LECTURE MANUAL ON

NON-CUSTODIAL MEASURES FOR THE NIGERIAN CORRECTIONAL SERVICE

Vol. 1

Clement Okech

Uju Agomoh PhD.

Vivian Gierian

Honest Offor

INTRODUCTION

The Administration of Justice Act 2015) provides for courts to apply non-custodial measures as part of the sanctions that can be meted out to defendants. Similarly, the Nigerian Correctional Service Act (2019) makes provisions for the Controller General of the Nigerian correctional service to implement specific provision of alternatives to imprisonment. These include the administration of probation, community service, parole and restorative justice. Part of the resources required to fulfil this mandate is a competent staff that can effectively deliver to the expectations of the criminal justice system.

The development of this guide was informed by the curriculum for training of non-custodial staff of the NCoS, the applicable law and the other international instruments. Given that training of non-custodial officers and other noncustodial staff demands mastery of criminological principles and Community correction practices, this document has ingrained pertinent practices skills that are deemed useful to the learner. Similarly, the document is structured along the facilitator's manual for ease of management and flow.

Aim and Purpose of the course

The aim of this course is to build the capacity of non-custodial officers of the Nigerian correctional Service on community corrections sanctions. The purpose of the course is to standardize and harmonise the application of supervised alternatives to imprisonment. In doing so, it is expected that alternative sanctions administered by the Nigerian Correctional Service in collaboration with other justice system agencies and non-state actors will be applied uniformly and in accordance with the curriculum on noncustodial measures.

The lecture manual has been developed with the purpose of:

a) Helping the trainee to better comprehend the training delivery as intended by the curriculum
b) Informing participants of the specific expected learning outcomes
c) Equipping the trainees with rich content and activities relevant for each course module
d) Supporting the trainee by using the guide as a source of basic minimum reference relevant to the course
e) Guiding the trainee to follow the facilitator's instructions systematically during the sessions

GENERAL REGULATIONS

Implementing Body/Agency

This course will be mounted by the Nigerian Correctional Service in collaboration with the Judiciary, the Federal State Authorities and other external consultants where necessary.

Targeted Participants

Part of the course will be for those joining the NCS as recruits. Part two will be an intermediary course for those joining at officer senior officers' level upon completion of the requisite academic programme and part three will be advance programme for senior officers

Course duration

The training will form just one part of the overall training required of a non-custodial officer aside from those which NCoS may require all of its staff to undergo.

Course Assessment

Aside from the exercises and assignments in the manual, the NCoS which is the authority implementing this course, will be required to develop course assessment methods. These methods may include: i) written examinations, ii) Group assignments and iii) field work/practicum assignments.

Course Participation and Certification

The trainee will be expected to attend all sessions of the course covering all units (100% attendance) and fully participate in the training activities. An appropriate accredited certificate of will be issued to the participant who has shown merit, commitment and met the attendance requirements.

COURSE DESCRIPTION AND DELIVERY

Course delivery

This manual is divided into three parts (forming the Units) in accordance with the non-custodial curriculum. Each part is intended to be delivered through modules with specific expected learning outcomes, key technical content, scenarios, and activities instructions. The various categories of participants will use this manual throughout the training although in some areas, the facilitator will require the participant not to make reference to their manuals in order to attend an interactive trainer presentation. In other sessions, participants will have their manuals open in order to read content or follow activity instructions. Participants should take their manuals home after the end of the training so they can be used as reference.

The course will be delivered through various methods of face to face interaction including lecture, discussions, question and answers, experiential learning, group work, role play, simulations, video clips, case studies, among others.

There are names which deliberately have been used interchangeably although they may have different meanings in other contexts. With reference to defendants, this guide interchangeably uses offender, client and defendant. Similarly, the non-custodial officer and non-custodial officer have been used to refer to the one and the same person. This has been influenced by the two mandates governing noncustodial sanctions in Nigeria[1].

COURSE MODULES

PART 1: FOUNDATION TRAINING FOR NON CUSTODIAL OFFICERS (RECRUITS)

Course Summary and Time Allocation

Module No.	Module Name
1	Functions of the Criminal Justice System and the Correctional Service
2	Legal Framework
3	Criminology and Introduction to Community Corrections
4	Introduction to Community correction
5	Effective Supervision
6	Introduction to Risks and Needs Assessments
7	Communication and interpersonal skills
8	Report Writing
9	Ethics and Community Corrections
10	Introduction Human Rights
11	Intelligence, Information gathering and Security
12	Working in a multidisciplinary team

[1] Administration of justice Act (2015) and Nigerian Correctional Service Act (2019)

13	Fieldwork and Reflective Practice
Total	

PART 2 – INTERMEDIATE TRAINING (NON-CUSTODIAL OFFICERS)

Module No.	Module Name
1	Introductory Psychology and Criminal Conduct
2	Introduction to Community work and rehabilitation
3	Contemporary Perspectives in Community Corrections
4	Restorative Justice
5	Supervision
6	Parole and Reintegration
7	Communication and relation building
8	Human Rights (2)
9	Stress Management
10	Staff Safety and the Management of Actual or Potential Aggression
11	Fieldwork and Reflective Practice
Total	

PART 3 – ADVANCED TRAINING FOR NON-CUSTODIAL OFFICERS

Module No.	Module Name
1	Crime and Society
2	Criminal Justice System and Non-Custodial Sentencing
3	Comparative Community Corrections
4	Public Safety

5	Human Rights (3)
6	Equality and Diversity
7	Vulnerable Offenders
8	Fieldwork and Reflective Practice
Total	

PART 1:

FOUNDATION TRAINING FOR NON CUSTODIAL OFFICERS (RECRUITS)

UNIT 1:

PURPOSE OF CORRECTIONAL SERVICE AND LEGAL FRAMEWORK

MODULE 1. FUNCTIONS OF THE CRIMINAL JUSTICE SYSTEM AND THE CORRECTIONAL SERVICE

Introduction

The module also looks at correctional service and its connection with the criminal system. In doing so, it provides you with the basic foundation on the working of the justice systems and the role of the agencies mandated thereof including the Nigerian Correctional Service.

Expected Learning Outcomes

By the end of this module, you should be able to:

1. Define the basic concepts in criminal justice
2. Outline the principles underpinning the justice system
3. Describe the process and roles of each criminal justice agency
4. Illustrate noncustodial functions within the Criminal justice system

Activity 1: 5 Minutes
Discuss in plenary the current crime trends in Nigeria. Think about crime complexities, extent of penal population and possible methods of depopulating the correctional facilities.

Understanding Crime and Criminal justice

This introduction gives you a snapshot on the incidence of crime and its connectedness with human civilization including how the society has over the years dealt with the crime phenomenon. The key point is that the criminal justice system is designed to protect potential victims of crime and that the justice agencies share a common goal which is crime reduction.

Activity 2: 5 minutes
Write down your conceived definition of the following terms
Crime, criminal law justice, victim, correctional officer, noncustodial officer, criminal justice system*,*
Write down the answers given by the facilitator and compare your thoughts with that of the facilitator. Ask any other related term that you may wish to know.

NOTE: Criminal Justice System is an organized collection of agencies responsible for protecting the public, maintaining order, enforcing the law, identifying transgressors, bringing the guilty to justice, and treating criminal behaviour[2]. It is a system comprising law enforcement, adjudication, and correction that is directly involved in the arrest, prosecution, and custody and rehabilitation of those charged with criminal offences. It is constituted as a body of state organs concerned with the administration of criminal law providing a continuum of services and although operating distinct from each other, form part of coordinated structure with common shared goal**.**

[2] Larry J. Siegel and John L. Worrall (2016): Introduction to Criminal Justice,

Activity 3: 10 minutes -10 Points about criminal justice
Prepare to watch this video on 10 Points about criminal justice. write down the 10 points https://www.youtube.com/watch?v=X2mXyzxs0uE
The intention is to give you a broader perspective on what the criminal justice system aims to achieve.

Note:

- Criminal justice system is a modern social control tool that sanctions criminal behaviour by incarcerating those deemed dangerous to live within the community and providing opportunity for some less serious ones to serve their sentences in the community.
- The criminal justice agencies seek to avert or lessen criminal misconduct by apprehending, prosecuting, adjudicating, and sanctioning those found culpable.
- The criminal justice system has the authority to control crime and sanction illegal behaviour through the arm of the criminal law

Values and Principles of criminal justice system

The principles of criminal justice are intertwined with those of criminal law. In essence they have their derivatives of criminal law and human rights principles. There are two broad values of the criminal justice system, the (1) professed value and the (2) underlying values[3]

Professed values include:

a) Equal justice before the law
b) All are equal before the law regardless of status
c) Fair treatment according to the rule of law
d) Government's obligation to prove guilt without the accused corporation with the prosecution

Underlying values Examples include efficiency and expeditious disposal of cases, limited government intrusion into a defendant's life or even the right of the society overriding that of an individual.

Key Criminal justice **principles**

a) Presumption of innocence.
b) Equality before the law.
c) Fair trial within the Due Process

[3] Dammer, H. and Fairchild, E (2006), comparative criminal justice system

d) Right to Liberty
e) Balancing the right of accused, and & the interest of justice
f) Consideration of rights of victims and protection of the public[4]

Activity 4. 5 Minutes

What are the three main components of the criminal justice system? The first component has already been identified for you.

1. *Law enforcement*
2. ----------
3. ----------

Criminal Justice Process and the Roles of agencies

Criminal Justice may be divided into three main components:

a) Law enforcement agencies (police) which investigate crimes and apprehend suspects
b) The court system, (judiciary and prosecution) which charges, indicts, tries, and sentence offenders and
c) The correctional system, (custodial and non-custodial) which supports the court system, supervises, rehabilitates offenders in the community and in custody[5]

The process in the justice chain is intended to be seamless. The systems theory[6]is better conceived to explain the intended cohesion, interrelatedness and purpose. *See chart*.

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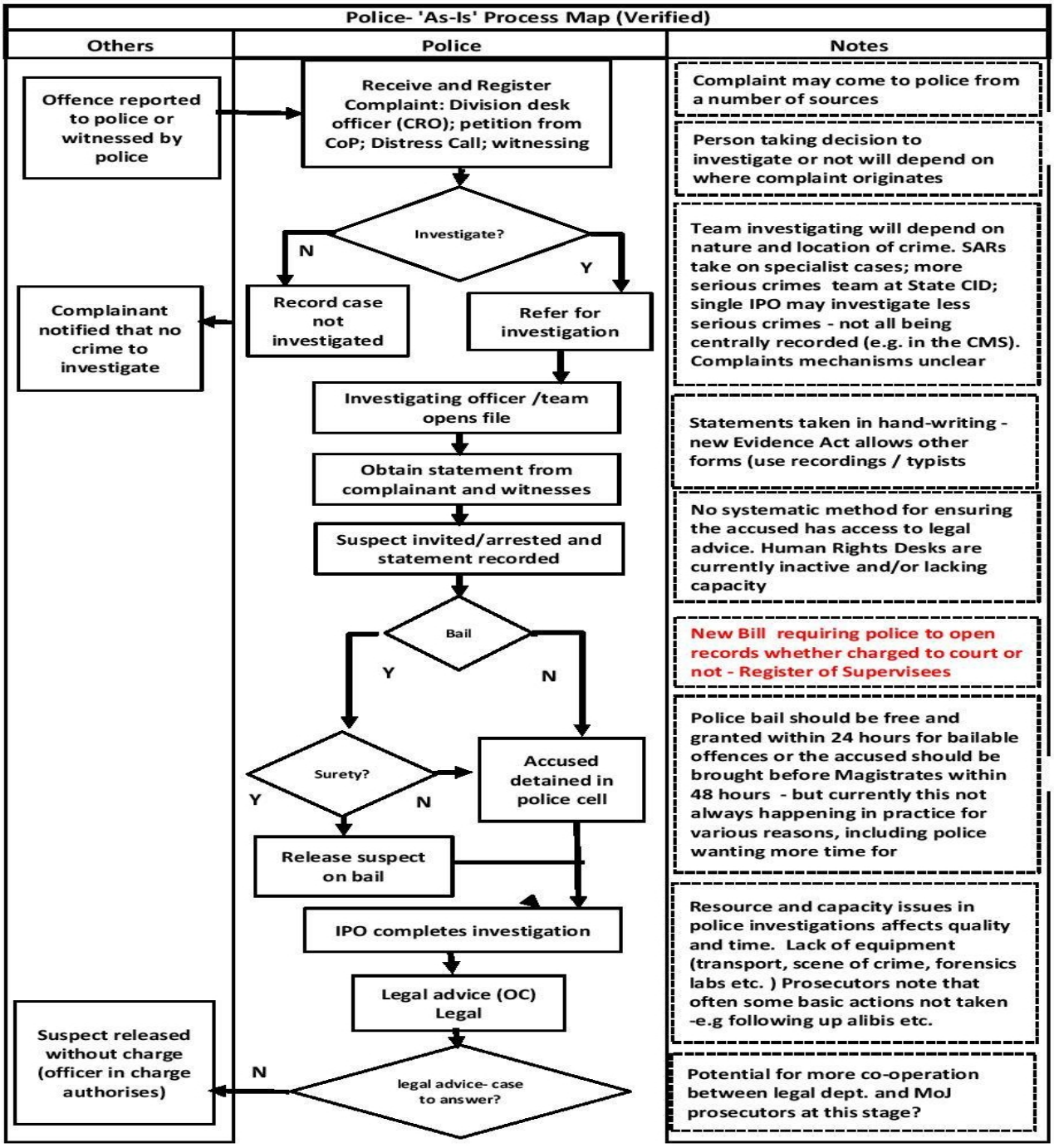
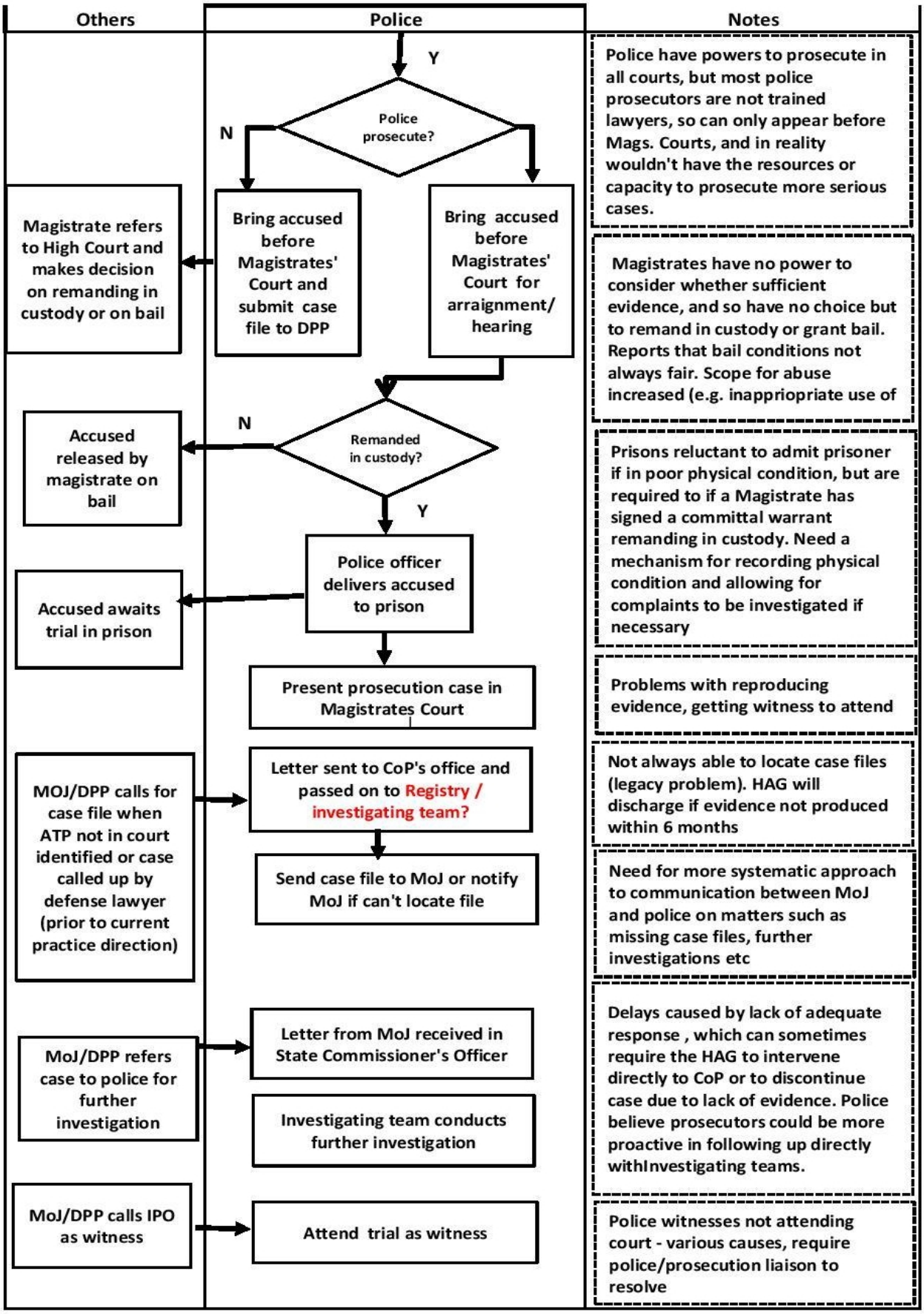
[4] Depending on the jurisdictions, these principles not only form the tenets of law but may be more than has been listed here. This will also depend on the component of the criminal justice process i.e. apprehension stage, bail, trial of sentence execution.

[5] Seigel and Worral (2016)

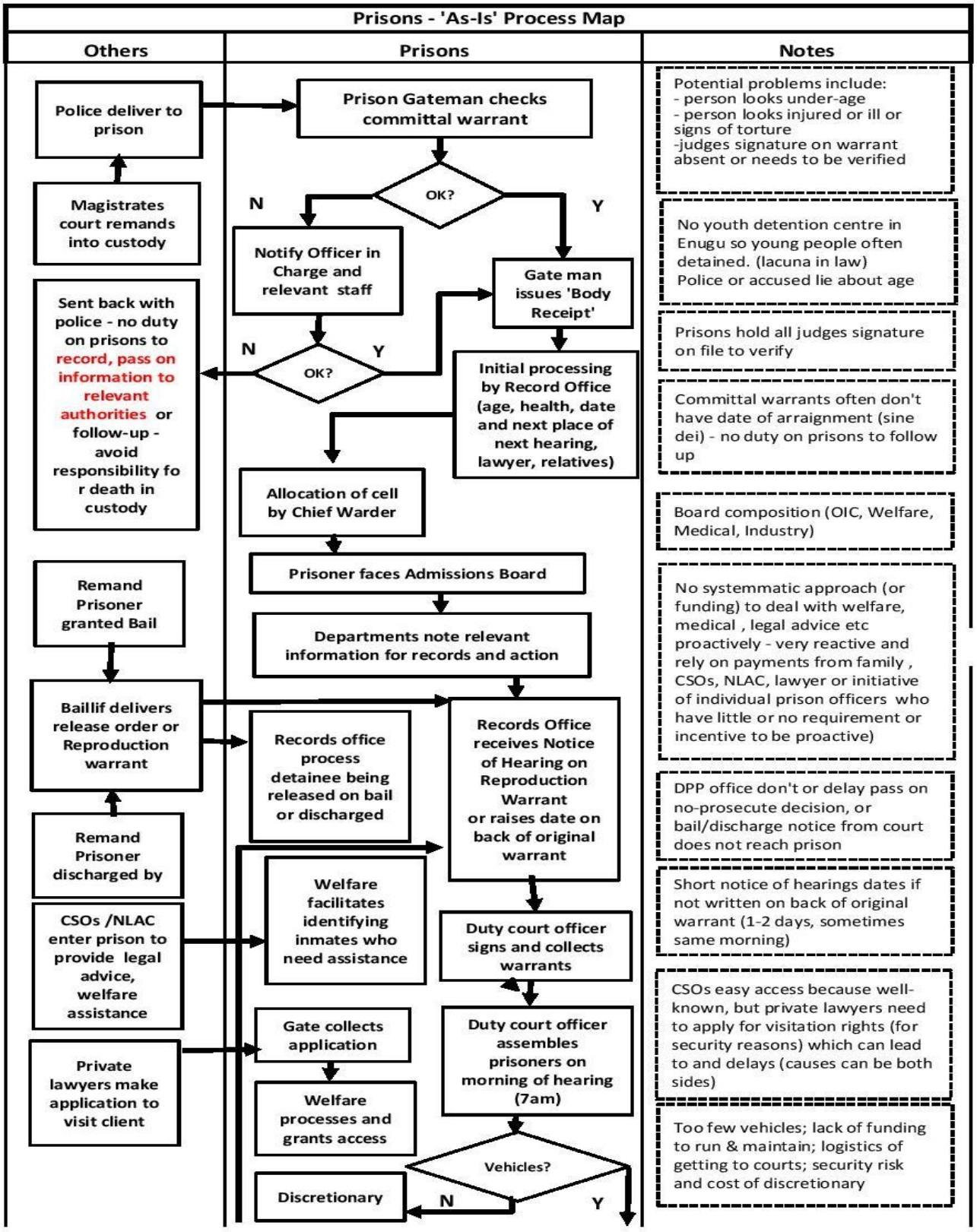
[6]



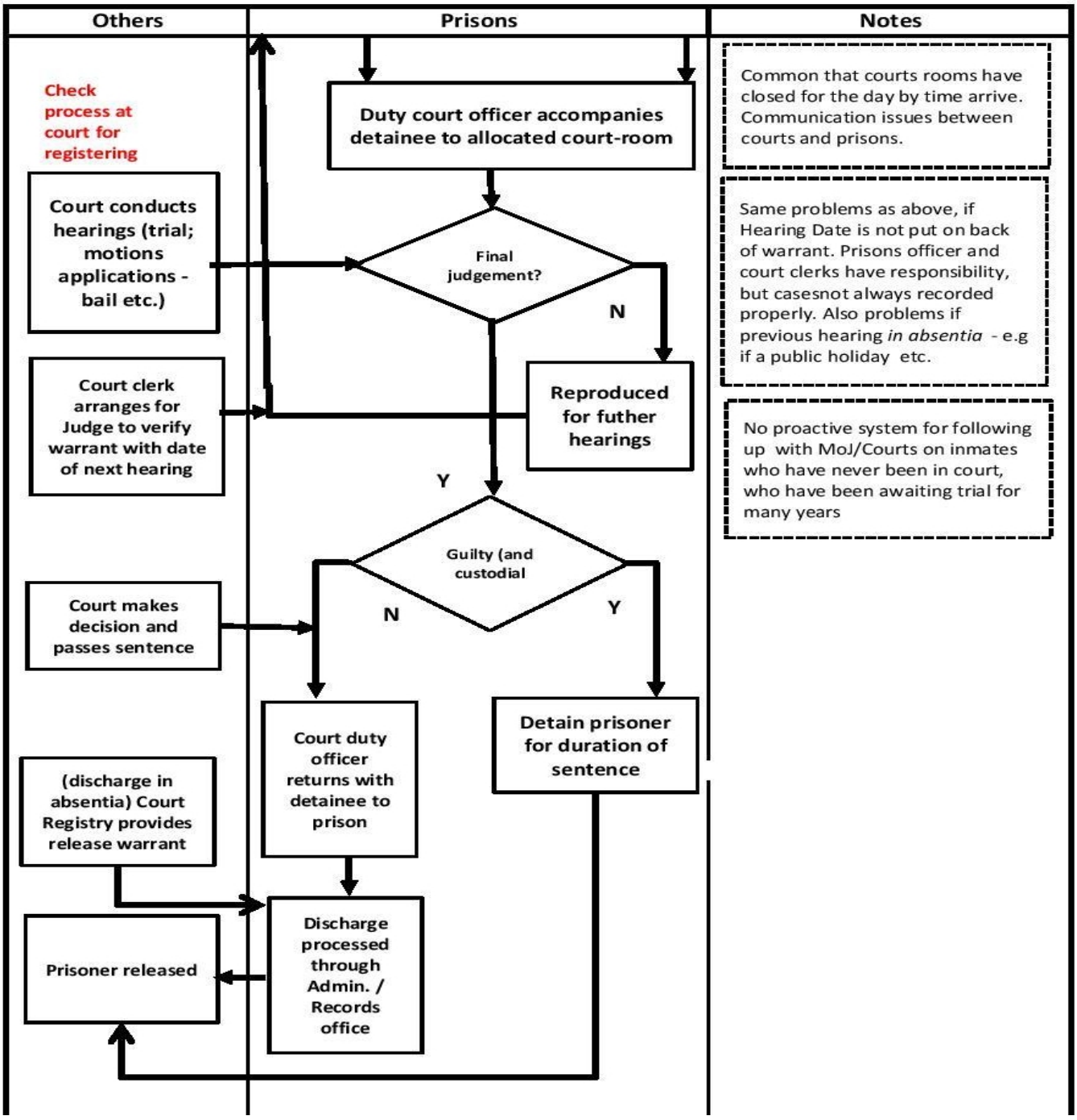
Police Process Map


Others
Police
Notes
Y
Police prosecute?
N
Magistrate refers to High Court and makes decision on remanding in custody or on bail
Bring accused before Magistrates' Court and submit case file to DPP
Bring accused before Magistrates' Court for arraignment/ hearing
Police have powers to prosecute in all courts, but most police prosecutors are not trained lawyers, so can only appear before Mags. Courts, and in reality wouldn't have the resources or capacity to prosecute more serious cases.
Magistrates have no power to consider whether sufficient evidence, and so have no choice but to remand in custody or grant bail. Reports that bail conditions not always fair. Scope for abuse increased (e.g. inappriopriate use of
N
Accused released by magistrate on bail
Remanded in custody?
Y
Prisons reluctant to admit prisoner if in poor physical condition, but are required to if a Magistrate has signed a committal warrant remanding in custody. Need a mechanism for recording physical condition and allowing for complaints to be investigated if necessary
Police officer delivers accused to prison
Accused awaits trial in prison
Present prosecution case in Magistrates Court
Problems with reproducing evidence, getting witness to attend
MOJ/DPP calls for case file when ATP not in court identified or case called up by defense lawyer (prior to current practice direction)
Letter sent to CoP's office and passed on to Registry / investigating team?
Not always able to locate case files (legacy problem). HAG will discharge if evidence not produced within 6 months
Send case file to MoJ or notify MoJ if can't locate file
Need for more systematic approach to communication between MoJ and police on matters such as missing case files, further investigations etc
MoJ/DPP refers case to police for further investigation
Letter from MoJ received in State Commissioner's Officer
Investigating team conducts further investigation
Delays caused by lack of adequate response , which can sometimes require the HAG to intervene directly to CoP or to discontinue case due to lack of evidence. Police believe prosecutors could be more proactive in following up directly withInvestigating teams.
MoJ/DPP calls IPO as witness
Attend trial as witness
Police witnesses not attending court - various causes, require police/prosecution liaison to resolve

pp


Prisons - 'As-Is' Process Map
Others
Prisons
Notes
Police deliver to prison
Prison Gateman checks committal warrant
Potential problems include:
- person looks under-age
- person looks injured or ill or signs of torture
-judges signature on warrant absent or needs to be verified
OK?
N
Y
Magistrates court remands into custody
Notify Officer in Charge and relevant staff
Gate man issues 'Body Receipt'
No youth detention centre in Enugu so young people often detained. (lacuna in law)
Police or accused lie about age
Sent back with police - no duty on prisons to record, pass on information to relevant authorities or follow-up - avoid responsibility fo r death in custody
N
OK?
Y
Initial processing by Record Office (age, health, date and next place of next hearing, lawyer, relatives)
Prisons hold all judges signature on file to verify
Committal warrants often don't have date of arraignment (sine dei) - no duty on prisons to follow up
Allocation of cell by Chief Warder
Board composition (OIC, Welfare, Medical, Industry)
Prisoner faces Admissions Board
Remand Prisoner granted Bail
Departments note relevant information for records and action
No systemmatic approach (or funding) to deal with welfare, medical , legal advice etc proactively - very reactive and rely on payments from family , CSOs, NLAC, lawyer or initiative of individual prison officers who have little or no requirement or incentive to be proactive)
Baillif delivers release order or Reproduction warrant
Records office process detainee being released on bail or discharged
Records Office receives Notice of Hearing on Reproduction Warrant or raises date on back of original warrant
DPP office don't or delay pass on no-prosecute decision, or bail/discharge notice from court does not reach prison
Remand Prisoner discharged by
Welfare facilitates identifying inmates who need assistance
Duty court officer signs and collects warrants
Short notice of hearings dates if not written on back of original warrant (1-2 days, sometimes same morning)
CSOs /NLAC enter prison to provide legal advice, welfare assistance
Gate collects application
Duty court officer assembles prisoners on morning of hearing (7am)
CSOs easy access because well-known, but private lawyers need to apply for visitation rights (for security reasons) which can lead to and delays (causes can be both sides)
Private lawyers make application to visit client
Welfare processes and grants access
Vehicles?
Discretionary
N
Y
Too few vehicles; lack of funding to run & maintain; logistics of getting to courts; security risk and cost of discretionary

Prisons Process Map



Criminal Justice Perspectives[7]

The operation of criminal justice is conceived within the following perspectives

1. Crime Control-
2. Rehabilitation-
3. Due Process-
4. Non-intervention-
5. Equal justice perspective-

Note:

- **T**he criminal justice process takes an offender through a series of decision points at each agency from arrest into the courts through re-entry into community.
- Key decision makers resolve whether to maintain the offender in the system or to discharge the suspect without further action.
- This decision making is often informed by various factors and perceptions and non-custodial officers will often play a role.
- The role that each agency plays in the process as indicated in the table below.

Criminal Justice Agencies and The Criminal Justice Process

Have A Look at The Following on The Criminal Justice Systems and The Corresponding Roles

AGENCIES	PROCESS ROLES
POLICE	• Contact • Investigation • Arrest • Custody
PROSECUTION AND DEFENCE	• Complaint/charging • Decision to charge • Arraignment • Plea negotiations/Bargaining
COURTS	• Bail Decision • Adjudication/trial • Disposition/Sentencing • Appeal/postconviction remedies
CORRECTIONS	• Corrections/custody/probation/community service supervision and rehabilitation • Post release supervision/parole

[7] See Seigal and Worrall for details and the belief system of each of the perspectives

Note:

- The roles of the agencies reflect the functions as politically constituted where the Legislature, Judiciary and the Executive have distinct yet interrelated roles.
- In some jurisdictions, the role of non-custodial officers or community correctional officers start early in the justice process at the police, during bail decision making in courts, at prosecution when diversion is considered, at sentencing and post sentencing dispositions.
- There are some other non-state actors that are involved in the administration of criminal justice and where or with whom they perform their roles.

Correctional Function

The traditional role of correctional was confined to 'administering punishment' as prescribed by the courts, serving the orders and the time as prescribed.

In modern times, correctional functions have evolved and now are able to accord each convict individualized sentences including providing assessment that determines the holding regimes as well as the kind of correctional rehabilitation that needs to be employed.

The non-custodial paradigm has expanded to include community service orders and restorative justice. In some jurisdictions, technology has also been employed to monitor offenders in the community as community members (volunteers[8]) are also being involved in the supervision of offenders in the community.

Participants Take Away Assignment

1. To take an analysis of the crime trends in Nigeria
2. Analyse case law to determine the general principles that were considered in administration charging, adjudication or decision to release from custody
3. Describe how Non-custodial officer may contribute to alleviate the challenges within the justice process

REVISION QUESTIONS

1. What are the goals of the criminal justice system?
2. What are the values and principles that are conceived to hold the functioning of the criminal justice system?

[8] Kenya has programme community probation volunteers supporting offender supervision

3. What role does civil societies and NGOs play in the criminal justice system?

REFERENCES:

1. Administration of Criminal Justice Act (2015)
2. Nigerian Correctional Service Act (2019)
3. Dammer, H. and Fairchild, E (2006), Comparative Criminal Justice System, Third Edition, Thomson Wadsworth
4. Larry J. Siegel and John L. Worrall (2016): Introduction to Criminal Justice.

MODULE 2 LEGAL FRAMEWORKS

Introduction/Overview

This module is intended to give the participants an overview of the Legal Framework for the Nigeria Correctional Service (Law, Regulations, and Standing Orders) relevant to the implementation of non-custodial sanctions. In doing so, it will provide the participants with the legal basis and foundation for supervision of offenders in the community.

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Expected Learning Outcomes

By the end of this module, the participant should be able to:

1. Examine the provisions in the Administration of criminal justice Act 2015 on non-custodial measures
2. Outline the provisions in the Nigeria Correction Service Act on non-custodial Measures
3. Explain the provisions of the Service Standing Orders relating to Non-custodial Measures

Laws, Regulations and Standing Orders

All laws are implemented within the confines of the constitution. Thus, there is a direct interrelationship between the constitution and the laws including the criminal justice Administration Act and the Correctional Service Act.

Activity 1: - 6 Minutes
Write down the definition of the following terms ***-Law, mandate, regulations, rules, Standing Orders***

Note:

- The law, under the Administration of criminal Justice Act 2015 and the enactment of the National Correctional Service Act has created the requirement to implement non-custodial measures.
- The law has given the NCoS and other criminal justice agencies roles on non-custodial sanctions but also created specific provisions for each actor.
- The Standing orders of the NCoS have been reviewed to accommodate the new laws on non-custodial measures and in particular the mandate relating to the administration of probation, community service, restorative justice, parole and other measures.
- The Standing orders are internal procedural policies that explain how members of the Service will act in respect to supervision of offenders in the community.

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Administration of Criminal Justice Act 2015

***Note that different states have Administration of Criminal Justice Law (ACJL) in their respective states.**

PART 1 of the preliminaries to the legislation spell out the purpose of the Administration of criminal justice Act:

Section (1) provides that the purpose of the Act is to ensure that the system of administration of criminal justice in Nigeria **promotes efficient management of criminal justice institutions, speedy** dispensation of justice, **protection** of the society from crime and protection of the **rights and interests of the suspect**, the defendant, and the **victim**.

(2) The courts, law enforcement agencies and other authorities or persons involved in criminal justice administration shall ensure compliance with the provisions of this Act for the realisation of its purposes.

2. (1) Without prejudice to section 86 of this Act, the provisions of this Act shall apply to criminal trials for offences established by an Act of the National Assembly and other offences punishable in the Federal Capital Territory, Abuja.

(2) The provisions of this Act shall not apply to a Court Martial.

Note:

- *This law came into force on the 13th May 2015 and it repealed the previous laws (criminal Procedure Act and the territorial legislations on processing suspects and defendants through the criminal justice process*

- *The law touches on various agencies and expects expedited actions, public protection and protection of the competing rights of the suspects, defendants, and victims.*
- ***Section 2** mandates law enforcement agencies including the NCoS to enforce provision of this statue for it to realise its purpose.*
- *Universally, court martial does not fall strictly within the parameter of criminal justice system*

Why Have Laws on Non-Custodial Measures

Activity 3: 5 Minutes
Give thoughts as to what might have informed the enactment of noncustodial measures. Compare your answers with the following points. The first reason has been provided. Add the rest probable reasons.

1. To respond to the need to reduce the burgeoning prison population especially for first offenders and those who have committed non-serious offences
2. ----------
3. ----------

PART 44 - PROBATION AND NON-CUSTODIAL ALTERNATIVES

(These provisions will be read in class (as directed by the facilitator) and the application and implication of each clause explained.)

Meaning of probation order. 453*. In this Part, "probation order" means an order containing a condition specified in section 455 of this Act*. Probation order is an order of the court releasing an offender for community supervision on certain conditions.

Conditional release of defendant and payment of compensation for loss or injury and of costs (Sec. 454) (1) Where a defendant is charged before a court with an offence punishable by law and the court thinks that the charge is proved but is of opinion that having regard to:

(a) the character, antecedents, age, health, or mental condition, of the defendant charged;

(b) the trivial nature of the offence; or

(c) the extenuating circumstances under which the offence was committed:

it is inexpedient to inflict a punishment or any order than a nominal punishment or that it is expedient to release the defendant on community correction, the court may, without proceeding to conviction, make an order specified in subsection (2) of this section.

Note: (Sec. 454-455) the Sections on probation order and the conditions release.

- *A probation order is not a penal sanction but a release on conditions in lieu of punishment*
- *The conditional release of defendants can only be with proof of a case through pleading guilty or subsequent to a full trial*
- *There are certain variables in an offender that the court would consider before making the order. These variables often are not known to the court and so the court may ask for a presentence report which shall contain inquiries into the personality, character, age, health etc and other mitigating circumstances that may make the offence be suitable for non-custodial measures. This report must be of quality, impartial, objective and unbiased.*[9]
- *The court also considers the trivialness of the charge before making the probation order.*
- *The court may also order for restitution or the defendant to pay such damages for injury or compensation for any loss to the victim or to pay such costs of the proceedings. Such payments may promote reconciliation with the victim.*
- *The probation order may also be on condition of entering into recognisance(bond) for good conduct during the supervision period.*
- *A parent or guardian may be bound if they are culpable for the child's illegal act.*

Section 455-Probation Order Conditional release recognisances
Note:
This section spells out the conditions upon which a defendant may be released. In simple terms these conditions are

- *That the defendant be of good behaviour and not reoffend*
- *Report to a designated non-custodial officer fortnightly within the first month and thereafter ones a month or as directed*
- *Reside in a particular place and not to leave the jurisdiction of the court without courts consent*
- *Abstention from indulging in intoxicating substances*
- *Not to associate with bad characters or those whom the non-custodial officer forbids*
- *To endeavour to get employment and not to be idle*

The implications of violations of these conditions is that an offender under probation may have a warning or his order revoked. However, a non-custodial officer should not apply for revocation on only one instance but shall hear the reasonableness of such violation and make a decision. A warning may suffice without applying for the courts to revoke the order on account of breach of the order.

[9] Rule 7.1 of the SMR on Non-custodial Measures (Tokyo Rules)

Section457. Duties of a non-custodial officer

a) Receive reports on offenders under his supervision from those who are not under their direct charge at intervals
b) Ensure that the offender observes and abides by the court order
c) Reports to court on the progress of the offender under supervision
d) **advise, assist, and befriend** him and when necessary to endeavour to find him suitable employment.

Note:

- *The law makes provision of other auxiliary support persons to help non-custodial officers*
- *The intention of the supervision is not that of force but of cultivating a relationship (advise, assist and befriend).*
- *This means that the supervision approach has a social orientation and purpose to change behaviour and not to be oppressive and overbearing on the offender.*

Section 458 -Variation of Terms and Conditions of Probation.

The court may make a variation order upon the application of a non-custodial officer

- To vary the condition of the recognizance
- The variation may also entail discharge of the order altogether

Section 459 Provisions in Case of Failure to Observe Conditions of Release.

Information shall be on oath specifying the breach(es) of the defendant to observe any of the conditions the court may issue a warrant for his arrest or may issue a summons to the defendant and his sureties.

If arrested the defendant shall be brought to the court that placed him of probation which shall hear the issues thereof and may cancel the order, convict the defendant who was not convicted at the first instance, or proceed to sentence ab initio[10]

Exercise 4: 5 Minutes
Why should the information to vary the probation order be on oath?
Compare your thoughts with those that the facilitator will provide

[10] It is noted here that probation may not be a conviction and this buttresses the idea that it is not a punishment

Section 460 Suspended sentence and community service.

This provision relates to two forms of alternatives to imprisonment Viz:

a) Suspended sentence
b) Community Service Orders

Activity 5: 5 minutes
Participants to explain the meaning of ***suspended*** *and* ***community service orders***
Also explain the difference between suspended sentence and probation, and, suspended sentence and Community Service

Subsection (1) on Suspended Sentence states that -Notwithstanding the provision of any other law creating an offence, where the court sees reason, the court may order that the sentence it imposed on the convict be, with or without conditions, suspended, in which case, the convict shall not be required to serve the sentence in accordance with the conditions of the suspension.

Community service

The purpose of community service is:

(a) reduce congestion in prisons;

(b) rehabilitate offender by making them to undertake productive community work

(c) prevent convicts who commit simple offences from mixing with hardened criminals

Section 461. (1) provides for the appointment by the Chief Judge Registers a Community Service Centre headed by a Registrar to be in-charge of community service centres. It also spells out the functions thereof with regard to implementation of community service.

(a) documenting and keeping detailed information about convicts sentenced to Community Service

(b) providing assistance to the court in arriving at appropriate Community Service Order in each case;
(c) monitoring the operation of Community Service in all its aspects;
(d) counselling offenders with a view to bringing about their reformation;
(e) recommending to the court a review of the sentence of offenders on Community Service who have shown remorse;
(f) proposing to the Chief Judge measures for effective operation of Community Service Orders;

(g) ensuring that supervising officers perform their duties in accordance with the law; and
(h) performing such other functions as may be necessary for the smooth administration of Community Service Orders.

***Note**:*
This section provides the functions of the committee and they relate to

- *Preservation of data of offenders serving committee service*
- *General running of community service centres and work with offenders*
- *Advice to the chief justice for better implementation of community service*
- *This means that the implementation of community service is a shared responsibility with the judiciary.*

Section 461(4) Community Service Work

(a) environmental sanitation, including cutting grasses, washing drainages, cleaning the environment and washing public places;
(b) assisting in the production of agricultural produce, construction, or mining; and
(c) any other type of service which in the opinion of the court would have a beneficial and reformative effect on the character of the convict.

Sub sec (5). The Community Service sentence shall be performed as close as possible to the place where the convict ordinarily resides to ensure that the community can monitor his movement[11].

Sub sec (6). Before passing a community service order, the court shall consider the circumstances, character, antecedents of the convict and other factors that may be brought to its attention by the Registrar of the Community Service Centre.

Exercise 5: 5 Minutes
Participants to discuss in plenary avenues through which the court may know of these variables before passing a community service order.

Sub sec (7) A convict sentenced to community service shall not at the same time be sentenced to a term of imprisonment for the same offence, but may in default of performing his community service diligently and to the satisfaction of the court, be sentenced to a term of imprisonment for the remaining part of his community service to which he is in default or neglect.

[11] This is also meant to ease the cost of traveling to work sites

Sub sec (8) Upon sentence to community service, a convict shall be required to produce a guarantor who shall undertake to produce the convict if he absconds from community service.

Sub sec (9) The guarantor shall be a relation of the convict or any other responsible person of adequate means[12]

The defendant shall not be assigned personal work and this is sanctioned by a fine if found guilty.

Default of convict in complying with community service order and Commission of further offence (Sec. 463 and 465)

Activity 4: 5 minutes Participants discuss in plenary what can be done if an offender fails to comply or commits a subsequent offence while community service orders are still in force. Compare the answers with that of the facilitator

The variation or cancellation may be in the following situation.

a) fails to perform the work assigned or fails to be obey such other orders
b) is negligent and a malingerer and outrightly refuses to perform work
c) fails to follow instruction of the work agency supervising officer
d) fails to comply with additional conditions which had been imposed by the court
e) repeatedly comes to work intoxicated or bring alcohol or such substances at work
f) deliberately damages property
g) commits a subsequent offence

Section 466 Discharge of community service order

Based on a report by the supervising officer, a court can reduce the period to be served on community service or terminate the remainder

A supervising officer may be substituted, and an offender on community service can only be supervised by an officer of the same sex.

NIGERIAN CORRECTIONAL SERVICE ACT (2019)

[12] The purpose of the guarantor is to secure the offender and ensure that he obeys the court order can produce him in court in case of breach

The Nigerian Correctional Service Act makes provision for the administration of prison and non-custodial measures.

Parts II of the NCS Act specifically address matters of Non-custodial Measures under the NCoS. This part should be cross-referenced with the Administration of justice Act especially with regard to noncustodial measures.

Section-37 Establishment of the Non-Custodial measures.

This section establishes the noncustodial measures and makes provision for some of the measures. These include:

a) Probation orders
b) Community service orders
c) Parole
d) Restorative justice

Sub-Sec 3 of this section establishes a National Committee on Non-custodial Measures comprising of the following

i. Controller General of NCoS
ii. Deputy Controller General
iii. A retired Judge of the High Court
iv. Director of social welfare, Federal Ministry for Youth and sports
v. Director of youth Federal Ministry for Youth and Sports
vi. Inspector General of Police or his representative, not below the rank of commission of police
vii. Representative of (i) Ministry of Interior, (ii)Ministry of Justice and, (ii) Administration of Justice Monitoring Committee
viii. Three representatives of relevant NGOs

Section-38 mandates the National Committee to create a working technical committee for each of the non-custodial measures under its purview.

Sub-sec 2 Functions of The Committee

1. Coordinate the Implementation of Non-custodial Measures,
2. Monitor and propose measures for effective operations of the measures
3. Receive and consider complaints from Victims, offenders, communities
4. Make recommendations for proper implementation of the Act

Federate States in consultation with the CG and National Committee to shall establish Noncustodial committees aligned to the National Committee

The Controller General is empowered to make regulation stipulating the duties of non-custodial officers

Section-43-Restorative Justice

The section gives powers to the Controller General to create platform for Restorative Justice for

(i) victim-offender mediation,

(ii) Family Group Conferencing

(iii) Community Mediation and other efforts.

In implementing the section, the Controller General is required to liaise with the court.

Section 44- States of Restorative Justice

Restorative Justice may take place at different stages (i) before trial, (ii) during trial (iii) during imprisonment and (iv) post imprisonment

Section 45-creates special funds at Federal and State to be administered such sum for non-custodial measures

Note:

- *The provisions of the NCoS Act (2019) are to be read in tandem with those of the Administration of justice Act*
- *The implementation of alternatives to imprisonment are shared responsibility of the courts and the NCS*
- *The noncustodial measures under the purview of the Controller General include probation, community service restorative justice and parole.*
- *The measures are in conformity with the SMRs on Non-custodial Meares (Tokyo Rules)*

Note: Refer to the non-custodial standing rule of the Nigeria Correctional Service to see specific regulations guiding non-custodial officers

REVISION QUESTIONS

1. Can you remember what we defined law to be?
2. Can you remember the duties of a non-custodial officer according to the Administration of justice Act (2015)?
3. Can you remember community service is and what work can offenders on community service perform?

REFERENCES:

1. Constitution (1999)
2. Administration of Criminal Justice Act (2015)
3. Nigerian Correctional Service Act (2019)

MODULE 3 CRIMINOLOGY AND COMMUNITY CORRECTIONS

Introduction

The practice of probation has its foundation in human science and has benefited significantly from criminological and psychological theory. In practice, community corrections have borrowed from social work methodologies and principles. This module will give the participants, an

overview of key theoretical approaches regarding pathways into crime and, an opportunity to scrutinize criminal behaviour from the lens of crime theory

Expected Learning Outcomes

By the end of this module, the participant should be able to:

1) Define the concepts of crime
2) Explore crime theories as explanations of criminal behaviour and crime causation
3) Examine the application of criminological theory to community service work

Activity 1: 10 minutes
The participants to discuss in plenary

a) *the meaning of crime*
b) *What is theory*
c) *What role theory plays in practice*
d) *Whether individuals are born or made*

Defining Crime

Broadly, a **crime** is a socially harmful act or omission that breaches the values protected by a state. It is an event prohibited by law, one which can be followed by prosecution in **criminal** proceedings and, thereafter, by punishment on conviction.

There are many angles to looking at what constitute crime given variations in trends and incarceration rates. There are various factors that McGuire (2004) has described to back this thought. These include individual motivation, opportunity, politics, social conventions and context. Muncie (2001) also brought out several definitions of crime influenced by legal, moral, social, and psychological explanations

- **Legal** definition refers to crime as an act prohibited and punishable by the state under a written law.
- **Moral** definition point to violations of norms of religion, and morality that are punished by supreme being
- **Social** definition refers to social violations of norms and customs that are punishable by the community.
- **Psychological** definition refers to acts that reward the perpetrator but are harmful to the others.

Theories are general explanations that are supported by research evidence

obtained through the scientific method. A theory may explain human behaviour, or why human beings behave in certain ways.
Theories inform practice as they make practice actions to orient to what is explainable by evidence
Theories are foundation of knowledge without which it would be impossible to explain human phenomenon
In the correction context, theories inform the risk factors and offer avenues to intervention

Note:

- *All the perspectives to the explanation to crime apply when it comes to practice*
- *Those in the legal professional would wish to define crime from the legal context just like the social definition speaks more to those who would wish to associate crime as social*
- *These definitions are actually a reflection of the theories that explain crime causation*

CRIME THEORIES

There is no universally accepted explanation of why people carry out criminal acts, and as a result there are many different theories, Joyce (2006).

Classical Theories

Classical theories emerged in the liberal age of Europe in which people were deemed to have voluntarily entered into a contract with their government to manage their affairs. This was a rational choice in which crime was viewed as an act that infringed the legal code whose justification was to safeguard the interests of those who were party to the social contract, especially the preservation of their personal safety and privately owned property, (ibid). Classical theory is inclined to presumption of innocence and equality before the law. A key exponent of classical theories was Cesare Beccaria, who put forward several views concerning crime and how the state should respond to it. Beccaria, (1764). He postulated as follows.

