

# **Changing Lives?**

## **Desistance Research and Offender Management**

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## 1. KEY MESSAGES

### Context

- 1.1 This report was commissioned by the National Offender Management Service (NOMS) and completed by the authors in March 2010. Its purpose is to provide a literature review on desistance from crime which is intended to open up suggested lines of enquiry which NOMS might then pursue in its policy programme – specifically its emerging work on offender engagement. The report was commissioned and should be interpreted not as a systematic literature review of desistance research, but rather as a deliberately discursive and speculative paper which aims to scope out some of the implications of desistance research for offender management<sup>1</sup>, rather than to make any definitive statement either about desistance research or about its interpretation in practice. Given the very short timescale, the report necessarily draws heavily on existing work published by the authors elsewhere (principally McNeill, 2003, 2006, 2009a, 2009b; Weaver and McNeill 2007, 2010)<sup>2</sup>.
- 1.2 The recently established NOMS Offender Engagement Programme (OEP) has the following goals:
- To produce an evidence based effective practice framework for work with the individual offender
  - To assist the probation practitioner to deliver a reduction in reoffending rates and improved levels of compliance and completions
  - To measure and improve the quality of engagement with offenders
  - To identify and reduce the barriers to effective engagement with offenders
  - To enable practitioners to apply professional judgement to their work within an evidence based approach
  - To contribute to the creation of an outcome based performance framework
  - To develop a leadership model which supports improvement in the quality and effectiveness of offender engagement
- 1.3 The report that follows aims to explore, first, how desistance research relates to the purposes of offender management; second, available evidence about the process of desistance and what kinds of interventions appear to support it; third, the potential implications of desistance research for the processes of offender management; fourth, potential links between supporting desistance and fostering compliance; and finally, connections between desistance research and the public credibility of offender management.

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<sup>1</sup> We use the term 'offender management' deliberately loosely throughout this report, and sometimes interchangeably with 'probation', 'criminal justice social work' or 'community sanctions'. This reflects the differences in terminology over the course of history and in different jurisdictions. Broadly speaking, the focus of our enquiry is on what desistance research has to say to questions about how 'offenders' can be best supervised and supported to change. Our focus is on community-based supervision processes, although there are implications from desistance research for work within custody.

<sup>2</sup> The authors gratefully acknowledge the assistance of Steve Farrall, Shadd Maruna, Sue Rex, Gwen Robinson and Joanna Shapland in commenting very helpfully on an earlier draft of this report – and indeed for their influence on many of the previous publications on which we draw here. We are particularly grateful to Gwen Robinson for giving permission for the use of material on compliance and legitimacy which she co-authored with Fergus McNeill.

- 1.4 This first section aims to very briefly summarise not the detailed discussions which follows, but rather the key messages that emerge as they related to the Offender Engagement Programme and to offender management more generally.

### Cautions and caveats

- 1.5 It is important to begin by sounding a note of caution. There is some compelling evidence that even when they are directed at help and change (rather than punishment and control), interventions can be associated with slowing desistance down rather than speeding it up. Thus, for example, the Edinburgh Study of Youth Transitions and Crime has discovered that, controlling for other factors, children who become known to services earlier tend to be slower to desist than those who are similarly involved in criminal behaviour but do not become known to services. It is likely that this can be accounted for by a labelling effect; where those who become known to the police and social services find themselves relatively over-policed, thus confirming, compounding and extending criminal identities and pathways (McAra and McVie, 2007, 2010 forthcoming). This is a sobering finding – and one which suggests that we should prioritise understanding what not to do in response to offending (especially first experiences of offending) as much as what to do to support desistance. Clearly, interventions that label, that penalise and that exclude are likely to pose problems for and create obstacles in desistance pathways, impeding successful integration. Clearly Pre-Sentence Report authors have a vital role to play here, in seeking to ensure that those who do not need complex support to enable difficult change processes are directed towards appropriate community sanctions and measures (e.g. fines and orders that do not involve supervision or treatment conditions).
- 1.6 Bearing this in mind, it is extremely important to note that much of the discussion that follows is premised on the assumption that the focus of offender engagement and offender management is and should be upon those who are relatively persistent and/or serious offenders with relatively established criminal identities<sup>3</sup>. As we note below, where such identities are not yet established, no complex and costly re-construction of attitudes, identities and behaviours is required or merited. Where such cases do fall within the caseloads of NOMS, the emphasis should perhaps be on 'light-touch' interventions that are designed to *prevent* the development of criminal identities (for example, through negative labelling, association with more serious or persistent offenders, and an undue focus on risk) and to prevent social and personal *dis*-integration. Someone who is not seriously or substantially embarked on a criminal pathway may need little more than a nudge back into longer-term compliance, and in such circumstances more heavy-handed and stigmatising modes of intervention are very likely to do more harm than good.

