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Probation and Parole in Europe

ABSTRACT

There are huge variations in probation and parole in Europe in how often supervisory sanctions are used and in how their use relates to the use of imprisonment. Despite large expansions in the number of people under supervision, there is little or no evidence of reductions in the use of imprisonment. Supervisory sanctions take diverse legal forms and pursue diverse purposes. Organizations that deliver supervision take many forms and operate in different ways. They have varying occupational and organizational cultures and practices. Sizable literatures examine the operation, effects, and effectiveness of supervision; results are mixed. The most consistent message is that community sanctions have somewhat lower reconviction rates than short custodial sentences. Critical attention has increasingly focused on how the “pains and gains” of supervision are experienced by those supervised and those close to them. Whatever the evidence of their effects, supervisory sanctions are likely to endure. Their use reflects key European values and prison population pressures that create political, fiscal, and social problems that require “alternatives.” There is no room for complacency, however, when technological developments may be seen to offer a different kind of alternative.

In this essay, we survey uses of and developments in probation and parole in Europe and consider the prospects for supervisory sanctions. Even in that first sentence and in our title, we have done linguistic violence to a

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complex and rapidly expanding field of policy, practice, and study. This is because, in most European penal systems, the English-language terms “probation” and “parole” are, unsurprisingly, not employed and do not capture the diverse range of ways in which what we term “supervisory sanctions” are envisaged and employed. By “supervisory sanctions” we mean criminal justice system sanctions that require their subjects to submit to mandatory supervision in the community by probation or parole agencies (or their equivalents). Such sanctions might be imposed as sentences in their own right (as in some forms of probation, community service, or electronic monitoring), as conditions of the suspension of a custodial sentence, or after release from imprisonment (whether as part of the prison sentence, as in most types of parole, or as an extension of it). Whatever their formal purposes, we consider all of these to be forms of penal supervision because they are imposed after admission or finding of guilt, are backed by penal power (and, commonly, the threat of imprisonment), and are delivered by agencies empowered to do so by the state.

Of course, this was not always the case. In many European jurisdictions, as in the United States, probation began as an informal and diversionary measure that typically entrusted supervisees to the care of volunteers. In some cases, as in the UK’s Probation of Offenders Act 1907, a probation order was not a sentence of the court; instead, it postponed sentencing, and therefore punishment, in the hope that the supervisee could be turned away from further involvement in crime and the matter could be concluded without proceeding to punishment of the “offender.” In this essay, we discuss how far contemporary European probation and parole systems have evolved from these origins. We draw heavily on work completed almost a decade ago when we were part of a European Union–funded Research Network on Offender Supervision in Europe (the COST Action IS1106). That network, which ran between 2012 and 2016, involved 60 researchers and spanned 23 countries (from Ireland in the West to Romania in the East, and from Norway in the North to Malta in the South). It generated numerous publications including three edited books: *Offender Supervision in Europe* (McNeill and Beyens 2013), *Community Punishment: European Perspectives* (Robinson and McNeill 2015), and *The Enforcement of Offender Supervision in Europe* (Boone and Maguire 2018).

The network’s research program aimed to enhance the study of supervisory sanctions conceptually and methodologically, and to build capacity for such work. Its working groups formed around understanding how such sanctions are experienced by people subject to them, how they are constructed in practice by those implementing them, and how key

decisions (such as those associated with enforcement) are made. We also explored how the development of such sanctions is shaped by different social, cultural, political, legal, and organizational contexts and examined the relevance of international or transnational influences, including the flow across borders of people, ideas, policies, practices, and technologies, and also of international norms and standards promulgated by, for example, the Council of Europe.

Section I outlines our analytical approach. In section II we discuss the huge variation across European jurisdictions in the extent to which supervisory sanctions are used and in how their uses relate to the uses of imprisonment. The best available Europe-wide data suggest that there have been very large expansions in the numbers of people under supervision in several European countries and that there is little or no evidence of concomitant reductions in their use of imprisonment. Rather, most countries with large probation populations also have large prison populations. Like those in prison, those placed under supervision tend to come from disadvantaged and marginalized populations. Foreign nationals are the exception. They are much less likely to receive supervisory sanctions and, as a result, are more vulnerable to imprisonment.

It is hard to quantify and analyze the use of supervisory sanctions in Europe because of the diverse forms they take and the diversity of purposes they pursue. In section III, we explore these forms. Although the penal systems of all European countries have faced pressures associated with social changes in late modernity (Garland 2001), their very different political systems and pressures, constitutional arrangements, legal traditions, and cultural influences have produced many different adaptations and many different ways of seeking to legitimate, structure, and deliver supervisory sanctions. Such sanctions therefore operate through many different legal modalities, take many different legal forms, and impose many different requirements and prohibitions. Even the uses of specific requirements such as unpaid work ("community service") or, more recently, electronic monitoring vary greatly.

As we show in section IV, organizations that deliver penal supervision in Europe take very different forms and construct their practices differently. The oldest have been operating for almost two centuries; the newest are yet to reach two decades. Some operate within single agencies that combine prison and probation services, some stand alone as national probation services, and some are organized more locally. Nonstate agencies play a supporting role in most countries, but only very rarely do they

operate (on behalf of the state) as probation and or parole services. Some services require their staff to be educated as social workers; others recruit staff with different forms or levels of education and training. Unsurprisingly, therefore, these organizations have quite different occupational and organizational cultures and practices, some influenced by policy transfer, both within Europe and from elsewhere (including North America). This includes different kinds of engagement with evidence and research, and different uses of technologies.

In section V, we review the critical attention now being paid to how penal supervision is experienced by those subject to it and, to a lesser extent, by the partners and families of supervisees. This body of evidence, much of it drawn from studies using ethnographic and creative methods, has helped to elaborate the “pains and gains” of supervision and to produce emerging evidence of variations in experiences of supervision under different systems. However, it is too soon to offer an assessment of the links between different systems and practices and different experiences of supervision. One important and related development is the increasing attention that is being paid to “lived experience.” In some countries, such voices have become important in debates about penal reform or abolition.

Looking beyond these important qualitative examinations of supervisees’ experiences, in section VI we address the effects of probation and parole. While the diversity of purposes referred to above might imply use of a wide range of measures of effectiveness, rates of reconviction have tended to be the main metric of success or failure, sometimes quite uncritically. On that metric, whatever its flaws, and across a wide range of studies in many different countries, the most consistent message is that use of community sanctions leads to somewhat lower reconviction rates than the short custodial sentences they are often intended to displace.

In our conclusion, we turn to the prospects for probation and parole development in Europe. We suggest that, even if the effectiveness of supervisory sanctions in diverting people from custody and reducing reconviction rates remains in question, there are two main reasons why probation and parole may endure. The first relates to the wider European project and the values it seeks to advance; commitments to penal moderation and respect for human rights create space for probation and parole. The second is a more pragmatic reason: so long as prison population pressures create political, fiscal, and social problems, the need for alternatives will exist. That said, given the fragility of the European project, and the risk of authoritarian populism in Europe (and elsewhere), there is no room for complacency,

especially where technological development might be seen as offering a different kind of “alternative.”

In developing these arguments, it is important to stress that we cannot and do not attempt to provide a comprehensive review of European probation and parole. Those seeking a descriptive country-by-country overview might be better advised to explore the web-based resources of the Confederation of European Probation, which has more than 40 jurisdictions among its members and publishes comprehensive information about how probation is organized in each of them (see also Durnescu et al. 2024). Instead, to allow us to take a more analytical approach, we have settled for exploring the diversity that exists in Europe, and for sharing some of the critical issues that nonetheless seem to recur.