(a) *Crime was an act undertaken by a rational being.* Individuals possessed free will and the decision to commit crime was viewed as the consequence of a logical thought process in which a person calculated the benefits to be derived from a criminal action compared to the personal costs it might involve

(b) *Crime required a uniform and consistent response.* Classicists argued that the most appropriate solution to crime was a clearly defined and consistently applied legal code and a criminal justice system that was predictable (and also swift) in its operations.

(c) *Discretion was to be avoided.* The emphasis on a uniform and consistent approach to crime inevitably rejected the exercise of discretion by professionals such as magistrates and judges. Beccaria argued that punishments laid down in law should never be exceeded and that the role of judges was to apply, but never to interpret, the law (or what a judge might subjectively view as the spirit of a law).
(d) *Punishments should fit the crime*. The harm which a particular criminal action did to society was the classicist yardstick by which they judged the appropriateness of punishments. Classicism focused on the act and not the person who carried it out.
(e) It was further argued that the degree of punishment to be inflicted on a wrongdoer should be no more than what was required to outweigh any advantage which the criminal action might bring.
(f) *Deterrence*. The main aim of state intervention against crime was to deter persons from committing wrongdoings rather than to punish them after they had transgressed.

Positivist Theories

This approach argued that criminals did not possess free will, but were instead motivated by factors over which they had no control. This meant that punishing people for their wrongdoings was inappropriate but it justified removing criminals from society and where possible offering treatment.

Unlike classicism, positivism utilised scientific methods in quantifying and predicting human behaviour. The evidence on which positivist assumptions were based was largely derived from quantitative research methodologies. Its key features included the following:

(a) *Focus on the offender*. Positivism sought to understand the person who committed the offence rather than focusing on the crime which had been committed.
(b) *Crime was viewed as an act which breached society's consensual values*. The criminal, therefore, was an under socialised individual who failed to adhere to these standards of behaviour.

Note
Both schools of thought have had shares of criticism.

- *The classical school for its rigidity and assumption of men being equal and thus no excuse to commit crime. The classical school also saw no reason for an individual not to get the punishment apportioned for all who break the law*
- *Positivists were criticised for pushing the blame away from the offender and putting it on the society.*
- *The positivist school however underscored individual deficits that could mitigate crime causation*

Biological Theories

The central principle supporting biological explanations for crime is that certain people are 'born as criminally minded' through the inheritance of a physiological or genetic predisposition towards crime. Gelsthorpe, (2003), reflects on the assertion by an earlier observation by Cesare Lombroso (1836–1909) on the 'delinquent man' averring that offenders are defective humans who develop the capacity to learn how to adapt to their environment. Those who do not are atavistic and therefore pre-social and more criminally inclined. Gelsthorpe recalls the works of Sheldon (1949) who asserted that delinquents behaved in the manner that they did because of their individual's constitution and body shape. The main conclusion of this observation by these theorists was that delinquents were likely to be born hard, muscular and with athletic body types leading to strong and assertive, if not aggressive personal behaviour[13]

Hutchings and Mednick (1977) studied male adoptions where adopting parents were not related to the child. They concluded that boys with criminal biological fathers were more likely to become criminal than those with law-abiding fathers or indeed, than those with criminal adoptive fathers. Other early criminologists also asserted that criminal behaviour is a result of biochemical effects. The conclusion by Gelsthorpe is that Biological theories, particularly the argument that crime can be explained by genetic inheritance, finds some support in the evidence, but this theory on its own is not wholly persuasive.

Psychological Theories

Psychological theories differ from sociological and biological theories because they revolve around personality reasoning, thought, intelligence, learning, perception, imagination, memory and creativity.

The three main strands of psychological theories are

- Psychoanalytical and psychodynamic ideas,
- Behavioural theories,
- Cognitive theories.

Psychoanalytical and psychodynamic ideas have their origins in the work of Sigmund Freud (1856–1939) – especially his notion that the human personality is shaped by three sets of interacting forces: the id (concerning primitive biological drives), the superego or conscience (that operates in the unconscious but is moulded by the internalisation of values

[13] For more on this see Sheldon, S. Varieties of Delinquent Youth, New York and London: Harper

through interaction with parents and significant others), and the ego (the conscious personality which interacts with and responds to external influences).

According to Freud (1935), some types of offenders commit offences due to mental disturbance related to psychic development, particularly psychosexual development. He opined that offenders had 'weak conscience' relating to their childhood upbringing. Weak child rearing techniques and broken homes which have been associated with some criminal conduct are associated with the psychodynamic theories.

Behavioural theories are associated with work of Ivan Pavlov automatic animal behaviours (conditioning) and stimulated reflex conduct. Skinner (1969) improved on the notion conditioning by including active learning – where the animal had to do something in order to obtain a reward or avoid punishment.

These theories and others opined that individuals have learning abilities that are conditioned and this can be stimulated in the environment. This assertion connects with the rational choice theory of crime where individuals maximise pleasure and minimise pain. Thus, what is and what is not acceptable behaviour is learnt.

Cognitive Theories revolve around perception processes and information processing. The theory states that a child developed cognitive structures enabling the child to respond to experiences. The Rational Choice Theory (Cornish and Clarke 1976) that explains that an offender commits crime depending on potential benefits (material gain) against potential cost (possible punishment).

Sociological and Environmental Theories[14]

There are many sociological groups of theories of crime which explain various crime causal factors and crime typologies. These include Differential Association theory, operant learning, Social Learning Theory, Rational Choice Theory and routine Activity Theories and many others[15]

Sociological and environmental theories of crime focus on such factors as anomie, social disorganisation, subcultures, peer influence and the conditions of particular areas or communities that may cause crime

Early philosophers like Emile Durkheim (1933, 1977) who constructed the understanding of social structures held that crime was associated with social organization. Increases in crime occur when societies evolve and develop into more complex forms of organisation (producing a state of anomie – normlessness). He also argued that crime and punishment serve a function for

[14] For details on sociological and environmental psychology refer to Maguire, Morgan and Raynor (2016) The Oxford Handbook of Criminology. Oxford University Press

[15] See Newburn, T. Criminology, 3rd Edition for exclusive exposition on crime theories.

society through maintaining social values and social solidarity within a community, and thus can be positive as well as negative.

Subsequent sociological theories have focused on strain between an individual's ability to achieve cultural goals legitimately (relative deprivation), and sub-culture. The idea here being that lower-class culture clashes with middle class values (such as status or material gain) and that crime may serve as one solution to this conflict. Sociological theories have also focused on peer group pressure, different social mechanisms which produce social conformity, and the effects of particular conditions (for example, unemployment).

Sociological developments in the 1960s heralded a more 'critical criminology'. These developments included a questioning of positivistic assumptions about the definitions and bases of crime. Within labelling and social interaction perspectives then the focus was on those social processes through which certain individuals and social groups came to be categorised and labelled or deviant or delinquent. The ideas (most closely associated with the work of Howard Becker (1963)) revolve around the premise that, once labelled as delinquents, individuals are bound to act in certain ways and behave accordingly Gelsthorpe, (2003).

Ecological theories within criminology sprang from the research of sociologists in Chicago in the 1920s and 1930s that looked at social and physical status of neighbourhoods in relation to crime trends. This focus shifted the study of crime from an individual perspective. According to this theory, social structures influenced and shaped social ecology (Hollins 2016). Studying the city and the effects of immigrant settlement and congestion in the inner city, Park and Burgess (1925) noted crime trends that could be linked to the city zoning. Later researchers concluded that neighbourhood could play a part in facilitating and sustaining, if not prompting delinquency.

Critical and Feminist Theories

Critical criminology involves a broad school of critical ideas applied to criminology and criminal justice. The thrust of these ideas is to place emphasis on social, structural and political contexts in which crime is defined and responded to. Feminist theories revolve around questions relating to the place of sex (biological differences) and gender (the social behaviour associated with sex differences) in criminological theories and criminal justice Gelsthorp (2003, 2016)).

Inspired by Marxist thinking, the new criminologists set out a new agenda for the analysis of crime and responses to crime. This involved making connections between the law, the state, the political economy, legal and political relations and the functions of crime.

Feminist theories of crime looks at the pervasiveness of male dominance in patriarchal society and its impact on crimes committed both by and against women. Sexual inequality and the disempowerment of women are thought to be embodied within the legal and criminal justice systems too. Crime against women is regarded as a result of social oppression and economic dependency upon men

Note the following

- *Responses to criminal conduct reflect on the crime risk factors connected with the crime theories*
- *The modern risk and needs assessment instruments have their foundation in Psychological explanation of crime*
- *The modern Cognitive behavioural Therapy (CBT) is anchored in psychological theories which gives greater emphasis on crime being learnt just as it can be unlearnt.*
- *The theories are critical too as they help address criminogenic needs and social circumstances that may promote on inhibit crime*
- *Whether the offenders are held in custody or placed on community supervision, the theories are instrumental in understanding why they commit crime and how to respond or what interventions to institute*

Crime Theory and Community corrections work

The consequentialist theories of crime operate within the utilitarian framework has (as postulated by Jeremy Betham[16]) three justifications of punishment viz: deterrence, incapacitation and rehabilitation. These are directly derived from both classical and positivist approaches to crime.

Deterrence is rarely seen as applicable to Community corrections work much as the perceived consequences of breach of community service orders may keep the offender on supervision away from reoffending, Rex (1997). However, an element of it may be associated with community service work.

Incapacitation cannot be realized with community penalties, Rex (2003) given that offenders on community service or community service are not restrained while in the community.

Rehabilitation through help and treatment is one of the main justifications for community sentences. This fits within the positivists recognition of personal weakness that may propel one to commit crime. The community corrections adage of 'advise, assist and befriend' stem from rehabilitation as a preventive measure of punishment.

Probation order aims at rehabilitating the offender through addressing the criminogenic factors assessed as drivers into criminality. This has been and remains the rationale for placing certain categories of offenders on community service. This also applies to those who may be ordered to restorative justice programmes.

Community service speaks both the deterrence theories of crime and the rehabilitation ideals punishment. by working to pay back for the wrongs done, the offender is thought to suffer consequences of their actions and may feel

[16] Cited in Von Hirsch and Ashworth (1998)

the pain and shame. This may have a deterrent effect on the offender. While on community service, the offender may also be subject to rehabilitative supervision to address the errant behaviour.

Take Away Group Exercise

The participants form four groups for a discussion session.

1. *Each group is to undertake the following assignment and make plenary presentation*
2. *Each group is to consider the various perspectives on crime causal theories*

***Question**: Reflecting on the Biological, Psychological, Sociological/environmental and Critical and Feminist Theories, and with appropriate examples, discuss their applicability in the Nigerian Context*

REVISION QUESTIONS

1. Identify the key differences between classicist and positivist criminologists regarding the causes of, and solutions to, crime.
2. Are biological and sociological approaches to understanding crime compatible?
3. Is crime better understood from a psychological perspective than sociological viewpoint?
4. How does the theory of crime inform non-custodial sentences?

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Introduction/overview

This module introduces participants to definitions, concepts and historical development of supervised non-custodial options mainly probation and its derivatives. Principally, it examines community service as a key component of non-custodial sentencing and explores both offender and societal benefits of community corrections.

A typology of a non-custodial staff supervising offenders on community corrections orders is outlined and the core characteristics of a 'model' non-custodial staff are identified. The task and skills needed to be effective in the role will be outlined.

Expected Learning Outcomes

By the end of this module, the participant should be able to acquire knowledge development of probation as a key non-custodial option. In particular, the participants should be able to:

1. Define key terminologies and concepts used in community corrections
2. Explore the historical development and practice of community corrections
3. Examine components of community corrections
4. Describe the benefits of non-custodial options to the offenders and the community
5. Outline the characteristics of a correctional officers suitable to supervise offenders in the community

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Definitions and Concepts Applicable to Non-Custodial Sentences

Activity 1: 5 minutes

Participants to buzz and air in plenary what they understand by the following terms applicable to non-custodial options.

1. *This should include probation, probation order, community service, supervision, offender, offender, non-custodial officer, and community service order*
2. *Participants to compare with what the facilitator has described of the terms*

There are many words applicable in community corrections which may have different meanings in ordinary lives. Persons supervising offenders in the community have also been known to have different names according to various jurisdictions. Offenders also acquire different names as they go through the justice process-from being a suspect, to an accused, defendant, convict, offender and ex-offenders etc.

Community service is a non-custodial court order imposed by a magistrate or judge requiring an offender to be placed on community supervision of a non-custodial officer in lieu of imprisonment. The offender remains under the purview of the court while undergoing rehabilitation to forestall re-offending. *Probation as sentencing disposition is a method of dealing with specially selected offenders and consists of the* ***conditional suspension of punishment*** *while the offender is placed under* ***personal supervision*** *and is given individual* ***guidance or 'treatment****', United Nations (1951).*

Offender-this is the person or an offender placed under a probation order to be helped and rehabilitated by a non-custodial officer.

Probation supervision order- a probation order is an order made by a court of competent jurisdiction placing an offender under community supervision for s period not exceeding three years. This order may be given before or after conviction as the court may find. The purpose of supervision order is to protect the community and change the behaviour of the offender and desist from reoffending.

During the order period, the officer is required to ensure that the offender abides by all the conditions set in the order, remain or stay where directed, administer behaviour changing programmes. Constantly the offender is required to report to the officer or the court as demanded and any beach of the order may result in the cancellation of the probation order and a custodial sentence preferred.

Community service order-is an order made by a court of competent jurisdiction requiring an offender convicted or found guilty of an offence punishable by imprisonment, to perform unpaid public work in lieu of custodial punishment. The offender is subject to the orders or the court and is supervised by a non-custodial officer for a period determined by the court and prescribed in law.

Parole- is a conditional discharge of a prisoner, within the continuation of a sentence, for community supervision for the remainder of the period unserved.

Note:

- that much of the history of community penalties is about probation orders (requiring an offender to be under the supervision of a non-custodial officer) and community service orders (requiring the performance of supervised unpaid work as a form of reparation to the community).
- These two key sanctions are under the purview of the Nigeria Correctional Service and the courts
- The terms non-custodial officers, non-custodial officer and community service may have the same meaning within the context of

government officers charged with the responsibilities of supervising and rehabilitating officers in the community with the direction of the courts.

Historical Development of Probation

The system of probation is attributed to John Augustus, a Massachusetts cobbler who pleaded with the police courts in 1841 to release an officer for him to 'try' and talk to him after seeing many repeat offenders being taken to court repeatedly. As documented by Raynor (2016)[17], it was in 1869 that the Massachusetts courts established a formal supervision law allowing some distinct offenders to be supervised by an officer of the court.

Probation in England and Wales

In England and Wales, Probation had a benign origin at the beginning of the 20th century, enjoying tremendous acclaim first from the philanthropic activities of the church and individuals and later the casework treatment which brought with it a more scientific approach akin to the biological sciences. Five decades later, it met scepticism and criticism from works by Martinson (1974), Lipton, Martinson and Wicks (1975) and Brody (1976)[18] who doubted its efficacy, and much to the chagrin of probation practitioners and later to the delight of the conservative political establishments who had prior chided the approach to youth crime.

The Probation of Offenders Act 1907 enabled courts to appoint non-custodial officers to 'advise' 'assist' and 'befriend' offenders, words which have remained the epitome of Community correction practice for decades. The Probation Service has since evolved and developed into a law enforcement agency responsible for advising the court on suitable sentencing options through pre-sentence reports, and for supervising offenders in the community and helping them to desist from crime.

The Concept and Practice of Probation

Activity 2: 5 Minutes

1. *Participants describe the kind of persons they see being taken to court on a daily basis.*
2. *What key features of profile would that paint of a majority of the persons being taken to court?*

[17] For details see Peter Raynor. 2006), 'Community Penalties, probation, and offender management' in The Oxford Handbook of Criminology,

[18] See Martin, R. (1974), 'What works, Questions and answers about Prison Reforms' the Public Interest

3. *How do you think the courts should deal with the category you have profiled?*

Participants reflect on these thoughts as the concept of probation is being explained in detail.

The concept of probation emanates from the *Latin, probatio,* "testing," and has roots in the practice of judicial pardon. In English common law, prior to the advent of democratic rule, the courts could temporarily suspend the execution of a sentence to allow a criminal defendant to appeal to the monarch for a pardon.

Community correction practice has its foundation in Juvenile Justice and the 'positivists' understanding of behaviour that gave rise to the sociological, psychological and biological expositions on crime causation.

Probation reflects tensions between care, control and custody, discretion and individualism versus legalism, and rehabilitation/reintegration as opposed to repression.

The concept of probation can best be understood within the offender, the non-custodial officer and the courts interplay. Hamai et al (1995) conceives probation as a judicial function that embodies supervision and therapy, and practiced in the community where the offender is helped to re-adjust and cease re-offending while at the same time be seen as a distinct discipline within the criminal justice system.

The essence of the Community service sentence is to accord an offender who is deemed not to be dangerous to the community, statutory supervision by a non-custodial officer, in an effort to assist him change his criminal behaviour while at the same time offering protection to the community. The principal purposes of the Community service supervision are to protect the public, reduce re-offending and secure the proper supervision and rehabilitation of offenders.

Dimension of Community Corrections

Although the concept of probation may have different features in various jurisdictions, Hamai et al (ibid) conceived community corrections system in the following parameters:

- ***Distinct organization*:** the administration of the community correction system should be dealt with separately within the criminal justice system
- ***Judicial function*:** community correction should have a judicial function in the criminal justice system and placing a person on probation should be the result of a judicial decision

- ***Legal mandate***: community correction should be based on a legal mandate;
- *Supervision*: being placed on Community Corrections should imply that the offender receives supervision (in this study, the conditional release of an offender, without supervision, is not considered Community Corrections);
- ***In the community***: Community Corrections should not only control offenders but it should also help them to readjust in the community.

Community Corrections practice has key features that distinguish it from pure social welfare approaches. In essence, Community Correction works with involuntary clients who are subject to restrictions by the court and from whom good conduct is demanded. In a wider context, Community Correction also means the programme for rehabilitation where the non-custodial officer provides supervision using various case work techniques/intervention[19] and often include working with the offender's family.

Activity 3: 5 minutes
Participants to explore practice of (Community Correction) non-custodial options in Nigeria and compare and contrast the outline above and with the current Nigerian arrangement of non-custodial motions.
This short discussion enables you to understand that community correction has evolved over the years and has different features in different jurisdictions.
Community Correction and non-custodial options in Nigeria are still evolving but learning from other jurisdictions: -

- *Community Correction in Nigeria is practiced in the community from court orders made*
- *There are offences for which offenders cannot be placed on Community Correction*
- *The Nigerian correctional service is the administrator of Community Correction and non -custodial options as legally constituted*
- *Non-custodial options in Nigeria have Community Correction programmes being spelt out by the courts and that the supervision orders involve both Correctional services and the courts.*

Principles of Community Corrections Practice

1) Most crimes are a community problem that should best be addressed in and with the community involvement

[19] Interventions may be specific to the offence type or as a response to the criminogenic needs assessed.

2) There is greater likelihood for the offender to change when rehabilitated in the community as opposed to imprisonment

3) Individual offenders have the ability to change if given professional assistance

1. Informal social controls and family/community involvement are most effective in offender rehabilitation and in reducing crime
2. Coordination and networking within the criminal justice system and Non state actors provide the much needed multi-dimensional approach.

Components of Probation Order

The court may make **restitution orders** for payment of certain costs or damages met by the victim of crime.

The court may also order that before placing one on probation, a r**ecognisance** of certain amount to secure his observance of the probation order.

In some jurisdictions like Kenya and the UK, probation may also involve an order to **stay in a secure place, hostel** or residential facility for a period of time.

It may also be accompanied by a requirement to attend to **drug/substance treatment programmes** provided by other agencies.

Note:
According to the Administration of justice Act, Sec. 454) (1) a probation order cannot be combined with imprisonment

Probation Supervision Order. The aim of probation supervision is to enable the offender to serve his/her sentence in the community with the purpose of ensuring character change. The court issuing the supervision order does not become *functus officio*[20] but retains residual powers[21] for the purposes of directing the supervision of the offenders on probation for instance by amending the orders or cancelling it.

The supervision period will depend on the provisions of the law and as ordered by the court.

The key features of a probation order are;

1) offender is expected to be of good behaviour during the supervision period,
2) the offenders is ordered to report to the non-custodial officers at directed intervals,

[20] When used to describe a court, it refers to powers or authority of the court coming to an end: "Once a court has passed a valid sentence after a lawful hearing, it becomes functus officio and cannot reopen the case."
[21] Powers retained by the court after the case as formally being disposed off

3) the offenders should receive visits by a non-custodial officer at his/her home or place of work with appointment or unannounced,
4) he is to remain or stay at a designated place or home during the period of supervision unless authorised by the court,
5) to desist from associating with undesirable characters who the court or non-custodial officer has prohibited him from associating with
6) to remain sober and not to indulge in over intoxicating liquor,
7) to endeavour to get employment
8) to maintain a crime free life

Benefits of Non-Custodial Sentences

Activity 4: 30 Minutes Group work
Participants to organize themselves into three groups and discuss the relevance and benefits of non-custodial orders to the Nigerian society focussing on 1) Criminal Justice System 2) Family and Community and, 3) the government
Each group to make plenary presentation as will be directed and compare with the facilitator's list of benefits
***Examples** of the benefits are:*

1. *Reparation pay-back to the community by the offenders through the performance of unpaid public work in the case of community service orders.*
2. *Reduction of social stigma and hardening associated with imprisonment and which impede the re-integration of ex-offenders*

***Note**:*

- *The benefits of noncustodial measures are with the defendant, the family, community and the government*
- *Benefits are also with the custodial corrections with reduced numbers enabling better management of the facilities and programme for inmates*
- *Noncustodial options illustrate the humane face of the judiciary*

Responsibility, Staff and Skills in Community Correction Service

The **responsibilities** of a non-custodial officer resonate with the functions prescribed by law. These functions are prescribed both in the Criminal Justice Act and in the Corrections Service Act. The responsibility may also be ascribed by other statutes relevant to Community Correction work including those targeting categories of offences, children, victims or other protection statutes. The role of the Correctional Service is therefore to assist the other agencies in

the criminal justice system especially the judiciary to make informed sentencing decisions and to supervise the offenders placed under their charge.

The responsibilities of non-custodial officers are therefore to;

1) Provide quality and timely advisory social inquiry advisory reports to courts and other penal release organs to inform sentencing decisions as well as penal conditional release.
2) Enforce court orders ensure offenders comply and successfully complete their sentences
3) Rehabilitate and intervene in the lives of offenders placed under their supervision
4) Ensure offenders on community service pay back to the community through performance of tangible work
5) Reintegrate and resettle ex-offenders exiting prison to ensure they do not revert to crime but lead law abiding lives
6) Promote human rights and protect victims of crime through reconciliation and other restorative justice processes

To undertake the above tasks, the officer must have requisite knowledge, skills and attitude required for the work.

Aside from the basic academic training, the office needs to meet the following minimum skills and characteristics

1) Analytical and problem-solving skills
2) Counselling and human service delivery skills
3) Excellent communication, writing and articulation skills
4) Interpersonal skills and ability to build relationships
5) Assertive and mature outlook that can be emulated
6) Be a person of integrity and accountable

It is important that the officer should have the desire to help people.

REVISION QUESTIONS

1. What is your understanding of the concept of probation and community service?
2. What are the benefits of non-custodial options?
3. What are the responsibilities of a non-custodial officer?

Revision Exercise /Take Home

a) *What are the activities that should take place when an offender is placed on probation?*

b) *Explain how each of the following institutions play their role in case where a defendant is placed on probation?*

- *The Courts*

- *The Police*
- *National Correctional Service*
- *The Charitable Institutions and civil society organization*

c) *What is the state of penal sanctions in Nigeria and what are the effects of imprisonment?*
d) *What options are viable to ameliorate the challenges of penal custody to the individual and the State?*

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MODULE 5: EFFECTIVE SUPERVISION (1)

Introduction

The essence of according offenders a non-custodial sentence is to offer them a chance to change their errant behaviour. The supervision order made on an offender is implemented through enforcement of probation or community service conditions set, so as to ensure that the purpose of such supervision is met including behaviour change, community payback and public protection.

This introductory module will consider the essentials in supervision including execution of individualized supervision plans to address the criminogenic needs and avoidance of risk of reoffending. A few generic Community Correction intervention techniques will be introduced. Participants will also learn the role of various actors in this regard, the family, court, community, NGOs and FBOs. These approaches will be in relation to probation orders majorly and CSO enforcement.

Expected Learning Outcomes

At the end of this module, the participants will be able to

1. Define the concept of supervision within the context of offender management
2. Outline the supervision process upon the making of a supervision order by the court
3. Develop an individual supervision and rehabilitation plans and a therapeutic alliance with the offender
4. Apply generic techniques of problem solving and pro-social modelling in community service work
5. Use the referral system to specialized agencies to support offenders

The Concept of Offender supervision

Activity 1. 5 Minutes
participants to define the concept of ***supervision*** *in their own understanding.*
Comp[are your definition with that of the facilitator

According, Burnett et al (2007), supervision embraces the dichotomy of care and control (or mentoring and monitoring). Thus, it is meant to provide an avenue for change on the offender and to protect the community

Supervision is about enforcement of court order requiring an offender to abide by set conditions failure to which a breach action would be instituted

In essence, supervision is more about requiring offenders to do certain things agreed upon, keep reporting appointments as instructed, participating in activities, refraining doing certain things

Objectives of Supervision

The purpose of supervision is to reduce reoffending and to assist the offender's integration into society in a way which minimizes the likelihood of a return to crime[22]The main function of offender supervision is to support offenders by minimizing and reducing the risk of reoffending and ensuring public safety through ensuring compliance to the court order. The objectives of offender supervision are:

a) To enforce court order
b) To effect behaviour change
c) To protect the victim and community

[22] Rule 10.1 UN SMR (Tokyo Rules)

Supervision Process

Supervising involuntary clients can be a challenge because they are compelled by law to be on a particular programme. In most instances the non-custodial officer must employ the 'carrot and stick' technique while supervising the offender. In this regard, the non-custodial officer has the dual role of a case worker and an enforcement officer, reporting on the progress both to the court and the establishment.

a) Court Paperwork

The first engagement with the offender upon placement on probation or community service is at the court. The officer may be present or not at the court when the orders are given but the following activities need to be undertaken.

- *Extract the supervision orders from the court file as pronounced by the judge or the magistrate. These orders may include restrictions, restorative and restitutions orders, compensations orders, residence orders, reporting orders, etc.*
- *The extract is a document known as 'probation order' or 'community service order'. This will normally contain the static conditions touching on expected conduct, reporting and industry and working instructions. It may also have additional conditions e.g. 'restorative justice order' or compensation order or any other order that the court may give.*
- *The supervision order must have the seal of the court, signature of the judge/magistrate or registrar as the case may be.*
- *The offender must sign the order as a promise to abide by the set conditions*

b) Conducting the Initial Meeting and Interview with a Offender

The first appointment with the offender is very crucial as it may determine the effectiveness of the relationship with the offender. Ideally, the first appointment needs to be in the office of the Non-custodial officer. As in the case of interviewing, there should be a secluded room where the two can create a rapport and have a confidential conversation.

Depending on the information collected during the inquiry and depending on the availability and interest of the family, and the age of the offender, there may be need to meet the offender with these significant others.

The following will be conducted in the first meeting

- *The Non-custodial officer assigned handling the case shall ensure recording of the client details in the appropriate central register and file (Probation, CSO) on the day of placement.*
- *Issuance and explanations of the order as given by the court. Remember to create clarity on each and every instruction given by the court including that the orders are not NCS order but that of the court*
- *Explain what it means by appending his or her signature to the probation order or community service order. This means a contract/recognisance that the offender has entered into with the court and any failure to observe the conditions thereof may mean cancellations of the order.*
- *For offender on Community Service, this appointment should also be used to issue work instructions, -where, how long each day, tools, other community/work agency supervisors, etc*
- *If a draft individual supervision plan had been made, it can be shared with the offender to get their input and for further deliberations*
- *The subsequent appointments will be checking the progress on the implementation of the supervision plan. Conduct behaviour and ensuring that the clients honours all other appointments relating to the order including referrals to other agencies*
- *You must show firmness and in control yet caring and understanding. Remember the Community Correction adage of 'advise, assist and befriend' which the law requires of the officer.*

Activity 2: Role Play 20 minutes

Watch the following video and simulate in class with moderation to fit the circumstances in Nigeria and the court requirements.

1. *https://www.youtube.com/watch?v=TKbiEifq9Z4*
2. *Offenders First Interview with a non-custodial officer in the office https://www.youtube.com/watch?v=fEwBqB-it6s*[23]

The participants demonstrate an appointment with an offender in the office. The purpose of this role play is to illustrate how best a client placed on non-custodial order is handled in the first instance and how the documents are explained.

[23] Courtesy of Derbyshire Probation Area UK

c) Content of the offenders file

Each offender must have a file to keep all the documents and reports and correspondences on the offender. The file should be kept confidential by the supervising officer. The documents to be kept in the file are as follows and in this order:

1. Presentence report submitted to court
2. Probation/community service order (or such order) made by the court
3. Detailed particulars on the offender including photograph, addresses, and direction to the home, landmarks (nearest school, hospitals, heath enters etc) relatives contacts and any other information that may be used to trace the offender
4. Initial notes about the first interview with the client that will explain the order requirements and all notes on future appointments, progresses and court reviews if any, and communication on work done for those on CSO
5. Individual supervision plan.

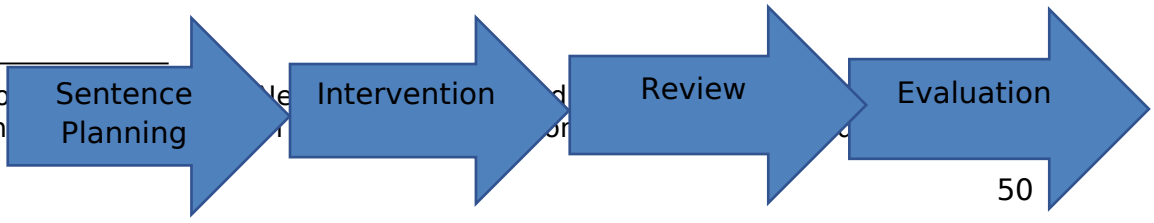
d) Development and implementation of Individual Supervision Plan[24]

The process of change begins with an accurate assessment of the change required to meet a realistic goal, agreed between the officer and offender, and an analysis of the steps that might achieve this, Hopkinson and Rex (2003). Individual supervision plan is a sentence case plan for an offender that contains activities required to achieve the objective of supervision which is forestall reoffending and protecting the public. The Objectives of supervising are more likely to be achieved if the offender participates in and understands and agrees with the plan as it is his/her action that will forestall reoffending.

The individual supervision plan will contain two elements

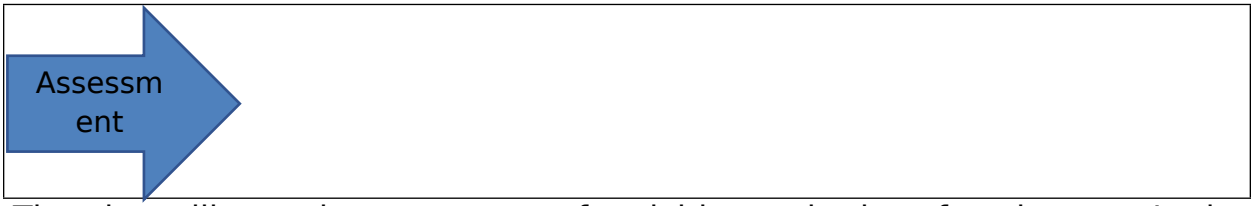
(i) Activities on compliance requirements-appointments frequency, compensation, restitution, unpaid work, etc.

(ii) Activities to address criminal behaviour/criminogenic needs-those responsible for the criminal conduct and which are dynamic and



[24] This area is co le d connects with th r

change e.g. how to address relationship, negative peers, antisocial behaviour issues etc



The plan will contain a sequence of activities and roles of each actor. It also has proposed interventions and resources required and times lines for each activity.

The supervising officer shall implement the interventions in the individual supervision plan during the probation period in line with guidelines on supervision and rehabilitation or Standing orders that may be in place

The supervising officer shall undertake and document in each offenders file, quarterly summaries and review the interventions as appropriate.

The ISP should contain the following variables:

- **Objective** (state the purpose/goal of intervention related to the specific problem behaviour)
- **Criminogenic Needs/risk factors** (dynamic issues/problems directly associated with the criminal conduct and NOT WELFARE NEEDS?)
- (**Intervention** state the preferred programme/intervention(s) to address the criminogenic needs)
- Action Step/ Plan (state the step by step procedure to be taken during the intervention for each objective and need during the period)
- **Timelines** (state the time schedule for each intervention/action step)
- **Responsible Actors** (state the person responsible for each action step e.g. offender, non-custodial officer, parent, significant others etc)

Objective (Why)	**Criminogenic Needs/risk factors (What)**	**Intervention Technique (Which)**	**Action Steps (How)**	**Timeframe (When)**	**Actor (Who)**

Appointment interview with an offender

During every appointment, the officer must deploy his/her interviewing/engagement skills which maximises the chance of a client's participation and involvement. Taxman et al (2004), illustrates the interview process. In that context, the supervising officer needs to construct a structured interview session which encourages the offender to participate. This process is as follows:

Step 1 Refer and reflect on the previous engagements, appointment

Step 2 Set clear objectives for the sessions-which focuses on addresses a particular area of behaviour

Step 3. Encourage disclosure and provide feedback to the client and

Step 4 Set out next appointment date and tasks which may include referrals

Activity 4: 20 Minutes. Appointment Interviews
participant to simulate an appointment interview that depicts an offender on supervision getting to the non-custodial office to meet with a non-custodial officer.
The role play should

- *Show reception of the offender*
- *Reflections of the last appointment*
- *Show discussion of issues that needed to have been discussed about progress on community corrections and action that needs to have been taken by the offender*
- *New assignment for the offender and action that the officer needs to take*
- *Next appointment date*
- *Remember to show interpersonal and empathetic cues*

Referrals

Referrals to is an acknowledgement of the input of others (experts and agencies) in corrections one[25]. This takes place where the client needs immediate action, as a result of ISP implementation or after a review of ISP. In

[25] The role of interagency and multi agency approach will be dealt with in the intermediate class

the course of administering the Individual Supervision Plan it may become evident that additional and/or alternative programmes or adjustment in intervention for the offender is required which the supervising officer may not offer.

The referral may be internal; whereby a fellow non-custodial officer (with the relevant expertise) attends to the offender. External referral may also take place where the offender is referred to another agency with the required expertise.

Activity 5: 5 Minutes Care Referral
Which are the referral agencies to which you could refer a client on drugs, alcohol addiction, or one who needs to develop his employability skills

Supervision Levels and Frequency of Contacts

The Supervision levels and frequency of contacts levels will be dependent upon

a) Court conditions
b) Assessment results
c) Standing orders
d) Intervention Needs

The classification based on risk and needs identified should be classified into now, medium and high. These regimes will determine the frequency of contacts.

The contacts can be at the:

a) **Office-** These are both convenient and efficient and usually provide a more suitable environment for reviewing conditions and disciplinary concerns.
b) **Community**- This may take place within the community, in the offender's home, workplace or nearby trading centre (for outreach). Community contacts are essential for gathering information about the offender in his/her home environment
c) **Auxiliary Contacts**: The supervision officer must establish a network of community contacts to corroborate information provided by the offender. The officer must never rely solely upon offender self-reported information. Collateral contacts also assist in monitoring progress and providing support to the offender.

Transfer or Relocation of Supervision to Another Area

Subject to the provision of the law and standing orders, an offender can be relocated from one place to the other with the permission of the court. Before approving an offender's request to travel to another area for the purpose of relocation or change of residence, the supervising officer should review the case-why relocate?

The officer must seek authority from the court if the offender is moving out of the jurisdiction of the placement court. Thereafter, the following procedure will be taken.

a) A letter of introduction should be issued to the offender with a copy sent via post.
b) The destination office shall confirm arrival and document all contacts including secondary contacts with the offender.
c) An agreement should be made for temporary supervision for a minimum of three (3) months before confirmation of settlement.
d) Once an agreement is made by both the supervising office and the destination office to transfer supervision, a date of transfer shall be decided upon.
e) It is the responsibility of the office from which the offender is being transferred to ensure that all file information is received by the destination office. This includes the supervision file.
f) Failure of the offender to make contact with the destination office is considered a breach of the order and application of warrant of arrest should be made.

Breach of Supervision Order

Breach of Probation or Community Service Orders may be occasioned by the offender failing to observe the conditions of the order or upon commission of a subsequent offence.

When effecting breach proceedings, the non-custodial officer shall be guided by law and the Standing Orders.

The officer should ensure that proper records of supervision are kept as they form critical evidence to demonstrate breach.

Note:

- *A mere violation on one condition of the order may not constitute breach*
- *The magnitude of the breach will determine the next course of action*

- *If it is breach by committing another offence then prompt action must be taken*
- *Infringement should be dealt with as part of the challenges in rehabilitation and supervision*
- *The NCS SOP or Standing Order will stipulate details of the procedure in case of breach*

Preparation for Exit

Preparation for exit should involve review (officer and Client) of the progress made or otherwise. This should be three months prior to the expiry of the order (for long time supervises), the supervising officer should prepare the client for exit by:

a) Reviewing and evaluating the progress made
b) Undertaking and documenting a pre-release assessment (this may be by use of an assessment tool or using clinical method-expertise, experience and insight.
c) Address any outstanding issues if any
d) Informing all relevant parties of the mode of exit
e) The probation/offenders can be exited as Satisfactory completion, Unsatisfactory completion of Absconded.
f) The modes of exit must be inserted before formal closure of the file.

The officer in charge will then be required to report on the mode of completion to the Controller General in the statistical returns

Intervention Techniques During Supervision[26]

Preferred intervention methods are applied depending on the problems that will have been diagnosed or the criminogenic factors identified during assessment. Core correctional practice demand that practitioners possess a combination of interpersonal and intellectual abilities relating to effective use of authority, pro-social modelling, problem solving techniques, communication and making referrals Raynor, Ugwudike and Vanstone (2010) The following are some of the intervention techniques, the details of which will be in later courses, that are common in community service work.

1. Prosocial Modelling and reinforcement

[26] The brief techniques outlined here are some of the generic methods that all non-custodial officers need to apply.

2. Problem-Solving technique
3. Family functional therapy
4. Relapse prevention

(i) Prosocial Modelling and Reinforcement

One way in which offenders can be helped to change is to promote their social environment by encouraging a supportive community. Studies have suggested that non-custodial officers who are more prosocial are more inclined, than less prosocial officers, to model prosocial behaviour and intern, model their clients into pro-social behaviour and appropriately address pro-criminal comments of their clients, Trotter (2000).

Pro-social modelling involves

a) Demonstration of pro-social behaviour e.g. in language-talk, dress, punctuality
b) Use of disapproval to discourage anti-social behaviour
c) Thinking, comments and use or rewards to reinforce prosocial behaviour
d) Approval of good conduct and disapproval of anti-social behaviour needs to be acted upon fast.
e) Modelling is a learning process which engages cognition

(i) Problem Solving Techniques

Problem solving Technique is one of the most used intervention methods in community correction. Effective intervention in community correction is about helping the offenders address the issues that led them into offending (criminogenic needs) These include family relationships, employment, drug use, peer association, housing finance, and prosocial attitudes which may lead to criminality.

This technique involves collaborative identification of the problem, goals and possible solutions.

Supervision of offender on Community Service[27]

[27] Details of supervision of offender on community service order will be in the intermediate course

Supervision should conform to the levels as in the case of those serving probation orders. In addition, for offenders serving Community Service Orders, the Non-custodial officer must ensure that;

a) The work agency/work site supervisor receives all relevant supervision forms
b) The agency supervisor confirms that the supervisee takes up the work allocated at the work site. The completion of work documents is received in the office
c) He/she (non-custodial officer) visits the work place periodically to meet the offender and ascertain progress
d)

REVISION QUESTIONS

1. What are the objectives of supervision?
2. What are the components of an individual supervision plan?
3. What challenges are likely to occur during appointment with an offender?
4. What may constitute breach of probation and what actions can you take?

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MODULE 6: INTRODUCTION TO SOCIAL INVESTIGATIONS AND RISKS AND NEEDS ASSESSMENT

Introduction

At the core of this module will be taking the participants through the steps in conducting social inquires and conducting interviews before preparing a presentence report to inform probation or community service placements. The module will also look at pre-release reports prepared for penal release decision making including parole decision making. Assessing risk and needs of the defendant s in all these processes will form an important part of this module.

Expected Learning outcomes

At the end of this session, participants will be expected to

1) Define applicable terminologies in social investigations
2) Explain the purpose and objectives of social inquiries and presentence reports

3) Explain the purpose and objectives of pre-release reports in defendant supervision and public protection
4) Explain the process and methods of conducting social inquiries for various reports
5) Identify risk and needs domains and variables of enquiry in and defendant and offence

Definition of terminologies

Activity 1: 10 minutes
Participants to define the following terminologies
Social Enquiry and Presentence Report,
Write done your answers and compare with that of the facilitator

Social enquiry is the methodical process of collecting verifiable information and data on a particular subject or problem with the aim of understanding its circumstances and taking appropriate actions. In the context of probation, it refers to the carrying out inquiries on a defendant in order to make a report to inform court action. Social enquiry is also known as social investigation

Presentence report is a non-custodial officers advisory report to court prepared after conducting inquiries and interviews with a defendant and compiled and presented to court to form a basis for assessing sentencing verdict including decision on alternatives measures to imprisonment.

Pre-release reports are instruments of decision making that look at the suitability of a defendant being granted early penal release and for effecting supervision and reintegration.

Purpose and objectives of social enquiries and pre sentence reports

Individualization of sentencing involves information about the defendant being provided to the court and this report is a defined characteristic of community service, Haines and Morgan (2007). Social enquiry or investigation is conducted for the purpose of documenting and understanding the attendant causes of behaviour and events. In sentencing decision making, social investigations help in criminal justice decision making by:

- Formulating plausible theoretical explanation of the criminal behaviour of a defendant
- Understanding the personality of the defendant beyond the crime committed
- Developing a basis for intervention/rehabilitation

- Identifying resources required to effect change

Specific objectives of social investigations in the light of a presentence report	
i. Appraise the background, personality and conduct of the defendant s in the light of the offence committed and what they think of their ill action ii. Identify the criminogenic factors at play (the defendant - needs and risk factors) iii. Evaluate the seriousness of the offence and the impact on victims iv. Identify the likely impact of a sentence on any dependants (children or any other dependent members of the (extended) family)	v. Engage families, employers, partnership organizations and significant others in the community about the defendant vi. Identify and arrange for partnership with organizations which can aid the process of eventual rehabilitation vii. Gain knowledge of the culture and resources available in the local communities viii. Propose cogent measures necessary to address the identified 'needs' and forestall risk of reoffending including an appropriate sentence[28]

Activity 2: 30 Minutes

Participants form three groups and have each group to discuss and report on the following questions. Watch this video to help you with the discussions https://www.youtube.com/watch?v=0m8nCICEm0Y

1. ***Group One**: In relation to inquiries and presentence reports, what concerns would the COURT be interested in to be covered during social enquiry on a defendant awaiting sentence?*
2. ***Group Two**: In relation to inquiries and presentence report, what concerns would the COMMUNITY and VICTIM be interested in to be covered during social enquiry on a defendant awaiting sentence?*
3. ***Group Three**: In relation to inquiries and presentence reports, what concerns would the NON_CUSTODIAL OFFICER be interested in to be covered during social enquiry on a defendant awaiting sentence?*

Note: What the Court is interested in regarding presentence reports

[28] Adopted from Guidelines for Social Investigations and presentence reports (2017), Republic of Kenya

- Courts want a report that would make them make judicious verdict (constitutional, lawful, informed and acceptable)
- Courts are less interested in the report re-narrating **how** the defendant committed the offence but more on who the defendant is and **why** he committed the offence. It's the role of prosecution to address **how** the offence was committed
- Courts need to know what push factors (risk factors) may be responsible for the defendant 's involvement in crime
- Courts are interested in knowing what needs to be done to correct the behaviour
- Courts are interest in knowing if the defendant is remorseful and willing and capable/willing to compensate or repair damage done to the victim
- Courts wants to know whether there would be a problem if a non-custodial order was to be made
- The community is interested in their protection and how to avoid revictimization. The community would also wish to communicate why the defendant has been committing offences.
- They may want to know how the defendant's dependants would be supported in case the defendant is incarcerated
- The officer should be interested in understanding and informing the court about the drivers to crime, risk factors, risk of reoffending, possibility of reconciliation, possible redress, challenges to accomplishing community supervision if granted and many more

Purpose and objectives of pre-release reports in pre-release Parole and Reintegration work

As already noted, pre-release reports are prepared to inform penal organ decision making particularly for defendants destined to exit Correctional Centres for parole or other forms of community reintegration supervision.

The purpose of the pre-release report is to help the authority make more informed decisions in the post-sentence dispositions as contemplated in the Nigerian Correction Service Act.

The report helps in identifying, for interventions and for public protection purposes, both positive and negative risk factors necessary for re-entry engagement and also for the prevention of relapse. For defendants due for pre-release disposition, the report is also meant to identify key reintegration issues which are the embodiments of the risk factors.

Specific the purpose and objectives of pre-release report is to:	viii.	Confirm if there is objection by other authorities e.g. the police, administration officials on the defendant 's

i. Provide Authority with information regarding the general home conditions of the inmate at the time the report is requested ii. Provide information to the competent authority about the inmate's acceptance, approval or rejection by his family and or community including family support mechanisms in place. iii. Provide information on the resources available or required for continued post-release reintegration and resettlement with regard to the criminogenic needs of the defendant iv. Point out potential risks, if any, and likelihood of the inmate reverting to criminality Indicate availability of accommodation upon release or lack of it-temporary or permanent v. If a youthful inmate, to indicate availability of person (s)-guardian, parent or care –giver willing and ready to take immediate charge and in accordance with release conditions if any. vi. Verify information on the inmate, family and other circumstances already available to the custodial authority vii. Indicate any fears by the victim(s) about the defendant 's potential return taking full view of the expectations under Victim Law	release and if there are conditions that they may wish to be considered in accordance to the relevant legislations e.g. those related to serious crime ix. Find out if the inmate had faulted/breached previous release license x. Indicate to the authority of the supervision arrangements or what conditions may be imposed on the parole licence to be observed in the license which can forestall re-offending. xi. Prepare interested/concerned parties of the potential return of the inmate to community xii. Generate a possible parole supervision or reintegration case plan with clear timelines to be implemented upon release including restitution and reconciliation measures and the likely facilitation that may be needed xiii. Provide plausible suggestions and or recommendations and if the inmate may be subject to release, to propose any condition(s) or recognizance that may be attached to the release if applicable.

INTERVIEWING TECHNIQUES

Activity 5. 5 Minutes
Participants to define the term ***Interview***
Note the answers and compare with that of the facilitator

Interview is a conversation between two or more people- interviewer and interviewee. It is a way of gathering information, analyzing or evaluation and supplying the interviewees opinion.

There are two sets of interviews- Information interviews and Assessment interviews.

a) **Information Interviews**- Include seeking information about a subject mainly used by people like journalists, writers etc.
b) **Assessment Interviews-** They include job interviews and psychological interviews. In the field of corrections, assessment interviews fall within the range of psychological interviews which can be Structured, Semi Structured or Unstructured

Structured interviews involve a fixed set of questions which the clinician asks in a previous arranged order. Interviewees are usually asked to choose a response from a fixed set of options (perhaps including rating skills). Structured interviews have a higher rate on validity, reliability, and accuracy compared to clinical or unstructured inters which are subjective

Unstructured interviews cover a number of topics that are not attended in a fixed pored. Instead they were allowed to develop a result of exchanges between the clinician and the client.

PROCESS OF SOCIAL INVESTIGATIONS FOR PRESENTENCE

Process of Investigation

Information for the presentence report is generated from the defendant, victim(s) and significant others as the case may be. Remember this is a sentencing social inquiry and not a criminal investigation. The officer shall use a clinical approach and structured interview (if there is a R/N assessment tool in place) in getting the information through insightful and relevant questions that allows the offender to expound and illuminate on a particular issue.

Stage one: Perusal of Court file

Get information from the defendant's court file. This will give information about the name of the defendant, case particulars, address of defendant and victim. It will also give you information about the case (prosecution and defence), order made by the court authorizing you to carry out an inquiry and other details including whether out on recognizance or where the defendant is incarcerated. Peruse the file and take notes of these.

Stage two. Interviewing Defendants

Proceed to conduct a face-to-face interview the defendant. This interview must be in a suitable place that will attract the confidence of the defendant to speak freely. Ensure you formerly identify yourself and explain to the defendant the purpose of the interview and how the report will be useful in deciding on his sentence. The officer should prepare and organize questions for each interview giving regard to areas of interest and issues documented beforehand. Open questions should be used to elicit more comprehensive answers.

