



**Probation in Europe**

**Jersey**

**Probation and After Care Service**

**(JPACS)**

**Brian Heath**

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## **Probation in Europe**

### **Jersey Channel Islands**

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# **1. Introduction**

## **1.1 Probation Organisation**

Jersey is an autonomous British jurisdiction with links to the Crown, through its historical connection to Normandy, but not to the government of the United Kingdom. Therefore, there are no formal links or accountabilities for Probation Service work with the United Kingdom Ministry of Justice or National Offender Management Service. Jersey is the largest of the Channel Islands with an area of 45 square miles and a population of 100,000 inhabitants. The official languages of Jersey are English and French with the latter being used exclusively for all legislation before 1957 even if subsequently amended. Whilst English translations are available these are not considered to be authoritative.

The Jersey Probation and After Care Service (JPACS) has responsibility for all Court social work functions in Jersey. JPACS is a department of the Jersey Royal Court, the jurisdiction's higher Court, but also works for the Magistrate's Court, Youth Court, prison and prosecution authorities.

Governance of JPACS is through the Probation Board, which consists of five judges of fact, Jurats appointed by the Bailiff (Chief Judge). The Probation Board has no statutory basis but operates as an informal delegation of the Royal Court which does have statutory responsibility for JPACS. As a result of this arrangement, significant changes in policy or practice and decisions about the appointment of particular officers are referred to the Full Royal Court consisting of all the judges together with the Attorney General. Only the Full Royal Court can appoint or dismiss a probation officer (Délégué Fr) The result of this relationship between the courts and JPACS is that there is a requirement to discuss and debate developments with the Court leading to considerable trust and confidence in the work of the Service. JPACS has also remained free of political intervention because of its status as part of the Court system.

JPACS employs a total of 42 people or the equivalent of 27 full time posts. Of the 42 people employed 30 work in the Criminal Justice section and 8 for the Family Courts, with 4 people having JPACS wide duties.

JPACS spent £2 million in 2013, provided by the government the States of Jersey with £1.5 million being allocated for its criminal justice work.

## **1.2 Probation activities in a nutshell**

JPACS provides an assessment and supervision service to the Parish Halls, Courts and Prison in respect of people over the age of criminal responsibility (currently ten years) who have admitted or been convicted of criminal offences.

The Parish Hall Enquiry, which is believed to be unique to Jersey, is an ancient procedure in which honorary police officers elected by one of the twelve Parishes meet with an alleged offender, and often other members of the family, to review the reported facts and to decide whether the case should go forward for prosecution in Court.

Frequently offences are resolved informally at this stage, without creating a criminal record. Possible outcomes can be warnings, apologies, restorative justice procedures, restitution, voluntary work for the community or a small financial penalty.

The H.M. Attorney General is responsible for the prosecution of all offenders in Jersey. Under his authority unpaid elected officials of each of the 12 Parishes who are known as Centeniers are responsible for deciding whether a person should be prosecuted. In the case of children and some adults the Probation Service makes preliminary inquiries with the family upon receiving a Police summary, and attends at a Parish Hall Enquiry meeting to offer advice and assistance to the Centenier and to the child or adult. JPACS provides voluntary supervision of up to four months and restorative justice as alternatives to prosecution in suitable cases.

A member of JPACS staff known as the Court Duty Officer is always present in Magistrate's and Youth Court (persons under 18 years) to provide the Court with any relevant information on persons known to the service and to provide the Court with any "stand down" reports required. These are verbal reports requested by the Magistrate, typically to assess suitability for a Community Service Order although they may be used whenever the Magistrate requires information that cannot be easily obtained in public. The Court Duty Officer also notes any requests for Social Enquiry Reports (SER) and answers any questions the Court may have on completed SERs if the author is not present. The Court Duty Officer serves Probation and Community Service Orders made by the Court and also interviews those sentenced to custodial terms.

All persons sentenced by the Jersey Royal Court, (the Island's senior Court) will have an SER prepared on them by JPACS. Work on preparing this report begins once the offences are admitted or following conviction after trial. If possible, the report writer is expected to be in court for sentencing if the recommendation is for a Community based penalty, but in any event, a Probation Officer is always present to answer any questions the Court may have and to meet with the offender post sentence.

SERs for Court contain a social history of the person before the Court, an analysis of their offending and assessments of their likelihood of reoffending and of risk of causing harm to themselves or others. Whenever possible the report contains a sentencing recommendation based on this analysis.

JPACS supervises two types of community sentence on behalf of the Courts. A Probation Order is made instead of a sentence with the consent of the person being made subject to it. The duration of a Probation Order is up to three years although three year Orders are uncommon. Probation Orders are intended to help people avoid further offending by providing support and assistance in changing behaviours and circumstances which have been associated with law breaking. The supervising Probation Officer is usually the person who prepared the SER. The Probation Officer has a duty to report failure to comply with the terms of a Probation Order to the Court who can then allow the Order to continue or revoke it and sentence as though the Probation Order had not been made. Community Service Orders (CSO) are made as alternatives to custodial sentences only. CSOs can be made for between 40 hours to 180 hours in Magistrate's and Youth Court (equating to the limit of their power to imprison for up to 12 months) and up to 480 hours in Royal Court. A 480 hour CSO is equivalent to 3 years' imprisonment so the scale is not a strict linear one.

All sentenced prisoners are offered a service by JPACS during and after sentence, with those serving sentences of over six months being allocated automatically. The same Probation Officer who provides through care also works with the prisoner after release. Young Offenders aged under 21 years who have been sentenced to four months custody or more are released on statutory licence supervised by JPACS for up to 12 months. Failure to comply with the licence terms is a criminal offence punishable with a fine or up to one month's custody. Local adult prisoners other than life sentence prisoners are released without any form of licence and therefore post release contact with JPACS is voluntary and encouraged. All prisoners are eligible to apply for day release for work purposes in the latter part of their sentences and home curfew for up to 4 months before their release date to assist with resettlement. This is supervised by the Probation Officer who has worked with them throughout their sentence. Life Sentence prisoners are transferred to the regime of England and Wales and are supervised as described in in the England and Wales section whether in the United Kingdom or in Jersey. JPACS also supervises prisoners released on licence from the other British Jurisdictions other than Guernsey or the Isle of Man where curiously there are no statutory arrangements to permit this.

### **1.3 General remarks about the implementation of Probation Rules**

Legislation has not been reviewed officially since 2006 to assess its compliance with the European Probation Rules (EPR) but has been reviewed internally by JPACS. The authors are confident that Probation activities in Jersey are compliant with the EPRs. Where legislation, policy or practice is related to a particular EPR reference will be made in the text as (EPR XX)

## **2. Historical Development of the Probation System**

### **2.1 History from the origins to 2008**

There is no formal history of the Jersey Probation and after Care Service to refer to. However the accompanying report to the 1937 Probation law (Loi (1937) sur l'atténuation des peines et sur la mise en liberté surveillée (Fr) refers to a previous law on suspended sentences being "deficient in several respects" and is the first occasion on which a recognisable system of Probation is legislated for in Jersey. The 1937 Probation Law allowed the Courts to release people without a sentence subject to them agreeing to sign an undertaking and agreeing to be under the supervision of a Court delegate (Délégué Fr). The 1937 Probation law as amended remains the foundation of Probation work in Jersey.

It seems that the role of Délégué (referred to now universally as a Probation Officer) was initially a part time role with the first full time staff being appointed in 1961 from the United Kingdom. From this time JPACS has prepared annual reports on its work and the history is easier to follow. A Probation Committee was established by the Jersey Royal Court to provide governance for the new service and consisted of Jurats (elected lay judges of fact of the Royal Court) together with two representatives of the States of Jersey Prison Board (politicians).

The Probation Inspectorate from England and Wales were invited to Jersey in 1971, and reported positively on the activities of the small service.

JPACS gradually increased in size and by the early 1980s consisted of a Chief and Assistant Chief Probation Officer, who both held small caseloads, and six Probation Officers and assistants supported by a clerical and administration team of four.

In 1982 JPACS made Community Service Orders available to the Courts by using the 1937 Probation law as a vehicle, partly to establish the viability of the new measure and partly because criminal justice legislation can take some time to progress. In the event it was 2001 before the Community Service Law came into force, so the use of the Probation Law was an inspired move by the then Chief Probation Officer Mr Patrick Fenoughty.

It could be argued that the ponderous rate of legislative change in Jersey, has led to JPACS being a service which looks for practice based solutions to problems rather than assuming that legislation will provide the answer.

