyday practice as soon as the Act came into force.

A similar pattern of priorities was observable in local practice guidelines and IMIs, which tended to focus on PSRs and community sentences before attention was paid to throughcare. In three of our five study areas, the definition of local objectives was also undertaken sooner and more thoroughly for PSRs and community sentences than for throughcare. While objectives for the former tended to be based on clear targets and intended outcomes, managers seemed to find these more difficult to devise in relation to throughcare. Consequently, throughcare objectives were often based instead on goals such as the development of systems and guidelines. One area's main objective for throughcare was to develop a set of specific objectives. Another area specified the proportion of ACRs to be 'completed satisfactorily', but neither defined this nor allowed for the obvious point that, as longer-sentence prisoners became eligible for release and the average length of licences rose, the proportion reconvicting during licence was likely to rise with it.

Finally, several of the probation managers we interviewed stated that throughcare had been a low priority for a number of years until the 1991 Act, and that this had led to established patterns of service which seriously hindered its revision to priority status. In practice, the priorities of all probation services during the late 1980s had been influenced by the 1984 'Statement of National Objectives and Priorities' (Home Office 1984) which concentrated on supervision in the community as an alternative to custodial sentences, and showed less concern about throughcare and aftercare. As one officer in Area A put it, the introduction of ACR was 'A culture shock: throughcare was a low priority, now it's up front'.

Specialisation

Probation services entered the ACR era with different traditions concerning the best way to organise a throughcare service. This is not simply a question of whether or not to specialise; there are different forms of, and different possible rationales for, specialisation. During the 1980s, many services operated special teams or units of officers specialising in young offender throughcare, or had some degree of specialisation in the supervision of parole cases, traditionally seen as inappropriate work for inexperienced officers. Some of these formed the basis of later specialisation in supervising the new forms of adult statutory licences. Among our five study areas, three had traditions of this kind, and various forms of specialisation or partial specialisation were represented. Approaches included centralisation in a specialist team under a specialist SPO; specialist officers distributed in generic teams but responsible to a single specialist SPO; and a distributed model in which throughcare cases were allocated to 'semi-specialists' within a generic team and supervised by the team's SPO. One service, too, was in transition to a semi-specialist model.

The general advantages and disadvantages of specialisation as perceived by the respondents to our survey have already been covered in Chapter 3. In the study areas, discussions with main grade officers, SPOs and ACPOs produced a broadly similar range of comments. For example, in area B, where throughcare officers were geographically scattered but responsible to a specialist SPO, managers spoke of the advantages of having one SPO with in-depth knowledge of a new system which was still quite unfamiliar to other managers, and of better consistency in decision-making on discretionary matters when only one SPO is involved. In other areas where several different seniors were involved, there was evidence of different approaches in different teams to implementation of *National Standards*; some examples of this are considered later in this chapter. In the two areas where little specialisation was practised, ACPOs *frankly admitted that they did not know* whether SPOs were being consistent with each other. In general it seemed easier for higher management to have a clear idea of what was going on in throughcare when their information came through one person.

Officers' views about their working and supervision arrangements varied, and were clearly affected by general views about the SPO concerned, regardless of specialism: For example:

'Here the Senior never specialised in throughcare and knows very little... but otherwise he's a good Senior'

When specialist officers were distributed in area teams and answerable for some purposes to the team SPO and for others to the throughcare specialist, this proved less difficult than might have been expected; the local link tended to take priority and the specialist was used as a consultant.

'There is little contact [with the specialist SPO] except on obscure questions in special cases. I'm part of the local team and happy about it'

'It's difficult to get hold of the throughcare senior but he's helpful when you manage to contact him.'

In another area where specialist officers, although distributed geographically, were working to one throughcare senior, there was little indication of difficulty over contact and no worries about expertise, but officers clearly felt more isolated or marginalised within the service:

'We miss out on access to mainstream resources, and on training opportunities.'

Specialist officers often reported high caseloads (several around 50, one up to 80) and felt vulnerable to further increases arising from growth in the prison population. Some of those in specialist teams also believed that ACR licensees tended to miss out on resources and programmes that were available to offenders on probation. However, the casefile survey suggested that this was a general feature of ACR supervision, rather than a consequence of specialisation. Moreover, when examples were found of ACR cases being linked in to mainstream facilities, this was often in a context of specialisation. For instance, in one probation service we visited outside the study areas, the specialist post-release team was deliberately closely linked with the Resources Unit. Here, ACR offenders were said to get, if anything, *better* service than offenders on probation orders in relation to problems such as accommodation.

In general, the decision about whether and how to specialise was clearly affected by many practicalities. In the most rural of the study areas, officers tended to work in a non-specialised way because they were geographically scattered, and arrangements for ACR reflected this. In another, the CPO generally preferred to avoid specialisation as this created inflexibilities in the deployment of staff and reduced options in a time of many changes. In the national survey, respondents identified more advantages of specialisation than disadvantages, and our study areas showed a similar picture, despite fairly common concerns from main grade officers about caseloads and isolation. Perhaps the most obvious problem presented by a completely non-specialised system is that no member of staff, particularly at SPO or ACPO level, will be concentrating primarily on throughcare issues and it becomes difficult to identify a throughcare 'expert' within the organisation. In one non-specialist area, the main professional input to the development of County guidelines seemed to be coming from a seconded probation officer in the local prison in addition to her normal duties, because she was the most credible local source of expertise.

Standards: officers' views and levels of adherence

As in the national survey, comments on National Standards from the probation officers we interviewed revealed a range of views. The handful of officers who welcomed them unreservedly referred principally to their 'fairness' and their role in improving practice:

'National Standards are a good thing. Work was sloppy in the past. It's a good thing to tighten up, good for credibility'

'It's the same for everybody'

However, although total opposition to the *principle* of National Standards (as in the comment, 'The whole thing is set up to control the officers not the offenders') was equally uncommon, most officers felt that the existing Standards' expectations of contact were unrealistic and difficult to fulfil. This tended to be explained as due either to lack of resources or to their designers' perceived failure to take into account the actual lifestyles of offenders. For example:

'National Standards are written by people who do not understand the kind of people we have to work with.'

'Some of these people have never worked; time means nothing to them, or even the day of the week.'

'National standards are different from local standards and do not respond to local needs.'

On the other hand, around half of those interviewed indicated that in practice a considerable degree of discretion was exercised, with support from seniors, which made the Standards less restrictive and more realistic than they appeared on paper. Comments included:

'These rules are in reality only guidelines.'

'There is a need for a framework so long as we are not slavishly tied to them.'

'National Standards are not restrictive - I still see people when they're late and accept changes of appointment... very few abuse that.'

'It's reassuring to have a senior to endorse my decisions.'

The ways in which discretion was exercised in practice are explored later in this chapter. First, attention will be paid to the question of how far *National Standards* were adhered to in practice, using data from our casefile study. Table 4.1 summarises the findings in relation to initial interviews, home visits, overall contact frequencies and authorisation by managers of deviations from standards.

Table 4.1
The casefile study: contact requirements and
National Standards (N=288)

| | <i>Number</i> | <i>%</i> |
|--|---------------|----------|
| Office interview: | | |
| on day of release | 149 | 52 |
| next day | 58 | 20 |
| within 7 days | 44 | 15 |
| later | 19 | 7 |
| no contact | 8 | 3 |
| not known | 10 | 4 |
| Licence conditions: | | |
| explained | 147 | 51 |
| not explained | 141 | 49 |
| Home visit: | | |
| within 5 days | 74 | 26 |
| within 14 days | 49 | 17 |
| within 4 weeks | 17 | 6 |
| later | 12 | 4 |
| No visit: reasons given | 52 | 18 |
| No visit: no reasons given | 55 | 18 |
| Not known | 31 | 11 |
| Second interview within 10 days | 179 | 62 |
| Manager approves absence of home visit | 60 | 21 |
| Overall level of contact at or above Standard | 171 | 59 |

The sample on which Table 4.1 is based covered all cases completed in the relevant time period in areas A (120 cases) and B (118) for which files could be found, a random sample in area C (45) and five cases from another neighbouring area which were included because they formed part of the original prison sample. The overall sample (288) was slightly smaller than that used in the thematic inspection by HM Inspectorate of Probation (1994), which covered 332 cases, but more information was collected from each file and in most cases a supervising officer's questionnaire was also completed. While we would not expect casefiles to reveal every detail of interaction, particularly when most are kept in summary form and in some areas are handwritten, we would expect them to contain reasonably accurate records of what contacts took place and when.

The clear indications from this exercise are that probation services were finding it very difficult to adhere to the prescribed standards in all cases. Although a certain amount of discretion was (and still is) allowed by

National Standards, this was clearly intended to operate within quite narrow boundaries or in exceptional circumstances (Home Office 1992:114; Home Office 1995:1). In practice, the numbers of apparent departures from the Standards were substantial. For example, 28 per cent of offenders failed to report as prescribed within two days of release,³ and 38 per cent of second interviews did not take place within ten working days, but in only a small minority of the relevant cases was a formal warning recorded in the casefile. As in the thematic inspection, *home visits* emerged as the area where adherence to the Standards was most problematic. In our sample, only 26 per cent of offenders had a home visit recorded within five days, while 36 per cent *never* received one and the position in a further 11 per cent was unknown. Reasons for failure to make a home visit were noted in little more than a third of those cases where no visit was recorded. Reasons for delays, similarly, were not given in a majority of cases. And although 74 per cent of visits were deferred or not made at all, only 21 per cent of files recorded a manager's approval. Some of the problems of home visits and the reasons for managers' decisions to remit them are explored in the next section.

We were able to determine that the overall number of contacts during the licence period met or exceeded the number required by *National Standards* in 171 cases (59 per cent), though these included many in which home visits were not made within the required time. Most licensees (73 per cent) missed one or more of their appointments, with 28 per cent missing three or more. However, when reasons recorded as acceptable to the supervising officer are taken into account, the proportion missing appointments falls to 62 per cent, with 17 per cent missing three or more.

Standards: non-compliance, enforcement and discretion

The findings outlined above indicate that the proportion of ACR licensees who failed to keep appointments was substantial, and that over a quarter missed three or more. At first sight, one might expect the courts to have been kept busy with breach proceedings. In practice, however, the great majority of offenders completed their period of licence without breach action. Why should this be?