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<sup>3</sup> It is important to note that some people who commit very serious offences may not evidence any kind of 'criminal identity'; for example, someone with no previous record who is convicted of causing death by dangerous driving, or someone who is involved in a serious assault in very particular circumstances, may well retain a very conventional ('law-abiding') sense of self. An established criminal identity is much more likely to be present for persistent, and not necessarily serious, offenders. The means of supporting desistance for the two groups are likely to be quite different.

## General principles

1.7 These important caveats are implied in the following statement of general principles which we have previously suggested (Weaver and McNeill, 2007) arise for policy from desistance research and which serve as a reasonable summary of much that follows:

1. **Be realistic:** It takes time to change entrenched behaviours and the problems that underlie them, so lapses and relapses should be expected and effectively managed.
2. **Favour informal approaches:** Labelling and stigmatising children and young people as 'offenders' runs the serious risk of establishing criminal identities rather than diminishing them, so it should be avoided as much as possible by favouring informal measures.
3. **Use prisons sparingly:** Stopping offending is aided by strong and positive social ties, by seeing beyond the label 'offender' and by reducing or avoiding contacts with other 'offenders'. Prison makes all of these things much more difficult.
4. **Build positive relationships:** Like everyone else, offenders are most influenced to change (and not to change) by those whose advice they respect and whose support they value. Personal and professional relationships are key to change.
5. **Respect individuality:** Since the process of giving up crime is different for each person, criminal justice responses need to be properly individualised. One-size-fits-all approaches run the risk of fitting no-one.
6. **Recognise the significance of social contexts:** Trying only to 'fix' offenders can't and won't fix reoffending. Giving up crime requires new networks of support and opportunity in local communities *and* a new attitude towards the reintegration of ex-offenders.
7. **Mind our language:** If the language that we use in policy and practice causes both individuals and communities to give up on offenders, if it confirms and cements the negative perceptions of *people* who have offended as risky, dangerous, feckless, hopeless or helpless, then it will be harder for those people to give up crime.
8. **Promote 'redemption':** Criminal justice policy and practice has to recognise and reward efforts to give up crime, so as to encourage and confirm positive change. For ex-offenders, there has to be an ending to their punishment and some means of signalling their redemption and re-inclusion within their communities.

## From principles to (one-to-one) practice

1.8 In the next section, we suggest that one-to-one practice will be more likely to support desistance where it is modelled on a sound understanding of existing theory and research about desistance in general terms; where it allows practitioners to work with offenders to locate them in their own desistance pathway or journey; and where it allows them to locate their pathway or journey in its social and cultural context. In many respects these elements amount to a revised approach to assessment that moves beyond using risk and need factors to guide interventions. In a sense, this is about developing a much more comprehensive and personalised picture of the state and progress of the process that intervention exists to support.

1.9 To develop the metaphor of a desistance journey, once that picture is in place – once the territory has been charted and the offender's current position is located on a map of their social world -- the next step in one-to-one practice involves preparing properly for the journey. This is partly a question of planning the journey and mapping the route – and

that involves agreeing on the intended destination. In this respect, the approach to assessment and planning suggested by advocates of the Good Lives Model (discussed below) has much to commend it in identifying the offender's 'approach goals' rather than focusing on what they must avoid.