Home Office inspectors from England Wales were invited to Jersey again in 1986. Their report was generally positive in tone, but raised some important questions about the purpose and structure of JPACS. In particular it recommended that the Chief and Assistant Chief Probation Officers should not hold caseloads which at times conflicted with their duties to supervise a growing staff team and manage the service. The impression reading the report today is of a service which was shadowing developments in England and Wales whilst working to a criminal justice system with different values.

This report served as a catalyst for change together with a substantial staff change resulting in a young and idealistic staff and management team. Between 1987 and 1991 JPACS set out to establish its values, mission and objectives and have these endorsed by the Probation Board and the Jersey Royal Court. Initially targeting the high number of custodial sentences of under six months duration, the emerging "What Works" movement also helped inform the latter part of this process and JPACS was reorganised to deliver its services in a way which aligned with the principles of effective practice as it was understood at that time. Swansea University was engaged as the Service's critical friend and research partner and continues to provide these roles.

By the turn of the century JPACS was able to produce effectiveness data for its interventions which were being used more often by the Courts; the number of prison sentences imposed declined considerably, particularly those of six months or less. This situation has been maintained and developed until the present day.

JPACS has remained a Social Work based Probation Service. An effective relationship between supervisor and client is seen as a foundation of practice with continuity of worker being maintained wherever possible and beneficial. All staff are trained in Pro Social Modelling and structured problem solving, with Probation Officers all trained in the use of the Level of Service Inventory – Revised (LSI-R) and other more specialist risk assessment tools and in Cognitive Behavioural programme work, whether or not this forms part of their supervisory role.

## **2.2 Recent history from 2008 to 2011**

Since 2008, all Probation Officers have received intensive and ongoing training and consultancy in assessing and working with sex offenders to prepare for and respond to new legislation and a growth in this area of work. JPACS has been a leader in examining the impact of individual Probation worker skills on the effectiveness of work with offenders through the use of audio visual recording of client interviews. As a result of the findings the Service has launched a strategy to help ensure that they are using the right skills in interviews with service users.

Additionally, in 2010, the Jersey Family Court Advisory Service (JFCAS) was formed creating a specialist department within JPACS which deals with all Family Court matters concerning children which were previously part of every Probation Officer's caseload

## **3. Legislative Basis of the Probation System**

### **3.1 Legislative Basis**

The Loi (1937) sur l'atténuation des peines et sur la mise en liberté surveillée (Fr) as amended, provides the basis for the Probation system in Jersey. (EPR 8) This Law allows the Court with the consent of the offender to make a Probation Order of up to 3 years duration which is supervised by an Officer of the Court (the Probation Officer) instead of imposing any other kind of sentence. There are no statutory restrictions on circumstances or types of offence and Probation is available to all the Criminal Courts and all offenders over the age of criminal responsibility, currently 10 years of age. The aim of a Probation Order is to help the probationer reform although measures of control over employment and address are given to the Probation Officer under the legislation and failing to comply with the terms of the Order can result in a return to the sentencing court and the imposition of a proportionate sanction for the original offence. Additional conditions can be added to probation orders but such things as attendance at specific programmes are left to the discretion of the Probation Officer because it is recognised that a probationer's needs change over time. (EPR 1)

Rules for the operation of Probation Orders are made through practice standards agreed with the Royal Court and occasionally following review of individual cases. For example, permission to travel outside of the jurisdiction is a Court function delegated to the Probation Officer or a JPACS Manager, depending on whether the destination is within or outside of the British Isles.

The Criminal Justice (Young Offenders) (Jersey) Law 1994, lays down the requirement that an offender aged between 15 and 21 years of age sentenced to four months or more Youth Custody will be released under the supervision of a Probation Officer for the final third of their sentence, 12 months or their 22nd Birthday whichever is the shortest period. For example, a person sentenced to 18 months imprisonment on their 20th Birthday would serve 12 months in custody with a licence period in the community for 6 months, but if sentenced on their 21st Birthday they would serve 12 months in custody with no licence period as they would be 22 years old on release. Failure to comply with the terms of this Licence is a criminal offence punishable by a fine or custody of up to 30 days, with the Licence remaining in force.



The Criminal Justice (Community Service Orders) (Jersey) Law 2001, provides for unpaid work by offenders supervised by JPACS as an alternative to a custodial sentence. The Court is required to have considered that a custodial sentence would otherwise be passed and to have obtained the informed consent of the offender. Community Service Orders from 40 to 180 hours can be imposed in the Magistrate's and Youth Court as an alternative to one week to 12 months imprisonment. Orders of up to 240 hours to be completed within one year as an alternative of up to 18 months custody can be imposed by the Royal Court. 240 to 480 hours Community Service to be completed within two years as an alternative to up to three years imprisonment can be ordered by the Royal Court. Failure to comply with the terms of the Order can lead to the court imposing the custodial sentence that would have been imposed less some credit for any work completed.

### **3.2 Mission and Mission statement**

The JPACS mission statement is:

*"The Jersey Probation and After-Care Service exists to provide the Parishes, Courts and Prisons with a high quality information service and to supervise those offenders entrusted to it in order to reduce re-offending, allow restitution and protect the public. In Family proceedings and other matters concerning children, The Jersey Family Court Advisory Service serves the Royal Court by providing reports and advice, which represent the best interest of the child"*

JPACS also has a statement of values: "To promote respect and dignity throughout all our work"

This is followed by three aims which link in to strategic priorities established by the States of Jersey:

1. "To provide an information and assessment to the Parish Halls, Criminal and Family Courts, H.M Lieutenant Governor and Prisons, which are accurate, timely, and aid decision making."
2. "To provide supervision services to the Parish Halls, Courts and Prisons which assist people effectively to make positive changes in their lives which reduce re offending"
3. "To provide monitoring and where necessary timely enforcement action to assist in the protection of the public from further offending."

(EPR 1)

Each year, JPACS produces an Annual Report and Business Plan, which details its performance and plans. For the last twenty years JPACS has targeted its community interventions at those offenders at a medium or high likelihood of reconviction, and those at risk of custodial terms of up to twelve months. Diversion strategies and programmes have been designed for children at risk of prosecution, illegal drug users and those arrested for being drunk and incapable.

JPACS also contributes to a number of strategic cross agency initiatives and strategies and is represented directly rather than through a Ministry or larger department. (EPR 98)

Funding for JPACS is provided from Jersey Government revenues with no charges to service users or stakeholders. Traditionally cash limits are set one to three years in advance with funding for new services typically having to be agreed by the States Assembly (Parliament). Funding is sometimes made available to the Service outside of this process for wider initiatives and strategies via other Government Departments. JPACS has worked closely with the Guernsey Probation Service to develop the Services' computerised case management and management information system and the two jurisdictions share expertise and training opportunities.

### **3.3 Crime Prevention**

JPACS provides a Duty Officer scheme daily so that members of the general public or former offenders can access advice and assistance, as well as for those current clients with an immediate need to access the service.

The Service is represented on major crime reduction partnerships such as "Building a Safer Society" and the Criminal Justice Board's Justice Working Group as well as more general social policy strategies such as the Children and Young Persons' Strategic Framework. The Chief Probation Officer is a member of the Ministerial Children's Policy Group and sits on the Misuse of Drugs Advisory Panel which advises the Minister of Health and Social Services.

There are close informal links between a number of charities which work with the Homeless and other vulnerable groups. The present Chief Probation Officer chairs the Steering Group of the Prince's Trust in Jersey, which offers programmes and opportunities to young people who are leaving care, unemployed, underachieving educationally or offenders.

JPACS is directly represented on all criminal justice strategic bodies. Many services are delivered in partnership and or use Probation Service expertise in their organisation. Examples include the Jersey Domestic Violence Forum, Victim Support Jersey, The Prince's Trust, Children's Policy Group of Ministers, the Justice Working Group and Building a Safer Society Strategy. (EPR 98)

### **3.4 Victim assistance**

JPACS does not provide any assistance to victims of crime directly. A project has been launched in 2014, to unify and strengthen services for victims in line with the spirit of the European Victims' Directive. This initiative is being led by JPACS.

