

A person is walking away from the camera on a path through a forest. The trees have autumn-colored leaves in shades of yellow, orange, and brown. The path is covered with fallen leaves. The lighting is soft, suggesting an overcast day or late afternoon. The person is in silhouette, wearing a dark jacket and pants.

Histories of Probation in Ireland: A Theoretical Analysis

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and Criminal Justice

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History of Probation – Overview of the Literature

- Critical historical accounts of probation largely focus on experiences emerging from the jurisdictions of England and Wales and Scotland:
 - Vanstone 2004, 2008; Raynor and Vanstone, 2002; Gard, 2007; McNeill, 2010; Carr and Maruna, 2012; Mawby and Worrall, 2013.
- Core approaches include:
 - **Critical, thematic analyses:** e.g. using shifting policy narratives – managerial, punitive, rehabilitative, reparative – to explain changes to probation practice over time (McNeil and Robinson, 2016. See also Mair and Burke, 2011; Healy 2015)
 - **Documentary analyses:** e.g. the evolution of probation theory and practice through analysis of historical materials against a wider political, social and scientific context (Vanstone, 2004, 2008)
 - **Qualitative analyses:** empirical studies on probation stakeholder experiences in Northern Ireland (Fulton and Parkhill, 2009; Carr and Maruna 2012), Scotland (McNeil, 2010) and Ireland (Healy and Kennefick, 2019)

History of Probation – Overview of the Literature

- Core approaches in Ireland include:
 - General historical accounts of the Irish Probation Service: e.g. McNally's 2007 and 2009 studies.
 - Contemporary user experiences: e.g. Healy, 2012
 - Occupational identities from a historical experience (Healy and Kennefick, 2019)
 - Probation Service and the penal voluntary sector (Swirak, 2018; Healy and Kennefick, forthcoming)
- The orthodox account of the history of the Service tends to assume or reflect a clear, penal welfarist narrative underlying probation practice.

Research Design

Phase I: Oral histories –
probation officers and
administrators

Phase II: Oral histories –
probation clients

Phase III: Socio-political, legal
and historical contexts

Probation Histories – The Value of an Oral History Methodology

- “History of Probation” vs “Probation Histories”
- Constructing history from primary sources (Perks, 1998; Perks and Thomson, 2015).
- Preservation of historical evidence that would otherwise remain undocumented.
- Humanises the Probation Service as an organic entity.



Phase II - Study Sample

- Semi-structured oral history interviews were conducted with 25 male participants who experienced probation from 1980s to present day.
- 9 participants recruited with help from the Probation Service, 7 from voluntary organisations, 7 from community organisations funded by the Probation Service, and 2 from advertisements.
- All had experienced supervision in Dublin, 2 in Limerick and 1 in England.
- Guiding themes included: pathways to probation; typical day as a probationer; helpful aspects; least helpful aspects; positive and negative experiences, and perception of supervision over time. Vignettes were also employed to assess supervision experience.
- Interviews were recorded and transcripts were analysed using MAXQDA, qualitative data analysis software.
- Inductive thematic analysis (Clarke et al., 2015) was used to explore hidden and overt meanings in the data.



Probation Practice Philosophies 1980s-2010s

Penal welfarism

- Awareness of social context of crime
- Welfare state responsible for addressing social problems
- Rehabilitation as a central organising principle
- Emphasis on treatment over punishment/imprisonment
- Interventions led by professional penal experts with specialisation
- Wide scope for discretion in decision-making

- (Garland, 2001)

Penal narratives of the 1980s

- **Penal welfarism**

- ‘The Probation and Welfare Service’, yet rehabilitation was an ‘unaffordable luxury’ (Rogan 2012; Healy, 2015)
- Developments are best characterised as ‘pragmatic adaptations’ to the crises rather than attempts to advance a rehabilitative agenda (Brangan, 21)

- **Reparation / pragmatism**

- Emphasis on alternatives to custody to ease overcrowding (Whitaker Report, 1985)
- Introduction of Community Service Order 1983

Client voices from the 1980s

- **Advise** – rehabilitative properties through advancement of therapeutic aims / aim to enhance accountability meant that clients were sometimes guarded
- **Assist** – practical help / therapeutic help / help as coercion / lack of skills to meet needs of client
- **Befriend** - going above and beyond for a client / collaborative and active participation / importance of communication
- **Punitiveness** – mixed accounts of severity
- **Misrecognition / labelling** – accounts of judgement and feeling misunderstood