³ Only eight offenders (three per cent) were recorded as having made no contact at all. Of 71 cases in which no office interview had taken place in the first two days of release, 50 were quickly followed up by way of a telephone call, letter or home visit.

The main reason seems to be that probation officers – generally with the support of their managers – were making wide scale use of the discretion allowed by *National Standards*. Paragraph 61 of the 1992 Standards gave supervising officers the responsibility of deciding whether an explanation for a missed appointment was ‘acceptable’ (Home Office 1992:114)⁴ and our research suggests that this was often given a generous interpretation. For example, medical certificates were asked for in only eight cases and received in four, although illness was often the stated reason for missing an appointment.⁵ Officers tended to be more concerned about those who made little contact than about those who telephoned to alter appointments, even if they called after the scheduled time. They were also prepared to make allowances for failures by licensees who had problems with alcohol or drugs and consequently chaotic or unpredictable lifestyles. The general principle explained by officers in interviews tended to be that one should be flexible with those who made a genuine effort, and that many people needed help in establishing a pattern of reporting.

Table 4.2 summarises records in our casefile sample relating to officers’ efforts to secure contact or to respond to failures to comply. In interpreting this table, it is important to bear in mind that very few files explicitly recorded whether or not the officer had found a reason given for missing an appointment to be ‘acceptable’. Indeed, the reasons themselves were often noted in a cursory manner (e.g. ‘phoned – ill’ or simply ‘phoned’). We are also in no position to judge what should have been regarded as acceptable in the circumstances of a particular case. However, we have made a separate count of those instances where no reason at all was noted, on the basis that this provides a probably conservative estimate of the number in which no acceptable reason was available.

4 The 1992 Standards are less precise about the responsibility for such decisions, simply noting that ‘the officer’s opinion of whether any explanation is acceptable’ should be recorded on file, and that any instance not covered by an acceptable reason should be treated as failure to comply.

5 The 1992 *National Standards* stated that, ‘if medical reasons are repeatedly given for failure to comply, a doctor’s certificate should be sought at an early stage’ (Home Office 1992:13). This requirement was omitted from the new version.

Table 4.2
Appointments missed and action taken (N=288)

| | <i>Number</i> | <i>%</i> |
|--|---------------|----------|
| No missed appointments recorded | 77 | 27 |
| One appointment missed | 71 | 25 |
| Two appointments missed | 60 | 21 |
| Three to five missed | 63 | 22 |
| Six or more missed | 17 | 6 |
| Three or more missed: no reason recorded | 48 | 17 |
| Explanation of 'at risk' period | 57 | 20 |
| Warning recorded after two misses | 51 | 18 |
| Breach action initiated after three misses | 16 | 6 |

The table clearly illustrates the extent to which discretion was being used, not only in the liberal interpretation by officers of terms such as 'acceptable reasons', but in decisions not to initiate enforcement actions even when no such reasons were present. For example, written warnings were issued in less than half the cases where two appointments were missed without good reason, and no breach action was initiated in nearly two-thirds of cases where three were missed without reason.

According to the 1992 *National Standards*, decisions of the above kind, like any other clear departure from the requirements upon either offenders or supervising officers, had to be authorised by line managers (see, for example, Home Office 1992:115 on breach actions and *ibid*:111 on home visits). Discussions with senior probation officers about how they exercised discretion on matters brought to them were revealing. It was evident from interviews that most were prepared to use their powers to relax the requirements of the Standards on frequent occasions, usually confirming officers' recommended courses of action. It was also evident, however, that they had little knowledge of the practice of other SPOs. Where most decisions in a county went to one specialist, this at least guaranteed a degree of consistency within the county, though not necessarily, of course, between counties. Where many seniors within one county might be involved, there was scope for inconsistency even at a local level. For example, in one area, two SPOs in the same office described quite different approaches to home visits. One allowed them to be omitted on health and safety grounds in the case of 'dangerous' offenders, primarily those with a record of violence, although rarely on other grounds. The other authorised omission of the visit in a much wider range of cases, including not only 'dangerous' offenders but all offenders living in

multi-occupied accommodation. This policy was known to her officers, who could put it into effect without consulting her on each individual case.

Discussions with ACPOs in non-specialised areas suggested that they were aware of inconsistencies, if not necessarily of their extent. SPOs saw themselves as having a responsibility to the team, while ACPOs were more concerned about consistency at county level, and in two counties were producing guidelines in an attempt to bring this about. This was not simply a managerial preference for tidiness: the issue was seen as involving natural justice, in that 'licence requirements should be the same for everyone'. If this becomes a general pattern, it will tend to reduce differences within counties, but may well increase differences between them, as each ACPO with throughcare responsibilities develops slightly different guidelines on an increasing list of issues.

To sum up, most supervising officers and probation managers we interviewed saw it as important in handling ACR offenders to use discretion based on professional judgement. While some felt that *National Standards* had reduced the scope for this, many pointed out that there was still considerable flexibility in the requirements, a view clearly supported by the caseload evidence. Despite the general desire for such flexibility, it was recognised that one negative consequence could be inconsistency, and hence possible unfairness, in the treatment of offenders.

It should be emphasised that the high levels of non-compliance with *National Standards* which we found are unlikely to come as a surprise to anyone who regularly looks at probation files. Similar results emerged from the thematic inspection, while a number of probation areas, including one of our study areas, have since produced IMI reports drawing attention to, *inter alia*, low proportions of home visits. Such monitoring tends to be driven and dominated by concern about the single issue of compliance with the stipulated Standards. However, it should be remembered that the Standards themselves are subject to question and revision from time to time, and it is important that this process is fully informed by experience of their application in practice, particularly in a context of severe resource constraints. Some of the problems identified by practitioners - notably difficulties in achieving contact on the day of release - have been addressed in the 1995 version of the Standards (Home Office 1995:48), but our findings suggest that others remain. Our purpose, then, was not simply to measure the degree of compliance with *National Standards*, but to explore their impact on practice and to consider how far they were contributing to effective practice. These issues are discussed more fully later in the report; the remainder of this chapter concentrates on further documenting the practice of ACR post-release supervision, and considering the relationship between the realities of practice and the officially stated aims.

Breaches of licence: outcomes

As will already be clear, breach action was initiated in only a small proportion of cases. Many probation officers saw such action very much as a 'last resort' and some questioned its utility for any case where there was no risk to the public: for example, one file contained the statement, 'Technically he is out of contact but a breach will serve no useful purpose', and the SPO supported this view. People who kept poor contact were often seen as struggling to manage their lives, and unlikely to be helped by fines they could not afford or by return to prison. On the relatively few occasions where breach action was taken, this was usually in relation to people seen as wilfully unco-operative.

It should also be added that many breach proceedings which were started seemed to have produced no clear 'result' after several months. Probation officers often told us of warrants issued some time ago which had still not been executed; there was a fairly widespread belief that the police took little action on them unless they came across the licensee for some other reason, such as a further offence. One described a case in which she had been able to elicit urgent action because the licensee was believed to present an immediate threat of violence to an ex-partner, but generally officers had not come to expect rapid results and a few questioned whether offenders would be at all alarmed by the prospect of breach if they knew how it worked in practice.

When we interviewed magistrates and their clerks from a substantial Petty Sessional Division in each of two of our study areas, most had difficulty in recalling a case of breach of ACR. Generally speaking, they saw it as a new area in which clear principles had not yet been established to guide their decisions. The main issues raised by discussions with them related to seriousness, the relationship between sentences for breach and for new offences, and procedural uncertainties.

On the question of seriousness, one magistrates' clerk initially thought that the seriousness of the original offence for which the prison sentence had been imposed would affect the seriousness of the breach, but on further thought took the view that breach was about failure to comply with the sentence rather than about the original offence. Seriousness would then mainly depend on how bad a breach it was, though the original offence might still come into the reckoning if considering risk to the public. One magistrate thought it important to give credit for the amount of licence successfully completed before the breach. All considered that in practice they would need some guidance from the probation officer about the circumstances of the breach and about the prospect of the licence being completed successfully if allowed to continue. There was no lack of awareness of the difficulty some offenders had in organising their lives or complying with requirements of contact, and the magistrates we met were very

clear that they would expect probation officers to use their discretion, and to bring only cases where action was clearly necessary ('Officers should exercise discretion in the light of their knowledge of the individual'), though some suggested that there should be less flexibility than over breach of Probation or Community Service because the original offence would probably have been more serious.

Questions were also raised about the situation in which breaches were combined with new offences and dealt with together. The general view here was that the courts would be inclined to think first about the new offence and what the appropriate sentence for it would be, and then to deal with the breach of licence in such a way as to avoid frustrating the purposes of the major sentence. In other words, if sentencing to immediate custody for the new offence, they might in addition order recall to custody on the breach, but if sentencing non-custodially for the new offence they would deal similarly with the breach. However, breach was not seen as trivial; as one very experienced magistrate put it, 'Early release is a privilege; breach proceedings should send a message to the offender'.

A further aspect of the courts' unfamiliarity with ACR was uncertainty about procedures. In one of the study areas, court staff were surprised to discover that they could not issue a warrant until after the licensee had failed to respond to a summons, since the offence of breach is not imprisonable: an order suspending a licence and resulting in recall to prison is not itself a new sentence of imprisonment. This was regarded as inconvenient and probably not foreseen by the authors of the Act, since it tended to reduce the perceived seriousness of breach and potentially to introduce further delays.

The unfamiliarity of courts with breach proceedings did not go unnoticed by probation officers. The following comment illustrates this, as well as the feeling of some officers that magistrates tend to underestimate the seriousness of breaches of licence, hence sending an unfortunate message to other offenders:

'It's 1994 and magistrates, clerks of the court and the defence have to be lectured on the new system during breach proceedings... they pass each other a book for reference and finally come up with a totally inadequate sentence which makes the future compulsory relationship between the defendant and his PO a dangerous one for both of them.'

Clearly, the stereotypical image of probation officers as automatically on the side of leniency does not always reflect reality, especially where offenders' behaviour appears to pose a direct challenge to their authority.

