

Poverty and Minority status as factors of vulnerability during the execution of non custodial sanctions

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Promoting non-discriminatory alternatives to imprisonment across Europe

One of the main focus areas of this project concerns the impacts of the application and implementation of alternative sanctions on minority groups and those left uniquely vulnerable due to specific personal or background characteristics or circumstances

It has included European and national level research which has identified poverty and social economic disadvantage as presenting key challenges in relation to non-custodial sanctions in Hungary

Council of Europe (2016) Action Plan on Building Inclusive Societies 2016-2019.

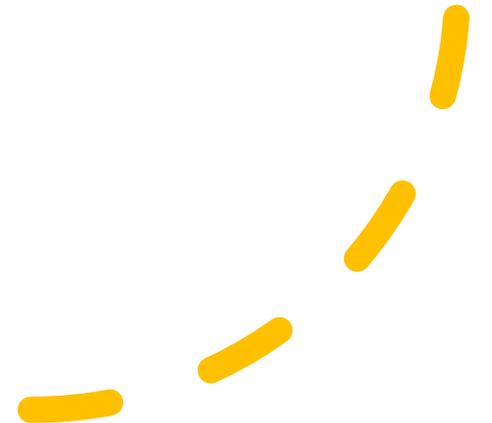
- Europe's cultural fabric has long been a rich tapestry, made up of many different traditions, heritages and outlooks. Diversity, however, must be managed. Integration does not happen by accident. Without smart policies to foster integration and to promote mutual understanding and respect, parallel societies emerge: people living alongside one and other, rather than living together.
- Ensuring that all individuals can live free from discrimination and have fair opportunities, irrespective of their background, is one of the best ways to heal social division and drain the fear and resentment that extremists seek to exploit. On this platform of equal rights and equality before the law, we can then build inclusive societies, where individuals maintain their own identities while respecting each other's differences, united by a set of shared, democratic values.

- Council of Europe recommends training on:
- Practice in legal context and rights-based approaches
- Anti-discriminatory practice
- Gender responsiveness
- Mental health, intellectual disabilities and substance misuse
- Foreign nationals
- Source: Guidelines regarding Recruitment, Selection, Education, Training and Professional Development of Prison and Probation Staff (2019)



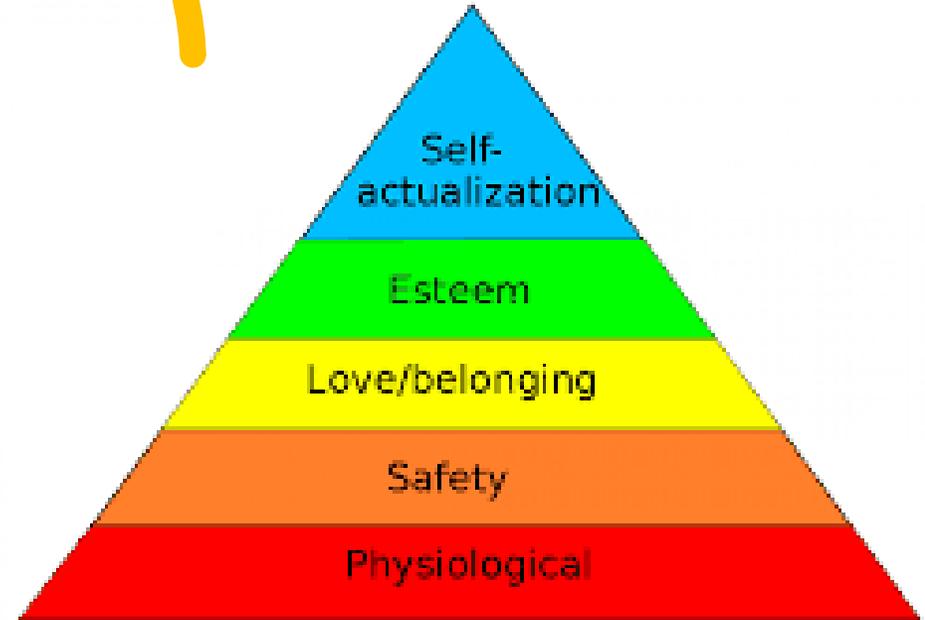
Poverty

- May mean frequent change of accommodation/insecure living arrangements
- No work or casual work, low and sporadic income
- Accumulation of debts
- Ill health
- Hopelessness/ Fatalism