Penal narratives of the 1990s

- **Penal populism**

- Perception of those who offend as dangerous, chaotic and difficult to rehabilitate (Brangan, 2021)
- Rehabilitative sentiment framed as being 'soft on crime' (Rogan, 2012)

- **Punitiveness**

- 'Law and order' rhetoric of Fianna Fáil election campaign in 1997

- **Rehabilitation**

- Reframed as a mechanism for reducing reoffending, rather than its traditional goal of assisting marginalised individuals (Rogan, 2012)
- Focus on addressing welfare needs remained in probation practice (Expert Group, 1999)
- Penal voluntary sector continued to play a central role in policymaking during the period (Swirak, 2018)

Client voices from the 1990s

- **Advise** – awareness of social context / understanding / evidence of therapeutic skill development / gentle yet assertive
- **Assist** – treatment / counselling / exceeding expectations / creativity
- **Befriend** – familiarity, warmth and reciprocity
- **Authoritarianism** – aggression / breach threats
- **Lack of respect** – kept waiting / looked down on
- **Bureaucratic / defensive** – ‘purely bureaucratic’ relationship / ‘going through the motions’ / ‘a “cover your posterior” attitude’

Penal narratives from the 2000s and 2010s

- **Managerialism / austerity narrative**

- Efficiency, effectiveness, planning, governance, value for money (Strategy Statement, 2008)

- **Penal welfarism and social work**

- Strong rehabilitative and welfarist sentiments endure among practitioners
- Renamed 'The Probation Service' (2006)
- Introduction of social work qualification requirement

- **New rehabilitation**

- Focus on accountability and personal responsibility and the prioritisation of victims' needs (e.g. Probation Service AR, 2012)
- 'client' to 'offender' to 'person who offends'

- **Reparation**

- Restorative Justice and Victim Services Unit, 2018
- Family conferences, offender reparation panels and mediation services.

- **Desistance**

- Irish Offender Supervision Framework (Durnescu et al., 2020)

Client voices from the 2000s and 2010s

- **Managerialism** – the sense of being on a ‘conveyor belt’ / authoritarian style of communication / less time / more bureaucracy
- **Advise, assist ... befriend?** – evidence of less trust / professional distance
- **Collaboration / informal attitude** – working on reports together / groupwork / more autonomy / client-centred approach
- **Misrecognition / labelling** – judgement / feeling side-lined
- **Harm** – accounts of feeling stressed

Shifting narratives

They tried to do their best for you. [...] Now the one that stood by me, [NAME], **she stood by me through thick and thin, through everything and I was even asked to go to her retirement party**, that's how well I got on with her because I done her house up and minded her husband [...] he didn't judge me. **[PC15, 1970s/80S]**

... and I had a kind of situation where I got one lady who was there a while and then she went on maternity leave so then I got someone else who'd also been there a while but then he took over from her and then he left...then I got another one who I'd been with a while and we'd done a lot of work together and everything seemed to be going good and then he, my report was due for the Parole Board and he left 6 weeks before but I was saying, the parole was like in 4 weeks he wasn't going for 6 so I said **we'd worked together for years so I was like you can still do the report and he was like ah no we're going to hand over and I was thinking not very fair I have to work with someone else.** **[PC5, 2000s]**



Experiences

Helping

Getting you on your feet at first, bit of structure, follow a bit of discipline, a bit of you know without saying that to them you know but this is what they're doing without them even knowing it. [...] it's a foundation and then when it's time to move on you know there'll be a plan put in place for it, continue doing what you're doing you know. **They're not going to save yez but they're going to lead you in the right direction. [PC2, 2010s]**

Helping

I felt that somebody was actually listening to me, that I could talk about stuff that was very important for me that I never spoke about before and I could speak and you know not fear it going anywhere else you know and with [PO], the probation, I've worked with her I've had that especially with [PO] I've had that you know, every aspect of my life was opened with [PO] you know. **I remember saying one day, I said there was only two people in the world who know me, my wife and [PO].**

[PC18, 1990s]