The rationale and content of ACR supervision

Surprisingly little has been written about methods of supervision or appropriate models of work with offenders in throughcare and aftercare, compared to the much more extensive corpus of work on probation orders or even community service. Several models were developed in the 1960s which remained influential for many years, and indeed, introduced some ideas which went largely unquestioned until quite recently. A common theme was the development of probation-client relationship from an early stage of prison sentences in order to facilitate work after release. Another was the need for long periods of supervision if any results were to be achieved. Both were central to the psycho-dynamic casework approach expounded by Mark Monger in his influential book *Casework in After-Care* (Monger, 1967), which assumed a framework of long-term supervision and co-operative 'clients'. Another theme which emerged strongly around this time was that of 'reintegration'. For example, the Advisory Council on the Treatment of Offenders (ACTO, 1963:5) quoted with approval the resolution of a United Nations congress that:

'The purpose of after-care is to bring about the reintegration of the offender into the life of the free community and to give him moral and material aid. Provision should be made in the first instance for his practical needs such as clothing, lodging, travel, maintenance and documents.'

During the 1970s and 1980s, a number of probation officers and probation-linked academics continued to keep debates about throughcare and post-release supervision alive.⁶ However, despite the expansion of parole, such issues became increasingly marginalised as other areas of probation work came to be accorded higher priority, both by the Home Office and probation managers (see, for example, Home Office, 1984). Consequently, as noted earlier, the emergence of mass statutory post-release supervision for adults came as something of a shock to those who would have to provide it, and by no means all probation services had time for careful reflection about how it should be practised, and why.

In other words, many individual officers had to feel their way into the new territory of ACR, armed only with fragments of wisdom from past debates about throughcare, their own experiences of supervising parolees and young offenders, and the general guidance provided by the 1992 *National Standards* (which newly defined the aims of supervision as 'protection of the public', 'prevention of reoffending' and 'successful re-integration in the community'). The following pages show, from the differing perspectives of

⁶ See, for example, Shaw 1974; Nisall 1977; Gordon *et al* 1978, 1980; Smith 1979; Ramsey 1990; Williams 1991; McAllister *et al* 1992. Thines (1990) provides a very useful review of the literature up to the end of the 1980s.

probation officers, licensees and official records, what modes of practice appeared to be taking shape as ACR supervision became an everyday reality.

When reading the casefiles, researchers were asked to categorise the general focus of the supervision as it emerged from the case record. Some joint reading was undertaken to increase consistency of interpretation. The results of this exercise (see Table 4.3) suggest that by far the most frequent focus of officers' activity was 'securing compliance with ACR requirements', which mostly meant making sure people reported and chasing them up if they did not. Offending behaviour, employment and accommodation were also a focus in a substantial number of cases, but to a considerably lesser degree than compliance.

Table 4.3
Main focus of activity identified by researchers in casefiles (N=284)
(All figures are given as percentages of the total)

| | None | Level of activity: | | Eligb |
|---------------------------------|------|--------------------|-------------|-------|
| | | A little | Substantial | |
| Securing compliance with ACR | 6 | 42 | 35 | 17 |
| Offending behaviour | 43 | 19 | 26 | 11 |
| Accommodation | 48 | 18 | 24 | 11 |
| Lifestyle | 60 | 16 | 15 | 9 |
| Alcohol or drug misuse | 74 | 10 | 8 | 8 |
| Employment | 46 | 21 | 27 | 6 |
| Family relationships | 59 | 21 | 15 | 5 |
| Psychiatric and medical | 85 | 5 | 6 | 5 |
| Financial problems | 68 | 14 | 15 | 4 |
| Changing attitudes to offending | 80 | 8 | 9 | 5 |
| Victim awareness | 93 | 2 | 3 | 2 |
| Social costs of offending | 94 | 4 | 2 | 0 |

The evidence from the questionnaires which officers themselves completed in regard to 201 of our sample cases helps to fill out this picture. Officers were asked to identify their main areas of work in each case. Table 4.4 summarises the responses, which are broadly consistent with the researchers' reading of files: again, securing compliance was the most frequently identified, as well as the feature most often ranked highly in a priority rank order. The differences are also interesting - for instance, the officers mentioned drink and drugs more often than the casefile readers, and addressing offending behaviour had a comparatively high profile in officers' questionnaires,

particularly in one area well known for an explicit focus on offence reduction in probation supervision⁷ - but the main point emerging from both research exercises was the primary focus on securing compliance with licence requirements.

Table 4.4
Probation officers' statements about the main focus of supervision (201 cases)

| | <i>Mentioned</i> | <i>High rank</i> |
|---------------------------------|------------------|------------------|
| Securing compliance with ACR | 130 | 76 |
| Offending behaviour | 120 | 19 |
| Alcohol or drug misuse | 92 | 19 |
| Employment | 77 | 14 |
| Changing attitudes to offending | 95 | 11 |
| Victim awareness | 56 | 11 |
| Accommodation | 77 | 10 |
| Lifestyle | 71 | 7 |
| Family relationships | 115 | 6 |
| Psychiatric and medical | 18 | 6 |
| Social costs of offending | 60 | 5 |
| Financial problems | 39 | 4 |

Officers' comments in interviews helped to reveal the thinking behind this situation. Many commented that the kinds of groups and programmes which they might want to use in connection with serious attempts to tackle offending behaviour did not exist, or were difficult to access, or were unlikely to engage offenders' commitment after release unless they built on a foundation of relevant programmes in prison. (This last point bears directly on the theory of throughcare and will be revisited in the next chapter.) A fairly typical comment, too, was that 'there is no time to address offending behaviour' during what are usually short meetings over relatively short licence periods. Certainly, few examples of actual participation in programmes were found in the casefiles; the vast majority of ACR cases were supervised through office-based individual interviews.⁸

⁷ This difference between areas did not appear in the researchers' reading of the files.

⁸ Examples of involvement in programmes related mainly to sex offenders (of whom our sample contained only five, not all involved in programmes) and to the use, mainly in one area, of referral to projects designed to help with accommodation and employment. Some opportunities to join groups (for example, women's groups) were also mentioned. The only examples given of situations where the opportunity might arise to build on programmes stated in custody, again concerned sex offenders.

In the context of these constraints, it appeared that most officers had come to view ACR supervision principally as the execution of a set of formal requirements ('part of the sentence') and/or as a means of assisting 'resettlement' in the community. A sizeable minority emphasised the first of these virtually to the exclusion of other goals, either on principle or, more often, because in many cases a high proportion of their energy was expended in 'chasing and chivvying' offenders to establish an acceptable pattern of reporting. Comments in interviews included:

'ACR leads to formal reporting, formal information, a formal relationship.'

'I make it clear what the boundaries are from day one.'

'I'm less concerned with the social type of welfare, more with discipline.'

Again, numerous casefiles contained notes such as:

'Repeated chasing and explaining.'

'Verbal warning, a lot of repetitive talk about consequences of not complying.'

A slightly larger group - though still a minority - clearly saw attention to offenders' social problems, especially (but not exclusively) practical problems related to resettlement, as the central priority, at the same time taking a relatively relaxed attitude to compliance:

'There is a need for properly resourced aftercare facilities and for a drop-in facility.'

'We use the employment officer, the housing officer - go round different offices. We do applications for charities for offenders and liaise with DHSS.'

The largest group, however, gave emphasis to *both* the above aims. Importantly, very few concerns were expressed about any incompatibility between them. On the contrary, several saw a clear link between the two, the prospect of practical assistance being used to some extent as an incentive to compliance:

'Welfare can be used as a carrot.'

'We try to make a bargain to some extent.'

This issue of implicit negotiation and 'deals' over compliance is interesting because it bears on the involuntary nature of ACR supervision. As many officers pointed out, a probation order required consent and parole or DCR required a prisoner to apply, so there was an investment in co-operation: 'parolees feel they owe you one'. Much of the literature on probation practice points out that supervising offenders in the community depends on their co-operation, and explores the issue of 'contract' or agreement to be supervised (e.g. Bottoms and McWilliams 1979; Raynor 1985). Some officers clearly felt the need to establish an implicit or explicit informal 'contract' in ACR: 'You have to negotiate, to go through the licence and meaning of the consequences of non-compliance.' Some also indicated that this was one reason for the prevalence of a style of supervision in ACR cases which involved relatively little 'offending behaviour' work: to challenge one's own attitudes and behaviour requires fairly strong motivation, while a commitment to *maintain* regular reporting and perhaps receive some practical help may be sustainable on the basis of a weaker 'contract'. Motivation to challenge offending was also thought likely to be greater at an early stage of sentence, and unlikely to be evoked after release if the earlier opportunities were missed.⁹

To sum up, the standard recipe for ACR supervision seemed to be a combination of practical help, repeated reminders of the need for compliance and, as discussed earlier, considerable tolerance and flexibility. These ingredients were mixed in different proportions according to the perceived characteristics of each offender, often as part of a subtle bargaining process aimed at steering the latter through the licence period in a manner acceptable to the officer and his or her managers.

The licensees' perspective

Forty-two of the original sample of prisoners were re-interviewed at the end of their licences, and this provided an opportunity to elicit opinions about the supervision provided, as well as an alternative source of information about what took place. The considerable degree of attrition from the original sample (caused, in many cases, by offenders not keeping appointments to see their probation officer, and hence frustrating our plans to interview them on the same visit)¹⁰ may affect how representative this group is, but

9 It was also worthy of note that supervision plans were recorded in only 143 cases (30 per cent). Such plans were not strictly a requirement of the 1992 Standards, since it appears to have been assumed that a supervision programme would be agreed as part of sentence planning and recorded in sentence planning documentation. However, unless sentence planning for ACR prisoners becomes a great deal more effective (see Chapter 5), good practice will continue to demand the development of a supervision plan at or near the start of post-release supervision. This point was implicitly recognised in the 1995 Standards, which now specifically require a supervision plan to be prepared.

10 The researchers made numerous efforts to interview members of the original sample, including arranging visits to their homes, but a large number of journeys were wasted. This underlines the general difficulty of making follow-up contact with ex-prisoners, as well as the specific problem of missed or late appointments at probation offices - particularly towards the end of the supervision period - which has already been referred to.

their opinions are still of interest. Any bias is likely to be in the direction of favourable opinions of supervision. In comparison with the original sample, they had a slightly shorter average sentence and licence length, since they consisted mainly of people released early in the research period. They were also, on average, a slightly older group, and were more likely to have a home address and therefore to be followed up successfully. Younger offenders with more mobile lifestyles and irregular reporting patterns present particular difficulties in arranging follow-up interviews.

