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**SWP 11/93 SERVICE TO THE COURTS: THE OFFENDER'S
PERSPECTIVE**

**Offender Perceptions of Services Provided in Court by the Probation
Service**

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ISBN 1 85905 011 5

Service to the Courts: The Offender's Perspective

Introduction

Offender perceptions of work undertaken by probation officers in court is, in large part, an unknown quantity. Given this, and the increasing need for Public Services to be aware of the way in which their services are perceived by client groups, a research project was commissioned by Bedfordshire Probation Service as part of a wider investigation of services provided in criminal courts.

This paper sets this research into a policy context, and details the way in which it was undertaken, its main findings, and a discussion of its implications for probation service policy and practice.

Policy and Practice

Services provided by probation officers in the court are wide ranging, incorporating many types of liaison, monitoring, information provision and record keeping; service to offenders is just one aspect of their duties.

Legislation refers to two types of service provision, one to their duties in the court setting and a second to the provision of reports for courts, referred to as Social Enquiry Reports (SERs) when this research was being undertaken, now referred to as Pre-Sentence Reports (PSRs).

Regarding the first, the Probation Rules (1984) place a duty on probation officers to 'advise, assist, and befriend, a person who is remanded on bail and is willing to be so assisted'. Thus, contact at hearings prior to sentence, where offenders are 'willing' is a duty placed upon Court

Officers by national policy guidelines. No specifications are given of the categories of offenders to be assisted, thus suggesting that all should have equal access to the services they provide.

Regarding the second type of service, the Powers of Criminal Courts Act (1973) states that:

'It shall be the duty of probation officers.... to enquire in accordance with any directions of the court into the circumstances or home surroundings of any person with a view to assisting the court in determining the most suitable method of dealing with the case.' (para 8(i) of Schedule 3)

This refers primarily to the role of the field probation officer writing the report, and not the court duty officer, although the latter may assist the former by collecting relevant information from the offender at court. For this reason, the focus of this report will be on the work of the Probation Service in court, as opposed to the writing of the report; inevitably, this will include some reference to court duty officer contact with offenders concerning the reports produced for courts.

Local policy guidelines developed by individual Probation Areas provide more detailed information on the requirements of court duty officers. Guidelines developed by the Probation Area in which this research was undertaken makes reference to two stages of service provision, pre-sentence and post-sentence. Pre-sentence guidelines refer to gathering information about and from offenders, in anticipation of a request for a probation report:

'It is intended that as much information as possible is collected during the adjournment period which will be of particular value to PSR writers for example.'

And, where a report is requested, offenders must be given a standard letter detailing the purpose of the report and the address of the court office they must attend.

Separate guidelines issued for Crown Court duties refer primarily to ensuring the availability of reports and to recording information. Unlike the guidelines referred to above, Crown Court

Officers are required only to confirm the offenders address and availability, and to stress the importance of their cooperation with SER writer, rather than gathering information for the SER.

Practice guidelines for working with offenders post-sentence apply only where probation orders, community service orders or custodial sentences are given. If a community service order or a probation order is made, court officers are required to telephone the office responsible for administering the order to arrange an appointment or reporting time. This information should then be conveyed to the offender. Where a community service order is given, a copy of the community service information leaflet should also be given, which includes details of where and when to report:

'Give the defendant a copy of the CSU leaflet and note time and date on it for first reporting.'

In addition, orders requiring the offender's signature should be signed by them and a copy given to them:

'Complete Probation Order form and get it signed by defendant. Give them a copy after obtaining 3 photocopies of signed form.'

Unlike the pre-sentence guidelines, *additional* post-sentence requirements are placed upon Crown Court officers. The first of these is to ensure that offenders understand the meaning of the sentence or order they have been made subject to. Although the same types of sentences can be passed by all courts, it is surprising, that this is defined as a duty of only Crown Court Officers. Secondly, in the Crown Court where offenders receive custodial sentences:

'Interview defendants in custody as soon as is practicable and notify field office by telephone. Contact any other parties as requested.'

