

Enhanced Combination Orders

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Summary: There has been recent debate on the value of community sentences in their own right rather than as an alternative to custody. For most people, punishment in the criminal justice system is synonymous with imprisonment. However, the number of people under some form of community supervision, both in Europe and in the USA, far exceeds the numbers in prison. It remains the case in these islands that offenders who commit violence or pose a risk of harm to others should be detained in a secure setting to protect the public. However, with a growing focus on outcomes, and an acknowledgement that short prison sentences (less than 12 months) are expensive and ineffective in preventing further offending, this article will look at the development of one intensive alternative to custody in Northern Ireland – the Enhanced Combination Order (ECO) – and the use of a model as a framework for change.

Keywords: Enhanced Combination Order, sentencing, courts, community, probation, justice, evaluation, Northern Ireland.

Introduction

In Robinson and McNeill's (2016) *Community Punishment*, the editors noted the debate about what community punishment is and what it is meant to achieve. In highlighting that many community sentences emerged as alternatives to custody, they pointed out that the tension between 'punishment' and 'social work values' has led to different countries developing different responses.

In the UK and Ireland, there have been many examples of cost-effective alternatives to custody that aim to reduce further offending through the rehabilitation of offenders in the community. These orders tend to combine intensive Probation supervision with a mix of demanding

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requirements and interventions. With the growth in prison numbers, policy makers have attempted to develop a more effective regime of community sentences that have the support and confidence of both the judiciary and the public.

There is strong evidence that community sentences are a more effective and cheaper alternative to prison (Spencer, 2007). They allow an opportunity to address the root causes of offending behaviour while the person lives in the community and not in the artificial environment of a prison setting.

Community sanctions and measures have developed in different ways across Europe, and the rationale for their use has evolved over time. As far back as 1990, a UK Conservative Home Secretary, David Waddington, described prison as ‘an expensive way to make bad people worse’ (Home Office, 1990). Research in many countries shows that the outcomes for prisoners who serve short sentences are poor; consistently more than 50% of short-term prisoners reoffend within 12 months (Department of Justice Analytical Services Group, 2016).

It has been estimated that reoffending costs the UK £13 billion every year (Home Office, 2015). However, there is also evidence (Aebi *et al.*, 2015) that the increased use of community sanctions has contributed to an increase in prison numbers across Europe as result of ‘net-widening’, i.e. bringing people into the prison system who may not have been there in the first place.

Community sentences or alternatives to custody?

Research has been consistent in setting out the three factors that are most likely to support desistance (McNeill *et al.*, 2012). These are: (1) a job, (2) a stable relationship and (3) a home. When a person is sentenced to prison, there is disruption to these elements. However, it is a fact that politicians and a sceptical media remain to be convinced that alternatives to custody are effective and the right thing to do in terms of public policy. While there is clear evidence that community sentences are a more effective and cheaper alternative to prison (Home Office 1990), a strong view remains that imprisonment is the only way to ensure an offender does not reoffend.

The purpose of this article is to challenge that deeply held view, to highlight what can be done to provide an intensive community sentence that enjoys the support and confidence of the judiciary and politicians, and to make some recommendations for future practice.

Thirty years of change, but what has really changed?

In 1986, the author joined the Inner London Probation Service as a newly qualified Probation Officer, working in Battersea. In that year there had been prison riots in England attributed to poor conditions and overcrowding, although the prison population at the time (48,000) was just over half of what it is today (85,000). The *Daily Mail* published an article calling for fewer people to be sent to prison and for better prison conditions (*Daily Mail*, 1986).

In the same year, the UK Home Office published a handbook for courts entitled *The Sentence of the Court* (HMSO, 1986). It noted that ‘research evidence suggests the probability of arrest and conviction is likely to deter potential offenders whereas the perceived severity of the ensuing penalty has little effect. No realistic increase in prison terms would make a substantial impact on crime rates, simply by virtue of locking up the particular offenders caught, convicted and sentenced’ (HMSO, 1986: para. 3.2).

There was an acceptance even then that prison does not constitute an effective or constructive way of dealing with criminals or reducing crime, yet still in 2017 politicians and media commentators continue to call for harsher and longer prison sentences in response to impulsive crimes such as late-night street violence (*Belfast Telegraph*, 2017).

