



## Towards 'smart justice'

'It's about giving people hope...'  
Ian Florence talks to  
Geraldine O'Hare

Dr Geraldine O'Hare is a Chartered Psychologist and Director of Rehabilitation for the Probation Board for Northern Ireland (PBNI). As well as leading on areas such as North/South Co-operation for PBNI, Geraldine has been the recipient of a Churchill Fellowship and an Innovation and Practice Award from the British Psychological Society for her work on Problem-Solving Justice.

**What's different about a problem-solving approach to offending? Geraldine tells me it draws on desistance theories and models to assist offenders by supporting them in addressing the root causes of their offending. It looks at offenders' core needs and risks as well as encouraging treatment and an offence-free life.**

Geraldine explains: 'The research and evidence from Problem-Solving Courts in the USA consistently finds this model is effective... it reduces reoffending and enhances treatment engagement. A problem-solving approach to justice was included in the Northern Ireland Draft Programme for Government (PfG).'

As probation interventions have a key role in delivering problem-solving justice, Geraldine applied for and received a Winston Churchill Fellowship. Every year the Winston Churchill Memorial Trust awards around 150 fellowships, which allow international travel to learn about initiatives which can have an impact on practice and policy in the UK. Fellows then bring back what they have learnt, to develop and implement within their field. 'I visited New York, Washington, Carolina and Florida, among other States that were providing an alternative to custody for complex and vulnerable offenders. The learning from my fellowship has significantly informed and influenced our work in NI, developing the first Problem-Solving Courts in Northern Ireland, to include substance misuse, domestic violence and a proposed mental health court.'

### **Holistic and individual**

Geraldine outlines the significant impact these issues have on offending behaviour. 'We know that over 70 per cent of people on probation supervision have a drug or alcohol problem: 60 per cent of them identify as having poor mental health. We need to look at effective ways of tackling these issues. In my view, problem-solving justice provides a

holistic and individualised approach – and that is exactly what is needed to prevent reoffending and assist in the rehabilitation of offenders.’

How did this model start in the US, and how does it work? ‘The courts originated in the late 1980s. Recognising that American prisons were heavily populated by offenders with addiction and mental health problems, locking up people with no treatment was not a solution. Drug courts led the charge in the problem-solving court approach to rehabilitation: the Miami Mental Health Court is widely reported to be the first of its kind, set up in 1989.’

Since then problem-solving courts have developed in the USA and in other countries such as Australia, New Zealand, and now Northern Ireland. Geraldine says: ‘They involve real collaboration between the judge, legal representatives, treatment providers, probation officers and psychologists to create individualised justice: linking individuals to services that will aid their recovery, with the support of the community and families. But, crucially, those individuals are absolutely accountable to the judge involved. Research has shown that judicial supervision, including the use of gradual incentives and sanctions, can help keep people in treatment, and the overall combination of treatment and judicial supervision reduces recidivism and improves public safety. It has also proved very cost effective.’

How did the idea translate in Northern Ireland? ‘In 2015, the Northern Ireland Executive commissioned the Organisation for Economic Co-operation and Development (OECD) to conduct a Public Governance Review of Northern Ireland. The report recommended that a problem-solving approach be piloted. The following year the NI Assembly Justice Committee undertook two visits to observe problem-solving courts in New York and Glasgow and made a similar recommendation. The then Minister for Justice said she would prioritise problem-solving justice and it was a key part of the Programme for Government in 2016. The Department has led on the development of five problem-solving pilots. Probation in NI has been key to this work. For example, in 2015 we developed the Enhanced Combination Order (ECO) pilot as an alternative to short prison sentences of 12 months or less. Over 500 people have now been made subject to an ECO and the benefits for individuals, families and communities have been widely recognised. Three independent evaluations have shown that this problem-solving approach works.’

This could be seen by some people as a soft option. ‘Absolutely not: those involved in the specialist court programmes are reviewed on a regular basis by the judge. That is critical to the success of the offender and the role of the judge is fundamental, travelling alongside the offender’s journey. Judges will engage directly with individuals at each review, which may be on a weekly basis at the beginning of the programme. At any stage, an offender can be sentenced if they are not complying with the court programme. Some of

those who have been through the programme say it is one of the toughest things they have done, but that they have benefitted significantly.’

Even so, it must have been a difficult initiative to get through. ‘I think the stars were aligned. Politicians in the NI Assembly and Executive were beginning to understand the benefits of this approach. At the same time practitioners could see that very positive outcomes were being achieved in other jurisdictions. Key people in criminal justice and wider government were having conversations and saying we need to move the debate from “tough” justice versus “soft” justice to “smart” justice. That is something that resonates with Probation in Northern Ireland. We are now beginning to see the positive outcomes in NI, both in terms of evidence of better outcomes for communities but also the cost savings and longer-term impact.’

You must have had to promote the ideas quite strongly. Yes. We have a communications department in the Probation Board and their involvement was essential. We are committed to engaging with stakeholders and the public to raise awareness and to build confidence in this work. I met a truly inspirational Judge in Washington DC whom I spent a week with, observing his Drug Court, and I brought him over to NI to share his experiences and practice with the NI judiciary, policy makers and practitioners, to ensure a consistent approach in delivering such a radical change in practice and justice in Northern Ireland. This was a wonderful opportunity for everyone and one which greatly assisted in buy-in from the public, victims’ groups and stakeholders.’

### **‘It’s about giving people hope’**

Do you think that the particular situation in Northern Ireland over the past decades have motivated this innovation? ‘No, I don’t think the troubles specifically underpin the initiative. We’ve always been innovative in NI and the PBNI is a truly innovative and energetic organisation which promotes and leads in the rehabilitation of offenders. It was the first Probation Service to employ psychologists directly some 25 years ago, and we continue to be a visionary organisation at the very heart of justice. Northern Ireland is a small jurisdiction which helps us to be collaborative and good partners. We also have strong community and voluntary sector relationships and that has helped us achieve positive outcomes in many of our initiatives.’

I asked Geraldine to sum up. ‘Ultimately the work carried out by Probation – both by psychologists and by Probation Officers – is about giving people hope. One of our key values is that we believe people have the capacity to change. A problem-solving approach to justice whereby people are held to account, but also supported to tackle the cause of their offending behaviour, provides a pathway for change. It helps us improve the lives of individuals, families and communities. It prevents victims of crime. And it makes Northern Ireland a safer place for all to live.’