

POLICY TRANSFER IN CRIMINAL JUSTICE

Crossing Cultures,
Breaking Barriers

Edited by **MARY ANNE McFARLANE**
and **ROBERT CANTON**



Policy Transfer in Criminal Justice

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Edited by

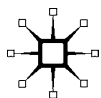
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*To the Turkish Probation Service and to those professionals who
helped them to develop high-quality policy and practice*

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We would like to thank our respective families and friends for their support and interest in the project. They too have had to listen to our ideas and uncertainties and have put up with us with good humour and patience.

Finally, the two editors would like to thank one another. We would echo the words of Rozsika Parker and Griselda Pollock who wrote in the preface to the book they co-authored: "Collaborative writing is an extraordinary process that requires total trust in each other. It offers double liberation from both egotism and the anxiety associated with being alone responsible for what is said. Each partner brings different resources and abilities. Each must totally respect the other but be focused on the larger project: what is it that we are doing, why and for whom? The most important discovery this book now represents is this: that the outcome is infinitely greater than the mere addition of two minds at work. Most of what is in this book would never have come to fruition and to this form without collaboration."¹ The collaborative writing and collaborative editing involved in "Crossing Cultures" mirrors the nature of the subject, cross-cultural work. Without trust and collaboration, we wouldn't have had a project – or a book.

Note

1. Parker, R. and Pollock, G. (2013) *Old Mistresses: Women, Art and Ideology*, London: I.B.Tauris.

Contributors

Randel Barrows, now an independent trainer and consultant, previously worked as a Probation Officer and a manager of probation services in London and Yorkshire and as a policy advisor in the National Probation Directorate and the Ministry of Justice. He studied probation, criminology and related subjects at Cambridge, London School of Economics and Newcastle Universities and is an independent member of CEP (the Confederation of European Probation). Since 2005 he has worked as a consultant with the Council of Europe and other international agencies in the fields of justice reform and human rights. In 2008–2009, he was seconded as the Resident Twinning Advisor for a European Union PHARE project to develop probation in Bulgaria. He is familiar with recent justice and sentencing developments in a broad range of jurisdictions, particularly in Eastern Europe and the Balkans.

Kevin Barry worked as a Probation Officer, Senior Probation Officer and as Assistant Chief Probation Officer in London for over 30 years. In 1990 he was awarded a Cropwood Fellowship at the University of Cambridge where he researched the regimes of probation hostels. In 1996 he was awarded a Churchill Fellowship to study restorative justice in France and New Zealand. Seconded to the Ministry of Justice in Prague in 2002–2004, he worked as a Pre-Accession Advisor before returning to the United Kingdom to develop the National Probation Service's capacity for international projects. He worked most recently for the Ministry of Justice as Head of International Projects based in London.

Meg Blumsom has worked primarily in probation services in England and abroad, but she has also worked in community-based projects, leading action-based developments including setting up the first ever volunteer bureau in the United Kingdom. Within probation-based roles, she has been involved in development and training, including setting up the first Diploma in Probation with Bristol University and being an external examiner to MSW Southampton University, Bristol University and Bradford and Ilkley College. As a manager, she has worked in England and in Australia, covering a range of operational environments including managing Youth Justice Services in Australia. As a senior manager, she led national developments as part of the Effective Justice ('What Works') programme. This included leading the national teams for the development of the suite of 12 accredited programmes designed to reduce reoffending and later the Community Reintegration team helping to develop the Community Payback Scheme. She was a member of the Scottish Accreditation Panel (2003–2009)

reviewing the quality of interventions being delivered to offenders in Scotland. She is part of an international quality development group (Impact) based in Holland. Alongside her professional work, she has been involved with voluntary projects which have included setting up accommodation schemes for young homeless people and developing community-based volunteer schemes. She has also delivered training to a Youth Work project in Tajikistan as part of an ongoing personal commitment to improve social skills.

Rob Canton is Professor of Community and Criminal Justice at De Montfort University, Leicester. He worked in the probation service for many years in a variety of practice, management and training roles. He used to lead one of the largest probation officer training programmes in England and is now Head of Research in Community and Criminal Justice. Rob has taught, researched and written on a number of probation and penal topics. He is the co-editor of the *Dictionary of Probation and Offender Management* (2007) and author of *Probation: Working with Offenders* (2011). He has been extensively involved in recent years in work on behalf of the Council of Europe and in European Union projects to help other countries to develop their penal practice. Rob was one of the experts appointed by the Council of Europe to contribute to framing the European Probation Rules and Commentary. He has also acted as a Specialist Advisor to the House of Commons Justice Select Committee.

