

REVIEW ARTICLE

Probation Service Systems in Turkey and Several Countries: A Comparative Study in the Context of Substance Misuse

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Main Points

- Probation services in the world are important contact points for substance users with several services provided.
- The difficulty in drawing firm conclusions for people under community supervision is illustrated in studies on treatment for substance misuse.
- There are many similarities and differences in systems between Turkey and other countries.
- Probation services are increasingly involved in measures such as drug/alcohol treatment.

Abstract

Probation services are the leading organization among basic institutions supervising legal consequences of substance misuse. This system is applied in many European countries for hundreds of years while Turkey has a relatively newer system, starting from 2005, compared to more developed countries. This study is a narrative review on probation services including comparison of probation systems in different countries as well as literature findings of several studies on probation due to substance misuse. In this study, it is aimed to discuss probation services in different countries in the world in a comparative way in terms of scope, history, institutional structure, and psychosocial interventions; probation work in prison services; victim services, volunteer workers, pre-sentence reports, victim-offender mediation, in-service trainings, and specialized drug courts within probation system since there are similarities and differences which can be classified under those headings between Turkey and other countries. The difficulty in drawing firm conclusions for people under community supervision is illustrated in studies on treatment for substance misuse. It is seen that there are many similarities and differences also in probation systems in different countries. Probation services are important contact points for substance users with several services provided. It is also stated that probation services are increasingly involved in measures such as drug/alcohol treatment.

Keywords: Drug addiction, drug treatment order, drug testing order, probation, substance misuse

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Introduction

Illegality of substance misuse and crimes under effect of substances underline importance of crime-substance relationship. Probation services are the leading organization among basic institutions supervising legal consequences of this relationship. Probation system is originally developed as to an

alternative custodial measures in order to integrate offenders into society including non-custodial measures for released offenders as well as probationers due to substance misuse and possession. The system is applied in many European countries for hundreds of years while Turkey has a relatively newer system, starting from 2005, compared to more developed countries (Yavuz, 2018).

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This study is a narrative review on probation services including the comparison of probation systems in different countries as well as literature findings of several studies on probation due to substance misuse. In this study, it is aimed to discuss probation services in different countries in the world in a comparative way in terms of scope, history, institutional structure, and psychosocial interventions; probation work in prison services; victim services, volunteer workers, pre-sentence reports, victim-offender mediation, in-service trainings, and specialized drug courts within probation system since there are similarities and differences which can be classified under those headings between Turkey and other countries. Impossibility of handling systems in all countries requires narrowing the scope. Some headings such as drug courts do not exist in some countries. Countries are also decided depending on access to materials on comparable information. Countries in which English or Turkish translated documents and web page could not be accessed are discarded.

Comparative Evaluation of Related Literature Findings on Substance Misuse Treatment for Probationers

There are several studies on pharmacological treatment for substance misuse: vigabatrin for people under probation in Mexico (Brodie et al., 2009), methadone for heroin users under probation (Gryczynski et al., 2012; Kelly et al., 2013), and buprenorphine use for heroin-dependent women under probation in the United States (Cropsey et al., 2011). Although all results show efficacy and positive outcomes of treatment methods, the difficulty in drawing firm conclusions on pharmacological treatment for people under community supervision is illustrated in these studies. Variations in drugs tested, sampling methods, and evaluation of results are observed as well as variance in treatment methods. For instance, methadone treatment is not applied to heroin users in Turkey.

There are two studies found on non-pharmacological treatment for substance misuse targeting people under probation. Depending on early results of Brooklyn programme in the United States, 80% of patients completed the treatment and 55% stayed in remission compared to 16% that had not attended treatment (Gray, 2002). Hollway et al. (2007) evaluated effect of inpatient addiction treatment in Harrison House in Ireland on substance misuse and attitudes of participants on criminal justice system. Health-related findings show a complicated effect of program on substance misuse. Thirty-six percent of cases could keep abstinence between the end of treatment and the data collection time period. Sixty-four percent of cases relapsed, 22% indicated multiple slips, and 22% stated regular use in a 3–9 months period. Approximately 2/3 of participants said that they relapsed at least once. Data were accessed for 12 people on their drinking behavior at the end of the data collection period and 11 of them have stated that they were in remission. Scarcity of relevant data is a problem for follow-up and evaluation of treatment efficiency in general. Since there are no data on long-term follow-up of treatment and probation orders, whose importance is understood better regarding the chronic aspect of addiction, and there is no residential treatment within the context of the order in Turkey, data are not found comparable.