- 1.10 But planning and preparing is also about building the relationship as the principal means of supporting the offender's journey. That relationship need to be both properly established and properly resourced – trust is necessary a pre-requisite of the willingness to travel together, especially through unfamiliar and discomfiting places. Subjective factors like hope, expectation and confidence (in the guide) are important here, but so too is practical assistance that addresses basic human needs (housing and health, for example). Hope, expectation and confidence fade quickly on an empty stomach. Moreover, the journey typically involves not just the offender and the worker – those closest to the offender in some senses are travelling too, and they also need to be engaged, supported and involved in the process.
- 1.11 Equally, this is likely to be a long walk (maybe even a marathon) and one that the offender is compelled to embark upon whether or not they are fit for it in some senses. It follows that, as well as being a guide, the worker may need to act as a trainer too. That involves not just planning the journey, but making sure that the initial stages are undertaken at the right pace, that the offender is 're-hydrated and re-fuelled' regularly, and that they acquire or develop the right kind of walking or running technique or style.
- 1.12 We stress below the importance of active and participative experiences of supervision, but we also note from studies that have begun to examine different phases of the desistance process, that the sense of agency (and the concern with generativity) may emerge later rather than earlier in the process. This suggests that the first leg of the journey might often involve a very active role for the worker; sometimes this may even come close to the worker (or other supporters) 'carrying' the offender. But progressively, as the offender's fitness and map-reading improves – both through practice and because of the worker's role-modelling – their mutual roles can begin to shift.
- 1.13 Because the journey is likely to be a long and difficult one (which might involve occasional wrong-turns, uneven speed, hills, blind-alleys, obstacles and even the occasional accident), pit-stops are likely to be necessary. Hence, regular review processes are likely to be important in including all the journey's participants in checking direction, re-fuelling, maintaining and maybe repairing the relationship, determining when the offender feels ready to walk or run alone, and celebrating the progress made so far.
- 1.14 The metaphor perhaps breaks down at the point of arrival. It is in the nature of desistance that it is hard to determine unequivocally that someone has arrived. In some senses, the 'project' of living a good life well integrated into an inclusive community is a continuing one for all of us, irrespective of our past behaviours. In any event, where there is some evidence of 'arrival', the worker may need to maintain a role in helping the ex-offender find or build and settle into and a new home. In some respects, integration may be as great a challenge as desistance itself. No-one can integrate themselves into a community or social group; integration necessarily involves the receiving community as much as the

immigrant – and the worker will need to engage with and support both. But if the ex-offender has successfully navigated and led the later stages of the journey (albeit with support), their preparedness for that challenge will be much greater than where the intervention has simply carried them along and dropped them off.

## Assessing desistance-readiness

- 1.15 The models of desistance processes discussed below perhaps represent only the beginning of an effort by researchers to more clearly articulate the stages of the desistance process. Based on these emerging models, it might be suggested that assessment should focus on exploring issues such as an individual's developing maturity (not necessarily indexed by age), the strength and salience (to them) of their (licit or positive) social bonds, their aspirations and approach goals (as outlined in the GLM) and their cognitive openness to and readiness for change. In this last respect, the techniques and methods associated with motivational interviewing (MI) are likely to be useful, particularly in exploring and developing cognitive dissonance (where short-term behaviours are out of kilter with long term goals), and in assessing readiness for change. MI is also helpful in its stress on the relational qualities of motivation; i.e. locating motivation as something that emerges in and from relationships rather than as a simple attribute of the individual.
- 1.16 As we have noted, some desistance studies suggest that hope and hopefulness are important factors, and there may be good reason to explore this in assessment, alongside issues such as self-efficacy and locus of control. Again, these factors are best understood not as fixed attributes of the individual, but as indications of specific interventions that may be needed to bolster change efforts. Building motivation and sense of agency is likely to involve helping the individual to recognise the possibilities of a self hood and lifestyle that is more desirable than what s/he currently has; that possibility needs to be meaningful and desirable for the individual. The worker needs to work with him or her towards its formulation and realisation and to persist and maintain hope through lapses and relapses.
- 1.17 LeBel et al (2008), in an attempt to disentangle the interaction between such 'subjective/agency' factors and 'social/environmental' factors found that subjective states measured before release had a *direct* effect on recidivism as well as *indirect* effects through their impact on social circumstances experienced post release. It is not enough to have opportunities, 'opportunities' need to be read as opportunities by the offender themselves. They have to *perceive* whatever it is as a 'hook for change'. In other words, the evidence suggests that desistance may be supported by a kind of 'virtuous circle' where hope and hopefulness is realised through opportunities that in turn vindicate and reinforce hope and hopefulness; the relationship between subjective and social factors is iterative. While we need to know more about the interactions between these sorts of factors and about their sequencing, for the moment the message is that interventions must simultaneously attend to both.
- 1.18 More basically, taking the process of the co-production of desistance seriously would imply that the obvious way to assess readiness and motivation is to ask the offender.