Once again, as courts other than Crown Courts can pass custodial sentences, this duty placed only upon Crown Court officers appears inconsistent.

A second Probation Area defined the role of court duty officers not by court process stages, but more generally in providing 'a professional presence in the courts in order to assist both courts and defendants with necessary advice, information and help'. Thus, offenders do feature as recipients of their services, and those services consist of advice, information and help. The same Area also identified the need to ensure that their services 'in the court setting are relevant, effective and accessible to all appropriate offenders irrespective of their origin, race, gender, age or disability'. Thus, the services provided should be tailored to the needs of the individual, effective and accessible to all requiring advice, information or help.

Previous guidelines failed to prioritise its services to offenders, however, those above define 'appropriate offenders' as their service recipients, suggesting a prioritisation of services; which groups are prioritised is unclear.

Policy guidelines, both local and national provide us with few detailed specifications about the role of court duty officers. They tend to define tasks in terms of the process of sentencing, pre and post-sentence roles. Regarding pre-sentence tasks, national guidelines and those of the second Probation Area detailed, refer to advising or assisting offenders, thus, attending to their individual needs. The guidelines of the Area in which this research was undertaken place rather more emphasis upon gathering information and arranging appointments.

Post-sentence tasks of court duty officers are not specifically addressed by national policy guidelines. Those produced by the second Probation Area, of assisting offenders with advice and information, also apply here. Those produced by the Probation Area in which this research was undertaken again refer to more concrete requirements of giving information and ensuring understanding, and do not incorporate individual offender needs.

The inconsistency in the general guidelines and those produced for the Crown Courts in this Area also provide a cause for concern. According to local guidelines, only Crown Court Officers should ensure that offenders understand the meaning of the sentence they are given, and should visit offenders who receive custodial sentences, post-sentence. Incomplete or inconsistent guidelines are either misleading of the reality, or reflect a problem of service quality across the role of court duty officers in the Area concerned.

To summarise, services provided in court to offenders must be responsive to their needs. They must include the provision of relevant information about the proceedings and the outcome, they must provide advice and/or befriend offenders as required in the court sentencing system and they must include the arrangement of post-sentence appointments. The research undertaken here will assess the extent to which these tasks are perceived to be performed by the offenders interviewed.

Research Aims

Offender perceptions and experiences of the following were sought: the services offered to them in the court, the content of the contact made with them at court by probation officers, the quality of their communication with probation staff and their understanding of the role of the Probation Service in court.

Research Population and Sample

1991 statistics were used to give an indication of the expected distribution of offenders for sentence, (for indictable or triable either way offences, excluding minor motoring which is unlikely to require Probation Service presence), across magistrates' courts in Bedfordshire. In total, 4373 cases were sentenced and were distributed across the courts in the following way:

Luton Magistrates Court	42%
Bedford Magistrates Court	31%
Dunstable Magistrates Court	15%

Biggleswade Magistrates Court	7%
Leighton Buzzard Magistrates Court	4%
Amphill Magistrates Court	1%

Using these figures, two magistrates courts with the largest throughput were selected, along with the Crown Court, to build up the sample. In addition, one rural magistrates court was included to ensure a rural service representation.

Only those offenders appearing for sentence were selected for interview for two reasons. Firstly, the role of the court duty officer is likely to be most visible at the stage of the sentencing hearing, hence an interview before this point is unlikely to be a good indication of the contact probation officers have with an offender throughout the court process. Secondly, as a means of restricting the sample numbers, only those offenders appearing for sentence were selected for interview.

Where possible, interviews were undertaken at court, immediately after the sentencing hearing. Offenders receiving custodial sentences were taken directly to the cells where I was unable to gain access to them, so a different approach was adopted for this group. To ensure that those receiving custodial sentences were not excluded a number of interviews were conducted in the local prison with offenders sentenced two or three days before.

A 'snap-shot' of the work being done with offenders in a particular court, on a particular day was taken by interviewing all offenders receiving non-custodial sentences. The days on which to attend courts were selected by referring to daily case lists indicating the volume and type of work to be undertaken. High volume sentencing days were selected.