Danny Clark was, until 2011, head of substance misuse and general offending behaviour programmes at the National Offender Management Service, Ministry of Justice. Prior to this, he was Head of Rehabilitation Programmes for the National Probation Service. He has also worked for many years as a forensic psychologist in both the Prison and Probation Service. He has made a significant contribution to the development and implementation of cognitive behavioural interventions for rehabilitating offenders in the United Kingdom. He was responsible for developing the OASys (Offender Assessment System), which is used to assess offenders throughout England and Wales. He was a founder member of the National Offender Management Service Correctional Service Accreditation Panel and a member of the Canadian Correctional Services Accreditation Panel. His research interests include violent offenders, psychopathy, therapeutic communities and the evaluation of interventions for offenders, which are all areas in which he has published. He has been involved in a number of projects sponsored by National Outcomes Measurement System (NOMS) in other countries, to assist in the development of correctional services, including Bulgaria, Turkey, Albania, Croatia and Portugal. He received the Butler Trust award for Excellence in 2006 for his work in developing OASys. He was awarded the Order of the British Empire in 2007 for services to the Prison and Probation Service.

Jodie Das has worked for many years in the field of domestic violence and abuse (DVA). She managed a women's refuge before taking up a post in a DVA Intervention Project where she designed, delivered and promoted interprofessional policy, strategy and accredited training. In 2004, Jodie formed Sea Change Domestic Violence Training and Consultancy; she was then contracted by the Home Office and National Probation Directorate to design and deliver training for the national implementation of all aspects of the integrated domestic abuse programme (IDAP). Jodie was trained in Duluth, USA, to work with men who use violent and controlling behaviour. She currently delivers IDAP with the Probation Service, a 27-week programme for men, to address their use of violence and abuse within intimate relationships. Jodie obtained an MSc in Interprofessional Practice: Society, Violence and Practice at City University, London. Her research projects include the study of collaborative working in Newfoundland, Canada, as well as investigating responses to DVA in the United Kingdom by A & E health professionals and a cross-sectional study of Multi-Agency Risk Assessment Conferences. In 2012 Jodie led a qualitative analysis investigation into increasing identification of high-risk victims of DVA on behalf of Leicestershire County Council. Recently she has formed part of the research team for the Eliminate Domestic Violence Global Foundation, conducting qualitative research on behalf of the Council of Europe looking at pan-European responses to Violence against Women and Girls. She has worked as a trainer for the national charity Coordinated Action against Domestic Abuse since 2008, designing and delivering UK responses to domestic abuse, for frontline professionals working holistically with families. This includes a five-day programme for Social Workers. Jodie was the UK short-term expert for the European Union Twinning Project assisting the Turkish Probation Service to design and implement responses to victims of domestic and sexual violence across Turkey.

Beverley Dubash was a Probation Officer for a number of years before gaining wider experience working with young offenders in the community and then under the auspices of a Youth Offending Team. She went on to lead the Education Welfare Service in a small unitary local authority before moving to a large shire county where she has developed a particular expertise in designing and delivering child protection and safeguarding training to professionals from a wide range of agencies working with children and young people. She also co-led 11 school improvement and inclusion services at the early stages of the process towards a joint venture with the public sector. She currently leads the education inclusion services which are commissioned by the county council and manages education staff seconded to the Youth Offending Service. She remains a firm exponent of the value of multi-agency working to reduce offending and to safeguard children and young people.

Nariman Dubash has worked for the Probation Service and Youth Offending Services for over 25 years. His experience spans the following areas: residential, court, prison, accredited programmes, employment programmes and the management of high-risk offenders. As the Probation Officer with the newly formed Youth Offending Team in Torbay, he developed close working links with schools, the Education Welfare Service and pupil referral units in an attempt to divert youngsters away from a life of crime. He then undertook the role of partnerships officer overseeing a range of links with the voluntary, public and private sectors. This included the introduction of Senior Attendance Centres in Devon and Cornwall. He moved to a management post for the Public Protection team and chaired the Multi-Agency Public Protection Arrangements (MAPPA). This in turn led to the role of Assistant Chief Officer (ACO) for South Devon, which he undertook between 2008 and 2010. He has since returned to a closer role with practice as Senior Probation Officer and has been instrumental in establishing the new Integrated Offender Management Unit in south Devon. During his tenure as the ACO, he undertook two short-term expert (STE) missions in Turkey, focusing upon national standards, programmes and case management.

Tony Grapes draws upon 37 years of varied experience working in the probation service, prisons and central government. His operational probation experience (1974–1985) spanned three locations, courtwork, juvenile work, residential and group work as well as the basics of offender supervision. Two posts in operational management (1985–1991) and a secondment to the (then) Prison Department preceded his move into strategic management. He headed three different metropolitan probation service divisions between 1991 and 1998. He then took the lead for area-wide service and staff development, from 1999 to 2003, in the period which covered the beginnings of Crime and Disorder Partnerships, the establishment of MAPPA and the implementation of the first ‘What Works’ Strategy. In 2003 Tony joined the National Probation Directorate, and then NOMS, to head the development of policy on case management across the re-formed correctional system. He wrote and published the NOMS Offender Management Model in 2006 and played a key role in its implementation from 2005 to 2007. From 2005 to 2009, he led on successive revisions of probation National Standards. Between 2007 and 2009, as part of the new Specification, Benchmarking and Costing Programme, Tony led on the development of the national specifications for Offender Management and Supervision. Since 2009 Tony has been involved in a variety of development projects in correctional systems across Europe. He has made contributions to EU Twinning Projects in Croatia and Turkey and to TAIEX development seminars in the same countries. From March 2010 to November 2011, he was the ‘subject expert’ on the successful EU DOMICE project, mapping and analysing case management

arrangements across many European jurisdictions as a contribution to improvements in practice.