Some of the specific question used in the Sheffield Pathways out of Crime Study [SPooCS] interviews might be of use here.

## **Desistance-focused practice**

- 1.19 One of the ‘problems’ with desistance research is that it is not readily translated into straightforward prescriptions for practice – hence the reliance on metaphor and analogies above. As Porporino (2010: 61) has recently suggested: ‘Desistance theory and research, rich in descriptive analysis of the forces and influences that can underpin offender change, unfortunately lacks any sort of organised practice framework.’
- 1.20 However, though this is a practical problem, it is not necessarily a weakness. Even if we wished that there was a ‘desistance manual’ that could be prescribed for practitioners, there is not. As we show below, desistance research itself makes clear that offenders are heterogeneous, their needs are complex and their pathways to desistance are individualised. Overly generalised approaches to interventions therefore are themselves inconsistent with desistance research. It follows that evidence based practice can only really emerge from practitioners’ reflective engagement and continual dialogue with those individuals with whom they work, and with the research that should inform how they work. This raises key strategic questions about which mechanisms services can use to enable the development of practitioners’ reflexivity, of their professional skills and of their research-mindedness – and to give them the space they need to work effectively. Clearly, this raises issues of education, training and professional supervision, as well as of practice processes themselves.
- 1.21 For these reasons, we have tried to articulate below not a prescriptive manual for supporting desistance in practice, but rather a practice process or framework (the ‘offender supervision spine’). This initial articulation of the process or framework is designed to support practitioners to engage with both general evidence about desistance and with specific attention to understanding and supporting individualised desistance pathways. The central suggestion here is that practitioners need to be able to develop, apply and test *individualised* ‘theories of change’ on a case by case basis, rather than applying *homogenised* theories of change (based on generalisations about ‘what works’ to support desistance) to groups of offenders. There may be a common process of generating, applying and testing such individualised theories (perhaps one that can be supported by supporting ICT developments), but the theories and the practical plans that flow from them must be individual, personalised and, as far as possible, co-produced with the offender. Though the ‘offender supervision spine’ is not a fully articulated intervention framework, it may well be useful to explore its relationship with the OMM and perhaps to develop and then pilot it as a practice process or framework which has offender engagement at its core. It is likely that any such pilot would need to involve an underpinning staff training programme and some kind of ongoing action research or knowledge exchange process involving desistance researchers.
- 1.22 Although such a practice process or framework could be piloted across all cases in a given area, an alternative approach would be to look at specific populations of offenders – for example, persistent and prolific offenders, those on release licences or those with

particular kinds of or combinations of conditions on community sentences (including supervision conditions).

- 1.23 Although the process perhaps has most relevance for offenders managed at tiers 3 or 4 of the Offender Management Model (i.e. where change is required), it may also be possible to develop and pilot community payback schemes that are more clearly embedded in desistance research – for example, placing a premium on ‘paying back by working at change’, on contact with beneficiaries, on generative activities and so on.
- 1.24 A more radical option might be to involve current and former service users in co-designing, co-developing, co-implementing and co-evaluating a desistance-supporting intervention process. A strong evidence-based case could be made for this; partly on the grounds that desistance research itself is often about learning directly from offenders’ and ex-offenders’ experiences, partly because of what the desistance research has to say about the importance of and merits of developing agency, generativity and civic participation, and partly because services co-designed by their current or former users may well be more likely to be fit for purpose and thus effective.
- 1.25 Looking beyond the ‘core’ of offender management itself, given the fiscal constraints on the public services and the challenges of ‘doing better with less’, it will be important to explore the role of the voluntary sector, faith groups, NGOs, employers and other (non-criminal justice) public services in contributing to desistance. Much of this contribution might be associated with the challenges of accessing and mobilising social capital in support of desistance (Farrall and Calverley, 2005). There is considerable experience that could be drawn upon here in relation to resettlement work (Hucklesby and Hagley-Dickinson, 2007).