It does not require social work training or years of experience to work out that an angry young man, under the influence of drugs or alcohol, outside a fast-food restaurant in the early hours of the morning, does not consider current sentencing policy before assaulting someone. Many offences are impulsive acts that are best prevented by the person avoiding such scenarios in the first place.

In comparison to the vast amount of research and literature on prison sentences, relatively little research has been conducted on community sentences. Worrall and Hoy (2005) note that probation (and community sentences) is always practised in the shadow of prison. They suggest that any analysis of the role of community sentences should go beyond technical discussion of their effectiveness in comparison with prison sentences and should also address their social meaning. They refer to sentencing options intended to hold the middle ground between imprisonment and what they describe as ‘regular probation’. Probation, in their view, is welfare-oriented rather than punitive.

These community sentences have a greater emphasis on directly challenging offending behaviour as opposed to the traditional Probation

role of ‘advise, assist and befriend’ (Worrall and Hoy, 2005: 137). The aims of such targeted rehabilitation programmes are:

- to deter offenders and others from crime
- to save taxpayers’ money by providing cost-effective alternatives to prison
- to protect the community by exercising more control than traditional community supervision
- to rehabilitate offenders by using mandatory requirements and by the swift revocation of violated orders.

Rehabilitation is only one element of sentencing of people convicted of crimes. The UK Sentencing Council guidelines¹ set out the following aims of sentencing:

1. punishment
2. reduction of crime by preventing an offender from committing more crimes
3. reforming and rehabilitating offenders
4. protecting the public
5. making the offender give something back (for example, the payment of compensation, unpaid community work or restorative justice).

Community sentences: UK legislation

The first legislation in the UK that defined community sentences in detail was the 1991 Criminal Justice Act² in England and Wales. One of the key principles of this Act was that community sentences stand in their own right and should not be seen as alternatives to custody. For the first time, there was recognition that community sentences were not a soft option. The Act recognised that such sentences provide a degree of restriction on liberty commensurate with the level of offence seriousness.

However, a criticism of intensive alternatives to custody is that they become ‘alternatives to alternatives’, i.e. there is a risk that defendants receive more intensive community sentences rather than an ‘ordinary’ community sentence. This could lead to ‘net widening’, whereby people who would not have been sent to custody in the first place end up

¹ <https://www.sentencingcouncil.org.uk/>

² <http://www.legislation.gov.uk/ukpga/1991/53/contents/enacted>

being imprisoned for non-compliance with or breach of the additional requirements inserted into community orders in order to portray them as tough. Aebi *et al.* (2015), analysing statistics on persons serving non-custodial sanctions and measures in Europe, concluded there was evidence to show that providing a wider range of community sanctions can contribute to an increase in prison numbers.

Throughout the 1990s and 2000s in England and Wales, crime was a major issue of public concern. While successive UK governments introduced more and more changes to sentencing policy, they ignored the consistent advice from Probation Officers that there were limits to the demands that can be made on offenders, who lead chaotic lives and have serious difficulty in complying with demanding requirements in community orders. In the 1990s, Probation Officers cautioned against ‘setting offenders up to fail’ by the introduction of such demanding requirements. Byrne *et al.* (1992) highlighted that such initiatives created ‘the appearance’ of correctional reform.

In 2003, the Home Office invited Patrick Carter, a businessman, to undertake a review of the correctional services (Carter, 2003). This review and report led to the bringing together of the Prison and Probation Services into one umbrella organisation, the National Offender Management Service, NOMS. It also led to the separation of case management from ‘interventions’ such as programmes and introduced contestability for the provision of interventions. This paved the way for the introduction of private and voluntary sector involvement in the delivery of statutory community sentences based on the ‘purchaser/provider’ model that was eventually enshrined in legislation (Ministry of Justice, 2013a).

Worrall and Hoy (2005) argue that the impact of intensive community sentences on the offender was not the primary concern of government policy, but instead the objective was to respond to public opinion, particularly opinions expressed in tabloid newspapers. Research evidence, which had been consistent in demonstrating that short prison sentences were ineffective (Home Office, 1990), was ignored in favour of headline-grabbing policy initiatives.