The questions should touch on family background, defendant developmental history and means of subsistence, risk factor (e.g. past criminal history, anti-social behaviour patterns, employment, peers, drugs misuse, accommodation, leisure, mental health,). Find out from the holding facility about his conduct while incarcerated. Remember it is important to seek consent to interview first and that women defendants must be interviewed by a female officer[29]

Stage Three: Conducting Home inquiry

Proceed to verify the information from the offender. This will be by conducting home visit to the offender's home, work place (if the offence was committed at place of work). Interview significant others-family (including wife if married), relatives and local government administration. Also look at documents available to confirm certain information.

Ask about the criminal pattern, behaviour, positive this and about the defendant, role in family sustenance, religious affiliation and extent of involvement, health history. If the defendant was arrested away from home, communicate with outside NCS stations to carry out a home inquiry for you and mail back, or do a video conference where possible. Endeavour to get the victims' concerns.

Stage four: if there are issues that still are unclear, revisit the defendant to clarify the issues. You may also use this stage to pick any information from investigators but remember not to be obscured by possible desires to have the defendant imprisoned.

Stage five: if there is a Risk Need Assessment tool to inform the presentence report, proceed to fill one with the information you have collected. If you think you do not have enough information to fill a certain risk/Need domain area, do

[29] The UN Rules on the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (The Bangkok Rules) supplement the Tokyo Rules and provide standards tailored to the background and needs of women offenders (see Rules 57-66 on sentencing and non-custodial measures and sanctions).1 The UN Convention on the Rights of the Child (to which Kenya is a State Party) demands that courts must consider the best interests of the child when making a decision that concerns children. This means that the best interests of the child of an offender must be considered when sentencing

not leave blank but endeavour to get it. The outcome of this process has significant influence on the presentence report.

Stage Six: Consultation

Proceed to consult with your colleague and supervisor giving details of the process followed and actions taken. Note if there are any areas still not covered and map-out how this can be done if not possible, generate plausible explanations for the court.

Stage Six: Report Writing

Proceed to generate a presentence report on the defendant. Remember to use simple language

Reflection Questions to be Address in Assessment Interviews

a) What is the client's understanding of the offending behaviour? Does this make sense to them?
b) How do they construe themselves and significant others including their victims?
c) Was the client's role in society a factor when committing the offence (for example, responsibility as a mother, claims of having been influenced to commit the offence, seeking to help the boyfriend/ spouse)?
d) How does their offending and sense of self-image link to their childhood experiences and other difficulties in life such as a background of violence or victimization?
e) Can you link this offending behaviour to some plausible criminological explanation?
f) Does the offender see the need to change? Or does he or she believe that change is impossible?
g) What are the potential obstacles to change? i.e. stigma, self-imposed attitudes, trauma, poverty, ill-health, lack of employment, negative influence of peers etc.
h) Are there opportunities to address these obstacles, such as skills training to improve employment prospects or counselling?

Activity 4: 15 Role Play (five minutes for each group)

Participants to form a set of three (each set having three participants) to simulate an interview

1. 1st person to be the offender
2. 2nd to be the non-custodial officer
3. 3rd observer (to report how they performs)
4. Let them choose their offence and circumstances)

The purpose would be the identify the key areas of interest that the court would be interested in and what would suffice for conducting home inquiry and writing a presentence report)

RISK NEEDS ASSESSMENT

Activity 5. 5 Minutes
Participants to define the terms ***Risk and Needs*** *within the context of administration of justice*
Compares their responses with the correct versions of the facilitator

For a long time, correctional officers (probation, parole and prison officers) and other professionals (psychologists, psychiatrists and social workers) continued to diagnose problem behaviour using various methods. These kinds of approaches used the clinical method where the case worker applied professional judgement to identify the problem and to determine the intervention required[30]. This formed the **first generation** of risk and needs assessment.

The disillusion with rehabilitation in the 1970s, Martinson (1974), brought about the actuarial methods of assessing risk. These were structured tools with items scores identified on account of previous/historical convictions on an offender. The **Second-Generation** tools were used to predict future conduct and likelihood of reoffending.

The **Third-Generation** tools were a combination of (first- and second-generation tools) that also introduced static and dynamic risk factors to predict the likelihood of re-offending. In essence, the tool contained both the historical records (static and unchangeable) and dynamic (changeable and learnable variables) to identify the cause of criminal behaviour (criminogenic needs).

The third generation also introduced a new concept of **Responsivity** which recognized the place of the offender's strengths and weakness to take up interventions. This evidence-based framework formed RNR model has become the principles of offender assessment and rehabilitation.

[30] Bonta and Andrews (2007) Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation

The Cooke and Phillip (2001[31]) captures Bonta and Andrews (2007) three core principles as follows:

1. **Risk principle**: Match the level of service to the offender's risk to reoffend. The principle proposes that higher levels of service should be reserved for higher risk cases- offenders with higher characteristics associated with reoffending
2. **Need principle:** Assess criminogenic needs and target them in treatment. Criminogenic needs are those aspects of individual functioning that give rise to their anti-social and criminal behaviour. Effective interventions are those that target criminogenic needs directly.
3. **Responsivity principle:** Maximize the offender's ability to learn from a rehabilitative intervention by providing cognitive behavioural treatment and tailoring the intervention to the learning style, motivation, abilities and strengths of the offender.

The RNR model has influenced development of offender risk assessment instruments and offender rehabilitation programmes. The criminal behaviour of offenders can be predicted in a reliable, practical and useful manner. The assessment tools which are critical in assessing reoffending have become useful in strengthening reliability of the clinical methods used to generate presentence reports[32].

Activity 5: Activity Video Clip 10 minutes
*Participants to watch the following Video Clip on Presentence guided by Risk Assessment Tools*https://www.youtube.com/watch?v=S-nGDKgdTi4

REVISION QUESTIONS

1. What is the difference between a Presentence Report and a pre-release report?
2. Can you describe the process in presentence investigations?
3. What are the key tenets of Risk Needs and Responsivity principles?

REFERENCE

1. Hollins R. C. (2004), eds Essential Handbook of Offender and Treatment, John Wiley and Sons
2. Bonta, J. and Andrews, D (2007) 'Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation', Carleton University

[31] Cooke D and Philip, L. (2001) 'To Treat or Not to Treat? Empirical Perspective' in Hollins, C eds, 'Handbook of Offender Assessment and Treatment'.
[32] The details of RNR and its application in offender classification and rehabilitation will be provided in handouts

3. D. A. Andrews Haines, K and Morgan, R. (2010) in Gelsthorpe, L and Morgan, R eds, 'Handbook of Probation'. Willan Publishers
4. Hollin, C. (2001), eds Handbook on Offender Assessment and Treatment John Wiley & Sons Ltd
5. Kemshall, H. (2008), Understanding Risk in criminal Justice, Open University Press
6. Presentence investigation report . https://www.youtube.com/watch?v=HwAEO7sQnVA 2. https://www.youtube.com/watch?v=0m8nClCEm0Y

MODULE 7: COMMUNICATION AND INTERPERSONAL SKILLS

Introduction

The ability of Correctional Staff to foster relationships and induce change in offenders on non-custodial sentences hinge largely on effective communication skills. This module will impart the participants with key concepts of communication and consider both verbal and written skills. The importance of communication in assessments, investigations, supervision, court and inter-agency work will be explored.

Expected Learning outcomes

By the end of this module, the participant should be able to:

1. Define the concept of communication and interpersonal relationship
2. Describe the principles of effective communication
3. Discuss the importance of communication in building interpersonal relationships
4. Demonstrate how interpersonal skills can be used to foster interpersonal relationship in offender management

Activity 1: 5 Minutes
Participants to define the terms:
- *Communication and interpersonal relationships.*
- *Mention in what respect communication is used in the non-custodial setting.*

Write down your answers and compare with that of the facilitator

The Concept of Communication and Interpersonal Relationship

Communication is a goal-oriented transfer of information from one person to another (while retaining the same content and context) with the purpose of creating a common understanding. It is an act meant to elicit a response in another either direct action by the receiver or the acquisition of understanding.

Effective communication depends on the functioning of the senses (e.g. vision, hearing ETC) and the cognitive activities of the brain which include **attention** (focusing on certain stimuli while disregarding others) **perception,** (using pattern recognition and sensory memory to interpret stimuli picked up by our senses; memory (retaining information over time), **language** (interpreting, expressing and remembering verbal and written words and symbols), **conceptualization** (organizing information and ideas into categories), **reasoning** (drawing conclusion from information) and **decision making** (making choices based on and anticipation of future event). These cognitive processes are interrelated and overlapping, Sheafor and Horejsi (2010).

Interpersonal relationship is a strong, close association between two or more people that is enduring. The context of this relationship can be in correctional situations and can be regulated or informed by law or mutual consent. Communication when used effectively is what binds interpersonal relationships, enabling people's attitudes to change because they have received positive influence.

Principles of Effective Communication

- **Openness/Transparency-** e.g. It is important to provide an explanation as to why such actions are taken or why certain restriction were made by the court
- **Clarity and simplicity in communication-** e.g. Ensure that the terms of the supervision order are explained, being sensitive to cultural diversities and ensure messages are accurate.
- **Principle of Attention:** In order to make communication effective, the receiver's attention should be drawn towards the message.
- **Principle of Feedback**: There should be feedback information from the recipient to know whether he has understood the message in the same sense in which the sender has meant it.
- **Principle of Timeliness**: This principle states that communication should be done at proper time so that it helps in implementing plans in this case the supervision and rehabilitation plans

Types of Communication

Activity 2: prison
Participants to discuss briefly the different types of communication and their importance in building relationship

- **Non-verbal**: -This is the process of communication through sending and receiving wordless messages. The messages can be communicated through gesture, body language or posture; facial expression and eye contact, object communication e.g. clothing, hairstyles etc.
- **Visual**: - This is communication through visual aid. The ideas are conveyed in forms that can be read or looked upon, primarily associated with two dimensional images
- **Oral: -** This is a process whereby information is transferred from a sender to receiver usually by verbal means but visual aid can support the process.

Importance of communication in building interpersonal relationship to effect change

1) **Listening to the offender**: – Good listening to a distressed offender is to actively take in what is being said by the offender for four main purposes
    a) To act as a receiver, a holder of the offender's feelings to enable the child release the emotions/tension in a constructive way
    b) To increase understanding and knowledge of what the offender experiences e.g. through the offender's own eyes
    c) To give the offender the feelings of having been appreciated and that his or her feelings are recognized and understood
    d) To act as a model of important person in the offender's life who would be happy to see him or her change

a) **Observing the offender**: – Reading expressions and body movements made by the offender e.g. (biting of teeth, stiff body, hanging head, about to shed tears, sweating etc.).

b) Talking to the offender: –

- Engage the offender in a constructive conversation.
- Ensure that the talk concentrates on the change agenda or matters that are of a concern to him or her. Look for clues that may lead to the objectives of your conversation and which may make the offender open up and talk about the issues that may, for instance, be inhibiting change.

Developing Interpersonal Skills

Interpersonal skills are social skills that enable a person to communicate effectively and help solve daily problems of life. Interpersonal skills are

important in community service work as it enables an officer to effectively communicate and direct an offender to the desired goal. Interpersonal skills can be learnt or developed.

Activity 2: 10 minutes
Watch this video on Development of Interpersonal skills ***https://www.youtube.com/watch?v=2n3iAuGyyrI***

Note:
As an officer you need to develop interpersonal skills that make it easier for you to work with offenders. As non-custodial officers, we need excellent communication skills especially listening. You need to listen carefully to orders given by the court order given to an offender and explain the same to his client. You must listen to the offender express his feelings as you take him through the journey away from crime. You need to make the client understand what is expected of him during the supervision period. You need interpersonal skills to communicate, make decisions and help the offender solve his problems connected with crime.

REVISION QUESTIONS

1. What is communication and interpersonal skills?
2. What principles underpin the communication and interpersonal relationship
3. How important are interpersonal skills in offender supervision?

REFERENCES

1. Sheafor & Horejsi (2012),Techniques and Guidelines for Social Work Practice with MyLab Social Work with eText -- Access Card Package, 9th Edition
2. Frankel, A.J. and Gelman, S.R ((2004) Case Management 'An introduction to Concepts and Skills' second edition. Lyceum

MODULE 8: REPORT WRITING

Report writing is one of the key skills that non-custodial officers /non-custodial officers need as part of the competencies for daily work. Part of the work entails documenting and reporting on the processes, progress and successes made to relevant organs. Most essential work for non-custodial officers is the generation of presentence and pre-release reports on offenders to court and other penal release organs.

This model which relates to module 8, will give participants the inputs necessary for generating a good report. It will give participants the understanding of how to generate various reports following required stipulations including legal and policy requirements. This module will equip participants with appropriate report writing skills including Presentence reports, Community Service Reports, and other reports as may be required in the daily performance of duty/roles.

Expected Learning Outcomes

By the end of this training the participants will be able to:

1. Categorize and define the various reports that generated by non-custodial officer to various organs
2. Describe various component of a report
3. Outline Presentence report structure and content
4. Examine report writing skills

Categories of Reports

Activity 1. 5 minutes
Participants to

1. *define what a report is and which categories of reports that you know that relate to non-custodial officer's work.*
2. *What is a presentence report?*

According to the dictionary meaning, a **report** is an account given of a particular matter, especially in the form of an official document, after thorough investigation or consideration by an appointed person or body. Reports can either be oral or written depending on the mode of transmission to the authority that has requested it. Within the context of non-custodial options, reports are mainly about offenders and the work around them.

A presentence report is a **social inquiry report** written for purposes of sentencing and further for the direction of the court, containing social information on the offender that is relevant to the person's pattern of offending and current offences. It also contains information and

recommendations that are relevant to the sentencing procedure[33].Presentence report is therefore an advisory report for sentence decision making, written after conducting social investigations and assessments. The case for presentence report is inquired into and written in accordance with the law, policy and prescribed guidelines. Presentence reports are also known as **non-custodial officers reports**.

The presentence report is useful in the sentencing procedure where the court contemplates placing an offender on a non-custodial option including **probation orders** or **community service orders** and such other community supervision options. The presentence reports assess the mitigating and aggravating circumstances of a case and make suggestions on suitability for an alternative to imprisonment or not. The report shall be factual, objective and unbiased, with any expression of opinion clearly identified[34]

Victim impact statement report is a report written by a non-custodial officer or such designated persons and presented to the court (or the prosecuting) containing the views and concerns of the victim of crime or his/her next of kin, regarding their protection issues at time of sentencing of a defendant.

Activity 2.

1. *What role does a presentence report play in sentencing?*
2. *In making probation orders or community service orders, how important is a presentence report.*
3. *How important is a victim impact statement before sentencing?*

Reports by Non-custodial officers/Non Custodial officers

The NCoS is mandated to prepare various reports rating to officers under supervision. The categories are

1. Reports to court for sentencing
2. Reports on offender progress to court or committee
3. Report on victims of crime
4. Reports to correctional facilities for pre-release

The Reports to courts can be divided into three categories

1. Presentence report for the making of probation orders

[33] Rule 7.1 of the UN SMR (Tokyo Rules) and UN Rules on the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules)- R.57-66

[34]

2. Presentence reports for the making of community service orders
3. Victim impact reports to court

GENERAL COMPONENTS OF A REPORT

The purpose of a report is to inform the audience and it can be appreciated and more meaningful if it is organized logically. The generic components of a report comprise an introduction, the body of the report, the findings and the conclusion.

a) **The Introduction**: The purpose of the introduction is to introduce the report and not its content. Material points are left for the body of the report. The introduction answers the questions: Why is the report being written? What kinds of information does it contain? How is the problem being approached? For whom is the report being written?

Very little information needs to be given at this stage. It is often helpful to give the scope of the information and if there are any left out and why. Indication of how (methods use) the information was generated needs to be mentioned briefly.

b) **The main body of the report**: This is where the full content of the report is presented. It brings out what and how the information was investigated and collected. It is important that the materials and findings are well organized and presented.
c) **Findings:** This is the place to present your evidence. It should be organised logically so that your conclusions arise naturally from the facts you have written. It is important to confine yourself to proven (verifiable) facts not personal views.
d) **Conclusions:** The conclusions should arise naturally from the evidence that is presented in the previous sections. This may include why professionally in your opinion, in the light of your experience and the evidence that you have presented, what a preferred course of action would be. No new information should be included that does not appear in the main body of the report. No statements without the evidence in the body of the report.

e) Recommendations: Recommendation should follow logically from the conclusions. The recommendation must be based on sound policy and should have legal or scientific legitimacy.

PRESENTENCE REPORTS

Prescribed Headings/Subtitles

The following minimum prescribed headings must be used and addressed in each pre-sentence report. Within each prescribed heading, subheadings may be used, for example, where there is extensive content in an area that would be better broken into discrete subsections. If the court requests other information be included in the report, this must either be incorporated under existing headings or as a new heading.

1. Introduction

Biodata: The offender's full name, current address, date of birth, age (xx years and xx months. Date of birth is preferred) religion, etc

Case particulars: court case number, court station (SPM Maua), police case number, police station (Maua), description of offence, section of law contravened, a brief overview of what occurred at the previous court appearance, for example the date the report was ordered.

Abode details: nationality, physical address (administrative location and village)

2. Source/s of Information

This section lists the Specific information on which the report is based, for example:

- The date and nature of the interview/s with offender and their parent/s or caregiver
- Information obtained from either the Police investigators and Prosecutions
- Information from the offender's government record and any consultations with other government Departments
- All references to previous reports made including those from the court, school or NCS.
- Any other information used to prepare the report, for example specialist reports
- If the author had difficulty engaging the offender/parents or any other source in interviews, include a separate paragraph to provide details of the specific attempts made to engage the offender
- Indicate if there was adequate time given to prepare the report

3. Defendant Personal and Family Background

(This section may be broken into subheadings (defendants' personal circumstances, family background, marital status, employment and training, health and leisure etc)

- Social and economic standing of the parents
- The training and discipline the parents have given to the offender and his or her siblings.
- An overview of the offender's developmental history, noting any gaps and incidences that may help to understand the current behaviour, including any history or risk of violence or victimization.
- Consider the mental and emotional state of the offender by examining whether he or she exhibits any symptoms such as having trouble with sleeping, eating and focusing; fears about the future that are difficult to cope with etc.
- The offender's medical history and, if desirable, a psychological or psychiatric report to be mentioned and produced if demanded by the court
- How he or she relates to other people and how they may influence his/ her conduct.
- The interpersonal relationship with siblings and/or spouse.

*(**Note:** Social/ marital status relates to the position of the offender in society. This can include information on whether the person is married, widowed, divorced or separated in order to understand the background of offence and offender, and potential consequences of a sanction on the offender and his/ her family. It is unnecessary to document information on family members if that information has no relation to the offender's conduct and would not help in any future interventions.)*

- Dependent(s)/ Care-giving obligations Who does he or she look after on a daily basis?
- The number and age of any (minor) children or other dependents such as elderly or family members with disabilities.
- Whether he or she is the sole or main financial provider for these dependents.
- An overview of the impact of a community disposition or of a sentence of imprisonment on any children, noting who would care for them, whether they would still be able to attend school and the impact on their protection and healthcare needs. Also, consider if any young children are likely to live in custodial center with their mothers, if imprisoned.
- If a lady, whether the offender is currently pregnant or breast-feeding.

4. Living circumstances/ Home environment

- Place of residence prior to current charges, including any placement in a criminal justice facility.
- How the offender was meeting the living expenses, looking at indications that may connect the type of offence and the lifestyle of the offender.
- Who the offender has been living with.
- Frequency of shifting/ changing houses/ locations often and why.
- Conditions of housing he or she has lived in for most of his or her life.
- Whether the family is supportive of the offender regarding rehabilitation efforts.
- Whether the offender is safe in his or her home environment.
- Strengths in the home environment, family and community

5. Education and occupation data

- Level of education achievements and how this may be an asset.
- Whether employed or not, and, if employed whether employment is formal or informal, casual or regular.
- If he or she has particular employable skills or requires training to acquire skills.
- Level of education. Whether the offender has completed schooling or any academic qualifications/ achievements.
- Report from school or employer to his or her commitment to education/work.

(Note: Reporting on education can include information of literacy levels and should seek to provide a better understanding of the background of the offender and identify adequate measures to reduce the risk of reoffending. Economic means should be captured as relevant: this can include information on how the offender earns a living and the income of the spouse (where relevant). It should enable an assessment of the consequences of a custodial sentence or a non-custodial sanction.)

6. Leisure/ Other interests

- How does he or she spend leisure time, and with whom?
- What are his or her interests and hobbies?
- How does the defendant generate money to sustain this leisure?
- Any participation in pro-social activities

7. Circumstances of the Offence/s & Factors Contributing to Offending

- A complete description of the offense and circumstances surrounding it, not limited to the aspects developed for the record as part of the determination of guilt.

- A brief summary (not longer than a few sentences) of the facts of each offence. Group multiple offences together
- Consider using subheadings in this section to ensure all the factors are clearly identified and addressed adding a summary of the assessment at the end.

In this section, include:

- Only information that is directly relevant to the offence/s
- Information about factors assessed as not readily linked to the offence/s to ensure the court is aware that these areas have been explored and discounted
- Any specific factors assessed as contributing to the offender's offending, for example:
    - Substance or alcohol use and/or effects
    - Extent of family supervision and discipline
    - Influence of negative peer relationships
    - Anger management and poor impulse control
    - A detailed explanation of how each factor contributed to the offending

If an assessment tool was completed this will be very useful at this stage. Do not include any account of offence circumstance other than the facts accepted or registered when the guilty plea was entered at court or the findings of the court. Also find out if there are any mitigating or extenuating circumstances

(Note: international research has found that women offenders are often coerced into aiding/ abetting an offence by their partners or husbands.)

8. Conduct/ character/ defendant's attitude towards the offence and previous criminal activities

- Any genuine repentance or remorse.
- Any tendency to blame others.
- Any confession/revelation about his/her previous criminal activities.
- What he/she perceives of his/her ill action
- Information on any positive or negative consequences the offender has experienced as a result of their offence and how the offender has been affected by these consequences, including any punishment imposed at home by the offender's parent/s, community or carer, loss of employment or suspension from school, vital community group
- Information on any positive or negative consequences the offender has experienced remand custody.

*(**Note**: Information to this end could help identify skills and adequate assignments for community service orders or reveal a potential to help with skill-building in the interests of preventing re-offending.)*

9. Victim information victim(s) and community concerns

- What they think of the actions of the offender.
- Any room for reconciliation and any need of compensation or restitution.
- How the offence has impacted on the life of the victim(s).
- What is the emotional and financial impact of the offence on the victim?
- What protective measures may be necessary to forestall any re-victimization?

10. Previous Convictions & Offender's Supervised Order History

- Information about any order/s that are in breach because of the offender's criminal conduct (Orders that have been breached by virtue of recidivism and relation of current to previous offence).
- Mention previous case court numbers, description of previous offences, conviction date ana court, nature and duration of previous dispositions
- A brief discussion of the offender's supervised order history, the nature of the offences and over what period of time, if relevant. If completion was unsuccessful quote date warrant of arrest for breach of order was issued and if executed.

***Note:** This information must be checked for accuracy against copies of orders or the court registry. If there is no material evidence to confirm the correctness of the information then it should be included. No hearsay or allegation should be included even if it is from a government official unless there is documentary proof.*

11. Conclusion

This section should summarize the body of the report laying emphasis on key issues that can inform the recommendations (including underlying risk factors and motivating factors, summary of the supervision and rehabilitation plan. Address factors that may impact on the sentencing of the offender. Include:

- The defendant's current personal circumstances and other aspects potentially relevant to sentencing such as school, employment, health and current location
- Any self-initiated therapeutic interventions

- A brief overview of the rehabilitation plan if relevant to the offender's risk factors for re-offending
- Relevant information about the remand period, such as the number of days spent in custody and the length and intensity of the conditional bail programme. Within this section of the pre-sentence report the following statement must be included. Number of days remanded in custody in relation to these and or related offences.

Information about protective factors or strengths and how the NCS will promote these. Information in this section should reflect and support information in other sections

12. Recommendation & Sentencing Options

This section helps the court to determine an appropriate sentence for the offender which includes: Unsupervised orders, Suspended sentence, Youth corrective institutions, Probation order, Community service order, combined orders (if admissible) s (within this subheading include information regarding a combined probation order and community service order only Conditional release order, Detention/custodial order (within this option also include a heading with information regarding a combined detention order and probation order).

Under the detention order option, the following statement must be included if the offender was in remand: "As outlined in the discussion/conclusion section of this report, ### has spent ### days remanded in custody in relation to these offences. Therefore, this honourable court is urged to take into account the custody period when determining the custodial sentence and date the supervised release order will commence".

- For each sentencing option, discuss how the department would work with the offender in relation to the order
- For community-based orders such as probation, community service, conditional release, state whether the offender has indicated a willingness to comply with the order
- Information on the availability of appropriate programmes or interventions to address the offender's offending behaviour, ensuring the proposed programmes or intervention directly relates to the offence/s, the factors contributing, the offender's attitude and their current circumstances
- If relevant, information about where the offender will reside and other issues, for example parental supervision and support to help the offender to comply

- Include capacity of the defendant to meet order on compensation or restitution
- Advice on whether the court should or should not make a publication order or order the offender's name to be placed in the sexual offenders register.

Offenders Rights in Relation to the PSR

Offenders waiting for their PSR have a right to:

a) A copy of the presentence report
b) Complain if they believe they are receiving unfair treatment.
c) To be provided with information, help and advice if they wish to complain.
d) To have all their complaints taken seriously.
e) Their parent(s) / carer(s) to be treated fairly, openly and with respect during contact with the non-custodial officer.
f) A fair and impartial report regardless of race, language, culture, gender, religion, disabilities, sexual orientation or caring responsibilities.

-Caution should be made although with regard to issuing the defendant with a copy of the report. It would be important to provide the defendant with the report to read and make notes but not to keep.
-The prosecutor and defendant's lawyer/attorney can receive a copy of the report and accept to be liable on account of report confidentiality

LANGUAGE, FORMAT AND STYLE OF A PRE-SENTENCE REPORT

Report writing is a skill that non-custodial officers cherish. Since this is an official report, formal government language and style would be desirable. Note that a PSR must reflect and maintain the NCoS image as it is used by other agencies. The main differences between formal and informal reports are in language, tone, format and structure

- Formal language entails use of passive as opposed to active voice (e.g. do not write I personally made visited the home of the defendant before preparing this report. Instead write, the home of the defendant was visited in order to prepare this report)
- Use clear & concise verbs (formal usage)
- Use of few personal pronouns
- Less colloquial language (formal)
- Use formal tone. (Tone is also related to the persona, or the image that writers intend to portray to audiences. Tone can range from sarcastic, to humorous, to serious, to questioning, to angry, to persuasive, or to informative).
- Avoid discriminative, Sexist or Racist Language

- The format (font type, font size, how figures/tables/ are numbered, citations, justify/left align text, spacing, numbers/units, footnotes, etc.) must be consistent throughout your PSR. NCS or the court may have a policy on which font type and size to use.
- Decide on a tense in your document and use that tense consistently. Usually the present tense is preferred although the past tense may make sense in certain sections (***Everyone*** should have a hard-copy dictionary and thesaurus ready when writing a PSR).
- Sentences should be short in the PSR to communicate in a way that is easier to understand.
- Use short paragraphs. Short paragraphs allow the reader to absorb information in amounts they can handle

Activity 3.
Participants to be given report writing assuagement for practicum field work / attachment where they are to interview offenders and generate reports or pseudo-reports

REVISION QUESTIONS

1. What is a presentence report, Social Inquiry Report and Victim Impact Statement Report?
2. What use is the presentence report to the court and the non-custodial officer?
3. Mention the components of the reports
4. What are the rights of an offender in relation to reports by a correctional officer?

REFERENCE

1. Guidelines for social investigations and pre-sentence reports (2007), Probation and Aftercare Service Kenya
2. Administration of Justice Act (2015)
3. Nigerian Correctional Service Act (2019)

MODULE 9: ETHICS AND COMMUNITY CORRECTIONS

This session will consider the professional conduct and ethical framework in which non-custodial staff operate and explore professional boundaries, confidentiality, rights and responsibilities. It will also delve into the key elements of the ethical code and discuss how non-custodial staff should deal with unethical situations.

Expected Learning Outcomes

By the end this module, the participants should be able to

1. Define code of conduct and ethics within the context of professional service
2. Discuss the code of conduct and ethics for community correction professionals
3. Consider rights and obligations of the defendants while receiving non-custodial services

Understanding Code of Conduct and Ethics

Non-custodial officers monitor criminal offenders who are serving probation and community service orders so as to ensure that they do not reoffend and also perform work as expected respectively. They work with individual clients as ordered by the court, keeping track of them and making sure that they fulfil the stipulations of their conditions for release. Non-custodial officers must be ethically aware to maintain a fair balance between their obligations to their clients and to the courts.

The primary goals of social work in which probation belongs, are to promote social change, address problems in human relationships and empower people to enhance their well-being. Utilising theories of human behaviour and social systems, social work intervenes at the points where people interact with their environments[35]. Principles of human rights and social justice are fundamental to social work[36] and by extension, Community correction practice.

Activity 1: 5 Minutes
Participants to discuss what is meant by ***ethics*** *and* ***code of conduct***
Note your answers and compare with what is being generated by the class and the facilitator

[35] International Federation of Social Workers (2001)
[36] Social justice principles comprise human rights, access, participation, and equity

According to the Oxford English dictionary, **Ethics** is defined as 'the moral principles that govern a person's behaviour or the conduct of an activity'. Ethics are moral values that guide human conduct while in private or public life. They form the rules of conduct recognized in respect to a particular class of human actions or a particular group, culture, etc.

Ethics is about what is right, acceptable and correct. The overriding question in Ethics is whether one's decision and action injure someone else. The injury may be physical, emotional or psychological.

Code of ethics are a set of principles that guide behaviour and for non-custodial officers they state the values and ethical principles on which the profession is based. Ethics refers to commonly agreed and accepted standards of right and wrong[37]

A code of conduct may be defined as 'a set of generally accepted rules that govern and regulate behaviour, relationships and actions of members of an organization'. It is the framework within which members of an organization bind themselves in regard to their work conduct and behaviour.

Importance of Code of Conduct and Ethics

Exercise 2: 5 minutes
Participants to identify some importance of code of conduct and ethics
The purpose of the code is to provide members and other interested persons with guidelines for making ethical choices in the conduct of their work. What is the importance of code of conduct ethics?
Examples: Assist in the adherence to human rights principles and the applicable covenants
Compare your answers with that of the facilitator

Social work values and principles

Community correction practice is an off-shoot of social work and its work ethics are defined by those of the social work profession. The National Association of Social Work (UK) (2017)[38] have broad ethical principles which are based on social work's core values of service, social justice, dignity and worth of the

[37] International Corrections and Prisons Association (ICPA) Code of Ethical Conduct

[38] National Association of Social Workers https://www.socialworkers.org/about/ethics/code-of-ethics/code-of-ethics-english

person, importance of human relationships, integrity, and competence. These principles set forth ideals to which all social workers should aspire.

(a) ***Value:*** *Service* ***Ethical Principle:*** *Social workers' primary goal is to help people in need and to address social problems.* *(b)* ***Value:*** *Social Justice* ***Ethical Principle:*** *Social workers challenge social injustice.* *(c)* ***Value:*** *Dignity and Worth of the Person* ***Ethical Principle:*** *Social workers respect the inherent dignity and worth of the person.*	*(d)* ***Value:*** *Importance of Human Relationships* ***Ethical Principle:*** *Social workers recognize the central importance of human relationships.* *(e)* ***Value:*** *Integrity* ***Ethical Principle:*** *Social workers behave in a trustworthy manner.* *(f)* ***Value:*** *Competence* ***Ethical Principle****: Social workers practice within their areas of competence and develop and enhance their professional expertise.*

Community Correction Code of Ethics

There is no universally agreed code of conduct and ethics for non-custodial officers. Community correction practice has different shades in each jurisdiction. The known Community correction ethos among many jurisdictions with British legacy, ascribe to the Community correction adage of '*advise, assist and befriend'*[39] coined in the Probation of offender Act (1907) as the core to Community correction ethics.

Probation values and code of conduct are derivatives of the international human rights instruments and the social work principles. For instance, Probation Institute[40] (UK) (2014) have the following in its core value and principles pointing to the practice edict.

> *Belief in the ability of people who have offended to change for the better and become responsible members of society; Desistance from offending is a process that may take time, requiring a level of patience, tenacity, care and proactive engagement on the part of community service workers. Belief in the inherent worth and dignity of the individual.*

[39] Administration of Justice Act (2015)
[40] See Probation Institute for full core value and principles of practice http://www.probation-institute.org/

Interventions must show due regard to the dignity, health, safety and well-being of service users

The Kenya National Association of Non-custodial officer[41] has the following as its Core Values and Principles

(a) Professional integrity;
(b) accountability;
(c) competence
(d) ethical service;
(e) cooperation and synergy;
(f) confidentiality and non-disclosure;
(g) respect for human rights and dignity;
(h) fidelity to the law and justice;
(i) fidelity to the service;
(j) effective communication and;
(k) protection from retaliation.

Duties and entitlements of offenders (offenders on supervision)

- An offender is entitled to participate in the making of a presentence report, assessment and individual supervision plan. He is entitled to a copy of the probation order and any amendments that may be made.
- An offender will be notified by a non-custodial officer of the contents of the probation order in a language the offender or their agent understands. A offender will be informed of the con
- sequence of noncompliance with the probation order.
- Failure to comply with the probation order by an offender will result in summons or arrest and a fine or other sentence as the court will find appropriate.
- A offender may apply to court, in the manner and to the extent stated in the Act, for:

(a) an amendment to the probation order

(b) discharge of the probation order

Ethical Responsibilities to Clients

a) **Commitment to Clients:** Non Custodial officers play their role as social workers and have the responsibility to promote the well-being of clients.

[41] This is the professional and welfare organ of all non-custodial officers in Kenya

Activity 2: 5 Minutes
Think of situations where ethical responsibility to clients can be disregarded/flouted by non-custodial officers/non-custodial officers. Share with the class and compare with what the facilitation will present

b) Self-Determination: Non-custodial officers respect and promote the right of clients to self-determination and assist clients in their efforts to identify and clarify their goals.

c) Informed Consent: Non-custodial officers should provide services to clients only in the context of a professional relationship based, when appropriate, on valid informed consent.

Activity 3. 5 Minutes
Can you think about circumcircles in which the ethical conduct relating to informed consent can be flouted?

d) **Competence:** Non-custodial officers should provide services and represent themselves as competent only within the boundaries of their education, training, certification, consultation received, supervised experience, or other relevant professional experience.

e) Cultural Awareness and Social Diversity: Non-custodial officers should understand culture and its function in human behaviour and society, recognizing the strengths that exist in all cultures.

f) Conflicts of Interest: Community correction staff should be alert to and avoid conflicts of interest that interfere with the activity of professional discretion and impartial judgment including use of social media.

***Activity** 4*
Do you think it is acceptable to share social networks e.g. Facebook with clients, why not?

g) Privacy and Confidentiality: Confidentiality is a very important ethical and legal issue required of non-custodial officers. They should respect clients' right to privacy. As social workers they should not solicit private information from or about clients except for compelling professional reasons. Once private information is shared, standards of confidentiality apply.

Activity 5: 15 minutes
Participants
(a) what makes confidentiality a serious clause of professional ethics.
(b) In which areas of Community correction practice is confidentiality likely to be flouted?

(c) *Under what circumstance can the confidentiality clause be flouted?*

h) Sexual Relationships: A non-custodial officer should under no circumstances engage in sexual activities, inappropriate sexual communications through the use of technology or in person, or sexual contact with current clients, whether such contact is consensual or forced.

i) Referral for Services: Non-custodial officers should refer clients to other professionals when the other professionals' specialized knowledge or expertise is needed to serve clients fully or when social workers believe that they are not being effective or making reasonable progress with clients and that other services are better

j) Client Records: Non-custodial officers should take reasonable steps to ensure that documentation in electronic and paper records is accurate and reflects the services provided.

Activity 6: Group Work

Participants work in groups and tackle the following.

You have been newly appointed as a probation/non-custodial officer in your State. At induction time, you are presented with a set of code of conduct and ethics comprising the ones we have learnt today. As you go about your work:

-

1. *What would you note as some of the similarities and differences between the code of conduct and ethics and the Nigerian Correctional Service Standing Orders?*
2. *What would be the challenges you may face in adhering to the organization code of conduct and ethics relating to client*

REVISION QUESTIONS

(a) What is ethics?
(b) Why are codes of conduct important to professional organizations?
(c) Under what circumstances can the confidentiality clause in the code of conduct be broken?

REFERENCES

1. International Corrections and Prisons Association (ICPA) Code of Ethical Conduct
2. National Association of Social Workers https://www.socialworkers.org/about/ethics/code-of-ethics/code-of-ethics-english
3. Probation institute Values and Principles of Ethics
4. UN SMRs for non-custodial measures (Tokyo Rules) (1990)

MODULE 10 INTRODUCTION TO HUMAN RIGHTS

This module imparts to the participants knowledge on the principles of human rights and understanding of the importance of protecting and respecting these rights when undertaking non- custodial sentences. The session examines international standards and norms and particularly the UN Standard Minimum Rules on Non-Custodial Measures (The Tokyo Rules), The UN Rules for the Treatment of Women and Non-Custodial Measures (The Bangkok Rules).

Expected Learning Outcomes

At the end of the module, the participants will be able to:

1. Define Human Rights
2. Identify the underpinning principles of Human Rights
3. Explain the international human rights instruments applicable to non-custodial measures
4. Examine the United National Standard Minimum Rules for non-custodial measures and the SMR for the treatment of Women and Non-custodial Measures

Understanding Human Rights

Human rights are the foundation of human existence and are alienable. Human beings live to enjoy these God given rights and unless they infringe on other people's rights, they are not meant to be separated from any person. Some of the rights may be denied by law yet others are inalienable.

Activity 1: 10 Minutes
Participants to have plenary discussions and answer the following questions.
a) What does it mean '*to be human'*?
b) What do human beings require to live *full human lives*?
c) What are the *three rights* that you consider *the most important* for yourself, child or spouse.

Human rights consist of conditions which make us human and allow us to use and exercise our natural abilities and to satisfy our biological and other needs. They also consist of fundamental principles that prescribe and guide how individuals should be treated in any condition, Uju et al (2011). Human rights are universal and inalienable; indivisible; interdependent and interrelated

Human Rights *are moral principles or norms that describe certain standards of human behaviour and are protected as natural and legal rights in domestic and international law. Human rights are inalienable, fundamental rights to which a person is inherently entitled simply because she or he is a human being and which are inherent in all human beings, regardless of their age, ethnic origin, location, language, religion, ethnicity, or any other status*

Activity 2. 5 Minutes

Participants to watch this video explaining Human Rights this UNOHCHR https://www.youtube.com/watch?v=JpY9s1Agbsw

Human Rights Principles

The Universal Declaration of Human Rights (UDHR) enshrines the principles and pillars on human rights. The declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948[42] as a common standard of achievements for all peoples and all nations. It sets out the fundamental human rights to be universally protected.

1. **Universality and Inalienability:** Human rights are *universal* and *inalienable*. *All people everywhere* in the world are entitled to them. The universality of human rights is encompassed in the words of Article 1 of the *Universal Declaration of Human Rights*: "All human beings are born free and equal in dignity and rights."
2. **Indivisibility:** Human rights are *indivisible*. Whether they relate to civil, cultural, economic, political or social issues, human rights are inherent to the dignity of every human person. Consequently, all human rights have equal status, and cannot be positioned in a hierarchical order. Denial of one right invariably impedes enjoyment of other rights.
3. **Interdependence and Interrelatedness:** Human rights are *interdependent* and *interrelated*. Each one contributes to the

[42] UN General Assembly resolution 217 A

realization of a person's human dignity through the satisfaction of his or her developmental, physical, psychological and spiritual needs.

4. **Equality and Non-discrimination:** All individuals are equal as human beings and by virtue of the inherent dignity of each human person. No one, therefore, should suffer discrimination on the basis of race, colour, ethnicity, gender, age, language, sexual orientation, religion, political or other opinion, national, social or geographical origin, disability, property, birth or other status as established by human rights standards.
5. **Participation and Inclusion:** All people have the right to participate in and access information relating to the decision-making processes that affect their lives and well-being.
6. **Accountability and Rule of Law:** States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in international human rights instruments.

Activity 3. 30 Minutes Group Work
Participants to work in groups and discuss the following
Each group to be assigned 2 Human Rights Principles.

a) Discuss the principles in light of their enjoyment by the offenders (both custodial and non-custodial)
b) Discuss the principles in light of rights of enjoyment by the officers
c) *What challenges would prohibit full enjoyment of the rights?*

International Human Rights instruments and Standard Minimum Rules

The international human rights movement was strengthened with the United Nations General Assembly adopting the Universal Declaration of Human Rights (UDHR) on 10 December 1948. It was crafted as 'a common standard of achievement for all peoples and nations', the Declaration for the first time in human history spelled out basic civil, political, economic, social and cultural rights that all human beings should enjoy. The UDHR, and the International Covenant on Civil and Political Rights comprise the International Bill of Rights

Through ratification of international human rights treaties, Governments undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties. The other UN covenants and treaties are:

a) International Covenant on Civil and Political Rights (ICCPR);
b) the International Covenant on Economic, Social and Cultural Rights (ICESR);
c) the Convention Against Torture, Cruel or Inhuman and Degrading Treatment or Punishment (CAT);
d) Convention on the Elimination of All forms of Discrimination Against Women (CEDAW);
e) Convention on the Rights of the Child (CRC);
f) Convention on the Rights of Persons with Disabilities (CRPD);
g) Convention on the Elimination of All Forms of Racial Discrimination, (CERD).

United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)

The rules were drafted for the adoption of the UN General Assembly in 1899 and adopted in 1990. The SMR comprises general principles which spell out the aims and purpose of the instrument. The principles invite member states of the UN to implement non-custodial measures in their respective jurisdictions as part of its criminal justice system.

Part one delineates the **general principles** underpinning the administration of non-custodial measure. Also outlined are the minimum legal safeguards which are meant to cushion and protect the offender against any excesses or abuse. These general principles are aligned to the principles of human rights.

Part Two. Prescribes the application of SMRs at the pre-trial stage in the cause of the criminal justice process including, Pre-trial dispositions and measures on how to avoid unnecessary pretrial detention. Under rule 6.1 it provides that ‘pre-trial detention shall be used as a means of last resort in criminal proceedings, with due regard for the investigation of the alleged offence and for the protection of society and the victim’.

Part Three makes minimum provisions at the trial and sentencing stage. Of uttermost importance is rule 7 on Social inquiry reports including presentence reports.

7.1 If the possibility of social inquiry reports exists, the judicial authority may avail itself of a report prepared by a competent, authorized official or agency. The report should contain social information on the offender that is relevant to the person's pattern of offending and current offences. It should also contain information and recommendations that are relevant to the sentencing procedure. The report shall be factual, objective and unbiased, with any expression of opinion clearly identified.

Rule 8 is equally important prescribing minimum standards at sentencing dispositions

8.1 The judicial authority, having at its disposal a range of non-custodial measures, should take into consideration in making its decision the rehabilitative needs of the offender, the protection of society and the interests of the victim, who should be consulted whenever appropriate.

Rule 8.2 prescribes some of the recommended non-custodial dispositions that the court may apply. These include

a) Verbal sanctions, such as admonition, reprimand and warning
b) Conditional discharge;
c) Status penalties;
d) Economic sanctions and monetary penalties, such as fines and day-fines;
e) Confiscation or an expropriation order;
f) Restitution to the victim or a compensation order;
g) Suspended or deferred sentence;
h) Probation and judicial supervision;
i) A community service order;
j) Referral to an attendance centre;
k) House arrest;
l) Any other mode of non-institutional treatment;
m) Some combination of the measures listed above.

Part four spells out the post-sentence disposition including early release system, parole and pardon measures.
Part five provides measures that need to be taken at the point of implementing the noncustodial measures including levels of and how supervision should be done for instance rule 10.1 asserts that:

'The purpose of supervision is to reduce reoffending and to assist the offender's integration into society in a way which minimizes the likelihood of a return to crime'.

In these parts are also the prescription on condition of supervision, treatment process and Discipline and breach of conditions

> *14.1 A breach of the conditions to be observed by the offender may result in a modification or revocation of the non-custodial measure. 14.2 The modification or revocation of the non-custodial measure shall be made by the competent authority; this shall be done only after a careful examination of the facts adduced by both the supervising officer and the offender.*

Part VI is on staff recruitment, training and deployment while part VII gives avenues for public participation including the deployment of recruitment. Finally, part VII is on research, planning, policy formulation and evaluation of various non-custodial programmes and international cooperation.

Exercise 4 Group work
Participants to form groups and discuss the following questions

a) *What challenges are you likely to experience with the NCoS when implementing Tokyo Rules?*
b) *What recommendations would you make to address the said challenges?*

United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)

The Bangkok Rules are international guidelines that UN member states adopted as procedures to safeguard women rights in the justice system. The instrument speaks both on women held in institutions/custody or correctional facilities as well as those who are subject to non-custodial measures. The latter therefore complement the direction given the Tokyo rules.

The UN SMRs for treatment of Prisoners although speaking to the issues of all prisoners, was not suited for female offender's needs. With the increase in the number of women prisoners worldwide, the need to bring more clarity to considerations that should apply to the treatment of women prisoners was realized with the adoption by the UN[43].

[43] Rule 3 of the Bangkok rules

These rules are inspired by principles contained in various United Nations conventions and declarations and are therefore consistent with the provisions of existing international law. They are addressed to prison authorities and criminal justice agencies (including policymakers, legislators, the prosecution service, the judiciary and the non-custodial service) involved in the administration of non-custodial sanctions and community-based measures.[44]

Part one is on rules of general application that touches on institutional/prison administration and treatment of women in custody. These include not just the administrative procedures but also the health rights and interventions generally.

Part two prescribes rules specific on the special category of women in the justice system, including those with mental illness, lactating and pregnant to mention a few.

Activity 4: 5 minutes

Participants to

1. Discuss whether women in the justice system fall under the category of special needs offenders
2. Identify women whom that think falls under the category of special needs offenders and compare with the list below

Of great interest is to have assessment tools that would be able to identify the needs of special needs of women for purposes of classification, and interventions.

Note:

SMR Rule 41 has the following provisions

The gender-sensitive risk assessment and classification of prisoners shall:

(a) Take into account the generally lower risk posed by women prisoners to others, as well as the particularly harmful effects that high-security measures and increased levels of isolation can have on women prisoners;

(b) Enable essential information about women's backgrounds, such as violence they may have experienced, history of mental disability and substance abuse, as well as parental and other caretaking responsibilities, to be taken into account in the allocation and sentence planning process;

(c) Ensure that women's sentence plans include rehabilitative programmes and services that match their gender-specific needs;

[44] Rule 4 ibid

(d) Ensure that those with mental health-care needs are housed in accommodation which is not restrictive, and at the lowest possible security level, and receive appropriate treatment, rather than being placed in higher security level facilities solely due to their mental health problems.

Note:
Women who fall in the category of special needs offenders include;

- Women with mental illness
- Pregnant women
- Lactating women
- Women accompanied by children in prison
- Women od foreign nationals
- Minorities and indigenous people

Classification and delineation of the criminogenic and other needs of women offenders is best done after an assessment (using appropriate tools) is done.

Part Three Non-Custodial Measures

This part gives guidance on what is proper for women in the justice system the rules do complement

Rule 57 The provisions of the Tokyo Rules shall guide the development and implementation of appropriate responses to women offenders. Gender-specific options for diversionary measures and pre-trial and sentencing alternatives shall be developed within Member States' legal systems, taking account of the history of victimization of many women offenders and their caretaking responsibilities.

Rule 58 Taking into account the provisions of rule 2.3 of the Tokyo Rules, women offenders shall not be separated from their families and communities without due consideration being given to their backgrounds and family ties. Alternative ways of managing women who commit offences, such as diversionary measures and pretrial and sentencing alternatives, shall be implemented wherever appropriate and possible

Commentary
A considerable proportion of women offenders do not necessarily pose a risk to society and their imprisonment may not help, but hinder their social reintegration. Many are in prison as a direct or indirect result of the multiple layers of discrimination and deprivation, often experienced at the hands of

their husbands or partners, their family and the community.[45] Accordingly, women offenders should be treated fairly in the criminal justice system, taking into account their backgrounds and reasons that have led to the offence committed, as well as receiving care, assistance and treatment in the community, to help them overcome the underlying factors leading to criminal behaviour. By keeping women out of prison, where imprisonment is not necessary or justified, their children may be saved from the enduring adverse effects of their mothers' imprisonment, including their possible institutionalization and own future incarceration.

