

The impact of the pandemic on probation: lessons for the future

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Abstract

Purpose – *The purpose of this paper is to explore the ways in which probation services responded to the COVID-19 pandemic and to consider what this means for the future of probation.*

Design/methodology/approach – *This paper adopts a literature review approach. Published research about the impact of the pandemic on probation services around the world was identified. Key findings around the main ways in which probation services were affected are identified.*

Findings – *The key themes identified in the published research are the strengths and weaknesses of remote communication, the role of probation in efforts to reduce the prison population, the importance of social support and marginalisation and the impact on staff. These findings are then examined through McNeill's (2018) argument that systems of community punishment should be parsimonious, productive and proportionate.*

Originality/value – *To the best of the author's knowledge, this is the first paper to synthesise international research on the impact of the pandemic on probation and thus serves as a useful starting point for future work on how probation services might learn from the pandemic.*

Keywords *Criminal justice, Policy, Probation, COVID-19 pandemic, Community sanctions, Remote supervision*

Paper type *Research paper*

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Introduction

This article explores the impact of the COVID-19 pandemic in the field of probation and community sanctions. The article starts with an overview of how probation services responded to the pandemic by implementing policies that prioritised working from home and remote communication with people under probation supervision. It then reviews the emerging body of research which has sought to explore the role probation played in responding to the pandemic and explored the impact of the pandemic on people working in probation and under probation supervision. I suggest that what happened in the pandemic serves to highlight several important features of what makes up probation practice to draw out some lessons for the future of probation moving forward. This allows us to think about what opportunities the pandemic provides for rethinking what probation is about, how it should be implemented and what role it can play in the broader criminal justice system.

Policy response

A brief review of probation services' responses to the pandemic shows that the majority of probation services around the world swiftly moved to a model in which probation was delivered remotely (Byrne *et al.*, 2020; CEP, 2020). Thus, rather than people on probation having to visit offices to see their probation officer, appointments were carried out by telephone or video call (Schwalbe and Koetzle, 2021). Alongside this, many countries temporarily paused certain interventions such as community service, programmes (many of

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which are delivered in groups), drug testing and other activities which require face to face contact. Many jurisdictions subsequently reintroduced these interventions as lockdowns were relaxed, and some group programmes were adapted to be delivered one-to-one and/or remotely.

Some countries continued to work with people on a face-to-face basis, but this was often targeted according to risk or need. For example, in Spain, probation practitioners continued working with people who were undergoing treatment for their mental health or drug treatment (Redondo *et al.*, 2020). Other countries prioritised people who were deemed to pose the highest risk of harm. For example, people convicted under terrorism legislation in England and Wales were prioritised, while in France, probation services were encouraged to see people convicted of domestic violence in person.

While the “aims” of probation have been the subject of longstanding debate in the field of probation and community sanctions, it is generally agreed that probation services aim – to varying degrees and with differences in terms of emphasis and methods – to supervise people convicted of an offence in the community with a view to punishing, rehabilitating and monitoring them. For example, in Weiss and Wozner’s (2002) work on different models of probation, the aims of probation span individual psychological change, reintegration, resource brokerage, the provision of help, deterrence, punishment and surveillance. This breadth of intent reflects similar arguments made, for example, by Bottoms and McWilliams (1979) in their “non-treatment paradigm for probation practice” or Senior *et al.*’s (2016) ideas about what constitutes the “essence of probation”. For a practical application of what this means in policy terms, we can look to the strapline for the Probation Service in England and Wales, which is “assess, protect, change”. Ainslie *et al.* (2022) have argued that the pandemic and concomitant policy response seriously impacted on the ability of probation services to fulfil these aims. Moreover, emphasis was placed on using limited resources for face-to-face contact for monitoring, surveillance and basic welfare checks rather than substantive engagement (Phillips *et al.*, 2021). However, this is not the focus of this article. Rather, the aim here is to examine published research that has examined the impact of the pandemic on probation. In particular, I want to focus on what people either missed or valued about being involved with probation – as a supervised person or member of staff – during the pandemic to consider how probation services might develop as we move back to “normality”.