John Harding is an international advisor/writer on the development of alternative sanctions and resettlement of offenders from prison. He spent 37 years in the probation service of England and Wales. From 1972 to 1974 he was responsible, as a Senior Probation Officer, for pioneering the community service order in Nottinghamshire, as part of a Home Office national pilot scheme. England was the first country in the world to introduce community service as a criminal justice sanction. In the early 1980s, John also played a leading role in introducing victim–offender mediation programmes on a pilot basis in England. He subsequently became Chief Probation Officer for Hampshire (1985–1992) and, latterly, Chief Probation Officer for Inner London (1993–2001). He was a part-time member of the Parole Board for England and Wales (2000–2006) and a Visiting Professor in Criminal Justice Studies at the University of Hertfordshire (2001–2009). From 2007 to 2009, he was the part-time team leader of an EU-funded Tacis programme in Russia, advising the Ministry of Justice on the development of alternative sanctions and the introduction of electronic monitoring. He subsequently worked as a short-term expert for the Turkish probation service for juvenile offenders (2009–2010), focusing with Anna Ochtman on mission statements and inter-agency work. In 2011 he worked as a key expert on alternative sanctions for the EU in Serbia. John has also worked as a criminal justice advisor/speaker in Brazil, Japan, United States, China, Canada, Georgia and Singapore. He was a former Chair and still is a trustee of Addaction, the largest drug treatment agency in the United Kingdom. He was made a Commander of the Order of the British Empire in the Queen's Birthday Honours list of 2001 for services to Probation.

Ergin Kaptan has been working as a Turkish-English-Turkish conference interpreter for eight years. He obtained his BA from the Department of English Translation and Interpretation at Hacettepe University. His experience includes, but is not limited to, work with public agencies, ministries and private organisations from various sectors. He worked as an outsource interpreter during the EU Twinning Project on the Establishment of Turkish Probation Service in 2005 and 2006. He worked as a language assistant for the EU Twinning Project on the Development of Work with Juveniles and Victims by Turkish Probation Service between January 2009 and October 2010.

Maggie Lomax served as a UK Probation Officer for 17 years; in the latter part of her career her work focused on high-risk offenders, including perpetrators of sexual and domestic violence. Alongside this she has run a private

practice as a Gestalt therapist, offering counselling, psychotherapy and training. She is therefore well placed to understand and assist both perpetrators and survivors of abuse. She has also trained counsellors to BA level and currently sits on the Board of Directors for the UK Association of Humanistic Practitioners, where she is Chair of the Membership Committee, which accredits counsellors and other practitioners. Before working on the project in Turkey she spent two weeks as a Short-Term Expert training probation and prison officers in the Czech Republic for the setting up of a parole system.

Mary Anne McFarlane is a senior international advisor on criminal justice, specialising in the development of new probation services. She has worked in a variety of probation settings for over 40 years, including as a senior manager in Washington State, USA, and as a Chief Officer for Devon and Cornwall Probation Area in the United Kingdom. She was awarded an MPhil in 1994 on prison-based probation work, while working in HMP Parkhurst. She has been a member of a legislative team at the Home Office, UK, and an assistant inspector with the Probation Inspectorate. More recently she was a Board member for CEP, the European Organisation for Probation. She was based in Ankara, Turkey, for two years as Resident Twinning Advisor, leading an Accession project to develop services for juvenile offenders and victims of crime. She has also worked in Palestine and Croatia and is currently helping to develop a new probation service in Jordan. She is a trustee for the NGO Prisoners Abroad and a local councillor. She also works as a community coach for small third-sector organisations.

Anna Ochtman is a Dutch criminologist with 38 years of experience working in the field of youth and adult criminality in the Netherlands. She has worked as a policy advisor and project manager at the Dutch Child Protection Board, a governmental organisation with responsibilities in the field of civil law (e.g. child abuse and custody) and in the field of penal law. She started a project on community service order and had for a long time a role in representing the Board at Court. For five years she was a senior policy advisor at the Ministry of Justice and was responsible for 62 agencies all over the country that executed alternative sanctions for young offenders. From 2002 until now, she has been working at the Dutch Probation Service as a senior policy advisor at the national board. Together with John Harding, she took part in the project in Ankara, Turkey, to develop services for juvenile offenders and victims of crime. She is a trained mediator and member of the Board of Restorative Justice Nederland, a non-governmental organisation that seeks to promote the use of restorative justice in the Netherlands.