The impact of being held in pre-trial detention, even for short periods, can be severe if the offender is the sole carer of the children. Even a short period in prison may have damaging, long-term consequences for the children concerned and should be avoided, unless unavoidable for the purposes of justice, in line with Article 9 (3) of the ICCPR as well as with Rule 6 of the Tokyo Rules, and Principle 39 of the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, which limit the use of pre-trial detention.

Part Four is on research, planning, evaluation and public awareness-raising

Activity 5: 30 Minutes Group Work

Participants to form two or more groups and undertake the following task and present in plenary

a) Consider the provisions of UN SMRs for Non-custodial measures (Tokyo rules)

(1) identify the parts you think are relevant to alternatives to non-custodial measures

(2) How would these parts be realized in the Nigerian situation?

b) consider provision of the Bangkok rules and

(1) identify the rules you think are relevant to noncustodial options

2) How would Part three of the Bangkok rules be implemented in Nigeria and what would be the challenges to full realization

(a) Which provisions of the Bangkok rules would pose greater implementation challenges?

(b) What recommendations would you make to address the said challenges?

[45] Recognising the discrimination faced by women in all spheres of life, the Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly on 18 December 1979, and entered into force as an international treaty on 3 September 1981

REVISION QUESTIONS

1. What is meant by Human Rights?
2. What principles underpin human rights law (2015)?
3. According to the UN SMRS for Non-custodial measures importance is placed on ‘social inquiries. What is the importance of social inquiry reports to the court?
4. Are the SMR relevant to the Nigerian Situation?

REFERENCE

1. Agomoh,U. Opara, I. agbor, A. and Anoliefo, H. Mnaul of Human Rights Training and Torture Prewventipon for the Police. PRAWA
2. UNOHCHR What is Human Rights https://www.youtube.com/watch?v=JpY9s1Agbsw
3. United Nations Standard Minimum Rules for Non-custodial Measures (1990)-The Tokyo Rules
4. UN Standard Minimum Rules for treatment of Women prisoners and Non Custodial Measures (Bangkok rules)

MODULE 11: INTELLIGENCE, INFORMATION GATHERING AND SECURITY

This model explains intelligence and security, types and principles of intelligence in the context of pre-sentencing and community service assessments and reporting. It also covers intelligence and information gathering during supervision. In addition, it also looks at the paradigm of dynamic security and information flows in the context of corrections and non-custodial measures.

Learning Outcomes

By the end of this module, the participants should be able to

1. Define the concepts of security intelligence and the principles underlying therein
2. Describe dynamic security in the context of corrections and possible application to non-custodial measures
3. Explore how intelligence can support the process of information gathering and supervision of offenders on non-custodial options

Understanding security intelligence and dynamic security

One of the functions of correctional centres is to ensure that offenders who are brought to its charge are held to prevent them from committing further offences. Equally, those who are placed under the supervision of non-custodial officers in the community should not reoffend or breach the release conditions. For this to succeed, a number of critical security intelligence systems need to be incorporated into the interventions that may be preferred. This should be applicable across all the functions of non-custodial officers with the courts, offenders and with other criminal justice agencies.

Activity 1: 5 minutes
Participants to

1. *Define security intelligence and dynamic security.*
2. *Explain in which human service fields the two are applicable and if Corrections need their application*

Intelligence has a number of definitions but can be best defined as: Predictive, accurate, relevant and timely hypothesis resulting from objective-

driven collection, evaluation, collation and value-added analysis of all available relevant information.

Information + Analysis = Intelligence

Criminal intelligence can also be defined as: The product (or service) resulting from the analysis of past and present activity to predict future activity and suggesting the implementation of alternative courses of action that may be taken to interdict or minimize the impact of a threatening crime group or activity[46].

A procedure can be defined as a process that has been standardised as an approach expected to achieve regulation, consistency and fairness and to assist prison managers and staff to carry out their duties. Procedures often include checklists that provide extra control to assure that work is performed properly. Procedures can also provide detailed information about special problems that are known to occur.

The procedures (a) outline how to carry out the policies; (b) are a series of steps taken to accomplish an end goal; (c) define the mechanisms to enforce policy; and (d) provide a quick reference in times of crisis. They are the basis of staff training and help eliminate the problem of a single point of failure.[47]

Dynamic security—provides important intelligence for use within the prison to prevent escapes and maintain order and control. Prison intelligence can also be used more widely by criminal justice, law enforcement and security bodies and agencies to prevent offenders from within the prison directing criminal activity taking place outside the prison.

Guiding Principles[48]
Offenders should always be treated with respect due to their inherent dignity and value as human beings. They should never be subjected to torture or ill-treatment or be humiliated but should have access to adequate material conditions effective rehabilitation

a) The number of offenders categorised as risk should receive minimum possible interventions based on individual risk and needs assessments.
b) Any restriction placed on high offenders should adhere to the principles of legality, necessity, proportionality, accountability and non-discrimination.

[46] UNODC (2015) Handbook on Dynamic Security and Prison Intelligence
[47] ibid
[48] Adopted form UNODC (2015) Handbook on Dynamic Security and Prison Intelligence

c) A balance should be maintained between the legitimate use of restriction measures and respect for the fundamental human rights of offenders. Limitations on certain rights should never go as far as undermining their inherent dignity and value as human beings.
d) A proper balance should be maintained between physical, procedural and dynamic security in the case of all offenders.
e) Intelligence is a fundamental part of effective dynamic security and can help to prevent escapes, breaches and reoffending.

DYNAMIC SECURITY

Assessment and Categorization

The prison authorities should be able to assess the risk posed by each individual offender in order to make sure that each one is subject to the appropriate conditions of security, neither too high nor too low. Different levels of risk call for different levels of security.

1.3.1 Risk Assessment[49]

Using an appropriate tool, risk assessment should be made by the correctional administration differentiate probable risks that may be posed.

a) risk of escape
b) risk of violence towards staff, other offenders and visitors
c) risk to good order
d) risk of continuing with criminal activity (including intimidating) even while in custody).

Intelligence from other law enforcement agencies, can be a vital part of any risk assessment, as it often provides insight that other sources cannot bring to the assessment

Accounting and Control

All offenders under the supervision in the community must be accounted for just like those in correctional centres.

[49]Rule 89(2) (the Nelson Mandela Rules) It is desirable to provide varying degrees of security according to the needs of different groups

Risk Assessment: Accounting for items presenting a risk offender might try to steal tools and equipment that belongs to the office or agencies where they are assigned to work. These are then used to assist with escapes. It is critical that each prison has in place procedures for the control of tools and equipment.

The security department should have ready access to up-to-date inventories of all equipment and tools held in the prison and must arrange frequent but irregular checks of all shadow boards, tool cupboards and tool stores in the prison, and record the outcome of those checks in auditable form.

Movement Control: For offenders on probation order, there should be clear control of places they may not enter as they come to the office for routine reporting. In controlling this, the non-custodial officers should be able to identify their clients of relatively high risks whom they may suspect can steal or cause damage if they were to be left on their own.

Activity 2: 5 Minutes

*How can the movement of offender serving probation and or community service be controlled in a work plan/site or office**?***

Searches: Procedures for searching visitors and offenders to non-custodial offices and work premises should be clearly set out in written instructions. Staff should be properly trained and proficient in the use of any available equipment, e g X-ray and metal detecting equipment. Procedures should not be ignored because of time pressure etc

Staff should Activity special sensitivity when searching women offenders and visitors. Male members of staff should never be involved in personal searches of women offenders. The need to observe common decency applies especially in the case of women offenders.

United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)

> *Searches shall be conducted in a manner that is respectful of the inherent human dignity and privacy of the individual being searched, as well as the principles of proportionality, legality and necessity[50].*
>
> *Searches shall not be used to harass, intimidate or unnecessarily intrude upon a prisoner's privacy. For the purpose of accountability, the prison administration shall keep appropriate records of searches, in particular strip and body cavity searches and searches of cells, as well as the reasons for the searches, the identities of those who conducted them and any results of the searches[51]*

[50] Rule 50, 51, 51 & 60 of the Nelson Mandela Rules) It is desirable to provide varying degrees of security according to the needs of different groups
[51] Ibid

Dynamic Security

Individualism, relationship and activity come together in the concept of dynamic security. This approach to public safety (preventing escapes) and safety for the prison (internal order) recognizes that both are only really possible through the relationship between staff and offenders.
The concept of dynamic security is based on:

a) Positive relationships, communication and interaction between the staff and offenders
b) Professionalism
c) Collecting relevant information
d) Insight into and improving social climate of the penal institution
e) Firmness and fairness
f) Understanding personal situation of the offender
g) Communication, positive relations and exchange of the information among all employees

Professional and constructive relationships with offenders

Dynamic security occurs when corrections officers interact and engage with offenders during the course of their work by:

a) Regularly walking through the area in which they are posted;
b) Talking to offenders, gaining their trust, and building rapport;
c) Checking offenders' physical welfare
d) Maintaining a consistent approach to inappropriate behaviour;
e) Encouraging positive behaviour and addressing negative behaviour;
f) Engaging in case management process;
g) Following up on requests by offenders in a timely manner; and

Interpersonal skills

Interpersonal skills are an important element in the effective application of dynamic security. It is imperative that staff working with offenders have a high level of interpersonal skills: their job can be demanding, intense, and at the same time very rewarding. Staff should develop requisite interpersonal skills that can enable them to relate well with offender's help understand them better.

Importance of intelligence

The intelligence function is a critical component of any organization. Within law enforcement agencies intelligence and analysis are used by senior managers in the decision-making process. Intelligence helps to reduce uncertainty and to focus resources in the right areas.

For correctional officers, good intelligence can also be used to inform risk-based decision-making. For example, intelligence can provide evidence of

behaviour for decisions related to categorization, parole reports, temporary release and final release

Constructive activities for offenders

Another aspect of dynamic security is ensuring that offenders are kept occupied in constructive activities during their sentence. Involving offenders in constructive activities has two benefits related to dynamic security.

REVISION QUESTIONS

1. What is dynamic security?
2. What are some of the guiding principles of dynamic security?
3. How important is interpersonal in improving dynamic security?

REFERENCES

1. UNODC (2015) Handbook on Dynamic Security and Prison Intelligence
2. United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules),
3. General Assembly resolution 70/175, annex, adopted on 17 December 2015

MODULE 12: WORKING IN MULTIDISCIPLINARY AND INTERAGENCY TEAM

Working with offenders in the community has changed over time and is not currently seen as an exclusive zone for non-custodial officers alone. Perhaps this has been informed by a deeper understanding of the significant role of stakeholders and need for inclusivity. Improved understanding of crime complexities and other dynamics demand for teamwork and multi agency approaches including non-state actors. This unit will illuminate on multi agency approaches in offender supervision and rehabilitation.

LEARNING OUTCOMES

By the end of this module, participants will be able to:

1. Compare various related concepts in multi-disciplinary work
2. Describe the principles underpinning multi agency approaches within the context of probation
3. Explain the importance of multi agency and teamwork
4. To explore how to build a working team with stakeholders and amongst staff
5. To examine possible challenges in interagency work and how they may be addressed.

Understanding multi-disciplinary/interagency Work

Working with offenders requires inter-agency cooperation undertaken within defined principles. The need for partnerships and networking in community correction has not been occasioned by any legislative provision only but by forces relating to resources, effectiveness and expediency in service delivery. Rumgay, (2003) observes that Service alone has the pivotal quality, and long experience of inhabiting both the criminal justice and social welfare organizational realms.

Activity 1. 5 Minutes
Participants to define the terms
1. *Multidisciplinary*
2. *Multiagency*
3. *Interagency,*
4. *Teamwork.*

Compare your definitions with that of the facilitator

There are a number of related terms and concepts that are used interchangeably which reflect a range of structures, approaches and rationales to multi-agency partnership working. These are as defined below:

a) **Inter-agency working** is where more than one agency works together in a planned and formal way.
b) **Integrated working** is where practitioners work together adopting common processes to deliver front-line services, co-ordinated and built around the needs of children and young people.
c) **Multi-professional/multidisciplinary** working is where staff with different professional backgrounds and training work together.
d) **Joint working** is when professionals from more than one agency work together on a specific project or initiative.
e) **Partnership** working refers to the processes that build relationships between different groups of professionals and services at different levels, to get things done. It entails two or more organizations or groups of practitioners joining together to achieve something they could not do alone, sharing a common problem or issue and collectively taking responsibility for resolving it. Partnership therefore refers to a way of working as well as to a form of organization
f) **Team**: "a group of people with complementary skills who are committed to a common purpose, performance goals, and approach, for which they hold themselves mutually accountable."

Framework underpinning multi agency and interagency team work

The conceptual framework for understanding **multi agency and interagency** in the Community correction practice falls within the purposes for which it is formed. Rumgay (2003) theorises three dimensions to collaboration as; Collaboration as redistribution of responsibilities, as a system efficiency and as empowerment. These perspectives are very applicable within the offender supervision context.

(a) Interagency collaboration as a redistribution of responsibilities- This is done from one agency to the other by reason of being better placed to undertake expertise in a given area and as a means to better usage of resources. For example, in PVCE non-custodial officers may be considered better placed as government 'experts' to implement soft approaches in the community
(b) Interagency collaboration as systems efficiency- an integrated and a well network partnership has the prospects on increasing efficiency, effectiveness and comprehensiveness.
(c) Interagency collaboration as empowerment- collaboration especially at the local level may enhance voluntary actions (e.g. the Volunteer programmes or various grassroot organizations working with disadvantaged people), it enhances participation by the beneficiaries (e.g. the offenders) and in the long run, some of the functions formerly

held by the parent organization may be devolved to empower the local groups who may continue supporting the offender post supervision order period.

In criminal justice social work, the overriding conceptual framework underpinning multiagency/interdisciplinary and or various forms of case management arrangement is the **Systems theory**. The basic idea in systems theory applied in case work is that people's behaviour and attitudes and shaped by everything and everyone around them[52]. Thus, the solution to everyone's problems must be seen within the context of many different levels of interventions. Non-custodial officer as a non-custodial officer then should be able to assess the client's problems and place them at various categories, persona/interpersonal, organisational and social policy/governance level.

In a study to look at multi agency models working with offenders in England and Wales it was discovered that the models appeared generally different in presentation but were largely based upon three common principles[53]: information sharing, joint decision making and coordinated intervention. Three common principles[54] underpin effective multi agency work are

(a) **Information sharing**-Importance of having a communication and information sharing protocol
(b) **Joint decision making-** -Importance of developing procedures for joint decision making and implementing interventions or decisions
(c) **Coordinated intervention**- importance of having roles and responsibilities drawn and shared mutually.
(d) **Mutual Trust**- effective multi-agency cooperation particularly for addressing challenges connected with information sharing

Activity 2: 10 minutes
Participants to form three groups and write down at least one challenge likely in inter-agency work in Nigeria relating to

1. *information sharing,*
2. *decision making*
3. *interventions*
4. *Trust respectively.*

What are the possible solutions to the challenges?

[52] See Frankel, A. and Gelman, S. (2004) introduction to concepts and skills in case management for details
[53] Home Office (2014) Multi Agency Working and Information Sharing Project Report
[54]

Purpose and importance of multi agency/interagency Team work

Multi-disciplinary teams work better when they are co-operative instead of extractive or directed[55]. Partnerships and interagency work are formed to promote collaboration between and among agencies for purposes of delivering common criminal justice policies or correctional service objectives and in that process improve public confidence. Such forums are also established to exchange experiences, coordinate efforts and to work together instead of working at cross purposes. It gives each professional man an opportunity to use skills which the other may not possess.

The following are therefore the specific rationale for application of multidisciplinary/interagency work with offenders

Partnerships and networks are formed arising from a requirement of the law or policy, or may still be driven by common interest of the collaborating agencies.

a) Need to improve on the quality of outcomes with offenders
b) Need to harness the limited resources including expertise
c) Need to tap on specialized personnel able to delivery specific expected outcome e.g. drug treatment or anger management programmes
d) Need to develop post supervision period referral system for continued services beyond the mandated timelines
e) Need to provide an offender with linkages to social services, governmental or NGOs who can be of help

Activity 2. 15 Minutes Group Discussion
Participants to work in groups (as may be convenient) and carry out the following

1) *Identify the various offender types (offence, ages, gender, criminogenic needs, risk of reoffending) that you are likely to work with under non-custodial supervision*
2) *Which agency or professional are you likely to involve in the supervision and rehabilitation of the various offender categories?*
3) *What steps can you take to ensure you refer a client to or work with the correct team of agencies?*

Group to report back in plenary as they get feedback from each other

[55] The Role of Civil Society in Preventing and Countering Violent Extremism and Radicalization that Lead to Terrorism, A Guidebook for South-Eastern Europe

Identifying A Multi Agency Referrals System and Creating A Working Team

Not all agencies or persons presenting themselves may have the required capacity to help your client or to provide the kind of services that you may desire. These services in each agency will be dependent upon many factors including resource and expertise therein. The Non-custodial officer/supervising officer will need to carry out agency mapping to identify the perfect team of personnel and agencies to work with, Frankel and Gelman (2004). The following are minimal actions that the supervising officer may take in the process of creating the team or listing agencies that they can work with.

a) Know how the organization is organized and their area of interest
b) Establish their programmes and expertise
c) If possible, know the level, calibre of personnel running the programmes
d) Know the category and type of clients in serves
e) Know the time schedules of the service they offer and where they officer them. Can they come to your offices?

Table 1. Ladder of participation

Stage on ladder	Features
5. Supporting	Helping others to do what they want within a supportive framework which may offer resources as well as advice
4. Acting together	The different interests together decide what is best, forming a partnership to carry it out
3. Deciding together	Encouraging team practitioners to provide additional ideas and options, and jointly decide which is the best way forward
2. Consultation	Identify problems, offering a number of options, solutions, and listening to the feedback from others
1. Information	Telling the team and other stakeholders what is planned

Source: Wilcox, 2000: 4–5

Activity 3: Group work
Work out the following in groups

1. What measures would you take as an NCS station in developing a working relationship and collaboration with other agencies and NGOs?
2. What instruments would be necessary to be developed that can bring the agencies together and steer their working?

3. How would you ensure that the agencies you want to refer your clients to are offering quality services and or have the programmes that may assist your client?

The benefits of collaborative multi-agency working

Many benefits abound in correctional services working in multi-agency collaborative partnerships. The value they add can contribute significantly to improving supervision and rehabilitation outcomes to an offender under community supervision.

The benefits of multi-agency work in social work practice settings a) Enhances and improves outcomes for offender through a range of joined effort services, advice and support being readily available and easily accessible b) Non-custodial officers and correctional personnel generally benefit in understanding of multi-agency practitioners' activities, and knowing about the services to refer offenders to, enabling them to focus on their core role or on serious offenders needing their personal engagement. c) Helps to build consensus, strengthen partnership ability, break down departmental and professional silos and narrow attitudes d) Enhances coverage (in numbers and scope) and sustainability when pooled budgets, joint bids, joint programmes and efforts are put into action	a) Assists to build a cohesive correctional community approach through united multi-agency practitioners willing to addressing client needs jointly, thus avoiding duplication and overlap of services b) Builds common support, inspiration and the exchange of ideas among personnel, sharing of skill, knowledge and funds for training and good practice, leading to better outcomes c) Improves coordination of services resulting in better understanding, improved referrals and the addressing of common targets d) Helps to improve understanding and raise awareness of issues and agencies, and other professionals' practice e) increases trust between collaborating partners/providers in relation to every agency knowing what the other does and can deliver f) increased staff confidence knowing that they do not work

e) Enables joint planning for future multi-agency engagements	in isolation and that issues and problems affecting offenders can be addressed collaboratively

Challenges to partnership and Networking

The challenges associated with partnerships have well been documented in Gilling (2005) and Rumgay (2004). Some of the challenges relate to what Gilling (ibid) refers to as power differential between parties as some may have control over resources, mandates and information custodianship. The following are some of the challenges that may manifest in partnerships and purposeful collaboration

a) Leadership
b) Poorly defined objectives and roles-purpose and mission
c) Unclear/vaguely defined plans and processes of implementation
d) Inadequate resources including funds, information and time
e) Scepticism and Silo Mentality approach
f) Unwillingness of staff to work optimally owing to non-involvement in decision making
g) Deployment of incompetent staff
h) Conflicts/inter-professional difficulties including technical approaches
i) Institutional cultural rigidity
j) Non Conducive work environment that does not inspire trust and confidence
k) Sustainability and durability

Activity 2 : 60 mins Group Work
Create four groups for discussions

- ***Group 1****. In trying to implement the departments mandate on youthful offenders and while employing a multi-agency approach,*
  - *(a) Who will you engage as partners to implement a youth correctional policy and what would be your common objectives?*
  - *(b) What challenges are you likely to face while setting the multidisciplinary/agency team?*
  - *(c) How would you address such challenges?*
- ***Group 2****. In trying to implement the NCS offender reintegration strategy for* ***parolees*** *and while employing a multi-agency approach,*
  - *(a) Who will you engage as a partner to implement the reintegration strategy and what would be your common objectives?*

(b) *What challenges are you likely to face while setting the partnership?*
(c) *How would you address such challenges?*

- ***Group 3*** *One of the major challenges with partnership and multi-agency work is emergence of conflicts*
  (a) *What are the likely conflicts to emerge during the implementation process and why?*
  (b) *What would be the likely sources of conflict in the partnership?*
  (c) *How would you address such conflicts?*

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Further Reading

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PART 2

COMMAND TRAINING COURSE FOR NON-CUSTODIAL OFFICERS OF NCoS

MODULE 1: INTRODUCTION TO PSYCHOLOGY AND CRIMINAL CONDUCT

There are various models of understanding criminal conduct which have been postulated by criminologists over the years. These theories have mainly been oriented to biological, sociological and psychological reasoning. This module will introduce psychology in criminal conduct and look at criminal behaviour from a psychological, development and situational perspective. In each of the reasoning of criminal behaviour, the module will consider responsible risk factors which evidence has demonstrated to better explain criminality. Participants will be able to relate theory of criminal behaviour with the apparent offending conducts.

Expected Learning Outcomes

By the end of this module, participants will be able to

1. Explore the determinants of criminal behaviour that are mostly associated with criminality
2. Explain theoretical underpinning of criminal behaviour
3. Identify developmental risk factors that lead to delinquency and crime
4. Explore correctional responses that can decrease undesirable criminal behaviour and those that can increase desirable conduct.

Understanding the Determinants of Criminal Behaviour

Activity 1: 5 minutes
Participants to have a buzz discussion and share their thought on the following;
Peter and Christopher were born in a poor neighbourhood in Lagos (where their parents also grew up) and both grew up in poverty. Their parents were casual workers and barely earned enough to provide for their large family. Both Peter and Christopher dropped out of school before completing their first certificate level examination. Peter developed criminal tendencies from age 16 claiming he had to fend for the family while Christopher never had any problem with the police.

1. *What explains the difference between these two neighbours?*
2. *Is poverty the reason for criminality?*

Criminal behaviour is dynamic and unlike physical science, it has been a challenge to explain criminal conduct from a linear perspective. In recent years, psychology as a discipline has been applied in explaining criminal

conduct in a more progressive way. This has also helped in developing psychological interventions to mitigate criminal conduct.

Bartoli, C.R. and Bartoli, A.M (2008) defines **criminal behaviour** as 'intentional behaviour that violates criminal code, the individual intentionally acts wrongly as it is not an accident or without justification of excuse'.

Psychological explanation of criminal behaviour considers factors that might influence criminal conduct, what facilitates and what enables desistance. Bonita (2007), provides correlates of crime distinguishing them as central eight risk/need factors (variables) that are key in understanding criminal behaviour. Embedded in the central eight are big four which are considered as the most significant variables.

The risk-need-responsivity (RNR) model of correctional assessment and treatment by Andrew and Bonita (2010), is based on a general personality and cognitive social learning perspective on human behaviour, including criminal behaviour and the major risk, need, and responsivity factors involved in crime prevention through the delivery of human and social services.

The Big Four risk/need factors (variables) are antisocial personality pattern, history of antisocial behaviour, antisocial attitudes, and antisocial associates. The Central Eight includes the Big Four along with substance abuse and problematic circumstances in the domains of family/marital, school/work, and leisure recreation.

Within the central eight, there are some risk factors that are static (they cannot be changed) and dynamic risk factors (which are changeable).

Theoretical Perspectives of criminal Conduct

Andrew and Bonita (2010) give the following summary to explain the theoretical orientation to criminal behaviour

(a) **Psychodynamic theory has** roots in the psychoanalytic perspective of Sigmund Freud's description of the structure of human personality. The key structures of personality are ego and superego, which interact with the immediate environment and the demands of id for immediate gratification.
   - **The idea** is that criminal behaviour reflects psychological immaturity and particularly weak self-control in specific situations.
   - **Major risk factors** are impulsivity, disturbed interpersonal relationships, low levels of success in school and at work, weak superego (little guilt, reckless disregard for conventional rules and procedures, early misconduct, antisocial attitudes), weak ego

(limited skill across a wide domain of skills), aggressive pleasure-seeking, readily angry, problems in the family of origin.

(b) **Social location theories** of crime suggest that criminal behaviour reflects where one is located in the social system. The importance of social location is said to reflect inequality in the distribution of societal wealth, power, and prestige. The typical indicators of social location for most social theorists are social class, age, race/ethnicity, and gender. Thus, being poor, being young, and being a member of a disadvantaged ethnic group may all contribute to motivation for crime. Being female, a position of disadvantage in a patriarchal society, however, apparently does not contribute to motivation for crime.

- **The idea** is that Criminal behaviour reflects personal distress (strain that may be linked with socially structured inequality in the distribution of wealth and power. Once again, the strain interpretation is a preference of social theorists and not a logical requirement (opportunity, weak social control, and over-representation of weak superego types are also possible structural factors).
- **Major risk factors** are lower-class origins, low levels of success at school and work, feelings of alienation perception of limited opportunity in combination with desire for conventional success, being a gang member, adoption of lower-class values

(c) **Differential association theory**, like psychodynamic theory, strong psychological influence on human behaviour. That psychology is symbolic interactionism, wherein what people think is very important, and any particular situation may be defined as one in which it is "OK" to violate the law. The attitudes, values, beliefs, and rationalizations that may support such a definition are learned through differentials in exposure to pro-criminal and noncriminal patterns. The major part of the learning occurs in association with others.

- **The idea** is that criminal behaviour is an expression of differentials in the reinforcement and sanctions of criminal and noncriminal alternative behaviour.
- **Major risk factors** are Antisocial associates and anti-social attitudes

(d) **General personality and social psychology of human behaviour** theory is best described as a social learning/ cognitive behavioural/social cognition theory. The theory is best in predicting and/or influencing the occurrence of any particular human act. Its value is assessing and/or trying to influence one or more of the following sets of variables—attitudes, associates, behavioural history, or personality. The "Big Four" themselves (i.e., attitudes, associates, history, and personality) may be influenced and or moderated by conditions in the major domains of family, school and work, leisure, and neighbourhood.

- **The idea** is that chances of a criminal act (a) increase with the density of rewards signalled for criminal behaviour and (b) decrease with the density of signalled costs of criminal behaviour. These signalled rewards reflect personal control through antisocial

attitudes, interpersonal control through the social support for crime provided by antisocial associates, non-mediated control established by a history of reinforcement of criminal behaviour, and/or personal predispositions.

- The major **risk factors** are antisocial attitudes, antisocial associates, antisocial behavioural history, antisocial personality, problematic conditions in the domains of home, school, work, and leisure.

Developmental Risk Factors

Antisocial behaviour including criminal conduct in adulthood can often be traced to their childhood. Each person follows a different pathway that may be beset by risk factors.

Risk protective factors are variable characteristics or experiences which are in the environment which can shield a person from developing criminal tendencies. These include warm and caring parents, quality educational experience and general nurturing environment. These developmental variables are experienced in the social, family and psychological experiences.

Bartoli and Bartoli, (2014) identifies the following developing risk factors and possible influencers of criminal behaviour

(a) Social	Poverty and limited resources, antisocial peers, peer rejection and school experiences and failures
(b) Parental/family	Single parenthood, faulty or inadequate parenting, sibling influences, child maltreatment or abuse
(c) Psychological	Inadequate cognitive and language ability, inadequate self-regulatory skills, poor interpersonal and social skills, and temperaments

Activity 2: 10 Minutes
In plenary discussion, participants relate the story of Peter and Christopher and the development risk factors and the extent to which they may be responsible to the circumstances in the two scenarios.

1. *How do the three risk variables relate with Christopher and peter?*
2. *What may have been any of the risk protective factors that cushioned Christopher?*

Major Risk/Need Factors: The Central Eight

1. HISTORY OF CRIMINAL BEHAVIOUR	Early involvement in a number and variety of antisocial activities in a variety of settings, such as in the home and out of the home. Major

	indicators include being arrested at a young age, a large number of prior offenses, and rule violations while on conditional release
2. ANTISOCIAL PERSONALITY PATTERN	Adventurous, pleasure seeking, weak self-control, restlessly aggressive
3. ANTI-SOCIAL COGNITION	Attitudes, beliefs, values and rationalizations supporting of crime, cognitive emotional states of anger, resentment and defiance,
4. ANTISOCIAL ASSOCIATES	Close association with criminal other and relative isolation from anti criminal others, immediate social support of crime
5. FAMILY AND/OR MARITAL STRESSORS	Low level of nurturance and/or caring and poor monitoring and or supervision
6. SCHOOL/WORK	
7. LEISURE/RECREATION	Low level of involvement and satisfaction in anti criminal leisure pursuits
8. SUBSTANCE ABUSE	Abuse of alcohol and other drugs

Source: Adopted from Andrew and Bonta (2010)

CORRECTIONAL RESPONSES THAT CAN INCREASE OR REDUCE CRIMINAL BEHAVIOUR

Milan (2004) identifies the following as procedures that can decrease undesirable behaviour

(a) Procedure to decrease undesirable behaviour

Time-out and response procedure-the individual is temporarily removed from the environment with social and non-social reinforcers. These include temporal detention, segregation and punitive isolation. Response cost procedure will be for the person to either relinquish reinforcers e.g. money fines or tokens as a fine or increase the amount of effort required to earn reinforcers. Cheating and stealing of a child in schools and being responded to by withdrawing pocket money and later reinstating after the desired behaviour is restored.

> ***Activity 3.***
> *In an institutional correctional setting, how would you apply time-out and responses procedure?*

(b) Procedure for Increasing desirables Behaviour

This procedure is more traditional correctional practices. It is about increasing the capacity of the offender to acquire the desirable outcomes. These include availing quality education, providing entrepreneurial skills, vocational training,

behavioural skills and generally building the offenders capacity to lead a crime free life**.**

In noncustodial measures, the offenders can also be provided with opportunities that increase their conformity with the supervision conditions. This can be through training and encouraging the offender to associate with those of good social rating.

REVISION QUESTION

1. What are development risk factors?
2. Can you identify the central eight risk needs variables of criminal behaviours?
3. What od the main idea in the psychodynamic approaches to understanding criminal behaviour

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MODULE 2: INTRODUCTION TO COMMUNITY WORK AND REHABILITATION

This module introduces participants to the definition of community service, principles of community service. The role of the communities in community service work will be examined particularly its contribution to the rehabilitation of the offenders and assistance in facilitation smooth implementation of the community service programme.

Expected Learning Outcomes

By the end of this module, the participants should be able to

1. Define the concept of community service as a sentencing measure
2. Explain the key principles underpinning community service
3. Outline the purpose and objectives of community service
4. Discuss the role of community members in the programme
5. Consider requisite preparations necessary for the community service programme work

Concept of community service

The criminal justice system has evolved beyond traditional responses to crime. Community service which was introduced in the English system in early 1970s, became prominent mostly in the last three decades. In Africa, community service begun to gain currency in some jurisdictions (Zimbabwe, Kenya, Uganda, Tanzania, Malawi, South Africa and Namibia) courtesy of Penal Reform International[56].

Activity 1: 15 minutes
Prepare the participants to watch the following video of community service

1. COMMUNITY PAYBACK https://www.youtube.com/watch?v=CkhPTDSBw7A
2. Equal justice' making community sanctions work for women in Kenya https://www.youtube.com/watch?v=qLstFHdW6Bg
3. Discuss the videos there after

[56] Between 1990 and 2000, Penal Reform International (PRI) commenced an elaborate scheme to establish legislation and practice of community service in many of the jurisdictions mentioned here.

Community service is defined as *a sentencing option for persons convicted of crimes in which the court orders the defendant to perform a number of hours of unpaid work for the benefit of the public*

It is a sentence that seeks to give a chance to non serious offenders to reform under some form of judicial supervision executed by non-custodial officers/noncustodial officers by way of repaying the community for the offence committed through performing unpaid public work within their localities.

Community service orders constitute a less punitive sentence than imprisonment and interfere less with personal liberty of the offenders. At the same time, offenders can undertake some form of rehabilitation that could well reduce the likelihood of their returning to crime. Thus, CSO answers to the sentencing objectives of rehabilitation and deterrence but with no incapacitation effect.

Community service conforms to the belief that non-custodial sanctions and measures may constitute a better way, providing penalties that are proportionate to the offence committed by the offender and that carry greater possibilities for the rehabilitation and constructive reintegration of the offender into society.

Community service does not restrict offenders' liberty and does not require offenders to leave their families or communities, relinquish their responsibilities or give up any employment they might have had. However, offenders on CSO are also subject to various conditions, restrictions and requirements. In order to enforce a non-custodial measure, the court grants the NCS the power to require offenders to comply with certain conditions and to refrain from certain activities.

Principles of CSO

The principles that underpin community service are derived from the general principles of non-custodial measures stipulated under Rule (3) of the UN Minimum Rules for noncustodial orders

Key Principles of CSO as a sentencing option

1. The implementation of community service orders shall be in accordance with prescribed laws[57].

[57] Administration of Justice Act (2015) and the Nigerian Correctional Service Act (2019) both have clauses on community service

2. Community service orders shall be imposed with his offender's consent to undertake work in lieu of imprisonment.
3. Offenders working on CSO programmes shall be subject to review by a judicial or other competent independent authority, upon application by the offender.
4. The offender shall be entitled to make a request or complaint to a judicial or other competent independent authority on matters affecting his or her individual rights in the implementation of noncustodial measures.
5. The dignity of the offender subject to community service shall be protected at all times.
6. In the implementation of community service, the offender's rights shall not be restricted further than was authorized by the court.
7. During the implementation of the offender's right to privacy shall be respected, as shall be the right to privacy of the offender's family.
8. The offender's personal records shall be kept strictly confidential and closed to third parties. Access to such records shall be limited to persons directly concerned with the disposition of the offender's case or to other duly authorized persons.

Activity 2. 15 minutes
The participants to go through the community service principles and discuss:

1. *Identify principles that may be a challenge to comply with in the Nigerian context*
2. *Principles that may conflict with the NCS standing orders*

Objectives and Purpose of Community Service

The purpose and objectives of community service are:

1. Enforcing discipline of positive and demanding unpaid work
2. Ensuring that the work provides reparation to the community, making good the damage done by offending
3. Reduced risk of recidivism or repeat offending
4. Increase the chance of rehabilitating the offender to acceptable social standards

In the UK the Home Office Circular N° 18 of (1989) concerning National Standards for Community Service Orders stated that Community service order has three main purposes

a) Punishing the offender by requiring his/her to perform unpaid work,
b) Reparation to the community by requiring the offender to do work which is socially useful, which repays the community for what the offender has done and which, if possible, makes good the damage done by offending.
c) Benefiting the community by providing work which otherwise would not be done.

Role of the community in community service programme

Public participation should be encouraged as it is a major resource and one of the most important factors in improving ties between offenders undergoing non-custodial measures and the family and community. It should complement the efforts of the criminal justice administration in implementing noncustodial measures.

Rule 17. The UN SMRs stipulate that the community participation in non-custodial measures is important. With the community service order framework, the community is a key stakeholder and

> *Public participation should be encouraged as it is a major resource and one of the most important factors in improving ties between offenders undergoing non-custodial measures and the family and community. It should complement the efforts of the criminal justice administration. Public participation should be regarded as an opportunity for members of the community to contribute to the protection of their society*[58].

> ***Activity 3: 5 minutes***
> *Participants to enumerate what may constitute the role of community in the implementation of community service.*

The role of the community in community service is as follows

a) Accepting and receive the released offender to work in the community
b) Identify suitable projects and work sites that can constitute community service work projects

[58] Rule 17.1 and 2. of the UN SMRs on Non Custodial measures

c) Report on any risk or challenges that the offenders may pose
d) Provide reconciliation and rehabilitation platform for the offender including victim-offender's reconciliation forums
e) If a member of the community is charged with the responsibility of supervising work, he/she ensures that the offender performs all work assigned and makes records of the said work.

Community Service Projects

Community service projects should be based on following principles

a) Tangibility: -
b) Empowerment: -
c) Community benefit:
d) Quantification
e) Skills utilization or transfer

Role of non-custodial officer in the implementation of community service

The role of CS Officers is embedded in the law and practice documents[59]. As a practitioner, noncustodial officers are expected to perform the duties assigned to them by the law and regulations relating to community service including

Duties of Non Custodial officer in community service a) Determining that SUITABLE offenders undertake work at placement sites. Assessing potential risk which may result from the placement of an offender b) Ensuring that the offenders is INDUCTED immediately to undertake the order prescribed by the courts. Commencement of work must be within 7 days of placement c) Ensuring the work done by the offenders is PURPOSEFUL and beneficial to the community d) Ensuring that credible, tangible and VISIBLE work that is	f) Ensuring COMPLIANCE with orders and swift action taken including applying to the court for review of orders (Variation/amendments) and taking breach actions g) Ensure up-to-date record of offender's performance and appraisal of the same are kept. h) Report on progress of the offender and the work to court, Community service committee and to Controller General of NCS i) Address the offender's criminogenic needs and intervene and help with addressing problem behaviour.

[59] Administration of justice Act (2015_ and Nigerian correctional Service Act (2019)

reparative is identified and performed. e) Ensuring that community is engaged in work IDENTIFICATION of work	j) Inform the public (through the rights channels) about community service using mass media

Offender Rehabilitation Within Community Service

Just like with offenders placed on probation, some offenders on community service may require individualized case work. the case work will be able to:

1. Identify the causes of behaviour problem and possible risk factors
2. Plan on ways of addressing the problems
3. Provide the offender with counselling to help him/her manage the problem
4. Provide the offender with an opportunity to improve on his/her skills to increase employability or undertake work to raise substance
5. Help the offender to realize the benefit of community service aside from unpaid work.

In order to achieve the above, the offender on community service will be required to have a regulated appointment to the office or to the service provider where referral has been made. The rehabilitation plan for the offender will reflect that of offenders on probation orders.

Activity 4: 30 Minutes
Participates to get organized in groups and have a discuss on the following
Group one*: what are the challenges you are likely to face with offenders undertaking community service and what measures would you propose to address the challenges*
Group two: *you have been assigned as an officer the responsibility of supplying a newly initiated community water project with offenders to dig the trenches for laying the pipes. The work has a specific timeline of three months.*
What measures would you put to ensure the community receives the offenders and work with them as required. What are the likely challenges you may encounter and how may you deal with them?
Group three: *You have been accorded the charge to supervise a group of offenders on community service. These offenders have had problems with neighbours particularly in relation to fights within their families occasioned alcohol addiction. Design a plan that would ensure the offenders perform community service as orders by the court. What are the challenges you are likely to meet and what would be the suggested mitigation measures?*

REVISION QUESTIONS

1. What do you understand by the concept of community service?
2. What are the principles underpinning community service?
3. What are the benefits of community service?
4. What are some of the roles of the non-custodial officer in the management of community service?

REFERENCE

1. Administration of Justice Act (2015)
2. UK the Home Office (1989) Circular N° 18
3. Nigerian Correctional Service Act
4. United Nations, (1990) Standard Minimum Rules for Noncustodial Measures (Tokyo Rules
5. UN Rules for the Treatment of Women and Non-Custodial Measures (The Bangkok Rules).

MODULE 3: CONTEMPORARY PERSPECTIVES IN MODERN CORRECTIONS

This module introduces participants to modern day concepts, typologies, values, and the relevance of Probation in non-custodial sentencing. It explores both offender and societal costs and benefits as well effective models of rehabilitation and reintegration as it applies in probation. The importance of community work as a means of offenders serving their sentences will be explored, its benefits to clients, community and the Criminal Justice System.

Expected Learning Outcomes

At the end of this session, participants should be able to

1. Define some concepts in alternatives measures to imprisonment including probation and community service orders
2. Explain community corrections typologies and their application in the Nigerian criminal justice system
3. Discuss the benefits of probation and community service orders
4. Explore evidence-based offender rehabilitation principles and their application to supervision of offenders in the community.

Concepts of alternatives to imprisonment

Penal Reform international (PRI) in its 2020 report on world prison trends indicate over 11 million people are imprisoned globally and around 102 countries reported prison occupancy levels of over 110 per cent. The magnitude of issues and associated human rights violations stemming from

over-imprisonment became clear in efforts to prevent and contain outbreaks of COVID-19 in prisons. The groups of penal population worldwide come almost 30 years after the promulgation of United Nations Standard Minimum Rules (Tokyo Rules) meant to mitigate the challenges associated with over incarceration. There are a myriad of challenges. attract too many prison sentences.

A large majority of people caught in criminal justice systems are arrested for, charged with or convicted of non-violent offence. But there are sound benefits of this category of offenders were they to be placed under community supervision

Activity 1. 5 minutes Prison Trends in Nigeria
Participants to briefly discuss *the current prison population trend in Nigeria. The discussion should focus on numbers in custody, numbers convicted, number of defendants in remand custody, women in custody and probable offences for which a majority are changed with.*

Alternatives to imprisonment are types of sanctions or treatment other than penal incarceration that can be given to a defendant convicted of committing a crime. They are also referred to as alternatives sanctions or measures. Alternatives can take the form of fines, probation orders, community Service orders, restorative justice, or no punishment at all. Capital punishment, corporal punishment and electronic monitoring are also alternatives to imprisonment, but are not promoted by modern prison reform movements for decarceration

Probation-is a non-custodial court order imposed by a magistrate or judge requiring an offender to be placed on community supervision of a non-custodial officer in lieu of imprisonment. The offender remains under the purview of the court while undergoing rehabilitation to forestall re-offending. *Probation as sentencing disposition is a method of dealing with specially selected offenders and consists of the* ***conditional suspension of punishment*** *while the offender is placed under* ***personal supervision*** *and is given individual* ***guidance or 'treatment****', United Nations (1951).* In the Nigerian context, probation is prescribed under Section 454 of the Administration of Justice Act and Section 37 of the Nigerian Correctional Service Act

Community service orders is a court sanction that requires a defendant convicted of a less serious offence to be punished in the community by

performing unpaid public work in the community and for the benefit of the community. Community service order has an element of reparations as the offender is made, through sanction, to pay for the harm done to the community collectively.

Restorative justice is a system of criminal justice that focuses on the rehabilitation of offenders through reconciliation with victims and the community at large. Its aims at transforming the way contemporary societies view and respond to crime, Johnstone and Ness, (2007).

Supervision order- is an order made by a court of competent jurisdiction placing an offender under community supervision for a period prescribed by the court in accordance with the enabling legislation. The purpose of supervision order is to protect the community and change the behaviour of the offender and desist from reoffending. It also aims at providing an opportunity for the defendant to pay back and make amends to the community especially if the order stipulates community service.

Probation orders is a supervision and rehabilitation order requiring a defendant to be placed in community supervision by a non-custodial officer for a period determined by the court and as the law stipulates. During this period, the defendant does not perform work unless the court makes a combination order i.e. to be on probation and work in the community. Probation orders may be accompanied by others' orders, e.g. Order for compensation to the victim of crime. Probation order is accorded to defendant who are deemed to be of lesser risk to the community and have a higher chance of reformation

Community service order-is an order made by a court of competent jurisdiction requiring an offender convicted or found guilty of an offence punishable by imprisonment, to perform unpaid public work in lieu of custodial sanction. The offender is subject to the orders or the court and is supervised by a non-custodial officer for a period determined by the court and prescribed in law.

During the order period, the officer is required to ensure that the offender abides by all the conditions set in the order, remain or stay where directed, administer behaviour changing programmes. Constantly the offender is required to report to the officer or the court as demanded and any beach of the order may result in the cancellation of the probation order and a custodial sentence preferred.

According to the Nigerian Legislation[60]There are two sets of community supervision orders under the purview of NCS-the Probation Orders and the community Service Orders.

Activity 2. 5 Minutes
Participants to list the offences for which they think the court can make a (1) probation orders (2) community service Order (3) Restorative Justice Orders (4) compensation order.
Discuss briefly, the reason for choosing those offences
Compare the similarity in the offences and any differences

Typologies of probation systems

There can be many forms of probation depending on the statutes that provide for it. Some of the statutes may even provide for combination orders as we have already noted. In essence, there are about four probation typologies in operation worldwide. These are oriented to the aim of the judge or magistrate and the results that the courts expect out of the probation type.

a) Type One: Informal Probation

Informal probation is alternatively known as court probation suspended sentence. This applies to when the term probation is used in its fullest sense to include all cases that attract non-custodial measures with an element of judicial supervision. Suspended sentences are probationary sentences because they are pegged to good behaviour failure to which the court can impose the sentence prescribed ab initio. But because the sentence is not supervised, this informal probation does not fit squarely within the framework of probation.

b) Type Two: Supervised Probation

Supervised probation is the standard supervised order practiced in many jurisdictions. This is a more intense form of probation known as supervised or formal probation. Defendants on supervised probation have to report to a non-custodial officer on a regular basis and are expected to abide by all instructions given by the court. This type of probation will require the defendant to follow an agreed plan to reform his behaviour through attending counselling session and other behaviour modification programmes to address criminogenic needs like drugs misuse, peer influence, criminal attitudes etc. it may also be accompanied by additional compensation order meant to promote reconciliation between the defendant and the victim or compliant. Failure to

[60] The Administration of Justice Act (2015) and the Nigerian Correctional Services Act (2019)

meet any of these requirements is termed breach and may have the probation supervision order cancelled.

c) Type Three: Community Control

The third type of probation is also known as intensive probation supervision. This is a combination of both standard probation and controlled movement. It entails high contacts with the defendant and this is accompanied with movement restrictions including house arrest and electronic monitoring. This form of probation is accorded to high risk offenders who must be protected from harming the community. In addition to frequency of contacts and controlled movement, this form of supervision is also accompanied by a requirement to work on offending behaviour with the help of non-custodial officers and other stakeholders. This type of probation supervision can be expensive and the offenders in some jurisdiction are required to meet part of the cost relating to electronic surveillance.

d) Type Four: Shock Probation

This is termed ‘shock probation’ because it demands that a defendant has to first be incarcerated in prison before being allowed out on probation. In a shock probation scenario, the court sentences a defendant to prison but the prison authorities may request the court to have the order reviewed to probation if for instance they fail to pay a fine which has been imposed. The defendant is brought back to court after the non-custodial officer has conducted a social inquiry and made a recommendation for probation. The subsequent order to be given is normally the standard probation supervision order.

Typologies of Non-custodial correctional officers

Although the law may be neutral in terms of the expectation of how they undertake their duties, there are differences in the manner in which officers may take this role. However, these roles are subject to law and policy directing the probation typology. These officers are also directed by the officers working philosophy, organizational context, legal and logical definitions of revocation, and lastly the psychological approach that may be employed, Klockars (1973).

Depending on the adopted correctional philosophy of whether they view non-custodial corrections as case work or as law enforcement, officers will carry their duties along these lines. Case work non-custodial correctional officers are the more standard non-custodial officer while the law enforcement officer concentrates more into ensuring that the defendant obeys all community correction conditions with no much support from the officer.

Klockars,(ibid), views the ‘law enforcer’ non-custodial officer in the following lenses.

a) the *court order* ("His only job is to help the offender comply with the order of the court.")

b) *authority* ("I will fully execute that authority but only that authority delegated to me by the court.")

c) *decision-making power* ("Once I have made a decision, I will steadfastly resist all client efforts to alter my decision by threats, tantrums, seduction, illness, etc.")

d) *officer responsibility for public safety* ("It is the criterion of safety for society that will determine the officer, whether the level of adjustment achieved is acceptable or whether he is so dangerous to society that he must be removed from its midst and returned to prison.");.- and often

e) *police work* ("What it simmers down to is police work. We're the policemen back at the agencies.").

The case work non-custodial officer is more concerned with behaviour change and desistance from crime. The officer will use the conditions to help drive his/ her main role of enabling the defendant to lead crime-free life. The officer will use case management interventions to correct the criminogenic needs and help the offender through the change process

Activity 3: 20 minutes
Participants to work in groups and discuss the following

1. *What are the advantages and disadvantages of a non-custodial officer working purely as a Caseworker?*
2. *What challenges are you likely to get working purely as a caseworker?*
3. *What are the advantages and disadvantages of a non-custodial officer working purely as a law enforcement officer?*
4. *What challenges are you likely to get working purely as a law enforcement officer?*

COMPONENTS OF PROBATION ORDER

- The court may make **restitution orders** directing the offender to pay certain costs or damages met by the victim of crime.
- The court may also order that before placing one on probation, a r**ecognisance** of a certain amount of cash be deposited or pledged to the court to secure his observance of the probation order.
- In some jurisdictions like Kenya and the UK, probation may also involve an order to **stay in a secure place, hostel** or residential facility.