The method used was semi-structured focussed interviews, using a mix of qualitative and quantitative questions. The interview schedule was designed in two parts. Part one traced the process from conviction to sentence; section one concerned contact with probation officers before

sentence and section two with contact after sentence. Part two contained more general questions about the role of the Probation Service in the courts. The schedule was piloted in one magistrates court and minor revisions were carried out before the main body of research interviews were undertaken.

Four courts were attended for research interviews on six separate days; in addition, two half days were spent conducting interviews in the local prison.

Sample Achieved

In total, twenty nine interviews were carried out. To give some indication of the characteristics of the sample, and in particular, their likely levels of prior knowledge of the sentencing process, a brief description will be provided.

By court, the sample is distributed as follows:

Bedford Magistrates Court:	48%
Luton Crown Court:	35%
Luton Magistrates Court:	17%
Biggleswade Magistrates Court:	0%

The expectation was that the highest proportion of magistrates' court cases in the sample would come from Luton, given its higher court throughput, followed by Bedford; in fact in the reverse is the case.

Samples from Luton and Biggleswade Magistrates' Courts are most disappointing. The inclusion of Biggleswade Court to ensure a rural service representation did not succeed. Although days were identified where both courts were likely to be sentencing, some cases were not sentenced as was expected.

The pattern of sentencing in the sample is as follows:

Fine:	11	38%
Probation Order:	7	24%
Community Service:	3	10%
Custody:	8	28%

Cases are spread across the sentencing tariff, from the more serious receiving custodial sentences to the less serious receiving financial penalties. Should the services of court duty officers be made available to all, we would expect equal contact across the sentence severity range.

Seventy two percent of the sample have appeared in a criminal court before and as a result, have some experience and knowledge of the court sentencing process. Eight (28%) offenders have no previous court experience and thus, are likely to have little prior knowledge of the presence of probation officers in court.

Four of the twenty nine offenders were not represented by a solicitor or barrister in court. Three of the four are also first offenders. Thus, they have no previous experience of the sentencing process and no access to information about the court proceedings other than that provided by the court or by the Probation Service.

The average age of the sample is 25.5 years and the age range is from 17 to 47 years. Almost 90% of the sample are under the age of 30, with 28% aged 17-20, 31% 21-25, and 28% 26-30 years.

Only one of the 29 interviewees is female.

As the distribution of the sample by court does not reflect the expected distribution of cases across the courts of the area, the degree to which these findings can be generalised to all cases appearing in the same courts, and in different courts is questionable.

However, most offenders sentenced in the courts visited were interviewed, hence, there is no particular bias in the *types* of cases selected for inclusion. Given their reflection of the work done by probation officers in particular courts on particular days, the findings will give some indication of perceptions of service, and will also offer some guidance on the perceived strengths and weaknesses of the service offered to offenders in the courts.

Main Findings

No Probation Service Contact Before or After Sentence

Of the 29 offenders interviewed, 8 (28%) had no contact with the Probation Service at court throughout the duration of their court appearance. Of these, 7 did not have a probation report prepared upon them and received financial penalties, thus, no contact with the Probation Service was required before sentencing to go through the report or after sentencing to provide details about the sentence received.

One offender did have a report prepared upon him and he received a custodial sentence. However, like the other seven, he was not seen by a probation officer at court before he was sentenced, or after he was sentenced, in a post-sentence interview. Given the Area's Crown Court policy guidelines of carrying out post-sentence interviews with those receiving custodial sentences, this experience fails to come up to the service standards which have been set.

Seven of the eight offenders were unaware of any Probation Service presence in the court building throughout the time they were appearing there, and all had no idea if a probation officer was in the court room when they were sentenced. Given that half of the eight have appeared in

court before and half have not, this cannot be explained by a lack of familiarity with the court process.