Emma Osborne is currently employed by the probation service as Assistant Chief for Public Protection and Rehabilitation Interventions. Her career has spanned 20 years divided equally between the prison and probation

services. A qualified psychologist, trainer and an experienced Probation Officer, Emma has over the past ten years undertaken a significant amount of work in supporting the setting up and development of offender services in the Czech Republic, Romania, Turkey, Russia and Bulgaria, developing policy and process and managing the logistical implementation of new rehabilitation interventions to meet the diverse needs of the different criminal justice populations. Emma is an avid supporter of the diversification of sentencing options in order to develop the rehabilitation elements of both custodial- and community-based supervision of offenders and is currently working to grow the children and families pathway in order to support offenders to be better parents and to look at the impact domestic abuse has on both family relationships and child development. An advocate of a partnership working approach, Emma seeks to develop, nurture and grow professional community relationships in order to achieve shared goals across public and private sectors. Examples include setting up a women-only supervisory services and accommodation for offenders, developing early interventions to be delivered in support of the family court and using her current role to develop working relationships in the community in support of MAPPA to fund, develop and deliver rehabilitation for some of the country's highest-risk offenders.

Norman Powell is currently employed as an international project manager by the Ministry of Justice for England and Wales. His background is in teaching, youth work, juvenile justice and probation, and he is a qualified teacher, probation officer family therapist and social worker. He has worked in justice reform for over 28 years and until 2005 he worked as an Assistant Chief Probation Officer in London. Since 2006 he has managed international Twinning Projects in Turkey and Romania. In Turkey he was UK Project Leader for the 2008–2010 Probation Twinning Project which developed the victim and juvenile offender work of the Turkish Probation Service and in 2011 and 2012 he worked as an expert and trainer on the Council of Europe's 'Prison Reform in Turkey' project. He is currently the UK Project Leader for the 2013–2014 Turkish Prison Reform Twinning Project.

Beverley Radcliffe is an international consultant and trainer specialising in the development of organisational standards, guidance and training. She has worked extensively with victims of sexual violence and has developed training on rape and sexual assault, domestic violence, supporting people bereaved by murder and manslaughter and working with children and young people. She has also conducted research into the impact services have on victims of sexual violence. She has also developed support services in the Coroner's Courts and has acted as a consultant to the Ministry of Justice.

Martin Seddon has completed over 25 penal reform projects in Eastern and South-Eastern Europe during the last 12 years. The thrust of this work has

been to persuade sceptical leaders in the justice sector that community sanctions can deal effectively and safely with mid-range offenders, that active prison regimes can reduce reoffending, that supervised parole can reduce risk after release and that partnerships between state and independent agencies can improve the cost-effectiveness of the necessary services. He has brought to these projects over 30 years of previous experience in the three main justice service delivery modalities. In the statutory sector, he was an assistant probation chief in England. He has NGO experience developing prisoner resettlement projects and social crime prevention partnerships in British cities. In the corporate sector, he negotiated prison operations contracts in the United Kingdom and South Africa. He has addressed a number of international conferences, including four in the Russian Federation. He has published a handbook on preparing prisoners for release and arranged six study tours to the United Kingdom for senior justice officials. In 2002 he was appointed a Justice Consultant to the UK Department for International Development.

Jane Shackman is a consultant and trainer specialising in trauma, crisis and victim support. She has worked extensively with survivors of violence, including torture, terrorist attack and crimes such as homicide. She works with public, private sector and not-for-profit organisations. She has worked overseas in countries post-conflict, including Bosnia, Rwanda, Sudan and Sierra Leone. Her work focuses on human rights, social justice and support, with an interest in people's resilience and capacity to overcome adverse situations. She is a published author in many professional journals, including a chapter in a Palgrave Macmillan book for the Open University.

Martin Spragg is currently a senior manager of integrated children's services in Devon, managing a range of local authority and National Health Service children's services. He has lead responsibility for services related to physical, sensory and learning disabilities across the county. Prior to this, he was the first Head of Devon Youth Offending Services for ten years. This is one of the largest youth offending services in the country, covering over two and a half thousand square miles and with 70,000 people between 10 and 17 years of age. He has served on the Devon Local Criminal Justice Board and on the Devon Local Safeguarding Children Board. Prior to this position, he managed a variety of children's services, including residential care, child protection, youth justice and family support within social services in Staffordshire and Stoke-on-Trent. He is both a qualified teacher and social worker and holds the Advanced Award in Social Work and a Master's degree in Social Services Management. He has contributed to published guides on the Youth Justice System. Most of his 32-year career has been in working with vulnerable children and young people.