The UK Ministry of Justice carried out evaluations of intensive alternatives to custody in 2011 and in 2014 (Ministry of Justice 2013b, 2014). The 2011 research stated that intensive alternatives to custody were likely to be more cost-effective (in terms of the costs of each sentence and expected costs of future offending) and that the evidence suggested there had been limited ‘net widening’ or ‘up pathing’ as noted earlier.

The 2014 report (Ministry of Justice, 2014) showed there was no statistically significant difference in the one-year proven reoffending rate between intensive alternatives to custody orders and short-term custodial sentences. However, there was a statistically significant decrease in the frequency of reoffending of the intensive alternative to custody group.

Developments on the island of Ireland

Carr (2016) highlights a similar change in Northern Ireland in relation to the 1991 British Criminal Justice Act, in the Criminal Justice (Northern Ireland) Order 1996,³ which stated that community sentences such as probation should serve a rehabilitative function but also aim to protect the public from harm. She notes the risk that an offender is viewed as outwith this 'public' who are in need of protection, and this is in contrast to the strong tradition of community partnership between the Probation Service and communities in Northern Ireland during the period of conflict.

The creation of the Public Protection Arrangements for Northern Ireland (PPANI)⁴ and the introduction of 'public protection' legislation through the Criminal Justice (Northern Ireland) Order 2008⁵ made provision for extended and indeterminate custodial sentences for persons that the court assessed as dangerous. With the establishment of the Parole Commissioners for Northern Ireland,⁶ Carr noted the shift in Probation Board for Northern Ireland's (PBNI) focus to risk management and post-custody supervision as opposed to alternatives to custody.

Carr (2016) highlighted that community sanctions and measures had been marginalised within a political discourse that had focused on other aspects of the criminal justice system, notably the prisons and the youth justice system, and that government spending on community sanctions remained comparatively low. With further spending cuts imminent, she cautioned against an increasing focus on offenders as a 'suitable enemy'.

Carr (2016) reviewed how offender supervision had developed in the two jurisdictions on the island of Ireland. She noted that while retention of social work as the core qualification for Probation Officers in Northern Ireland helped resist some of the more punitive elements of community supervision, there were missed opportunities for further

³ <http://www.legislation.gov.uk/nisi/1996/3160/body/made>

⁴ <http://www.publicprotectionni.com/>

⁵ <http://www.legislation.gov.uk/nisi/2008/1216/contents/made>

⁶ <https://www.parolecomni.org.uk/>

research in this area. However, the decision by both Probation services on the island of Ireland (along with Scotland) to retain social work as the core qualification, remain separate from custodial services and avoid contestability processes, in contrast to the direction travelled in England and Wales, has reinforced the divergence in the overall approach to alternatives to custody on these islands.

In a significant article, Vivian Geiran (2017) noted that while England and Wales was regarded as the cradle of probation, it was the jurisdiction that had undergone most change in criminal justice policy, in how probation work is organised and delivered, and in its position in Europe. The article was based on the author's June 2016 McWilliams memorial lecture, some days before the decision by the United Kingdom to leave the European Union. He noted that just as incarceration had become an alternative to something else (the death penalty), so probation came into being because of, and as an alternative to, the harsher sanction of imprisonment.

Geiran (2017) referred to the Irish Penal Policy Review Group report in 2014 (Department of Justice and Equality, 2014), which had promoted a reduction in the use of imprisonment in the Republic of Ireland and an increase in community-based sanctions, with particular focus on women, young people and those caught up in gang-related offending. Interestingly, he noted that the introduction of the successful 'community return' (McNally and Brennan, 2015) scheme in Ireland was a response to the need to reduce prison numbers in the absence of finance to build a planned super-prison rather than as a result of a policy review or scoping study.

Geiran (2017) went on to set out his view that there has been some progress towards a new belief in offender rehabilitation, and quoted Byrne *et al.* (2015) in referring to a 'possible global rehabilitation revolution'. While acknowledging that policy does not necessarily transfer between jurisdictions, he set out the importance of a focus on desistance and service user involvement in reversing the previous trend of punitive policy transfer between countries.