- It may also be accompanied by a required to attend to **drug/substance treatment programmes** provided by other agencies

Probation Supervision Order

The aim of probation supervision is to enable the offender to serve his/her sentence in the community with the purpose of ensuring character change. The court issuing the supervision order does not become *functus officio*[61] but retains residual powers[62] for the purposes of directing the supervision of the offenders on probation for instance by amending the orders or cancelling it.

The supervision period will depend on the provisions of the law and as ordered by the court.

The key features of a probation order are: -

1) Offender is expected to be of good behaviour during the supervision period,
2) The offender is ordered to report to the non-custodial officers at directed intervals,
3) The offenders should receive visits by a non-custodial officer at his/her home or place of work with appointment or unannounced,
4) He is to remain or stay at a designated place or home during the period of supervision unless authorised by the court,
5) To desist from associating with undesirable characters who the court or non-custodial officer has prohibited him from associating with
6) To remain sober and not to indulge in over intoxicating liquor,
7) To endeavour to get employment
8) To maintain a crime free life
9) Fulfil any other reparations or compensation as ordered by the court

COMPONENTS OF A COMMUNITY SERVICE ORDER

Community service orders are granted to an offender who in addition to being required to be of good behaviour, is also required to work in the community for the benefit of the community. Of greater demand of the defendant is to adhere to work and ensuring that he/she abides by work instructions. It is an order that a court can issue after concluding that the persons offending behaviour is serious and that he/she is suitable to make reparation through constructive unpaid work in his/her community.

Community service order

[61] When used to describe a court, it refers to powers or authority of the court coming to an end: "Once a court has passed a valid sentence after a lawful hearing, it becomes functus officio and cannot reopen the case."

[62] Residual powers retained by the court after the case as formally being disposed off

The main aim of CSO is to punish the offender in the community by requiring him/her to pay the wronged community through unpaid public work. In addition, there are conditions, like the probation conditions, that court may impose. The work they perform must be tangible, quantifiable and beneficial to the community.

The requirements or conditions of the community service orders may be as follows

1. The offender to present themselves at the work site to work
2. Cooperate with work supervisor by following work instructions given
3. Work full session and remain on site as demanded
4. Report to non-custodial officer as may be required regularly
5. Not to vary work site unless with the consultation and concurrence of the non-custodial officers
6. Not to associate with people of questionable character
7. To abstain from intoxicating substances
8. Reside at a place know to the non-custodial officer and the court and not to change residence without the knowledge of a non-custodial officer
9. Fulfil any other reparations or compensation as ordered by the court

BENEFITS OF NON-CUSTODIAL SENTENCES

The benefits of non-custodial sentences specifically Probation Orders and Community Service Orders include the following;

1. Provision of favourable conditions and environment for humane treatment of offenders thus keeping non-serious offenders out of prison where they are likely to be adversely contaminated by the more hardened criminals.
2. Provides for and ensures effective rehabilitation of offenders.
3. Prevention of possible disintegration of the family unit as a result of the incarceration
8. Providing free labour on public utility projects undertaken by them.
9. Contribution towards prison decongestion. This releases the available resources for enhanced rehabilitation of serious offender who must be imprisoned
10. Helping offenders continue to play their role in socio-economic social-economic activities in the family
11. Assistance in the enforcement of law and order for public safety and security.

of one of its members, which may result in other undesirable social implications. 4. Reparation pay-back to the community by the offenders through the performance of unpaid public work in the case of community service orders. This helps promote reconciliation between the offender and the community. 5. Reduction of social stigma and hardening associated with imprisonment and which impede the re-integration of ex-offenders 6. Promotion of reconciliation between the offender and the victim/community for peaceful co-existence. 7. Reduction of prison population thereby saving the government capital that otherwise would have been used for the upkeep of such offenders in prison.	12. Provides the community with the opportunity of participating in the management of the offenders and crime prevention activities. 13. Providing the humane face of the justice system especially the courts 14. Enabling the courts to participate in offender's management 15. Enabling the courts to get to know the offenders beyond the offence that have been charged for and creating a better understanding of the criminogenic needs among offenders 16. Non-custodial sentences are viewed as a human rights approach in the treatment of offenders 17. Making the justice system be seen to embrace progressive paradigm of treatment of offenders adopted by many world democracies

MODERN PROBATION AND EVIDENCE BASED PRACTICES

Since 1841 when John Augustus established what is now known as probation (systems), it has continued to retain certain characteristics including supporting the offender to desistance criminal tendencies. It has also retained its case work approach albeit with variations across different democracies.

The turnaround in the offender rehabilitation approach to evidence-based practice also had a great impact on probation systems.

The conventional approach to supervision emphasizes individual accountability from offenders and their supervising officers. Modern probation demands that offenders must be held accountable, that only offenders who

deserve to be in the community are given the chance, which means careful decision making with release to the community, effective enforcement of court orders and that there are appropriate interventions to address the criminogenic needs and risk factors identified.

Evidence Based Principles[63] for Effective Interventions[64]

Interventions within corrections are considered effective when they reduce offender risk and subsequent recidivism and therefore make a positive long-term contribution to public safety. Modern probation encompasses Integrated Model which emphasizes the importance of focusing equally on evidence-based practices, organizational change, and collaboration to achieve successful and lasting change. Modern probation has adopted the following principles of effective interventions in offender supervision

1. Assess Risk/Needs.
2. Enhance Intrinsic Motivation.
3. Target Interventions.
    - Risk Principle: Prioritize supervision and treatment resources for higher risk offenders.
    - Need Principle: Target interventions to criminogenic needs.
    - Responsivity Principle: Be responsive to temperament, learning style, motivation, culture, and gender when assigning programs.
    - Dosage: Structure 40-70% of high-risk offenders' time for 3-9 months.
    - Treatment: Integrate treatment into the full sentence/sanction requirements.

4. Skill Train with Directed Practice (use Cognitive Behavioural treatment methods).
5. Increase Positive Reinforcement.
6. Engage Ongoing Support in Natural Communities.
7. Measure Relevant Processes/Practices.
8. Provide Measurement Feedback.

[63] Evidence-based practice implies that 1) there is a definable outcome(s); 2) it is measurable; and 3) it is defined according to practical realities (recidivism, victim satisfaction, etc.)
[64] RNA is an elaborate and key area of community service work and needs separate specialised training after the initial training

Effective correctional management in the community (an Integrated Model)

The new phase of community corrections must include the following

(a.) Risk Assessment

Fundamental to an evidence-based approach is the accurate assessment of offenders to determine the relevance for each offender of the static and dynamic risk factors which research has demonstrated are “criminogenic”, that is, which are correlated with offending behaviour

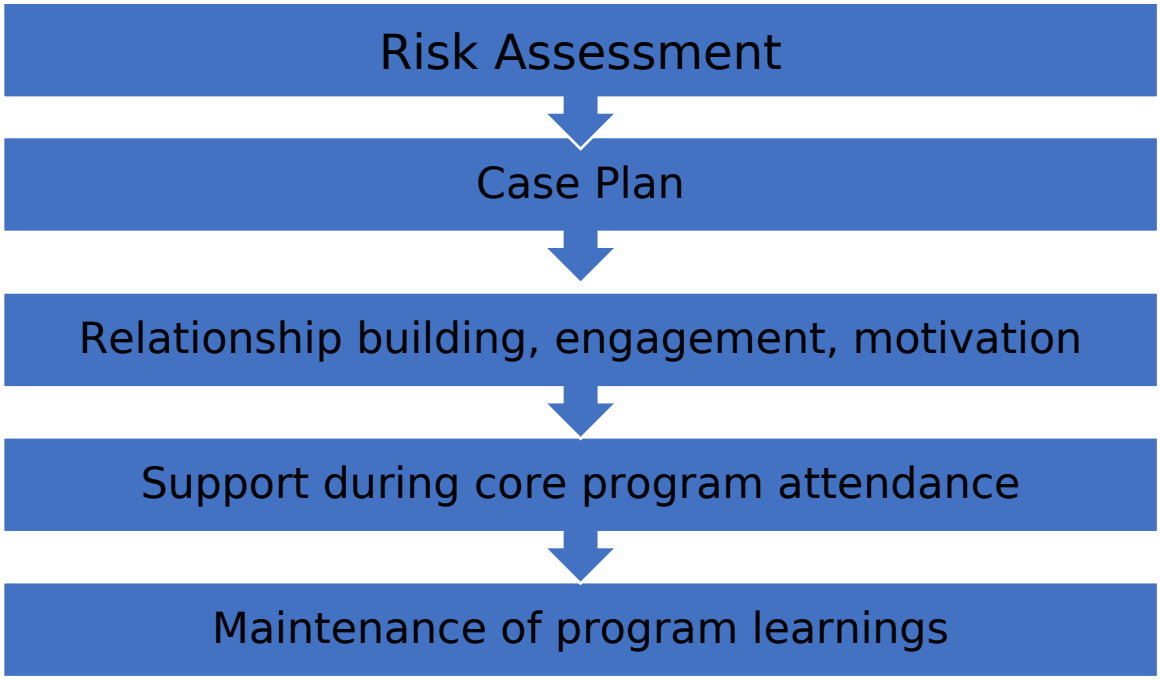
(b.) Core Programmes

The common finding of thousands of studies is that the most potent interventions are group programs addressing criminogenic factors, and delivered only to medium and high-risk offenders for whom those factors are related to reoffending. The type of program should be “cognitive-behavioural”, that is, it leads offenders in understanding the relationship between their thinking (attitudes, values, problem solving skills) and their behaviour, and teaches methods of managing that behaviour.

(c.) Engaging, Motivating, Supporting and Maintaining

Community corrections has become more sophisticated, gained more experience and incorporated more research, the importance of case planning, and interventions based on the skilful use of relationships. Bonta and Rugge (2004), in a study on Community correction practices in engaging, motivating and maintaining good deeds while incorporating risk assessment in the case plans revealed better results. Successful Community correction practices which reduced recidivism included reinforcing positive expressions by the

offender, challenging anti-social attitudes or behaviours, guiding the offender in problem solving, and directing the offender.



REVISION QUESTIONS

1. What are the main differences between probation orders and community service orders?
2. What are the main probation typologies?
3. Name some of the evidence-based principles for effective interventions

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MODULE 4 RESTORATIVE JUSTICE

The way in which contemporary societies view and respond to crime and reforms of troublesome behaviour is changing. Restorative justice seems to have secured its place as the formal criminal justice system way of dealing with victim-offender situations. This module deals with the understanding of Restorative Justice, its application, suitability and relevance in Probation. It will explore its benefit to the Victim, Offender, Community and the Criminal Justice System of Nigeria.

Expected Learning Outcomes

At the end of this session, the participants will be able to:

1. Explore the concept and principles of Restorative Justice
2. List the objectives of Restorative Justice
3. Examine its place with the criminal justice system
4. Explore its benefits to the victim, offender and community and the criminal justice system in Nigeria

5. Describe the process of restorative justice
6. Apply restorative justice skills in Community correction practice

Understanding Restorative Justice

One of the pillars underpinning restorative justice programmes is the belief that the parties involved in or affected by crime ought to participate actively in repairing the harm, alleviating the suffering that it caused and taking steps to prevent the recurrence of the harm, UNODC (2020). Comparatively, restorative justice is a flexible, participatory and problem-solving response to criminal behaviour, that is said to improve access to justice, especially for victims of crime and vulnerable and indigent persons.

Restorative justice is not a new approach to addressing conflicts as it has a historical perspective.

Activity 1: 5 Minutes
All participants define the concept of restorative justice.
Which offences would be ideal for restorative justice and,
What would be the role of a non-custodial officer?
After this exercise play the following video on RJ to illustrate what RJ is.
Restorative Justice: Why Do We Need it?
https://www.youtube.com/watch?v=8N3LihLvfa0

UNODC (2020), define **Justice Restorative justice** as an approach that offers offenders, victims and the community an alternative pathway to justice. It promotes the amicable partaking of victims in determining the dispute and offers people who accept responsibility for the harm caused by their actions, an opportunity for accountable to those they have wronged. This definition echoes that of Marshal, (1999:5), who saw restorative justice as being a process “whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future”.

RJ has commonly been known as “mediation”, as distinct from legal adjudication “conferencing”, “dialogue”, “circle sentencing” or “peace-making” in various parts of the word (ibid).

It is also a common understanding that a restorative outcome ought to include a form of redress, compensation or reparation, although this is not always the case.[65]

Watch this video explaining restorative justice

What is Restorative Justice?
https://www.youtube.com/watch?v=ZfQhfN6PxPI

Objectives of Restorative justice

The objectives of RJ stem from the following values as pillars listed by Prenis, (2007)- truth, fairness, physical and emotional safety of participants, inclusion, empowerment of participants, safeguarding of victims' and offenders' rights, reparation, solidarity, respect and dignity for all involved, voluntariness and transparency of process and outcomes. of the process[66]

The following are listed as the objectives of restorative justice

a) Supporting victims, giving them a voice, listening to their story, encouraging them to express their needs and wishes, providing them with answers, enabling them to participate in the resolution process and offering them assistance
b) Repairing the relationships damaged by the crime, in part, by arriving at a consensus on how best to respond to it
c) Reaffirming community values and denouncing criminal behaviour
d) Encouraging responsibility taking by all concerned parties, particularly by offenders
e) Identifying restorative, forward-looking outcomes
f) Preventing recidivism by encouraging change in individual offenders and facilitating their reintegration into the community

Benefits of restorative justice

Activity 3 5 Minutes
Participants to discuss in plenary the benefits of restorative justice and compare with the following

[65] UNODC, (2020), Handbook on Restorative Justice Programmes Second Edition
[66] See Pranis Kay, in Handbook of Restorative Justice by Johnstone and Van Ness(2007) eds

Restorative justice programmes can:

1. Provide wider and more timely access to justice for victims of crime and offenders
2. Provide victims with a voice, an opportunity to be heard and an opportunity to understand the offender
3. Provide victims and the community with answers, their right to know and their right to the truth
4. Provide victims with an opportunity for material and symbolic reparation
5. Facilitate victims' recovery and alleviating emotional and sometimes traumatic effects of crime on victims
6. Provide a viable alternative to criminal proceedings
7. Reduce the frequency and the severity of reoffending, particularly when it is part of a broader rehabilitative approach
8. Avoid the further stigmatization of offenders and contribute to their effective reintegration in the community
9. Improve public participation and public confidence in the criminal justice system in the communities where they exist
10. Increase community engagement
11. Lead to more effective local crime prevention initiatives
12. Improve police-community relations
13. Reduce costs and delays across the criminal justice system

Benefits to Victims

The RJ benefits to the Victim include

- reduces post-traumatic stress
- reduces desire for violent revenge, reduced crime victims' desire for violent revenge against their offenders
- reduced the costs of criminal justice, when used as diversion from CJ
- reduced recidivism more than prison (adults) or as well as prison (youths)

Restorative Justice and the criminal justice system[67]

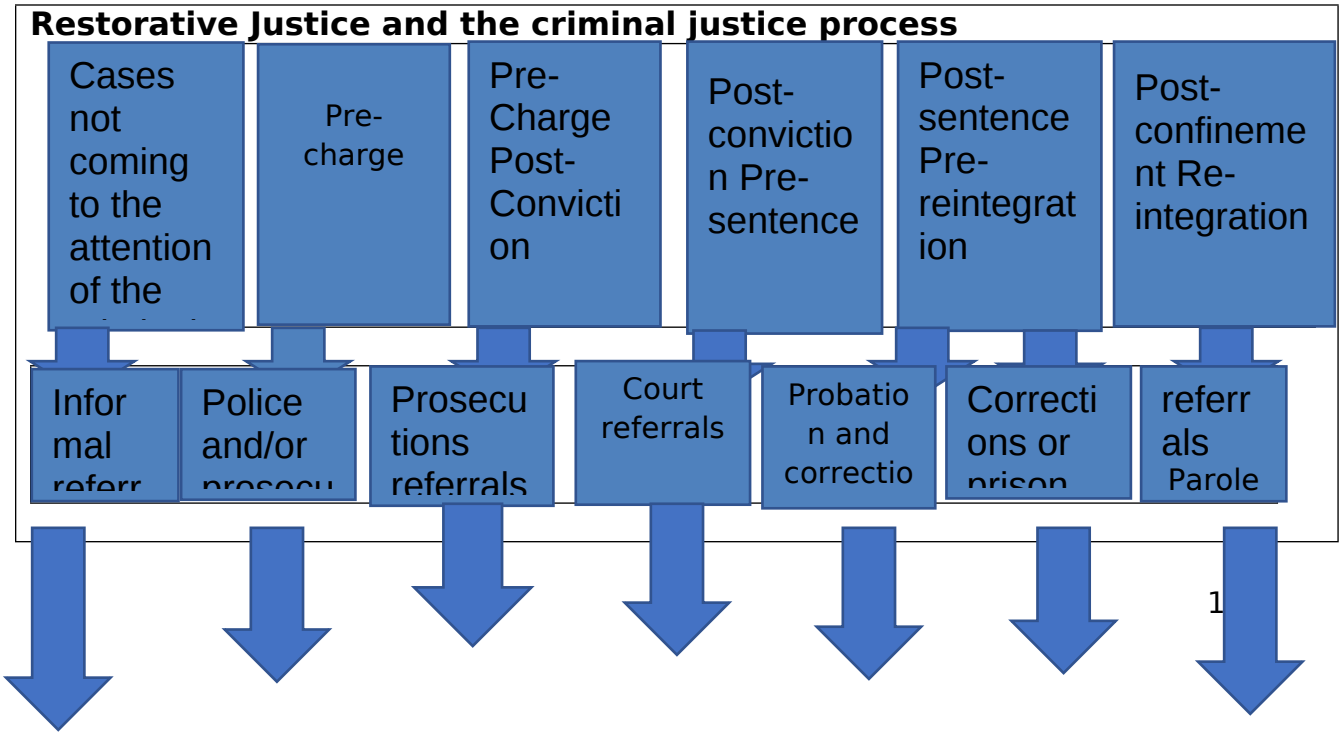
[67] The Council of Europe's Recommendation CM/Rec(2018)8 of the Committee of Ministers to Member States concerning restorative justice in criminal matters acknowledges that:
The Council of Europe's Recommendation CM/Rec(2018)8 of the Committee of Ministers to Member States concerning restorative justice in criminal matters acknowledges that "Restorative principles and approaches may be also used within the criminal justice system, but outside of the criminal procedure. For example, they may be applied where there is a conflict between citizens and police officers, between prisoners and prison officers, between prisoners, or between community service workers and the offenders they supervise. They may also be applied where there is a conflict between staff within judicial authorities or criminal justice agencies."

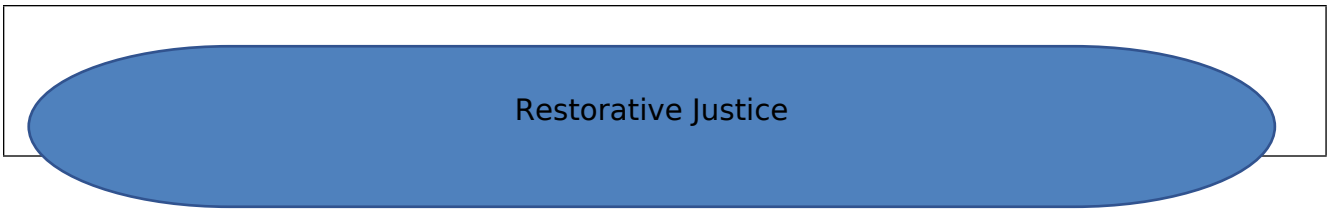
Restorative justice has been applied by many jurisdictions within the formal justice system. This means that Restorative principles can be accommodated with the criminal justice system. In Nigeria, restorative justice is provided for in the Section 43 of the Nigerian Correctional Services Act (2019)
These RJ can be used within the formal justice system in the following circumstances

a) as diversion from prosecution altogether
b) as a pre-sentencing, post-conviction additions to the sentencing process
c) as a supplement to a community sentence (probation or community service)
d) as a preparation for release from long-term imprisonment to resettlement
e) as a form of final warning to young offenders.

A review of research on restorative justice (RJ) in the UK and other jurisdictions in comparisons to conventional criminal justice (CJ), RJ has, in at least two tests each:

a) substantially reduced repeat offending for some offenders, but not all
b) doubled (or more) the offences brought to justice as diversion from CJ process
c) reduced crime victims' post-traumatic stress symptoms and related costs;
d) provided both victims and offenders with more satisfaction with justice than CJ process





Main Types of Restorative Justice Processes and Programmes

Despite diversity in the restorative justice programmes around the world, there are three main models which are more widely used than others. These are:

(a) **Victim-offender mediation (conciliation**)-This is an assisted dialogue that brings the victim and the offenders together to talk about the crime with the help of an impartial mediator. VOM can take place at any state of the justice process and referral can be made by government agencies. With the help of a trained facilitator, they can reach an agreement that will help them both bring further closure to the situation. Four basic requirements[68] must be satisfied before victim-offender mediation can be used:

a) The offender must accept (or at least not deny) responsibility for the harm done.
b) The victim and the offender agree on the basic facts of the case as a basis for their participation in the mediation.
c) Both the victim and the offender must understand the process and be willing to participate.
d) Both the victim and the offender must consider it safe to be involved in the process.

(b) **Restorative conferencing** may involve community conferences or family group conferences, where more persons other than the primary victim and the offender. In the conferencing model, other persons affected by the offence, such as family members, friends, community representatives, and, depending on the model, the police or other professionals, are brought together by an impartial third party who acts as a facilitator of the conference[69].

(c) **Circles-** can be used to facilitate the sentencing process. They can also be used within local neighbourhoods to address residents' concerns over crime

[68] See handout for details of the working of VOM from various jurisdictions
[69] See handout for details of the working of the family group conferencing

or anti-social behaviour, or to resolve complaints against members of law enforcement or correctional agencies.

Circles can be useful in conflict resolutions, early intervention and post conflict healing. There are four important stages to the circle process:

a) Stage 1: Determining whether the specific case is suitable for a circle process
b) Stage 2: Preparing the parties who will be involved in the circle
c) Stage 3: Seeking a consensual agreement in the circle
d) Stage 4: Providing follow-up and ensuring the offender adheres to the agreement

Exercise4: Group work
Participants to form four groups and discuss the following
How can Non-Custodial Officers facilitate the criminal justice process through use of restorative justice practice in the following processes?

a) At pre-sentencing, post-conviction dispositions
b) At community sentence disposition (probation or community service)
a) At penal release (long-term imprisonment to resettlement)
b) *At diversion with young offenders given final warning*

Role of Non-custodial officer in Restorative Justice

There are three stages of the criminal justice process at which a restorative justice process can be successfully initiated:

a) the pre-trial stage as diversion from prosecution;
b) the sentencing stage; and
c) the post-sentencing stage as an alternative to imprisonment, as part of or in addition to, a non-custodial sentence, during imprisonment or upon release from prison. Non-custodial officers can be called upon to support the restorative justice process in all the stages.

Restorative justice processes, including victim-offender mediation, can be utilized for offenders who are on probation, parole or other types of supervision in the community.

a) Non-custodial officers can recommend (through presentence reports) to the court offenders who are suitable to go through restorative justice
b) Non-custodial officers can facilitate meditations as part of the conditions of parole or refer offenders to a restorative programme.

c) Non-custodial officers can facilitate the referrals of offenders to these programmes and to facilitate their operation.

REVISION QUESTIONS

1. What do we understand by Restorative Justice?
2. What are some of the goals and benefits of restorative justice?
3. What role can non-custodial officers play in the course of criminal justice administration?

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MODULE 5 SUPERVISION 2

This module provides a conceptual framework for supervision for rehabilitation and community reintegration. Further, it brings out the rationale behind supervision and principles underpinning effective supervision. Further, the module explains how to navigate through supervision with the aim of ensuring compliance and possible breach actions to be taken in case of non-compliance.

Expected Learning Outcomes

At the end of this session, participants should be able to

1. Explain the concept of supervision and compliance in the context of non-custodial measures
2. Outline the principles and rationale of Community correction supervision
3. Identify supervision compliance conditions for probation and community service
4. Explore risk needs assessment principles as pillars of supervision, rehabilitation and reintegration
5. Explain practical methods of controlling non-compliance with the court orders

Concept of supervision

In the practice of probation, supervision has been central to work with offender and this notion is seen within the context of 'advise, assist and befriend'[70] the client with the objective of changing the behaviour of the individual. The concept has a relational underpinning that enables the non-custodial officer and the client to forge a common goal of desistance from crime.

Activity 1: 5 minutes
Participants to
1. *Define the concept of* ***supervision*** *in their own words.*
2. *State the* ***function*** *of supervision*

Write down the answers and compare with the following.

Supervision in the context of offenders refers to the process of *engagement* of a practitioner (non-custodial officer or correctional officer) with an offender for the purposes of ensuring *compliance* with the requirements of the supervision *order* and *supporting* the offender to become law abiding and desist from reoffending.

According, Burnett et al (2007), supervision embraces the dichotomy of care and control (or mentoring and monitoring). Thus, it is meant to provide an avenue for change on the offender and to protect the community.

Ugwudike, (2007) conceives supervision to be an interactional process through which non-custodial officers engage with offenders to manage a range of situational, structural and practical factors that can ensure compliance.

[70] Sec 457(1) (d) of the Administration of Justice Act (2015) of the Federal government of Nigeria

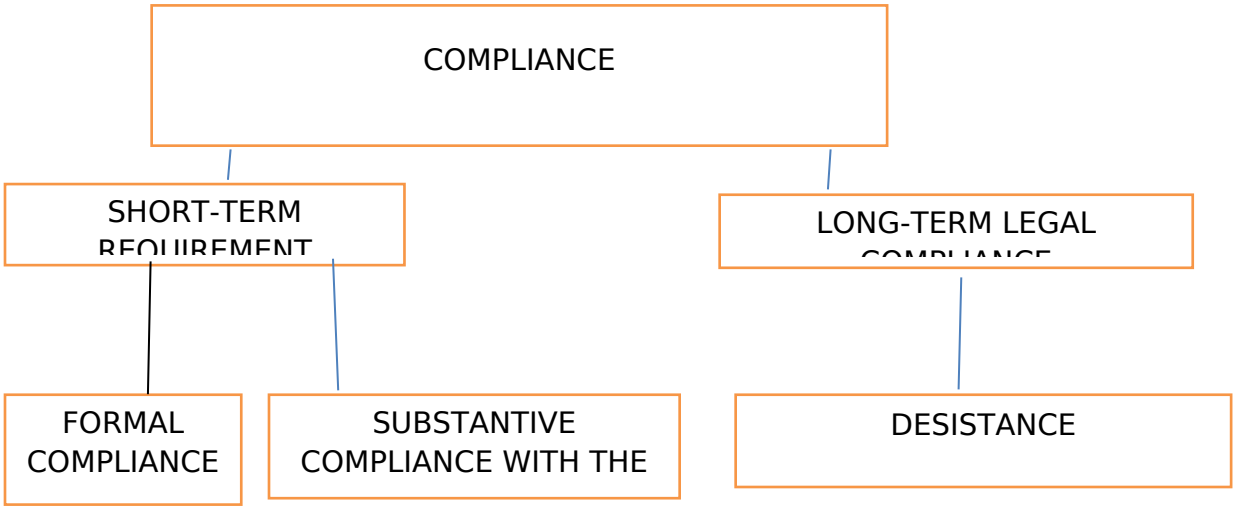
Supervision is about enforcement of court order requiring an offender to abide by set conditions failure to which a breach action would be instituted

In essence, supervision is more about requiring offenders to do certain things agreed upon, keep reporting appointments as instructed, participating in activities meant to change behaviour and refraining from doing certain things. the purpose of supervision is to reduce reoffending and to assist the offender's integration into society in a way which minimises the likelihood of a return to crime[71] Supervision is the core function of Community corrections and is in line with rule 10 UN SMRs (Tokyo Rules) and both the laws governing it in Nigeria[72]

The Concept of Compliance

The notion of compliance within the context of probationary sentences is better understood from the legal and policy frameworks viewpoint. Bottoms, (2001) distinguishes two sets of compliance-

1. Short term requirement compliance-which is compliance with specific legal requirement of the community sentence
2. Long term/ legal compliance-more fundamental legal requirement of the offender to desist from reoffending



Offenders sentenced to community service would most probably fulfil the short-term requirement if they comply and work as ordered. Offenders on

[71] Rule 10.1 of the UN SMRs for
[72] The Administration of Justice Act 2014 and the NCS Act 2019

probation orders may fulfil both short-term and long-term legal requirements depending on the proper assessment done, the interventions chosen and receptiveness of the offender.

Rationale and principles of offender supervision

The purpose of supervision is to reduce reoffending and to assist the offender's integration into society in a way which minimizes the likelihood of a return to crime[73]The main function of offender supervision is to support offenders by minimizing and reducing the risk of reoffending and ensuring public safety through ensuring compliance to the court order. The objectives of offender supervision are:

1. To enforce court order
2. To effect behaviour change
3. To protect the victim and community

While the above are criminal justice rationale for supervision of offenders in the community, the following are the benefits that can accrue from.

Activity 2; 15 Minutes
Participant to discuss in groups

1. *What are the challenges associated with overcrowding in the correctional institutions?*
2. *How can noncustodial options mitigate the situation?*

Benefits of Non-Custodial Sentences

The benefits of non-custodial sentences specifically Probation Orders and Community Service Orders include the following; a) Provision of favourable conditions and environment for humane treatment of offenders. b) Keeping non-serious offenders out of prison where they are	i) Providing free labour on public utility projects undertaken by them j) Contribution towards prison decongestion. This releases the available resources for enhanced rehabilitation of serious offender who must be imprisoned

[73] Rule 10.1 UN SMR (Tokyo Rules)

likely to be adversely contaminated by the more hardened criminals. c) Provides for and ensures effective rehabilitation of offenders. d) Prevention of possible disintegration of the family unit as a result of the incarceration of one of its members, which may result in other undesirable social implications. e) Reparation pay-back to the community by the offenders through the performance of unpaid public work in the case of community service orders. f) Promote reconciliation between the offender and the community through CSO and restorative justice for peaceful co-existence. g) Reduction of social stigma which impede the re-integration of ex-offenders h) Reduction of prison population thereby saving the government capital that otherwise would have been used for the upkeep of such offenders in prison.	k) Helping offenders continue to play their role in socio-economic social-economic activities in the family. l) Provides the community with the opportunity of participating in the management of the offenders and crime prevention activities. m) Providing the humane face of the justice system especially for the courts n) Enabling the courts to participate in offender's management o) Enabling the courts to get to know the offenders beyond the offence that have been charged for and creating a better understanding of the criminogenic needs of offenders p) Non-custodial sentences are viewed as a human rights approach in the treatment of offenders q) Making the justice system be seen to embrace progressive paradigm of treatment of offenders adopted by many world democracies

Compliance with Supervision Conditions

Compliance with supervision conditions for both probation and community service may be similar with some little variances. The difference arises due to the objective of each sentence as well as the courts desire to sentence an offender as an individual. The presentence reports may also bring up certain unique conditions for a particular offender. On the whole, the following constitute generic supervision conditions that the court institutes on an offender.

1) Offender is expected to be of good behaviour during the supervision period,
2) The offender is ordered to report to the non-custodial officers at directed intervals,
3) The offenders should receive visits by a non-custodial officer at his/her home or place of work with appointment or unannounced,
4) He is to remain or stay at a designated place or home during the period of supervision unless authorised by the court,
5) To desist from associating with undesirable characters who the court or non-custodial officer has prohibited him from associating with
6) To remain sober and not to indulge in over intoxicating liquor,
7) To endeavour to get employment
8) To maintain a crime free life

That for probation order, there will be a requirement to attend counselling and other interventions sessions that may support the offender's path to crime free life. That the first priority for those on community service is to ensure that they perform work as demanded in the order. That the court may, in addition to community service or probation, impose other compensatory conditions for purposes of restorative justice.

Requisites for effective supervision

In addition to the skills of the officer and the equipment that may be necessary for effective supervision, the following constitute desirable requisites.

1. The offender must be willing or be made to serve the non-custodial measure and must demonstrate this by signing the probation order of the community service etc
2. All paperwork should be in order. These include the extracts from the court file bearing the supervision conditions and offender profile details
3. That the officer and the offender need to jointly agree on the supervision plan with clear objectives and actions required to ensure the offender does not breach the order
4. That the officer continues to give the offender encouragement, support and interventions depending on the criminogenic needs identified at assessment stage

Theory of Change and Effective Supervision

Any intervention should be based on an explicit theory of change (TOC). For some, the ToC is a ‘statement – a strategic narrative – describing how a driving or mitigating factor identified in an assessment can be changed with some

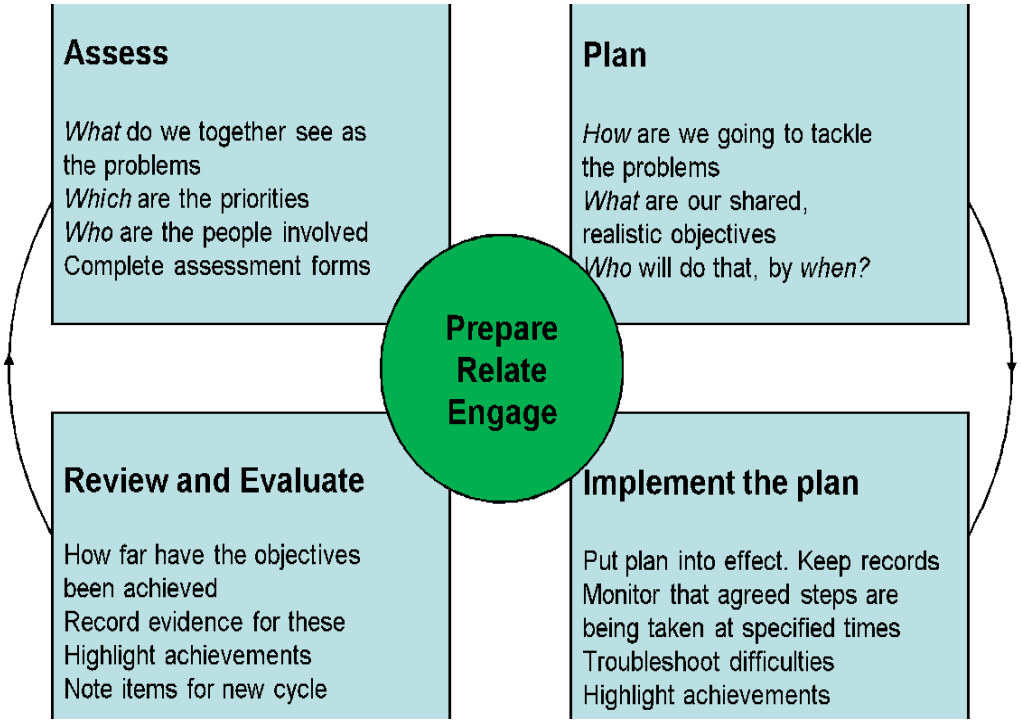
type of intervention to achieve a desired impact – in this case preventing or stopping reoffending'

In other words, a theory of change explains how some factors involved in the offending can be changed in order to prevent future crimes.

Activity 4: 5 minutes

Participants to discuss in plenary

Why is the theory of change important for practitioners?



In order to facilitate behavioural change, a process should be put in place. Most correctional officers around the world are familiar with the so-called Pre-ASPIRE model of change, (Sutton 2008). The above is an illustration of the change process and the actions required to make it happen.

Individual Supervision Plan

The process of change begins with an accurate assessment of the change required to meet a realistic goal, agreed between the officer and offender, and an analysis of the steps that might achieve this, Hopkinson and Rex (2003). Individual supervision plan is a sentence case plan for an offender that

contains activities required to achieve the objective of supervision which is forestall reoffending and protecting the public. The Objectives of supervising are more likely to be achieved if the offender participates in and understands and agrees with the plan as it is his/her action that will forestall reoffending.

The individual supervision plan will contain two elements

a) Activities on compliance requirements-appointments frequency, compensation, restitution, unpaid work, etc.
b) Activities to address criminal behaviour/criminogenic needs-those responsible for the criminal conduct and which are dynamic and change e.g. how to address relationship, negative peers, antisocial behaviour issues etc

The plan will contain a sequence of activities and roles of each actor. It also has proposed interventions and resources required and times lines for each activity.

Assessment=Sentence Planning=Intervention=Review=Evaluation

The supervising officer shall implement the interventions in the individual supervision plan during the Community service period in line with guidelines on supervision and rehabilitation or Standing orders that may be in place

The supervising officer shall undertake and document in each offenders file, quarterly summaries and review the interventions as appropriate.

The ISP should contain the following variables:

Objective (Why)	**Criminogenic Needs/risk factors (What)**	**Intervention Technique (Which)**	**Action Steps (How)**	**Timeframe (When)**	**Actor (Who)**

The following form some of the intervention approaches employed in supervision.

a) Cognitive-Behavioural Therapy
b) Individual Counselling
c) motivational interviewing,

d) Problem-Solving techniques
e) liaison, brokerage and referral
f) Crisis Intervention
g) Life and Social Skills Training
h) Pro-social modelling

Risk assessment and supervision

Activity 5: 5 Minutes
Participants to consider the following data and trends and answer
What is riskier - to travel by car or to fly? What is safer? What is riskier?
Open plenary discussion

Data from the National Highway Traffic Safety Administration shows that in 2015, there were 32,166 fatal motor vehicle accidents that led to just over 35,000 deaths. That comes out to be 1.13 fatalities per 100 million vehicle miles travelled, and nearly 11 people for every 100,000 U.S. residents.

Contrast these numbers to U.S. airline accidents recorded by the National Transportation Safety Board: In 2015, preliminary statistics revealed a total of 27 total accidents — zero of which were fatal. Of the accidents that did occur, just 0.155 happened for every 100,000 flight hours. Airline accidents per one million miles flown came in at a rate of 0.0035.

Note:

That the subject of risk and probability has a long history. It was first theorized in the insurance industry and then expanded to other areas of social life, including the criminal justice system. Its main principle is: ‘past behaviour is the best predictor of the future behaviour’.

What Is the Meaning of The Risk?

- Risk is a likelihood / a probability of a negative event to happen.
- Risk assessment is an evaluation of that likelihood.

Why is risk assessment important for community service work?

Andrews et al (1990) suggests that there are four principles of effective practice in probation:

1. **Needs principle** – programs should focus on criminogenic needs – big four and moderate four.
2. **Responsivity principle** – programs should be delivered according to the learning style of the beneficiaries / adult learning
3. **Professionalism principle** – programs should be delivered by well trained and highly motivated staff.
4. **Risk principle** – offenders with high risk of reoffending should be included in very intensive programmes and offenders with low risk of reoffending should be included in programs less intensive.

Research evidence of risk and needs

Newfoundland Experiment:

1. Offenders were split into two categories: ones with high risk of reoffending and ones with low risk of reoffending.
2. Offenders were exposed to two kinds of programs: one minimal and one very intensive (four meetings a week).

Conclusions:

1. Low risk offenders included in minimal program – reoffending rate 15%
2. Low risk offenders included in intensive program – reoffending rate 32 %
3. High risk offenders included in minimal program – reoffending rate 51%
4. High risk offenders included in the intensive program – reoffending rate 32 %.

A good match could cut down the reoffending rate with up to 10 %.

The Program Intensity and Frequency Must Match the Level of Risk!!!

When do we use risk assessment?

1. At sentencing – according to the principle of selective incapacitation- low risk offenders can stay in the community.
2. In probation/correctional supervision:
    a) during writing pre-trial/sentence report/pre-release reports,
    b) In deciding upon the supervision level and frequency of case management contacts/appointments/meetings,
    c) In deciding upon the programmes, the offender should be included,
    d) In assessing the progress made by the client.

How isle would risk assessment be used in Nigeria?

Risk assessment tools

Bonta (1996) structured risk assessment tools in three generations:

1. The clinical, subjective and unstructured one
2. Actuarial risk assessment
3. Risk/Needs assessment

Limits of the first generation

1. Too subjective. Different people assess in different ways and may arrive at different conclusions.
2. The decision is difficult to defend. Some variables could be relevant some could be highly irrelevant depending on the specialist

The first generation was mainly using the clinician's expertise, experience and insight.

Second generation

The first second generation tool is the one developed by Burgess (1928). He studied 3000 parolees and identified 21 factors which differentiate among recidivists and non-recidivists. Some of those factors were: nature of offence, number of participants to the crime, nationality of the father, status of parents, marital status, type of offender, the state he committed the offence, criminal history etc.

Another important second-generation tool is **Offender Group Reconviction Scale** (OGRS) developed in the UK (software, 90s and revised).

- age
- gender
- number of past offences
- current offence

Second generation

1. **Advantages**:

- Very structured
- Ensure a unified practice
- Highly accurate
- Provide the specialist with a defensible tool to support his/her decision.

2. **Disadvantages & Critics**:

- Based on statistical analysis of ex inmates all it says is that within a group of people with this characteristic a certain percent reoffended but does not say who will or will not reoffend.
- Includes only static factors (factors which cannot be modified by the correctional personnel) – ex. age, criminal history, age at the first conviction. Does not provide hints for intervention in order to reduce the risk of reoffending.
- Difficult to defend from the ethical point of view.

Third generation

The first third generation instrument of risk assessment is LSI – produced in Canada.

It was revised and adapted for the British context and it was used for a few years in UK Probation Service

Main advantages:

1. Includes into analysis not only static factors but also dynamic ones (those factors which can be changed during the intervention: substance abuse, education level, social skills, employment etc.).
2. Provides directions for intervention.

Third generation

Main limits:

1. It is manly **actuarial** – provides only a statistical analysis and poses the same criticism as the second generation. It does not say who will reoffend exactly, with what kind of crime, in what circumstances.
2. Includes only risk factors and not **protective factors** (those factors which decrease the risk of reoffending – ex. having a family, getting a job, changing in self-perception etc.)

Fourth generation

Includes:

- Risk/needs/protective factors
- Include both actuarial and clinical assessment
- Assesses also risk of harm, risk of self-harm
- Is constructed as a tool for managing the risk – ongoing assessment
- OASys and LSI-R – UK

Supervision, rehabilitation and reintegration of offenders can only be successful if it is backed by legal instruments or areas based on change theory

and the offenders are themselves involved in the planning for their change. The desired outcomes can be met if it is accompanied by risk assessment using structured tools and combined with the professional knowledge of the officer that is able to identify positive risk factors.

REVISION QUESTIONS

1. What is the purpose of supervision?
2. What benefits is supervision to the criminal justice system?
3. Why is risk assessment important and why do we need standardised tools to assist the decision making?

Take away Group assignment

1. *Review the theory of change by identifying its tenets and application. Discuss how the theory is applicable to non-custodial measures*
2. *Review the risk needs assessment model. Identify challenges and opportunities in working with a structured risk assessment tool*
3. *Choose any of the interventions approaches that may be applied in the intervention process and discuss its tenets and application in light of offender supervision. (Cognitive-Behavioural Therapy, Individual Counselling or motivational interviewing)*

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Module 6: Parole and Reintegration

Parole and reintegration which fall within community correction structure, are post penal correctional practices which are primarily meant to reduce recidivism while easing custodial population. This module will define the concepts of parole and reintegration in relation to offenders exiting institutionalization. The module will explore the models underpinning the practices, consider the risk factors to effective parole supervision and reintegration as well as the role of noncustodial officers in parole and reintegration offenders.

Expected Learning Outcomes

At the end of this session, you will be able to

1. Define the concepts of parole and reintegration
2. Discuss the benefits and practice of parole system
3. Examine the models of offender reintegration
4. Explain risk factors and offender reintegration needs
5. Explored pre-release processes and the role of NCO in the reintegration of offenders

Understanding Parole and Reintegration

A significant majority of offenders committed to correctional incarceration will at some point be released to the sociality. Criminal justice system also provides for ways in which some offenders committed to custody can be released on parole for continued community supervision and support. Offenders who exit correctional centres have a higher chance of desisting from crime if they are offered effective social reintegration. However, most offenders face considerable reintegration challenges, which can include family and community stigmatization and ostracism, and how these can also negatively impact on their ability to get jobs and resettle. Furthermore, it has been evident that many inmates enter correctional facilities with major social and personal problems, ranging from financial insecurity, unemployment, substance use, mental health, and poor social relationships. Not only will they encounter the same problems when they leave, but they also leave with new problems (loss of a house, job, and/or relationship, Maguire, (2007)

Activity 1: 5 Minutes

- Read to the Section 40 of the Nigerian Correctional Services Act
- Explain the meaning of parole and reintegration

Parole can be defined as the temporary or permanent release of a prisoner before the expiry of the prescribed sentence, on the promise of good behaviour following a decision made by the organ constituted to oversee the release and supervision of such prisoners. An inmate is allowed to serve a remainder of his or her sentence as a parolee and is accorded supervision in accordance to the parole release conditions.

Post sentencing dispositions listed under Rule 9.2 of the SMR-Tokyo Rules, (1990) include the early release schemes – "parole" and "remission". Parole is considered to be one of the most effective ways of contributing to the social reintegration of prisoners by enabling a planned, gradual return to society. However, in order for parole to fulfil its goal of reintegration, it must be accompanied by adequate support by institutions responsible for the post-release care of ex-prisoners (e.g. a Community correction service), other social agencies, the family of the offender and the community.

Reintegration is a process that involves purposeful engagement with an offender at the time of incarceration through to returning to the community and after custodial sentence. It is a considered boundary-less, case management where collective efforts of correctional officers (institutional and community), family and other community support systems, work towards making the offenders desist from crime and lead a law-abiding life. It involves integrating an ex-offender socially and psychologically into one's social environment, UNODC (2012).

Offender reintegration has many attributes and many other derivatives. Reintegration, re-entry and resettlement are terms which have been used interchangeably to designate interventions, programmes and services designed to assist inmates to live law-abiding lives in the community following their release.

In some countries, reintegration programmes have been referred to as "offender resettlement programmes". The Association of Chief Officers of Probation of the United Kingdom of Great Britain and Northern Ireland has adopted the following definition of "resettlement programme"

> *"A systematic and evidence-based process by which actions are taken to work with the offender, in custody and on release, so that communities are better protected from harm and reoffending is significantly reduced. It encompasses the totality of work with prisoners, their families and significant others in partnership with statutory and voluntary organizations" Maruna et al (2004).*

Successful reintegration programmes consider both the needs of the offenders as well as the risk they present in terms of community safety. Successful programmes are usually those which have raised public awareness of the issue and worked with local communities to make the reintegration of offenders possible.

Benefits of a Parole System

- Reduces institutional convict population to a manageable level
- Creates a seamless offender management process from incarceration to community reintegration.

- Improved offender rehabilitation regimes
- Controls and structures offender releases that wins the confidence of victims and stakeholders.
- Enables continuous supervision of offenders to reduce the risk of harm and reoffending
- Reduces cost of prisoner upkeep and running of prisons including wage reduction.
- Provides opportunity for shared responsibility for offender managing (the community and social agencies who may be drawn to provide social support for reintegration).
- Improves adherence to the rule of law, human rights and access to justice

Parole Decision Making

In practice, each inmate may apply for parole while conforming to the applicable regulations that explain eligibility and processes. In considering the inmates application, the Parole Board rely on information provided by various responsible agencies including

- The court proceedings and judgements
- A list of previous convictions
- Custodial assessment and supporting documents i.e. Sentence planning documentation, reports from completed correctional activities, and adjudications
- Prison medical report
- A psychiatric/psychological assessment where appropriate especially with mentally ill offenders
- A pre-release report of the Non-custodial officer

The Parole release Board in assessing suitability for release will consider and take into account:

(a) Issues surrounding the conduct of the inmate prior to and during incarceration including;
    i) the nature and circumstances of the offence(s) committee including any information provided in relation to its impact on the victim or victim's family
    ii) the offender's background, including the nature, circumstances and pattern of any previous offending
    iii) whether the inmate has shown by his attitude and behaviour while in custody that he is willing to address his offending behaviour by participating in programmes or activities designed to address the identified criminogenic needs meant to reduce risk of reoffending
    iv) any risk to other persons, including the victim, their family and friends
    v) any medical, psychiatric or psychological considerations relevant to risk (particularly where there is a history of mental instability conditions of his licence and the requirements of supervision, taking into account occasions where he has breached trust in the past
(b) the suitability of home circumstances
(c) the attitude of the local community in cases where it may have a detrimental effect upon compliance
(d) the concerns the victim in respect of licence conditions

(e) the content of the resettlement plan developed by the noncustodial officer
(f) whether the longer period of supervision that parole would provide is likely to reduce the risk of further offences being committed;
(g) whether the prisoner is likely to comply with the parole release conditions

Note:

- Releasing inmates on parole is not just to comply with the law but is also important in helping reduce prison population.
- Parole helps in managing correctional population as it acts as incentive for good behaviour
- The key consideration is the risk that the release of an inmate may pose especially to the victim and the larger community and what offence is likely to be committed
- Release Board will always avail itself reports from noncustodial officers and other state organs
- Parole system provide a sustainable inmate early release system that influences offender reintegration and resettlement with the potential to forestall reoffending
- The role of a noncustodial officer is critical as they provide the prerequisite pre-release report and also undertake parolee supervision

Parole Conditions

The following are some of the Parole release conditions that may be imposed on a parolee

(i) keep in touch with your noncustodial officer in accordance with any instructions that you may be given
(ii) if required, receive visits from your supervising noncustodial officer at your home
(iii) permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address
(iv) undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change
(v) not to travel outside the United Kingdom without the prior permission of your supervising officer (which will be given in exceptional circumstances only)
(vi) to be well behaved, not to commit any offence and to not to do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you resettle successfully into the community.