Hurting

- Probation officers think they're guards and fucking have the power to send you to prison if they want like they can easily write a bad report and you'll get locked up so I was like well we're not getting on so what's the point in getting a report. I'll go back to prison meself. [...] I know that's part of their job, I understand that part but when you have your appointments, you're going to your appointments, what did you do with your week, well it's none of your business really. I'm here because I have an appointment. **I've done whatever you asked me to do, I've done. If [they] want to know everything and then you don't tell them or they threaten you with the courts. [PC11, 1990s]**

Hurting

Just really the old woman [PO], that's it. She was negative, you know what I mean. She was labelling me. Like my ma was with me and all so she was making my ma fight with me and all. Where me ma wouldn't really be like that. **So she was making people act different around her. So that was negative. She changed, she changed me ma's perspective to who her son is.** Said like 'He's out robbing cars, you don't have control over him, this that and the other,' you know what I mean. I don't have family so there was no point fighting for family all them years. **[PC24, 2010s]**

Holding

The most helpful for me personally was just keeping out of trouble, having a structure, having a plan so Monday-Friday [...] I'd have to be here so that was definitely most helpful because **it was good structure, it was a good opportunity to see how, I hate to say normal, but how normal working people was living** and how much more calmer and better it was than the life that I was living previous to that. So that would have been the most helpful, just as a bit of an eye opener. [...] And it wasn't too overwhelming, like 2 hours isn't a lot just to come in and see what they had to offer. **[PC17, 2010s]**

Holding

Like they keep making it clear look **we're not here to put you back into prison [...] we're here to try and get you out, stay out** and manage your sentence so that's good they kind of say that from...[...] so kind of reassured from the start but yeah as I say I haven't had much experience working with probation outside, it's all been inside so yeah I think it will be alright.

Q: And probably would you prefer to have that support outside?

To be honest no. [...] I'd rather forget about jail completely and move on. Now I have no choice to be... [PC5, 2000s]

Hands-off

It didn't have any restrictions for me. It didn't, you got probation and you seen it as a victory, didn't go to prison, you got out of it. I'll go in and I'll tick the boxes. The probation officer tells me to turn up at 2 o'clock, I'll be there at ten to 2, you know what I mean. The probation officer asks me a question or wants me to do this, yes sir, no sir, 3 bags full sir. **Play the game, you know play the system like and that's what I done so it didn't impact on me. It certainly didn't stop me committing other crimes. [PC16, 1980s cohort]**

Hands off

So what's the difference if I'm clean or not cause **I was going to her for weeks and weeks and weeks clean and she didn't really do anything for me...[...]** and then I go in dirty and she doesn't really do anything for me so...[...] It's just a formality. She has an appointment with me today, it's just to see how you're getting on and off you go. **[PC10, 2010s]**

Experiences are fluid and dynamic

Back then, you know yourself, you're 15, you think you know it all. I just thought she was a nosy. They were out to get you, they didn't like you, they didn't like your family, your company, the world is against me, that type of attitude when you're young you know? I suppose I would have thought she was very intrusive. [...] **I just thought they were intrusive, back then, but looking at it now, they probably weren't. They were probably just doing their job,** I don't know, you know. **[PC23, 2010s]**

Experiences are subjective

She [probation officer] was very good. **She called out to the house, got to know the family** and became a friend of the family. **[PC1, 1980s cohort]**

It's kind of like, okay, **the government is coming to me house** to see if I am okay or is everything okay in the house, like you know, and I remember my Da wasn't working and he got offside [as a result of the visit]. **[PC06, 1980s cohort]**

Experiences are relational

He came down to me and he was saying I heard you're starting the open university and you have to do essays and all that kind of stuff he says, I'll give you a bit of [help]. I don't want any fucking help off you and back then **you didn't want anything to do with probation but eventually kept coming down to me and I was after getting this stuff and I couldn't understand it you know** so he sat down with me and and went through this essay that I had to write. **[PC8, 1980s]**

Experiences are shaped by context

It's hard to describe when you're young and you don't know what you're going into and up to that point my experience of for the want of a better term institutions wasn't healthy. [...] The education system, the church and An Garda Siochana so to me the **probation was just another cog in that wheel like you know. So** a bit apprehensive I suppose as probation officers do picked up on that as hostility. **[PC16, 1980s]**

Conclusion

- Continuity and change are both evident across the decades
- Attending to the distance between official narratives and client experiences guards against making assumptions
- McNeill's (2009) framework is useful for understanding probation experiences in Ireland
- Experiences are subjective, relational and shaped by the wider context
- Powerful emotions can be elicited by the probation experience