Some aspects of these interviews serve to confirm the account given by casefiles: for example, 20 of the 42 reported that they had received no home visit after release, 35 (85 per cent) that they had missed or changed some appointments and nine (21 per cent) that they had received a warning of possible breach action. However, perhaps the most interesting aspects for current purposes relate to the quality and focus of supervision. Table 4.5 summarises responses to a selection of questions which bear particularly on these issues.

The licensees' opinions of post-release supervision were generally quite favourable. Eleven (26 per cent) had found it 'better than expected', and only four found it worse. Moreover, most of those with previous experience of supervision said that their current experience had been better. While 36 per cent thought that their probation officer should have done more, a strong majority rated the officer's work as good or fairly good, and even more (79 per cent) had a good opinion of him or her as a person. Although meetings with probation officers were generally remembered as only between 15 and 30 minutes in length, 38 per cent of the offenders rated them as 'helpful' overall. Seventeen offenders said that they had received practical help, and eleven of these rated it highly; 16 valued the 'moral support' they received and 11 valued the solutions probation officers offered for personal difficulties. Perhaps most encouraging of all, as many said they preferred release with supervision to release without it. Finally, some support was given to one of the oldest arguments for throughcare by the finding that those who had known their probation officer well before release were more likely to express favourable opinions than those who had met them for the first time on coming out of prison.¹¹

11 Seven of nine who had known the officer 'well' before release rated the supervision as 'good' or 'fairly good', compared with four of eleven who had never previously met them.

Table 4.5
Some views expressed by offenders about ACR supervision
(N=42)

| | <i>Number</i> | <i>%</i> |
|--|---------------|----------|
| Supervision is: | | |
| better than expected | 11 | 26 |
| as expected | 21 | 50 |
| worse than expected | 4 | 10 |
| I would prefer release: | | |
| with supervision | 17 | 41 |
| without supervision | 17 | 41 |
| I had more than one probation officer | 16 | 38 |
| Probation officer: | | |
| wrote letter | 25 | 60 |
| visited prison | 24 | 57 |
| Contact was: | | |
| not enough | 12 | 29 |
| right amount | 23 | 55 |
| too much | 2 | 5 |
| helpful | 16 | 38 |
| PO | | |
| should have done more | 15 | 36 |
| visited me at home | 21 | 50 |
| is good or very good | 33 | 79 |
| Saw PO on day of release | 19 | 45 |
| Supervision: | | |
| places restrictions on me | 7 | 17 |
| does not restrict me | 30 | 71 |
| has no effect on me | 27 | 64 |
| was introduced to punish | 4 | 10 |
| actually punishes | 7 | 17 |
| was introduced to control | 11 | 26 |
| actually controls | 12 | 29 |
| was introduced to help | 20 | 48 |
| actually helps | 22 | 52 |
| has stopped me from reoffending | 12 | 29 |
| has not stopped me | 21 | 50 |
| I resent being supervised (agree or strongly agree) | 9 | 21 |

These views suggest that officers were on the whole succeeding in making supervision tolerable, and useful, a good deal of the time. However, the licensees' view of supervision as a means of controlling behaviour was less encouraging: 71 per cent believed it had put no significant restriction on them, and 64 per cent said that it had no effect at all on their behaviour. Interestingly, too, 20 of the 42 believed that ACR supervision had been intro-

duced in order to *help* offenders (compared with 11 who thought it was introduced to 'control', and four to 'punish'). Finally, although such claims are unlikely to be reliable, it may be worth noting that 12 claimed that supervision had helped stop them reoffending, compared to 21 who thought it had not, the remainder not responding.

ACR licensees, then, on the whole thought well of probation officers and found supervision reasonably helpful (in terms of both practical help and moral support), but did not see much in it that controlled them, punished them or directly affected offending behaviour. This needs to be seen in the light of earlier comments about the nature of this particular group of respondents, but it throws an interesting light on a procedure which is officially described as the non-custodial part of a (presumably punitive) sentence of imprisonment and as a means of addressing offending behaviour.

ACR licence and social integration

Offenders' beliefs that ACR licence is unlikely to affect offending are not necessarily a complete reflection of reality, any more than probation officers' beliefs that supervision does affect offending behaviour. In Chapter 6 we review the small amount of evidence which this kind of study can provide on this question. At this stage it is interesting to note, despite the views of offenders, some possible connections between a practical, helpful approach to supervision and an impact on offending.

One such connection has already emerged from the discussion of officers' views: they regard compliance with licence requirements (at least enough to avoid breach proceedings) as very important, but aim to secure it less by 'laying down the law' than by eliciting at least the partial co-operation of the licensee, the latter being helped if the offender can be persuaded that there are *some positive benefits in reporting regularly. Help and compliance are thus treated as compatible aims rather than alternatives.*

Some of the research literature suggests another kind of connection. The idea of 'addressing offending behaviour' is often equated with the learning of specific cognitive or social strategies for staying out of trouble (McGuire and Priestley 1985; Ross *et al* 1986), but these are not the only deficits which are associated with offending, and which might serve as a focus of help. Haines (1990) points to evidence that socially isolated prisoners do worse on release, and lack of social integration could be regarded as a criminogenic need. This would be consistent with control theories of delinquency (Hirschi 1969) which point to various dimensions of social integration as effective restraints for the potential offender: in Hirschi's formulation the key factors are attachment to others, commitment to shared

norms and interests which would be endangered by crime, involvement in non-criminal occupations and belief or acceptance of non-criminal norms. We asked probation officers to rate each of their ACR offenders in terms of attachment, commitment, involvement and belief, and to indicate how far their supervision during the licence period had been directed at or relevant to any of these areas. The results are summarised in Table 4.6, which indicates that officers believe that these factors are relevant in many of the cases they supervise; moreover, they think their own efforts are often directed towards these issues, particularly commitment and belief.

Table 4.6
Social integration as aim and activity in supervision
(All figures are given as percentages)

(a) Officers' rating of offenders (N=201)

| | <i>Very low</i> | <i>Low</i> | <i>High</i> | <i>Very high</i> | <i>Not stated</i> |
|-------------|-----------------|------------|-------------|------------------|-------------------|
| Attachment | 15 | 25 | 26 | 33 | 1 |
| Commitment | 16 | 31 | 30 | 20 | 3 |
| Involvement | 30 | 34 | 18 | 11 | 5 |
| Belief | 20 | 36 | 24 | 14 | 5 |

(b) Officers' rating of their own activity with offenders on these issues

| | <i>Very low</i> | <i>Low</i> | <i>High</i> | <i>Very high</i> | <i>Not stated</i> |
|-------------|-----------------|------------|-------------|------------------|-------------------|
| Attachment | 20 | 37 | 30 | 9 | 3 |
| Commitment | 13 | 26 | 43 | 14 | 4 |
| Involvement | 10 | 31 | 39 | 12 | 7 |
| Belief | 8 | 20 | 41 | 25 | 5 |

This is not to suggest that this study shows any evidence of a causal connection, but it points to the possibility that a form of supervision oriented towards helping may impact on social integration, and consequently on offending. Offending behaviour groups are not the only way of addressing criminogenic need. It is also interesting to note that in about two-thirds of their ACR cases the officers thought they had 'achieved something' in the area of both social problems and offending, though cases in which they thought 'a lot' or 'quite a lot' had been achieved amounted to only 26 per cent in the case of social problems and 31 per cent in the case of offending.

Other miscellaneous problems

The previous section completes the review of our main findings about post-release supervision. The next two chapters cover liaison and collaboration between the Probation Service and the prisons, and a broad appraisal of the effectiveness of the scheme. However, before leaving the issue of post-release supervision, we shall very briefly raise one or two other problems mentioned by probation officers in interviews.

Most of the chronic problems they described related to issues of documentation and liaison, and are outlined in the next section. However, a few belong clearly in the realm of post-release supervision, and two special cases were raised often enough to be mentioned here. Some offenders still arrived without notice or documentation or on the wrong day, after a change in release arrangements: this was rare, but caused disproportionate confusion and time-wasting when it happened. Offenders with no fixed abode also presented particular problems. Some were genuinely NFA and had no clear plans, but attempts were nevertheless made to establish post-release supervision in the area where the last available PSR was prepared, despite the absence of any more substantial connection. Others wished to be treated as NFA in order to obtain a larger discharge grant, causing difficulties for probation officers in determining which were genuinely, and which were not, homeless.

Aside from these special cases, it was a common view among probation officers we interviewed that a small number of people released under ACR are impossible to supervise effectively: some have lifestyles so disrupted by substance abuse that a pattern of reporting cannot be established, while others simply resent supervision and announce long before release that they have no intention of complying. The overall number of 'unsupervisable' ACR licensees is difficult to estimate and may be only one or two per cent, but many officers had personal knowledge of one or two cases. They followed a pattern either of time-consuming enforcement action or of slipping through the net, moving around ahead of unexecuted warrants. Several officers wondered whether there might be more constructive ways of dealing with this small but difficult minority. Further comment on this will be made in the concluding chapter.

.....



5 Inter-service liaison in ACR

Earlier chapters have shown how the throughcare ideal incorporates long-standing beliefs about the benefits of close collaboration between those who are responsible for the prisoner's containment and care in prison and those who provide post-release supervision. In this study we were concerned to document both parties' experience of this process, and where relevant the views of the offenders themselves. Much relevant material is contained in the casefiles and in our interviews with field-based probation staff, probation officers seconded to prisons, prison staff and licensees. This chapter aims to identify some of the more salient features of these accounts.

It is first worth reiterating that, while practice following the basic concept of throughcare – using a term of imprisonment to start a rehabilitative programme which is continued after release – was not unknown in Britain before the introduction of ACR (Jepson and Elliot 1985; Groombridge 1993), it had never been central to penal practice as in some other countries. This was partly because, unlike in Canada, for example – where the Canadian Correctional Service's Cognitive Skills Training Programme offers an example of a fully integrated throughcare programme (Correctional Service of Canada 1991) – the English and Welsh penal system is characterised by a separation of prison and probation services, which means that any substantial developments in throughcare or programme continuity require inter-agency collaboration.