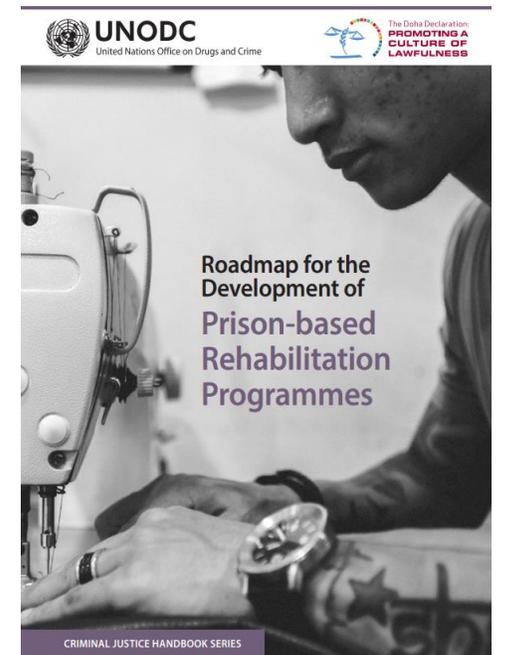
Consequences for Non Custodial sanctions

- Cannot pay fines
- Not seen as traceable
- Not seen as reliable
- Not seen as suitable



Poverty, Homelessness and Unemployment

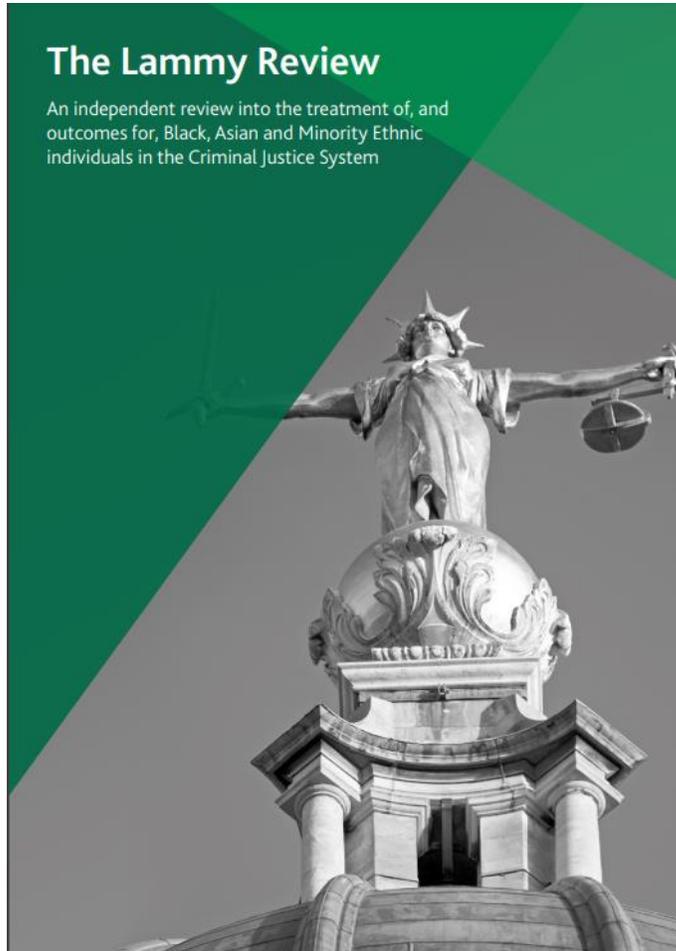
- Community Service Empowerment Projects (Kenya)
- Prison Leavers Project and Hostels (England and Wales)
- Criminal Records Reform



Report of UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, on her mission to Portugal 2017

- 31 per cent of the Roma population were living in a vulnerable situation, in substandard housing conditions, often in informal settlements consisting of barracks, shacks or tents, or in derelict housing units rented on the private market
- Concern at exclusion and discrimination experienced by some persons of African origin, who are also among the poorest and most deprived in terms of access to adequate housing.
- Informal settlements grossly inadequate conditions
- **Impact on suitability for alternatives to prison?**





- Principle of “Explain or Reform”
- Government must publish statistical data to assess whether any discrimination exists in how the Criminal Justice System treats people based on their race

Research On Sex Race and Sentencing for Drug Supply Offences in England and Wales 2020

- Male offenders were considerably more likely to be sentenced to immediate custody than females, and males received longer custodial sentences than females.
 - Black, Asian and Other offenders were more likely to receive an immediate custodial sentence for these offences than White offenders. Asian offenders were found to receive longer sentences than White offenders.
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Race equality in probation: the experiences of black, Asian and minority ethnic probation service users and staff: Selected Recommendations from Probation Inspectors in England and Wales 2021