Stephen Stanley, now retired, studied history at St John's College Cambridge. After leaving university, he worked in London, first in a market research agency (British Market Research Bureau), then in Harrow Social Services as a research officer. He joined the Inner London Probation Service (ILPS) as Intelligence Officer (Head of Research) in 1975 and worked in ILPS for 26 years until its amalgamation with the London Probation Area for which he was also Head of Research. He left London Probation in 2006 and worked for five years as an independent consultant, mainly in the areas of criminal justice and offender management. He worked as an STE on PHARE probation projects in Bulgaria and Turkey and in a similar position in a FO-funded project in Croatia. He has published many papers in learned journals.

Barbara Unterlerchner is a lawyer and mediator who is experienced in practical work, project development and networking/inter-agency work in all fields of victim support. She is running the department 'victims' rights and victim support' of an organisation named Weisser Ring in Austria. Her main tasks include providing legal support to crime victims, the research of developments and trends in the area of victims' rights and victim support with a special focus on violent crimes in the public area, human trafficking and gender-based and domestic violence. She designs and delivers trainings for legal or psycho-social professionals, participates in national and European projects and is involved in ongoing activities for the development and improvement of the framework conditions concerning victim-focused legislation. She also works as a freelance trainer for ZARA (Civil Courage and Anti-Racism Work) and as a teacher for political education and law.

Leyla Welkin is a clinical cross-cultural psychologist. She was born in Turkey and educated in the United States. After working 25 years as a clinician and a university teacher in the US Pacific Northwest, she founded the Pomegranate Connection Program in Ankara, Turkey, in 2008. She has partnered with organisations in Turkey, the United States and the United Kingdom to conduct research, offer training and consultation and develop programmes addressing gender-based violence. She has worked with civil society organisations, government agencies, universities and private companies to develop policy, treatment and prevention programmes. She also provides professional training and has taught in universities internationally. Her approach promotes the assets of social systems, emphasising that individuals are integral parts of social groups. Creating cross-culturally valid solutions to social problems involves developing relational skills and social responsibility, coupled with respect for individual rights and capacities. She has authored scholarly articles, a self-help guide for survivors of sexual abuse in Turkish and English, a memoir, plays and poetry.

Jeanette Whitford worked in probation services across England and Wales as a practitioner for 17 years before embarking on her management career. She trained at Leeds and London Universities and gained her MBA in 2001. She worked as a Probation Officer in the West Midlands and Shropshire before taking on management roles in Devon, Shropshire and Hereford and Worcester. She was Chief Probation Officer for the Dyfed Probation Service in West Wales and was appointed Chief Officer of the newly amalgamated Avon and Somerset Probation Area in 2001, retiring from there in December 2007. Jeanette led the development of the new Probation Chiefs Association, working as its first business manager. She has since undertaken interim chief executive roles in Northamptonshire and Wiltshire Probation Trusts. Her interest in the development of training for practitioners and for managers began as a senior manager, and she contributed to developments in the south-west region and nationally as new routes for Probation Officer training were developed. She has worked on European Union training projects in Turkey and in Bulgaria for their Ministries of Justice. Jeanette is a member of the Advisory Group for the Local Crime, Community Sentence project, and has been a member of the Judging Panel for the Butler Trust which presents national awards to staff in the field of Criminal Justice. She is also a lay member for the Nursing and Midwifery's Fitness to Practice Panel and is Chair of Trustees for the Great Western Air Ambulance Charity.

Baris Yüncüler is a project management specialist involved in a number of international cooperation projects in Turkey in the fields of judicial reform and penitentiary reform. He is currently one of the key experts of the technical assistance team implementing the European Union-funded project on Improving Mental Health Care and Drug Addiction Treatment Services in Turkish Prisons. Previously he worked for the Council of Europe, where he managed EU-funded projects such as "Freedom of Expression and the Media in Turkey" and "Dissemination of Model Prison Practices and Promotion of Prison Reform in Turkey". Mr Yüncüler also assumed the role of public sector-NGOs partnership advisor at another EU-funded project on "Improving Cooperation between the Public Sector and the NGOs" in 2006. He is a certified project cycle management trainer too and holds an MA in International Relations.

Abbreviations and Glossary

Accession	The process of expanding the European Union (EU) through the accession of new member states
AKP	Justice and Development Party (Adalet ve Kalkinma Partisi)
Aquis	Cumulative body of European Community laws, comprising objectives, substantive rules, policies and, in particular, primary and secondary legislation and case law, all of which form part of the legal order of the European Union (EU)
Communaautaire	
ART	Aggression Replacement Training
BA	Beneficiary Administration
CHP	Republican People's Party (Cumhuriyet halk partisi)
CIS	Commonwealth of Independent States
CoE	Council of Europe
CSAP	Correctional Services Accreditation Panel
CSM	Community Sanctions and Measures
DFID	Department for International Development (UK)
DOMICE	EU project examining the case management of offenders
ECHR	European Convention on Human Rights
ENP	European Neighbourhood Policy
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
Fiche	Invitation to tender for a project through the EU
IPA	Instrument for Pre-Accession
MoJ	Ministry of Justice
MS	Member State
NGOs	Non-governmental organisations
NPS	National Probation Service
PL	Project Leader
Probation	Turkish Equivalent to Probation Officers in England and Wales
Experts	
Probation	Turkish Equivalent to Probation Service Officers in England and Wales
Officers	
RTA	Residential Twinning Advisor
SARC	Sexual Assault Referral Centre
STARR	Strengthening Transnational Approaches to Reducing Re-offending
STE	Short-term expert