Comparative Evaluation of Probation Services

A Comparison of probation services will be made in terms of the scope of the probation system with respect to substance misuse including mainly legislative content. Similarities and differences in the history of probation services, as well as institutional structure and psychosocial interventions within probation decisions, will be evaluated. Prison and probation services are closely related services in the execution of court decisions. Probation work in prison services will be discussed in terms of substance misuse. Other services functioning as important parts within probation system such as victim services, volunteer workers, pre-sentence reports, victim-offender mediation, in-service trainings, and specialized courts in which many differences and similarities are found are also evaluated. Probation services in Turkey will be compared to related services in Hungary, Austria, Catalonia, Germany, Croatia, England and Wales, Lithuania, Netherlands, the United States, Belgium, Latvia, Canada, Ireland, Norway, Sweden, Czech Republic, and Spain.

History

Regarding the fact that probation services have started in Turkey in 2005, there is a time difference of more than 180 years with the Netherlands as well as many other European countries (Altındağ & Ege, 2015). Enactment of probation services is seen in 1878 in the United States, where the first examples of probation implementations are also accepted to be seen by the practices of John Augustus (Abadinsky, 2006). Initiation of probation services in the United Kingdom started with “judgmental law on petty crimes” in 1879 (Önder, 1963). Probation practices in Germany started with volunteer services as it was in the United Kingdom and the United States, and legal regulations came into force in 1923 and 1953 for juveniles and adults, respectively (Kamer, 2008). Probation services in Switzerland were executed under several regulations in the 1800s and the foundation of “protective supervision institution” in the 1900s served as the legal basement for the probation system in the country (Nursal & Ataç, 2006). First examples of professional probation practices are seen in the 1910s in Belgium (Bauwens et al., 2015). However, there are countries such as Latvia having similar years of experience to Turkey in probation services (Klišāne et al., 2013).

Scope

The aim of probation is to focus on recidivism prevention in the legislation of several countries. This is also reflected in role of probation officer. The aim of probation officer is defined as “supporting the offender in attitudes and lifestyle changes in order to stay away from criminal behavior” in Austrian legislation, in a similar way to legislation in our country (Eryalçın et al., 2021; Koss et al., 2013).

When probation decisions on substance misuse are evaluated on a legislative basis, it is seen that orders are taken in terms of suspension of the sentence in many countries such as Hungary and Austria, as well as it is in Turkey. Also, consent of the suspect is a requirement for the treatment order (Kerezsi et al., 2018; Koss et al., 2013; Penal Code of Turkey No 5237). Imprisonment sentences due to drug misuse for up to 5 years can be suspended in Spain and Catalonia in a similar way. For the suspension of

penalty, drug treatment and related forensic report is a precondition. It can be stated that it is similar to the treatment and probation order in Turkey which can be executed in suspension for 5 years (Barberan et al., 2012; Montero Pérez De Tudela et al., 2016; Penal Code of Turkey, n.d.).

The sentence of a drug addict for a period of up to 2 years can be suspended on the condition of therapy in a drug addiction treatment institution in Germany. Time spent in the institution is accepted as the execution of up to two-thirds of the sentence. The offender can be on probation for the rest of the sentence after therapy in general (Mutz, 2008). While addiction treatment is applied as a type of conditional sentence, community service is executed in Croatia for crimes such as drug possession as a different implementation from Turkey (Šimpraga et al., 2014).

Drug treatment and testing orders started together with the Crime and Disorder Law in 1998 in England and Wales. It could be applied independently or with community orders. The aim is to support offenders committing crimes due to their drug addiction and decrease recidivism. It included collaborations involving regular drug tests between courts, probation services, and treatment services. Currently, drug rehabilitation orders are implemented instead of them. Drug rehabilitation orders are designed for supporting drug users before trial. It can be implemented as an independent requirement without involvement of probation services, as well as it can be used together with probation requirement or programme requirement (programme for substance related crimes, etc.) for more serious cases. Such order includes a treatment package with involvement in a structured daily care program each week for a period of 8 – 15 weeks, obligatory drug tests twice a week, and a substitution treatment if necessary. It can also involve residential treatment. When it is implemented with a community order, individuals also attend court reviews each month as an obligation, unlike the system in Turkey. These court reviews will observe an individual's progress (Hall & Canton, 2014).