- Improve the quality of assessments and pre-sentence reports on ethnic minority individuals
- Small local community organisations to provide culturally informed services
- Publish data on outcomes of probation supervision, breach, and recall of service users, to identify any disproportionality across different ethnic groups



Race equality in probation: the experiences of black, Asian and minority ethnic probation service users and staff: Selected Recommendations from Probation Inspectors in England and Wales 2021, cont'd

- Research effectiveness of interventions with minority ethnic service users including the potential impact of ethnic matching of responsible officers and service users.
- Develop a national race equality strategy for service delivery
- Ensure probation staff reflect the diversity of local communities served
- Develop learning programmes that enable probation staff to understand
- Consult ethnic minority service users about services and provide opportunities for former ethnic minority service users to act as volunteer mentors and in paid roles.



Work with Roma Persons

- Explicit but not exclusive approach
- Fines transformed in community work



Mental Disorder and Substance Abuse as factors of vulnerability during the execution of non custodial sanctions

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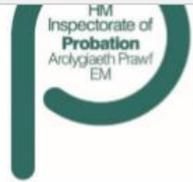
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Draft
Recommendations
of Mental Health
White Paper

National strategy for mental health within probation to :

- Include standards to benchmark services
- Operationalise the probation officer's role in the recognition and assessment of mental health disorders and in providing interventions and/or facilitating access to mental health care
- Address methods for collecting data within the probation service including data on suicide by probationers.
- Ensure continuity of care for mental health disorders on transfer from prison to probation
- Involve service users
- Provide training and establish expert network

Recovery Capital



A model for resettlement based on the principles of desistance and recovery

David Best

HM Inspectorate of Probation

Academic Insights 2019/03

- around three in five (58%) of those who have a lifetime substance use disorder will eventually achieve stable recovery
- (i) control over or cessation of problematic substance use; (ii) improvements in global health and wellbeing; and (iii) active participation in and a contribution to community or society.

Recovery Capital

- Who is likely to succeed and who is not is based on their 'recovery capital' that is the resources available to them to support their recovery journey and pathway.
- Positive factors include pro-social friends, jobs and houses, while 'negative recovery capital' includes factor such as time spent in prison and severe and enduring mental health problems
- initial catalyst to stop was often a combination of being tired of the lifestyle and an adverse life experience such as being arrested or thrown out of home, the reasons for sustaining recovery were overwhelmingly social. This had two components: (i) moving away from using networks; and (ii) moving into pro-recovery social networks.

A joint thematic
inspection of
community-based
drug treatment
and recovery work
with people on
probation
Recommendations
2021

- Evaluate integrated health and justice models for drug treatment and recovery services with joined-up strategies and policies to address drug misuse for people on probation
- Extend the ability of the probation service to drug test people on probation
- Provide adequate funding for drug treatment and recovery for people on probation and following release from custody
- Increase the use of drug rehabilitation requirements by ensuring that drug-misuse assessments at court are carried out by appropriately skilled practitioners, and that they comment on suitability and motivation for treatment and help set the expectations for defendants
- Build a joint working culture between the relevant professional organisations, and ensure this includes effective use of information exchange provisions
- Measure and publish outcomes for people on probation with a drug problem, such as completion of psychosocial interventions; reduced illicit drug use; reduced offending; improvements in mental health; improvements in education, training and employment outcomes; and improved accommodation outcomes
- Improve the safety of people on probation

A joint thematic
inspection of
community-based drug
treatment and recovery
work with people on
probation
More
Recommendations 2021

- Develop learning programmes that enable staff to deliver effective harm reduction and overdose prevention work to people with drug problems d. ensuring that all frontline practitioners understand and take steps to safeguard adults at risk.
- improve data and information systems to collect the profile and needs data for people on probation,
- Change OASys assessment tool to allow probation managers to extract the number of individuals on probation caseloads who are class A drug users and to track how many of them are currently in treatment.

Ways Forward?

- Partnerships with Public Health agencies
- Problem solving justice



Longer sentences not a deterrent to criminals

According to research by the Sentencing Council, "low risk of detection" undermined "any deterrent effect" longer prison sentences had. The research also suggested there was "limited understanding" of severe sentences among defendants. Another reason highlighted was that a lot of crime was carried out by people with low self-control, who underestimated the consequences of their actions. Many offenders also set more store by "peer group influence and fear of lost respect or social standing". The council also said its review of research suggested short prison sentences under 12 months were less effective than other punishments such as suspended jail terms or community sentences. It said "certain requirements" of community or suspended sentences such as treatment for drug or drink addiction "may be more effective at promoting positive outcomes than others".

The Daily Telegraph