TAIEX	Technical Assistance and Information Exchange
TPS	Turkish Probation Service
Twinning	EU institution building tool-direct exchange of specific national experience between professionals from member states and beneficiary countries who seek to improve their structures and services in line with European standards

Introduction

Rob Canton and Mary Anne McFarlane

This book is an account of a project undertaken to assist and influence the Turkish Probation Service in developing its policies and its practices. This involved management, staff development and general training, together with specific initiatives, to introduce offending behaviour programme work with young offenders and work with victims. All the contributors were directly involved in the project and in their respective chapters they describe and reflect upon their work, while some also discuss and compare their experiences in similar projects in other countries. But while the book has its own interest as a reflective account of a specific project, it also stands as a *case study*: a detailed description and analysis of a single project which may nevertheless illuminate other activities of this type, undertaken in other countries and in different areas of professional activity.

Every country has its own language, culture, traditions, institutions and practices and to that extent working in one country is never quite the same as working in another. Turkey's history and its contemporary politics, including its relationship with the European Union (who funded and supported this project), make it unique, and several of our contributors explore the significance of this for their involvement and for the project generally. Some broader theories about criminal justice are put to the test through international comparisons. Cavadino and Dignan put it well in their discussion of the influences on the character of criminal justice: 'however many factors we incorporate into our theory, it will still not give us the whole story. Individual nations, and their cultures, histories and politics, can be just as quirky and esoteric as individual human beings' (2006: 452).

Just as each country is unique, different areas of public policy pose their own distinctive challenges for transfer. This is certainly true of criminal justice. There are considerable variations among different nations in their views about the origins of crime, about how the state and the community should respond to offenders, about the needs of victims and what is properly due to them. It is increasingly recognised that the trajectory of criminal justice policy development depends upon a wide range of political, economic, social,

cultural and emotional influences, interacting with one another in uncertain ways (Garland 1990), which may support or, as it may be, undermine a project. Policy transfer accordingly is never merely a technical matter of transplanting knowledge and skills (although it includes this). There is no doubt that other policy domains – notably health and social services – are comparably distinctive.

Thus any project that sets out to influence policy and practice in another country must create its own way of undertaking its work and establish its own character; there can be no one best way of going about such an undertaking. Yet part of the rationale of this book is that, even if so much depends upon the character and circumstances of the beneficiary country and on the specific area of public policy, there is a common set of challenges with which any transfer project will have to engage. These include how to engage with policy-makers and practitioners, the logistics of planning meetings and managing training events, working with people in another language and the importance of demonstrating a respect for and sensitivity to culture. These are among the topics that our contributors explore in this book.

Learning from abroad

As long as there have been travellers, they have brought back accounts of other lands and people have reacted variously with fascination, amusement, admiration, bewilderment and dismay at the ways in which things are done in other places. Learning about the religious beliefs, political systems, arts, foods and fashions of others prompts curiosity, but has also caused people to think differently about their own societies, to reflect on their own traditions and customs and perhaps to understand them in a rather different way. Sometimes these reflections may lead us to ponder the possibility of change and to wonder if some of the ways of doing things that other countries have devised might be in some sense better than ours – and maybe could be taken up here. After all, all countries have to manage (what at least looks like) a very similar set of problems and studying the achievements and the limitations of the institutions and practices in different countries seems to have considerable potential for policy development.

Sometimes discoveries have been serendipitous, but at other times there has been more systematic investigation. In most areas of public policy, academic conferences and professional congresses, international publication, correspondence and study visits have been among the ways in which knowledge and experience have been shared. In the area of criminal justice, for example, 'Imitations, mutations and cross-fertilization of all kinds of institutions and measures in response to crime can be traced in abundance throughout the world' (Radzinowicz 1999: 357). These have included the study of crime and criminals, the collection, collation and interpretation

of criminal statistics, law, sentencing practice, policing, prisons, probation, working with victims and crime prevention.

In the past 20 years or so, there has been a marked increase in activities of this type and a more deliberate and strategic attempt to take lessons from abroad and to 'import' policies and practices. Influences of globalisation and aspirations to modernise have been a stimulus here, strengthened by the development of international conventions, treaties and protocols with which signatories are expected to comply. One way of demonstrating a commitment to best practice is by emulating countries where standards are recognised to be high.

A study of these activities has given rise to a new academic area of study, commonly known as *policy transfer*. This has been defined as 'the process by which knowledge of ideas, institutions, policies and programmes in one setting is fed into the policy-making arena in the development and change of policies and programmes in another setting' (Dolowitz et al. 2000: 9). Scholarship also speaks of *learning lessons* (Stone 1999) and these inquiries overlap with related matters of policy convergence, policy diffusion and comparative studies.