It is seen that probation implementations have similarities and differences with services in other countries in terms of legislative scope as well as the type of substance. There are rehabilitation programs specifically for people committing a crime under the effect of alcohol in Lithuania (Deveikyte, 2008). Similarly, in England, Alcohol Treatment Requirements Criminal Justice Law started to be implemented in 2003. Alcohol treatment requirement includes access to a tailored treatment program for the reduction in alcohol consumption and alcohol-related crime. This requirement lasts for 6 months to 3 years, and consent of the offender is required. The target group is addicted users and people having hazardous and harmful use (Ashby et al., 2011). Alcohol treatment requirement can be a gateway to other services for some people. For instance, 7% is referred to mental health treatment in this study. Although there is no order specific to alcohol use apart from judicial control in Turkish Probation Services (Regulation on Probation Services, 2013), it is evaluated that systems are similar in terms of access of individuals under probation to other services such as mental health.

Institutional Structure

Probation services are different among countries both in terms of structure and functions. Turkish probation service is a

governmental organization as it is in Sweden (Boijesen & Tallving, 2018) and Belgium (Bauwens et al., 2015). In comparison to probation work as a combination of private and governmental services in England (DESEPDER, 2017), it is a private sector work in Austria. A contract defining roles, responsibilities, functions, and competences of each partner is signed between Ministry of Justice, as purchaser and Neustart as a service provider, which is a non-profit private organization. This system applies both in Germany and Austria (Koss et al., 2013; Mutz, 2008).

Probation services in the Netherlands are executed by three different institutions and under the Ministry of Security and Justice. One of these institutions is Social Rehabilitation Institution for Addicted Offenders (SvG) (Stichting Verslavingsreclassering). It is a different aspect of probation services in the Netherlands having a separate institution for people with drug use-related offenses compared to Turkish Probation Services. The social rehabilitation institution for people with drug use-related offenses work for supporting prevention of societal harms of crimes related to substance misuse. The institution work with people who commit crime due to their drug use and support decreasing harm at individual and societal level. They organize activities to prevent relapse and recidivism. Activities of the institution are based on psychiatric support and addiction treatment. The maintenance of the rehabilitation process is under the political and social responsibility of the institution. The institution emphasizes the need for community support when explaining the vision (Altındağ & Ege, 2015).

Specialized Courts

Specialized courts focusing on substance misuse exist internationally in many contexts. Around 2500 drug courts have been founded since 1990 in the United States (Franco, 2010), and drug courts have expanded to other countries such as Canada, Australia, England, Norway, and Ireland. Besides, some international organizations have worked to support this policy (United Nations Office on Drugs and Crime, 2005).

Several studies evaluated drug courts in many areas such as recidivism, substance misuse, the success of treatment, costs and benefits, and effectiveness of resource management, and as a result show that drug courts have more positive results compared to traditional punitive methods (Bureau of Justice Assistance, 2004). However, it is problematic to reach firm conclusions on drug courts because these courts vary on the basis of who is suitable to attend, who can make referrals, and who provided programs. Within the framework of many studies (Fulkerson, 2012) evaluations (U.S. Department of Justice, 1998) in the United States and reports of international organizations (United Nations Office on Drugs and Crime, 2005), it is emphasized that the main philosophy behind drug courts is the same but there are several differences. Attendance is offered as an alternative to imprisonment in general and involves regular participation to court, treatment providers, and probation services. It is a system including rewards for successful completions and measures for failures in orders or positive tests. It could be stated that although there are no specialized courts, procedures are similar in terms of measures due to failure in order or positive tests in Turkey.