Six offenders (75%) felt that they would not have found it useful to speak to a probation officer at court. Of these, three said they had nothing to ask, all three were legally represented; three not legally represented, said that given the minor nature of their offences, and that they knew what to expect from the court, both in terms of procedure and sentence, there was no need for them to have contact with the Probation Service:

'For a different sort of crime, yes, but not for driving. The court offered me a duty solicitor so I could have one if I wanted but it was a straight forward case.'

Only one offender said she would have found it useful to talk to a probation officer before she was sentenced. In her view, an SER should have been prepared for the court. She would have liked the opportunity to express this view to a probation officer before she was sentenced.

Another said that he did not know about what services were provided by probation officers in court and so he was unable to say if he could have made use of them.

Two offenders recognised that the Probation Service could have been some help in different circumstances; for example, if the offence had been more serious and was likely to attract a more severe sentence.

All eight interviewees said that at no stage throughout their court appearances was there anything they wanted to know but did not ask. Five of the eight were legally represented and saw their legal representative as a source of information and the remaining three knew what to expect from the court, either from either their own or from others experiences.

In summary, all but one of the offenders having no contact at court with the Probation Service received financial penalties and were not the subjects of probation reports. This is consistent with policy guidelines which do not require Probation Service contact at court. This is not the case for one offender who did have a report prepared upon him and who received a custodial sentence. Neither factors led to Probation Service contact with him at court.

Where no contact is made with the offender at court, a lack of awareness of the presence of the Probation Service in courts apparent. Following on from this, a lack of understanding about the work done by the Probation Service in court is also evident.

Pre-Sentence Contact at Court

Fourteen offenders had contact with the Probation Service at court on a day prior to sentence, and four offenders did so on the day they were sentenced.

Prior to their Sentencing Day

All contacts followed a request from the court for an SER to be prepared. Also, all were sought out by probation officers, rather than the other way round. All offenders assumed it had been a probation officer they saw, but only five of the fourteen were sure of this.

The interview contents fell into three categories, from the most often mentioned to the least, these were: giving appointments for an SER interview, gathering information for the SER and giving an explanation about the report and the court process:

'We talked about the offence, my background, my past history. She started collecting information for the report.'

Only two of the fourteen offenders said that they used this opportunity to ask questions. Both were anxious about the sentence they were to receive and asked the Probation Officer to give some indication of what it was likely to be.

Less than half of the fourteen offenders said that they found it helpful to talk to a probation officer at this point in the process. Two offenders said that it had been helpful in letting them know 'what was happening with the court'. Two said that it had been helpful in giving an indication of likely sentences, one said it was helpful in giving him an appointment for an SER interview, and another in giving him the opportunity to ask questions:

'She asked me if I had any questions. I didn't but if I had I could have got them answered.'

Of those who saw no value in the interview, four recognised its use for the Probation Service in gathering information for the report.

'It wasn't useful for me. It was information they needed to know so it was useful for them.'

Hence, the interview was perceived more as of benefit to probation officers rather than to offenders.

Six offenders said there was no information or help they needed at this stage in the sentencing process. Another said that there was nothing the Probation Officer could help him with as he had no knowledge of his case. The importance of solicitors in providing information was also clearly acknowledged. Thus, although more than half of those seeing a probation officer before the day they were sentenced did not find the interview useful, no suggestions were offered for improving its use to offenders.

On The Day of Sentence

Only four of the twenty nine offenders interviewed saw a probation officer at court before they were sentenced. Two of the four saw their report writer and two saw a court duty officer. All four knew that it was a probation officer they saw, as opposed to an ancillary assistant or a clerical officer.

Three of the four offenders believed that the purpose of the contact was to give them the SER to read through. The fourth was given the opportunity to talk more generally about his feelings concerning his impending court appearance.

Of the three who were given their SERs, two were able to read them through with their report writer and one was given the report by a court duty officer to read through alone. Reading the report through with the report writer was seen as helpful in providing comfort and support at an anxious time.

Both offenders who saw a court duty officer also said they found it helpful to have done so. For one, knowing there was a probation officer there and knowing who she was, was a comfort to him. For the other, the help was perceived as allowing him to read through the probation report before it was submitted to the court.