Generally, victim contact before sentencing is dealt with by Victim Support Jersey, a charitable organisation with close links to JPACS, but independent of it, which avoids any perception of a conflict of interest. In cases involving domestic abuse, Service policy is to invite an account from the victim, either directly or through a Victim organisation whilst ensuring their safety is prioritised. This contribution helps to inform the risk assessment but victims are not asked to comment on particular sentences. Where appropriate, referral is

made by the Probation Officer to one of the Victims' Organisations. (EPR 95)

JPACS operates a Restorative Justice Scheme across the sentencing tariff including those sentenced to imprisonment. In all cases other than domestic violence or sexual offences, where there is an identifiable victim, the Offender under supervision is asked whether they wish to make amends and apologise. If they indicate a genuine willingness to do so, the victim is approached by the Restorative Justice Officer who offers indirect or direct contact. The victim is under no obligation to participate. Restorative Justice is a parallel process to the sentencing and supervision system so that there are no sentencing incentives for offenders to take part. This helps to avoid any pressure on victims or offenders to participate and to ensure that the process is genuinely restorative. The co-ordinator of the scheme and only employee has received specialist training. (EPR 97)

### **3.5 Volunteers' involvement**

Volunteers are used to help clients with specific difficulties, such as literacy and numeracy for example. In addition part time staff members who all have other occupations and are in effect paid volunteers, are used to lead Community Service work sessions. Both types of volunteers receive specific initial and ongoing training and receive regular supervision. (EPR 34)

## **4. The Organisation of Probation Services**

All JPACS staff are recruited through a rigorous and competency based appointment process. Pro-social and inclusive values are essential attributes for all staff. Probation Officers, Social Workers and their managers (Délégués) are required to be either qualified Social Workers or to hold a recognised Probation Officer qualification from another jurisdiction with a proviso that further specialist training may be required prior to final appointment by the Jersey Royal Court. So for example a Probation Officer from Portugal or France could be appointed by the Jersey Royal Court as a Jersey Probation Officer (Délégué). (EPR 22)

Caseloads for full time Officers are in the high twenties with around six or seven Court reports to prepare each month to assist with sentencing. The two Officers supervising children and young people under the age of 21 years have a lower caseload whilst the two Officers providing the majority of the prison through and after care have higher caseloads but a differing pattern of contact to those with clients only in the community and prepare fewer Court reports. There are published standards for report preparation and client supervision, which provide a clear framework for practitioners. Supervision with the Team Leader is used to assist with prioritisation and review of the caseload.

JPACS works closely with partner agencies such as the Police, Prison, Social Security, Social Services, Youth Service, Alcohol and Drug Service to co-ordinate services for clients and to protect the public. Some of these agencies provide a service within the Probation Service offices, others specific programmes for JPACS clients, whilst others provide access to their mainstream services. (EPR 37)

JPACS does not routinely become involved in decisions concerning prosecution for adult offenders unless there are exceptional circumstances. In the case of children unless the matter is so serious that the child has to be detained in custody, all children are warned for a Parish Hall Enquiry, where a decision about prosecution will be made. Probation staff make preliminary enquiries with the child's family and attend the hearing to offer verbal information and advice to the Centenier (prosecutor). JPACS provides a supervision service to Children appearing at Parish Hall Enquiries as an alternative to prosecution.

Social Enquiry Reports are prepared on all people who have admitted or been found guilty of an offence at the Jersey Royal Court (the superior Court) to assist with sentencing. Social Enquiry and Verbal Reports are prepared on request for the Magistrate's and Youth Courts to assist with sentencing. There are agreed and published standards and framework for these reports which are made available to the report subjects and their Advocates as well as to the Prosecution in Royal Court cases. Feedback on the quality and usefulness of these reports is provided through monthly meetings with the Magistrates and as part of externally validated inspections. (EPR 42)

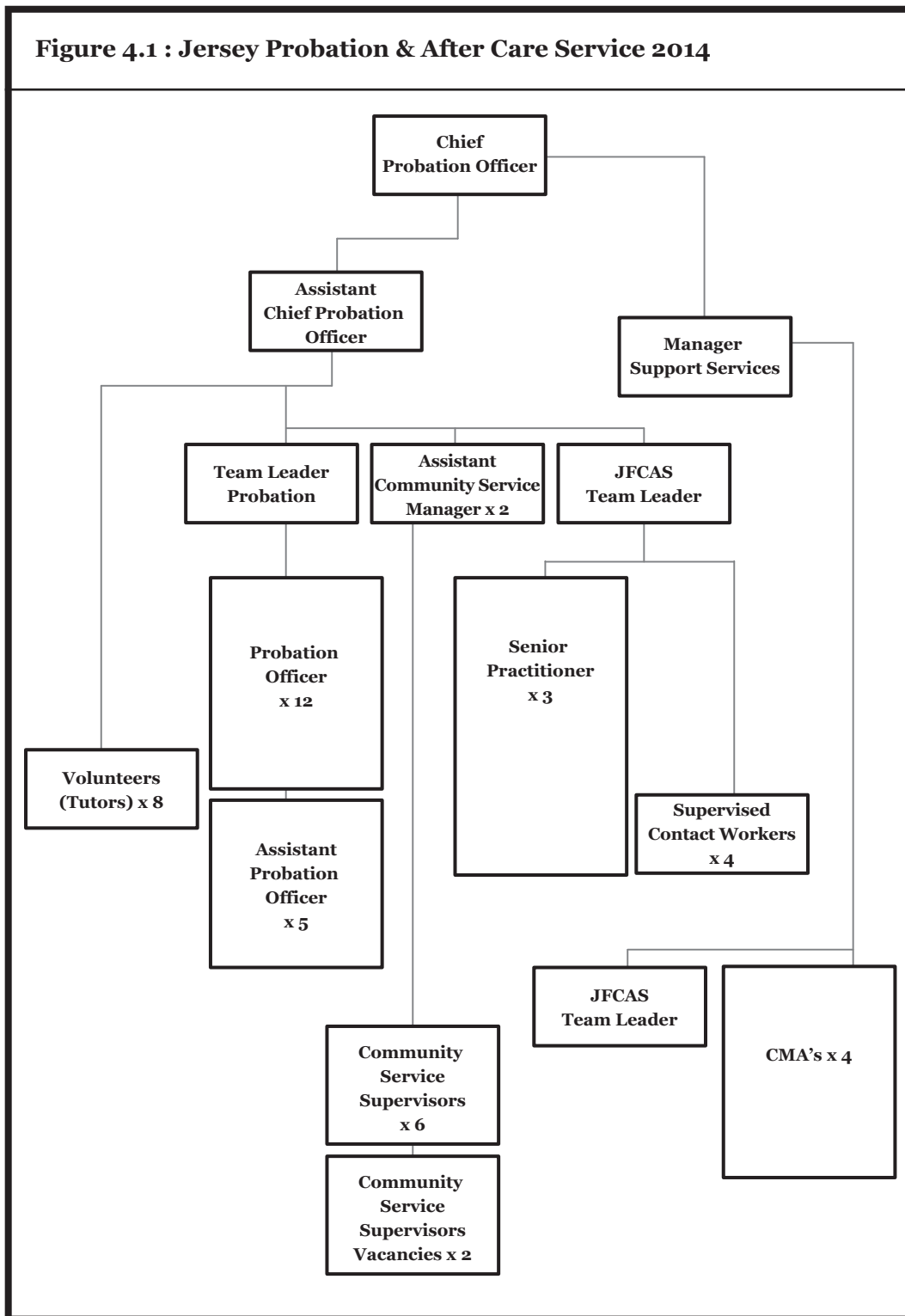
JPACS employs one specialist Probation staff member of Portuguese heritage to work with the largest linguistic minority group in Jersey. JPACS has provided resources for this staff member to qualify as a Social Worker. Other languages are catered for through the use of a telephone interpreting service as required. Community penalties and resettlement are available to all regardless of language or nationality. The ability to deliver particularly complex pieces of work may be compromised, but individual solutions would be pursued. JPACS has made links with the Probation Services in the United Kingdom, Ireland, mainland Portugal and Madeira to facilitate information exchange and resettlement. Links with France are improving but still rudimentary but despite the proximity there are rarely French people appearing before the Jersey Courts. Where Jersey nationals are in the criminal justice system of other jurisdictions JPACS will co-operate by providing background and home circumstances information and provide such other assistance as requested. (EPR 63, 64 and 65)

#### **4.1 Main characteristics**

Due to the small size of the jurisdiction there is one Probation and After Care Service building from which the majority of JPACS services are delivered. The building is co-located with the Magistrate's Court building emphasising the Service's position as an agency of the Court.

One staff member who is responsible for the co-ordination of the JMAPP (Jersey Multi-Agency Public Protection Arrangements) for sex offenders and others convicted or at risk committing serious offences of violence, is based at the States of Jersey Police Headquarters. A part-time staff member is based at Jersey Prison.