These inquiries and analyses are of interest to managers, practitioners and researchers in a wide range of public policy areas, including health, housing, education, local government reform, transport, social services, criminal justice (Dolowitz et al. 2000; Evans 2004; Hulme 2005; Benson and Jordan 2011). As has already been suggested, some dimensions of transfer are likely to be specific to particular areas of public policy, their institutions and agencies, but there are some aspects that are more general and relevant to any transfer endeavour.

Thinking about transfer

The seminal work of David Dolowitz and colleagues has provided a conceptual framework and a language in which these activities may usefully be discussed (Dolowitz and Marsh 2000; Dolowitz et al. 2000). They have framed a series of questions, and these are as follows.

Why transfer? This apparently innocent question conceals a complex set of issues. It includes an exploration of the reasons why it was felt that policy needed to change at all and why reference to another country (or countries) was preferred to local solutions. A requirement to conform with international requirements (notably, human rights conventions) can call for countries to introduce policies even with a degree of reluctance or misgiving. At the same time, these are conventions to which these countries have chosen to subscribe and which often reflect their own avowed aspirations, as articulated in their Constitutions. In such circumstances, there is no simple answer to the question whether these changes are voluntary or externally imposed. Nor should it be overlooked that motivations may change in the

course of the transfer process, with those involved becoming more or less enthusiastic (or perhaps resistant) as the implications of the transfer become clearer to them and as they form their views about the consultants and trainers who arrive to work with them. The motivations and aspirations of the resident and short-term experts should also be considered. They are very likely to have their own interests in the way in which the transfer takes place and develops.

Who is involved? This question is a reminder that a lot of people will be involved in devising and interpreting new policy, learning new practices, influencing their own colleagues and putting the transfer into effect. Linking this question with the first, it could be imagined that a government might be keen to adopt a policy, while its administration and the personnel involved may be rather less enthusiastic but believe that they have little choice. Respective motivations are likely to be different and variable. Many more people may be affected by the transfer and may seek to mould the innovation in line with their own interests or even try to block it.

What is transferred? Countries may seek to import specific technologies, methods and techniques, but the processes involved will also and inevitably introduce new concepts and meanings, ideas, ways of thinking and talking about crime and punishment. Examples include the perception that criminal justice interventions should be evaluated in terms of their success in reducing reconvictions, the priority increasingly given to the concept of risk and ideas about the proper place of 'the market' in security or corrections and, reciprocally, the role of the state. All of these ways of understanding criminal justice are relatively new even in the Anglophone nations who have worked energetically to extend these ideas. While practitioners are keen to learn specific new methods and techniques, particularly in new services where they feel de-skilled, these 'soft' transfers (Newburn and Jones 2007) of meanings and ideas can turn out to be the most influential aspect of change.

To what degree? Dolowitz and colleagues (2000) distinguish different degrees of transfer – copying, emulation, a mixture of these and inspiration. (Emulation differs from copying in that it implies transfer of the ideas behind, but not the details of, the policy or programme.) While the conceptual distinctions can be useful, in practice these differences can become hard to detect in the course of a project. Often neither the intentions of the people involved nor the consequences of their work can readily be assigned to one 'degree' rather than another. The intention should be to enable the receiving country to develop its own institutions and practices, not to seek to transplant a foreign model. But in that case it will often not be easy to ascertain the degree of success.

Among other salient questions are:

Transferring policy or practice? The objective of changing policy implies access to policy-makers and that they are willing to change. It can also too readily assume that policy will be smoothly translated into practice, even

though consultants are well aware from the experiences in their own countries that this is never straightforward: several influences mediate between the intentions of policy-makers and the realities of practice. On the other hand, if work takes place only with practitioners, one possible upshot is that there will be isolated areas of good practice which may struggle to be sustained if policy-makers fail to understand and lend support. No doubt initiatives of this type must take account of both policy and practice and engage with a range of personnel accordingly. Throughout this book, the expression 'policy transfer' is used, but the relationship between policy and practice and the attention both must receive in transfer processes remain central questions.

How will a project be evaluated? This question is relatively neglected in the literature. The governance of the kind of project, which is the focus of this book, typically specifies a number of 'deliverables' that must be completed by the end of the contract. But this is (should be) no more than a beginning of evaluation. For example, the specification may require certain training events to take place and the production of handbooks; this can be achieved and demonstrated, but the influence of the training on practice and the use to which handbooks are put is not something that can easily be evaluated. The influence of the 'softer' transfer can also be much harder to trace and may indeed not have its effects for some years.

These are among the questions likely to be at the forefront of the minds of people participating in a policy exchange project. The questions are rarely closed and change their shape as a project proceeds.