I. Analyzing Penal Supervision

The rich seam of research produced by the COST Action was a key part of the context for the development of McNeill’s (2018) attempt at “making sense of mass supervision” (to quote the subtitle of his book *Pervasive Punishment*). The term “mass supervision,” now also deployed in the United States (Schiraldi 2023), refers to the huge expansion in the scale and range of forms of supervisory sanctions in Western countries since the late twentieth century. However, mass supervision also has qualitative dimensions; for example, it has recently been used to refer to the increasingly “mass-produced” and depersonalized nature of contemporary supervision (Cracknell 2022; Hayes 2023; Herzog-Evans 2023).

In *Pervasive Punishment*, McNeill (2018, p. 11) employed a model of the dimensions of mass supervision that includes its scale, distribution (across social groups), shape (in legal and organizational forms), legitimation (in policy, practice, and public discourse), intensity (as a lived experience), and effects (on supervised individuals and their families, but also on communities, systems, and societies). More recently, this model has also been used to map out and interrogate claims about mass supervision across a wide range of jurisdictions in North and South America, Australia, and Europe (Maier, Ricciardelli, and McNeill 2023).

McNeill (2018) argued that supervisory sanctions had become an increasingly important but largely invisible form of punishment (see Robinson 2016) and that this invisibility limited our ability to imagine what supervision entails. As a result, we are poorly placed to debate supervision’s legitimacy and effectiveness as a way of delivering justice. Focusing on examples from the United Kingdom and the United States (and to a lesser extent

Europe), he showed that, even while crime rates had been falling, there had been huge increases in the scale of supervision (and therefore of penal control) and that such supervision was highly concentrated within disadvantaged communities: within those communities, the most disadvantaged were drawn deepest into the penal net.

To explain how this penal expansion has been justified and legitimated, McNeill explored the history of the development of probation in his own country, Scotland. Here, a commitment to reducing imprisonment has been discursively interwoven with rehabilitation, reparation, and managerialism at different times in the history of supervision. But he argued that the Scottish case is a salutary tale of “successful failure,” producing penal expansion even while pursuing penal reduction.

To more fully grasp the import of these developments requires an examination of supervision as a lived experience. Drawing on findings from a wide range of studies that disrupt understandings of supervisory sanctions as toothless, insignificant, or benign, he highlighted the pervasiveness and painfulness of supervision as a lived experience. Such pains can be moderated if supervision is experienced as legitimate, helpful, and time-limited, but, absent these three conditions, supervision develops “maloptical” qualities, becoming a form of pervasive penal control that disperses degradation as much as discipline, diminishing its subjects’ civic standing and rights and disqualifying them from various forms of public assistance and participation.

In his book’s final two chapters, McNeill explored what might be done to restrain and reform mass supervision. He argued that we need to use new creative and sensory methods to change the nature and quality of civic and political dialogue about punishment (see Herrity, Schmidt, and Warr 2021), helping us to better imagine and reimagine it. McNeill (2018) suggested that any project of challenging “mass supervision” requires at least three interrelated strategies: scaling down supervision, clarifying and circumscribing its legitimate purposes and role, and (within these constraints) developing and delivering it constructively.

With a similar analytical approach in mind, we turn in the next section to an examination of the scale and distribution of penal supervision in Europe.

II. The Scale and Distribution of Supervisory Sanctions

One reason a comprehensive European review of probation and parole is impossible in a single article is that Europe is a vast continent of undefined

boundaries—geographically, geopolitically, and culturally. While in no way immune to the consequences of the global forces to which it contributes, Europe's penal systems face some specifically European pressures and dynamics. Some of the most important in recent decades, at least for the development of supervisory sanctions, came with the fall of the Berlin Wall in 1989 and the demise of the Soviet Bloc. In the years that followed, many Central and Eastern European countries embarked on programs of criminal justice reform as a precondition of accession to the European Union (e.g., see Durnescu and Haines [2012] on the Romanian experience). These reform programs required a focus on reducing prison populations by developing probation systems.

One important part of these processes was the promulgation of European Prison Rules and European Rules for Probation and for "Community Sanctions and Measures" (van Zyl Smit and Snacken 2009; Morgenstern and Larrauri 2013). The Confederation of European Probation played a key role, for example in sharing information and "best practice," building relationships, and helping to "twin" established and emergent systems in order to assist with the development of the latter. These kinds of "twinning" arrangements represent important and rarely examined aspects of penal policy transfer (Canton 2009; McFarlane and Canton 2014).

However, the increasing use of supervisory sanctions in Europe reaches far beyond Central and Eastern Europe. Under the auspices of the Council of Europe's Committee for Penological Cooperation, and under the leadership of Marcelo Aebi, the SPACE project publishes annual statistics about European penal systems.¹ The SPACE I reports concern prison populations. SPACE II reports concern "persons under the supervision of probation agencies." Aebi, Delgrande, and Marguet (2015) used SPACE I and II data to provide one of the most important analyses of probation's rapid but uneven growth in Europe, and of its systemic effects. Analyzing data from 1990–2010, they aimed to test whether European probation expansion had achieved the broadly diversionary aims of European institutions and of many national governments:

The data analysed in this article show that the number of persons serving CSM [community sanctions and measures] has rapidly increased in Europe during the 1990s and 2000s. Prison populations

¹ The SPACE data include information on the prison and probation populations of the 46 member states comprising the Council of Europe. This formerly included the Russian Federation; it was expelled in 2022 following the military offensive in Ukraine.

have also increased during the same period. Crime trends cannot explain such trends. As a consequence, it is possible to conclude that the increased use of community sanctions and measures did not lead to a decrease of prison populations across Europe . . . instead of being alternatives to imprisonment, community sanctions and measures have contributed to widening the net of the European criminal justice systems. (Aebi, Delgrande, and Marguet 2015, p. 589)

The most recent reports were published in 2024. The SPACE II report (Aebi and Molnar 2024) was based on responses from 41 of the 51 probation agencies surveyed across 46 Council of Europe member states (some member states, such as the United Kingdom, include more than one legal jurisdiction and so more than one probation system). Across the subset of 30 agencies that provided information, the 1,330,838 people under supervision on January 31, 2023, yields a European probation rate of 164 per 100,000 population. Given that data were not supplied by 21 of the 50 agencies surveyed, the total number of people under supervision in Europe and population rate would have been significantly higher. The highest rates were in Poland, Turkey, and Moldova, and the lowest in North Macedonia, Greece, Montenegro, and Serbia. Comparisons with prison data from SPACE I (Aebi and Cocco 2024) allow Aebi and Molnar (2024) to show probation rates were higher than imprisonment rates in 23 of the 30 jurisdictions. The exceptions, with more people in prison than under probation supervision were, in order of magnitude, North Macedonia, Azerbaijan, Serbia, Greece, Montenegro, Switzerland, and Bulgaria.

Phelps (2017), in her work on “mass probation” in the United States, proposes an approach to conceptualizing the “scale of punishment” that examines not just how much but how they punish. By combining incarceration and probation rates, she distinguishes four “control regimes.” A regime of “incapacitative control” has a higher imprisonment rate and a lower probation rate, a regime of “sparing control” has lower imprisonment and probation rates, a regime of “punitive control” has higher imprisonment and probation rates, and a regime of “managerial control” has higher probation rates and lower imprisonment rates.