Before exploring the key themes to have arisen from research undertaken thus far into the impact of the pandemic in probation, it is worth providing a brief overview of that research. There are – it seems – three types of publications. Firstly, there is a small body of peer-reviewed academic research published in academic journals. This includes a special issue of *Probation Journal*, which includes contributions from England and Wales, Scotland, France and Austria, and a double volume special issue of *Victims and Offenders*, which includes numerous articles covering countries from around the globe and examining a broader range of institutions than just probation. In fact, the majority of these articles only cover prisons. Secondly, there are a few organisational reports on research studies such as, for example, Dominey *et al.*’s (2020) report on blended supervision. Thirdly, there are numerous blogs posts or short policy statements – mainly from services themselves – some of which I have already referred to above when considering the policy response to the pandemic. These publications are not peer reviewed yet shed light on how probation services adapted.

To make sense of this body of literature, I sought to identify key themes around how probation services responded and research findings in relation to staff and supervised individuals’ experiences. Thus, what is presented below represents my own interpretation of this literature. Briefly, these themes are the relative strengths and weaknesses of remote communication, the difficulties in reducing the prison population and the implications for probation in doing so, the role of social support and marginalisation and the impact on staff.

Remote communication: strengths and weaknesses

Among the published research on the impact of the pandemic, the relative strengths and weaknesses of remote communication are a recurring theme. Within these discussions, the importance of the staff–client relationship occurs frequently. This is, perhaps, unsurprising considering the relationship has long been considered one of the primary ways in which probation staff have worked with people under probation supervision (Burnett and McNeill, 2005; Dominey, 2019). As noted by Dominey *et al.* (2021) the supervisory relationship can work to reduce offending, garner legitimacy from people under probation supervision, encourage compliance and facilitate desistance. The shift towards remote supervision impacted on the relationship in several ways. In general, the move to remote supervision was seen positively because – at the very least – it enabled people to carry on being supervised and reduced the need for face-to-face contact, which risked spreading the virus. Thus, in the USA, 46.8% of the 171 probation directors who responded to Viglione *et al.*'s (2020) survey said that “the most reported beneficial policy was the use of remote supervision and technology to continue supervising individuals”.

However, beyond this immediate benefit, remote supervision made it difficult for people to create and nurture those relationships which they see as critical to good probation work. Staff in Dominey *et al.*'s (2021) study – who were using the telephone to communicate with people on probation – found that using the telephone was an “unsatisfactory” way of establishing a supervisory relationship with people. In Phillips *et al.* (2021) – where staff were using video calls and the telephone – staff suggested that remote communication made it difficult to create relationships with people remotely, partly because of the difficulties in conveying certain emotions, which are considered critical to the process of building rapport and relationships. Similarly, Viglione *et al.* (2020) found that 13% of probation directors found the inability to meet face-to-face to be challenging and impeded staff members’ “perceived inability to stay current with the individual and provide an adequate level of supervision”, and in Scotland, researchers have noted that “most staff reported that phone-based supervision imposed limitations on the supervisor-supervisee relationship” (Casey *et al.*, 2021). There also appears to be important differences between groups which has important ramifications for the future of remote supervision. Sturm *et al.* (2021) suggest that remote supervision works less well for some clients such as those who are unmotivated, have attention problems and/or complex issues do not have a formal network and “with whom delicate or emotional matters need to be discussed”.

Dominey *et al.* (2021) concluded that “for some service users on some occasions, telephone supervision has benefits and that decisions about when to use the telephone are best made in discussion between the two people involved”. There are circumstances, therefore, in which remote supervision can be conducive to a good relationship. For example, research suggests that some clients are more open than in face-to-face situations and found “it easier to speak about difficult or personal issues when they were not in a face-to-face setting” (Dominey *et al.*, 2021; Sturm *et al.*, 2021). This may be down to the effect that remote communication has on inhibitions, with a considerable body of evidence showing that remote communication stimulates self-disclosure, especially when it comes to disclosing intimate or personal information because “interactants become less concerned about how others perceive them” (Valkenburg and Peter, 2009). An important implication here, then, is the need for flexibility as probation services work out how remote communication should be integrated into their practice models in the future.