**Figure 4.1 : Jersey Probation & After Care Service 2014**



## 4.2 Internal organization

### 4.2.1 Probation workers

Caseloads for full time Officers are in the high twenties with around six or seven Court reports to prepare each month to assist with sentencing. It is usual for the probation officer (Délégué) who prepares a report to supervise any probation order resulting from the case. Two probation officers (élués) supervise children and young people

under the age of 21 years and have a lower caseload whilst the two Officers providing the majority of the prison through and after care have higher caseloads but a differing pattern of contact to those with clients only in the community and prepare fewer Court reports. There are published standards for report preparation and client supervision which provide a clear framework for practitioners. Supervision with the Team Leader, which is least monthly, is used to assist with prioritisation and review of the caseload. Assistant and specialist staff perform specific roles with clients, whilst volunteers work typically with one client on a specific issue often literacy and numeracy. (EPR 29)

**Table 1. The staff structure**

Number of staff	42
Management staff	5
Executive staff	31
Supporting staff (e.g. secretary, bookkeeping staff, ICT staff etc.)	6 – 5 of these also have a client assistance role

#### **4.2.2 Education, training requirements and opportunities**

All JPACS staff are recruited through a rigorous and competency based appointment process. Pro-social and inclusive values are essential attributes for all staff regardless of their role.

Probation Officers, Social Workers and their managers (Délégués) are required to be either qualified Social Workers or to hold a recognised Probation Officer qualification from another jurisdiction with a proviso that further specialist training may be required prior to final appointment by the Jersey Royal Court. These qualifications are at Degree or postgraduate level. JPACS has an internal training scheme which allows non-qualified staff to obtain a Degree in Social Work from the Robert Gordon University, Aberdeen in Scotland via distance/blended learning. The service covers 80% of the fees together with travel and subsistence costs, weekly study leave and 200 days practice leave; the balance of funding is provided by the student. (EPR 22)

There is an extensive continuing programme of training and development for all JPACS staff. For probation officers (Délégués) this concentrates on the skills required to be an effective practitioner generally and in specific areas such as working with sex offenders, domestic abuse or children. Officers have access to a specialist Forensic Clinical Psychologist for case consultancy regarding sex offenders and others with the potential to cause serious harm. Training is also provided for new programmes, assessment tools and legislation as necessary. Every member of staff without exception is trained in Pro-social modelling and problem solving. All staff members who supervise clients have supervision at least monthly and all staff members have an annual appraisal and performance review which includes training and professional development planning. Client supervision sessions can be recorded onto DVD and these sessions are used for training and development purposes during supervision using a skills checklist developed by Swansea University for JPACS. (EPR 23, 24, 25 and 27)

The annual budget for staff training and development is £40,000 excluding subsistence and travel i.e. approximately 2% of overall JPACS expenditure. In addition, wider Management, administration more generic training is provided .

#### **4.2.3 Other organisations involved in probation work**

There are no other organisations performing probation work in Jersey, although many organisations both statutory and voluntary work in partnership with JPACS. There is no professional association for Probation staff in Jersey. Some are overseas members of United Kingdom based organisations such as the National Association of Probation Officers (NAPO), or the Probation Chiefs' Association (PCA)

#### **4.3 Probation and offenders abroad**

JPACS endeavours to provide an equivalent standard of service to all clients whatever their nationality, and Jersey criminal law does not favour any particular nationality. The Service employs one bilingual probation officer (Délégué) of Portuguese heritage, reflecting the largest non-British minority, and has commissioned a simultaneous telephone interpreting and a translation service for other non-English speaking nationalities. This does restrict the scope of the work which can be performed, but the instances of it causing difficulty are rare.

Foreign nationals who commit serious offences and receive a prison sentence of over 12 months may be liable to deportation proceedings. JPACS assists the relevant authority in preparing reports which detail the person's circumstances, links to Jersey and their "home" jurisdiction and any change in risk or behaviour post sentence.

JPACS will assist other jurisdictions in assisting with assessments or supervision of clients who have been resident on Jersey or are intending to return to the jurisdiction. Most commonly this is with other British jurisdictions but assistance has also been provided to other European jurisdictions, and on one occasion each to New Zealand and Japan.

Jersey is outside of the EU, but JPACS welcomed the EU Framework Decisions 2008/909 and 2008/947 and worked closely with the other British Jurisdictions to ensure a mechanism which would allow Jersey to link in to arrangements of the United Kingdom. Whilst a mechanism was agreed, it is not known at the time of writing when the United Kingdom intends to implement the Framework Decisions.

Therefore whilst statutory transfer of persons subject to imprisonment or post custodial licence is possible between Jersey and the other British Jurisdictions, with the exception of Guernsey and the Isle of Man, any transfer of Community Orders or any Orders from outside the United Kingdom takes place on a voluntary basis. Foreign National prisoners can use transfer into the United Kingdom prison system to facilitate their onward transfer to their home jurisdiction. (EPR 63, 64 and 65)

## 5. Different Stages of the Criminal Justice Process<sup>1</sup>

### 5.1 Pre-trial/remand/trial stage

**Table 2.** Sanctioning system and probation involvement in the pre-trial/trial stage

Sanctions/Measures/ Penalties/Conditions attached to a conditional decision or sentence	Provided in legislation	Probation Service involvement	Main characteristics of the probation activity
Unconditional waiver by the public prosecutor	X		
Conditional waiver by the public prosecutor	X	X	Verbal information provided to a Community prosecutor “Centenier” in cases involving children or some vulnerable adults. Centenier can decide to defer decision for up to 4 months with a period of voluntary probation supervision. If successful prosecution does not proceed.
Conditional suspension of the pre- trial/remand detention			
Pre-trial/remand detention	X		
Police custody	X		
Bail	YX		
Caution	X	If a child or existing client	Provide information to the Centenier
Surety	X		
House arrest			
Electronic monitoring			
Community service			
Treatment order			
Training/learning order	No		
Drug/alcohol treatment program	X		

<sup>1</sup> Working with suspects and offenders, this includes actions with regard to mediation schemes and victim support schemes.



Sanctions/Measures/ Penalties/Conditions attached to a conditional decision or sentence	Provided in legislation	Probation Service involvement	Main characteristics of the probation activity
Compensation to the victim	X		
Mediation	X		
Semi-detention			
Attending a day centre			
Liberty under judicial control			
Interdiction to leave the country	X		
Interdiction to enter different cities/places	X		
Interdiction to carry out different activities	X		
Interdiction to contact certain persons	X		
Psychiatric treatment	X		
Deferment of sentence	X		
Fine			
Other financial sanctions			

### 5.1.1 Pre-trial/pre-sentence report

If a person has been found guilty by a court or has admitted their guilt in Court JPACS may be asked to prepare a Social Enquiry Report (SER). SERs are prepared to assist the Court with sentencing in all Royal Court cases and by request of the presiding Magistrate in Magistrate's and Youth Court cases. SERs must be ordered whenever the Court is considering custody unless there are compelling reasons stated in Court not to do so, if the person is under the age of 21 years, or has not been sentenced to custody previously. A person can decline to have an SER prepared on them but this is rare. It is open to the JPACS Court Officer to suggest that an SER should be prepared. (EPR 7)

An SER contains a social history of the report subject together with an analysis of their previous and current offending and an assessment of the likelihood and potential seriousness of further offending. Various validated risk assessment tools such as the LSI-R and Spousal Assault Risk Assessment (SARA) are used to help inform the Officer's assessment. The SER can recommend an appropriate non-custodial penalty to the Court or acknowledge the inevitability of a custodial sentence. If there is a recommendation for a Probation Order the SER will contain a work plan so that the Court and the client understand what the focus of the Order would be. In all cases where a custodial sentence could be passed individuals are assessed for their suitability and agreement to perform Community Service as a direct alternative to imprisonment. (EPR 44)

An SER is not a part of the defence or prosecution case but is prepared to assist the Court. Wherever possible information provided by the report subject is verified. An “average” SER takes approximately seven hours to prepare with some taking substantially longer than this. SERs are provided to the sentencing Court and to Advocates two days prior to sentence in Magistrate’s and Youth Court and four days prior to sentence in Royal Court. Generally SERs are prepared during a four week period if the subject is in the community or two weeks if there is a custodial remand.

A JPACS staff member is always available in Magistrate’s and Youth Court and is available to assist sentencers by providing a verbal report and assessment on an offender if requested. These Verbal or “Stand Down” reports usually address a particular issue such as suitability and consent to perform community Service or an assessment of ability to pay a financial penalty. The JPACS staff member will always consider whether a full SER would be desirable and can recommend this to the Court.

If someone under the supervision of the Service reoffends the court will be provided with an “Information for Court” Report usually presented with the SER prepared for the previous sentencing hearing.

SERs are prepared on non-residents/foreign nationals appearing before the Jersey Courts in exactly the same circumstances as for the local population. There is a specialist member of staff for working with people of Portuguese heritage and for other languages an accredited interpreter is used. JPACS will prepare SERs on request from other jurisdictions in respect of Jersey residents facing sentencing abroad. (EPR 64)

N.B. SER and Stand down Templates go to JPACS website [www.probation.je](http://www.probation.je) which contains copies of all service policies and standards.