Transferring criminal justice

Since one stimulus to learn from other countries has been to modernise and to demonstrate this to the international community, the beneficiaries of policy transfer are commonly developing countries or states in transition to democracy. Some countries who are in transition to democracy – for example, in the former Soviet states of Eastern Europe – have inherited repressive modes of policing and very large prison populations. Their own Constitutions, as well as international conventions, insist upon change. In other parts of the world, too, developing countries aspire to radical change. The political and economic influence of the United States in setting the direction of that change has been massive and can seem irresistible to the extent that globalisation, in practice, is indistinguishable from Americanisation (Newburn and Sparks 2004). Just as the United States claims to promote democracy across the world, it favours market capitalism: indeed these are understood by the United States to be two aspects of the same project. Yet the introduction of capitalism without the development of trustworthy and robust civil institutions can lead to exploitation and profound social injustice.

Although all civil institutions, by no means only those of criminal justice, must be soundly constructed and managed with integrity, it could be argued that criminal justice has a special place. The coercive powers of the state are nearest to the surface and often manifest in the practices of criminal justice and punishment. It is here that human rights are most at risk and most in need of vigilant safeguarding. A conspicuous example is policing where many developing countries avow a commitment to eradicating corruption and inefficiency, although the means of bringing about change, the contribution of policy transfer in this process and the ways in which transfer can be distorted or corrupted are complex and challenging (Hinton and Newburn 2008). Again, many countries have used imprisonment as a means of political repression and intimidation. Even when individual offenders are believed to be imprisoned deservedly (by the standards of Western Europe), the conditions to which they are subject may be degrading and inhumane, the length of sentences excessive. Changes here are an essential precondition of development.

Bringing about change requires attention to a number of parameters that influence the character and development of criminal justice in any country. These include:

- *The criminal law.* It is obvious, but too easy to overlook, that transferred practices, no matter how good they are, must conform with national law. With political support, the law may be changed, but that can be a slow and uncertain process. Many countries need procedural codes, alongside substantive criminal or penal legislation, if practices are to change. Sometimes key decision makers, like judges and prosecutors, have limited discretion. The development of community sanctions, for example, may be frustrated by statutory limits on the powers of sentencers.
- *Criminal justice institutions and practices.* Any innovation must make a place for itself among existing arrangements. If it simply adapts to current practices, it may be neutralised; if it attempts a more radical change, it will impact upon the interests of other institutions and professional groups, who may, unless persuaded of the value of the change, try to mould it to their own perceived interests or resist it.
- *Pressure groups, networks, public opinion.* The support or opposition of a pressure group can make a critical difference to the acceptance of a new idea, as can its representation in the mass media. This can be especially demanding in those countries, like the United Kingdom, where 'talking tough' about crime and punishment has become routine and being seen to be 'soft on crime' can be electorally fatal. When very different ways of responding to crime and punishment – which often evoke deeply emotive reactions – are being proposed, the way in which these are presented to the public is exceptionally important and can be decisive. Mass media can be especially influential here. For instance, some countries

sensationalise high-profile crimes and may misrepresent the nature of community sanctions.

- *Political economy.* There is a strong association between penal policy and political economy (Cavadino and Dignan 2006) and the prospects of transfer are powerfully shaped by socio-economic structures, as well as by the specific politics of crime and punishment. Again, crime trends and attitudes towards punishment are affected by wider social policies and trends and penal innovations may fail if at odds with other policies. The importance of opportunities and *social capital* (for instance, access to employment and accommodation) has been emphasised by research into desistance (the process of coming to stop offending – see McNeill and Weaver 2010). Since political economy influences the availability of social resources as well as their accessibility by offenders and ex-offenders, rehabilitative work will founder unless supported by social inclusion.
- *Research.* Some countries claim that their policies are evidence led, although such claims may be disputed, not least because the implications of research findings are often contested in this area. Still, research may lend support to policy transfer and it can certainly be politically advantageous to show that a practice that has been shown to be effective in one country is now to be adopted. Yet most research findings have been made in specific national contexts and may not simply be assumed to have the same significance in another country. For instance, English practice in risk assessment is grounded in the use of instruments to predict rates of reconviction and factors known to be associated with reconviction. But these depend upon statistical correlations established in particular countries that may not apply elsewhere. More generally, the extent to which practices – assessment instruments, offending behaviour programmes – can be modified and adapted without prejudice to their integrity is insufficiently understood and may not be taken for granted.

As many of the contributors to our book will show, these are among the factors that criminal justice policy transfer projects must consider. These several factors, acting in different ways and with varying weight, make the development and outcome of transfer activity inherently unpredictable. Bluntly, what works here may not work there.

Making transfer happen

A great deal of the literature on criminal justice policy transfer has been relatively theoretical and/or set at a high level of policy; the details and processes of how transfer takes place in practice have received rather less attention. This has opened up something of a divide between theory and practice, aggravated by the considerations that relatively few of the ‘theorists’ have personally been involved in these activities and that no more than a few of