Applying this taxonomy to Europe on the basis of SPACE II data (Aebi and Molnar 2024, p. 5, table 1), Greece, Montenegro, Switzerland, and Finland exemplify sparing control, whereas Turkey and Moldova exemplify the most punitive regimes (with Spain [excluding Catalonia], Czechia, Slovakia, Estonia, France, England and Wales, Latvia, and Poland not far behind). Northern Ireland and Italy are examples of

managerial control regimes, with relatively high probation populations and relatively low prison populations. North Macedonia, Serbia, and Bulgaria exemplify the incapacitative control of high imprisonment and low probation rates. What is most striking from these data is the lack of obvious regional patterns. Close neighbors, even jurisdictions within the same state or union (the United Kingdom, for example), can and do operate radically different penal regimes and, within them, radically different probation systems.

With respect to the mass supervision thesis, the most recent data reinforces Aebi, Delgrande, and Marguet's (2015) conclusion that the vast majority of European countries with relatively high probation populations also have moderate or high prison populations, so there remains very little evidence of systemic diversion of people from imprisonment to probation supervision. While it is true that both probation and imprisonment prison rates in Europe pale by American standards, in both places rapid probation expansion has in both places rarely reduced the use of imprisonment. In Scotland, which McNeill (2018) analyzes in depth, there were 10 times as many community sentences per recorded crime in 2015 as there had been in 1980.

Looking beyond the question of scale, it is even harder to offer a credible, far less complete, analysis of the social distribution of supervisory sanctions. However, Aebi and Molnar (2024) provide some important clues. The median percentage of the probation population who are women is around 11 percent overall (though figures range from 1.8 percent in Montenegro to 17 percent in Czechia). In all countries except Montenegro and Cyprus, women make up a higher proportion of the probation caseload than of the prison population.

Aebi and Molnar (2024) also show that the median percentage of "foreign nationals" (the designation used in the SPACE data and official statistics) in the probation population is 11.7 percent (ranging from 0.7 percent in Bulgaria to 38.4 percent in Switzerland [and 78 percent in the tiny and very wealthy city-state of Monaco]). This compares with a median proportion of foreign nationals within prison populations of 16.1 percent.

Aebi and Molnar (2024) report that 27 percent of prisoners in European penal institutions on January 31, 2023, were foreign nationals, most of them held in Western or Central European countries. The much lower representation of foreign nationals in European probation populations, Aebi and Molnar (2024) observe, is because a stable address and the right to stay in the country are usually preconditions to being placed under

supervision. That is not true for those sentenced to imprisonment. Analysis of pretrial decision-making in three countries showed that the outcome is influenced by stereotyping of foreign nationals who are often assumed to be a flight risk, highly likely to abscond, and therefore not likely to be present to stand trial (Hucklesby, Boone, and Morgenstern 2023).

The greater vulnerability of foreign nationals to more severe sanctions reflects other findings about how social exclusion and marginalization shape penal populations more generally. McNeill (2018, pp. 70–71) draws on his analysis of Scottish sociodemographic data about penal populations, and on more complex and thorough analyses in the United States by Phelps (2018), to argue that “expansion [of supervision] has tended to draw more people into the penal net; and the people caught up have been predominantly marginalized and excluded people living in the most deprived parts of both countries. The greater the extent of their marginalization and exclusion, the more deeply they have been drawn into the penal net.”

The argument here about the “depth” of immersion in the penal system is especially important. While probation populations tend to come from communities and spaces that are structurally disadvantaged, overall they tend to be slightly less disadvantaged than prison populations. Crucially however, in terms of how people fare once under supervision, Phelps (2018, p. 44) argues that in the United States, “probation plays a crucial role in stratifying outcomes in the criminal justice system, providing an off-ramp for some and conveyor belt toward prison for others.” More privileged probationers and parolees stand a greater chance of complying with supervision and of experiencing a relatively shallow engagement with the penal system; their more disadvantaged peers are at greater risk of breach, revocation, or recall, and the deeper penal entanglement that enforcement action often brings. Though we lack the data to sustain such an empirical claim about European probation and parole, we strongly suspect that the same generalizations would hold true.

III. Shapes and Forms of Supervisory Sanctions

Robinson, McNeill, and Maruna (2013), over a decade ago, raised the intriguing question of why community-based forms of punishment survived and even grew rapidly in a period when the late-modern penal climate became more hostile to the penal welfarism associated with the establishment of probation. Their short answer was that community punishment has such

a fluid character that it can be adapted to almost any vision of punishment; thus, McNeill (2018) writes of supervision's chameleon character.

Robinson et al. (2013), reflecting on the United Kingdom and the United States, distinguished four (sometimes overlapping or interconnected) narratives used to legitimize the use of community punishment in different contexts: punitive, managerial, rehabilitative, and reparative. Thus, supervisory sanctions have been legitimated as a mechanism for delivering punishment in the community, in a cost-effective way, while reducing reoffending and protecting the public, and allowing "offenders" to "pay back" for their crimes. More recently, Robinson and McNeill (2023) suggested that a fifth narrative, incapacitation, might explain the developing use of electronic monitoring in many countries.

Exploring the applicability of these narratives in 11 different European jurisdictions, McNeill and Robinson (2015) found that policy transfer and Europeanization played an important role in creating commonalities between jurisdictions. Reparation in the narrow sense of offender-victim mediation seemed to have had the least influence on the legitimation of community punishment, although we suspect that this conclusion may have been different if reparation were understood more broadly in terms of the bond between offender and society (see Boone and McNeill 2025). In Europe, the increasingly instrumental form of risk-based rehabilitation apparent in English-speaking countries proved less influential than expected, mainly due to an alternative, rights-based conception of rehabilitation (Cullen and Gilbert 1982; Rotman 1990; Lewis 2005) that evolved and has endured in many continental countries (Pifferi 2024). According to Raynor and Robinson (2009), the earliest use of the term *rehabilitation* in criminal justice system contexts was in late seventeenth-century France, where it referred to the destruction, deletion, or expungement of the criminal conviction. More generally, in contemporary European law and policy, rehabilitation has been seen as a duty that the state owes to punished citizens; hence, the pursuit of social reintegration plays a key role in directing how sentences should be implemented (van Zyl Smit and Snacken 2009).

In general, however, McNeill and Robinson (2015) noted considerable diversity among rationales and objectives for supervisory sanctions, a diversity that cannot be accounted for simply by the complex social changes associated with globalization and late modernity, and the pressures they created within penal states and fields (see Garland 2001, 2013). Rather, it is crucial to explore the influence of different political systems and

pressures, constitutional arrangements, legal traditions, cultural influences, levels of media (dis)interest, organizational structures, and professional arrangements (see Goodman, Page, and Phelps 2017; McNeill 2018).

In the remainder of this section, therefore, we focus on how supervisory sanctions have been shaped and formed in different ways that reflect different legal traditions and systems. In the next section, we examine organizational arrangements and the nature of supervisory practice.