There are studies claiming that drug courts are a form of probation as well as stating that it is an alternative to existing

punishment systems. Performance criteria is determined in terms of working principles of drug courts (Bureau of Justice Assistance, 2004): Judge should review progress regularly playing an active role in treatment. Judge should react to both positive and negative behaviors of participants. There are also specialized courts to support people using alcohol (Martin et al., 2003).

Substance Misuse And Crime Prevention Law in Canada is a policy statewide involving referrals of drug users to treatment from the criminal justice system (Anglin et al., 2013; Evans et al., 2014; Longshore et al., 2004). The policy is similar to drug courts in terms of treatment and probation order for drug users, and at this point, it could be stated that the system is similar to relevant implementations in Turkey. Distinct aspect is that scope of implementation not involves nonviolent drug offenses but also violating community supervision conditions related to drugs (Anglin et al., 2013). There are different types of treatments within this program. These are “drug education, intensive and regular outpatient treatment, long-term inpatient treatment, and pharmacotherapy” (Longshore et al., 2004); there is methadone treatment for heroin users in general. However, this program differentiates from drug courts in terms of inclusion criteria. For instance, areas such as addiction severity level are not one of the inclusion criteria (Evans et al., 2014). Additionally, there is no budget for urine testing in this program. Participants do not enter prison due to failure in completion; instead, they have three opportunities to be integrated into treatment after breach. Many people under probation have multiple drug use or use drugs with alcohol indeed (Martyn, 2012; Murphy & Sweet, 2004).

Psychosocial Interventions

Execution of probation decisions related to substance misuse in Turkey and other countries include several methodological similarities and differences. For instance, probation services in Catalonia involves one-to-one practices including home visits when necessary. Also, it is possible to organize specific interventions for different criminogenic needs such as drug programs (Barberan et al., 2012). Turkish probation services, in a similar way, include individual case work as well as structured group interventions for drug users (Regulation on Probation Services, 2013).

Probation officers in Croatia, in a similar way to Turkey, apply interventions mainly based on cognitive behavioral therapy (Šimpraga et al., 2014). Also, it is possible to organize specific interventions for different criminogenic needs such as drug programs. Probation officers can apply other methods if they are educated. They do not apply specific group interventions, as distinct from Turkey. Probationers are referred to health agencies or NGOs providing services for specific needs in fields such as addiction and violence.

There are group interventions, education programs, illegal drug rehabilitation, and participation in daily center activities within this context in Hungary. Recent pilot projects are based on cognitive behavioral therapy. Group interventions are applied as well as individual casework in a similar way to probation practices in Turkey. There is collaboration for participation in group work performed by NGOs apart from probation officers, as a difference from the Turkish probation system (Kerezsi et al., 2018).

Treatment programs carried out in Sweden aim for substance/alcohol use, sexual offenses, domestic violence, criminal behavior, and violence. These programs are also based on cognitive behavioral therapy. As this aspect is similar to the system in Turkey, additional support after treatment is a difference. People who have one or more treatment histories are involved in these support programs. The relapse prevention program is executed for two target groups: crime and alcohol/drug use. This program is applied as a supplement and requires the completion of a long-term cognitive-behavioral program (Boijesen & Tallving, 2018).

Volunteer Services

Volunteer workers are an important part of criminal justice system. A volunteer worker is defined under article 4 of regulation as “person working in the probation directorate on voluntary basis in his field of knowledge, skills, and interests” (Regulation on Probation Services, 2013).

Volunteers supervise 1/3 of probation cases in Austria (Koss et al., 2013). Volunteer service is not widespread in the Czech Republic neither it is in Turkey (Kamer & Altun, 2009; Matousková & Demková, 2018). Volunteers have a role in offender – victim mediation mainly in Latvia (Klišāne et al., 2013).

Risk and Need Assessment

Risk and need assessment is a key element and evaluated as the first step for probation services to determine risks and needs of the offender in order to prepare a suitable and individualized execution plan for the offender and execute the probation decision in an effective way. It is an ongoing process reviewed regularly. Risk and needs are reviewed in 6 months in Austria (Koss et al., 2013), similar to Turkey (Regulation on Probation Services, 2013).

It is seen that the risk and need model is used in many countries such as Sweden. Risk assessment is used for individual planning in Croatia (Šimpraga et al., 2014) in a similar way to Turkey (Regulation on Probation Services, 2013). Assessment areas are criminal behavior, housing, education, employment, health status, and any information that would be useful for evaluation.