O'Hara and Rogan (2015) noted, in response to the overuse of imprisonment as punishment in Ireland, that political and policy rhetoric attempts had stimulated greater use of non-custodial sentences as alternatives to short-term imprisonment. They referenced studies showing the significant influences in imposing custodial sentences as the gravity of the offence, the offender's prior record and their experience of

community sentences. Like their counterparts in Northern Ireland, judges in Ireland did not consider community sentences on an equal footing with imprisonment in terms of punishment. However, the authors also detected a shift towards evidence-informed sentencing based on changing government policy, and welcomed the opportunities this presented.

The Northern Ireland context

In 2011 a review of prisons in Northern Ireland (the Owers Review) was published. The Owers Review report (Department of Justice (Northern Ireland) (DOJNI), 2011) pulled no punches in stating that there were endemic and systemic problems in the Northern Ireland Prison Service (NIPS) and that public money was being wasted. The review expressed frustration that recommendations in an interim report were not implemented, and made 40 recommendations for change (DOJNI, 2011: 5).

The review noted the large number of reports that had found that short prison sentences were costly and produced high reoffending rates. In particular, it quoted reports from the National Audit Office, the Scottish Prison Commission and *Make Justice Work*, which concluded that there was an opportunity to deliver real reductions in reoffending at a fraction of the cost of prison by implementing intensive community sentences.

At that time, the cost per prisoner place in Northern Ireland was £73,762. Taking account of Scottish legislation, the Owers Review report recommended that proposals should be developed to include a statutory presumption in sentencing that effective community sentences were the preferred method of dealing with offenders who would otherwise get short custodial sentences, and that there would be necessary investment in community alternatives. However, the Northern Ireland Executive did not accept the reference to ‘statutory presumption’ although the Justice Committee did accept the need for investment in alternatives to custody (Hansard, 2011).

PBNI has consistently received the support and confidence of judges in Northern Ireland, as measured by a number of surveys (PBNI, 2011; Criminal Justice Inspectorate, 2011; NISRA, 2008; Muldoon, 2008) and an increase in the proportion of community sentences made by judges in both Magistrates and Crown Courts (PBNI, 2017). In 2012, the Lord Chief Justice, Sir Declan Morgan, stated that ‘it takes dedicated people with skills to tackle the addictions, family problems and social history that

led to the offending behaviour with a view to preventing its recurrence ... Probation Officers have roles in supporting families, building dynamic and hopeful communities, where people have the strength, vision and motivation to build positive futures for themselves' (Morgan, 2012: 34).

PBNI contributed to a workshop organised by the DOJNI in January 2015, titled 'Custody/Community: Reducing Offending Through Striking the Balance'. Lord Justice Girvan set out the views of the judiciary and there were inputs from senior representatives of PBNI, NIPS, Youth Justice Agency and Police Service of Northern Ireland (PSNI).

In May 2015, Lord Chief Justice Morgan asked PBNI to consider a more demanding community sentence as an alternative to short prison sentences of less than 12 months. He noted that 88% of prison sentences imposed in Northern Ireland in the previous 12 months had been for one year or less. He also noted that research had demonstrated that short prison sentences were ineffective in addressing offending behaviour, given that there was little that could be done in practical terms to rehabilitate offenders during a short prison stay. Data showed that 51% of people released following a short prison sentence were reconvicted within 12 months.

PBNI reviewed literature and research on intensive alternatives to custody, taking account of the unique characteristics of Northern Ireland. The following factors informed our response.

- Utilising existing legislation would be preferable to the inevitable delay associated with new legislation.
- New research on problem-solving justice, based on the following principles, should feature in any alternative to custody:
 - ◆ enhanced information for judges
 - ◆ community engagement
 - ◆ collaboration between criminal justice agencies
 - ◆ individualised justice matching offender need to statutory provision
 - ◆ accountability and opportunity for judicial oversight
 - ◆ outcomes focus.
- Problem-solving justice provides a coherent and evidence-based approach to tackling offending and reoffending and assures victims that their views will be reflected in any systems and policies that are adopted.