A. Common Law Versus Civil Law Systems and the Importance of European Law

Some European countries, mostly English-speaking, have predominantly common law legal system systems in which previous judicial interpretations of statutes play important roles in determining their meaning. In other European countries, usually referred to as having civil law legal systems, statutes and authoritative declarations are of primary importance. Judges are expected in each case to look to written standards rather than to how other judges in previous cases have interpreted or applied them. Of course, these are stereotypes and in reality countries often have characteristics of both systems. In predominantly written law systems, such as in France, Germany, Greece, Italy, and Spain, courts are not supposed to create rules, sentencing standards, or definitions of offenses. They are bound by the general principle of legality, which signifies that they are strictly constrained to observe established legal standards.

A bridge-building factor between these two types of systems is the increased importance of European law (Boone and Herzog-Evans 2013). In 1992, to ensure that human rights were respected, the first recommendation on rules for community sanctions and measures was published by the Council of Europe. These rules have been revised several times (the latest is Recommendation CM/Rec (2017)3), and they have been supplemented with similar recommendations regarding electronic monitoring (Recommendation CM/Rec (2014)4) and probation (Recommendation CM/Rec (2010)1). As minimum rules, they are not legally binding, but they are generally considered to provide important moral guidelines, and they have been used in the jurisprudence of the European courts. Although, in our experience, the various sets of rules that apply to supervisory sanctions are not well known among practitioners, they do influence practice, for example, through national policy rules (Morgenstern and

Larrauri 2013; Ansems and Braam 2016). While some standards are formulated vaguely or are so minimal that they are easy to comply with, there are important exceptions. For example, proportionality seems to be an undervalued principle with regard to community sanctions, perhaps because they are assumed to have a substitutive (or diversionary) character (although, as we argued in sec. II, this is not a safe assumption). Contrary to the recommendations of the Council of Europe, national legislation too often prescribes deprivation of liberty as a response to violations of conditions, for example, without referring to the principle of proportionality (Morgenstern and Larruri 2013). There are few legal restrictions on combining types of supervision orders or imposing numerous and onerous conditions even though such combinations can quickly exceed a proportionate response to the original offense.

The European Union is also a relevant player. It has adopted two framework decisions that aim to facilitate the transfer of supervision between countries and thus reduce the overrepresentation in many European penal systems of detainees of other European nationalities. The framework decision on the mutual recognition of probation measures and alternative sanctions (Council Framework Decision 2009/829/JHA) requires member states to supervise offenders sentenced in another state and thus to implement foreign supervision orders. The framework decision on the European Supervision Order (Council Framework Decision 2009/829/JHA) seeks to transfer pretrial supervision measures (Morgenstern and Larruri 2013). Comparative research on alternatives to pretrial detention demonstrates that this framework decision is seldom applied, only a few times a year. Bureaucratic requirements are an obstacle, but so is the fear that suspects will not return when their cases come before the courts (Morgenstern and Durnescu 2024).

B. Legal Modalities of Supervisory Sanctions

Supervisory sanctions can be classified into three main modalities: “front door,” “sentencing,” and “back door.” These terms refer to the points at which the sanctions are applied.

1. *Front Door Modalities.* Though they are not “supervisory sanctions” as we defined that term at the outset, supervisory conditions or requirements can be imposed before trial as an alternative to prosecution or pretrial detention. This is important since we know from research that suspects who are confined at this stage are especially often also to be sentenced to imprisonment (Morgenstern, Hammerschick, and Rogan 2024).

In common law systems, such as in the Republic of Ireland and the United Kingdom jurisdictions, courts can choose among three pretrial options: no conditions (unconditional bail), restrictions on liberty (conditional bail), and remand in custody. In written law systems, the judge must first decide that pretrial detention has to be applied on the basis of established legal grounds. At a later stage (or immediately after), the judge can decide that pretrial detention can be suspended under certain conditions. The editors of a recent volume on the use of pretrial detention in eight European countries conclude that alternatives to detention that are viewed as legitimate and are embedded in domestic legal culture play an important role in avoiding detention. A long-established culture and deeply rooted practice of using bail, as in the Republic of Ireland, is influential in avoiding detention (Rogan, Hammerschick, and Morgenstern 2024).

2. *Sentencing Modalities.* The “sentencing modality” is the most common approach to imposition of supervisory sanctions in Europe. Two main models can be distinguished. In a number of jurisdictions, some supervisory sanctions are seen as autonomous sentences, in the sense that they are considered to be sentences in their own right that are distinct from imprisonment and can be pronounced independently from imprisonment. They are considered intermediate punishments for moderate offenses (Morris and Tonry 1990), positioned between fines and conditional punishment and unconditional imprisonment. Community orders most often have an autonomous status and can be imposed as sanctions in their own right, for example, in England and Wales, Belgium, the Netherlands, and Scotland. More often, supervisory sanctions can be imposed as an alternative to another penalty, for example, as a condition of a suspended sentence of imprisonment. In practice, however, these models overlap. When an autonomous supervisory sanction is revoked, imprisonment is a common, although not necessarily the only, response. That supervision is considered to be an alternative to a prison sentence, however, does not necessarily mean that it can be applied only in cases where a prison sentence would otherwise have been imposed.

3. *Release Modalities.* Back door supervisory sanctions can be imposed at sentencing or as conditions of early release imposed by parole authorities, judges who oversee sentence implementation, or correctional services. They are often used to reduce the severity of the sanction or to supervise persons after release. These are typically seen as part of a reintegration program, a means to lessen the pains of imprisonment, or a means of managing

risk. Padfield, Dünkel, and van Zyl Smit (2010) showed that two main release systems are present in Europe, though they can coexist within a single country. In American terminology (Petersilia 2003; Travis and Visser 2005), these systems are, first, mandatory or automatic release systems (prisoners are legally entitled to be released at a designated time) and, second, discretionary release systems (the decision to release is made by a judge, board, commission, or court). In some countries, for example, England and Wales and the Republic of Ireland, the decision-making body is a “parole board” whose functions are prescribed in legislation. In Lithuania, a multidisciplinary commission processes and then refers cases to the court, which makes the decisions. The Netherlands once had an automatic system but has gradually evolved into a discretionary system (Boone and Herzog-Evans 2013; Annison, Carr, and Guiney 2025).

Most European jurisdictions have opted for a mix of the two systems, depending on the type or length of sentence of imprisonment or the nature of the offense. The choice between these systems reflects tensions between individualization in order to better tailor the measure to the prisoner’s circumstances and needs and thereby better protect the community, and the need in times of prison overcrowding to free prison space.

C. Forms of Supervisory Sanction

One reason we discuss these three supervisory sanctions together is that, while the legality principle demands that formal sentences have a basis in law, similar measures may be applied under quite different legal modalities. For example, community service orders and electronic monitoring are recognized as formal and autonomous sentences in several countries but can also sometimes be applied as a condition of a community order, a suspended sentence, or a conditional release order. All three possibilities exist in England and Wales, for example. This has had a hollowing effect on the importance of the legality principle in sentencing, in particular in written law countries. Under the guise of rehabilitation, similar measures of significantly punitive character are imposed in all phases of the criminal justice system process.

1. *Requirements and Prohibitions.* Probation and parole are the oldest forms of community punishment in Europe, even though those terms are not generally used outside the English-speaking countries. Conditional sentencing (and suspension of custodial sentences, with conditions of supervision) and conditional release were first introduced in several

European countries at the start of the twentieth century. Some were inspired by the ideas of John Howard, who had visited prisons in most countries of Western Europe and presented his shocking findings in *The State of the Prisons* (Howard 1792; Vander Beken 2015). Others were inspired by similar developments in the United States (e.g., in Scotland, England and Wales, France, and Ireland). Precursors of probation organizations were established in some but not all Western European countries. In Germany and France, for example, probation organizations were established only after the Second World War. They were given responsibility to supervise convicted people in the community with the aims of reintegration and behavioral improvement.