Further conditions that may be imposed include

- Reporting requirements to the noncustodial officer as and when demanded
- Obligation to take up work and not to engage in certain category of jobs e.g. working or staying with children
- Stay in a particular place of residence
- Not to associate or communicate with certain persons
- Requirement to undertake a restorative justice programme for purposes of reparation and reconciliation.

- Follow instructions of noncustodial officer given from time to time to address problems of alcohol / drug / sexual / gambling / anger / debt and offending behaviour problems

Activity 2
Discuss in groups the following case and report to plenary

Peter had been convicted for the offence of sexual violence and imprisoned for 20 years after he was found guilty of sexually assaulting his step daughter aged 12 years old. He has been in custody for 12 years and has applied to be considered for parole. His plea for parole is based on 1) good behaviours while in the correctional facility 2) the rehabilitation programmes that he has undertaken while in custody, 3) that the victim got married and that his wife who still is in the matrimonial home has no problem with his release. 4) He had businesses including a betting company and some rental flats which can support him upon release.

1. You have been asked to prepare a pre-release parole report. What information would you include in the report and whom would you contact??
2. What recommendations would u suggest to the Parole Board and on what basis
3. Within the Nigerian context and considering the provision of the NCS Act (2019) who would qualify for parole?
4. What the challenges may face a noncustodial officer undertaking parole work and how would they be addressed?

Models of Offender Reintegration

1. Traditional Model

This model was practiced throughout much of the twentieth century. According to available literature, before1969, assistance to adult offenders leaving prisons (apart from lifers) was sporadic and purely on voluntary basis by charitable and voluntary agencies. The Community correction service too at that time continued with the tradition of voluntary aftercare. These groups mainly offered advice and assistance with immediate practical problems in terms of helping them to search for inter alia accommodation, employment. Though some close and productive relationships were developed with the ex-offenders, generally, the assistance provided was variable in availability, quality and effectiveness and contacts only maintained for a short period of time (Maguire et al., 2000). This means that such approaches were seldom sustainable**.**

Traditional model was characterized by voluntary participation of ex-offenders; responding to needs articulated by the ex-offenders; help and support with practical problems; brokering access to mainstream service providers and; relatively little direct emphasis on offending behaviour. This model which Raynor (2004) refers to as an opportunity deficit model of resettlement, assumes that offenders commit crime because they have been deprived of resources and opportunities and hence the need for putting them into contact with agencies that will supply these. In a majority of instances, the rationale for assisting offenders is premised on the fact that such deprivation is a result of unjust social policies. The foregoing is perhaps much of what the Kenyan scenario is.

2. Offender Responsibility Model

This model contends that offenders should be held responsible for their own actions and not treated as victims of social and personal problems: rather, such problems should be treated as challenges which confront offenders with choices about how to respond (Raynor 2004).

This model focuses on offending behaviour and its reduction; a systematic assessment of offenders needs and risks by professional staff; a degree of compulsion to cooperate in rehabilitative activities; work on attitudes, thinking skills and/or motivation and; increasing strict enforcement of attendance requirements and other conditions of release. This model places emphasis on assisting offenders to develop clear goals for the future and the problem-solving resources and motivation to overcome some of the obstacles that they will inevitably face.

The proponents of this model contend that welfare provision alone is unlikely to prevent re-offending. It underscores the importance of influencing the mental processes and providing ex-offenders with both the desire and skills to make sustainable use of opportunities that arise. Therefore, emphasis is placed on longer-term focus and sustainability than in the traditional model.

3. Community focused resettlement model

This model is associated with the theory of social capital. Social capital describes the kinds of social bonds or relationships, networks and connections that bring about a sense of belonging and give people a stake in the society as well as facilitating access to opportunities for self-advancement (Maruna and Farrall 2004). In terms of reducing reoffending, it is supported by control theory and differential association theory. Control theory contends that people with strong social bonds tend to feel that they have too much to lose by engaging in crime. On the other hand, differential association theory propounds that the risk of offending is increased or decreased by the amount of time an individual spends with people with pro-criminal or anti-criminal attitudes.

4. Desistance focused Resettlement Model

The main focus of the model is the process of personal change associated with offender's attempts to desist from criminal behaviour.

The proponents of the model observe that:

- It is important to understand and respond to offenders individual circumstances, including where they are in terms of readiness to change, levels of motivation and personal narratives rather than applying a "one size fits all set of interventions;
- As far as possible, the process of change should be led by the offender, or at the minimum be understood as a joint enterprise in which the role of the penal professional is to assist the process of desistance;
- One of the most important contributions of assisting offenders is empathetic support to sustain motivation, particularly in the face of setbacks. Also important is acquiring relevant skills and taking advantage of opportunities to improve lifestyle;

- Help in overcoming social and practical problems can be important in terms of maintaining motivation and hence removing obstacles to progress;
- It is expected that relapses into prior patterns of behaviour will occur, and these should not be taken to mean that desistance progress has failed.

Other additional suggestions on effective resettlement proposed by Maguire and Raynor (1997) include early planning and preparation for release, establishment of close collaboration with the offender while still in prison continuity between work with individuals in custody and that undertaken after release, including reinforcement of specific learning, and provision of any required services, such as drug treatment as soon as possible after release.

According to Griffiths, Dandurand and Murdoch, (2007) most successful social reintegration strategies for offenders are those which:

(a) Reflect the public safety priorities of the community for which they are developed, including by engaging the community in the in the delivery of interventions in order to foster community ownership
(b) Begin, if the offender is in custody, as early as possible and continue throughout the offender's transition to the community ("throughcare")
(c) Differentiate between special categories of offenders, including sound methods for assessing their risks and needs, as well as the specific social reintegration issues that they may face
(d) Hold offenders accountable and responsible for their own choices and actions, but strike a balance between surveillance and control on the one hand and support and assistance on the other
(e) Offer assistance in an integrated and comprehensive manner in the form of a coordinated effort of all agencies involved and based on strong inter-agency cooperation;
(f) Are supported by evidence-based case management practices and adequate information management systems; and offer offenders, whenever possible, a single point of contact in accessing support and services;
(g) Include a well-thought-out communications and community relations strategy to foster and maintain community support and engagement;
(h) Have a robust monitoring and evaluation component that allows the interventions to evolve, self-improve and remain accountable to the community for crime reduction results;
(i) Are gender- and age-sensitive

Activity 3:
Discuss what makes reintegration of offenders important and how can non custodial officers support these?

Note:

Social reintegration of offenders:

- helps curb high rate of reconviction/recidivism
- Acts as a crime prevention strategy.
- Reduces re-victimization, increases community safety and eases pressure on law enforcement agencies.
- Reduces high cost associated with law enforcement and imprisonment activities
- Reduces prison overcrowding

Noncustodial officers may support these by fostering institution-community linkages, arranges for reintegration services that can help build social relationships, provides supervision and support, arranges for referral services and enables victim participation in restorative and reconciliation efforts.

Pre-release interventions and arrangements

Rule 58 of the Standard Minimum Rules for the Treatment of Prisoners provide:

"The purpose and justification of a sentence of imprisonment or a similar measure deprived of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life."

Most offenders face significant social adaptation issues, which can include family and community stigmatization and ostracism, and the ensuing negative impact on their ability to find jobs or housing, return to formal education or build or rebuild individual and social capital, UNODC (2012). The categories of offenders who requires reintegration include; long-term prisoners, Borstal inmates, psychiatric offenders, child offenders from rehabilitation schools, long-term remand prisoners and parolees

The period of transition from prison to the community is challenging for offenders; if they are monitored or supervised in the community upon release, the level of stress may increase.

Rule 87 of the Mandela rules[74]

Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same prison or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid

[74] United Nations Standard Minimum Rules for treatment of Prisoners,

Social reintegration support interventions start with institutional services and extend to community-based services. This is intended to provide a seamless process which can help address offender reintegration needs.

Pre-release reintegration programmes facilitates the following

(a) progressively increased responsibility and freedom with the provision of technical, life skills training, education and rehabilitation, psychosocial support.
(b) Facilitates community interaction and involvement e.g. remote parenting, home visits, child parent sessions,
(c) Working with both the offender and community support systems
(d) Developing new resources and supports where needed e.g. partnerships with voluntary agencies.
(e) Monitoring and testing the inmate's and the community's ability to work productively together

Rule 107 of the Mandela rules stipulates that

"From the beginning of a prisoner's sentence, consideration shall be given to his or her future after release and he or she shall be encouraged and provided assistance to maintain or establish such relations with persons or agencies outside the prison as may promote the prisoner's rehabilitation and the best interests of his or her family".

As documented by UNODC, (2018), noncustodial officers should develop a pre-release plan that identifies the offender's particular reintegration needs and circumstances and determines the type of educational or employment programmes that the offender should access in order to maximize his or her chances for successful reintegration. The pre-release plan must also take into account whether reuniting the individual with family members will have a negative impact on the family or whether the family may have a negative impact on the individual and increase his or her risk of reoffending UNODC, (2018).

Role of noncustodial officers in parole and reintegration measures

(a) Role of noncustodial officers is in advising the parole board in the decision making process as to which is suitable for an inmate to be accorded parole, where it could be served and under what conditions.
(b) Role also in assessing and providing the requisite supervision and interventions in the community upon release
(c) NCO are the connection between correctional institutions and the community and family
(d) The role is also to provide advice on the pre-release conditions that must be taken on board before institutional release decision is made
(e) Role is also in the protection of victim's rights and the community
(f) Ensuring that offender pays back to the community for the wrong done
(g) The role is also in providing platform for reconciliation and compensation

(h) Identify and make recommendations on parole conditions that may be suitable for adoption by the Parole Board and other release measures including accommodation at a halfway home

While working with the community and other stakeholders, NCO is expected to address the key reintegration 'needs' that that have a bearing with criminality including housing, substance abuse, family issues/acceptance, employment, healthcare and other social relationship risk factors

In order to ensure a seamless process of reintegration and parole practice it is important to have non custodial officers attached to correctional centres for purposes of linking offenders with the community and services providers prior to release.

Note that:

- The parole and reintegration casework conforms to the other case management approaches for other category of clients including development of case plans e.g. those on Community correction supervision
- The aim is to continue provision behaviour change programme and services within the community
- Of greater importance is ensuring compliance to release conditions while maintaining a close professional relationship with the offender

Role of the community in social reintegration of offenders

- To provide correctional centres and the non-profit making organizations to work together towards offender reintegration
- To encourage community engagement by providing avenues for open dialogue about offenders and how they may be integrated
- To strengthen community understanding for the need of gradual reintegration of offenders.
- To build the capacity of the community to appreciate the fact that offenders need not be incarcerated.
- Provide transitional homes/halfway homes as approved by the CGNCoS

Activity 4: Group Work

Address the following questions

1. *In trying to implement the department's reintegration strategy for **ex-inmates**,*
   (d) What are the risk factors or common reintegration needs that you will be called upon to address?
   (e) What challenges are you likely to face while reintegrating ex-inmates?
   (f) How would you address such challenges?
2. While enforcing parole conditions parolees,
   (a) What are the challenges that you are likely to encounter?
   (b) *How would you address the challenges?*

REVISION QUESTIONS

1. What is your understanding of the terms Parole and reintegration?
2. What are some of the parole conditions?
3. Which are the reintegration models in practice?
4. What are the common reintegration needs of offenders?

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Module 7: Communication and Relation Building

This module builds on the foundational course on communication but goes further to look at how communication facilitates officer-client relationship. It details some applicable theories relating to communication and their relevance to social investigation, and supervision of offenders. In addition, the module discusses communication and interviewing techniques as a key relation building tool when working with offenders in the community.

Expected Learning Outcomes

At the end of this session, the participants should be able to:

1. Define communication within the context of correctional rehabilitation
2. Explain the applicable theories on communication
3. Explore effective communication skills and barriers to achieving good communication results
4. Demonstrate how effective communication facilitates officer-client relationship

Time (To be determined)

Understanding communication

There are many different methods of communication applicable in the correctional setting. As non-custodial officers, there are many persons to communicate with including colleagues, defendants and stakeholders. Using the appropriate methods will enable the message to reach the recipient well. Non-custodial officers communicate directives, court orders and instructions and, also make reports on work progress. The ability to communicate effectively is perhaps the greatest skill correctional officers need to learn.

Activity 1. 5 Minutes

Ask the participants

(1) to define the term communication in plenary

(2) mention any key elements that come to mind when the term communication is mentioned.

Write down the answers and compare the definition with the ones here below

Communication is a goal-oriented transfer of information from one person to another (while retaining the same content and context) with the purpose of creating a common understanding. It is an act meant to elicit a response in another, either through direct action by the receiver or the acquisition of understanding.

Communication (from Latin *communicare*, meaning "to share") is the act of conveying meanings from one entity or group to another through the use of mutually understood language signs, or symbols. In more simple terms, Keyton, (2011) defines communication as the process of transmitting information from one person to another and having a common understanding of the message sent.

Communication is a dynamic message asset of interconnected messages moving back and forth in various media between sender and receiver. In essence, communication is the process of transferring information from the sender to the receiver where the recipient decodes the information and acts accordingly

As noted by Sheafor and Horejsi (2010), effective communication depends on the functioning of the senses (e.g. vision, hearing etc.) and the cognitive activities of the brain. These include **attention paid to it,** (focusing on certain stimuli while disregarding others) **perception,** (using pattern recognition and sensory memory to interpret stimuli picked up by our senses; **memory** (retaining information over time), **language** (interpreting, expressing and remembering verbal and written words and symbols), **conceptualization** (organizing information and ideas into categories), **reasoning** (drawing conclusion from information) and **decision making** (making choices based on and in anticipation of future event). These cognitive processes are interrelated and overlapping.

Inform the participants that in communication, some of the words which come to mind include;

Language, memory, speaker, message, receiver, information, verbal, written, sound, glance, sight, feeling,

Activity 2: 5 Minutes

Ask the participants to whisper (in a relay) the following statement to each other so that each receiver passes to next till it comes back to you.

"One of the most important elements in assessing suitability of an offender for noncustodial measures is by examining the risk factors".

Establish if the same information has come back to you in the same content.

Trainer tips

Inform that participants that the purpose of the activity was to demonstrate how communication content may change when shared verbally and when not communicated effectively.

- It also shows that good listening skill is key in understanding and keeping communicated content
- It also demonstrates that when messages are passed through many people, especially in verbal communication it is likely to be interpreted differently and thus it may lose content and context.
- It further shows that effective communication is met when the person communicating gets feedback that information has been received as intended.

Communication theory

Communication theory states that **all living beings existing on the planet communicate** and that the communication is different from each other, Scudder (1980). The universal principle of communication theory states that all living beings whether they are plants, animals, human beings communicate through sound, speech, visible changes, body movements, gestures or in the best possible way to make the others aware of their thoughts, feelings, problems, happiness or any other information (ibid). That communication is a survival tool without which it would be impossible for the creature to survive.

Communicative theory in corrections

Duff (2000), while expounding on communicative theory in corrections, states that it is a form of 'moral persuasion' to the offender through communicating a positive goal in order that an offender may be rehabilitated. Behind communicative theory is the idea of enabling the offender to recognize the wrongfulness of their action and the need for them to change. Duff sees punishment to be retributive in the sense that the communication condemns or censures the crime. It also holds and expects the offender to be rational or capable to respond to the communicated appeal. Duff's definition of punishment in communicative theory is captured by Rex (2003.p48) as

"a secular penance that is justified as part of a morally communicative process that aims to persuade offenders to repent of their crimes, communicate their reparative apology to others and to undertake to reform their future conduct."

Communication Theory Framework

The communication theoretical framework can better be understood in the following dimensions and context.

- **Mechanistic** - that communication is simply the transmission of information from one party to the other. One being the sender and the other being the receiver.
- **Psychological** - that communication is simply not the flow of information from the sender to the receiver but actually the thoughts, feelings of the sender which he/she tries to share with the recipients. It also includes the reactions, feelings of the receiver after he decodes the information.
- **Social** – that communication is a result of interaction between the sender and the receiver. It simply says that communication is directly dependent on the content of the speech. "How one communicates" is the basis of the social view point.
- **Systemic** - that communication is a new and a different message created when various individuals interpret the information in their own way and draw their own conclusion.
- **Critical** - that communication is simply a way in which an individual expresses their authority over others.

Types of communication

a) V**erbal communication** takes place when information is shared through a verbal channel (oral). Works and speeches or presentations and used by the sender and the receiver; both must be on the same channel choosing words carefully including the expression and tone which must be comprehensible to the receiver.
b) **Non-verbal communication** in the theory of communication where a language composed of gestures, facial expressions, hand movements and body postures are used to provide information from the sender to the recipient. In other words, non-verbal communication lacks oral sounds and is expressed through gestures.
c) Visual communication is communication that is given when the receiver gets information through a visual (eye) medium. Traffic signs and maps are some examples of visual communication. In the theory of communication, vision plays a fundamental role in communication since it affects the way the recipient understands the message
d) **Written Communication** is communication sent through a written media from the sender to the receiver. This kind of information can either be on paper, email, short text messages or other means that can deliver the message in written phone

Activity 3: 20 minutes
Ask the participants to form groups (as may be Appropriate) have the groups undertake the following assignment. Let each group make a presentation and give feedback in plenary.

- ***Group one***: In the course of your duties as a non-custodial officer, what are the communication challenges that you are likely to encounter when undertaking social inquiries (investigations)? What measures would you propose to address these challenges?
- **Group Two**: in the course of supervising a client on probation, what are the likely communication challenges that you may get? How would you go about addressing such challenges?
- **Group three:** You are likely to have clients with physical disability including deaf and numb as well as visually challenged. How do you propose to communicate with them? What visual aids may assist you in that course?

Barriers to effective communication

The theory of communication establishes that it is unlikely that communication will always be smooth. There are likely to be different barriers or obstacles that can obstruct effective communication. These barriers can lead to misunderstandings and misinterpretations of information by the recipient. Some of the barriers to effective communication are as follows.

- **Noise:** Noise is a common barrier to effective communication. Generally, the information is distorted and the message arrives incompletely to the receiver. Crowded spaces prevent information from reaching the recipient's ears correctly. In case the information arrives, it is possible that the receiver is not able to interpret it correctly
- **Unstructured Thoughts:** Not being clear about what is meant and how it is meant to present itself as an obstacle that makes effective communication difficult. The sender should always construct clear ideas about what he wants to communicate, once this happens, it may give way to sending the message. Otherwise, the communication will not be effective.
- **Bad interpretations:** Misinterpreted information can lead to unpleasant situations. The sender must encode the message in such a way that the receiver can receive it without misinterpreting it. It is the responsibility of the receiver to give the necessary feedback to the issuer in order to clarify possible doubts about the message.
- **Receiver Unknown:** The lack of information about the receiver may prompt the broadcaster to provide information that the receiver cannot decode. The sender must always know his receiver and communicate with him in terms familiar to him.
- **Unknown Content:** The content of the message should emphasize the information to be transmitted. The theory of communication indicates that in order to give force to the ideas that are wanted to be transmitted, it is necessary to know its meaning. Otherwise the speech will lose meaning for both the sender and receiver.
- **Ignore receiver:** The sender must always have contact with the receiver, so that it does not lose interest in the message. A common error is considered reading the contents of the notes in a chat without recognizing the receiver. Eye contact is important to maintain the receiver's interest.

- **Lack of confirmation:** The sender must check if your receiver has successfully decoded the message. When the message is not acknowledged, it is common to find that the sender and receiver do not share the same information.
- **Voice Tone:** According to the theory of communication voice tone plays an important role in communication. The tone of the voice should be clear, the words paused and precise. The volume of the voice must be established taking into account the noise in the environment.
- **Cultural differences:** The difference of languages or preconceptions can make communication difficult. Words and gestures can acquire different meanings in different cultures. This situation is framed within the theory of communication as one of the most significant variables to take into account in the processes of information coding.
- **Receiver Attitude:** The recipient's attitude affects that the message is delivered correctly. An impatient receiver will not take enough time to fully absorb the information being delivered, generating interruptions in the communication process. This can lead to confusion and misunderstanding between the sender and receiver (Lunenburg, 2010).

Trainer Tips

Inform the participants that the barriers to effective communication can be classified into process barriers, physical barriers, psychosocial barriers and semantic barriers.

- Explain to the participants that process barriers are circumstances brought about by language, time, space or lack of appropriate opportunity to communicate.
- Physical barriers are bodily obstacles including people or other objects interfering with the communication
- Semantic barriers relate to the words we choose, how we use them, and the meaning we attach to them can be a cause of communication barrier
- Psychosocial barriers are when people's backgrounds, perceptions, values, biases, needs, and expectations are incongruent to the sender or receiver. Senders can encode and receivers decode messages only in the context of their fields of psychosocial experiences.

The fundamentals of communication in social work are **voice and speech, body language, hearing, observing, encouraging** and **remembering**. These skills are essential in effective communication

Strengthening interpersonal relationship through communication

Communication is by definition interactive and always takes place within a relationship. Equally, communication is context-related. It does not happen solely within the confines of a relationship, but in a larger world which affects both the nature of the relationship and the nature of the communication that properly takes place within it, Koprowska, (2008).

Interpersonal relationship is a strong, close association between two or more people that is enduring and which is built upon contacts and communication skills. Interpersonal skill is a

technique used during the process of case management with 0ffendfer. It helps in sustaining gains made with a client and makes it easy for case workers (non-custodial officers) to navigate through the challenges that may arise during client supervision. It is necessary that the time the officer first makes contact with a client, the two need to establish rapport, Coffey (2003).

The context of this relationship can be in a correctional situation and can be regulated or informed by law or mutual consent. Communication when used effectively is what binds interpersonal relationships enabling people's attitudes to change because they have received positive influence.

Building Interpersonal relationship

Building interpersonal relationships is about developing rapport with the client, maintaining interpersonal contact and developing a client-centred orientation that encourages the client to personally resolve the ambivalence and embrace change, with the assistance rather than dominance of the practitioner.

Building a therapeutic relationship requires that one possess various interpersonal skills. Some of these are ere as follows

1. **Addressing Impression and diversity issues**

Impressions are made first, through visual communication. Where are you holding your first meeting? What does the setting look like, how is the officer dressed? You need to be aware that your setting and how you look will affect a client's first impression of you before you even say anything. Equally important is punctuality. You will not expect the offender to be punctual for your appointment if you always get late for your appointments.

There are various stereotypes and other differences that an officer must be aware of which if not addressed may hamper the relation building. These include cultural, ethnic, religious, racial, political, age, and sexual issues differences. The non-custodial officer or non-custodial officer must always be sensitive to diversity. The officer should address the diversity issue in their communication (eye contact speech, and demeanour), Frankel and Gelman, (2009).

In addition to the above the essential elements in making a professional impression are

a) Clarity: use simple, direct language, free from jargon and pompous phraseology
b) Conciseness: prepare yourself so you know the key issues in any situation, and communicate them succinctly.
c) Comprehensive: keep in mind all the key issues, and watch out for side-lining information that makes you uncomfortable.
d) Courteous: courtesy is much more than good manners, though these are essential, and a certain level of polite formality is important when communicating with people in formal settings

2. **Attend to Personal Issues and Commonalities**

One of the challenges with developing rapport is how to create an enabling climate for interaction before getting into real work. Enabling an offender to settle first will help build the expected friendly relationship. The officer needs to help the offender to feel at ease in a natural way. People often start by talking about the journey, weather etc. Frankel and Gelman (2009)[75] give this illustration on settling the client in a case management process.

> *"Attending to how people look is another way to ease into the business at hand: "You look tired,``''You seem to be harried," for example. Another rule of thumb is, don't ignore the obvious. If a woman arrives at the interview clearly agitated or with tears in her eyes, it is usually a good idea to attend to it. Similarly, if a man has an obvious handicap or other infirmity that is impossible to ignore, you should consider how to acknowledge it".*

While it is appropriate for the officer to share personal experiences in this scene, it must be carefully done lest the offender might think that it is all about friendship and not work. Once you and the offender has settled down, you will need to outline the following as summarized by Koprowska, (2008)

a) how you see the purpose of the interview
b) how long you expect it to last
c) something about your status
d) confidentiality and its limits.

Activity 4. 6 minutes Communication and relation building

In plenary, read this out to the participants and let them respond on how they would address the situation. What do they think? How would it affect the immediate communication and future relationship**?**

"Imagine you have been assigned by the court to advise it (through a presentence report) on a case that has been recurring. Ahmed (about 18 years old) has been charged several times in the last year with three petty cases and following what the defendant said, the court thinks that familial and marital problems could be part of the reason Ahmed's frequent arrests.

You arrange a home visit to see the parents after introductions, you say, 'I understand you have some difficulties in your marriage which are impacting on your son. Perhaps we could talk about them?' Ahmed's parents exchange a look and then they both say, 'What are you talking about? We don't have any problems in our marriage at all. Not at all'. The interview comes to an abrupt close".

Let's assume that the marital familial problem is correct. Use your second-order skills to review how the interaction went, and to devise some different approaches to this delicate subject.

[75]Frankel, J.A. and Gelman, S. (2009) Case Management: An Introduction to Concepts and Skills, Third Edition. Oxford University Press pg 67

3. Use Basic Interviewing Skill

During the initial engagement with an offender, the goal is to obtain necessary information as possible from the offender, to get to know and value them as people, and to begin the process of building a good professional working relationship.

a) First, you should have a good sense of the information you need to obtain from the initial interview. This will allow you to be attentive and spend less time writing
b) Know how and when to takes notes without interfering with the flow of the interview
c) Know how to ask questions. Prepare in advance (with the information already gotten e.g. from the case file). Ask more open-ended questions that will elicit more answers and enable the offender to open up and explore many areas of the subject matter. Try to have more questions to be more statement form

Activity 4: 7 minutes

An offender's First interview With a Non-custodial officer.
https://www.youtube.com/watch?v=fEwBqB-it6s&t

The intention is to demonstrate communication skills and the expected formalness that goes with client supervision

4. Active Listening—Restating and Reframing

One of the most important skills in building communication relationships that you need as a non-custodial officer/non-custodial officer is that of active listening. This is the ability to track what clients are saying and what they really mean by what they are saying. This can be achieved by *restating* and *reframing* what the offender says.

Restating is simply repeating or paraphrasing what the client has just said while reframing is an active listening skill of refocusing the statement and making it close to what the offender is saying but changes or redefines it slightly. Reframing is useful where you would like to change the perception of the offender of a given circumstance.

Activity 5: Acting Listening Skills

https://www.youtube.com/watch?v=t2z9mdX1j4A

This video illustrates listening skills

Focusing and Furthering

When you realize that an offender is digressing from what you need for assessment, you may have to use focusing. This skill means simply making a statement to bring the client back on track. For instance, this can go in this way

> *Officer: Tell me more about your relationship with your spouse.*
>
> *Offender: I like her a lot, but she sure drives me crazy. She/he just likes my children and his/her parents. The other day my he/she was in the living room watching television—one of those most hilarious comedies, where they talk about the common Nigerian life in our communities. It was a great episode you know? I heard that more people watched it than any other . . .*
>
> *Officer's* indirect focusing statement: *What don't you like about your spouse*?
>
> *Officer's* direct focusing: *We're really going off the topic. Tell me about your relationship with your daughter.*

5. Empathy, Praise, And Support

Skills relating to empathy, praise, and support may seem ordinary in case management training but they are real tools in building relationships especially in a counselling. There are three parts to empathy:

(i) the ability to imagine yourself in your client's situation,
(ii) feeling to some degree as he or she does, and
(iii) making empathetic statements

Setting Boundaries

While it is desirable that a working therapeutic relationship between the officer and the offender or client on supervision should be nurtured, there is a need to set boundaries. Even when establishing a healthy relationship, it is important for the offender to know what may be tolerated and what cannot be tolerated about his or her behaviour. For example, it is good for the client to know that breach of any of the conditions may not be tolerated. This is a skill that is also important in case management relationships that should be applied at the initial point of the working relationship.

Activity5. Role Play (1) Diversity issues
Have participants choose a partner.

1. *Ask them to discuss diversity issues involving sexual, racial, cultural, ethnic, and religious differences.*

2. *Then ask them to explore how they differ in terms of family history, where they have worked, lived and live now, significant life experiences, education, and socioeconomic background.*
3. *Finally, lead a group discussion to elicit what they found hard, what they found easy, and if what they experienced relates to their work with clients.*

Role Play (2) Interviews-Asking questions

Have students form groups of three. One will be 'an offender', one the non-custodial officer, and one an observer. There will be three five-minute scenarios.

After each one, students will switch roles so that each will have a chance to play all three. Ask the client to talk about any problem for five minutes. The worker should

(1) ask open-ended questions,

(2) ask closed-ended questions, and

(3) make information-seeking statements instead of asking questions.

On a piece of paper, the observer should write three headings: open-ended questions, closed-ended questions, and statements asking for information. During each five-minute scenario, the observer should put a check mark in the appropriate column whenever the worker carries out one of the three. After all participants have had their turns, ask them to share their observer data with each other. Have them discuss their styles of getting information, which types of questions/statements they tended to emphasize, how they as clients felt about the questioning styles, and the effects the questioning styles might have on actual clients. Then lead a class discussion about what participants learned from this exercise

REVISION QUESTIONS

1. What role does effective communication play in social investigation?
2. What are some of the barriers to effective communication?
3. How would you use communication skills to build a working relationship with a client?

TRAINING MATERIALS

1. LCD Projector
2. Handouts
3. Laptop

TEACHING APPROACH

1. Presentation
2. Discussion
3. Video display
4. Role play

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MODULE 8: HUMAN RIGHTS (2)

Human Rights principles are instrumental in the management of offenders both in custody and in the community. This module will relook at the fundamentals of Human Rights as well give a critical examination of the UN Standard Minimum Rules on non-custodial measures while reflecting on the supervision of offenders in the Nigerian context.

The session will emphasize on the UN Standard Minimum Rules on Non-Custodial Measures (The Tokyo Rules), The UN Rules for the Treatment of Women and Non-Custodial Measures (The Bangkok Rules).

Expected Learning Outcomes

At the end of the session, the participants will be able to:

1. Discuss Human Rights principles
2. Examine the United National Standard Minimum Rules for non-custodial measures and the SMR for the treatment of Women and Non-custodial Measures time

UNDERSTANDING HUMAN RIGHTS

Human rights are the foundation of human value. By their nature, human rights are granted by God as inalienable and indivisible elements of mankind. Some of the rights may be denied by law yet others are inalienable.

Activity 1: 10 Minutes
Participants to discuss the following in plenary
a) *What is meant by humans?*
b) What is it that can sustain enjoyment of full human lives?
c) Which rights do you consider to be most important to you, your child/spouse.

Human rights consist of conditions which make us human and allow us to use and exercise our natural abilities and to satisfy our biological and other needs. They also consist of fundamental principles that prescribe and guide how individuals should be treated in any condition, Uju et al (2011). Human rights are universal and inalienable, indivisible, interdependent and interrelated

Human Rights *are moral principles or norms that describe certain standards of human behaviour and are protected as natural and legal rights in domestic and international law. Human rights are inalienable, fundamental rights to which a person is inherently entitled simply because she or he is a human being and which are inherent in all human beings, regardless of their age, ethnic origin, location, language, religion, ethnicity, or any other status*

Activity 2. 5 Minutes
Participants to watch this video explaining Human Rights. UNOHCHR *https://www.youtube.com/watch?v=JpY9s1Agbsw*

FUNDAMENTAL HUMAN RIGHTS PRINCIPLES

The Universal Declaration of Human Rights (UDHR) enshrines the principles and pillars on human rights. The declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948[76] as a common standard of achievements for all peoples and all nations. It sets out the fundamental human rights cornerstones to be universally protected.

1. **Universality and Inalienability:** Human rights are *universal* and *inalienable*. *All people everywhere* in the world are entitled to them. The universality of human rights is encompassed in the words of Article 1 of the *Universal Declaration of Human Rights*: "All human beings are born free and equal in dignity and rights."
2. **Indivisibility:** Human rights are *indivisible*. Whether they relate to civil, cultural, economic, political or social issues, human rights are inherent to the dignity of every human person. Consequently, all human rights have equal status, and cannot be positioned in a hierarchical order. Denial of one right invariably impedes enjoyment of other rights.
3. **Interdependence and Interrelatedness:** Human rights are *interdependent* and *interrelated*. Each one contributes to the realization of a person's human dignity through the satisfaction of his or her developmental, physical, psychological and spiritual needs.

[76] UN General Assembly resolution 217 A

4. **Equality and Non-discrimination:** All individuals are equal as human beings and by virtue of the inherent dignity of each human person. No one, therefore, should suffer discrimination on the basis of race, colour, ethnicity, gender, age, language, sexual orientation, religion, political or other opinion, national, social or geographical origin, disability, property, birth or other status as established by human rights standards.
5. **Participation and Inclusion:** All people have the right to participate in and access information relating to the decision-making processes that affect their lives and well-being.
6. **Accountability and Rule of Law:** States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in international human rights instruments.

Activity 3. 30 Minutes Group Work
Participants to work in groups and discuss the following
Each group to be assigned 2 Human Rights Principles and;

a) *Discuss the principles in light of their enjoyment by the offenders (both custodial and non-custodial)*
b) *Discuss the principles in light of rights of enjoyment by the officers*
c) *What challenges would prohibit full enjoyment of the rights?*

INTERNATIONAL HUMAN RIGHTS INSTRUMENTS AND STANDARD MINIMUM RULES

The international human rights movement was strengthened with the United Nations General Assembly adopting the Universal Declaration of Human Rights (UDHR) on 10 December 1948. It was crafted as ‘a common standard of achievement for all peoples and nations', the Declaration for the first time in human history spelled out basic civil, political, economic, social and cultural rights that all human beings should enjoy. The UDHR, and the International Covenant on Civil and Political Rights comprise the International Bill of Rights

Through ratification of international human rights treaties, Governments undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties. The other UN covenants and treaties are:

a) International Covenant on Civil and Political Rights (ICCPR);
b) the International Covenant on Economic, Social and Cultural Rights (ICESCR);

c) the Convention Against Torture, Cruel or Inhuman and Degrading Treatment or Punishment (CAT);
d) Convention on the Elimination of All forms of Discrimination Against Women (CEDAW);
e) Convention on the Rights of the Child (CRC);
f) Convention on the Rights of Persons with Disabilities (CRPD);
g) Convention on the Elimination of All Forms of Racial Discrimination, (CERD).

UNITED NATIONS STANDARD MINIMUM RULES FOR NON-CUSTODIAL MEASURES (THE TOKYO RULES)

The rules were drafted for the adoption of the UN General Assembly in 1899 and adopted in 1990. The SMR comprises general principles which spell out the aims and purpose of the instrument. The principles invite member states of the UN to implement non-custodial measures in their respective jurisdictions as part of its criminal justice system.

Part one delineates the **general principles** underpinning the administration of non-custodial measure. Also outlined are the minimum legal safeguards which are meant to cushion and protect the offender against any excesses or abuse. These general principles are aligned to the principles of human rights.

Part Two. Prescribes the application of SMRs at the pre-trial stage in the cause of the criminal justice e process including Pre-trial dispositions and measures on how to avoid unnecessary pretrial detention. Under rule 6.1 it provides that ‘pre-trial detention shall be used as a means of last resort in criminal proceedings, with due regard for the investigation of the alleged offence and for the protection of society and the victim’.

Part Three makes minimum provisions at the trial and sentencing stage. Of uttermost importance is rule 7 on Social inquiry reports including presentence reports.

> *7.1 If the possibility of social inquiry reports exists, the judicial authority may avail itself of a report prepared by a competent, authorized official or agency. The report should contain social information on the offender that is relevant to the person's pattern of offending and current offences. It should also contain information and recommendations that are relevant to the sentencing procedure. The report shall be factual, objective and unbiased, with any expression of opinion clearly identified*.

Rule 8 is equally important prescribing minimum standards at sentencing dispositions

8.1 The judicial authority, having at its disposal a range of non-custodial measures, should take into consideration in making its decision the rehabilitative needs of the offender, the protection of society and the interests of the victim, who should be consulted whenever appropriate.

Rule 8.2 prescribes some of the recommended non-custodial dispositions that the court may apply. These include

a) Verbal sanctions, such as admonition, reprimand and warning
b) Conditional discharge;
c) Status penalties;
d) Economic sanctions and monetary penalties, such as fines and day-fines;
e) Confiscation or an expropriation order;
f) Restitution to the victim or a compensation order;
g) Suspended or deferred sentence;
h) Community corrections and judicial supervision;
i) A community service order;
j) Referral to an attendance centre;
k) House arrest;
l) Any other mode of non-institutional treatment;
m) Some combination of the measures listed above.

Part Four spells out the post-sentence disposition including early release system, parole and pardon measures.
Part five provides measures that need to be taken at the point of implementing the noncustodial measures including levels of and how supervision should be done for instance rule 10.1 asserts that:

'The purpose of supervision is to reduce reoffending and to assist the offender's integration into society in a way which minimizes the likelihood of a return to crime'.

In these parts are also the prescription on condition of supervision, treatment process and Discipline and breach of conditions

> *14.1 A breach of the conditions to be observed by the offender may result in a modification or revocation of the non-custodial measure. 14.2 The modification or revocation of the non-custodial measure shall be made by the competent authority; this shall be done only after a careful examination of the facts adduced by both the supervising officer and the offender.*

Part VI is on staff recruitment, training and deployment while part VII gives avenues for public participation including the deployment of recruitment. Finally, part VII is on research, planning, policy formulation and evaluation of various non-custodial programmes and international cooperation.

UNITED NATIONS RULES FOR THE TREATMENT OF WOMEN OFFENDERS AND NON-CUSTODIAL MEASURES FOR WOMEN OFFENDERS (BANGKOK RULES)

Activity 4: 30 minutes
Participants to form groups and discuss the following questions

a) What challenges are you likely to experience with the NCS when implementing Tokyo Rules?
b) What recommendations would you make to address the said challenges?
c) Which provisions of the Bangkok rules would pose greater implementation challenges?
d) What recommendations would you make to address the said challenges?

Activity 5. 10 minutes
Organise the participants to watch this video
Equal Justice: Making community sanctions work for women in Kenya *https://www.youtube.com/watch?v=qLstFHdW6Bg*

The Bangkok Rules are international guidelines that UN member states adopted as procedures and safeguard women rights in the just justice system. The instrument speaks both on women held in institutions/custody or correctional facilities as well as those who are subject to non-custodial measures. The latter therefore complement the direction given the Tokyo rules.

The UN SMRs for treatment of Prisoners although speaking to the issues of all prisoners, was not suited for female offender's needs. With the increase in the number of women prisoners worldwide, the need to bring more clarity to considerations that should apply to the treatment of women prisoners was realized with the adoption by the UN[77].

[77] Rule 3 of the Bangkok rules

These rules are inspired by principles contained in various United Nations conventions and declarations and are therefore consistent with the provisions of existing international law. They are addressed to prison authorities and criminal justice agencies (including policymakers, legislators, the prosecution service, the judiciary and the non-custodial correctional service) involved in the administration of non-custodial sanctions and community-based measures.[78]

Part one in on gules of general application that touches on institutional/prison administration and treatment of women in custody. These include not just the administrative procedures but also the health rights and interventions generally.

Part two prescribes rules specific on the special category of women in the justice system, including those with mental illness, lactating and pregnant to mention a few.

Activity 6: 5 minutes

Participants to discuss

1. *Who are special needs offenders?*
2. *Are women in the justice system fall under the category of special needs offenders*
3. *identify women whom that think falls under the category of special needs offenders and compare with the list below*

Of great interest is to have assessment tools that would be able to identify the needs of special needs women for purposes of classification, and interventions.

Key in the area is rule 41 which has the following provisions

The gender-sensitive risk assessment and classification of offenders shall:

(a) Take into account the generally lower risk posed by women offenders to others, as well as the particularly harmful effects that high-security measures and increased levels of isolation can have on women offenders;

(b) Enable essential information about women's backgrounds, such as violence they may have experienced, history of mental disability and substance abuse, as well as parental and other caretaking responsibilities, to be taken into account in the allocation and sentence planning process;

[78] Rule 4 ibid

(c) Ensure that women's sentence plans include rehabilitative programmes and services that match their gender-specific needs;

(d) Ensure that those with mental health-care needs are housed in accommodation which is not restrictive, and at the lowest possible security level, and receive appropriate treatment, rather than being placed in higher security level facilities solely due to their mental health problems.

Part Three Non-Custodial Measures

This part gives guidance on what is proper for women in the justice system the rules do complement

Rule 57 The provisions of the Tokyo Rules shall guide the development and implementation of appropriate responses to women offenders. Gender-specific options for diversionary measures and pretrial and sentencing alternatives shall be developed within Member States' legal systems, taking account of the history of victimization of many women offenders and their caretaking responsibilities.

Rule 58 Taking into account the provisions of rule 2.3 of the Tokyo Rules, women offenders shall not be separated from their families and communities without due consideration being given to their backgrounds and family ties. Alternative ways of managing women who commit offences, such as diversionary measures and pretrial and sentencing alternatives, shall be implemented wherever appropriate and possible

Commentary

A considerable proportion of women offenders do not necessarily pose a risk to society and their imprisonment may not help, but hinder their social reintegration. Many are in prison as a direct or indirect result of the multiple layers of discrimination and deprivation, often experienced at the hands of their husbands or partners, their family and the community.[79] Accordingly, women offenders should be treated fairly in the criminal justice system, taking into account their backgrounds and reasons that have led to the offence committed, as well as receiving care, assistance and treatment in the community, to help them overcome the underlying factors leading to criminal behaviour. By keeping women out of prison, where imprisonment is not necessary or justified, their children may be saved from the enduring

[79] Recognising the discrimination faced by women in all spheres of life, the Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly on 18 December 1979, and entered into force as an international treaty on 3 September 1981

adverse effects of their mothers' imprisonment, including their possible institutionalization and own future incarceration.
The impact of being held in pre-trial detention, even for short periods, can be severe if the offender is the sole carer of the children. Even a short period in prison may have damaging, long-term consequences for the children concerned and should be avoided, unless unavoidable for the purposes of justice, in line with Article 9 (3) of the ICCPR as well as with Rule 6 of the Tokyo Rules, and Principle 39 of the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, which limit the use of pre-trial detention.

Part four is on research, planning, evaluation and public awareness-raising

Activity 7: 30 Minutes Group Work
Participants to form two or more groups and undertake the following task and present in plenary
a) Consider the provisions of UN SMRs for Non-custodial measures (Tokyo rules)
(1) identify the parts you think are relevant to alternatives to non-custodial measures
(2) How would these parts be realized in the Nigerian situation?
b) consider provision of the Bangkok rules and
91) identify the rules you think are relevant to noncustodial options
2) How would Part three of the Bangkok rules be implemented in Nigeria and what would be the challenges to full realization

REVISION QUESTIONS

1. What is meant by Human Rights?
2. What principles underpin human rights law (2015)?
3. According to the UN SMRS for Non-custodial measures importance is placed on 'social inquiries. What is the importance of social inquiry reports to the court?
4. Are the SMR relevant to the Nigerian Situation?

REFERENCES

1. UDHR UN General Assembly resolution 217 A
2. UNOHCHR What is Human Rights https://www.youtube.com/watch?v=JpY9s1Agbsw
3. United Nations Standard Minimum Rules for Non-custodial Measures (1990)-The Tokyo Rules

4. UN Standard Minimum Rules for Treatment of Women Prisoners and Noncustodial Measures (Bangkok rules).

Module 9: Gender and Justice

Introduction/Overview

This module introduces participants to the definitions, concepts, and development of gender specific, gender neutral, and gender responsive strategies and programming for women in the criminal justice system.

In order for women to succeed under correctional supervision, and thrive after supervision, it is important to implement gender-responsive policies, practices, and programming in all justice agencies that work with women. From arrest to reintegration (non-custodial measures) there should be specialized programming designed for women. The goal is to provide women offenders with opportunities, programming, policies, and principles that are equivalent to, but not identical, to male offenders. The opportunities, programming, policies, and principles are based on the needs and risks of female offenders and not on their male counterparts. As you will see later on in the module, women characteristics, offenses, pathways to crime, and life circumstances differ from male offenders.

Expected Learning Outcomes

By the end of this module, the participant should be able to acquire knowledge on the development of gender specific programming, policy, practice, supervision and management of female offenders involved in the criminal justice system.

1. Understand that gender matters
2. Examine the components of gender-responsive justice
3. Understand the 5 core guiding principles of gender responsive strategies
4. Define the importance of implementing gender-based supervision, management, and communication.
5. Understand the role that trauma plays in criminality
6. Examine the differences between men and women and their pathways into crime
7. Understand the importance of relational support, strength-based strategies, and trauma-informed care.

Time: (To be determined)

Important terms in gender and justice:

Gender Responsive: According to Bloom, Owen, and Covington (2005) gender-responsive means creating an environment through site selection, staff selection, program development, content, and material that reflects an understanding of the realities of women's lives and addresses the issues of the participants. Gender-responsive approaches are multidimensional and are based on theoretical perspectives that acknowledge women's pathways into the criminal justice system. These approaches address social (e.g., poverty, race, class, and gender inequality) and cultural factors, as well as therapeutic interventions. These interventions address issues such as abuse, violence, family relationships, substance abuse, and co-occurring disorders. They provide a strength-based approach to treatment and skill building. The emphasis is on self-efficacy.[80]

Gender-Specific: Gender-specific is used when referring to specific strategies and programming used for female offenders involved in the criminal justice system that are designed specifically to reduce the risk of recidivism. This includes individualized supervision plans, substance abuse and other types of treatment, mental health and work programs, and programs, and address the needs of women that are specifically designed for women.

Gender-Neutral: Strategies and programming that do not harm to female offenders in the criminal justice system

Activity 2: 5 Minutes

Trainers Tips

Ask participants to give examples of each – gender-responsive, gender-specific, and gender neutral (e.g., programming, treatment) to ensure the participants understanding.

Discuss the differences

Women in the Criminal Justice System

Women make up a minority of the noncustodial populations; however, the female offender population is growing in all regions of the world.[81] Many times women involved in the criminal justice system, especially those under noncustodial supervision living in the community, suffer

[80] Bloom, B., Owen, B. and Covington, S., (2005). Gender Responsive Strategies for Women Offenders. A summary of research practice and guiding principles for women offenders. National Institute of Corrections. U.S. Department of Justice

[81] UNODC Handbook, Chapter 2.1, page 7

from a correctional sigma. It is difficult for them to live and work in the community and regain their status. Female offenders are often ostracized, ridiculed, and/or discriminated against because they have been involved with the justice system. Because the criminal justice system was originally developed for male offenders, the needs of female offenders are not met. Women react differently, communicate differently, and respond differently to mainstream correctional supervision and management used for men. When managed and supervised with the same policies, practices and programming, women tend to fail.

In order to effect change in women under correctional supervision, programs, policy, practice, and the environment must be gender responsive. Gender-responsiveness requires an understanding and knowledge of the realities of women's lives, roles, and responsibilities; their pathways into crime; and the relationships that impact and shape their lives means to create an environment (Bloom, Owen & Covington, 2003). In addition, without gender-specific programming and treatment, and gender-responsive policy and practice in correctional planning, successful reintegration into the community, reconnections with family, and reducing reoffending is challenging. To be successful, female offenders need programming, policy, and practice that meets their needs.

Gender-Based Characteristics – Differences between Women and Men

The best way to develop practices to work with women and reduce recidivism in women offenders is to understand how women's characteristics differ from men. The first step in developing gender-responsive correctional policy, practice, and programming is to understand the important role their characteristics play in criminality. Women differ from men in the types of crimes they commit, their pathways into criminality, and their life circumstances.

Offense and Pathways into Crime

Women are more likely to be convicted of non-violent offenses, petty drug offenses and property crimes. Women are less likely to be convicted of violent crimes and are less likely to be a danger to their communities. Research shows that women who commit violent crimes do so when involved in partner or domestic violence, or when the violence is situational. In general, women are a lower risk to the community. Most of the violence women are involved in is unintentional (Bloom, Owen, & Covington, 2003).