## 5.2 Enforcement stage

**Table 3.** *Sanctioning system and probation involvement in the enforcement stage*

Sanctions/Measures/ Penalties/Conditions attached to a conditional sentence	Provided in legisla- tion	Probation service in- volvement	Main characteristics of the probation activity
Imprisonment	X	X	Supervision, help and support (all subject to consent by prisoner) contribution to sentence planning, assessment for day and early release.
Suspended sentence	X	X	Supervision can be attached (suspended sentences are rarely used because they are less onerous and less effective than Probation or Community Service; the supervision requirement is used even more rarely)

Sanctions/Measures/ Penalties/Conditions attached to a conditional sentence	Provided in legisla- tion	Probation service in- volvement	Main characteristics of the probation activity
Conditional sentence			
Affidimento in prova			
House arrest			
Electronic monitoring			
Community service as sanction	X	X	Assessment, placement and supervision
Semi-liberty			
Semi-detention			
Treatment order	X	X	As part of a Probation Order or Binding Over Order. JPACS will monitor and report back non- compliance to Court
Training/learning order	X	X	As part of a Probation Order only
Drug/alcohol treatment program	X	X	As Treatment Order
Educational measures	X	X	As part of a Probation Order only
Compensation to the victim	X		
Mediation			
Attending a day centre			
Interdiction to leave the country	Yes and No	Yes and No	Anyone subject to a Probation or Community Service Order requires the approval of the court to leave the jurisdiction. This is delegated to JPACS. Permission to travel is usually given unless it frustrates the supervision process or would place a third party at risk.
Interdiction to enter different cities/places			
Interdiction to carry out different activities			
Interdiction to contact certain persons			
Fine	X		

Sanctions/Measures/ Penalties/Conditions attached to a conditional sentence	Provided in legisla- tion	Probation service in- volvement	Main characteristics of the probation activity
Day fine			
Other financial penalties	X		
In/out patient order (psychiatric treatment)	X	X	As a condition of a Probation Order.
Security measures			
Combined order	X	X	Probation and Community Service Order only
Community punishment	X	X	Probation Order (N.B. made in place of punishment) and Community Service Order
Conditional release / Parole	X	X	Assessment and supervision
Automatic release	X	X	Voluntary After Care
Open prison			
Penitentiary program outside the prison			
Other sanctions/ measures etc. Please name and describe them.	Bind- ing Over Order. (BOO)	X	BOO made instead of a sentence but generally no supervision requirement. Sometimes substance misuse treatment attached.  Absolute Discharge – Guilty but no penalty.
	Absolute Discharge		RJ is available to all offenders on Probation or imprisoned where there is an identifiable victim who wishes to take part. It is a complimentary and parallel process to sentencing with no inducement in terms of reduction of sentence for the offender. JPACS employs a specialist member of staff to perform the RJ function
	Restora- tive Jus- tice (RJ)	X	

**A Probation Order (PO)** is made instead of a punishment and requires the written consent of the Offender; it is a form of contract between the Court, the Probationer and the probation officer (Délégué). A PO is of a specified length of up to three years' duration and can be made whenever a Court believes the circumstances of the offence or the offender make it desirable i.e. it is

available as an alternative to a sentence across the tariff.

The PO is intended to provide assistance and guidance to the person under supervision as well as a means for monitoring compliance and keeping the subject within the reach of the Court. A PO can only be made after an admission or finding of Guilt. The Order can be discharged early for good progress by the Court or can be replaced with the tariff based sentence if the Probationer fails to comply with the terms of the Order or commits a further offence.

Additional requirements such as those for alcohol or drug treatment for example can be added but the majority of activities and programmes are covered by the standard PO so that the probation officer (Délégué) has the discretion and authority to modify the work plan without reverting back to Court (EPR 55, 56, 85 and 86)

There is a framework for the supervision of Probation Orders agreed between JPACS and the Jersey Royal Court. The standards are published on the JPACS website [www.probation.je](http://www.probation.je) along with a link to the European Probation Rules. which allows the reader to consider the compliance of JPACS with the European Probation Rules

A PO is normally only made following consideration of an SER or written Information for Court prepared by JPACS, and is usually recommended for Offenders who are at medium or high likelihood of re-conviction because it is this group Probation can be most effective with. It is normally the author of the SER who goes on to supervise the PO to provide a measure of continuity and to capitalise on the relationship and work plan established while the SER was being prepared. Whilst a Probationer may be referred to various programmes or specialist colleagues as part of a PO, it is the supervising probation officer (Délégué) who has the most contact with the client and who is responsible for ensuring that the PO is progressing satisfactorily.

**Community Service Orders (CSO)** can only be made when the sentencing Court would otherwise have imprisoned the Offender. The Courts have a scale of CSO hours and a custodial equivalent with a maximum of 180 hours available in the Magistrate's Court as an equivalent to a one year prison sentence and 480 hours in Royal Court equivalent to 3 years custody. Penalties of up to 240 hours must be completed within one year and longer CSOs within two years. The offender has to consent in writing to the making of a Community Service Order and therefore either a "Stand Down" "Information for Court" or a full SER is required prior to sentencing. JPACS has a policy of "Fit for custody, fit for Community Service" i.e. a person will be considered to be suitable to undertake a CSO if they could have been sentenced to custody, so that factors such as disability, long term illness or carer commitments are not a barrier to placing an offender on the scheme. This requires JPACS CSO staff to be imaginative and resourceful in finding suitable placements. All CSO work is with or for not for profit organisations with a target of one third of clients to be found individual rather than group work placements. The framework and standards for CSOs are agreed between JPACS and the Jersey Royal Court and are published on the JPACS website. The ethos of CS in Jersey is that it is a punishment, it is not designed to be in itself therapeutic, but it is meant to be restorative and delivered in a pro social manner. Therefore, Community Service workers do not wear distinctive clothing and there are no signs at work sites advertising that it is offenders

performing the work. All CS work has to have a community value and the specific benefit is explained to those performing the work. Wherever possible, thanks and positive comments by beneficiaries are passed onto the people who completed the work. (EPR 47,48, 51 and 52)

Effective compliance is seen as being important for the credibility of the scheme and any failures to attend or work as directed are addressed promptly, and if necessary by return to Court. The Court can warn, fine or add additional hours for non-compliance whilst allowing the CSO to continue or alternatively discharge the Order which will usually result in the alternative prison sentence being imposed, with some discount for the proportion of the Order completed. The CS worker can also return their Order to Court to request a variation or discharge, due to a change in circumstances but this happens rarely.

**Prison sentences** of up to twelve months can be imposed by the Magistrate's Court. The Jersey Royal Court can impose unlimited prison sentences. In the case of offenders aged 15 years to 20 years this is referred to as Youth Custody; the sentencing regime and location varies from that of adult prisoners.

Adult prisoners serve two thirds of the sentence imposed by the Court less any time spent on custodial remand. The one third remission is subject to good behaviour and breaches of prison discipline can result in part of this benefit being removed. There is no compulsory supervision for the remitted period. Prisoners are eligible for temporary release to their home address with a night time curfew up to four months before the end of sentence, providing they have served at least half of their sentence. This form of release is known as "Home Detention Curfew" (HDC) and is combined with supervision by JPACS. Electronic Monitoring was used previously to ensure curfew compliance but has been replaced with random checks by Police Officers. It was found that the additional security provided by Electronic Monitoring did not justify the expense. Before being considered for HDC prisoners will have been working out of the prison on day release and have been granted occasional weekend release. JPACS is involved in the sentence planning process which includes consideration for these forms of release. All prisoners are offered through care to help them adjust to their sentence and to prepare for release. They are encouraged to keep in voluntary contact once released permanently. JPACS has links into community organisations who are more likely to assist released prisoners who are seen to be engaging with JPACS. To encourage ongoing contact the prisoner usually sees the same Officer after release that they worked with through their sentence. (EPR 45, 46, 59, 61 and 62)

Young Offenders between 15 and 20 years of age are also released at the two thirds point of their sentence. However, if they received 4 months or more Youth Custody they are released on a supervised Licence which lasts for 12 months, the end of sentence or their 21st birthday whichever occurs soonest.

The Prison based Probation Officer, in conjunction with Victim Support Jersey and the States of Jersey Police, administers a Victim Notification Scheme so that victims of prisoners are aware of impending release and can comment on any impact on their safety from proposed arrangements.