The number of conditions that could be imposed by law was usually limited, but most jurisdictions left room for creativity. This creativity was widely used in the twentieth-century evolution of community sanctions. By the time an inventory of sanctions in 13 European countries was compiled a decade ago, it was possible to list dozens of potential conditions and requirements (Boone and Herzog-Evans 2013). Some conditions—such as requirements to participate in rehabilitative programs or substance use treatment—aim to prevent recidivism by addressing apparent causes of offending. Conditions can involve both positive requirements and prohibitions. The most common obligations in the 2013 inventory were submission to treatment and behavioral interventions; residence obligations; work or vocational training or education; victim compensation or victim-offender mediation; attending meetings and providing documents or proofs; and a wide range of prohibitions and bans (e.g., contact with specific people, being in specific locations, use of alcohol, use of the internet, possession of certain publications, certain forms of work, or holding political office).

2. *Unpaid Work in the Community.* Unpaid work in the community was first introduced as a court-imposed sanction in the United States in the 1960s (Robinson and McNeill 2023). It was adopted in England and Wales in the 1970s (as the Community Service Order, or CSO) and from there spread throughout the United Kingdom and into Western Europe. Unpaid work was considered and often promoted as the first explicit form of “punishment in the community.” Unpaid work, by providing a community-based form of punishment, was in most countries explicitly aimed at reduction of imprisonment. It was different, however, from earlier supervisory sanctions (such as probation orders) in its overt punitive and reparative “bite” and its deprioritization of rehabilitative aims.

A comparison of unpaid work in four European countries revealed commonalities and differences (McIvor et al. 2010). A common feature was the dramatic growth of unpaid work after its introduction in all four countries. Although reasons for the growth varied, it became more visible as the assumed connection with reducing the use of imprisonment loosened. Countries differed, however, in how often unpaid work was imposed as a sentence, and in the maximum period for which it could be imposed (240–300 hours in England and Wales, the Netherlands, Scotland, and Belgium; 720 days in Spain, where a day in prison was converted into an 8-hour workday).

Although reduced use of imprisonment was a formal aim when unpaid work was introduced in almost all European countries, research findings about the extent to which it contributed to reducing the prison population are mixed. Whereas some early studies suggested some diversionary effects (see McDonald 1986; McIvor 1992), others showed that many (and in some cases most) people sentenced to community service would not have been imprisoned and that a community service sentence made them vulnerable to imprisonment via revocation (Pease 1985; Boone 2010). More recent research suggests that unpaid work may have augmented rising prison populations as a result of tightening enforcement practices that lead to imprisonment for breach (Aebi, Delgrande, and Marguet 2015). The risk of net-widening increases when unpaid work is ordered for less serious offenses and when there are no or only vague legal requirements to ensure it is ordered in place of prison sentences (Düinkel and Lappi Seppälä 2014). In most countries, however, unpaid work became well-established as an intermediate sanction for use in cases for which imprisonment is considered too heavy a punishment and fines or conditional punishment too light (McIvor et al. 2010).

3. *Electronic Monitoring and Other Technical Resources for Reinforcing Conditions.* Curfew or home detention requirements of supervisory sanctions are increasingly reinforced by use of electronic monitoring or other technical means to deter noncompliance. The first experiments with electronic monitoring (EM) in Europe emerged in the early 1990s in England and Wales, followed by small-scale projects in Sweden and the Netherlands (Nellis 2014a). Within 15 years, 15 out of 27 European countries reported having conducted at least a pilot project with EM (Düinkel 2018). SPACE II data show that 23 of the member states of the Council of Europe have electronic monitoring provisions available as part of a sentence; levels of use vary (Aebi and Hashimoto 2023, table 9).

Both the scale of use of EM and its aims vary widely. It can be used primarily as a substitute for detention (e.g., Belgium, England), as an instrument to support reintegration (e.g., Austria, the Netherlands, Scandinavian countries), or as a tool to monitor high-risk offenders after release (Germany, the Netherlands, France, Switzerland). A comparative study of five jurisdictions suggested that high use of imprisonment is linked to high use of EM. It also reported some evidence that EM could play a role in reducing prison populations (Hucklesby et al. 2016).

However, headline figures on the use of EM can be misleading. It makes a lot of difference what control technique is used (GPS or radio frequency) and how many curfew hours are imposed. A qualitative comparison of EM regimes in three countries showed that the Netherlands, which used EM the least, may have applied the heaviest regime (Hucklesby et al. 2021). Other technical resources, such as alcohol and cortisol meters, virtual reality, smart phones, and sensor technology, are being introduced in many countries but have not yet been systematically and comparatively evaluated.

D. Models of Recall and Revocation

Enforcement of noncompliance is a key factor in determining whether use of supervisory sanctions reduces rates of imprisonment or widens the carceral net. A comparative study of breach (or revocation) processes in 10 European countries documented two main models (Maguire and Boone 2018). A principally rehabilitative approach, in which noncompliance is often tolerated and even expected, was apparent in Belgium, Spain, and the Republic of Ireland. In these countries, formal guidelines tolerate minor instances of noncompliance within an overall reintegrative framework. The underlying aim is to complete the order successfully and move toward rehabilitation and desistance. The other main approach gave greater emphasis, at least officially, to deterrence, risk prevention, and ensuring formal compliance with the order's terms (Robinson and McNeill 2008). The impact of managerialism and the introduction of national standards (Padfield and Maruna 2006; Padfield 2012; Weaver et al. 2012) has led in a number of countries to greater emphasis on the credibility of the enforcement system than on supporting and prioritizing substantive compliance (McNeill and Robinson 2013). Elements of this approach are evident in England and Wales, Sweden, and the Netherlands. Even in these countries, empirical research findings suggest that, despite the

pressures of official policy demands, practitioners have room to use their limited discretion to provide additional chances (Maguire and Boone 2018).

IV. The Organization and Construction of Supervision in Practice

Despite relatively similar origins, European probation systems diversified and diverged in twentieth and twenty-first centuries. As a result, there are distinctive differences in how they are organized that can be linked not only to legal contexts and architectures but also to the broader histories and trajectories of probation institutions and practices themselves.

In many Northern and Western European countries, probation services emerged from voluntarist traditions, such as the Police Court Missionaries in England and Wales, before being formalized and incorporated into the structures of the criminal justice system (Vanstone 2004). After many years of successive reforms, probation in England and Wales today falls within the ambit of His Majesty's Prison and Probation Service and is thus very much an agency of penal control (Millings et al. 2025). Similar shifts toward formalization and closer relationships with other criminal justice agencies are evident in many countries. In both Sweden and Finland, for example, probation and prison services operate within a single agency. The Prison and Probation Services of both Sweden and Finland have responsibility for the implementation of prison sentences, postcustodial supervision, and community sentences (Linderborg, Tolvanen, and Andersson 2020).

Probation services in a few countries are delivered by nonstate agencies, as in Austria with Neustart, a private nonprofit organization (Koss and Grafl 2013). In the Netherlands, probation services are funded by the Ministry of Justice and Security but provided by three private nonprofit organizations (the Dutch Probation Foundation, Salvation Army Youth Protection and Probation, and Addiction and Probation Service Mental Healthcare and Substance Abuse Treatment) (de Kok, Tigges, and van Kalmthout 2020). In these countries, probation services have a long history, in the Dutch case dating from 1823 with the establishment of the Netherlands Society for the Moral Improvement of Prisoners.