To summarise, contact made by probation officers with offenders before sentence primarily related to the SER, in arranging for it to be prepared, or in allowing the offender to read it before it was given to the court. Explanations about the court process and the sentencing options available, and being given the opportunity to ask questions were valued by half of this group, and the other half saw no value in the interview for themselves, primarily because they had access to other sources of information.

Contact taking place on the day of sentencing, although experienced by only a small minority of offenders was highly valued, particularly in providing support during a stressful and anxious time.

Social Enquiry Reports

Seventeen offenders had reports prepared upon them by Bedfordshire Probation Service. Of these, three saw their report before the day they were sentenced, eleven on the day they were sentenced and three did not see their report at all. For one offender, being shown his report on the morning of his court appearance was a particular problem, as he would have liked more time to read and digest its contents:

'I saw it only just before I went into court. I would have liked to have seen it a longer time before so I could read it and take it in.'

Thus, where offenders do see their report before going into court, they are more likely to be shown them on the day they are sentenced. Also, not all offenders are given the opportunity to read through their report before it is submitted to the court.

Of the eleven seeing their reports on their day of sentence, three were shown to them by a probation officer and eight by their solicitor or barrister. Hence, although reports are written by probation officers, they are more likely to be shown to the offender by their legal representative than by a probation officer.

Where offenders saw the report at some point prior to their court appearance, six were given it to read through on their own and eight went through it with a probation officer or their legal representative. Thus, in only eight of the fourteen cases could it be guaranteed that all parts of the report were read, understood, and contained correct information.

No report authors were in court when offenders were sentenced. Hence, no opportunity was taken to support their report in court. At least one offender believed that this may have helped his case:

'I think it might have helped if the person dealing with the case was in court.'

In summary, not all offenders upon whom an SER was prepared were given the opportunity to read through their report before it was submitted to the court. In addition, some offenders were given the report to read through alone, hence, no care was taken to ensure that the reports were read, understood and were factually correct. One offender felt that being given a report to read just before going into court did not give him enough time to read and digest its contents. Access to the report before their day of sentence was suggested.

Post-Sentence Contact at Court

Of the seventeen offenders seeing someone from the Probation Service at court after they had been sentenced, 41% received probation orders, 41% received custodial sentences, 12% received community service orders and 6% received fines. As the guidelines specify that probation officers are expected to see those who receive probation orders, community service orders and custodial sentences, these findings are not surprising. Only the interview with the offender receiving a fine is unexpected, but given the fact that a report was prepared upon him, perhaps this contact is not altogether surprising.

Of the twelve offenders, who did not receive a post sentence interview, 83% received fines from the court, 8% received community service orders and 8% custodial sentences. For the two offenders receiving a community service order and a custodial sentence, policy guidelines suggest that a post sentence interview should have taken place.

All seventeen of the post-sentence contacts were instigated by probation officers and a small number were also requested by the courts or encouraged by the legal representative. On no occasion did any offender seek out a probation officer after they had been sentenced. Four offenders were unable to say who their interview was with, other than that it was someone from the Probation Service.

Where a non-custodial sentence had been received, the subjects covered in the interviews, from the most to the least often mentioned were: responses to the sentence received from the court, information about the requirements of the sentence and the giving of a first appointment. For those receiving custodial sentences, they also discussed: whether they wanted anyone informing about their sentence, information about through care and release plans, and problems resulting from their receipt of a custodial sentence.

All of those receiving a post sentence interview said that they had not asked the Probation Officer any questions during this interview.

Ten of the seventeen offenders found the interview useful. Uses, in order of priority, were perceived as: giving information about the sentence or order they received, giving information about the Probation Service, and in enabling messages to be sent to their family or friends:

'It let me know what the Probation Service was about and how serious the offence was and that I might have gone into prison.'

Three offenders recognised that although they had not found the interview useful, it would have been useful had they needed help or information. Thus, a wide variety of uses of the post sentence interview were apparent. Clearly the needs for information and help vary tremendously between offenders.