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- Victims must be central to any proposal. McGreevy (2013) noted that it was essential that sensitivity and due regard be given to the feelings and wishes of victims of crime.
 - Restorative justice principles should be included. Stout (2013) noted that restorative justice was integrated in PBNI practice and targeted not just at first-time offenders, but at serious and persistent offenders. Hunter (2015) had recorded that restorative justice was associated with a 14% reduction in the frequency of reoffending and, furthermore, 85% of victims that participated in restorative justice were satisfied with the experience.
 - People with mental illness are significantly over-represented in the criminal justice system (Montross, 2016; Henderson, 2015). Cotter (2015) highlighted the difficulties mentally ill offenders are faced with following release from prison as they are unable to access available community treatment because of a lack of adequate services and reluctance among providers to treat them. Cotter (2015) noted that many offenders with mental illness were trapped in a 'revolving door' and recommended that a consistent application of best practice and therapeutic intervention was required to provide effective treatment to offenders with mental illness, which would also contribute towards community safety. This issue had been particularly highlighted by judges and the Lord Chief Justice.
 - In promoting greater engagement with service users, Barr and Montgomery (2016) referred to a desistance principle that the quality of professional and personal relationships was pivotal in helping offenders desist from crime.
 - Research in both the North and South of Ireland consistently highlighted that approximately 75% of people who completed community service orders did not reoffend within 12 months. (Department of Justice Analytical Services Group, 2016; Central Statistics Office, 2016).
 - Research (Doherty and Dennison, 2013) has demonstrated that Probation services working closely with police to target prolific offenders offered substantial benefits, in terms of reducing offending and preventing people from becoming victims of crime. Doherty and Dennison (2013) identified the key features of the Reducing Offending in Partnership programme in Northern Ireland. Early engagement with PSNI in this initiative was seen as essential.

Enhanced Combination Orders (ECOs)

Using an existing community sentence (the combination order⁷), PBNI made formal proposals to develop an ECO pilot as an alternative to short prison sentences of less than 12 months. This reflected the approach proposed by Raynor and Robinson (2009: 103) to collaborate with local courts to ensure that only those genuinely at risk of receiving custodial sentences were selected for an ECO sentence. In consultation with the Lord Chief Justice, DOJNI, the PSNI and Public Prosecution Service, it was agreed that PBNI would pilot ECOs in two court areas.

Management of change is a challenge, so PBNI used Kotter's eight-stage Change Model (Kotter, 2007) in the pilot, with each stage presenting new challenges and opportunities.

Stage 1 – Create Urgency. Taking account of the available evidence, it was clear that there was an urgent need for change (Criminal Justice Inspectorate NI, 2014). We requested support from stakeholders and colleagues to strengthen our arguments. While some stakeholders and colleagues remained sceptical, Kotter (2007) suggests that if 75% of an organisation buys into change, it is likely to be successful.

Stage 2 – Having received the support of the Lord Chief Justice, Minister of Justice, Chief Constable, Director of Public Prosecutions, and Chairman and Chief Executive of the PBNI, a *Powerful Coalition* was formed. Verbal and written presentations were provided to participants. The Minister for Justice (NI) received six-monthly updates from the Criminal Justice Board.

Stage 3 – Create a Vision for Change. Information sessions were arranged for judges, barristers and solicitors as well as the PBNI board and staff. A multi-agency reference group composed of representatives of all the key players was established and training for PBNI staff was provided. Leaflets, posters and information sheets were developed for judges, solicitors and potential subjects. These highlighted that ECOs were focused on rehabilitation, restorative practice and desistance as well as addressing victim issues. Support with parenting/family issues and an assessment by a PBNI psychologist were provided.

Stage 4 – Communicate the Vision. The project communications strategy proved to be a critical factor. It was acknowledged that emails are not enough in themselves, so written documents were provided to opinion-

⁷ <http://bit.ly/2v2S7Oi>, <http://bit.ly/2v2X35y>

formers and personal contacts were used to arrange face-to-face meetings with stakeholders. While time-consuming at the outset, this allowed people to express concerns and anxieties in an open and honest fashion that, in turn, shaped the direction of the pilot.