Elsewhere, particularly in Central and Eastern Europe, probation services have much shorter histories linked to becoming members of the European Union. For example, the Slovenian Probation Service was established as a stand-alone agency with its own administration and staff

as recently as 2018, following governmental reforms and enactment of legislation. Before then, some of the functions of probation were performed by a range of agencies including the police. One consequence of the lack of a dedicated service was a relatively high use of imprisonment (particularly for short sentences and with a very low rate of imposition of community sentences; Mrhar Prelic 2022).

The different historical trajectories and structures and diverse legal traditions have shaped the functions of probation services and the professional backgrounds of their staff. For instance, in Lithuania, probation officers are uniformed officials; probation emerged from the post-Soviet era when functions such as “supervision of convicts sentenced to non-custodial sentences” were carried out by the police. Proposed legislation in the late 2000s to change the professional background of probation workers to align with social work were resisted by trade unions and eventually abandoned (Nikartas, Vaičiūnienė, and Rinkevičiūtė 2021).

In other countries, Scotland for example, probation is associated with a professional background in social work, and staff are designated as “justice social workers” (Grant 2016). Likewise in the Republic of Ireland where social work training was made a professional requirement for probation officers when the service was modernized and reorganized beginning in the 1970s (McNally 2009; Healy and Kennefick 2019). Probation staff in the Netherlands, in part reflecting different institutional arrangements, are variously qualified in forensics, social work, sociolegal studies, or criminology (de Kok, Tigges, and van Kalmthout 2020).

The Council of Europe in 2019 produced guidelines on the recruitment, education, and training of prison and probation staff that aimed to provide an element of standardization regarding educational backgrounds, while recognizing the diversity of approaches of Council of Europe member states. This guidance specifies that staff working directly with probationers should have a degree-level qualification and preferably be “graduates from social sciences, like: psychology, social work, law, criminology or cognate disciplines” (Council of Europe 2019). The Education and Training Guidelines, reflecting the various guidance and standards issued by the Council of Europe, including the European Probation Rules and the European Rules on Community Sanctions and Measures, outline key competencies required for probation practice. These include working effectively to promote change, case management, promoting compliance, and dealing with noncompliance, risk assessment, and programs and interventions (Carr 2020).

The different emphases placed on structured interventions, compliance, and risk assessment are informed by the diverse national contexts in which probation operates. In some countries, structured risk assessment tools drawing on risk-need-responsivity (RNR) approaches are used to assess criminogenic need (dynamic risk factors) with the intention of tailoring interventions to the nature and level of need (Andrews, Bonta, and Wormith 2006; Bäckström et al. 2022). Such assessments have evolved over time into tools that combine actuarial and clinical assessment approaches while also integrating aspects of monitoring and review. While by no means a universal approach adopted throughout Europe, evidence-based approaches provide an indication of the broader impetus driving these trends. This includes a desire to show that probation is effective in reducing offending behavior, to speak to wider questions of legitimacy and credibility, and to provide a method for determining resource allocation (Davies and Gregory 2010; Raynor 2018).

The influence of policy transfer is also evident. The Swedish Prison and Probation Service, for instance, adopted the Strategic Training Initiative in Community Supervision based on an RNR program developed in Canada and relabeled as KRIMSTICS in Sweden (Boijesen and Tallving 2017). Assessment tools, such as OASys (Offender Assessment System) developed by the Ministry of Justice in England and Wales, have been adopted in other European countries, including Lithuania. More broadly, the work of supranational institutions, such as the Council of Europe described above and initiatives instigated by the European Union, such as agreements on the supervision arrangements for transferred probationers, have led to some homogenization of approaches and practices (Morgenstern 2009; Martufi and van Noorloos 2024). The role of the Confederation of European Probation, an umbrella membership organization with the stated aim of promoting pan-European cooperation, is also noteworthy.

While there is evidence of trends toward convergence and standardization of practice, this should not be overstated. Van Zyl Smit et al. (2015), in an analysis of the development of various European instruments to promote the use of community sanctions and measures, noted points of divergence between countries, including tensions between parsimonious and more interventionist approaches. The breadth and depth of community sanctions in some countries are less intrusive and burdensome than in others.

These macro-level data may reflect broader legal frameworks and criminal justice systems of different countries, but they shape the contexts in

which probation practice operates (e.g., including probation officers' case-loads). Evidence from elsewhere suggests that this relationship is unlikely to be unidirectional. Phelps's (2013) research exploring the differential use of probation across the United States, including interrelationships with rates of imprisonment, points to important variables such as diverse probation officer enforcement practices as contributory factors to observed variance. Similarly, comparative research on breach proceedings in Europe highlights differences in the scope of discretion afforded to practitioners and in decision-making (Boone and Maguire 2018).

Research on supervision practices in different countries is a developing field. A review of the literature, carried out as part of the COST Action found that most research was conducted in English-speaking countries and that the main method used was to interview practitioners to gain their perspectives (Robinson and Svensson 2013). While such research can be illuminating, it is limited. Few comparative studies were found, no doubt partly because of the perennial challenges of research across different systems, languages, and cultures (Nelken 2009).

Although research has expanded, barriers identified by Robinson and Svensson (2013) remain. These include wider questions regarding the visibility of probation (Robinson 2016). The relationship between the probation practitioner and the person supervised is a central component of probation practice. In this sense, probation work is hard to encapsulate, although some research has tried to identify core elements of good supervisory relationships (e.g., Durnescu et al. 2024). Such work is inevitably culturally and context specific.

Supervision practices incorporate different technologies. One of the most commonly used is electronic monitoring, which encompasses wearable location-monitoring technologies and other forms of remote surveillance. Electronic monitoring can be used at various stages including pretrial, as part of a community sentence, and as a prison release requirement. It can be used as a stand-alone measure or to measure compliance with other conditions. Research on its use and application shows expansion in tandem with variable uptake among different countries and diverse applications (Hucklesby et al. 2016). This comparative research found that there was more discretionary decision-making in key areas, such as responses to noncompliance when EM entailed a greater involvement of probation.

Nellis (2014*b*), commenting on the proposed expansion in use of electronic monitoring within probation in England and Wales at a time when

probation services were being privatized, noted that this reflected a wider momentum toward “penal outsourcing.” He noted the enthusiasm of political actors for new modes of electronic monitoring (in this case an expansion of GPS provision), arguing that “the government’s readiness to envision it shows where untrammelled neoliberalism points in respect of ‘offender management techniques’” (p. 169).

V. Experiences of Supervision

The literature on how people experience supervisory sanctions has begun to develop only quite recently. A survey carried out under the auspices of the COST Action found that the scant literature relied on a narrow range of methods (e.g., interviews) and was generally limited to a small number of countries. There was less research on “secondary” experiences of supervisees’ partners and families (Durnescu, Enengl, and Grafl 2013) even though probation supervision occurs in the community where people live with their families and among their networks. A point of contrast can be drawn here between literature exploring the “secondary effects of imprisonment” (Condry and Minson 2021).