Collaborative policies were certainly under active development during the period of vigorous planning around the 1991 Criminal Justice Act. However, their implementation coincided with a number of major demands on the Prison Service, not least the rapid increase in prison population which began in 1993, as well as with other important changes in the work of the Probation Service. Hence, our findings describe the operation of a new system in less than optimum conditions. The casefile studies illustrate the limited degree of collaboration attained in such circumstances, and our discussions with staff inside and outside the prisons help flesh out the background of particular problems.

Liaison during the custodial part of the sentence

Of the 288 offenders covered by the casefile study, 250 (87 per cent) were sentenced to 18 months or less, and were liable to be supervised on release for between three months and four and a half months. Given the fairly short periods of licence which were in prospect, one might in principle expect a substantial joint planning effort prior to release. In practice, the files show that while 183 prisoners (64 per cent) received visits from probation officers during their sentences, only 64 cases (22 per cent) showed any contact during these visits with prison staff. Again, while the records show that 199 prisoners received letters or telephone calls from probation officers, there was a record of correspondence with prison staff in only 139 files. Moreover, much of this correspondence was brief and routine in nature: only 61 cases (21 per cent) showed evidence of the probation officer becoming involved in substantial joint planning or discussion with prison staff about the prisoner. Overall, then, correspondence with or visits to the prisoner were the main pre-release probation activities, rather than interaction with the prison.¹

The 42 prisoners in our follow-up interview group added to this general picture. A majority of this group (24, or 57 per cent) had received a visit from a probation officer in prison,² and 22 (52 per cent) had had some contact with a probation officer on home leave. Altogether, 74 per cent had met their probation officer before release. However, beyond one visit, the level of contact had often been minimal: for example, 17 said they had had no letter from, and 28 had not written to, their probation officer.

Interviews with field probation officers suggested various reasons for their generally low level of contact with both prisoners and prison staff. Most frequently mentioned were issues relating to time and resources (e.g. 'Large numbers, not enough time, lack of availability'). Others suggested problems rooted in attitudes and traditions:

'Prison co-operation is very bad. Personal officers are purely administrative... There's no respect for probation from other services. It's a training problem for prison officers.'

1 Other pre-release activities included correspondence with other social agencies in 82 cases or 28 per cent; visits to relatives in 71 cases or 25 per cent; correspondence with relatives in 108 cases or 36 per cent; correspondence with social agencies on behalf of relatives in 45 cases or 15 per cent; and dealing with prisoners' belongings in 34 cases or 12 per cent. Often these were very significant and time-consuming activities in certain cases, for example when family problems needed sorting out before the prisoner could return home, but the usual focus of pre-release work remained direct communication with the prisoner.

2 The proportion visited in prison was close to that suggested by the casefiles, but well below the proportion claimed by some probation services in the national survey (see Chapter 5).

Problems of access to seconded probation officers were said to be similar to those of access to prison staff:

'Contact with the inside PO is almost non-existent.'

Echoing responses to our national survey, many officers mentioned problems with appointments, inadequate space, and prisoners being moved without notification, resulting in wasted journeys. Some probation services themselves had contributed to the problem by forbidding out-of-county journeys in an attempt to save money. One of our study areas was in the process of reconsidering such a prohibition in the light of new throughcare expectations.

Overall, the emerging picture is of a system under stress in both agencies. The theoretical ideal of a planned visit involving planned three-way contact between probation officer, prisoner and an appropriate member of prison staff (and perhaps a seconded probation officer as well) was perceived as simply unrealistic in practice. The time needed to set up such arrangements prohibited them in all but a minority of high-priority cases, even without the added obstacles of different cultures and traditions. In this situation probation officers appear to have concentrated on the direct personal relationship with the prisoner rather than the organisational relationship with the prison.

Sentence planning in practice

Joint involvement of probation services and the prison service in sentence planning is one of the central features of the developed vision of throughcare which informs ACR arrangements. If the sentence is one unified correctional episode, served partly in custody and partly in the community, then in the absence of a unified correctional service it depends on close collaboration. This is emphasised in *National Standards*, which depict sentence planning as a joint process; the *National Framework* document also emphasises collaboration but, as stressed earlier, indicates that sentence planning is a responsibility of the prison, in which the prison should seek to involve others. Our casefile study aimed to document probation service involvement in sentence planning, while our interviews with probation officers and prison staff sought to elicit personal experiences of the system. We also had access to prison service manuals and training materials concerning sentence planning.

Full sentence planning for ACR was not formally introduced until well into our research period, in November 1993, although it existed prior to this in a few prisons. Where it did not exist, a 'discharge report' was supposed to be sent instead, to arrive a week before release. In the casefile study we looked for evidence of the discharge report system as well as the more developed

sentence planning system, in which it was intended that copies of sentence planning documents would be sent to supervising probation officers. We also looked for evidence of the use of pre-discharge reports (used primarily to confirm release and supervision arrangements in advance) and for indications of the use of feedback forms at the end of the post-release supervision. Where copies of forms were not in evidence, we looked for correspondence or records explaining where they had gone.

In the majority of files there was no record of the supervisor's receipt (52 per cent of cases) nor of the return to the prison (63 per cent) of a pre-discharge report. A discharge report had been recorded as received in 35 per cent of cases and a sentence plan in 28 per cent. Only 11 per cent of files contained a note that a feedback report had been sent to the institution, and nearly a quarter of these did not contain a copy of the feedback report. The only document which was more likely than not to be represented in the files was the licence, or a record of its receipt (one or both of these was found in 76 per cent of the files).

Judging the quality of documentation is a more subjective matter, but all those reading files were familiar with probation service recording and some had been involved in quality control work within probation services. On the whole, ACR sentence planning documentation was very basic, with many blank sections in forms and token comments in others. Most forms showed signs of having been completed in haste with a primary focus on completing and dispatching them as required, rather than on their function as communication or as a medium of inter-agency collaboration. Basic practical information like reporting instructions was usually handled appropriately, but more complex issues such as statements about offenders' needs tended to be superficial, or to turn into statements about what courses they wanted to attend, if they were available.

Probation officers' comments on sentence planning and liaison were consistent with what we found in the files, as well as with many of the replies to our national survey (Chapter 3 above). On the whole they were not involved; a few had been asked to contribute in relation to sex offenders; others had been frustrated by practical obstacles:

'My caseload prohibits a special trip for that purpose.'

'I've been invited to a couple, but at very short notice... I didn't go.'

'In theory it sounds excellent, in practice it's ridiculous.'

'We find boxes not filled in on forms, the information is not in depth.'

'The quality of paperwork has gone down; the automatic nature of ACR results in automatic forms, there is very little in them, hardly any information, it makes very little difference if you have not had them.'

Within the prisons we encountered much the same view of a system which made sense in principle but was not really working as intended in practice. For example, in one local prison the prison service officer in charge of sentence planning documentation had received two days of training, but others in the prison who actually filled in the forms had received only one and a half hours, which inevitably concentrated on how to fill in the forms rather than on their purpose. If it is true, as some probation officers told us, that effective throughcare requires a change of culture in the prisons, an hour and a half is probably not enough to produce this. The same officer cast an interesting light on probation officers' complaints about documentation: feedback reports from probation officers were, she estimated, returned in about one in four cases in which they were requested. Moreover, as we have already seen in Chapter 2, ordinary prison officers saw only a small proportion of those which *were* returned. Clearly, the problems of liaison were not all on one side. The plan within the prison had been to have periodic inspections of feedback forms by an Assistant Governor and the seconded Senior Probation Officer, in order to assist in the appraisal and planning of inmate programmes, but because so few were coming in and some of them contained so little, this plan had not yet been put into effect.

A number of interviews were carried out with seconded probation officers in the prisons, in addition to many informal contacts during visits to prisons to interview prisoners. As mentioned in Chapter 2, it was clear from these that not only did initial sentence planning for ACR prisoners proceed without much involvement of supervising probation officers in most cases, the probation officers actually in the prison were not always involved, and in some prisons hardly ever involved. Prisons varied in the way seconded officers were perceived and used, and the new freedom given to governors to draw up contracts with local probation services specifying the role of seconded staff was likely to increase this variety. In some prisons, the seconded officers' role seemed to be primarily about welfare problems of individual prisoners and linkage with outside agencies about individuals, while prison staff (sometimes personal officers) made plans about prisoners. In others, the seconded officer was more involved in development of inmate programmes and personal officers undertook more 'welfare' links with outside. And in some prisons, undoubtedly, the role of the seconded probation officer remained as much in need of clarification as ever. The conclusion must be that new throughcare arrangements are unlikely of themselves to lead to improved collaboration or good practice unless the working relationship between seconded staff and the prison is already a good one.

A system created by circulars?

Overall the evidence of a gap between theory and practice was found to be considerable. The ideal of throughcare represented in documents such as the *National Framework* required a degree of inter-agency collaboration which did not yet exist as far as most ACR cases were concerned. If we had not known how the system was meant to work it would have been virtually impossible to infer this from studying the files. It may be that this was partly an effect of novelty and that matters will improve as both services become more used to the system; however, it would in our view be wise at least to consider alternative approaches. A full implementation of the sentence planning system as designed would require substantial time for collaborative efforts by both agencies and the development of enhanced assessment skills by some prison officers, at a time when in practice both agencies report severe difficulties in keeping up with aspects of their present workloads and cannot realistically expect dramatic increases in their resources. Recognising the desirability of collaboration, or even instructing people to collaborate, does not by itself create the conditions in which collaboration could be fully effective.

Managers in both agencies were keenly aware of the practical realities. One probation manager described ACR to us as 'an attempt to create a system by writing circulars', and while this was undoubtedly an exaggeration, it conveys the widespread sense that a system had been designed for a reality that did not yet exist. It was clear that the prison system did not offer a full and accessible range of effective inmate programmes which could be consistently linked in a planned way to follow-up programmes outside. Probation managers recognised a need for liaison and the exchange of documentation over risk assessment, but even here the need was perceived as greater in relation to DCR prisoners.³ Indeed, we gained the general impression that there was more investment and attention to sentence planning and liaison by both sides in relation to DCR cases and procedures, as if a perceived need to ration resources was leading to concentration on this generally higher risk category. Some probation managers, too, were limiting the demands of ACR by defining very carefully which parts of the process were the prime responsibility of the probation service and concentrating efforts on those, with a resulting tendency to try to improve the quality of post-release supervision rather than pre-release liaison.