A second implication comes from a separate common theme in which staff suggest that the staff-service user relationship is easier to maintain remotely if it had already been established prior to the switch to remote communication (Dominey *et al.*, 2021; Phillips *et al.*, 2021; Stempkowski and Grafl, 2021). There is an important lesson here for probation services in the future, as they seek to adopt a hybrid model of working as in England and Wales.

From the perspective of service users, a similar theme can be discerned. For example, in [Woolford's \(2021\)](#) interviews with women under probation supervision in England and Wales, she found that the supervisory relationship was crucial to their well-being during the pandemic and was a source of support in relation to dealing with the pandemic as well as more practical matters. Participants also acknowledged that remote supervision was more difficult, and [Woolford \(2021\)](#) highlights the potential adverse impact on staff mental health and well-being.

While much of the research cited above suggests that remote supervision can impede the development of the relationship, it does bring other advantages. The main one here is greater flexibility. In Austria, for example, staff reported being “happy to be freed from the regular obligation of personal contact” ([Stempkowski and Grafl, 2021](#)) while in Scotland, “some staff felt that it gave them the opportunity to have more casual and sympathetic conversations with those they supervise” ([Casey et al., 2021](#)). Remote communication reduces the need to go to the office, means clients have to take less time off work for appointments, reduces travel time and travel costs and so supervision can become more flexible to individuals’ needs and circumstances. In this respect, it provides opportunities to reduce what [Ugwudike and Phillips \(2019\)](#) identify as structural barriers to compliance such as time and money. Thus, while substantive engagement may be more difficult via remote supervision, it may work to increase formal compliance in the shorter term which can – in theory at least – lead to substantive compliance further down the line ([Robinson and McNeill, 2008](#)).

More fundamentally, and when thinking more broadly about the purposes of probation and the experience of being under penal supervision in the community, the greater flexibility afforded by remote communication may also reduce the “pervasive” ([McNeill, 2018](#)) nature of punishment in the community:

[...] the loosening of supervision’s grip (and of the national standards, rules and regulations that also grip practitioners) has been associated with unexpected and positive changes in their relationships and encounters. The intriguing effect may have been to make remote supervision feel more human/e and less burdensome; and hence more tolerable. Certainly, exercising less control and offering more trust seems to have been positive and productive, at least in some cases. ([Casey et al., 2021](#))

We might also think about this in relation to the perception that remote communication enables more open communication, because of the lack of judgement that people on probation might feel. It might be that remote communication is a tool with which to reduce the shame and stigma that people on probation experience when meeting with their probation officer ([Woolford, 2021](#)), suggesting another potentially productive way of integrating remote supervision with in person supervision in the future.

On the other hand, remote supervision brings with it the risk of making supervision more invasive. For example, in the Netherlands probation officers found remote supervision positive because seeing clients in the privacy of their homes meant they could elicit more information from the interaction. While this may make sense from a risk assessment perspective, it poses questions about peoples’ right to privacy. Although probation officers in many countries have the right to conduct home visits, the ease with which remote communication provides access to peoples’ homes is important to bear in mind as it increases the risk that punishment in the community becomes ever tighter. Remote communication can make the imposition of judgement greater and increases the number of situations in which people on probation must present themselves in a particular way to avoid further criminalisation.

Remote supervision and, especially, its impact on the nature of the officer–client relationship is a clear theme to emanate from the research published thus far. There is a clear preference for face-to-face supervision across all the studies discussed above.

However, there are sufficient benefits from remote supervision that probation services should be thinking carefully about how to make use of a greater confidence with remote communication to improve probation supervision in the future. Remote supervision can allow for more flexibility, a more individualised approach and a means with which to reduce the onerousness that penal supervision can place on people while keeping that productiveness.