Some initial work carried out with supervisees themselves drew on Sykes’s (1958) influential exploration of the “pains of imprisonment.” Based on research in Romania, Durnescu (2011, p. 534) enunciated a number of “deprivations and frustrations” and characterized them as “pains of probation.” These included deprivation of autonomy, deprivation of time, financial costs associated with attending meetings, stigmatization effects, forced return to the offense (within supervisory meetings), and living life under threat of revocation and further punishment.

Hayes (2015) drew on this framework to explore the experiences of people under probation supervision in England and Wales and reported similar findings. He further differentiated the types of pains experienced by people under supervision, and how being subject to supervision might intensify, ameliorate, or have limited their effects. For example, what he characterized as the “pains of rehabilitation,” such as lifestyle changes or experiences of shame caused by revisiting the offense and exploring the perspective of a victim, could be intensified. By contrast, some “penal welfare issues,” such as accommodation problems, unemployment, well-being problems, and financial struggles, could potentially be ameliorated by being under supervision. This accords with findings from Farrall’s (2019, 2022) longitudinal research in England and Wales that found that

practical help to support desistance from offending was valued by people who experienced supervision.

Though this evidence base is only now developing, there are some threads of commonality with Miller and Stuart's (2017) concept of "carceral citizenship" in the American context. By virtue of having a criminal record, people become "carceral citizens" and the target of "governance through institutions of coercion and care" (p. 532).

However, the extent of convergence between American and European contexts should not be overstated. The demand for social welfare-type supports and the capacity of probation services to deliver or act as a broker for wider social services is connected to the broader political economy and social welfare provision in a given country. This differs greatly among European countries from the so-called "strong welfare" model in the Nordic countries (although see Barker [2017] for a persuasive critique) to conservative welfare state models (based on principles of subsidiarity) associated with countries such as Italy (Epsing-Andersen 1990). To date, to our knowledge, research has not explored the experiences of probation supervision within the wider context of welfare state provision and interactions with other forms of state provision.

In an overview of research on "penal supervision," Hayes (2018) draws a distinction between "pains and gains" of supervision while also cautioning against false binaries. He notes that research on experiences of supervision can surface some of these ambiguities, which arguably could be viewed as central aspects of the probation experience. Noting the limited research on experiences of supervision, and the relatively small-scale (and usually one-jurisdictional) nature of existing studies, he observes that there is even less "data on how demographic and socio-economic, political, and cultural factors such as age, ethnicity, gender, religion, and class affect the pains and the gains of punishment" (pp. 389–90).

Durnescu et al. (2018) developed and piloted a quantitative survey tool that aimed to evaluate key elements of the supervisory experience. The resulting *Eurobarometer on Experiencing Supervision* outlines measures of several domains of supervision, including supervisees' overall perception of supervision regarding its perceived purpose, their perceptions of their supervisors and relationships with them, interaction between supervision and compliance, and the person's level of involvement with their supervision (e.g., whether they were involved in formulating their supervision plan). The survey tool was piloted across eight countries (Croatia, England, Ireland, Lithuania, Norway, Romania, Serbia, and Spain).

Potential differences in experiences, including in perceptions of the balance between rehabilitative and punitive purposes of supervision, were identified. Respondents in most countries (apart from Spain and Lithuania) saw probation as more rehabilitative than punitive. Most reported that probation supervision had neither positive nor negative influences on various aspects of their lives (although some reported a negative financial impact). Given the nature of the pilot and the small sample size, the findings were not statistically significant, but the survey tool showed potential for future development. Unfortunately, the pilot study has not been replicated at any scale.

A comparative study exploring EM in England, Belgium, and the Netherlands documented differential patterns in use and variations in monitoring structures and regimes. These included differences in the type of technology and equipment used (e.g., radio frequency compared to global positioning systems), differences in regime intensity (e.g., the duration and number of hours people could be made subject to EM), and whether EM was a stand-alone or combined with other requirements, such as probation supervision. When combined with supervision, there are differential patterns in how noncompliance is dealt with (Hucklesby et al. 2021). These variations led the authors to postulate that people subject to EM may experience different forms of “tightness.” This concept draws together overlapping elements of length, breadth, depth, and weight, drawn from Crewe’s (2011) and others’ work on the subjective experiences of punitiveness in prison.

Creative research methodologies have been used to capture the experiences of supervision in more innovative ways. “Supervisible” was a pilot study that used a photo-voice/photo-elicitation methodology (Rose 2011) to explore the experiences of people subject to supervision (Fitzgibbon et al. 2016) and make these experiences more visible. Some of the images generated by people subject to supervision have been included in public exhibitions and in wider publications and online materials (Healy and Fitzgibbon 2020). The photographs and supplementary interviews highlighted dominant themes, including for some a sense of indeterminacy captured by images and descriptions of waiting and lost time. Other participants described experiences of hopelessness and depression and an overall sense of being subject to control and having their freedoms curtailed. Others, however, described more positive experiences of regeneration and hope, illustrating that experiences of supervision are diverse and can be ambiguous (Fitzgibbon et al. 2016; McNeill 2018).

Fitzgibbon and Healy (2019), in a comparative study using the photo-voice method, explored experiences of supervision in England and the Republic of Ireland. This research highlighted some different experiences, with Irish participants reporting more positive experiences than their English counterparts, leading to speculation that this may reflect different emphases placed on rehabilitation and risk management. These methods have also been used to explore women's experiences in different service settings. Fitzgibbon and Stengel (2018) used photo-voice to explore the experiences of English women subject to probation supervision and Hungarian women who injected drugs. This research documented commonalities in these different countries, including experiences of surveillance and control and experiences of judgment and stigmatization.

Creative methods to explore experiences of supervision were further developed by McNeill (2018) in his exploration of *Pervasive Punishment* through the use of visual imagery, music, and fiction. Working with colleagues in *Vox Luminis*, a Scottish arts-based organization, McNeill (2019) combined imagery and songwriting to explore supervision, highlighting supervisees' experiences of misrecognition and degradation, revealing that supervision can be a persistent (for some, inescapable) experience and the prism through which they continued to be viewed as suspect and untrustworthy.

Research on experiences of supervision, though growing, remains limited, but in many jurisdictions increased policy and practice attention have been paid to the importance of "lived experience." To some extent this has been informed by insights from wider research, such as the literature on desistance from offending, which makes links between people's subjective experiences, their sense of self, motivation, and capacity to change (see, e.g., Rex 1999; McNeill and Weaver 2010; Kirkwood 2016; Farrall 2019). Increased understanding of people's experiences, including of supervision and "assisted desistance" of how probation supervision may help or hinder this process, clearly warrants greater attention (King 2013).

This increased attention to lived experience reflects long-standing practices within other social services in which user engagement has been promoted. Criminal justice system involvement is less well developed, in part because of its involuntary nature (Weaver 2019). Initiatives aimed at involving people with "lived experience" of probation, such as user councils and peer mentoring, are emerging in some countries. The Engaging People on Probation program in England and Wales is an example.

However, this remains a nascent field. Some commentaries have raised broader epistemic questions regarding whose knowledge and experiences count, as well as concerns about tokenism, unequal power dynamics, and exploitation (Earle et al. 2023; Brierley and Dennehy 2024).

VI. Impacts of Supervision

If the question of how people experience supervisory sanctions is a surprisingly new one, the question of whether such sanctions are effective is definitely not. Probation and parole “effectiveness” or “impact” have been much debated.