The question of whether it will in the long term be feasible to operate the ACR system as originally designed depends partly on what resources are allocated to it in a climate where such resources would need to be drawn from other areas of work. Given the level of resources which prison and proba-

³ A further difficulty is that commonly agreed methods of risk assessment still await development (ACOP 1994).

tion service managers have been able to allocate to it so far, together with the prospect of increasing demand if prison numbers continue to rise, it is difficult to see how all the procedures originally envisaged can be performed to the desired level of quality and consistency. In addition, the prospect of more serious offenders being released on ACR for longer periods of licence after being refused earlier release on DCR is causing some apprehension among probation officers and may add to the strains in the system. Perhaps the periodic reviews of *National Standards* will offer the opportunity to consider whether all the existing requirements are feasible or necessary, or whether further development in risk assessment may allow a greater degree of targeting in the use of planning and supervision resources.

This is not to say that there are no advantages in the present system. On the contrary, hardly anyone we spoke to thought that the whole idea of ACR was wrong, so in fact the system has achieved quite a high level of acceptance for its basic principles. However, virtually all our informants pointed to problems about how it was working in practice, and clearly the problems were serious and widespread. Many expressed a concern that, if little is done to address these problems, there is a risk that both probation and prison services will develop a habit of scepticism about collaboration and sentence planning, and a general feeling that the required standards are impossible to achieve. They feared that this could be counter-productive, working against improvements in collaboration and in the quality of supervision.

On the positive side, some prison officers and managers pointed out what they saw as a major advantage of sentence planning: it required prison officers to focus, for at least part of the time, on the individual needs, problems and histories of prisoners and to think of them as people with a life outside prison. It was not possible fully to test this claim in this study, but if correct, it may contribute to the cultural change which many probation officers told us was necessary if throughcare was to fulfil its potential.

6 The 'effectiveness' of ACR

The last four chapters set out to document current practice in the ACR scheme, and to compare this with official expectations of how it should be operating. In this chapter, additional questions are raised regarding the scheme's effectiveness in achieving its purposes. As indicated in Chapter 1, ACR could be seen as having a number of different purposes, and it is not clear which of these should inform the process of evaluation. The question 'does it work?' could be asked in relation to its punitive function as part of a sentence; in relation to a correctional function as a measure intended to reduce offending; in relation to a monitoring and control function; or in relation to the reintegration of offenders in the community. None of these, in practice, yields the kind of evaluative questions which are easy to answer from an exploratory and descriptive study of this kind. This chapter attempts to draw together those strands of evidence which are relevant to evaluating ACR and to make some suggestions about other evaluative work which may be desirable.

Evaluating an innovation which has a variety of aims and involves various professional and user groups lends itself to the approach known as 'pluralistic evaluation' (Smith and Cantley 1988). Pluralistic evaluation recognises the plurality of stakeholders and their different aims and expectations, and seeks to draw on the experiences of all significant groups to identify benefits and problems. This chapter draws in turn on each of the main groups which have contributed material to the study, and also introduces some new material concerning reoffending and concerning attitude change.

The experiences of professionals

As we have seen, both probation officers and prison officers were experiencing problems with the new system and particularly with its expectations of joint working and collaboration. Sentence planning was, on the whole, not undertaken collaboratively and - particularly in the case of ACR prisoners, to whom it was extended later than the long termers eligible for DCR - few practitioners were able to argue with conviction that it was undertaken well. Liaison was difficult and fraught with problems, particularly as the system was under pressure both inside and outside the prison. Time available for probation officers to maintain contact with prisons was used to visit

prisoners rather than to develop joint plans about them; and under two-thirds of ACR prisoners in the areas we studied received visits at some point in the custodial part of the sentence.

Most ACR licensees successfully entered on and completed their post-release supervision, though this frequently did not comply fully with the expectations of *National Standards*; the discretionary power to depart from the Standards was widely used, and did not always follow the procedures laid down for its use. Probation services were becoming aware of this and beginning to firm up local standards and expectations: these, it appeared, were likely to increase local consistency within individual services but at the cost of more differences between services. The tendency of supervision to depart from *National Standards* partly reflected the lifestyles and characteristics of those supervised, and partly the resource constraints experienced by the Probation Service. More fundamentally, it raises questions about the appropriateness of some requirements in the Standards, as well as about the purposes and focus of supervision.

The favoured mode of delivery of throughcare services was through some degree of specialisation, if the particular probation service was large enough to accommodate specialisation. Such specialisation was said to promote specialist knowledge and skills, but could lead to feelings of marginalisation among officers and to problems in accessing mainstream resources. If throughcare workers were under particular pressures they could also feel relatively deprived within the Service.

Despite a range of practical problems, the professionals generally welcomed the principles behind the new system. They believed both that throughcare was important and useful, and that it required collaboration between probation and prison services. The problems lay in the complexity of current arrangements; the over-prescriptive nature of the expected standards; the other pressures on both services; and the sense that the design of the system was divorced from reality, assuming programmes and resources that did not yet exist.

The view from the licensees

The interviews with prisoners provide evidence that one of the main aims of the Carlisle report had been at least partially achieved, in that ACR was generally seen as a fair system, and as less arbitrary than parole. It was also evaluated by a substantial proportion of offenders as helpful, most often in terms of practical assistance and moral support: indeed, many more of them thought its *purpose* was to help than thought it was to control or punish. It was not quite so clear, from the comments of those interviewed again after

release, that probation supervision was achieving the aims set out in the 1992 *National Standards* (protection of the public; prevention of reoffending; reintegration into the community).

The fact that almost one-fifth of these licensees stated that supervision had 'helped them stop offending' may be encouraging, but we have, as yet, no way of testing their truthfulness. It is also difficult to know precisely *how* it might have stopped them offending. If such an impact is thought to derive from a sense of being 'watched' or 'controlled' by the supervising officer, the evidence does not suggest that many offenders experienced supervision as restrictive in this way. Indeed, it is not immediately obvious how such control might in reality be exercised. Round-the-clock supervision is not provided even by day centres or hostels, and even an approach following *National Standards* to the letter would not approach this degree of oversight. It is also relevant that most studies which claim to demonstrate a positive impact of supervision on offending (see McGuire, 1995) suggest that this is mainly due to eliciting the offender's co-operation in controlling himself or herself, not to actual surveillance by the officer.¹

If ACR supervision was experienced by offenders neither as punishment nor as an obviously coercive form of control, in what other ways might it have been 'effective'? One possibility, of course, is that it was achieving - at least in some cases - the traditional aim of 'rehabilitation', either through individual casework or planned programmes to 'address offending behaviour'. However, all our evidence, including that from the offenders themselves, indicates that such work was rare in ACR cases, partly because in most cases there had been little or no preparation for it during the custodial phase of the sentence, and partly because this kind of focus is more likely as a result of an agreement negotiated in a community sentence, where co-operation can be increased by the offender's belief (and, perhaps, gratitude) that a custodial sentence has been avoided.

From the offender's perspective, the most effective aspect of supervision might be summed up in the traditional term 'after-care'. Offenders' positive reactions to supervision reflected above all probation officers' emphasis on constructive contact and practical help, and the sense that reintegration was an important need of many licensees.

It must be emphasised that it would be wrong to infer from this that ACR supervision is primarily a form of social assistance which has nothing to do with reducing offending. As many probation officers argued, lifestyles and environments have criminogenic potential: many offenders lead marginal

¹ This is not to say that the notion of 'keeping tabs on' offenders has no significance. The simple fact that they are under official supervision; are 'on file'; have to report; are asked questions; and so on, conveys at least a sense of control, which may in itself reduce levels of public concern. (The concept of social control through information and classification has also become a familiar theme in criminology through the work of Foucault, 1977.)

and insecure lives, characterised by difficulties over money, accommodation, employment, health, family relationships, educational achievement and social skills (see, for example, Stewart and Stewart 1993). Not all people in adverse social circumstances will offend, but there is clear evidence that those who have already offended are more likely to continue if they find themselves in a situation of restricted legitimate opportunities (Farrington *et al* 1986; Dickinson 1993). To the extent that the activities of probation officers tend to address what, following Hirschi (1969) and *National Standards*, could be described as problems of social integration, they may well have an effect on offending. This study shows that supervising officers often sought to address such problems, and while the research was not set up to tackle the complex questions of whether (a) any beneficial changes in offenders' lives resulted from this, and (b) any offending was actually prevented, it has at least shown that many offenders themselves *believed* supervision to be helpful to their resettlement after release.

Changes in attitudes to offending

Half of the 42 licensees who were successfully contacted for follow-up interviews also completed a questionnaire concerning attitudes to crime and perceptions of current life problems. In each case, it was possible to compare responses with an earlier questionnaire completed at the original interview in prison. The instrument employed was CRIME-PICS II (Frude *et al* 1994), a development of the original CRIME-PICS scale now widely used by probation services and researchers. It generates scores on five scales: general attitudes to offending (G); anticipation of reoffending (A); denial of harm to victims (V); evaluation of crime as worthwhile (E); and perception of current life problems (P). In the first four scales, a lower score indicates attitudes less favourable to continued offending, while in the 'problems' scale a low score indicates fewer perceived problems. Administration of the questionnaire in prison, followed by readministration at the end of the licence period, allowed scores to be compared and changes noted. Table 6.1 summarises the increases and decreases observed in the scores.

Table 6.1
CRIME-PICS results from repeated questionnaires:
Numbers of offenders showing decreased, increased and
stable scores (N=21)

| | <i>Lower</i> | <i>Higher</i> | <i>No change</i> |
|-----------------------------------|--------------|---------------|------------------|
| General attitudes to offending | 10 | 11 | 0 |
| Anticipation of reoffending | 10 | 8 | 3 |
| Victim harm denial | 12 | 4 | 5 |
| Evaluation of crime as worthwhile | 11 | 5 | 5 |
| Perceived severity of problems | 12 | 9 | 0 |

It will be seen that on most scales, increased and decreased scores roughly balance. The exceptions are denial of harm to victims and evaluation of offending as worthwhile: both these scales show a clear majority of decreased scores, suggesting at least some change in the direction of more pro-social attitudes. The problem scale also shows some indication that more licensees perceived a reduction in current problems than an increase. Based as they are on small numbers, these changes are not statistically significant, nor are they evidence of a causal link with any particular aspect of through-care, but it is interesting that the observed changes are most often in a direction consistent with the reintegrative purposes of throughcare.