Using probation to decarcerate

One of the key responses to the pandemic by penal systems was to reduce the prison population. The primary aim here was to reduce overcrowding to avoid the risk of widespread spread of the virus in institutions, which have been described as “epidemiological pumps” (Kay, 2020; McNeill, 2020). There are several ways of actively reducing the prison population: stop sending people to prison at point of sentence/conviction, reduce the number of breaches/recalls and release people earlier than planned (Aebi and Tiago, 2020). Across Europe, the incarceration rate fell from 121.4 to 115.8 inmates per 100,000 inhabitants between January and September 2020 with 20 European countries reporting drops in the prison population of more than 4% (Council of Europe, 2020). Some of these reductions will have been down to reductions in crime and fewer people being sent to prison due to court closures. However, many countries implemented explicit policies to reduce the prison population through the early release of prisoners (Rapisarda and Byrne, 2020; Ricciardelli *et al.*, 2021). Such a concerted effort to decarcerate has not been seen before and proved difficult to achieve in many countries with the least successful country here perhaps being England and Wales. Initially, the government stated its intention to release up to around 4,000 prisoners but due to political pressure and mistakes, “only 55 prisoners had left prisons on temporary release, including 21 pregnant women” (Brennan, 2020). Probation has been used in the past to reduce prison populations but governments have – paradoxically – failed with the result of such decarceration measures instead resulting in net widening and up-tariffing rather than reducing the number of people sent to prison (Phelps, 2013).

However, some countries were relatively successful in this regard. In Kenya 13,000 inmates were released from prison, an outcome described by Deche and Bosire (2020) as the silver lining around the COVID-19 cloud. In Spain and Portugal, open-ended and community-based measures were given to thousands of prisoners decreasing the “concentration of inmates in prisons by 9%” (Redondo *et al.*, 2020), and Turkey pre-emptively released 35% of its prison population (Rapisarda and Byrne, 2020). Rapisarda and Byrne (2020) identified patterns among penal systems’ responses that are linked to wider political and social contexts:

Traditionally less punitive countries, such Norway, Iceland, and Denmark, and countries whose general populations were burdened by a larger number of infections and/or characterized by large prison populations (e.g., Turkey, France, Italy, and Spain), were more inclined to adopt the preventative, back-end approach of releasing inmates in response to the threat of COVID-19 in prison settings.

It is useful to consider the methods used by countries that were successful and what that means for people under probation supervision and the future of community sanctions more broadly. Could it be that the experiences of those countries that were successful could inform a more effective way of using probation to reduce the use of prison, a policy goal which has so far proved elusive?

As noted above, there are two ways in which we can control the prison population – stop sending people to prison or release people early from prison. In their review of the way in which the penal system in Spain responded to the pandemic, Perez de Tudela (2020) argues that the 20% reduction in Spain’s prison population was, in large part, down to a

substantial decrease in the number of people being sent to prison. This reduction in the prison population was accompanied by a considerable increase in the number of people under “telematic control” or electronic monitoring. [Viglione et al. \(2020\)](#) identify a similar trend in the USA, and [Rapisarda and Byrne's \(2020\)](#) review of European countries' responses points to a similar increase in the use of electronic monitoring.

Two important issues emanate from these ostensibly effective decarceration policies. Firstly, the fact that so many people were suddenly considered safe to be in the community raises questions about whether they should have been in prison in the first place. In the context of Germany's response to the pandemic, [Dünkel \(2020\)](#) suggests that this should lead to debate about the use of short prison sentences, reducing their use and making greater use of probation. A second implication here is what it means for people who are now subject to electronic monitoring in the community. [Redondo et al. \(2020\)](#) argue that these open-ended and community measures could have important positive ramifications for peoples' reintegration, especially in light of their evidence that it has not – so far – resulted in more offending. While undoubtedly allowing people greater liberty than incarceration, electronic monitoring can still inflict a high degree of “pain” upon people subject to it ([Payne and Gainey, 1998](#)), and the evidence on how effective it is at reducing offending is not definitive ([Belur et al., 2020](#)). Electronic monitoring might seem like a panacea to the problem of overcrowding, and it certainly seems to have worked in some countries in the very specific context of a global pandemic, but these problems are still in need of a satisfactory response. Moreover, as [Ricciardelli et al. \(2021\)](#) note, it is not enough to simply release people from prison. Rather, “personal safety measures and processes of rehabilitation or recovery at play in prison, care and safe housing must be assured before releasing a person during COVID-19”. As a response to this, [Ricciardelli et al. \(2021\)](#) lay out a five-point plan, which could lead to a lower prison population while taking the aims and wishes of the incarcerated person into account, providing them with a safe way of leaving prison. Crucially, this requires the in-depth involvement of probation services and points to an important way in which probation could play a more effective and pivotal role in the broader project of decarceration.