> On the other hand, 54% of the crimes committed by men are violent.[82] Most of the violence is calculated and men are a higher risk to the community. Less than quarter of the crimes committed by men are property crimes, as are less than a quarter drug crimes.
>
> **Life Factors**

[82] National Resource Center on Justice Involved Women. Fact sheet on justice involved women in 2016. (2016). The center for justice involved women.

Female offenders are likely the **caretakers** of children at the time of the arrest. Almost 70% are mothers of a minor child and have responsibility for the child/children and most live in poverty. Almost 60% of women offenders suffer from **drug abuse** issues and more than 80% suffer from drug or alcohol abuse. Three-quarters of the female offender population suffer from mental illness and over 40% of women have **a co-occurring disorder.**

There is a substantial difference between men and women with regards to **mental health and co-occurring disorders**. Almost twice as many women suffer from co-occurring disorders than men, and a third more women suffer from mental health issues. Women suffer with anxiety disorders, depression, trauma, and eating disorders, whereas men suffer with antisocial personality disorders. Women are more likely to attend therapy and take prescription drugs for their mental illness.[83]

The majority of women under correctional supervision have been **victimized**. They have suffered from sexual or physical abuse or have witnessed abuse or death, which caused them **trauma**. And, trauma is correlated with mental health and substance abuse issues.

Another different characteristic between male offenders and women offenders is that many women under correctional supervision live in **poverty**. A greater percentage of women offenders live in poverty than male offenders. Most women offenders, if they are employed at the time of arrest, have **lower paying jobs** than male offenders. Most women offenders rely on others for their support. Women offenders are generally not as educated as men or as skilled. Without skills, women offenders earn a lesser wage; thus, live in poverty.

A women's pathway into crime is most often influenced by an attempt to survive poverty or abuse. Most women offenders are economically unstable and searching for additional sources of income (e.g., drug crimes, theft). Many female offenders engage in criminal activities to escape their histories of abuse and trauma. Crimes like prostitution and drug crimes are examples.[84]

The trainer should ask the participants to:

Discuss the differences in life factors between female and male offenders

Record the comments on the flip chart

Vote on the top three (the three most important)

Activity 3: 10 Minutes

[83] Bloom, Owen & Covington (2003); World Health Organization (2010)
[84] National Research Center on Justice Involved Women. Fact sheet on justice involved women in 2016. (2016).

Trainer's Tip

The goal of the supervising officer is to assist the female offender in behavioral change so she does not reoffend. The way to do that is to develop a rapport and make her feel valued. Questions that would inspire rapport and trust are:

Start out asking how she is and really listening

Asking her about her children and know her children's names

Relationships

Another major difference is that women are **relational**. This means that many times a woman's identity, self-worth, and empowerment is defined through her relationships. [85] Relationships with a husband or partner, family, children, and friends are important to her. Many times, when women get arrested it is because of an unhealthy relationship with a companion, husband, or partner. Thus, it is important to remember that relationships matter to women. Women offenders are more likely to change their behaviors when the supervising or managing officer builds a relationship with them. A woman's relationship with crime often begins with a relationship, disconnection or connection with others. [86]Because women are relational, developing relationships with the female offender is imperative to successful reintegration.

The trainer should ask participants to:

Divide into groups of four

Discuss how participants' would interview a female offender versus a male offender

Develop an example (one question) of the difference

Guiding Principles for Successfully Working with Women Offenders

Universally, criminal justice systems, and associated custodial and noncustodial programs' policies, and practices, are developed based on a patriarchal system. Women offenders are cast into those systems that were developed largely on managing men, not women, which leave women

[85] National Resource Center on Justice Involved Women. Fact sheet on justice involved women in 2016. (2016).
[86] Ney, Ramirez & Van Dieten (2012). Ten truths that matter when working with justice involved women

offenders without the benefit of programming that reflects or is responsive to their needs. Because women have unique pathways into crime, characteristics different from men, and have needs and risk factors specific to women, their treatment, management, and supervision must be responsive to their needs in order to be successful. Gender-responsiveness requires an understanding and knowledge of the realities of women's lives, roles, and responsibilities; their pathways into crime; and the relationships that impact and shape their lives. [87]

Bloom, Owen, and Covington (2003) assert there are other ways for justice involved women and their children to succeed; that is to implement gender-responsive policies, practices, programming, and principles in all custodial and noncustodial systems. Custodial and noncustodial measures should include the core practices of gender-responsive programs, which are:

- Relational: Promoting healthy, empowering, and therapeutic relationships with correctional officers, case managers, supervisors and other staff, and stresses the importance of healthy relationships in all aspects of programming.
- Strength-based: Identifying and using the women's strengths in the development of supervision and management plans. Plans should focus on the strengths of the women instead of the negatives. Encouraging women to take control of their own successes.
- Trauma-informed: Gender-responsive programming uses trauma-informed practices in all communication, supervision and management plans
- Holistic: Programs should create multiple wraparound opportunities to assist women in their success.

Instead of trying to treat, supervise, and manage women offenders in a system designed for men, it is advantageous to treat, manage, and supervise women is a system designed for women. Bloom, Owen, and Covington's (2003) blueprint for creating and implementing gender-responsive program, policies, and practices for women is detailed in the following six guiding principles:

Principle 1. Gender matters and it makes a difference.

Women and men differ in degree of harm, risk, needs, motivation, communication, relationships, and how they enter the criminal justice system. Recognizing that there is a difference and developing plans based on the needs of the women.

Principle 2. Environment

The environment must be safe for women; must be based on dignity and respect; and must be relational. In order to effect changes in the women's criminal behavior, the environment must feel safe. It is important to remember that the majority of women involved in the justice system have suffered abuse and trauma, and may suffer from mental illness; thus, it

[87] Bloom, Owen, & Covington (2003, 2007). Gender Responsive Strategies

is important to use trauma-informed practices and communication when working with, supervising and/or managing women. The environment impacts behavior.

How is principle 2 implemented?

- Assess the culture of the environment. Do women coming into the correctional offices feel safe?
- Train staff in trauma-informed and strength-based practices
- Train staff in relational communication styles
- Use an assessment designed for women and develop supervision plans based on their needs

Principle 3. Relationships

Relationships matter when working with women. Develop policies and procedures that are relational in nature, and encourage healthy connections to partners or spouses, family, friends, and community. Remember that women will form negative relationships if positive relationships are not developed. Assist staff in developing rapport, healthy relationships, and appropriate boundaries with women. When developing a supervision plan, make sure that the requirements are gender-specific and not the same as men. For example, when requiring an office visit, it is important to remember that most women have children. Office visit appointments may have to be worked around the children, her ability for transportation or childcare. It will be important to work around her schedule instead of the officer's schedule. Develop approaches that are gender-specific, multidimensional, and take into consideration the women's social factors, poverty, treatment needs, and other interventions (e.g., abuse, family relationships, violence, and trauma).

How is principle 3 implemented?

- Develop staff training on the importance of relationships, professional boundaries, communication, and family interactions.
- Develop peer support networks and encourage positive interactions, relationship and activities
- Ensure programming is gender-specific and includes programs the enhance skills (e.g., mother-child relationships and interaction, communications)

Principle 4. Services and supervision

Address the specific needs of women using a strength-based, trauma-informed management and supervision strategy. Address substance abuse, trauma, and mental health issues using comprehensive, integrated services. Since substance abuse and mental health issues are interrelated issues that impact women offender's lives and their ability to succeed in the community, it is important to address the issues based on need. Develop supervision plans based on need and using a relational model.

How is principle 4 implemented?

- Ensure noncustodial officers are trained in gender-responsive supervision and case management
- Ensure noncustodial officers are trained in trauma-informed communication
- Ensure noncustodial officers and other providing services are cross-trained in mental health and substance abuse issues
- Ensure supervision plans and expectations are gender-responsive

Principle 5. Socioeconomic Status

Women offenders are usually poor. Provide them with financial and social opportunities that will increase their economic conditions. Most women offenders are economically disadvantaged, as well as socially impacted because of their histories of abuse and trauma. Improving their financial opportunities through skilled training or higher-paid employment will increase their economic status, thereby increasing their likelihood to succeed and not reoffend. Addressing their social obstacles (trauma, substance abuse) will increase their opportunity for successful reintegration.

How is principle 5 implemented?

- Ensure women have training or employment opportunities that can advance their economic status
- Connect women offenders with community resources
- Ensure the needs of women offenders are being met by providing appropriate treatment in a safe, gender-responsive atmosphere

Principle 6. Community

Establish a "system of community supervision" and reintegration services "with comprehensive, collaborative services." [88] Women under correctional supervision (non custodial measures) face challenges as they work to succeed in the community. It is important that correctional officers, case managers or other staff develop relationships with community organizations in order to provide comprehensive, wrap around services to meet the needs of women offenders. Many times women offenders who try to navigate through the criminal justice system fail, and then reoffend because of frustration or lack of guidance. Engaging the community in assisting and supporting women involved in noncustodial measures is key to success.

How is principle 6 implemented?

[88] Bloom, Owen, & Covington (2003) P. 82

- Connecting women offenders with appropriate community resources
- Engaging the faith community
- Guiding women through the myriad of systems and services
- Ensure community services are detailed in the women's supervision plans

The six gender-responsive, guiding principles should be used to inform non custodial policies, practices, and programming for female offenders. Because current correctional practices are not gender-specific or gender-responsive, and do not meet the needs of women, women fail. Changing the way in which we address women's needs will likely lead to less reoffending and more success. Additionally, considering the differences between men and women, their pathways into criminality, their characteristics, and their life factors, programs, policies and practices should be created based on the core factors of gender-responsivity to address and meet the needs of female offenders. The goal is to utilize gender-responsive strategies, including strength-based, trauma-informed, and relational approaches in the criminal justice system, especially in the correctional supervision, and management of female offenders.

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The aim of this session is to provide staff with coping strategies when dealing with work related stress. The session will equip participants with knowledge and competency to mitigate work related stress. In doing so, participants will be better prepared to manage stress.

Expected Learning outcomes

At the each of this session, participants should be able to

1. Define stress management and its context in non-custodial service
2. Identify the causes of stress in work with offenders in corrections
3. Delineate the various sources of stress in correction services
4. Explain possible coping mechanism and support system

Stress and Burnout

Working in court and with offenders in the community is likely to elicit additional stress and burnout among practicing correctional officers. Officers may experience emotional burnout and vicarious trauma considering the multi-disciplinary tasks that they engage in, the sphere of operation and the effect of violent acts on victims. This may lead to stress, dejection and depression if not addressed. The response to such a situation should come from agency supervisors who are equipped with practical skills and able to mitigate the stress or source for external professional support.

Activity 1: 5 Minutes

a) *Have you at one time experienced a stressful situation? how does it feel to be stressed and what physical or psychological symptoms did you experience?*
b) *With that experience of stress, what would they define stress to be?*

Stress had been defined simply by Selye, in 1956 as being *the pressure experienced by a person in response to life demands*. Selye, (1976) further improved on this definition by describing stress as *a process of adjustive to or dealing with circumstances that disrupt or threaten to disrupt a person's physical or psychological functioning*.

Related to stress is **burnout** which is a state of emotional, physical, and mental exhaustion caused by excessive and prolonged stress. It occurs when you feel overwhelmed, emotionally drained, and unable to meet constant work demands. From these definitions, there is a direct relationship between stress and burnout and that stress can lead to burnout.

The World Health Organization[89] now recognizes burnout, a syndrome resulting from employment-related stressors, as an occupational phenomenon.

Burn-out is characterized by three dimensions of symptoms, including:

1. Feelings of energy depletion or exhaustion,
2. Increased mental distance from one's job, or feelings of negativism or cynicism related to one's job, and
3. Reduced professional efficacy.

Possible Causes of Stress in Corrections

There are many causes to work related stress that cut across many professions. Some of the factors that commonly cause work related stress include:

• Working long hours • Heavy workload • Changes within the organisation • Tight deadlines • Changes to duties • Job insecurity • Lack of autonomy • Boring work • Insufficient skills for the job • Over-supervision	• Inadequate working environment • Lack of proper resources • Lack of equipment • Few promotional opportunities • Harassment • Discrimination • Poor relationships with colleagues or bosses • Crisis incidents, such as an armed hold-up or workplace death.

[89] International Classification of Diseases and Related Health Problems https://icd.who.int/browse11/l-m/en#/http://id.who.int/icd/entity/129180281

Activity 2: 30 minutes

1. *Go through the above list of stressors in a workplace and find out to what extent they apply to your situation. The general consensus should be weighted on a scale of 1-10 where 1 is list stress and 10 the most.*
2. *The following two videos will give an account of stress and burn out and how this may be addressed. One is by a correctional officer giving it the 'correctional response' while the next looks at it from a medical problem and psychological perspective response*

1. **Burnout. Being exhausted and fatigued**

https://www.youtube.com/watch?v=1gZbyKVHkds (8 Minutes)

2. **Burnout - Causes, symptoms and treatment**

https://www.youtube.com/watch?v=aVk02DiUUPo (4 minutes)

Strategies of Addressing Stress

Individual Measures

a) Consider the changes you think you can manage yourself and the ones which you may be external assistance and take action

b) Do not suffer in silence, make your supervisor know of the stressful events at work

c) Arrange your work/tasks in order of priority and arrange to do heavy work in the morning when you are probably fresh.

d) Eat a healthy diet and exercise regularly.

e) Make sure you have enough free time to yourself every week.

f) Talk about your work problems and ask for support from family and friends

g) Drugs, such as alcohol and tobacco, won't alleviate stress and can cause additional health problems. Avoid excessive drinking and smoking.

h) Seek professional counselling and support from you supervisors and particularly for debriefing if you had a traumatizing event.

Organizational Measures

a) Having regular supervisory meetings and peer support

a) The supervisor should endeavour to emphasize positives and

a) Encouraging staff to take leave and break from work

b) Avoiding personal/social issues into work domain i.e. separating work-home boundaries

downplay negatives of officer outputs b) Building capacity of officers to manage new and demanding work through training and provision of requisite work tools and resources c) Being able to recognize burnout and acting through sensitization	c) Assign tasks accordingly taking cognisance of ability to manage and enabling assuagement to be jointly undertaken d) Providing psychosocial and medical assistance as may be required e) Enabling better work-life balance

Activity 4: 15 minutes

View the following video clip in groups to help you in answering the following

https://www.youtube.com/watch?v=feTyS8YBBMc

(a) In practical terms and with reference to the Nigerian context, what are the possible causes of non-custodial officer burnout?
(b) How would you identify the symptoms of such burnout?
(c) What are the possible solutions to non-custodial officer's occupations burnout?

REVISION QUESTIONS

1. What is stress and burnout?
2. How can correction burnout be tackled?
3. What Strategies may be applied in coping with stress and burnout?

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MODULE 11: STAFF SAFETY AND THE MANAGEMENT OF ACTUAL OR POTENTIAL AGGRESSION

Working directly with offenders, carrying heavy caseloads and being constantly under immense pressure is normal for correctional officers. Their work involves working in centres of corrections both in urban areas and non-

custodial offices in particular are bound to work in remote locations or even crime prone neighbourhoods. Most officers work alone in one-person offices and in isolation when interviewing or meeting with clients during investigations or supervision in their home and may deal with violent persons. In addition to increased crime rates, the emergence of serious violent crime is likely to heighten the risk situation. This module relates to officer safety including how to manage aggression in various work settings and violent offenders under supervision.

Expected Learning Outcomes

By the end of this module, participants should be able to

1. Explain safety and security within the context of non-custodial officers' work
2. Discuss personal safety within the context of risk management for non-custodial officers
3. Describe possible safety mitigation measures/skills that the non-custodial officers can adopt

Activity: 1: 5 Minutes

1. *Participant to pair in twos and try to compare and contrast the two sets of terminologies-**Safety-Security and Victim-victimization***

*2. Have ever fallen **victim** to a criminal act and how did you feel*

3. *Can you share some of your thoughts and experience with the understanding of the concept and circumstances giving guidance appropriately?*

Safety, Security and Victimization

1. **Safety** may be defined as a state of freedom from physical or emotional harm
2. **Security** is a provision or state of protection from the danger or fear of harm including violence and injury and which may equally be a threat to life.

What may compromise safety are 'hazardous incidents' which may lead to 'victimization' of the worker. In this context, A hazardous incident is considered to be a situation that has the potential to result in physical assault or another illegal act against the worker.

3. **Victimization** is conceived as 'any violence, threat of violence, intimidation, extortion, theft of property, damage to one' s reputation, or any other act which inflicts damage, instils fear, or threatens one's sensibilities (Parsonage,1990).

Safety is better conceived from the lenses of risk management, occupation health and safety standards. Mitigating safety concerns while working with offenders in the correctional facilities or in the community require that we apply risk management and safety approaches.

Hemshall (1998a) defines **risk** as a probability calculation that a harmful event or behaviour will occur and which involves an assessment about the frequency of the event or behaviour and its impact**.** In Community correction practice therefore, risk of harm is understood in the context of not just what risk is there but also why it is likely to occur, potential areas of it happening, when and how it may manifest.

Potential Risk Areas in Community correction practice

There are potential risk areas in Community correction practice that may compromise safety of the officer situations which the officer may not be aware of at the time of joining the service.

1. Social investigation or conducting inquiries for court reports
2. Making home visits to clients at their homes or within their work premises
3. Seeing clients in the office on appointment or during impromptu visits
4. Reactions by clients/victims/relatives after the officer has provided services to court or other authorities with power to order supervision or release of offenders

Safety and security in the criminal justice system is often conceived within the victim and public safety angles and seldom with reference to safety of the service provider. The delivery of community service work has become an increasingly difficult task especially for officers working closely with offenders and victims of crime, (Parsonage, 1990). Yet, successful work with offenders begins with how safe the case worker or non-custodial officer is while delivering interventions.

Practical Risk Circumstances

Non-custodial officers like other social workers are increasingly practicing where there is considerable risk for violence, (Spencer and Munch, 2003). Intimidation, stalking, destruction of property or even physical assault are possible (Jud and Bibus, (2009).

In our practical situation, the following circumstances are some of the potentially risk circumstances in the course of doing community service work.

1. Interviewing clients known to be violent particularly in an unsecured place
2. When having one-to-one sessions during regular appointments in the office
3. When conducting inquiries at homes, workplaces and communities
4. When undertaking planned or unplanned home visits

The Bill of Rights[90] has provisions on rights of individuals including the protection of life and property. The victim law and public officer protection Act[91], similarly has elaborate provision on the protection measures and remedial actions that may be employed.

Activity: 3 10 Minutes
Participants to watch a video illustrative of the practice risks and the safety situations a non-custodial officer may meet. Clients may not just be rude but can be violent or unwelcoming. Watch the following clips https://www.youtube.com/watch?v=qVwUnAjuqPA (approx. 9 minutes)

1. *The 1st scenario is safety risk with a client in the office situation*
2. *The 2nd scenario is a safety risk situation in a home visit situation and*
3. *The 3rd scenario is a safety risk that may come from a third party in a home visit situation*

Safety Skills for Non-custodial officer

Crime prevention is important both in reducing the number and seriousness of incidents and also to strengthen the health and wellbeing of the workers[92]. In thinking safety and preventing victimization, the officer needs to consider the following crime prevention elements

- **Predisposing factors**-inherent weaknesses
- **Contributing factors**- these include dynamic circumstances
- **Precipitating factors**-these are the immediate triggers
- **Protective factors**- these are factors that lessen the risk of harm

According to Jud and Bibus (ibid), the following can be employed to reduce the risk of harm to the case worker.

- Setting up teams for home visit and ensuring that all have mobile phones
- Having supervisor and support 'on call' to respond to distress

[90] Nigeria Constitution 1999, penal code and international human rights law
[91] Violence against persons (prohibition) act, 2015, Public officers Protection Act
[92] Survival Guide for Non-custodial officers and Family Justice Counsellors of British Columbia: A Manual by British Columbia Non-custodial officers Association

- Training during the initial orientation and having periodic -in-service programmes
- Frequent meetings to assess staff safety and

There should be clear policies and procedures that increase safety for staff

Activity 4: 5 Minutes *Can the circumstances above work in the Nigerian situation?*
Note: *Safety of an officer will much depend on many factors including what they perceive to be the profile of the potential perpetrator. The participants need to be informed of crime prevention dynamics that can be applicable to officer vulnerability to attacks. There are also inherent as well as dynamic factors that may expose or prevent harm of an officer.* *a) Predisposing factors can be physical or social pre-existing circumstances that weakens a person, creating vulnerability to harm or attack. This may include a history of prevision victimization (especially in the work environment) and weak emotional status.* *b) Contributing factors include dynamic circumstances including the officer's incapacity to prevent violence or conflict due to lack of training or, being under the influence of alcohol or being isolated/alone in the office.* *c) Precipitating factors are the immediate triggers to violence arising from officers talk or response in a situation* *d) Protective factors are factors that lessen the risk of harm including adequate training already provided in such areas like conflict resolution, negotiations and possible physical responses if need be.*
Handling cases, particularly violent ones is likely to cause insecurity. RAN[93] has proposed the following as protective measures for those working in this

[93] https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/radicalisation_awareness_network/about-ran/ran-exit/docs/ran_exit_setting_up_exit_intervention_berlin_13-14_022017_en.pdf

area generally and protection of clients

Common Signs of Aggression

Bowie, V (1989), cited in Survival Guide for Non-custodial officers in British Columbia identifies the causes of violence in the context of safety for human service workers. He makes a distinction between "instrumental" and "expressive" forms of violence.

1. Instrumental violence is described as that used to force a person to do or to stop them from doing something.

2. Expressive violence is the expression of feelings such as rage, anger, fear, confusion or loss of face.

The common signs of aggression include the following;

a) Tense and agitated appearance
b) Increase in pitch and volume of voice
c) Pupils dilated
d) Change in usual skin colour (I the person is very light skinned)
e) Angry or withdrawn behaviour
f) Abrupt responses and gesticulations
g) Increased physical movements, pacing, banging objects

h) Gathering weapons or allies
i) Acting out behaviour at others
j) Expressing fear of losing control or doing harm.

Note:

- In many instances offenders or their relatives who sympathize with them, will do all that they can, to stop an officer acting in the way that is appropriate, whenever the offender breached the order.
- They may also try to compromise the decisions the non-custodial officer may make at sentencing or pre-release. In many instances, non-custodial officers have been threatened with dire consequences creating fear and psychological discomfort to the officer.
- Working with violent offenders can definitely make work of a non-custodial officer hard in especially during supervision
- The action of the non-custodial office as mentioned above, may cause spontaneous anger, rage, confusion and helplessness in the offenders or the relatives who may have expected otherwise. These may be observed physically and the non-custodial officer will have to make decisive moves to avoid harm and secure his or her safety.

Assessment in Crisis Intervention

Assessment is critically important because it enables the worker to determine:

1. The severity of the crisis
2. The client's current emotional, behavioral, and cognitive status
3. The alternatives, coping mechanisms, support systems, and other resources available to the client
4. The client's level of lethality (danger to self and others)
5. How well the worker is doing in de-escalating and defusing the situation and returning the client to a state of equilibrium and mobility.

Crisis Management

Golan Stages of Crisis Intervention

The model proposed by Golan (1978) involves three stages:

Stage 1 Assessment: Identifying the precipitating factor, determining the client's subjective reactions to the precipitating factor, defining the context of

the crisis situation including the hazardous event, assessing the client's present state and together defining the current problem

Stage 2 Implementation: Obtaining relevant background information, setting immediate goals, and identifying tasks that allow the client to achieve those goals.

Stage 3 Termination: Jointly reviewing the client's progress, arriving at a decision to terminate and discussing the client's plans for the future

Basic Strategies of Crisis Intervention (Myer and James (2005)

1. **Creating awareness:** making the client aware of the denied and repressed feelings, thoughts and behaviours that have immobilized him/her and defining the problem. 2. **Allowing catharsis:** allowing clients to vent feelings and thoughts by providing a safe and accepting environment. 3. **Providing support:** validating the client's responses but avoiding giving the impression of supporting injurious behaviours. 4. **Increasing expansion:** engaging the client in activities to expand their view of the situation. 5. **Emphasizing focus:** helping the client to focus on more specific, realistic and manageable options of the crisis.	6. **Providing guidance:** providing information, referrals & direction to support the client 7. **Promoting mobilization:** making effort to activate and organize the client's internal resources use external support systems to enhance coping & problem-solving skills 8. **Implementing order:** assist the client to classify and prioritize problems 9. **Providing protection:** instilling in the client the need to keep safe by encouraging them to make the right decisions and confronting any harmful, destructive, detrimental and unsafe feelings, behaviours and thoughts that may be harmful to themselves or others.

The ABCs of Assessing in Crisis Intervention

A) **Affective (feeling or emotional tone):** Abnormal or impaired affect is often the first sign that the client is in a state of disequilibrium. The client may be overemotional and out of control or severely withdrawn and detached. The crisis worker can therefore assist the client to regain control and mobility by helping the client express feelings in appropriate and realistic ways.

B) **Behavioural (action or psychomotor activity):** The crisis worker focuses much attention on *doing, acting out, taking active steps, behaving,* or any number of other psychomotor activities.

C) Cognitive (thinking patterns): The worker's assessment of the client's thinking patterns may provide answers to several important questions in relation to the crisis and its resolution

Protecting the client from harm

Preparing victims and the community for the eventual return of an offender is one step in not just ensuring smooth reintegration and addressing stigma but also the security of the client according to UNODC practice handbook[94]. Clients may be subject to retaliatory attacks. These attacks may emanate from

1. Hostile members of the community
2. Client's former friends still perpetrating violence
3. Victims of the offender's violent past
4. Relatives of victims

Activity 5: 15 Minutes Role Play
Participants (volunteers) to form a group of five and take up the following roles

- *Actor 1: Mother*
- *Actor 2: Offender*
- *Actor 3: Uncle to the offender*
- *Actor 4: Non-custodial officer I*
- *Actor 5: Non-custodial officer II*

Task*: simulate a crisis intervention session in a family set up showing a heightened crisis in which the officer had to use his/her technique to manage the situation*
Scene*: The officer visits the home of the offender on the offender's home coming upon being granted probation. He had been charged with creating disturbance in which he had threatened the father with a matched demanding money. It had been suspected that the offender was part of a gang in the village who had been waylaying women and snatching their purses but they had never been arrested.*
This was the first time the offender had been arrested and the mother had spoken well of him unlike the father whom he had threatened and who insisted that he never wanted to hit back. In this scene, the offender father menacingly demanded that the officer get out of his home with the offender.

[94] Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders (2012)

This is meant to show you the applicability of the skills and techniques at work

Activity 5: 30 Minutes Group Work

GROUP 1

(a) What is the profile of the violent client who is likely to perpetrate an act of violence to you?
(b) What are the possible observable signs of aggression that the client might exhibit?
(c) How would you respond practically to a client exhibiting aggression and in his possession is a dangerous weapon?

GROUP 2

You are presented with a case of a youth age 17 years old who has been brought before the court for the offence of creating disturbance in which he threatened to kill his single parent for insisting he has to continue with school upon him refusing to do so. He was punished after fighting a fellow student following an argument about the radicalization movement in the county. He was released on recognisance awaiting trial by the court in order to continue with schooling but the youth has refused and become more aggressive and always away till 11pm and refusing to talk to anybody. He said if it were not for the interview with the correctional officer he would have moved from the home. It had been rumoured that he has a firearm.

You are required to prepare a presentence report on the young person

(a) What protective precautionary measures would you take as you make a home visit to interview the young person?
(b) Assuming you manage to go through with the social inquiry, what recommendations would you propose to the court?
(c) *If you were to recommend institutionalization, what cautionary measures would you give to the receiving institution and what person preparation would you make in order to receive him upon his return for reintegration?*

REVISION QUESTIONS

1. What are practical risk circumstances that may inhibit safety in community service work
2. What are some of the safety skills a non-custodial officer needs when carrying out home visits?
3. What are some of the basic Strategies of Crisis Intervention?

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PART 3

ADVANCED COMMAND TRAINING FOR NON CUSTODIAL OFFICERS

MODULE 1: CRIME AND SOCIETY

Through the lens of the society, crime is viewed as injustice and punishment is always perceived as a measure of justice for wrong done. The learning of this module will entail the underpinnings of crime and the required social interventions. Critical issues such as: concepts of crime, causes, effects will be studied. This module will consider the four theories of punishment - deterrence, retribution, rehabilitation and incapacitation.

Expected Learning Outcomes

At the end of this session, participants will be able to:

1. Define applicable concepts of crime and punishment in the context of society and criminal justice.
2. Explain the causes of crime and the its effects on the society
3. Explore the theoretical orientations of punishment
4. Outline the some of the reactions and interventions to crime including the role of corrections

Understanding Crime and Punishment

The incident of crime and deviance has been with mankind since time immemorial and the usage of the term crime in our daily lives is common. This does indicate some level of understanding to what it may mean. However, the challenge comes when one attempts to define what constitutes a criminal act. Crime perspectives and complexities are better understood against causal perceptions and well as the reactions that the society puts to it.

Activity 1: 5 Minutes

1. *Briefly discuss what you understand by terms **crime**, **criminal**, **criminal justice** and **punishment***
2. *What do you deem to constitute crime and what acts may be abhorred but may not be an act of crime?*

Note:

- In the construct of crime, there exists two primary ingredients being: Law prescription of conduct proscribed and penalty for such conduct
- That society have delegated their authority to check such misconduct to the state
- What is considered a crime in one jurisdiction or state may not be a crime in the other and this is the problem of having a criminal law-based definition of crime
- The social construct of crime is given credence by penal legislation

Punishment is a reaction to crime by society. Alexander, P.J (1922-23) cited in Kumari,(2007) defined the term punishment as,

> "*pain, suffering, loss, confinement or other penalty inflicted on a person for an offence by the authority to which the offender is subjected to. Punishment is a social custom and institutions are established to award punishment after following criminal justice process, which insists that the offender must be guilty and the institution must have the authority to punish'*

Easton and Piper (2008) considers punishment to rest on moral reasons, the expression of moral condemnation, in response to rule infringements. Easton and piper further look at punishment to rest on moral foundation and that it stems from an authoritative source, the state.

Punishment is an essential ingredient of law. According to various experts (Hudson, 2003b; Zedner, 2004), (cited in Newburn 2017) there are ingredients to what may constitute punishment, these include:

The involvement of an evil and unpleasantness for the person on whom the punishment is inflicted.

a) It must be for an offence, actual or supposed.
b) It must be of an offender, actual or supposed.
c) It must be the work of personal agencies.
d) It must be imposed by an authority conferred through or by the institutions against the rules of which the offence has been committed.
e) The pain which is inflicted must be intentional, not accidental or coincidental (Hudson, 2003).
f) To interest criminologists, the punishment should be imposed in response to a 'criminal offence'.
g) It should be imposed by a judicial authority

Criminal justice is a term used to explain and understand all the agencies whose goal is to control crime including the police, courts, and corrections.

Note:

- The concepts of crime and punishment can only be better understood when related to criminal law and moral condemnation
- Crime can only be said to have taken place if the justice agencies have adjudicated upon it and judgement given
- Punishment is an expression of societal censure and it must be administered by an authority (State) deriving its power from the people

Causes and Effects of Crime

Crime is primarily the outcome of multiple adverse social, economic, cultural and family conditions. To prevent crime, it is important to have an understanding of its causes which are complex and interrelated. The causes can be summarized in three main categories:

i) Economic Factors/Poverty
ii) Social Environment
iii) Family Structures

a. **Economic Factors/Poverty:** In addition to lack of financial resources, poverty manifests itself in a lack of educational opportunities, lack of meaningful employment options, poor housing, lack of hope and the prejudice against persons living in poverty.
b. **Social Environment:** Our social structure mirrors to citizens and communities what we value and how we set priorities. Social root causes of crime are: inequality, not sharing power, lack of support to families and neighbourhoods, real or perceived inaccessibility to services, lack of leadership in communities, low value placed on children and individual well-being, the overexposure to television as a means of recreation.
c. **Family Structures:** families are uniquely placed in contributing to raising healthy responsible members of society. Raising children goes beyond the family to include communities and society. Dysfunctional family conditions contribute to future delinquency. The conditions in the family that can be a crime risk factor include:
    a) Parental inadequacy
    b) Parental conflict
    c) Parental criminality
    d) Lack of communication (both in quality and quantity)
    e) Lack of respect and responsibility
    f) Abuse and neglect of children
    g) Family violence

Note:
It is not easy to list *definite* causes of crime as what may constitute a crime in one jurisdiction may not be in another.

- Crime can also arise because of how the instruments of authority react to what may not be crime in the eyes of many. This discrimination and bias could be a result of social inequality.
- Explanations to the causes of crime are tied to the theoretical understanding of crime in which it is better conceived from a sociological and psychologists' perspective.
- Societal weaknesses and individual predisposition to crime prone environments are likely to be a qualification to criminality. This however, may not be the case if other positive risk factors are present.

Theoretical Orientations of Punishment

Punishment is a method of social control, which maximizes individual freedom within the coercive framework of the law in a number of different ways Hart, (1968). Consequentialist theories of punishment operate within a framework of penal law whose aim is to maximise 'social good' derived from punishment

The aims of punishment is to reduce crime through imposition of sanctions that are believed to have effect on the future behaviour of the offenders

There are four theories of punishment that helps us to understand this social socio-legal construct, namely, retributive theory, deterrent theory, preventive theory and reformative theory.

Retributive theory

Retribution is probably the oldest and most ancient justification for punishment, in which a wrong is made right by an offender receiving his just deserts. It involves a "get even" spirit. The Hammurabi code exemplifies this notion- ("an eye for an eye and a tooth for a tooth"). This is the harshest form of punishment that society can prescribe to a wrongdoer to suffer.

The principles underpinning retributive theory consider that the offender:

a) Performed an action of a certain culpability
b) ii) That the penalty will give satisfaction equivalent to the grievance caused by his action
c) That similar ones have been and will be imposed on similar offenders
d) That he was responsible for his action and performed it with knowledge of possible consequences according to a penalty system and,
e) That unlike non-offenders, he has gained satisfaction on the commission of an offence.

Retribute means to give in return. The objective of the theory is to make the offender realise the suffering or the pain. It is believed to be taking revenge and does not perform any progressive penal purpose.

Activity 2: 10 Minutes

1. *Can you name some of the offences to which a retributive punishment may be imposed?*
- *Example murder/homicide*
2. *Briefly discuss the merits and demerits of retributive sentences*
- *For example it has the element of ensuring public protection but on the it can entrench hegemony and resentment of State and offender-victim relationship*

Note:

- Retributive punishments have been denounced by many jurisdictions who have noted that it has no place in a civilised society
- That it has not favour with human rights principles and has not good to humanity
- Retributive punishment is medieval and most jurisdictions have removed capital punishment as a form of punishment
- The Nigerian constitution upholds the sanctity of life

Deterrent Theory

The theory of deterrence was propounded by Sutherland (1946) 'Deter' means to abstain from doing a wrong act. The main objective of this theory is to deter (prevent) crimes.

The theory is divided into two categories: general deterrence and specific deterrence.

General Deterrence: Punishment is designed to deter future crime by making an example of each defendant, thus frightening citizens so much that they will not do what the defendant did.

Specific Deterrence: Beyond serving the above-mentioned purpose, punishment is designed to educate and therefore to reform the criminals subjected to it.

Hypothesis on death penalty as a deterrent penalty[95]

Death penalty has not been quite demonstrative of its deterrent effect considering the following hypothesis:

a) Death Penalty jurisdictions should have a lower annual rate of criminal homicide than abolition jurisdictions.
b) Jurisdictions, which reintroduced the death penalty, should show a decreased annual rate of criminal homicide after reintroduction.
c) Given two contiguous jurisdictions differing chiefly in that one has the death penalty and the other does not, the latter should show a higher annual rate of criminal homicide.
d) Offenders and correctional personnel should suffer a higher annual rate of criminal assault and homicide from life term offender in abolition jurisdiction than in death penalty jurisdiction

Jurisdiction where statutes still hold death penalty hold it because of its perceived deterrent effect.

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[95] Eastern Economic Journal, Vol. 30, No. 3, pp. 237-258, Spring 2004 *https://papers.ssrn.com/sol3/papers.cfm?abstract_id=352681*

Activity 3. 10 minutes
Participants to discuss in plenary the hypothesis postulated above while considering the merits and demerits

Preventive Theory:

The theory holds the notion that punishment is necessary to protect society from criminals; it is for social defence and solidarity, Kumari (2007).

This theory was meant to restrain an offender personally from repeating a criminal act by incapacitating him, by such punishments such as imprisonment, death or exile. The idea behind this theory is to keep the offender away from the society.

Incarceration serves three purposes: protection of the society, prevent the offender from reoffending, and punishing the offender by deprivation of liberty.

Note:

- *Although imprisonment (incapacitation) is one of the most preferred mode of punishment, it does not permanently protect the society as most offenders still come out to commit further offences*
- *Imprisonment has other unintended consequences of contaminating first-time offenders to become hardened criminals*

Reformative theory

According to this reformative theory, the object of punishment should be the reformation of the offender. The rationale is to prevent further offending by the individual through the strategy of rehabilitation which may involve counselling, therapy, cognitive behavioural programmes, family intervention, skills training etc, Ashworth and Roberts, (2012).

The objective is to reform the behaviour of the criminals. The idea behind this theory is that no one is born as a Criminal. The criminal is a product of the social, economic and environmental conditions. It is believed that if the criminals are educated and trained, they can be made competent to behave well in society.

The behavioural premise of rehabilitative theory is that criminal offences are to a large extent determined by social pressures, psychological difficulties, or situational problems of various kinds. The rehabilitative approach advocates that sentences should be tailored to the needs of the particular offender, Ashworth and Roberts (ibid)

Activity 5: Group Work 30: minutes
Prepare and carry out the following assignment in groups and report back to the plenary.

1. *What are the arguments against the death penalty?*
    - *Example ----life is sacred and God given an no one should have the right to take it away, not even the State*
2. *What are the arguments in favour of the death penalty?*
    - *For example------it's the ultimate and permanent means to stop one from reoffending*
3. *Does Imprisonment work?*
4. *How does non-custodial fit within the crime theory?*

Reactions and Interventions to Crime

Criminal justice system exists as an apparatus of crime prevention and reduction. The police, courts, prosecution and the corrections all play their part as a reaction to crime. The mandates of these organs are to respectively arrest, arraign, prosecute, adjudicate, sentence and punish and or correct the errant offender.

Each jurisdiction has sets of penal sanctions that can be meted out to an offender including the following:

a) Death penalty
b) Imprisonment
c) Payment of fine as punishment
d) Payment of costs (**reasonable costs** incurred in carrying on the prosecution including court fees, advocate's fees and expenses of witnesses)
e) Reconciliation of the parties instead of deciding the case according to the strict process of law. Reconciliation may be affected by a court when the following conditions are satisfied;
    - The offence is of a personal or private nature, such as stealing.
    - The offence is not a felony but a misdemeanour (not a serious one)
    - The Public interest does not demand the infliction of a penalty
f) Restitution-when a property is brought before a court in connection with an offence (exhibit), the court can order that the property be restored

to the rightful owner or whoever may otherwise be entitled to it. A restitution order should not normally be made without giving all possible claimants to the property a chance of being heard. This category of sentences focuses on the victim. Simply “sentence should fit the suffering of the victim”- an element of Restorative Justice

g) Rehabilitative sentences: The principle underlying this category of sentences is the assumption that the criminal can be treated.
h) Supervised non-custodial sentences-Probation orders, Community Service orders.

Role of Corrections in Response to Crime and Punishment

Activity 6: Group work
Aside from fines and compensation orders, the role of corrections is seen in many of the sentences meted out by the court. In groups, briefly discuss the role of corrections in the above penalties/sentences or orders.

REVISION QUESTIONS

1. What are the main philosophical justifications for punishment?
2. What are the common causes of crime in Nigeria?
3. How best should the government punish its errant citizen and why?

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MODULE 2: CRIMINAL JUSTICE SYSTEM AND NON-CUSTODIAL SENTENCING

This model gives consideration to the mission, vision, and purpose of the Criminal Justice in relation to punishment. Further, it gives insight to the structure and role of the Criminal Justice System in addressing crime within the society. It examines the rationale behind the preference of penal sanctions of prison incarceration over noncustodial sentencing.

Expected Learning Outcomes

At the end of this module, the participant should be able to:

1. Define criminal justice system as a concept
2. Examine the mission and purpose of criminal justices generally
3. Outline the structure of the criminal justice system and the roles of the agencies in addressing crime
4. Discuss the rationale of prison incarceration over non-custodial sentence
5. Outline on requirements for non-custodial sentencing

Criminal Justice System

In democratic societies, persons who are suspected of having committed an offence have a systematic path through which they are processed. This process is meant to prevent crime, adjudicate guilt, sanction convicts and generally protect the public. The justice process ideally is designed to have the responsible agencies work independent of each other yet deliver seamless service.

Activity 1: 6 minutes
Undertake the following

1. *Which are the agencies that comprise Criminal Justice system in Nigeria*
2. *Which other agencies/organizations work with the system but are not strictly falling within the realm of the criminal justice system?*

Criminal justice system is a complex structure of government agencies operating within criminal law definition and which is concerned with law enforcement adjudication and correction. **Criminal justice system** is essentially a network of agencies and processes that seek to control crime,

minimize crime, and impose penalties for the commission of crimes. Dammer and Fairchild, (2006) simply defines the criminal justice system as a term used to explain and understand all of the agencies whose goal is to control crime.

Note:

- Criminal justice system is a modern social control tool that sanctions criminal behaviour by incarcerating those deemed dangerous to live within the community and providing opportunity for some less serious ones to serve their sentences in the community.
- The criminal justice agencies seek to avert or lessen criminal misconduct by apprehending, prosecuting, adjudicating, and sanctioning those found culpable.
- The criminal justice system has the authority to control crime and sanction illegal behaviour through the administration of criminal law

Purpose of Criminal Justices

The central purpose of any Criminal Justice System is to deliver an efficient, effective, accountable and fair justice process for the public.

The three main workings of the criminal justice system are:

a) Law enforcement (comprising of the police formations)
b) Courts – (comprising of the judiciary and the prosecution)
c) Correctional Service (custodial and noncustodial services)

Police Law Enforcement: principally, law enforcement is more of police that other agencies of the justice system. The role of the police is to apprehend/arrest suspects, undertake investigations, prepare defendants to appear in court. As stipulated by Siegel and Worrol (2018), the purposes of police are to:

a) Deter crime by maintaining a visible police presence
b) Maintain public order (peacekeeping) within the patrol area
c) Enable the police department to respond quickly to law violations or other emergencies
d) Identify and apprehend law violators
e) Aid individuals and care for those who cannot help themselves
f) Facilitate the movement of traffic and people
g) Create a feeling of security in the community

Roles of a Prosecutor in a Court Trial

The prosecutor represented the interest of the state in each case. His decision to charge is supposed to be independent and fair

a) Deciding to charge especially in serious offences
b) Presenting Evidence. Presenting the evidence through witness testimony, documentary evidence
c) Leading witnesses to give evidence/testimony
d) Cross-Examining the defence witnesses and experts

Role of the court

A court is a judicial agency with power to settle disputes in the society. For a court to be seen to be effective, it must be seen to display judicial independence as well as impartiality. The functions of the courts with criminal jurisdiction in an adversarial process are to:

a) adjudicate on criminal cases and make decision regarding rights of a defendant including right to bail
b) conduct trial to determine criminal liability of a defendant
c) determine the appropriate sentence for a convict
d) hear criminal petitions of appellants
e) interpret and determine matters of law

Corrections

Corrections comprise both custodial and non-custodial services. The traditional role of correctional was confined to 'administering punishment' as prescribed by the courts. These included ensuring that convicts are serving the orders and the time as prescribed in the committal orders. In modern times, correctional functions have evolved and now are able to accord each convict an individualized sentence. These include providing assessment that determines the holding regimes as well as the kind of correctional rehabilitation that needs to be employed. Thus, the functions of institutional corrections include,

a) Facilitation of the administration of justice through availing defendants to court
b) Humane containment of both convicts and non-convicts,
c) Training, rehabilitation and reformation of convicts.

The non-custodial paradigm has expanded to include non-traditional probation order e.g. community service orders and restorative justice, bail supervision and electronic monitoring. Technology has also been employed to monitor offenders in the community as community members are also being involved in the supervision of offenders. The functions of the non-custodial include

a) Preparation of social inquiry/presentence reports
b) Supervision and rehabilitation of offenders on non-custodial services supervision
c) Supervision of offenders on community service work programme

d) Undertaking restorative justice programmes as directed by the courts
e) Supervision and reintegration of ex-offenders and offenders on parole

Criminal Justice Agencies and The Criminal Justice Process

AGENCIES	PROCESS ROLES
Police	a) Contact b) Investigation c) Arrest d) Custody
Prosecution and Defence	a) Complaint/charging b) Decision to charge c) Arraignment d) Plea negotiations
Courts	a) Bail Decision b) Adjudication/trial c) Disposition/Sentencing d) Appeal/postconviction remedies
Corrections	a) Corrections/custody/probation/community service b) Presentence/social inquiry reports c) Restorative justice d) Post release supervision/parole/reintegration

Why Courts May Prefer Custodial Measures

Activity 3. 10 minutes
Participants to list some of the reasons that may be behind the courts' over reliance on imprisonment as a first option rather than a last option for offenders who may be deserving non-custodial sanction.

- *For example----it is easy to pronounce compared to community corrections which may require reports from noncustodial officers*

Courts Requirements for Non Custodial Measures

Rule 8.1 of the Toyo rules states that *'The judicial authority, having at its disposal, a range of Non-Custodial measures, should take into consideration in making its decision, the rehabilitative needs of the offender, the protection of society and the interests of the victim, who should be considered whenever appropriate.*

Courts need to have confidence in the arrangements put to have more offenders on noncustodial measures.

To facilitate Rule 8.1 of Tokyo Rules, courts would require the following at a minimum. ● The courts need to receive quality and timely advisory presentence reports from non-custodial officers ● There will be adequate plans for effective supervision of offenders placed on probation ● There will be tangible work and workplaces for offenders placed on community service. This should be demonstrated by way of having work profiles sent to the courts in advance. ● An assurance that all offenders will comply and successfully complete their sentences and avoid further offending	● Arrangement to ensure that offenders repay/compensate and reconciled with victims and the community for the harm or damage they have caused ● That the officers will be responsible and accountable and work with integrity while supervising those placed under their charge. ● Courts need to be assured that the officers are competent in training and skill to deliver non-custodial options. ● There is need to also have all the operational policy documents in place and shared with the courts

REVISION QUESTIONS

1. What is the purpose of criminal justice agencies?
2. Why do courts overuse custodial sentencing?
3. What are the requirements that the court need to have confidence in non-custodial sentences?

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MODULE 3: COMPARATIVE COMMUNITY CORRECTIONS

Community service is a non-custodial sentence ordered by a court of competent jurisdiction and places the offender under the supervision of the Nigerian Correctional Service/Non-Custodial Service under some court ordered conditions. This module will unpark the main concepts applicable to probation. It will also explore the historical development of non-custodial services in Nigeria and the societal benefits that come with non-custodial measures.

The module will review some international practices on non-custodial measures from which Nigerian Correctional Service may benefit.

Expected Learning outcomes

At the end of the session, the participants will be able to

1. Explain concepts and principles of non-custodial and their application to the criminal justice system in Nigeria.
2. Explore historical development of non-custodial services in Nigeria
3. Outline the benefits of non-custodial benefits to the
4. Explore application of non-custodial measures in other jurisdictions.

Concepts of Non-custodial Measures

The current world prison population now exceed 11 million and 102 country have reported overcrowding in prisons[96]. Judicial and correctional programmes are better placed to mitigate this phenomenon. Supervised non-custodial options is a major paradigm shift in regard to the management of offenders. These measures are implemented jointly by the Nigerian Correctional Service and the judiciary in accordance with the law and the SMRs for Non-custodial measures[97]. The effectiveness and the benefits that are expected to accrue from the services of non-custodial options can only be felt if government and non-state actors and the community understands its tenets and work in tandem.

Activity 1. 5 minutes Prison Trends in Nigeria
Participants to briefly discuss the current prison population trend in Nigeria.

1. *The discussion should focus on numbers in custody, numbers convicted, number of defendants in remand custody, women in custody and probable offences for which a majority are changed with.*
2. *Discuss the profile of a majority of those in custody in the Nigerian Correctional Centres*

Note:

[96] PRI World Prison population Report, 2020
[97] United Nations Standard Minimum Rules for Non-custodial Measures, The Tokyo Rules (1990)

- The current correction population of offenders in Nigerian Correctional facilities is relatively high
- There are categories of this population that could benefit from non-custodial measures if the system was to operate fully
- One way in which this trend could be checked is by embracing new paradigm in offender management where non serious defendants are dealt with otherwise, instead of incarceration
- Decision making as to who goes to custody is key and non-custodial officers are instrumental by way of making presentence reports and supervision of those placed under probation and community service orders and implementing restorative justice.