Stage 5 – Remove Obstacles. Having taken account of learning from Stage 4, PBNI recognised the risk of damage by an accusation that the ECO model did not take account of the views of victims. PBNI embarked in genuine two-way communication with victim representatives and ensured that the elements of co-design were present in the development of the model. PBNI also engaged with judges who expressed reservations and offered face-to-face meetings to address concerns.

Stage 6 was about *Creating Short-Term Wins*. It was important to address senior Northern Ireland criminal justice figures and get their buy-in (see Stage 2). The Lord Chief Justice highlighted the opportunities provided from ECOs in several public speeches and agreed to participate in photographs to visually endorse his commitment to the project.

The ECO pilot commenced on 1 October 2015. Time was invested in the early stages to ensure that staff were supported, interagency communication was effective and feedback from offenders, victims and community organisations responded to. The Northern Ireland Human Rights Commission commended the initiative and advised the Department of Justice to consider the introduction of effective community sentences as the preferred method of dealing with those who would otherwise receive short custodial sentences.

PBNI prepared articles for the internal PBNI newsletter, convened regular meetings of the project reference group and made presentations to stakeholders. PBNI attracted interest among local newspapers. The *Irish News* (2016) published a two-page article. PBNI also worked with a social enterprise media company to produce a short DVD, which featured partner agencies as well as service users, and was included in a presentation to the Public Protection Advisory Group (Donnellan and McCaughey, 2010) in Dublin in November 2016.

Stage 7 was *Building on the Change*. At every reference group meeting PBNI reported on what was going well and what needed improvement. PBNI continued to note the views of stakeholders, particularly victims' organisations, and refined the project to enable the victims' voice to be heard at the pre-sentence stage. PBNI facilitated the involvement of psychology staff at conferences not directly related to probation, and also provided statistics and materials for speeches and presentations.

By developing the ECO model, PBNI were able to use the lessons learned in submitting applications for other problem-solving initiatives, including a Problem Solving Domestic Violence Court led by the Department of Justice in the Foyle area and a Problem Solving Substance Misuse Court in the Belfast area. Additionally, PBNI used lessons from the ECO pilot in shaping its response to the Fresh Start Agreement (Northern Ireland Office, 2015) to focus on young men at risk of becoming involved in paramilitary activity.

The *Final Stage* was to *Anchor Changes in Corporate Culture*. It was important to make continuous efforts to ensure that change is visible in every aspect of the organisation. In May 2017, PBNI made a presentation to the Northern Ireland Civil Service Live⁸ event at the Waterfront Hall in Belfast. ECOs were included with other Department of Justice problem-solving initiatives in a presentation to an audience of civil servants. This demonstrated the success story, recognised the contribution of staff and highlighted the benefit of the ECO to society as a whole.

Evaluation

In June 2017, the Northern Ireland Statistics & Research Agency (NISRA) published its evaluation of the ECO pilot (NISRA, 2017). Between 1 October 2015 and 31 May 2017, 158 orders were made by courts in the two pilot areas. The evaluation focused on the period up to 10 March 2017 during which 136 offenders had ECO sentences made. The qualitative and quantitative evidence showed that the initiative had been successful in achieving five of the six ECO requirements.

In Community Service conditions, nearly 12,000 hours of unpaid community work were completed (equivalent to £87,000 worth of work provided to communities in the two areas) as part of ECOs. The work was undertaken at an accelerated pace in comparison to other Community Service Orders. Participants reported that they benefited from the structure and support from others, as well as the opportunity to put something back, and there was some evidence of victims influencing the type of work undertaken.

In the area of mental health, the research noted that all participants were offered an assessment by PBNI psychology staff. While this was resource-intensive, it was regarded as a key factor in the project's success. Unsurprisingly, participants led chaotic and unstructured lifestyles that

⁸ <http://www.nicslive.com/>

prevented them from accessing mainstream psychiatric services. Of the 62% assessed as having current mental health difficulties (primarily depression and/or anxiety), less than a third were in contact with formal services. 96% of participants reported issues with substance misuse, 31% had a history of self-injury behaviour and 27% reported relationship difficulties, including domestic violence. Psychology staff were able to provide direct interventions and make referrals to appropriate community-based mental health providers.