Risk levels can be a determinant for case load of probation officers. Probation officers supervise 20 – 300 cases in Latvia. Time spent for each case changes depending on risk level of the case. Thirty minutes time monthly is spent for low-risk offenders as 7.5 hours is spent for high-risk probationers. Average daily case load is 40 (Klišāne et al., 2013). In comparison, probation case load is balanced depending on the number of cases; risk level is not a criterion for case load division in Turkish Probation Services.

Pre-sentence Reports

Pre-sentence reports are defined as “a pre-judgment report which systematically evaluates the suspect’s or convict’s background, family, environment, education in addition to the personal, social, economic, mental, and psychological conditions while identifying the potential risks posed to the victim and society and assessing the relevant needs. It also provides recommendations about the services, programs, and resources that can be used for meeting the needs that are identified” (Regulation on Probation Services, 2013). These reports are evaluated as key support elements prepared by experts in the field for court

decisions. As a pre-sentence report for juveniles is an obligation, it is prepared for adults on the judge's demand in Catalonia (Barberan et al., 2012). In a similar way in Turkey, social investigation reports are prepared for juveniles in the Turkish criminal justice system as social inquiry reports for adults are prepared if the judge demands (Regulation on Probation Services, 2013) while both types of reports serve approximately the same aim (Yavuz, 2018). There are social investigation reports/presence reports within the context of Hungarian Probation services (Kerezsi et al., 2018).

Mediation Services

Victim – offender mediation is an important part of the criminal justice system providing a reduction in harm of offense to the victim and serving key elements of restorative justice in this way. As victim – offender meditation is a section of probation services in Latvia (Klišāne et al., 2013), Czech Republic (Matoušková & Demková, 2018), Hungary (Kerezsi et al., 2018), and Austria (Koss et al., 2013), it is an independent organization from probation still under the Ministry of Justice in Turkey.

Support Types

Depending on the risk and need assessment mentioned above, support is provided for the offender in several areas. Housing support is provided in the Austrian probation system (Koss et al., 2013), differently from probation services in Turkey. Halfway houses/hostels as housing support for a period of time is existent in countries such as Sweden (Boijesen & Tallving, 2018) and the United Kingdom (DESEPDER, 2017). It is stated that halfway houses are not widespread, and they are only in big cities. Probationers may be required to stay in hostels although they have their own housing. Probationers are not allowed to get out of the hostel between 11:00 p.m. and 7:30 a.m.

Probation services in Sweden and the United Kingdom aim to support the needs of offenders in collaboration with employment agencies, health services, etc., in a similar fashion to the system in Turkey. Offenders can apply for a 350 Euros grant if it will be used for crime prevention (Hall & Canton, 2014). There are grants specifically for ex-offenders attending entrepreneurship course if they want to have their own workplace in Turkey in collaboration with the Probation Service and Employment Agency (Namal, 2019).

Victim Support Services

Victim support within probation services is included in many countries such as Belgium (Bauwens et al., 2015), the Czech Republic (Matoušková & Demková, 2018), and Hungary (Kerezsi et al., 2018). While victim support services were a part of probation services in Turkey previously, it has been separated from probation services as an independent department (Eryalçın et al., 2021) now. Similarly, probation services do not have a role in victim support services in Sweden (Boijesen & Tallving, 2018).

In-service Training

In-service training is evaluated as important for probation services since probation workers may come from several disciplines and need trainings to have a common and efficient language and attitude toward offenders. There is a 6-week introductory training in Hungary (Kerezsi et al., 2018) as it exists also in Turkey.

Depending on the related activity report, 24 trainings occurred, and 547 probation officers attended those trainings in 2016 in Turkey (Turkish Ministry of Justice, 2016).

Violation Commissions

Violation is one of the key elements in execution of probation decisions since they may even result in imprisonment of the offender. Evaluation of violations differs in countries. For instance, there are 28 independent supervision committees in Sweden. They include judges and an assistant educated on forensic field. They are elected politically for 4 years. One of the main functions of the committees is evaluations of supervision condition violations. They have the authority to warn the offender, change supervision conditions, and advise revocation of probation decision (Boijesen & Tallving, 2018). Relevant evaluations are done by Evaluation Commission on Execution Procedures in Turkey whose members are from probation service (Regulation on Probation Services, 2013).