**Table 4.** *Other probation activities in the enforcement stage*

Providing support to the families of the offenders/detainees	Yes – in most cases with the consent of the client. In the case of children parents are always involved fully
Coordinating volunteer prison visitors	no
Preparing offenders for (conditional) release	Yes – with consent, this is a focus of through care work
Preparing prisoners for home leave and/or providing support during home leave	Yes – as above
Providing support to persons that have been pardoned or amnestied	Not applicable
Providing advisory report with respect to amnesty or pardon	Not applicable
Other tasks that are not included here. Please add to this list and explain.	Preparing reports to assist the authorities when deportation on release is being considered

### **5.3 Care and after-care outside the criminal justice system.**

JPACS provides an open door service to former clients, prisoners, their family members and friends seeking advice and assistance. (EPR 56)

A duty Probation Officer service is provided each weekday afternoon to facilitate this, or former clients may prefer to contact a previous supervising officer. If the person requests ongoing support, a Probation Officer or assistant will be allocated the person by the Probation Team Leader and a voluntary supervision case file will be created.

All services available to statutory clients described in other sections are available to voluntary clients as it is the JPACS view that this is better rather than waiting for a client to reoffend to be able to access services. As is the case for all JPACS clients, disclosure of offending other than personal substance misuse is passed on to the relevant law enforcement agency.

JPACS involvement continues for as long as the client finds it useful. In a few cases this has been for a number of years, usually when the individual is vulnerable but falls below the threshold for other service providers.

The majority of released adult prisoners fall into the category of voluntary clients. All prisoners are encouraged to keep in contact with JPACS after they are released and are offered a service by the same Probation Officer who has worked with them through their sentence.

## **6. Probation Methodology**

Nearly all interventions by JPACS require the consent of the client as required by the European Probation Rules. However, JPACS will provide a report based on previous knowledge of a client who has refused interviews, if requested to do so by a Court. Probation Orders and Community Service Orders in particular require the informed and explicit consent of the client before an Order can be made. All work with clients in a custodial setting requires the consent of the client. JPACS is currently opposed to the introduction of automatic post custody statutory licences, with the exception of young offender licences which are already in place and which do not require the consent of the client. (EPR 6)

The needs and risks of clients are assessed by Probation Officers pre sentence. This assessment is developed in an initial work plan which is agreed with the client and is reviewed quarterly.

JPACS uses a number of risk/need tools to assist and inform Officer assessment including the LSI-R for all clients, SARA for domestic violence cases, HCR-20 for serious offences of violence and for sex offences the risk matrix 2000 and SAO7. These tools are used at Social Enquiry Report stage and as needed post sentence. An LSI-R is completed at the end of a Probation Order to measure change during supervision. Officers are clear that assessment tools complement but do not replace their own professional skills. (EPR 66, 67, 68, 69, 70, 71 and 73)

Supervising officers use a Pro-social modelling and Problem solving methodology as described by Trotter C. in “Working with Involuntary Clients” (2006), to work collaboratively with clients during supervision. The plan is focussed on those factors which led to the client offending and which are likely to cause re-offending if not addressed. Pure welfare issues are also addressed as for example it is unreasonable to expect a client to concentrate on a cognitive behavioural skills programme to address their violent behaviour if they are uncertain where their next meal is coming from. JPACS can provide short term emergency funding for subsistence.

A range of cognitive behavioural programmes is available for clients including individual and group based interventions. These are either offence focussed or skills focussed. The latter are provided at Jersey’s Further Education College by lecturing staff. Substance misuse and domestic violence interventions are available through specialist staff based at JPACS. (EPR 76 and 77)

### **Group Programmes**

#### **Alcohol Study Group (ASG or ASG Female)**

The aim of the ASG is to provide participants with information about alcohol, encourage them to look at their own drinking and what problems it causes and formulate a plan that will reduce the negative impact alcohol has on their lives.



The group consists of six sessions, about one and a half hours long and covers

- Basic facts about alcohol,
- How to calculate units,
- Binge drinking,
- Some of the physical effects of alcohol and how it works on the brain.
- The Cycle of Change, where they are and what may make them/what made them think about changes
- Problem solving and goal setting
- Assertiveness and saying No
- Drink driving and the victims
- Dealing with risky situations

There are quizzes, questionnaires, videos and discussion and group members are expected to keep a weekly drink diary during the course.

### **Aggression Control Training (ACT)**

This twenty-five session programme focuses on dealing with destructive levels of male aggression. The programme focuses on expressive (effective or emotional) anger or aggression rather than instrumental (systematic, planned) violence that inflicts injury to achieve an associated goal (e.g. domestic violence to frighten, control and use power over women within the home). An offender referred for this programme should have been convicted of two offences of violence.

The programme consists of five modules:-

- Aggression and violence as a social construct.
- Cognitive skills
- Action/skills
- Action Replays – Conflict situations, offence analysis.
- Personal Projects.

### **Self Management and Rational Thinking (SMART) (Highlands College)**

The Reasoning and Rehabilitation Programme (R and R), known locally as SMART is a Canadian Programme which is being used all over the world. It is designed to work with offenders who are at high risk of offending whose lack of reasoning or thinking skills have been a key factor in their offending.

The programme comprises of thirty-five sessions. The programme assists offenders to help themselves avoid re-offending by teaching:

- Self control – to stop and think before they act and to consider all the consequences before making decisions.
- Thinking skills – to critically assess their own thinking and regulate their own behaviour through their thinking strategies.
- Social skills – to develop acceptable social skills, eg, responding to criticism, apologising and negotiating instead of demanding and acting aggressively.
- Victim awareness – to consider the feelings of others and understand how their behaviour affects other people, especially their victims.
- Problem-solving skills – to recognise the problems surrounding their offending and come up with ways to resolve these problems in a positive way.

- Creative thinking – learning alternative ways of thinking so they can respond in positive rather than anti-social ways to the problems they encounter.
- Critical reasoning – logical thinking, objectively and rationally without distorting the facts or putting the blame on others.
- Social perspective taking – the programme focus is on teaching offenders to think about other people’s views, feelings and thoughts. The emphasis is on development of empathy.
- Values enhancement – group discussions and other methods teach offenders to think about their own values and in particular those that may lead to them offending.

**Offending is not the Only Choice (OINTOC or OINTOC Female)  
(Highlands College)**

This programme has been obtained through the Cognitive Centre Foundation. It comprises of twenty sessions and is suitable for offenders at medium risk of offending. The programme assists offenders to help themselves avoid re-offending by teaching:

- Problem solving
- Making the link between thinking and behaviour
- Value Enhancement. (Levels of morality).

**ADAPT domestic abuse prevention training**

ADAPT is run through the Domestic Violence programme. Referrals are made through the ADAPT co-ordinator (Nigel Collier-Webb – based at the Probation Office). These can be self-referrals or referrals through different agencies, GPs etc. The ADAPT co-ordinator will assess the man’s suitability for the programme. This is based on motivation and level of acceptance of abusive behaviour towards their partner.

The ADAPT programme is based on the Duluth model of power and control. The programme is made up of five modules of six sessions.

The five modules are:-

- Sexual respect
- Emotional abuse
- Physical abuse
- Rebuilding Trust and respect
- DV and children.

**Sex Offender Treatment Programme (SOTP).**

This is a programme carried out on a one-to-one basis. The programme was devised by Dr David Briggs, a specialist psychologist who works with Jersey Probation and After Care Service as a consultant and trainer in working with sex offenders.

The programme comprises of eight modules and the emphasis of the programme will be guided by an individual assessment which is carried out at the beginning of the programme.

The eight modules are:

- Psychometric Evaluation and personal history taking.
- Information e.g. implications of being a sex offender.
- Motivation
- Addressing attitudes supportive of offending
- Promoting social functioning and intimacy
- Promoting behaviour control
- Managing offence related sexual interests
- Relapse prevention.

### **Dialectical Behaviour Therapy (DBT)**

This programme is offered at JPACS premises as an “opt in” for clients who feel they may benefit from it as well as clients referred from the alcohol and Drug Service and Clinical Psychology. It is provided by a member of JPACS staff together with a professional from Community Mental Health Services. The programme is aimed at clients with self-harming and depressive behaviours many of whom are assessed as having a borderline personality disorder and substance misuse problems.

### **Physical Activity**

JPACS offers a number of complementary membership cards to a gym and leisure centre to clients who do not make constructive use of their leisure time, in particular those who are looking to replace the time spent in acquiring and using illicit substances. JPACS also has a mixed staff and client 5 a side football team in a local lunchtime league. Both activities require clients to apply to participate.

