

Book Review

Van Kalmthout, A M., & Durnescu, I. (Eds) (2008) *Probation in Europe*. Nijmegen, The Netherlands. Wolf Legal Publishers/CEP⁴.

Imagine a journey by land and sea of over 3000 kilometers, a bonded warehouse in the heart of Anatolia, a fork lift truck and seven people searching sealed boxes on an unprotected ledge, the eventual discovery of this book and its release by Turkish customs. Eureka! Was it worth it?

Long awaited, ‘Probation in Europe’ starts with a comparative overview by the editors followed by an account of probation in 32 jurisdictions written by national representatives. This is an increase from the 27 covered in the two preceding volumes in this series but still has some surprising omissions, the most notable being Turkey and Russia, both possessing services of significant size. Each chapter follows a standard format allowing comparisons to be made easily between jurisdictions, and these cover historical development; legislative basis and mission; organization; tasks undertaken at different stages of the criminal process; finance, registration, evaluation and outside opinion; client rights; and new developments. For each jurisdiction, there is a list of important publications, contact details, and statistical annexes. At the end of the book are some helpful examples of forms such as assessments and pre-sentence reports.

The book is a mine of information, a reference volume for every serious student of probation at every level, but it remains a snapshot of European services in 2007 when the material was collated. Probation is a fast changing world, and the chapter on England & Wales, among others, is already out of date. It is to be hoped, as CEP President Patrick Madigou promises in the preface, that CEP will publish future editions on-line to allow more frequent updating.

Few will read the book in its entirety, but contained within its chapters are many hidden gems, and browsing the historical develop sections in particular is recommended. Who would have guessed that the Northern Ireland probation service was once financed by the income from dog licenses, leading officers on home visits to be as preoccupied with the number of household pets as their human clients? Equally fascinating is the account of that service’s survival during the period of the civil conflict between 1969 and 1998 and how that affected the understanding of its mission and links to the community. Just as inspirational is the mission statement of the

⁴ CEP: Conférence Permanente Européenne de la Probation, the European Organisation for Probation.

radically different Probation and Mediation Service in the Czech Republic, tasked with “the effective and socially beneficial resolution of conflicts arising out of criminal offending”. Sadly, this is to run against the trend noted in the overview, which is the movement elsewhere towards supervision, enforcement and control. Delve more and a little detective work allows you to track the cross-national development of risk assessment tools and cognitive behavioral interventions, although only Latvia overtly acknowledges the debt Europe owes to Canada in this regard.

The comparative overview binds the book together, attempting to synthesize the key points of the European probation tradition using a structure similar to the sections that follow. It identifies four key tasks performed by probation services throughout Europe: the provision of information to judges and others to assist in sentencing and other decisions; enforcing sanctions and supervising offenders; developing, organizing and supervising community sanctions and measures and ensuring their efficient implementation; and providing practical, financial and psychological help as well as care to offenders. Two further activities are delivered by some services only: providing victim support and mediation, and making an active contribution to primary crime prevention.

The overview chapter first appeared in the 2000 edition and a more radical revision might have been beneficial. The “Concluding Remarks” section contains a brief summary of key changes and current issues facing services across Europe, but it is disappointing that the implications of some of these are not more fully developed and explored in the preceding sections. The assumption is that we are facing more of the same, with some minor variations and shifts of emphasis, but the understanding of this reviewer is that we have undergone a more profound transition during the last ten years.

Few would disagree that probation grew out of late 19th century philanthropy and the early 20th century ‘modern movement’ in criminal law, with a shift in focus from the offence and punishment to the offender and rehabilitation of the individual, but whether this analysis is sufficient to explain trends in the early 21st century is more debatable. The authors note the movement away from ‘advise, assist and befriend’ to ‘supervision and control’ but provide little by way of explanation. Some would argue that the emphasis on the needs of victims and society, particularly in a post 9/11 world, have led to a new philosophy in which protection of the public and the prevention of reoffending have taken precedence over the needs of the individual offender. In this post-modernist era the offender only benefits to the extent that sanctions and interventions will reduce criminal behavior, and if the offender is not susceptible to change then society reserves the right to impose restrictions on his freedom through electronic monitoring, curfews and surveillance.

Prison population pressures are cited as another driver for the expansion of community sanctions, but it is interesting to note that while cost benefits are a factor they are rarely the sole motivator, and in countries like Romania the demand for probation continues to increase despite dramatic falls in the prison population. The thorny question of

whether probation does in fact help reduce the prison population or merely leads to net widening is not touched upon at all.

The description of the fourth key task of probation as ‘providing practical, financial, social and psychological help as well as care’ does not do justice to the development of interventions designed to change criminal behavior over the last ten years. It is disappointing that little is said about the adoption of evidence based practice over the last decade in the United Kingdom, Netherlands, Sweden, Denmark, Finland, Bulgaria, Latvia, and Norway among others, not least because it has played a part in convincing politicians that the reduction of reoffending is a legitimate goal for probation. The starkest demonstration of this link is the target for a 10% reduction in crime in the Netherlands.

Perhaps in the future there should be a section about managing and changing criminal behavior in which each jurisdiction could give some information about the methods and types of intervention employed, and share research on effectiveness. For example, more detailed information about the Palo Alto approach being applied in Belgium would be helpful, together with a summary evaluation of the experiment in prescribing heroin to addicts in Liege. In Eastern Europe, there would be benefit in an elaboration of the various approaches to working with the Roma in Bulgaria, Romania, Czech Republic, Hungary and Croatia. Too much of the book is about ‘what’ probation does with too little reference to the ‘how’.

Under organizational issues the authors catalogue the various permutations of central government versus local control, the mix of public, private and voluntary provision, and integration or otherwise with the prison service. Scattered throughout the book are examples of almost any schema imaginable with no one model dominating, but the most radical solution of all is hidden away in the chapters on Austria and Germany, where it is revealed that the Austrian private sector supplier NeuStart is contracted to provide probation services in the German state of Baden-Württemberg. This is a brave new world indeed!

This book is a celebration of the vibrancy and dynamism of probation across Europe, a magnificent and authoritative compendium of knowledge despite its occasional frustrations and faults. Although I did not personally take part in the daring raid on the bonded warehouse in Ankara I am truly grateful to my colleagues who risked life and limb to bring the book to me. I will be referring to it constantly in my travels, and for those seeking knowledge about what goes on in probation in other jurisdictions this will be the book of first resort. We are indebted to CEP and the authors for their marathon efforts.

Author of the review:

David Perry is an independent consultant advising jurisdictions on the development of probation services in Eastern Europe, including Turkey, Croatia, Romania and Azerbaijan. Until 2005, he was Deputy Director General of the National Probation Service for England and Wales, the culmination of a career spanning over 30 years in probation. He is a frequent speaker at international conferences on probation practice, 'What Works' and organizational change.