While these examples do not help us overcome the political context around punishment which prevented the successful implementation of this policy in England and Wales, they point to policy mechanisms that could be used in the future should governments choose to actively reduce the prison population using probation as a real alternative to incarceration.

Importance of marginalisation

Analysis of the published research shows that the pandemic brings the marginalised nature of peoples' lives to the fore. People under probation supervision are among the most vulnerable and socio-economically deprived groups in society, and probation can play an important role in providing social support that ameliorates some of this deprivation. Although rehabilitation in criminal justice contexts often emphasises the importance of agency and personal change, without access to social support, people on probation are going to find overcoming those structural barriers to desistance increasingly difficult ([McNeill, 2012](#)). This is because access to society and the opportunities that it provides can help people develop their own social capital and provide greater opportunities for exercising agency. Across much of the research published so far, the way in which the pandemic impacted on peoples' access to social support comes out as an important effect of the pandemic. Thus, in Scotland, community groups filled the gaps left by the statutory sector upon which people under supervision had been reliant prior to the pandemic ([Casey et al., 2021](#)). In Austria, [Stempkowski and Grafl \(2021\)](#) found that probation staff reported that losing employment and experiencing financial stress was relatively common among people on probation. In England and Wales, [HMI Probation \(2021, p. 33\)](#) reported that while

staff sought to provide support around finance, employment and housing, “this work was often dependent upon external services being available, which was not always the case”. People under probation supervision are likely to experience the pains of the pandemic in ways that are more painful than most and so become in need of greater support just when it becomes more difficult to provide support.

A second important theme here is the way in which people under probation supervision are digitally marginalised. Some people [for example, Lewis in [Casey et al.'s \(2021\)](#) study] are formally prohibited from using the internet (due to their offending) but much of the research which has explored probation in the pandemic points to the difficulties that people on probation have in terms of accessing the technology required to undertake remote supervision ([Phillips et al., 2021](#); [Stempkowski and Grafl, 2021](#)). This raises important questions about how probation services ensure that people who might benefit from remote supervision are able to do so while also managing the risks that having access to such technologies might pose.

Impact on staff

The final theme I want to discuss is the impact of the pandemic on staff. Working from home creates common problems but also benefits for people regardless of their job role. For example, working from home means no commute and, for some, greater flexibility. On the other hand, it can cause difficulties related to having inappropriate equipment, loneliness and isolation from colleagues. Probation staff appear to have experienced a set of impacts that are relatively unique or, at least contingent upon, their work. In particular, this relates to the content of the work and the ramifications of carrying this out at home, away from the support of colleagues.

It would appear that working in probation during a pandemic placed a much greater level of pressure on staff in terms of the emotional labour required to do the job. Probation staff are well versed in performing emotional labour ([Hochschild, 1983](#)) – the need to manage and display emotions to achieve the goals of the job – in “normal” times. Doing so remotely appeared to pose significant challenges here. Thus, [Phillips et al. \(2021\)](#) examined their data through the lens of “emotional dirty work” whereby probation staff have to deal with “the burdensome and disruptive emotions of others” ([McMurray and Ward, 2014](#), p. 1140) and found that having to do this from the confines of their home, sometimes with children present or from their bedrooms posed particular challenges ([Dominey et al., 2021](#)).

The other significant challenge for staff that has been identified across the research with probation staff during the pandemic is doing the work without the support of peers and colleagues. As [Sturm et al. \(2021\)](#) suggest, probation is difficult to perform well without the support of colleagues, and “communities of coping” ([Korczynski, 2003](#)) are common in probation staff communities. Such communities allow people to cope with the emotional demands placed upon by the work and are often informal in nature. Working from home – at least towards the beginning of the pandemic – made accessing this support difficult ([Phillips et al., 2021](#); [Stempkowski and Grafl, 2021](#)).