Participation in parenting and family support work proved very popular with participants and staff. This work was provided by Barnardos,⁹ a voluntary sector organisation, and highlighted the opportunity for participants to move away from the 'offender' label and increase their parenting skills and self-worth.

One area where it was felt more progress could have been achieved was victim engagement. It was acknowledged that this was a matter, ultimately, for the victim. Strong relationships were developed with Victim Support NI as well as with two community-based restorative justice organisations, Community Restorative Justice Ireland and Northern Ireland Alternatives. Constructive recommendations were proposed to increase and encourage victim participation in the process.

The fifth area was the completion of an accredited programme (if appropriate) to address offending behaviour. The evaluation showed that one third of participants had undertaken courses relating mainly to thinking skills, anger management, decision-making and communication.

Offending-focused work was the final requirement and the evaluation found there was evidence that Probation Officers focused on this element and explored the impact of offending behaviour with participants, particularly in relation to the impact on victims, their families and the community. These two areas were seen as critical in reducing the likelihood of further offending.

In addition to the qualitative information, NISRA obtained information on reoffending from the Department of Justice Analytical Services Group on the cohort of individuals made subject to an ECO between 1 October 2015 and 30 April 2016. The researchers noted that it was too early to include those made subject to an ECO due to the time frames on which overall reoffending rates are calculated.

The NISRA research showed that the reoffending rate of the ECO cohort in the six months prior to being sentenced to an ECO was 57.7%

⁹ http://www.barnardos.org.uk/what_we_do/corporate_strategy/northernireland.htm

(30 of the 52 offenders who received an ECO in the time period) (NISRA, 2017).

The reoffending rate post sentencing was *significantly lower* at 17.3% (nine of the 52 offenders). Additionally, the interim breach rate was 16%, approximately half of the breach rate for other community disposals. This highlighted the additional work invested by Probation staff to assist the offender to comply. This preliminary research (NISRA, 2017) will be revisited in autumn 2017 when further information will be available and the ECO cohort will have increased.¹⁰

The report (NISRA 2017) highlighted that the estimated cost of an ECO was £9000. It concluded that the ECO programme had been embraced by the judiciary. There had been a reduction in custodial sentences and a decrease in the costs to the Northern Ireland taxpayer. It was too early to say if there had been an impact on the number of short custodial sentences.

The Northern Ireland Court Service, in as yet unpublished research, has advised that there was a 2% reduction in the number of short custodial sentences imposed in all NI courts during the pilot period. In the two pilot areas, the reduction was 10%. This suggests that the ECOs were not imposed as 'alternatives to alternatives' but were appropriately targeted at those likely to receive short custodial sentences. The overall prison population had reduced from 1601 on 1 October 2015 (NIPS, 2017a) to 1425 on 31 March 2017 (NIPS, 2017b).

The pilot was shown in the NISRA report (NISRA, 2017) to be effective for the participants, who valued the support it provided, particularly in relation to mental health input and parenting skills. The report was also positive about the commitment of staff based on the feedback from participants in focus group discussions. The report concluded that there was evidence that the ECO initiative was working very effectively. Recommendations were made in relation to process and future funding.

Conclusion

ECOs have been an effective response to the challenge to provide a community sentence that enjoys the confidence of the judiciary, victims and practitioners. They have provided a graduated response to offending

¹⁰ Due to the small numbers and limited timeframe, this result should be viewed with caution. The study will be repeated when more information becomes available.

and make use of a range of measures tailored to the needs of persons who would have received a short prison sentence.

Participants have received help to resolve personal and social problems underlying their offending behaviour. Victims have had their voices heard and a direct input to how community sentences are managed. The community has seen a reduction in reoffending and the taxpayer has benefited from a more cost-effective community sentence.

While there is no government in place in Northern Ireland at the time of writing, the ECO pilot reflects the draft Programme for Government target of having ‘a safe community where we respect the law and each other’. It will be important that following the restoration of a government this positive example of problem-solving justice is recognised, funded and extended to all areas of Northern Ireland.

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