Determining whether something “works” or is effective depends on clarity about what it is intended to achieve; that clarity has not always characterized supervisory sanctions. Rather, as we indicate above, one explanation for their durability and expansion is that they can be used in pursuit of very different penal purposes, even at the same time. Different purposes, however, entail different definitions and measures of effectiveness and engagement with different forms of evidence (McNeill et al. 2012).

The four narratives distinguished in section III imply different and sometimes contradictory measures of “success.” For example, in terms of rehabilitation, we might ask to what extent supervisory sanctions support the social reintegration of people under supervision, or more narrowly we might ask whether they reduce reconviction rates. In more managerial terms, we might ask whether supervisory sanctions reduce prison populations or improve the efficiency or credibility of the criminal legal system. In terms of reparation, we might ask whether they provide appropriate payback to victims or communities. If the aim is retributive punishment, we might ask whether they provide the right amount and form of “hard treatment.” If the aim is more viscerally punitive, we might ask whether supervisory sanctions are sufficiently painful, degrading, and humiliating. In our experience of our own jurisdictions, all of these questions have indeed been asked, though not always in these precise terms.

Most often, at least until recently, effectiveness has been considered from a utilitarian or consequentialist point of view, and most evaluative research has focused narrowly on reconviction rates, even though these represent a very imperfect measure of a sanction’s impact on a person or a population, especially since reconviction rates are highly vulnerable to other extraneous influences. Setting these reservations aside, recidivism research is complex, not least because sentences are not imposed arbitrarily

and differences in reconviction rates between groups subject to different sanctions can often be explained, at least partly, by the different composition of the groups.

For these and other reasons, experimental studies that satisfy Campbell Collaboration standards (i.e., an organization that aims to improve research findings by stimulating experimental studies) are scarce. Research by Nirel et al. (1997) in Israel compared reconviction rates after 14 months among prisoners and persons sentenced to “service work” (unpaid work or community service) using propensity score matching to assess the odds of recidivism between the two groups. The odds for reconviction were 1.7 times higher among the prisoner group. In Switzerland in the late 1990s, Killias et al. (2000, 2010) compared outcomes of people randomly assigned to community service and people sentenced to prison sentences of up to 14 days. Two years postsentence, there were no significant differences in reconviction rates, but rearrest was more frequent for those sentenced to short prison sentences. People sentenced to imprisonment developed more unfavorable attitudes toward the criminal justice system. But 11 years after reconviction, the more positive impact of community service had largely disappeared. This may have been due to the short duration of the prison sentence, which may have offset negative effects that are common with longer prison sentences (Maguire and Carr 2024).

Quasi-experimental designs have often been used to investigate differences in recidivism of people subject to different types of sanctions. Wermink et al. (2010), using the Dutch Recidivism Monitor database, compared the recidivism of all persons between the ages of 18 and 50 who had been given a community service order or a prison sentence of less than six months in 1997. As many other variables as possible that were included in the file were kept constant. The conclusion was that persons given a community service order were convicted 50 percent less often in the eight years after the sentence was imposed. However, not all relevant variables could be kept constant since information on addiction, homelessness, and personality disorders was not included in the database. If these characteristics have criminogenic effects and are more common among prisoners than community service offenders, this could partly explain the differences found. That said, data from other countries, including England and Wales (Mews et al. 2015; Eaton and Mews 2019) and Scotland (Scottish Government 2023), show similarly higher rates of recidivism for people sentenced to short-term imprisonment when compared to other sanctions.

Of course, another way to examine the impact of supervisory sanctions is by deeper engagement with how these sanctions are experienced by people subject to them. Such an approach can develop a more nuanced account of impact, one not restricted by the uncritical adoption of the formal aims of sanctions, and better able to capture both intended and unintended effects. More ethnographic approaches might help us better articulate what supervisory sanctions actually are in practice and as experiences before we try to measure what they achieve. Existing ethnographies demonstrate that supervisory sanctions are shaped less by their physical architectures (like prisons), or even by their legal forms, than by their relational qualities (McNeill 2013). In other words, what these sanctions are and whether and how they work depend very much on how they are realized in the relationships formed between supervisors and supervised (for two contrasting and illuminating case studies, see McNeill 2023).

VII. Conclusion

Given the equivocal evidence about the effects of supervisory sanctions and the evidence about net widening, readers might perhaps expect us to offer a negative assessment of the prospects for probation and parole in Europe. Such assessments have led commentators and activists in the United States to propose abolition of probation and parole (e.g., Lopoo, Schiraldi, and Ittner 2023; Schiraldi 2023). There is very little sign of such proposals gaining ground in Europe.

There are several reasons why enthusiasm for probation and parole seems to endure. Perhaps the most obvious is their chameleon-like quality. Probation systems can not only alter their “offer” to suit changing socio-penal environments but, when evidence of ineffectiveness in pursuit of one purpose arises, they can switch to serve another purpose. Alternatively, such evidence can be used to make the case for renewed investment, for example, in greater professionalization of staff or in new programs or technologies that seem to offer greater effectiveness.

The appeal of these kinds of argument needs to be understood within the context of the wider project of Europeanization. Probation’s position is buttressed by its long-standing association with respect for human rights, via European rules and networks such as the Confederation of European Probation, and with a broadly solidaristic social agenda focused on the pursuit of reintegration. At a time when many European leaders and European institutions are troubled by the rise of authoritarian

populism and the Far Right, the defense of these values has political importance that surpasses the quotidian preoccupation with their effectiveness.

Of course, the enduring problem of prison overcrowding provides an immediate and practical reason why probation and parole systems continue to be seen as necessary. In this context, and perhaps in contrast to the United States and parts of the United Kingdom, probation's weaker association with law enforcement and, in most countries, with prisons makes it an unlikely target for abolitionist critiques and allows it to continue to be seen as a key player in the management of penal populations.

The promise of technological innovation also plays an important but contested part in sustaining probation's position. Although many politicians have lost, or never had, confidence in the human, relational technology of probation and parole practice, in which skilled professionals seek to support and steer supervisees through an order and toward desistance, some can be tempted by the "solutions" offered by technology entrepreneurs. These include artificial intelligence, ankle bracelets, biometric monitoring, GPS tracking, smart phone applications, virtual reality interventions, and automated reporting booths. Evidence of effectiveness may matter less than the appearance of doing something different, "cutting-edge," and better aligned with the digital age. Within probation systems, and among scholars, the merits of these new technologies are much debated. Concerns about discriminatory uses and effects, about new forms of net widening and mesh-thinning (or "condition-loading"), and the displacement of human support by technological surveillance abound (Beyens 2017), but no one seriously disputes that new technologies will change the nature, experience, and impact of supervisory sanctions.

In our final analysis, the prospects for European probation and parole are as uncertain as the prospects for European penal systems more generally. How these systems will meet contemporary pressures and possibilities cannot be predicted. We take some hope, however, as this essay shows, that European research on supervisory sanctions has advanced very rapidly in recent decades, in part thanks to the "super-charging" that the COST Action provided. Perhaps most importantly, that network generated new research questions and methods and spurred the development of interdisciplinary work that combines normative and empirical scholarship. Because we have a greater awareness of what these sanctions are, what they mean, and what they do, we are much better placed to debate their contributions to and their place within systems of justice and to guide their development. The great diversity of European probation and

parole systems, practices, and experiences is much less a problem than an opportunity. Much remains to be learned about the pursuit and delivery of justice in general, and of reintegration in particular, by comparing the diverse experiences with supervisory sanctions in Europe.

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