Expected and recorded reoffending in casefiles

It was impossible during the research period to gain an accurate picture of the reconviction rate of those subject to ACR. Insufficient time had elapsed for the *Offenders Index* to have been updated with all new convictions of offenders in our sample. As for alternative sources, our national survey was probably affected by considerable under-recording on probation information systems, and individual casefiles were not fully reliable due to varying quality and different local conventions. Moreover, recording ceases in almost all cases at the end of the licence period, which may fall between the probation officer being informed of an arrest or charge and the case coming to Court, sometimes on a different charge and sometimes resulting in dropped charges or an acquittal. Some cases may never even be notified to the officer. Consequently, any conclusions about reconvictions based on data from these sources have to be treated with the greatest caution.

Nevertheless, an attempt was made to extract information on reoffending in relation to 91 offenders who were covered by the casefile study, and whose files contained sufficient information to allow calculation of a score on the National Risk of Reconviction Predictor (Home Office 1993; Copas 1992). This yields a percentage score representing the probability of reconviction of a Standard List offence within two years, and is currently under development as a performance indicator for probation services.²

Analysis was carried out on the basis of three groups of approximately equal size. These comprised a low-risk group of 29 offenders with two-year risk scores up to 57 per cent; a medium-risk group of 31 offenders scoring from 58 to 75 per cent; and the highest risk group of 31 offenders scoring from 76 per cent upwards. Table 6.2 sets out the average licence length, average two-year risk score, average converted risk score and actual number and rate of new standard list offences in each group.

Table 6.2
Expected and recorded reoffending (standard list offences)
(N=91)

| | <i>Low predicted risk 0-57%</i> | <i>Medium predicted risk 58-75%</i> | <i>High predicted risk 76-100%</i> |
|---|---|---|--|
| Number in group | 29 | 31 | 31 |
| Mean length of supervision (months) | 3.7 | 3.9 | 3.7 |
| Mean 2-year predicted reconviction risk | 38% | 66% | 91% |
| Risk of reoffending under supervision | 8% | 21% | 41% |
| Recorded reoffending under supervision | 0 (0%) | 4 (13%) | 4 (13%) |

For all the risk groups, the recorded reoffending was below the level suggested by applying the predictor. This result, it is reiterated, should be interpreted with great caution, as there is a substantial possibility of under-recording.³ We would not, therefore, suggest that these figures are evidence for the correctional effectiveness of ACR supervision, and we suspect that with more comprehensive information of better quality the gap between expected and observed reoffending would tend to narrow rather than to

² This score required conversion to reflect the shorter length of licence periods, which was done using the conversion tables recently developed to convert two-year risk scores into risk scores for shorter periods (Copas *et al* 1994). Because the conversion tables are concerned with known reoffending rather than reconviction and were calculated using offence dates rather than court dates, they can be compared approximately with information in the files relating to arrests and charges, rather than court appearances.

³ There is also a likelihood that some offences were committed during the licence period which had not come to light by the time we extracted the information from the files, but which, when known, will count retrospectively towards the reoffending score for that period.

widen. However, it is interesting to note that similar differences between expected and observed reconviction rates have been reported for parolees under supervision (Nuttall 1977). We would suggest that there is a good case for further research on this issue, using substantial samples from the Offenders Index, perhaps comparing expected and actual reoffending for offenders released on ACR and for a similar group of offenders released from sentences of similar length in the year before the introduction of ACR. Such an exercise should be feasible within the next two years, as numbers of ACR licensees at risk for two years following release continue to grow.

7 Discussion and conclusions

In this brief concluding chapter, we attempt to pull the strands together of what has been a fairly complex study, drawing on data from a number of disparate sources. The research produced a mixture of positive and negative findings. On the one hand, it was found that the principles of throughcare and automatic conditional release on licence commanded a considerable amount of support among practitioners and that, during the first eighteen months of operation, the new arrangements had already begun to work quite well in some respects. On the other hand, the design of the new system was considered by those working within it to have a number of flaws, and its implementation was clearly being hindered by some substantial practical (particularly resource-related) problems, as well as by major problems of communication between the main parties involved.

The most encouraging findings can be summarised as follows:

- ACR was regarded by most interested parties, including offenders, as a better and fairer system than parole, and the principle of through-care had wide support.
- Almost 40 per cent of the offenders interviewed after release had found supervision 'helpful' (mainly in terms of practical assistance and moral support) and about three-quarters had a good opinion of their probation officer. There were also claims by a minority that it had helped prevent them reoffending, although this must be viewed with caution.
- There were early indications that supervision was proving very successful in terms of completed licences. Fears of numerous failures through breach of licence had so far proved groundless, although this appeared to be partly a result of a high degree of flexibility and discretion exercised by probation officers and their managers, who were prepared to tolerate imperfect compliance by offenders who they felt were making some effort, while dealing firmly with those who showed deliberate and consistent disregard of the rules.
- While there may have been some under-recording, rates of reoffending while on licence seemed to be considerably lower than expected.

The main problems identified by the research were:

- Lack of clarity and agreement about the central aims of, and the penal philosophy behind, the new system, with different 'agendas' driving the contributions of the agencies concerned.
- Frequent problems of communication and co-operation between these agencies, fuelling concerns that, in practice, 'throughcare' was not one continuous process, but two largely unconnected sets of activities, one taking place in prison, the other outside.
- Inadequate time and resources to deliver a proper level of service in all cases, so that sentence planning and, to a lesser extent, supervision on ACR, was regarded as a bureaucratic, 'box ticking' exercise for many offenders.
- A widespread belief among probation officers that the existing national standards were unrealistic reflected also in failure to attain them in considerable proportions of cases.

The main problems

In arriving at a final evaluation of the system and of its prospects for improvement, it is necessary to make brief further comment on the four main problems identified above. It is argued that they are to a considerable degree inter-dependent, and that in contemplating any reform to the system, account should be taken of all four dimensions.

Conflicting aims and separate agendas

As we have emphasised several times, many of the critical comments made by practitioners about ACR centred on a lack of clarity or agreement about its aims. Was it essentially about 'punishment', about 'rehabilitation', about 'resettlement', or about 'surveillance and control'? Was it an attempt to deliver a coherent system of throughcare, with penal and social work agencies collaborating in planned rehabilitative programmes beginning in custody and continuing after release? Or was it, as some believed, largely a symbolic exercise to justify automatic early release, unlikely in reality to produce more than 'paper' custodial plans and token meetings with probation officers?

The confusion of aims seemed to stem to a large extent from the very different central concerns of the Carlisle Committee, the Probation Service (and the Home Office Probation division) and the Prison Service, all of which had

been involved in various aspects of the system's design and implementation. As outlined in Chapter 1, the Carlisle Committee's main interest was in ending the 'lottery' of parole for shorter term prisoners and in devising a firmer system of determining their release dates. The Probation Service, by contrast, has a primary interest in service provision. Probation officers are also used to working with offenders who have been selected as suitable for supervision and to using their judgement as to the needs of individuals and the type and amount of work to do with each. Compulsory supervision of large numbers of ex-prisoners, it was found, not only meant trying to work with many who would not normally be considered suitable for probation assistance, but made it difficult - not least, through the sheer weight of numbers - to 'target' those who might benefit from more attention. It tended to generate instead a relatively unambitious working philosophy in which - while many officers tried to do more, particularly in the provision of practical assistance - the primary aim became that of ensuring that as many as possible met the basic licence condition of turning up at the office for a set number of appointments. Moreover, the development of meaningful relationships with prisoners before release was not helped by the unfortunate history of throughcare in probation work, whereby it had frequently been consigned (including in official publications, e.g. Home Office 1984) to a position of low priority vis-à-vis other forms of work with offenders. Despite general agreement that it was valuable to get to know offenders at an early stage, there was ample evidence from our research that personal contact with prisoners still often took second place to other casework and that field probation officers continued to have relatively little input into prison programmes. Finally, the Prison Service's agenda has been somewhat different again. Its main focus has been upon the development of sentence planning and personal officer schemes which arose from the need for a credible response to the Woolf Committee's criticisms of prison regimes and its calls for better care for prisoners. With the introduction of ACR and DCR, these became conflated with 'throughcare'.

In short, then, the ACR system can be viewed as a hybrid, a vehicle designed to resolve a set of diverse problems, administered by practitioners from agencies with quite different cultures and assumptions. The overall result, we conclude, was that - at least at the time of our research - the throughcare ideal of a seamless progression for each prisoner through a jointly devised programme of needs assessment, planned treatment to prepare for release, and supervision by an already involved probation officer to complete the plan, had not become a reality for many ACR prisoners. Rather, much of our research evidence suggests that, while some individual elements of the system may have had beneficial results, the prison and post-release stages of sentences had proceeded largely independently of each other, with relatively little meaningful collaboration and supervising officers virtually 'starting again' when the offender left prison.

Practical constraints

Of course, neither lack of clarity about ultimate purposes, nor difficulties in collaborative work by agencies with different agendas, are unique to ACR, and many other joint ventures have managed to work well despite such problems. In this case, however, the problems were found to be greatly exacerbated by the extra factor of severe time and resource constraints. This applied to both the pre- and post-release stages of sentences, but was particularly acute in the prison stage (see Chapters 2 and 5). Many prison managers and staff felt that the Prison Service had been compelled to devise nominal sentence plans on a large scale before they had the facilities or resources to deliver them effectively, or before adequate training had been provided for all those involved (the latter evident in the low quality of many of the assessments produced by prison officers - see Chapter 5). The ideal of identifying an individual's need for a particular type of course, and then either setting one up or transferring him or her to an institution already running one, was simply not attainable in large numbers of cases. There were also many waiting lists for key courses, and as ACR prisoners often do not stay in any one establishment for a long period (or are released within a few months), many had left before reaching the top of the waiting list.¹

Regarding probation officers' contribution to pre-release work, it was clear, first of all, that the most that could be realistically achieved in the majority of ACR cases was a short visit to 'get to know' the prisoner. Indeed, despite the over-optimistic estimates of probation managers responding to our national survey, most of our evidence suggests that a large minority of prisoners received *no* pre-release visits from their supervisors (Chapter 5). This was due partly to the pressure of other work given priority over throughcare, and partly to restrictions on travel: many services discouraged, or even prohibited, visits to individuals in distant prisons, and car-sharing and 'batch visiting' schemes to save costs were common. Consequently, even those prisoners who were seen often received only a short visit.