Seven offenders did not find the post sentence interview useful, seeing it as just a 'formality', giving information they already knew from their report writers or advocates. All seven have appeared in court before and all but two received custodial sentences, suggesting the tendency for more serious and experienced offenders to perceive the interview more negatively than less serious or less experienced offenders.

One offender said that the interview took place too soon after he received a custodial sentence for it to be of any use to him:

'If it hadn't been immediately after I'd been sentenced it would have been helpful.'

Perceptions of the Probation Service rationale for carrying out post-sentence interviews revealed much the same categories as the uses made by offenders of the post-sentence interview. These were: giving information about the sentences or order, giving appointments, contacting friends or relatives, and sorting out problems should they have them.

Only one offender said that he had no idea what the post sentence interview he received was for; he was not a first offender and he received a custodial sentence.

In only two of the six cases where the offender had family or friends with them at court did the Probation Officer talk directly to them. Both were to explain to them the consequences of the sentence the offender had received.

Only two of the seventeen offenders had questions that they did not ask during this interview. Both concerned the place they would serve their custodial sentence:

'I wanted to know what it would be like, I didn't know what to expect.'

To summarise, most of the contact between offenders and probation officers at court after sentence primarily concerned the sentence received and the consequences of it for the offender and their family. As before, some offenders found this contact useful and others did not. These tended not to be characterised by any particular factors, thus, making it difficult to predict those who are likely to find such a contact useful and those who are not.

The Role of the Probation Service in the Courts

Perceptions of the work done by the Probation Service in court fell into five areas. The most common of these were three categories relating to administrative tasks: gathering information from offenders and from the court, giving appointments following the receipt of a particular sentence and giving information and details about the particular sentence they had received:

'For getting information and to let you know what the sentences entail and what the consequences are of not turning up.'

The fourth was writing report for courts:

'To deal with reports. They get to know people better than the courts do.'

Finally, providing help and support to offenders and to their families was specified.

Three offenders were unable to say what they thought the role of the Probation Service was in court, as they had no experience of contact with them at court. Surprisingly, only one of the three was a first offender:

'It's the probation officers outside court that are helpful not the ones in court. They haven't really done anything for me. I wasn't really too sure that there was a probation officer at the court.'

Issues concerning the visibility, perceived need for contact and the opportunities presented to answer queries were raised throughout this research. At least eleven of those having some contact with the Probation Service in court knew who the court officer was only after they had

been sentenced and were approached by them. Also, the legal representative was identified as a source of information by some offenders and thus, contact with a probation officer in court was seen to be unnecessary. The report writer was also seen as a source of information, which meant that seeing a probation officer in court was unnecessary.

Three offenders had questions which went unanswered throughout the court process. Two concerned the nature and location of the prison they were to be sent to and a third concerned a dispute about the value of some goods involved in his offences.

Levels of satisfaction with the work done by probation officers in court was investigated, using a scale of one to five, (where one was very dissatisfied, two, dissatisfied, three, neutral, four, satisfied and five, very satisfied). Two problems with this exercise arose. First, some offenders were unable to separate their satisfaction with the help provided at court from their satisfaction with the SER. Three offenders, on the basis of the report prepared for the report, gave scores of 5, 4 and 5.

Secondly, and perhaps not surprisingly when previous responses are taken into consideration, seven offenders felt that probation officers at court do not provide help to them, hence answering this question positively was a problem for them:

'I don't think they provide help at court. It's after court that they help you.'

Consequently, two of the five offenders gave a score of 3, neutral, and three others were not able to allocate a score.

Of the twelve who responded according to the help provided at court, one rated it 2, dissatisfied, five with a 3, neutral, five with a 4, satisfied, and one with a five. The average score for this group is 3.5, lying between neutral and satisfied on the five point scale.

As a result of the small numbers and of the confusion over the meaning of the question, what conclusions can be drawn from these findings is not clear. However, this question has been successful in raising the issue of what help is perceived to be provided at court; the experience of some is that it is not help that is provided but it is information that is elicited from them by probation officers to help in the preparation of reports. In contrast, the help provided by report writers and by field probation officers was acknowledged.