A feature of Probation work in Jersey is that it is usually the probation officer (Délégué) who prepares the Social Enquiry Report who goes on to supervise any Probation Order. This person has the key relationship with the client although some of the work may be performed by other members of the team. This continuity of officer is also seen in the prison setting where the through care probation officer (Délégué) will also supervise the client post release if they take up the offer of Voluntary after Care. (EPR 80)

There are published standards for report writing and supervision which provide a clear and transparent framework for both Supervisors and Clients. Clients who fail to comply with the terms of their Order may be returned to Court for review and possible re-sentence. Before this stage is reached a meeting between the client, probation officer (Délégué) and a manager may be held to try to establish why the Probation Order is not working and to attempt to re-engage the Client. (EPR 81, 88 and 91))

The Probation Team Leader supervises each probation officer (Délégué) at least monthly to discuss cases and reviews case records as part of this process. Each Officer is appraised annually and from 2014, is expected to submit video tapes of client interviews for peer review. The aim is to help Officers in putting their training into practice and to improve their skills during Client interviews.

JPACS measures its performance by monitoring and publishing outcome measures including the change in likelihood of re-offending during supervision using the LSI-R assessment tool, and periodic reconviction studies. Each year an aspect of JPACS' work is subject to externally validated review. JPACS seeks Client feedback through end of Order questionnaires and publishes an Annual Report and Business Plan. Research projects into aspects of Probation effectiveness are regularly commissioned, with Swansea University being the principal provider. (EPR 15 and 103).

## **7. Finances, Accounting, Registration Systems and Evaluation Procedures**

### **7.1 Finances**

The 1937 Probation Law stipulates that JPACS is funded by the government, (States of Jersey). The Chief Probation Officer is the Accounting Officer for JPACS and has a legal responsibility to keep expenditure within the cash limit set forth service. Within this overall figure and subject to public sector Financial Directions the Chief Probation Officer has wide ranging discretion re expenditure. However 91% of service expenditure is committed to staff and building costs. £56,000 p.a. is allocated to direct expenditure on clients, for specialist programmes, emergency subsistence, accommodation deposits etc. (EPR 10)

**Table 5.** *Prison/Probation expenditure*

	Probation Services 2013	Prison System 2013
Total current yearly expenditure	£1.5 million	£10.7 million
Average number of employed staff	34	165
Daily average number of offenders/clients dealt with	388	159

### **7.2 Accounting**

The Chief Probation Officer is required to review expenditure monthly with quarterly reviews including a revised annual forecast. It is a criminal offence for the Chief Probation Officer to commit to any expenditure which will take the service beyond its annual cash limit. Annual accounts are submitted and can be audited. From the end of 2014, monthly or quarterly financial reports will be published on the JPACS website. Random thematic audits of expenditure occur across the public sector and include JPACS. Salaries for staff are benchmarked with those elsewhere in the public sector, so for example a probation officer is on the same pay scale as an accountant (EPR 15, 21 and 33)

### **7.3 Registration Systems and Evaluation Procedures**

JPACS uses a bespoke computerised case management and management information system the Data Analysis and Information System (DAISy). Originally designed for the use of JPACS it is now also the primary case management system for the Courts. Other criminal justice and welfare agencies also use the system, which has various security levels depending on the level of access required by a particular staff member. For example, all DAISy users can access the Court listings and results, but only

Probation staff can access their clients' address details, Social Enquiry Report and contact log. Similarly, Probation staff cannot allocate a Magistrate to a Court or book a court date.

All JPACS clients have a DAISy record opened on them. The purpose of the record is to document the assessment and supervision provided, assist in work planning and review and to generate statistics for management, inspection and research purposes. A summary of the statistical information is presented each year in an Annual Report and Business Plan which is published on the JPACS website and circulated to key stakeholders.

Clients do not have routine access to all of their record but parts of it are used as a collaborative tool between Supervising Officer and Client. For example Social Enquiry Reports are always shared with the report subject, and the work plan is agreed and signed by both parties. Clients can use Data Protection Legislation to gain access to their records but due to sensitivities around third party information, Police intelligence etc. considerable work can be required to redact a record before making it available.

The data gathered from DAISy has been used for a number of academic research studies.

### **Research in Jersey Probation and After-Care Service**

JPACS has carried out and sponsored a large amount of research for a small Service, and as a result is one of the most thoroughly evaluated probation services in the world. Much of the research and evaluation has been carried out through a partnership with researchers in criminology at Swansea University in Wales, which has also provided research training and support for some Jersey-based researchers involved in the joint research programme. This partnership goes back to 1996 and originally also included the Cognitive Centre in Dinas Powys in South Wales, which provided and supported several offending behaviour programmes for JPACS. The Service's commitment to working in an evidence-based way goes back well before 1996, but the majority of the underpinning research has been carried out since then. The attached list of ten selected publications (below) illustrates the range of research undertaken, and publication in international journals shows the contribution made by JPACS research to the international knowledge base concerning effective probation practice. The research has also been reported in a number of international conferences and has influenced practice in several countries.

In addition to the Service's own internal monitoring of work undertaken and client feedback, the research has mainly been of two kinds: evaluative research on core components of probation practice, focusing on Jersey but often of wider interest, and research on broader aspects of Jersey's criminal justice system, in which JPACS is a key player. The evaluative research concerning the probation service itself started with local validation and calibration of risk and need assessment practices based on the Level of Service Inventory – Revised (LSI-R). This showed a good standard of implementation in Jersey and contributed to the international literature on the validity and effectiveness of LSI-R, being one of the earliest studies to show that reductions in risk/need scores during supervision were reflected in changes in

reconviction rates (see Raynor 2007; Raynor and Miles 2007). This work also began a series of reconviction studies covering probation and other sentences in Jersey (examples are Raynor and Miles 2001; Miles, Raynor and Coster 2009). These have helped to inform changes in sentencing practice in Jersey; for example, they provided evidence that probation, and probation with programme requirements for higher risk offenders, had better reconviction outcomes than short prison sentences, while for lower-risk offenders there was little difference in the outcomes of different non-custodial sentences; their risk of reconviction tended to remain low. Practical consequences have included a marked reduction in the use of short prison sentences, together with a greater willingness to use probation for offenders who would in the past have received a prison sentence. In addition, probation is now seldom used for low-risk offenders, allowing resources to be concentrated on those for whom supervision will make more difference.

Another strand of research in Jersey on the effectiveness of probation practice has concerned the practice skills used by Probation Officers in the supervision of offenders, and their impact on offenders' future behaviour. Detailed analysis of the behaviour and skills of probation staff in video-recorded supervision interviews with people under supervision, using a specially designed checklist, has shown that staff who use a wider range of skills in supervision achieve significantly better results than staff who use fewer skills (for details see Raynor, Ugwudike and Vanstone 2014a). This research has informed staff development practices in Jersey, and has also had a substantial international impact, influencing practice in England and Wales and other countries. Articles reporting on this research have been published internationally, including in the USA (Raynor and Ugwudike 2013) and France (Raynor, Ugwudike and Vanstone 2014b). A small related study has described and evaluated Jersey's procedures for managing non-compliance with supervision, which appear to be more effective than the more punitive procedures preferred in some jurisdictions (Raynor 2013).

Finally, JPACS has also played an important role in stimulating and supporting research on wider aspects of criminal justice in Jersey. One of these has concerned reform of the Youth Justice system: a desire to make the system less dependent on custodial sentencing and residential care led to a review supported by all relevant agencies and carried out by Swansea University with assistance from the Universities of Edinburgh and South Wales and Swansea Youth Offending Service (see Evans et al. 2010). A number of the suggested changes in practice have been implemented, and youth crime has decreased. Another study has concerned the role of an institution unique to Jersey, the Parish Hall Enquiry in which locally elected honorary police meet with an alleged offender to establish whether an offence needs to proceed to formal prosecution in Court or whether it can be resolved informally. This research clearly confirmed the positive contribution made by the Parish Hall Enquiries to the administration of justice in Jersey, and also contributed to the international literature on informal, community-based and re-integrative justice (see Miles and Raynor 2014). Overall we believe that few probation services, and certainly none of comparable size, can point to such substantial contributions to the relevant research base. (EPR 16, 104 and 105).