Prevention Activities

Prevention activities are performed at several levels and are one of the most important elements of war against substance misuse. While prevention work is performed at second and third level of prevention, it is also performed as primary prevention measures within probation services in some countries. Social work in schools is performed as a primary prevention activity, as activities for young drinkers taken to the hospital are at secondary prevention level in Austrian Probation Services (Koss et al., 2013). It is stated that there is no primary or secondary prevention in Belgium within probation services (Bauwens et al., 2015). They are carried out as specific and general crime prevention activities in Spain (Montero Pérez De Tudela et al., 2016).

Probation services in Ireland attend national and regional meetings including evaluation of problems such as drug use, poverty and social inclusion, in a similar way to Turkish Probation Services (O'donovan, 2008). It is aimed to provide important support for secondary prevention measures in this way.

Prison Activities

When the role of probation in prison activities is evaluated, various practices are seen in different countries. For instance, probation workers in the Netherlands carry out activities such as visiting offenders in police offices or prisons and reporting the visits (Altındağ & Ege, 2015).

There are part-time or full-time probation officers working in remand prisons in Sweden. These officers talk to offenders and focus mainly on sexual violence, drug use, domestic violence, and young offenders under the age of 21. They may have dialogs on areas that offenders had a problem previously. They inform about treatment options, including residential treatment for the rest of the sentence (Boijesen & Tallving, 2018). While probation officers do not work as part-time or full-time workers in prison, they may have seminars in prison on probation practices in Turkey.

Treatment programs are applied in prison by probation officers in Latvia. Release from prison include a management commission including representatives from prison, court, and probation services. Some commissions may include local representatives

from municipalities (Klišāne et al., 2013). Probation service is not included in the Management and Supervision Board, which has the authority for release, in Turkey (Turkish Ministry of Justice, 2020).

Results and Discussion

This study aimed at comparing probation practices in Turkey and several countries mainly in the context of probation orders for substance misuse as well as studies in related field. It is seen that there are many similarities and differences in systems in terms of scope, aim, history, institutional structure, and psychosocial interventions in probation services; probation work in prison services; victim services, volunteer workers, pre-sentence reports, victim-offender mediation, in-service trainings within probation system, and specialized drug courts. Establishment of drug courts seems like a necessity in field. It is evaluated that integration of drug court system into probation services may be useful in short term and long term regarding analysis of costs and benefits.

As a result of studies on probation practices, there are some requirements to be mentioned in order to implement measures more effectively. It is stated that there is a need for consensus and open communication on whether drug users attended a treatment program and who is suitable for an order. Secondly, it is necessary to define acceptable cut-off values on drug tests specifically for probation services to clarify how long it takes a person to detoxify and how negative or positive test results will be evaluated. It is seen that there are similar suggestions for probation services in Turkey (Akgür, 2012). Thirdly, ways to prevent delays on reports about suitability for drug treatment and testing orders or violations are mentioned. All these points are stated to be prerequisites for rehabilitation or points to be considered in similar interventions (Sirdifield et al., 2020). When literature on probationers having substance misuse problems is evaluated, it is seen that there is heterogeneity in results gained and this poses an obstacle to drawing firm conclusions. Probation is seen as a field of research gaining an important level of budget in the world. It is worth underlining the seriousness of the problem.

Probation services in the world are important contact points for substance users with several services provided. It is seen that 53.9% of people under probation have mental health problems. Although substance misuse prevalence is high among this group, only 5.3% applied to treatment services (Rodriguez et al., 2006). There are similar results, showing low level of application for treatment (15%) in Turkey (Altın, 2018). Within this context, probation services are important access points that drug users have contact with community support services, especially for people having long history of substance abuse and comorbid mental disorders without any previous contact with treatment services. It is also stated that probation services are increasingly involved in community measures such as drug/alcohol treatment measures and psychiatric probation orders (Van Kalmthout & Durnescu, 2018). Future research seems to be quite important with regard to substance use and probation

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