When asked what additional help could be made available at court, almost half of the sample said that they needed no other help; most issues or problems had been sorted out before the court stage. One offender took the view that probation officers are only there to help those with personal problems, and so he had no need to see one. Another felt he did not need any help because of the short nature of the custodial sentence he received.

Of more interest are the suggestions for changes. Five offenders suggested that they would have found it helpful to talk to a probation officer at court before they were sentenced, to reassure and comfort people and to give them information about what is likely to happen in court:

'They could reassure people more before they went into court. Reassure them, not saying they'll get off with it but reassure them that they're there. That will help a bit.'

'They should let us know what to expect.'

Similarly, three offenders said that both they and the court would have found it helpful if the report writer had been present when they were sentenced, as moral support and in support of the recommendation made for sentence in the SER:

'It would be good if the actual probation officer writing the report could be at court so that if there were any queries they could answer them.'

Three offenders suggested there should be improvements in the information given to them by probation officers of what was likely to happen in court, in particular, their 'chances of going inside'. Finally, one offender argued for more time to read and digest the contents of the SER, seeing it before their day of sentence and not just before going into court.

Six offenders said that they had no additional comments to make about the service provided in the courts by probation officers. Of the remaining twenty three, many of the issues previously identified were re-emphasized. For example, six spoke of their lack of contact with probation officers at court before they were sentenced and suggested they would have liked to have been aware of this at an earlier stage:

'I only saw someone after I was found guilty. It would have been helpful to know what to expect before that.'

One offender suggested that report writers should address the court directly about the report and two criticised the lack of help and information provided about their services in courts.

In addition, and on a more positive note, one offender commented on the weight held by the views of probation officers in the courts, and another of the value of probation reports in court, as opposed to Probation Service presence in courts. Also, two offenders also recognised that court duty officers work hard in court and do their work well.

Implications for Probation Practice

These findings provide some indication of the areas of court probation practice valued most highly, or seen as appropriate by the offenders interviewed.

Taking the process as a whole:

- i) 75% of those having no contact with the Probation Service at court believed they had no need for such contact, and 100% said they had nothing to ask of a probation officer at any stage throughout their court appearance. This suggests a largely accurate targeting of resources away from those who say they would not benefit from such a contact.

Pre-Sentence Contact at Court

- i) Contacts made with offenders before the day they were sentenced were valued for providing explanations about the forthcoming process of sentencing.
- ii) Contacts made with offenders on the day they were sentenced and before their court appearance, were highly valued. Particularly where the contact was made by the author of the SER.
- iii) Offenders appearing for sentence valued having the presence and identity of probation officers in court made known to them.

Social Enquiry Reports

- i) The opportunity to see report writer and go through the report was valued, both in seeing the report and in providing comfort and support.

Post Sentence Contact

- i) The value of the post-sentence interview was defined in terms of providing both information and help according to need.

- ii) Opportunities to ask questions about their sentence were appreciated, even where they had no questions to ask.

Despite the high value placed upon these areas by some offenders, this research has shown that in many cases only a minority have had this level of service made available to them. Should an improvement in the services provided to offenders in the courts be desirable, a concentration of resources on these areas would serve as a useful starting point.

More critical factors about existing probation practice were also identified.

Considering the process as a whole:

- i) A need for a clearer introduction of probation officers to offenders has been identified. Not all offenders could recall the title of the person they had contact with; many could only *assume* it had been a probation officer.
- ii) A need has been identified for wider availability of information about the presence of the Probation Service in court, and how and where to contact them.
- iii) More information needs to be made available about the work undertaken by probation officers in courts and the services offered by them in courts.
- iv) Probation Service tasks most often mentioned related to gathering or giving information. Less often identified, yet more highly valued, was contact for the purpose of meeting the needs of the offender. This would suggest that a change in emphasis is required to reflect national policy guidelines of advising, assisting and befriending offenders in court.