Exercise 2: 5 minutes
Participants to explain what they understand of non-custodial measures, probation orders, community service orders, alternatives to imprisonment.

Principles

The following are derivatives of the general principles of noncustodial measures and which in form the adoption of alternatives to imprisonment

1. Most crimes are a community problem that should best be addressed in within the community involvement
2. There is greater likelihood for the offender to change when rehabilitated in the community as opposed to imprisonment
3. Individual offenders have the ability to change if given professional assistance
4. Informal social controls and family/community involvement are most effective in offender rehabilitation and in reducing crime
5. Coordination and networking within the criminal justice system and Non state actors provide the much-needed multi-dimensional approach.

Concept of Community Correction

The importance of community correction as a non-custodial measure is recognized by the international community as evidenced by formulation of the United Nations Standard Minimum Rules for Non-Custodial Measures (The

Tokyo Rules) in 1988, of and their subsequent adoption by the Eighth (8th) UN Congress on the Prevention of Crime and the Treatment of Offenders in 1990

Much earlier before the adoption of the Tokyo rules, the UN conceived community correction as follows *orders as a sentencing disposition is a method of dealing with specially selected offenders and consists of the conditional suspension of punishment while the offender is placed under personal supervision and is given individual guidance or 'treatment" (United Nations 1951:* 4).

The UN definition contains four main elements: offenders must be *selected* as suitable; a *conditional suspension* of punishment is entailed; there is an element of *personal supervision*; and this involves *guidance or treatment*. These form the fundamental ingredients of probation[98].

And again:

> *the considerations specified as those to which the court should have regard in selecting offenders for release on probation, should not only be compatible with, but should be directly related to, the essential purpose of probation.... The only appropriate criteria seem to be (a) the amenability of a specific offender to successful treatment on probation, and (b) the consideration of general prevention. (United Nations 1951:231)*

Probation reflects tensions between care, control and custody, discretion and individualism versus legalism, and rehabilitation/reintegration as opposed to punishment

The arguments in favour of community corrections and other non-custodial sanctions are essentially the mirror image of the arguments against imprisonment. First, they are considered more appropriate for certain types of offences and offenders Second, because they are non-custodial, they promote integration back into the community, promote rehabilitation, and are therefore, more humane. Third, they are generally less costly than sanctions involving imprisonment. Fourth, by decreasing the prison population, they ease prison overcrowding and thus facilitate the administration of prisons and the proper correctional treatment of those who remain in prison, *(Zvekic 1994*)

Garland (1997) captures this scenario when he states that 'Community correction was the exemplar, the paradigm of welfarism approach, to dealing

[98] For more on these four tenets, read Probation Around the World (1995) by Harris et al

with crime and offenders. It emphasized rehabilitation, reintegration, individualized casework, resettlement and that it was a social approach to a social problem. The problem of crime was understood to be a problem of individuals and families in need of help and support, of communities that were disorganized and disadvantaged”

In simple terms, it may be referred to as *a disposition of the court where an offender is sentenced to a period of control and supervision in the community*. The **offender** acquires a status due to the limited rights and special rehabilitative assignments to which he or she is subjected.

Community correction can therefore be defined in terms of the following

- Legal disposition- ‘sentencing’ order
- Measure of leniency-suspended sentence
- Punitive measure-supervision restrictions/orders
- Administrative process-law enforcement
- Social work treatment-social change/rehabilitation
- Observational period-self engagement

Components of probation

There are two components of probation; the probation supervision order and the relatively new community service supervision

a) **Probation Supervision order**- is an order made by a court of competent jurisdiction placing an offender under community supervision for a period prescribed by the court in accordance with the enabling legislation. The purpose of supervision order is to protect the community and change the behaviour of the offender and desist from reoffending. It also aims at providing an opportunity for the defendant to pay back and make amends to the community especially if the order stipulates community service.

The order requires a defendant to be placed in community supervision by a non-custodial officer for a period determined by the court and as the law stipulates. During this period, the defendant does not perform work unless the court makes a combination order i.e. to be on community correction and work in the community. Probation orders may be accompanied by others' orders, e.g. Order for compensation to the victim of crime. Probation order is accorded to defendant who are deemed to be of lesser risk to the community and have a higher chance of reformation

b) **Community service supervision order-**is a derivative of community correction. It is an order made by a court of competent jurisdiction requiring an offender convicted or found guilty of an offence punishable by imprisonment, to perform unpaid public work in lieu of custodial punishment. The offender is subject to the orders and the court and is supervised by a non-custodial officer for a period determined by the court and prescribed in law.

According to the Nigerian Legislation,there are two sets of community supervision orders under the purview of NCS-the Probation Orders and the Community Service Orders.

Note:

- Principally community correction is a rehabilitative supervision order and it is not considered in the bracket of sentences and thus can be granted without court proceeding to convict the defendant[99]
- Probation orders can only be made by the Courts and through a specific law in this case the Administration of justice Act and the Nigeria Nigerian Correctional Services Act
- Community correction is mainly for non-serious offenders or any other category whose needs are amenable to community supervision and rehabilitation[100]. In general terms, all offences, save ones which have determinate sentences, can be subject to community correction.
- The making of a probation order is preceded by the making of a presentence report that may inform additional orders including compensation and restitution.
- While the offender is serving the probation orders, courts maintain residual powers for revocation in case of breach of set judicial orders
- The order can only range between 6 months to 3 years
- Community correction is administered on specific instructions or conditions set forth and supervision based on individualized case work requiring personalized supervision plan

Exercise 3: 20 Minutes

Participants to form groups and work out the following assignments and report to the plenary

Each group to compare and contrast ***probation orders*** *with* ***community service orders****: what are the similarities, what are the differences, how is each implemented?*

[99] Section 454 (1) of the Administration of Justice Act (2015)

[100] United Nations (1951) Probation and Related Measures. Document E/CN.5/ 230. New York: United Nations

Community service order

This sanction involves performance of a certain number of hours of unpaid work for the good of the community. An essential element of the community service scheme is the opportunity it creates to promote a wide range of projects and personalized individual placements through which the offenders have the opportunity to enhance their feelings of self-worth and self-respect. Making full use of the offender's potential and skills, with visible positive results being achieved is the essence of rehabilitation, Harding (1987: 67.)

The main aim of CSO is to punish the offender in the community by requiring him/her to pay the wronged community through unpaid public work. In addition, there are conditions, like the community correction conditions, that the court may impose. The work they perform must be tangible, quantifiable and beneficial to the community.

The requirements or conditions of the community service orders may be as follows

1. The offender to present themselves at the work site to work
2. Cooperate with work supervisor by following work instructions given
3. Work full session and remain on site as demanded
4. Report to non-custodial officer as may be required regularly
5. Not to vary work site unless with the consultation and concurrence of the non-custodial officers
6. Not to associate with people of questionable character
7. To abstain from intoxicating substances
8. Reside at a place know to the non-custodial officer and the court and not to change residence without the knowledge of a non-custodial officer
9. Fulfil any other reparations or compensation as ordered by the court

Benefits of non-custodial sentences

Exercise 3: 15 Minutes Group Work

Participants to organize themselves in three groups and work out the following assignment

1. Discuss the benefits of noncustodial measures with reference to the criminal justice system and the government
2. Discuss the benefits of noncustodial measures with reference to the offender
3. Discuss the benefits of noncustodial measures to the community

Development of Community correction in other jurisdictions

Community correction has its origins in two distinct traditions, common and civil law, but its historical development was also influenced by the development of the juvenile justice system, "positivism" in criminology and ideologies of control outside of the criminal justice system[101]. Community correction sprouted around the work courtesy of colonial legacy. As such, most commonwealth jurisdictions which have had consistent civilian government have had one form or another of.

English police courts were the foundation of modern day probation and the enactment of the community correction of offenders (1907) gave rise to what is currently the personification of community correction-'Advice, Assist and Befriend'. In the current perspectives, community correction is practiced in nearly the same circumstances in India, Singapore, Kenya, Australia, New Zealand, and host of other commonwealth countries. Nevertheless, and in terms of organizational architecture, North America (USA and Canada) have had community correction more inclined to 'corrections' (stringent regimentation) than case work typology. Europe has common approaches much as England and Wales having changed their organizational and structural quite a lot in the last two decades or so.

Community correction in East Africa

Of the two community correction derivatives, Kenya has a more elaborate system accommodation probation order, community service order and aftercare service.

In **Uganda**, community service and probation fall under different organizational arrangements and legislation. Much of community service work in Uganda is run by the Community service department under a directorate

[101] UNICRI (1998) Handbook on Probation Services: Guidelines for Probation Practitioners and Managers

with auxiliary support of casuals employed to support the Service. Community service programme was introduced in Uganda as a non-custodial measure on a pilot basis in 2001. The main aims of introducing community service were to rehabilitate petty offenders decongest prisons, reduce recidivism, promote the rights and dignity of petty offenders, reduce government expenditure on petty offenders in prisons, promote social cohesion through the reconciliation of petty offenders, victims and the community and contribute to the international conventions on human rights and good governance (PRI, 2012) Uganda practices more community service as probation orders is left only for child offenders.

In **Tanzania**, the department of Probation and Community Serve runs both probation components. The Probation and Community Service Department was with the aim of decongesting prisons in the country, reducing the costs of running prisons in the country, protecting offenders' human rights and preventing petty offenders from coming into contact with more serious or persistent offenders. Others include involving the community in the supervision process as well as in the process of rehabilitating offenders in the community, ensuring the community benefits directly from the work undertaken by offenders; enabling offenders to continue taking care of their families; combating prison stigma by sensitising the public to accept offenders under non-custodial programmes; and reintegrating offenders back into society. The Community Service Act No. 6/2002 was passed by the Tanzanian Parliament on the 10 April 2002 to provide a credible alternative to short prison sentences in order to combat prison congestion in the country, Penal Reform International (ibid). The enactment of the Community Service Act was prompted by a report prepared by the Law Reform Commission of Tanzania in 1986 and published in 1994. In 2003, the Secretariat of Community Service Programmes was established to supervise and coordinate the implementation of community service which started in six pilot regions

The Probation and Aftercare Service in **Kenya**, has been in existence since 1943 when the first ordinance on probation was enacted. The current objectives and functions have embedded both the original/traditional practice as well as the more recent evidence based and rights-based practices.

The broad objectives of the department still remain as before i.e. to:

a) Conduct social inquires and generate information for dispensation of criminal justice
b) Supervise and rehabilitate offenders within the community.

c) Reintegrate and resettle ex-offenders within the community.

The key functions of the department of Probation and Aftercare Service are:

a) Facilitation in the administration of criminal law by assisting courts and penal authorities make more informed decisions on sentencing, protection of victims and on bail information and release license assessments through provision of various assessment reports
b) Interventions in the lives of offenders placed on various statutory orders (probation orders, community service orders, compulsory supervision of those classified as dangerous sexual offenders) with the aim of reducing re-offending and effecting behaviour change
c) Enforcement of various court orders particular to each individual, offence and sentence
d) Promotion of harmony and peaceful co-existence between the offender and the victim/community through reconciliation and participation in crime prevention initiatives[102]
e) Reduction of penal population by supervising non-custodial orders and prison decongestion programmes
f) Resettlement and Reintegration of ex-offenders and Psychiatric offenders into the community for peaceful co-existence.

Arising from the above, the department runs Probation orders, community service orders, aftercare services, crime prevention, victim support and Bail information programmes. It also carries out other auxiliary government services which are cross cutting.

REVISION QUESTIONS

1. Why are noncustodial measures important to the Nigerian Society?
2. What are the major similarities between probation and community service orders?
3. What do we learn about probation from other jurisdictions?

[102] Probation and Aftercare Service Strategic Plan

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Module 4: Public Safety

The Criminal Justice System works to ensure, amongst others, public safety. This module will provide participants with the knowledge on public safety in the context of its definitions, principles and benefits. It will also provide participants with the understanding of a safe society and factors that could be detrimental to public safety.

This module will also explore the relationship between social policies, traditional informal public interactions and the safety of the public.

Expected Learning Outcomes

By the end of this session, the participants will be able to

1. Define public safety and community safety
2. Identify principles that are applicable in crime reduction
3. Explain the relationship between social policies and public safety
4. Explore ways in which the community can participate in public protection
5. Examine the role of corrections in public safety

The Concept of Public Safety and Community safety

Major population movements, rapid urbanization, environmental disasters, economic recessions and changes in patterns of trade and communications have a significant bearing with the level of crime globally, UNODC, (2010)

Law enforcement agents are entrusted with the responsibility of keeping the community safe by way of understanding and responding to community challenges that may affect safety and security. This responsibility however, is shared with other agencies which may not strictly be considered as part of law enforcement including correctional officers. Nevertheless, in the context of public safety agencies entrusted with administering criminal law including noncustodial officers, they are responsible for the safety of the community.

Crimes that were hitherto non policing work decades ago in particular, violence, abuse and sexual crime that takes place in the home or in other private settings add to the complexities of fear of crime and public safety. There has been an increase in traditional crime' as well as those relating to cybercrime and sexual violence. These have compounded the work of law enforcement agencies and created fear and insecurity even in private and public spaces.

Public protection is central to the work of the non-custodial officers which depends on the accurate assessment and skilled management of those individuals who pose a risk of harm or serious harm to communities or specific individuals. The risk posed by individuals can never be completely eliminated but good practice and a multi agency approach is likely to contribute to effective public protection.

Activity 1:

1. What is the meaning of the terms **Public Safety** and contrast this with **community safety?**
2. Discuss, in the hierarchy of human needs, where safety/security is ranked?

The guidelines on crime prevention adopted by the Economic and Social Council in 1995 and 2002 define Crime prevention under paragraph 3 of the Guidelines as comprising:

strategies and measures that seek to reduce the risk of crimes occurring, and their potential harmful effects on individuals and society, including fear of crime, by intervening to influence their multiple causes'.

The concepts of public safety and community safety are understood within the above framework.

Public Safety refers to protection of the community and general public from harm especially from criminal harm. The concept seeks to operationalize human security, human development and state-building paradigms at the local level. The contemporary concept of public/community security, narrowly defined, includes both group and personal security. The approach focuses on ensuring that communities and their members are "free from fear of crime".

The approach aims to respond to people's perceptions of insecurity and conflict by improving relationships between community members and their security providers, such as the police. In some jurisdiction, (England and Wales) public safety has the same meaning as community safety.

Community safety is a concept that is concerned with achieving a positive state of well-being among people within social and physical environments. Not only is it about reducing and preventing injury and crime, it is about building strong, cohesive, vibrant, participatory communities

Both public safety and community safety fall within the confines of **crime prevention and reduction.** The key elements in the two concepts are connected with reducing the incidence of crime and victimization and, ensuring safety to the public, whether in their homes or in open spaces.

Activity 2:

Briefly peruse through the various crimes data provided and compare the trends of various crimes.

1. *Which crimes have increased in the last three years?*
2. *Which crimes have reduced over the same period?*
3. *To what extent has this affected the correctional population, public perception of crime?*
4. *To what extent has the Covid 19 influenced the petty offences*

Trainer Tips

Inform the participants that;

- There are many factors that can influence the rise or decline in crime numbers. These Include:

i. Increased reporting by crime victims due to increased confidence on the criminal justice system
ii. Increased population in the country generally
iii. Social and political upheavals e.g. the Covid 19 pandemic
iv. 'Net widening' by bringing acts which initially where not sanctioned, into the bracket of crime
v. Globalization and increased movement of people and services
vi. Use of cyberspace
vii. Efforts by non-governmental organizations to enlighten the public on rights and safety concerns

- Public perception may also be as a result of media influence or a spike in or a serious crime incidence occurring
- Correctional population reflects crime phenomena in the society and that thus is equally dependent on speed within which the justice system responds to crime and clearance rate in the courts.

Guiding Principles of Community and Public Safety

Safer World Report (2014) community security handbook identifies principles of public safety and crime reduction as derived from pragmatic pillars of security and social harmony. Some of these principles include the following

1. Responses to issues that can compromise safety should be locally-driven and owned – communities should define their own needs, communities where communities are empowered to take direct control over planning and decision-making about the use of resources.
2. Responses by police and other stakeholders should be evidence-based – Conducting detailed investigation and assessments of community security needs.
3. Responses action should take an integrated approach by responding to security need as well as addressing the causal factors– The factors that make communities insecure are often a combination of security issues (e.g. lack of trust in the police or the availability of small arms) and developmental ones (e.g. lack of livelihoods, unsafe/insecure urban conditions and lack of, or unequal, access to clean water).
4. Responses should develop a multi-stakeholder approach – A wide range of partners need to be engaged in order to address the variety of security and developmental issues that threaten communities.
5. Effective responses require developing capacity of duty bearers. Developing the capacity of state and civil society partners has to be a central focus of all interventions.
6. Community safety actions must be conflict-sensitive – In insecure environments, the design and implementation of responses must be based on an analysis of local conflict dynamics.

7. Responses must be gender responsive equality – Women often suffer from insecurity both directly through gender-based violence and indirectly through increased marginalization.

Trainer Tips
Inform the participants of the following
Although the general principles for public safety above, there are more pragmatic situational responses which can considerably reduce crime. These principles can assist you in reducing the opportunity for crime to occur in every situation and reflect on paragraph 6 (d) of the UN Economic and Social council Guidelines for the Prevention of Crime, (UNODC 2012).

- Target hardening- means making it physically more difficult to commit the crime
- Target Removal- remove something from risk or from view.
- Removing the Means (to Commit Crime)
- Access Control- preventing the criminal gaining access to the target
- Surveillance e.g. through CCTV cameras
- Environmental Change-improving the condition and appearance of streets and open spaces so that the area has the impression of being looked after
- Rule Setting-habit setting and giving clear indications to a potential thief that certain routines are in place to thwart criminal behaviour
- Increasing the Chances of Being Caught
- Deflecting Offenders by addressing crime causal factors at early stage

Public Safety and Multidisciplinary Approach

Public Safety Strategies requires criminal justice agencies to work in partnerships with a range of sectors. Successful partnerships and working in a multisector and multidisciplinary way requires strong leadership, a clear sense of mission for the partnership, a structure that separates overall strategic management from operational and implementation activities, appropriate resources in terms of time, information, funding, and expertise; and sustainability which can be ensured by long-term funding and stability of staff allocated to the partnership, Kelling (2005).

The Australian Institute of Criminology has detailed the flowing as good practices in crime prevention partnerships

- A clear mission or purpose for the partnership, together with agreement on intended outcomes
- A solid level of trust between partner agencies
- Leadership, including resources from senior managers to enable the partnership to function
- Clear lines of communication and accountability at all levels, both across and within agencies Management that is focused on strategic as well as operational or project outcomes

- Partnership structures that are relatively small, business-like and focused on crime prevention Expertise to ensure access to a good problem-oriented knowledge of crime prevention
- Continuity in partner representation and participation, including good documentation
- Staff with enough time away from agency core business to provide input to the partnership[103]

Trainer tips
Inform the participants that
- It is necessary that a working formula between and among the collaborating agencies is developed to steer the process of multidisciplinary approach in crime prevention
- There may be need to develop a protocol or memorandum of understanding or service contracts with the agencies involved
- It may be necessary that before the above is done, the NCO should internally assess and evaluate the strategies it wishes to deploy along other agencies .

Social policy and crime reduction

The relationship between social policy and public safety relates to crime reduction strategies that take cognisance of the social and economic aspects of the people.

1. Environment	1. Size of city, land use, economic structure, political situation
2. Demography	2. Total population, gender balance, age structure, ethno-cultural diversity, employment/unemployment
3. Crime and disorder	3. Offence types, occurrences, offenders, victims, targets, distribution
4. Impact and economic costs of crime	4. On individuals and communities (such as violence related injuries), demand on hospital emergency services, value of property stolen, cost of security and justice
5. Perceptions	5. Of risk, vulnerability, police, justice, other services
6. Risk factors	6. Such as relative poverty, violence, growing up in care, dropping out of school, mental illness
7. Services	7. Providers, range, quality, access, usage
8. Initiatives	8. Existing projects and programmes, effective practices
9. Stakeholders	9. Interests, capacities, resources

Source: UN-Habitat Safer Cities Toolkit

Police public safety and crime Prevention

[103] Australian Institute of Criminology, "Partnerships for crime prevention", A Crime Reduction Matters, No. 49, 5 September 2006 (see www.aic.gov.au).

Police is the single most agency bestowed with the responsibility of ensuring safety and security to the other public. Police use various strategies in performing their mandate such as community policing, problem-oriented policing or reassurance policing all of which have elements of Community involvement, Problem-solving orientation and Decentralization.[104]

The approaches used by the police in crime prevention include the following

(a) **Problem-oriented policing**: policing that sees its role as reducing rather than just responding to incidents, based on sound theory and evidence

(b) **Broken-windows approach**: the notion that disorder and fear of crime are strongly linked, and that if attention is not given to disordered and neglected areas, community controls will break down and those neighbourhoods will be vulnerable to crime. The police role is to help maintain order and reinforce informal controls

(c) **Pulling-levers policing:** related to problem-oriented policing, this approach aims to reduce youth gang violence which involves pulling together all criminal justice agencies to work together to enforce compliance, also matching this with strong community-based involvement, interventions and direct services

(d) **Third-party policing:** police efforts to persuade or coerce other sectors such as public housing agencies, property owners and businesses, health and building inspectors, and parents to take responsibility for preventing crime

(e) **Hot-spots policing**: a form of policing that focuses on identifying places where crime is concentrated and developing problem-solving responses;

(f) **Evidence-based policing:** the application of the highest quality scientific standards and methods to the evaluation of information and interventions

(g) **"Compstat":** a combination of administrative and management changes combined with advanced computerized crime data, analysis and geographical mapping, regular crime strategy meetings, and greater decentralization of policing responsibilities at the local neighbourhood level

(h) **Reassurance policing:** a model of neighbourhood policing to improve public confidence in the police.

(i) **Chicago alternative policing:** a form of policing that involves changing decision-making processes and creating new cultures within police

[104] Jean-Paul Brodeur, "Trust and expertise in policing", in The Role of the Police in Crime Prevention, Proceedings of ICPC's seventh Annual Colloquium on Crime Prevention (Montreal, International Centre for the Prevention of Crime, 2007); Dennis Rosenbaum, "Police innovation post 1980: assessing effectiveness and equity concerns in the information technology era", IPC Review, vol. 1, March 2007, pp. 11-44.

(j) **Intelligence-led policing:** a model of policing which aims to provide an effective strategy to respond to all enforcement needs such as organized crime and road safety, which uses problem solving based on good information and cooperation with other agencies and bodies.[105]

Role of community correction officers in crime prevention

The process of reducing reoffending requires a professional and skilled approach. Developing and constantly improving probation practice in protecting the public and enabling rehabilitation is part of the efforts in public protection.

Strategies to support the reintegration of offenders into the community, and to prevent re-offending, are the tertiary approaches to public safety and crime prevention. In some jurisdictions, rates of reoffending after release from prison are very high, and it is likely that the majority will reoffend and return to prison unless there are services and support which will enable them to become reintegrated, UNODC, (2010).

Community correctional officers working with community-based organizations work to reintegrate people coming out of correctional facilities or youth custody centres providing them with a range of support services such as halfway homes, placement services for jobs, and training in employment and job skills to provide alternatives to re-offending. The programme offered by the noncustodial officers are meant to address the criminogenic needs or crime risk factors responsible for the criminal behaviour.

Activity Group Work
You are the head of noncustodial officers in your station. There has been a spate of crime (mugging and burglary) in your town and the State Governor has invited you to contribute to a multidisciplinary public safety/crime reduction strategy being developed.

1. *Which areas will you focus on as your contribution to the initiative?*
2. *What specific actions will you wish your staff to take in ensuring community safety?*
3. *What challenges are you likely to face and how would you go about them?*

REVISION QUESTIONS

1. What do we mean by public safety and community safety and how do they contrast with crime prevention?
2. What are some of the principles in public safety?
3. What are some of the poling approaches?

[105] UNODC, (2010) Handbook on Crime Prevention Guidelines: Making them work: pp 92

4. What is your role in crime prevention?

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3. Safer World Report (2014) Community Security handbook
4. UNODC, (2010) Handbook on Crime Prevention Guidelines: Making them work

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MODULE 5: HUMAN RIGHTS (3)

The intention of this module is to refresh the participant’s knowledge on the principles of human rights and build on their understanding of the importance of protecting and respecting these rights when implementing non- custodial measures. You will be taken through the international Human Rights Standards particularly UN Standard Minimum Rules for the Treatment non-custodial measures and the Nigerian context

Expected Learning Outcomes

By the end of this module, you will be expected to

List the

1. Identify the principles of UN Human Rights Charter
2. List the UN Conventions and treaties relevant to non-custodial measures
3. Explore the UN standard minimum rules for non-custodial measures
4. Explore the UN standard minimum rules for treatment of women offenders and non-custodial measures
5. Explore the UN standard minimum rules for juvenile justice

The Concept of Human Rights

Human Rights is a universal belief that all human beings are entitled to a dignified life. It is a common phenomenon that human beings everywhere demand the realization of diverse values and rights to ensure their individual and collective well-being. These demands or rights may be denied or over looked leading to discrimination, exploitation, oppression and even persecution.

Activity 1. 5 Minutes
In a plenary, define human rights in your own words.
Compared your definitions with that of the facilitator

Exercise 2. 5 Minutes
Organise the participants to watch this video explaining Human Rights this UNOHCHR https://www.youtube.com/watch?v=JpY9s1Agbsw

The Universal Declaration of Human Rights (UDHR)

Following the atrocities of WWII, the global community unified to form the United Nations and drafted one of the most important international documents - the Universal Declaration of Human Rights (UDHR).

It was a commitment to enshrine the fundamental rights of the individuals for living in any part of the world. The commitment came in the form of a Universal Declaration of Human Rights (UDHR) adopted by the member states of the United Nations General Assembly on December 10, 1948

Human Rights Principles

The Universal Declaration of Human Rights (UDHR) enshrines the principles and pillars on human rights. The declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948[106] as a common standard of aspiration and achievement for all people and all nations. It sets out the fundamental human rights to be universally protected.

The following are the Universal Principles of Human Rights

a) **Universality and Inalienability:** Human rights are *universal* and *inalienable*. *All people everywhere* in the world are entitled to them.
b) **Indivisibility:** Human rights are *indivisible*. Whether they relate to civil, cultural, economic, political or social issues, human rights are inherent to the dignity of every human person.
c) **Interdependence and Interrelatedness:** Human rights are *interdependent* and *interrelated*.
d) **Equality and Non-discrimination:** All individuals are equal as human beings and by virtue of the inherent dignity of each human person.
e) **Participation and Inclusion:** All people have the right to participate in and access information relating to the decision-making processes that affect their lives and well-being.
f) **Accountability and Rule of Law:** States and other duty-bearers are answerable for the observance of human rights.

Activity 2:
Write down on sticker-cards any provision in the Nigerian Constitution (1999) or any law which provides for the protection of human rights

UN Conventions and Treaties Relevant to Non-Custodial Measures

Through ratification of international human rights treaties, Governments undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties. The other UN covenants and treaties are:

h) International Covenant on Civil and Political Rights (ICCPR);
i) the International Covenant on Economic, Social and Cultural Rights (ICESR);
j) the Convention Against Torture, Cruel or Inhuman and Degrading Treatment or Punishment (CAT);

[106] UN General Assembly resolution 217 A

k) Convention on the Elimination of All forms of Discrimination Against Women (CEDAW);
l) Convention on the Rights of the Child (CRC);
m) Convention on the Rights of Persons with Disabilities (CRPD);
n) Convention on the Elimination of All Forms of Racial Discrimination, (CERD).

Activity 3: Group work 15 minutes
While working in groups

1. *Discuss which of the covenants have been ratified by Nigeria*
2. *Discuss which of the covenants is relevant to correctional work (non-custodial) and in what respect*

UNITED NATIONS STANDARD MINIMUM RULES FOR NON-CUSTODIAL MEASURES (THE TOKYO RULES)

The rules were drafted for the adoption of the UN General Assembly in 1989 and adopted in 1990. The SMR comprises general principles which spell out the aims and purpose of the instrument. The principles invite member states of the UN to implement non-custodial measures in their respective jurisdictions as part of its criminal justice system.

a) **Part one** delineates the **general principles** underpinning the administration of non-custodial measure. Also outlined are the minimum legal safeguards which are meant to cushion and protect the offender against any excesses or abuse. These general principles are aligned to the principles of human rights.
b) **Part Two**. Prescribes the application of SMRs at the pre-trial stage in the cause of the criminal justice e process including Pre-trial dispositions and measures on how to avoid unnecessary pretrial detention. Under rule 6.1 it provides that ‘pre-trial detention shall be used as a means of last resort in criminal proceedings, with due regard for the investigation of the alleged offence and for the protection of society and the victim’.
c) **Part Three** makes minimum provisions at the trial and sentencing stage. Of uttermost importance is rule 7 on Social inquiry reports including presentence reports.

7.1 If the possibility of social inquiry reports exists, the judicial authority may avail itself of a report prepared by a competent, authorized official or agency. The report should contain social information on the offender that

7.2 *is relevant to the person's pattern of offending and current offences. It should also contain information and recommendations that are relevant to the sentencing procedure. The report shall be factual, objective and unbiased, with any expression of opinion clearly identified*.

Rule 8 is equally important prescribing minimum standards at sentencing dispositions

8.1 The judicial authority, having at its disposal a range of non-custodial measures, should take into consideration in making its decision the rehabilitative needs of the offender, the protection of society and the interests of the victim, who should be consulted whenever appropriate.

Rule 8.2 prescribes some of the recommended non-custodial dispositions that the court may apply. These include

n) Verbal sanctions, such as admonition, reprimand and warning
o) Conditional discharge;
p) Status penalties;
q) Economic sanctions and monetary penalties, such as fines and day-fines;
r) Confiscation or an expropriation order;
s) Restitution to the victim or a compensation order;
t) Suspended or deferred sentence;
u) Community correction and judicial supervision;
v) A community service order;
w) Referral to an attendance centre;
x) House arrest;
y) Any other mode of non-institutional treatment;
z) Some combination of the measures listed above.

d) **Part four** spells out the post-sentence disposition including early release system, parole and pardon measures.

Part five provides measures that need to be taken at the point of implementing the noncustodial measures including levels of and how supervision should be done for instance rule 10.1 asserts that:

'The purpose of supervision is to reduce reoffending and to assist the offender's integration into society in a way which minimizes the likelihood of a return to crime'.

In these parts are also the prescription on condition of supervision, treatment process and Discipline and breach of conditions

14.1 A breach of the conditions to be observed by the offender may result in a modification or revocation of the non-custodial measure. 14.2 The modification or revocation of the non-custodial measure shall be made by the competent authority; this shall be done only after a careful examination of the facts adduced by both the supervising officer and the offender.

e) **Part VI** is on staff recruitment, training and deployment while part VII gives avenues for public participation including the deployment of recruitment. Finally, part VII is on research, planning, policy formulation and evaluation of various non-custodial programmes and international cooperation.

UNITED NATIONS RULES FOR THE TREATMENT OF WOMEN OFFENDERS AND NON-CUSTODIAL MEASURES FOR WOMEN OFFENDERS (THE BANGKOK RULES)

The Bangkok Rules are international guidelines that UN member states adopted as procedures and safeguard women rights in the just justice system. The instrument speaks both on women held in institutions/custody or correctional facilities as well as those who are subject to non-custodial measures. The latter therefore complement the direction given the Tokyo rules.

The UN SMRs for treatment of offenders although speaking to the issues of all offenders, was not suited for female offenders' needs. With the increase in the number of women offenders worldwide, the need to bring more clarity to considerations that should apply to the treatment of women offenders was realized with the adoption by the UN[107].

These rules are inspired by principles contained in various United Nations conventions and declarations and are therefore consistent with the provisions of existing international law. They are addressed to prison authorities and criminal justice agencies (including policymakers, legislators, the prosecution service, the judiciary and the non-custodial service) involved in the administration of non-custodial sanctions and community-based measures.[108]

Part one in on gules of general application that touches on institutional/prison administration and treatment of women in custody. These include not just the

[107] Rule 3 of the Bangkok rules
[108] Rule 4 ibid

administrative procedures but also the health rights and interventions generally.

Part two prescribes rules specific on the special category of women in the justice system, including those with mental illness, lactating and pregnant to mention a few.

Activity 4: 5 minutes

1. *Discuss whether women in the justice system fall under the category of special needs offenders*
2. *Identify women whom that think falls under the category of special needs offenders*

Of great interest is to have assessment tools that would be able to identify the needs of special needs women for purposes of classification, and interventions.

Key in the area is rule 41 which has the following provisions

The gender-sensitive risk assessment and classification of prisoners shall:

(a) Take into account the generally lower risk posed by women offender to others, as well as the particularly harmful effects that high-security measures and increased levels of isolation can have on women offenders;

(b) Enable essential information about women's backgrounds, such as violence they may have experienced, history of mental disability and substance abuse, as well as parental and other caretaking responsibilities, to be taken into account in the allocation and sentence planning process;

(c) Ensure that women's sentence plans include rehabilitative programmes and services that match their gender-specific needs;

(d) Ensure that those with mental health-care needs are housed in accommodation which is not restrictive, and at the lowest possible security level, and receive appropriate treatment, rather than being placed in higher security level facilities solely due to their mental health problems.

Note:
Women who fall in the category of special needs offenders include

- Women with mental illness
- Pregnant women
- Lactating women
- Women accompanied by children in prison
- Women od foreign nationals
- Minorities and indigenous people

Classification, and delineation of the criminogenic and other needs of women offenders is best done after an assessment (using appropriate tools) is done.

Part Three Non-Custodial Measures

This part gives guidance on what is proper for women in the justice system the rules do complement

Rule 57 The provisions of the Tokyo Rules shall guide the development and implementation of appropriate responses to women offenders. Gender-specific options for diversionary measures and pretrial and sentencing alternatives shall be developed within Member States' legal systems, taking account of the history of victimization of many women offenders and their caretaking responsibilities.

Rule 58 Taking into account the provisions of rule 2.3 of the Tokyo Rules, women offenders shall not be separated from their families and communities without due consideration being given to their backgrounds and family ties. Alternative ways of managing women who commit offences, such as diversionary measures and pretrial and sentencing alternatives, shall be implemented wherever appropriate and possible

Part four is on research, planning, evaluation and public awareness-raising

Activity 5: 30 Minutes Group Work

Form groups of two or more and undertake the following task and present in plenary

a) Consider the provisions of UN SMRs for Non-custodial measures (Tokyo rules)

(1) identify the parts you think are relevant to alternatives to non-custodial measures

(2) How would these parts be realized in the Nigerian situation and what challenges can be there?

b) Consider provision of the Bangkok rules and

1) identify the rules you think are relevant to noncustodial options

2) How would Part three of the Bangkok rules be implemented in Nigeria and what would be the challenges to full realization

REFERENCES

1. Universal Declaration on Human Rights
2. UN Standard Minimum Rules for Non-custodial Measures (Tokyo Rules)
3. UN Standard Minimum Rules for treatment of Women prisoners and Non Custodial Measures (Bangkok rules)

MODULE 6: EQUALITY AND DIVERSITY

Discriminatory and inequality practices on ground such as sex, race, colour, religion, political persuasion, national or social origin, association with a national minority, economic status, ethnic differences, birth or other status can be a hindrance to fair administration of justice. The module explores the subject of equality and diversity within the context of correctional staff and offenders on non-custodial measures. It considers the implication of such professional vices and discusses how such can be prevented both at staff level and while working with the offenders.

Expected Learning outcomes

By the end of the session, participants should be able to

1. Define equality and Diversity and connection with Human Rights
2. Explore equality and diversity within the framework of community correction values and human rights
3. Identify the clients who are likely to be discriminated against
4. Identify some of the applicable human rights principles touching on equality and diversity
5. Provide practice guidelines on equality and diversity requirements relevant to probation and community service orders

Concept of Equality and Diversity

Human rights have an inherent inalienable nature which can only be limited with justification in an open democratic society. Equality is one of the Human Rights pillars which affirms inherent human dignity[109]. Although this was

[109] Art 1 of the Universal Declaration on Human Rights

affirmed in the UNHCR and many other conventions and laws of various jurisdictions, it remains a challenge to mankind. Human beings are diverse in many ways biological, social or physical. Some of these diversities are the reason for discrimination and unfairness among people. Laws, policies and instruments have been developed across the globe to help address the problem.

Activity 1: 5 Minutes
What is your definition of the words Equality and Diversity?

The two concepts have direct bearing with probation or noncustodial practice. Community correction practice was born out of pursuit of empathy and recognizing diversity and human weakness, challenges and status.

Equality is associated with tolerance, rights based, and enforceable legal requirements that can increase and protect the proportion and participation of minority and women respectively. Diversity is about recognizing, understanding, accepting, and valuing differences among people with respect to age, class, race, ethnicity, gender, disabilities.

Equality, Diversity in Community correction

Community correction values are derivatives of the international human rights instruments and the social work principles. The values and community correction ethos of 'advise, assist and befriend', which also provided for in the Administration of Justice Act (2015) can be said to reflect on the Article 1 of the Universal Declaration of Human Rights[110]. Equality, diversity and inclusion and elimination of improper discrimination should be key to Community correction practice. In the western world, immigrants, black population, are some of the groups who are likely to experience inequality. In Africa, disabled and women are likely to be discriminated against whether at places of emplacement or in-service delivery.

Activity 1: 20 minutes
On sticker notepads, write down four points in each of the following

1. *Name some actions at workplace that go against equality and diversity principles*
    - *For example-----having separate salary scale for women and men*

[110] All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood

2. *List some of the actions that may impede on offender rights to equal treatment and respect of diversity.*
    - *For example------attending to clients of economic means while keeping those of low economic/social status waiting in queue*

Categories of offenders who may be treated unequally

a) Indigent offenders on supervision
b) Women offenders generally
c) Mothers with children of lactating
d) Offenders from minority ethnic groups
e) Offenders with divergent religious affiliations
f) Child offenders
g) Mentally challenged offenders
h) Offenders with physical disabilities
i) All other special needs offenders

Equality and Right to human dignity in community service work

There are many areas of community service work that would require manifest human right and equality practice. A few of such areas are as described below and the implications in community service work.

In conducting social inquiries, supervision, rehabilitation, reintegration and while the offender is under the charge of a non-custodial officer, the officer should a) Only take action on an offender as permitted by law b) Always refer to the offender by name and not by any designated number, tribe, or any other demeaning reference. c) Use acceptable language d) Treat all offenders equally and not on account of status other than on pragmatic supervision plan of actions deemed to assist in behaviour change	h) Be protected from any form of violence within places of work or offices i) not be subjected to psychological or physical torture through the treatment programmes or language used j) The privacy of the offender or the family is not unnecessarily intruded k) Offender records are confidential and kept closed to third parties and in a prescribed manner l) There should not be intrusion in the life of an offender than is necessary and which is

e) not be subjected to corporal punishment f) not be handled in a degrading or inhuman manner g) Each offender must be treated as an individual and not to be compared to the other	inconsistent with the supervision requirement. m) Not be compelled to undertake any assignment or role that is against their religion and belief n) Not be denied enjoyment of opportunity including employment based on their religion or belief if it is in the power of the officer to influence such decisions

Persons living with disabilities

The Non-custodial officer is expected to take cognizance of, respect and protect the rights of persons living with disabilities. For instance, a blind person cannot be recommended for community service orders because they cannot perform. Depending on the type of disability an offender has the officer should apportion reasonable conditions which the offender can be able to meet but not disregard their physical status.

Women Offenders

Activity 2. 10 Minutes
Watch this video on women and alternatives to imprisonment.
Have a feedback after the clip.
Equal justice' making community sanctions work for women in Kenya *https://www.youtube.com/watch?v=qLstFHdW6Bg*
Discuss the videos there after

All women are generally different from men in many ways. These diversities must be recognized, respected and protected by the correctional officer. The following are some of the measures to safeguard women's interests.

- Women offenders must not be treated any different on account of their being female but should be accepted for who they are
- Correctional officers should strive to address the distinct needs of women in the justice system (inconformity with the Bangkok rules) and help them change their lives
- Unless the offender and other circumstances do not favour, women offenders who commit less serious offences should be accorded noncustodial options because of their familial and caregiving responsibilities

- No woman should be assigned community service work that is gender insensitive
- While attending to women offenders, the non-custodial officer must always remember that women have additional roles and caretaking responsibilities. As such time allocated for work and other supervision requirements must pay attention to the familial caretaking responsibilities of women.

Vulnerable Workers

Many staff in an organization may be termed vulnerable because of one reason or the other. Some of the persons who are vulnerable and likely to face discrimination include

- Older persons
- Junior staff
- Expectant mothers/female officers
- Staff with disabilities
- Persons from minority ethnic groups

REVISION QUESTIONS

1. What is equality and diversity?
2. Which category of offenders are likely to be discriminated against?
3. How are women, including women offenders) likely to be disenfranchised due to their status and gender roles
4. Who are the most vulnerable persons in an organization?

REFERENCE

1. **Equal justice' making community sanctions work for women in Kenya** https://www.youtube.com/watch?v=qLstFHdW6Bg
2. Universal Declaration on Human Rights

MODULE 7: VULNERABLE (SPECIAL NEEDS) OFFENDERS

Working in the criminal justice system will always include working with offenders who have special needs and who require different approaches. Non-custodial officers need to be equipped with knowledge on how to handle vulnerable (special needs) offenders under their supervision. In this session participants are provided with the basic knowledge of different vulnerabilities of offenders. Individuals with identifiable vulnerabilities who should be given the necessary support in order to achieve the desired supervision and rehabilitation outcomes.

Expected Learning outcomes

By the end of the module, the participant should be able to:

1. Categorise persons with special needs in the justice system
2. Consider their circumstances in relation to criminal justice system
3. Describe how noncustodial officer can work with the vulnerable defendant during at presentence and during supervision

Vulnerable (Special Needs) Offenders

Activity 1: 5 Minutes
Participants to discuss in plenary,

1. *Who are vulnerable and special needs offenders?*
2. *Why is it important that their needs are protected?*

Special needs offenders are incarcerated offenders with 'special needs' stemming from their physical or mental age or other disabilities. Special needs can encompass many types of conditions like offenders with severe psychological needs, mental retardation, significant psychiatric disorders, behaviour disorders, multiple handicaps, neurological impairment and substance abuse or offenders with physical handicaps, or chronic or terminal illnesses; or elderly offenders or offenders with severe social and/or educational deficiencies, learning disabilities or language barriers

The composition of the prison population, remands and convicts, is said to be a reflection of the society. Like in an ordinary society, some offenders have unique characteristics and iniquities that make them different from those considered to be normal. These unique characteristics can be attributed to

physical, mental, sexual and other variables. Such offenders are known as 'Special Needs Offenders'

Prisons are particularly poorly placed to provide the care that special category offenders need.[111] Defendants, deemed as special needs offenders, often require more care than what is provided in a standard criminal justice environment. Their unique situation impairs their day-to-day ability to function within the confines of the criminal law.

Incarcerating such people does not assist in preparing them for rehabilitation nor is it cost effective since they require interventions geared towards normalizing their lives.

Note:

- *Article 2 the Universal Declaration of Human Rights states that 'Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status'.*
- *The justice system is required to give special attention to special needs offenders because of their vulnerabilities and impairments*

Categories of Vulnerable Special Needs Offenders

a) Defendants with Mental Disability

Mental disorders occur at high rates especially in prisons and people with mental health disorders face stigma, discrimination and isolation. They may be incarcerated because their mental status was not diagnosed while being processed. They are disadvantaged in their access to justice and some end up in closed institutions which do not adequately address their problems and needs relating to protection of their human rights which they may not be aware of.

Identified forms of mental health challenges include: depression, psychosis, epilepsy, bipolar, autism, schizophrenia and any other mental health challenges challenge

This category of offenders requires a comprehensive institutional and community-based treatment approach that provides essential services, ensures public safety and reduces chances of repeating the offences. Non-custodial measures may be appropriate for such cases

[111] UNODC (2007), Handbook of basic principles and promising practices on Alternatives to Imprisonment

b) Expectant Women and Mothers Accompanied by Children in Correctional Centre

Women comprise a significant susceptible group in prison due to their gender and responsibilities. There are many women accompanied by children below three years in the correctional facilities than should be the case. The children are innocent yet circumstances compel them to come into contact with the justice system

Many women who are single parents are sole breadwinners and may have young dependents.

c) Drug/Alcohol and Substance Addicts

These are defendants who have substance abuse problems. They need more care and access to rehabilitations instead of sending them to jail. They would also require intensive post penal community correctional supervision accompanied with random drugs test and reintegration follow ups. This approach can provide effective rehabilitation and reduce recidivism while at the same time being more cost effective than incarceration.

d) Elderly

Elderly defendants have a variety of health care needs which most prison systems are unable to provide for to the fullest possible extent, and which place a significant burden on the resources of prison health care services. Most of these offenders can be better cared for in the community, through non-custodial sentences. While sentencing elderly offenders, their age, mental and physical health and prospects of receiving adequate care in prison should be taken into account by the court, so as to ensure that the sentence does not comprise a disproportionately harsh punishment.

e) Offenders suffering from terminal illness

Terminal illness refers to a situation in which there is no reasonable medical possibility that a patient's condition will not continue to degenerate and result in death. In many countries, Nigeria included, high death rate among offenders is primarily due to the prevalence of tuberculosis (TB) and HIV/AIDS

Imprisonment of offenders who have been diagnosed with terminal illness exacerbates the suffering inherent in the sentence, and due to the predicted death, the offender is irrelevant in terms of social reintegration. It also places a large burden on the medical services of prison administrations, which in most often are severely under-resourced and not able to provide for the complex and costly needs of patients with terminal illness.

f) Physically challenged

Incarcerating physically disabled defendants cause various human rights concerns. They cannot be placed on certain training programmes meant to address their criminality. They may also be susceptible to abuse discrimination

and exploitation in prison. Their disability can also affect the extent to which they can follow orders and normal prison routine.

Activity 3: 30 minutes
Participants to work in groups and address the following questions

1. *In the case of your work as a non-custodial officer, what challenges are you likely to get while working with vulnerable and special needs offenders?*
2. *What preparations would you need in order to work with them effectively?*
3. *Which other category of vulnerable and special needs offenders would you wish to include in the above category?*

Special Needs Offender on Non-Custodial Measures

Special needs offenders can be a challenge while being supervised in the community. Special needs offenders when determined to be so, can be a good category to benefit from community correction orders. Most offences being committed by special needs offenders' rate to psychologic distress and survival.

During the Process of Preparing Presentence Report:

The officer should accord them keen attention realizing their vulnerability. Some of them are highly irritable and would need cautious consideration. Undertake the following

a) Assess the extent of their vulnerability and how this may be affected if the court was to accord them a custodial sentence
b) Assess whether the there is a relationship between the offence committed and the vulnerability
c) Determine the dependency in the family. Are there other people who are dependent on the defendant?
d) Assess whether it would be possible for the defendant to respond or meet the conditions of possible non-custodial measure that court may choose, e.g. office reporting/appointment
e) Assess the level of support that you may get from significant others if he/she was to be accorded non-custodial option
f) While making your recommendation to court make suggestions on how the defendant's vulnerability may impede institutional rehabilitation.
g) Inform the court of how you will work with work other agencies/NGOs to alleviate the disability

h) Assess the critical services that he/she depends on and which cannot be availed if he were to be incarcerated.

During Supervision Process

Depending on the outcome of the assessment initially made during interviews for presentence report, this stage should:

a) Accord the defendant supervision levels that appreciates the level of disability
b) Remember that some special needs offender may need special services that you may need to arrange
c) Accord the offender psychosocial (counselling) services. This can be by the officer if competent or be sourced from other agencies.
d) In addressing the criminogenic needs, work with those who are close and understand the disability
e) Due to the vulnerability and the nature of the challenges, the officer should be cautious when deciding on breach action.
f) Remember you may need the services of communication, medical and other such experts
g) For children under supervision, the greatest consideration should be to ensure that all his/her rights are addressed including attending school and appropriate upbringing.

Victims of Mentally Ill Offenders

Watch the following video on victims of mentally ill offenders Mentally Ill Offenders https://www.youtube.com/watch?v=odiSa7EGKpg

REVISION QUESTIONS

1. Who are special needs Offenders?
2. Why should they be treated differently?
3. What measures would the non-custodial officers take while dealing with a case of a defendant with special needs?

REFERENCE

1. Mentally Ill Offenders https://www.youtube.com/watch?v=odiSa7EGKpg

2. Principles for the protection of persons with mental illness and the improvement of mental health care Adopted by General Assembly resolution 46/119 of 17 December 1991
3. UNODC (2007), Handbook of basic principles and promising practices on Alternatives to Imprisonment

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