Conclusion: learning lessons from the pandemic

There are some important lessons to be learnt from this review of the research which, in turn, have a range of implications around future research, policy change and broader considerations in relation the purpose of probation and how it achieves its overarching aims of punishment and rehabilitation in the community.

Research

In terms of research, there is a need to understand the extent to which changes in supervision arrangements have changed offending patterns or recidivism rates amongst

people under penal supervision. Although it will be difficult to pin any change on remote supervisory requirements (partly because of the confounding circumstances of the lockdown itself), it will be important to know whether remote supervision provides similar levels of control and support as in-person contacts. In particular, there would be much to learn from those people who were released early and how they fared in terms of reintegration and offending.

As the probation service in England and Wales pursues a model of blended supervision (HMPPS, 2021), research is needed to understand how it is implemented and how people experience it. Examining this through the lens of tightness and how pervasive punishment in the community actually is will be of real importance. The findings presented here point to the added flexibility afforded by remote supervision but also to the increasingly intrusive nature of it. Remote supervision is a real challenge for people who are unable to access digital technologies, so services need to identify ways of managing this tension effectively. It will be important to find out what happens to the people who had much less support, were released early, were assessed and supervised remotely in terms of their offending, engagement with probation and broader lifestyles.

What does this mean for probation after the pandemic?

There are, it seems, countervailing trends in relation to what happened in the context of probation during the pandemic. On the one hand, people were given a more flexible and – for some – accessible means of engaging with their supervision. However, this could also be interpreted as being more pervasive in that it allowed staff to see into peoples' homes more readily and – in England and Wales – meant that people were being contacted twice as frequently as previously. Probation services can learn lessons from this situation. McNeill (2018) argues that, to avoid a future in which mass penalty prevails, probation needs to adhere to three principles of parsimony, productiveness and proportionality. Examining the impact of the pandemic on probation and people under probation supervision can help us think about what exactly this might mean.

In relation to parsimony, the fact that people were released early suggests that some people should not have been in prison in the first place (Dünkel, 2020). That probation services were able – in some countries – to play a pivotal role in processes of decarceration, ensuring that people who would ordinarily be in prison would be safe in the community points to the possibility of using probation to shrink the net of imprisonment. Indeed, Piquero (2021) argues that analysis of recidivism rates for those people who left prison early will probably show that “that the net of incarceration could be shortened – and not widened – with little adverse impact on public safety”. The risk here is that we widen the net of punishment, end up with fewer people in prison and assume that this is satisfactory. We should not forget that punishment in the community is painful, sometimes even more so than a custodial sanction. There is a need, I would argue, to avoid the assumption that having ever more people on probation is something to be striving for.

This is where McNeill's (2018) principle of productiveness comes into play. I have argued above that research conducted in the context of the pandemic in the field of probation has shone a light on the importance of the working relationship as key to probation work and the important role that probation needs to play in facilitating access to social support and reducing marginalisation. Research has shown that remote supervision can both hinder and help the development of a constructive relationship. Considering the Probation Service in England and Wales is building blended supervision into its new operating model (HMPPS, 2021), care needs to be taken around when and how blended approaches are adopted. Such approaches may prove helpful in creating a more productive system but only if used at the right time and with the right people. The notion of proportionality is also important here – remote supervision strategies risk making punishment more demanding, so probation services should ensure that this does not occur unintentionally.

The final lesson for probation services comes from the research undertaken with staff. There was already evidence that probation is hard work (Finney *et al.*, 2013; Norman and Ricciardelli, 2021), and the research cited above suggests that working from home poses even more challenges in terms of the emotional dirty work that probation staff have to undertake. In the move towards greater flexibility and more home working that will likely come out of the pandemic, services need to ensure that staff are supported in accessing both formal and informal sources of support to avoid higher levels of burnout and stress amongst their staff.

To conclude, there is much to learn for the new Probation Service in England and Wales from published research on the impact of the pandemic. That said, the longer term effect on people under supervision, staff in the service and the service's overall aims and outcomes is still unknown. As the Service continues to implement its new target operating model, care should be taken to learn from the findings presented above alongside a commitment to undertaking further research on the opportunities and challenges presented by these new ways of working.

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