Pre-Sentence Contact

- i) The value of interviews for offenders was sometimes unclear. In particular, interviews taking place before the day of sentence were perceived more as help for the Probation Service in collecting information from them for the report, than as help for themselves.
- ii) Some offenders recognise that they may have found it helpful to have spoken to a probation officer at court before they were sentenced.
- iii) Many offenders do not know if a probation officer is in the court room when they are sentenced. For most, the recognition that this is the case, occurs after they have been sentenced. Thus, probation officers need to be more visible and easily identifiable in courts, and more accessible to offenders wanting to see them.

Social Enquiry Reports

- i) Not all offenders saw their reports before going into court.
- ii) Reports were more likely to be seen by offenders at court on their day of sentence, as opposed to seeing it before this day, which some would have preferred, and they were more likely to be shown to them by their legal representative than by a probation officer.
- iii) The presence of report writers in court during sentencing was lacking in all cases. A number of offenders would have liked their report writer in court when they were sentenced.

Post-Sentence Contact

- i) Guidelines concerning post-sentence contact with offenders receiving community services orders and custodial sentences are not consistently followed.
- ii) Although most offenders did not ask any questions during their interviews with probation officers at court, some did have questions to ask but were given no opportunity to do so.
- iii) For at least one offender who received a custodial sentence, the time between being sentenced and his post sentence interview was too short. He was not given time to adjust to the prospect of receiving a custodial sentence and was unable to think rationally about asking the probation officer for information.

Conclusion

Clearly the findings of this research do have some implications for Probation Service practice in providing services to offenders in the courts. However, before one can define exactly what these are, there is a need to define, from a Service perspective, what the role of court duty officers is. This is particularly important given the lack of clarity in national and local policy guidelines. For example, should the judiciary be identified as the primary consumer of the Probation Service in the courts, their duties may be quite different to those defined if offenders are identified as their primary consumers. For this reason, some suggestions for changes may not be appropriate in the light of a role reappraisal.

There are, I would argue, three main findings of this research. The first and second relate to the availability of services to offenders, and the third to the quality of service provision. Firstly, given the requirement placed upon Probation Services to 'advise, assist and befriend', this

appears in practice, to be restricted to those who the Probation Service have to contact as a result of a request for a probation report or a sentence given requiring Probation Service involvement. Rather than making their services available to all according to need, they are somewhat restricted, responding not to the demand of offenders but to the need for the Probation Service to act or to obtain information.

Secondly, availability is restricted by a lack of awareness of the presence of probation officers in the court, particularly although not exclusively, among those being sentenced without SERs. Even where Probation Service presence is known, being unable to identify who the officers are, where they are located, and the nature of the services they offer to offenders is apparent. The scope for improvement in the level and quality of contact and communication with offenders in the courts is clear.

Finally, inconsistent practice is clearly experienced by offenders. A re-examination of the role and responsibilities of court duty officers and implementation of new policy guidelines across the Area would begin to address this problem.

In conclusion, in line with the Citizen's Charter initiative, an improvement in the information made available to offenders and a statement of the availability, duties and responsibilities of the Probation Service in court should be encouraged.

NOTES

- 1) I would like to acknowledge the cooperation, interest and support I received from Bedfordshire Probation Officers throughout the course of this research.
- 2) A full report of the project and its main findings is available on request.
- 3) While this report is an accurate reflection of the perceptions held by the offenders interviewed, it is not necessarily an accurate representation of what *actually* happened on the occasions recalled. The degree to which an offender's recall of events which took place is accurate, is unknown. Where contacts took place on the day they were sentenced, those receiving non-custodial sentences were interviewed within fifteen minutes of their sentencing hearing. Thus, recall of the days events is unlikely to have been a problem for them. Interviews with those in prison took place up to five days after they were sentenced, thus, recall of events may be more of a problem. Where contact took place at court before their day of sentencing, the gap between this contact and the research interview was generally between three and four weeks. Given this timescale, the accuracy of their recall of events is likely to be more of a problem.

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