In addition, the ideal of three-way discussions of individual cases between field probation officers, seconded probation officers and prison staff (in relation to sentence plans, reviews of such plans, or aftercare considerations) was not attained in most ACR cases. The logistics of arranging meetings were often too complex, given other commitments and the tight schedules of prison visits. Of course, this not only made throughcare less effective in individual cases, but did little to further the long term aim of achieving closer inter-agency understanding and harmonisation of aims and approaches.

¹ It is worth noting that the Cuffie report discussed sentence planning almost exclusively in the context of long term prisoners. The scheme was extended quickly to ACR prisoners, perhaps without sufficient attention to the problems of arranging courses for people not in the establishment for very long. Similar problems were faced in the early 1980s by Youth Custody Centres, which had to deal with a high turnover of short termers rather than the previous complement of young adults on standard Borstal sentences.

Post release, too, some resource related problems were identified, particularly that of high caseloads. Specialist throughcare teams tended to have higher than average supervision caseloads, while officers in generic teams tended to place work with ACR offenders (beyond the minimum of ensuring compliance with conditions) relatively low on their scale of priorities in what was clearly a busy life.

National Standards

The final problem identified, the 'unrealistic' nature of some of the required Standards in the eyes of supervising probation officers (and many of their managers), was also made more salient by time and resource constraints, although the criticisms were based on other grounds as well. Home visits was one area of particular concern. As shown in Chapter 4, it was felt that these were unnecessary in many cases, confirmation of residence being available from other sources, while officer safety was also a prominent worry in relation to certain offenders and certain types of area. Similarly, the need to see every offender on a fixed number of occasions meant that officers spent much of their time 'chasing' and warning unreliable licensees. This situation, it seemed, was conducive to the development of a 'bureaucratic' approach to supervision, in which serious work with offenders was unusual and the main objective became simply that of generating sufficient compliance with reporting requirements from offenders to complete their licence periods without resort to breach proceedings.

Possible ways forward

In the light of the four main problems outlined above, it has to be asked, finally, what can be done, as the system 'settles down', to help it become more integrated, and eventually experienced by offenders as a coherent process of 'throughcare' from reception into prison to completion of licence. Practitioners generally saw long term solutions in strategies to reduce crowding in prisons and to house prisoners closer to their home areas. In the immediate future, the best strategy seems to us to lie in tackling the problems on three fronts simultaneously, through:

- (a) serious discussion at a high level between the two main participating agencies, at which frank recognition is given to their differing 'vested interests' and to the extent of the problems of communication between them, with a view to greater harmonisation of aims and approaches, and more effective systems of information exchange,

- (b) the provision and more effective use of resources to ease the major practical problems and constraints afflicting the system, and
- (c) the introduction into the system of more legitimate opportunities for the use of professional judgement and discretion: this would include more scope for the targeting of offenders considered to merit special attention, as well as for the reduction of work with others.

Discretion and targeting

The first two of the above strategies are self-explanatory, but further comment is needed on the third, which is relevant both to the National Standards for probation officers and to sentence planning. First, it was clear from our casefile studies that a great deal of informal discretion was being used, by both supervising officers and seniors, to depart from the normal requirements of *National Standards*. While technically allowable under various clauses covering 'exceptional circumstances', the overall level of departures was clearly well in excess of that envisaged by the designers of the Standards. This was true of decisions not to make home visits or visits to prisons, as well as of decisions not to define offenders' failures to keep appointments formally as a 'failure to comply', thus reserving the use of the ultimate sanction of breach only for the very worst cases.

The latter approach, it might be argued, runs the risk of offenders in general picking up the message that, for all the warnings in the licence, compliance with reporting conditions - particularly in the later stages of supervision - is not really taken seriously. This being the case, why are we moved to advocate, if anything, *more* scope for reliance upon professional judgement? A more obvious 'solution' to the problem of poor attendance might appear to be to increase the deterrent aspects of the system by promoting much *less* flexible and stricter policies towards adherence to conditions, so that many more offenders are returned to prison. However, hardly any experienced practitioners saw any value in such an approach. It was argued that any effective supervisor had to recognise the reality of the 'chaotic lifestyles' of many people subject to ACR, and that it was in the best interests of both the offenders and society - as well as, for such people, an objective worth achieving in itself - to 'get them through' their licences by a mixture of cajolery and warnings.

In the long term, the latter approach may achieve more in terms of successful resettlement in the community than simply 'wielding the big stick'. As many officers said, productive work with offenders has always been based to some degree upon a process of 'bargaining', or 'give and take': for example, parolees were often said to co-operate more fully with rehabilitative programmes by

virtue of feeling that they 'owed' their probation officer something for supporting their parole application. A similar *quid pro quo* was recognised by some officers who felt that those ACR offenders they helped with accommodation or practical problems were more likely to engage more seriously with attempts to address their offending behaviour. Many felt that if draconian measures to compel strict compliance with reporting conditions became the norm in ACR supervision personal relationships would be soured, little co-operation would be received with attempts at addressing offending behaviour and, as one put it, 'the job could be done by a secretary ticking them off at reception'. As several emphasised, officers in favour of more flexible standards were not arguing for a 'lax' approach to reporting, but simply for more official recognition of the wide variety of personal circumstances of those under supervision, and for trust in the professional skills of probation officers to modify the requirements where appropriate. One put it succinctly in the phrase, 'flexibility without unfairness'.

In sum, there is a case for bringing the Standards more into line with the reality of current practice, by formally giving greater discretion to the Probation Service over, for example, whether and when a home visit is necessary, or over the frequency of reporting requirements deemed necessary in individual cases after the first month or so. In addition to making it easier to deal with problematic cases, this could be used to encourage, and free up more time for, the 'targeting' of offenders for whom intensive work appeared to have good prospects of effecting change. It would also allow managers to give more attention to issues of quality and effectiveness of services, rather than concentrating almost exclusively upon compliance with standards.

Perhaps an extreme variant of this argument - but also one worth considering seriously - is that the early termination of supervision should be allowed in exceptional cases. Many probation officers believed that there was a small number of offenders for whom supervision was not at all useful and/or who resented it to the point where it might prove counter-productive. Such cases could involve the expenditure of disproportionate amounts of time and effort in ineffective attempts at enforcement, followed ultimately by breach. An alternative in such cases might be to consider reviving arrangements like those set out in Home Office Circular 168/1977, which provided for the suspension of reporting requirements in Borstal Licence cases where supervision was not practicable or was serving no useful purpose. This was at the discretion of the Chief Probation Officer, and was different from early discharge on grounds of good progress since other licence conditions (including liability to recall) remained in force.² If used very sparingly, such measures need not undermine the general perceived fairness of the ACR

² The procedure appears to have lapsed when Borstals were abolished, and we are not aware of any studies of its use. Indeed, it appears to have been largely forgotten by those in the field.

scheme, which rests partly on its compulsory nature. There may be a case at least for consultations about the desirability of such arrangements in ACR, and about the type of safeguards necessary to prevent inappropriate use.

Lastly, a targeting strategy might also prove beneficial in relation to sentence planning, which clearly, given the serious resource and training deficiencies, cannot currently provide an effective service and suitable courses for all prisoners. The practice of risk assessment could be more widely developed, and the time-consuming process of detailed assessment and planning could then concentrate on a smaller number of identified higher-risk offenders, rather than operating across the whole range of those sentenced to twelve months or more. Extra attention could be also paid to those judged most likely to respond to rehabilitative programmes. This seems a realistic and sensible approach under the current circumstances. It might also ameliorate the problem of prisoners' expectations being raised beyond what can actually be delivered, which can lead to demoralisation and cynicism. Most of those who advocated such an approach were ultimately in favour of 'throughcare for all', but took the view that 'we shouldn't try to run before we can walk.'

It can always, of course, be objected that any move in the direction of flexibility and targeting is a move away from the basic principle (emphasised by Carlisle) of equal treatment of offenders. Indeed, this could be so in two senses of equal treatment: that of fair distribution of 'services' and that of equal subjection to the 'punishment' of reporting requirements. However - though the principle is clearly very important in relation to the proportions of their sentence which individuals serve inside prison - such 'fairness' arguments seem to lose much of their significance in the real world of post-release supervision. Few offenders experienced supervision as 'punishment' at all, while only a minority were receptive to courses or counselling aimed at reducing offending, so for most the issue of equal treatment was rather academic in this context.³ Moreover, if it is argued, as in a high proportion of responses to our national survey, that the overriding aim of supervision should be to protect the public, it seems to follow that those offenders thought to pose a special risk should be targeted carefully and given priority attention, even at the expense of considerably less attention to low risk offenders.

Finally, the argument for placing more faith in the professional judgement of practitioners is boosted by the fact that most of the positive findings of our study emerged in areas concerned broadly with rehabilitation or re-integration, their fields of expertise. To end on an encouraging note, we would pick out three such findings from the research, which suggest that, despite all the problems outlined, the introduction of ACR has been a worth-

³ One might also make the more general point that 'equality of treatment' is a problematic concept in relation to service provision, as different people have very different personal circumstances and needs.

while exercise and has considerable potential for the future. First, the widely expressed support for the basic principle of throughcare. Second, despite their dislike of the associated 'paperwork', the enthusiasm of a substantial proportion of prison officers for involvement in structured rehabilitative work with prisoners. And third, the fact that, despite the patchy nature of their preparation for release (including often hardly knowing their prospective supervisor), the majority of those we interviewed who had completed ACR licences rated their experience of supervision positively. This last finding is possibly the most important, because without a positive attitude from offenders, the whole ACR system is unlikely to achieve anything except a temporary easing of pressure on prison accommodation.



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