## **8. Societal support**

### **8.1 Public Opinion**

JPACS publishes its Annual Report and Business Plan, has a comprehensive website, Facebook and Twitter presence in order to inform the public about its work

It is difficult to gauge the public opinion of probation work in Jersey. Fortunately it has not become the “political football” it has in some other jurisdictions, at least partly because of its “ownership” by the Jersey Royal Court and the strong evidence base it maintains about the effectiveness of its activities. Regular feedback and information is sought and provided from stakeholders such as sentencing magistrates, judges and beneficiaries of Community Service work. Media releases and positive news stories are provided to the local media with a target of at least six stories each year.(EPR 17, 106,107 and 108))

### **8.2 Clients’ Views**

Clients’ views on their experience of Probation or Community Service are collected through feedback questionnaires which are collated annually. The results are analysed for any recurring themes and if considered appropriate changes made as a result. For example as a direct result of feedback from people completing Community Service Orders, portable toilets are now provided at group work places replacing the need to take the entire group to the nearest public facilities periodically. Even more care is taken to explain to Community Service workers as to why each job fits the criteria as work for the benefit of our community.

Every year, an aspect of JPACS work is reviewed through externally validated inspection. Clients’ views are obtained as part of this process. The findings, recommendations and any action plans are published on [www.probation.je](http://www.probation.je) JPACS social media pages are open to contributions by clients of the Service.

## **9. Probation Clients’ Rights**

There is a written complaints procedure, which is included in the written information given to clients at the beginning of their contact with the service. It is an internal process with the Chief Probation Officer commissioning investigations either internally or externally depending on the seriousness of the matter. The complainant is always notified of the outcome of a complaint. (EPR 14,100,101)

Jersey has an Information Security Law which complies with international standards and which governs the sharing of confidential information. Information from case records is only shared where it is necessary to prevent serious harm to an individual or the public or to prevent or solve crime. Clients are made aware that disclosures about criminal activity other than personal drug use will be shared with the Police: when disclosures are made the client is encouraged to contact the Police directly. (EPR 41 and 89)

Clients are not routinely provided with copies of their case records other than their work plan, but can make application to be given a copy, which would be redacted

to respect the confidentiality of third parties, remove any Police intelligence or information etc. Generally JPACS advises clients to view records rather than have copies unless they can be certain of safe storage. A client contesting the content of a record or with a concern about disclosure would discuss this with their supervising officer, then the Chief Probation Officer. If still dissatisfied the client could raise the matter with the Information Commissioner, who has investigative and enforcement powers. (EPR 92)

## **10. Developments to be expected**

### **10.1 Developments in coming years**

JPACS intends to continue developing and implementing the skills based approach to Probation practice outlined above in supervision practice. The aim is to develop a culture where probation officers (Délégués) observe and critique each other's interviews using the skills checklist (Raynor P, Ugwukide P, Vanstone M 2014a) to improve and maintain their personal effectiveness.

If sufficient funding can be found JPACS would like to introduce Circles of Support and Accountability (COA) in working with sex offenders and potentially other isolated serious offenders.

JPACS will continue to respond to changes in the pattern of offending in the community. For example, in recent years, the proportion of children who offend has decreased and victims of violence in a domestic setting are more likely to report offences to the Police. It is difficult to predict what these trends will be in the future, however it is important that JPACS is able to respond to them.

Community Service can be enhanced further by providing accreditation for skills gained and used whilst working on the scheme, although it is important that it remains to be seen as a constructive pro-social alternative to custody rather than a therapeutic programme.

There are proposals from time to time to introduce statutory post release supervision for adult prisoners. JPACS has been supportive of proposals historically but more recently has formed the view that good sentence planning and through care coupled with early temporary release and voluntary after care ensures that the majority of prisoners access a resettlement service. The unmotivated and dangerous prisoners are monitored post release by JPACS and law enforcement agencies through various multi-agency protocols and results in a clearer distinction between cases where JPACS can make a difference. However, it remains to be seen whether legislation in this area is introduced.

The biggest pressures and threats to JPACS are likely to be financial. The States of Jersey (Government Assembly) is committed to balanced budgets and financial forecasts indicate continuing restraints and cuts in public expenditure. The challenge for JPACS will be to maintain and develop services in this difficult context.



## **10.2 Implementation of EU Framework Decision 947**

Whilst Jersey is not a member of the EU, JPACS intends to implement the EU Framework decision through its Constitutional relationship to the United Kingdom. A legislative solution was found in common with a solution for the other British jurisdictions but has not yet been pursued by England and Wales due to the United Kingdom Parliamentary timetable.

## **11. Important Publications**

Key publications from Jersey Probation research

Evans J, Heath B, Isles E and Raynor P (2010) *Youth Justice in Jersey: Options for Change*. St. Helier: States of Jersey, [www.gov.je/Government/Pages/StatesReports.aspx?ReportID=684](http://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=684) (accessed 7 November 2012).

Miles, H and Raynor, P (2014) *Reintegrative Justice in Practice: the informal management of crime in an island community*. Farnham: Ashgate.

Miles H, Raynor P and Coster, B (2009) *Community Sentences and their Outcomes in Jersey: the third report*. St. Helier: Jersey Probation and After-Care Service.

Raynor P (2007) Risk and need assessment in British probation: the contribution of LSI-R. *Psychology, Crime and Law* 13(2): 125-138.

Raynor, P (2013) 'Compliance through discussion: the Jersey experience' in Ugwu-dike, P and Raynor, P eds. *What Works in Offender Compliance*. Basingstoke, Palgrave Macmillan pp. 107-118.

Raynor, P and Miles, H (2001) *Risks, Needs and Re-offending: Evaluating the Impact of Community Sentences in Jersey*. Dinas Powys: Cognitive Centre Foundation (2001) 14pp.

Raynor P and Miles H (2007) Evidence-based probation in a microstate: the British Channel Island of Jersey. *European Journal of Criminology* 4(3): 299-313.

Raynor, P and Ugwu-dike, P (2013) 'Skills and training in British probation: a tale of neglect and possible revival', *Federal Probation* 22 (7) 49-53.

Raynor, P, Ugwu-dike, P and Vanstone, M (2014a) 'The impact of skills in probation work: a reconviction study', *Criminology and Criminal Justice* 14 (2) 235-249.

Raynor, P, Ugwu-dike, P and Vanstone, M (2014b) 'Une checklist permettant d'évaluer les techniques d'entretien individuel dans la probation', *Actualité Juridique Pénal* May 226-233.

## **12. Main Addresses, Phone & Fax Numbers, E-mail Addresses, Home Pages**

Jersey Probation and After Care Service  
1 Lemprière Street  
St Helier  
Jersey JE2 3XB  
Channel Islands

Telephone: +44 1534 441900

Fax: +44 1534 440944

[contactus@probation.je](mailto:contactus@probation.je)

[www.probation.je](http://www.probation.je)

Facebook: [www.facebook.com/pages/Jersey-Probation-Aftercare-Service/141704095866462?ref=hl](https://www.facebook.com/pages/Jersey-Probation-Aftercare-Service/141704095866462?ref=hl)

Twitter <https://twitter.com/jerseyprob>



# SUMMARY INFORMATION ON PROBATION IN JERSEY CHANNEL ISLANDS



## General Information

- Population 100,000:
- Prison population rate per 100,000 inhabitants: 157
- Link to Probation Service: [www.probation.je](http://www.probation.je)
- Links to websites: [www.gov.je](http://www.gov.je)
- Member of the CEP in: 2002

## Characteristics of the Probation Service

- The Jersey Probation and After Care Service (JPACS) is a department of the Judiciary with professional staff and managers being directly accountable to the Jersey Royal Court. JPACS has no formal relationship with counterparts elsewhere in the British Isles although there are strong informal links. The service is committed to evidence based practice, which includes an emphasis on diversion from custody wherever possible and has strong partnerships in the community and with academic institutions, particularly Swansea University

## Tasks

- JPACS uses Social Work methods and evidence about effective behavioural practices in its work with clients. The foundation to practice is Pro-Social modelling and problem solving, in which all staff members are trained. JPACS works with child and adult clients and can be involved at all stages of the prosecution process once guilt is admitted or proved. JPACS prepares written reports to assist Courts in sentencing in all cases where imprisonment is being considered and in all cases before the Royal Court which has the greatest sentencing powers. The two main supervision orders provided by JPACS are Probation Orders and Community Service Orders; the two orders can be made in respect of a single offence. JPACS monitors and reviews the effectiveness of its interventions and has invested heavily in both programme based work and individual practitioner skills.

## Number of staff (average headcount numbers in 2014 – Criminal Justice division. Many staff part-time )

- |   |    |
|---|----|
| - Probation Officers:                       | 12 |
| - Assistant Probation Officers              | 5  |
| - Probation Managers, all grades:           | 5  |
| - Administrative support staff, all grades: | 4  |
| - Community Service Supervisors:            | 8  |

**Total: 34**

- Daily average number of offenders dealt with: 350

### New developments

- Circles of Support and Accountability (COSA) in working with sex offenders
- Accreditation of skills gained by offenders whilst performing community service

### Probation during the different stages of the criminal procedure

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