## Research challenges

- 1.26 Looking at the literature reviewed below in the light of the objectives of the OEP, a number of challenges emerge in relation to research that would be required to develop the evidence base for constructive innovations in offender management.
- 1.27 The discussion below of recent work on **engagement and compliance** with offender management is based on robust evidence from other fields, but on relatively limited empirical work on compliance in this specific context. Empirical work exploring and testing the dynamic model of compliance that we review below is long overdue and seems critical to the development of a strong evidence base for the OEP.
- 1.28 We have noted above that we know relatively little about differences in **desistance pathways for specific sub-populations** of offenders subject to offender management. These sub-populations can be conceived both in terms of demographics (e.g. gender, age and ethnicity) and by main offence types (e.g. property offenders, violent offenders, sex offenders). More nuanced accounts of variations in desistance processes could be produced through such work, and this would have clear implications for adapting practices with specific populations to best support desistance processes.

- 1.29 More generally, more studies of '**assisted desistance**' are required in order to refine our understandings of what sorts of practices and practitioners best support desistance processes for whom in which circumstances. In this regard, high quality user voice research that moves beyond mere 'consumer feedback' is required; in some respects, we know relatively little about how community sanctions are constructed in the interactions between supervisors and supervised. **Ethnographies of supervision** are required to plug this gap and to deepen our understanding of the practices that we are seeking to reform and develop.
- 1.30 But equally, and assuming that it is possible to adequately differentiate practice approaches, there would be merit on developing **quantitative methodologies** that allow for 'survival analyses' of desistance efforts, rather than relying on outcome evaluations (whether based on randomised control trials or other methods) that rely on blunt measures of reconviction at fixed points in time. Existing data sets (those used to generate OGRS scores for example) could be used to plot the predicted period of survival; where interventions generate extended survival periods, survival analyses have the considerable merit of allowing for cost-benefit analysis based on calculating the variance between predicted and the actual survival curves for particular populations. In other words, the cost savings of extending the offence-free period and of reducing the frequency or gravity of offending could, in theory, be estimated. Of course, whatever approach to outcome evaluation, it is at least as important, and possibly more important for policy and practice, to understand through careful process evaluation what made the difference for the offender. In this respect, **qualitative longitudinal research** (following up cohorts of offenders and ex-offenders and gathering detailed evidence about the influences on their trajectories pathways) has much to offer the medium and longer term development not just of offender management services but of criminal justice policy and practice more generally.
- 1.31 Taking a somewhat different tack, and with **public acceptability** in mind, there may be merit in exploring victims' and public opinions about desistance and attitudes to punishment. There is some evidence from evaluations of efforts to combat stigma related to mental health, that public and professional exposure to service user narratives can change attitudes, for example to dangerousness and recovery. It may be that judicious use of user narratives in the context of offender management could yield similar benefits in terms of combating punitiveness and thus supporting the prospects for ex-offender integration. Though this is not about offender engagement *per se*, it is about the wider project of community engagement in supporting desistance and thus reducing reoffending.

## Strategic and financial challenges

- 1.32 A key question that arises for the OEP concerns the extent to which current practice tools, processes, systems, targets and performance indicators facilitate or hinder a constructive focus on offender engagement and desistance. Our experience of undertaking training on reducing reoffending with Scottish criminal justice social workers -- and of dialogue with them about factors that enable or impede desistance-focused practice -- suggests that spending time with offenders (and where appropriate significant others in offenders' lives) is seen by workers as being key to developing engaging relationships that support

change. Typically, they complain that a combination of rising workloads and increasing paperwork (often linked to performance targets) militates against spending 'quality time' with offenders working for change. To give some examples: the need to complete risk assessment forms (whether on paper or on screen) is sometimes seen as damaging the quality of interactions during assessment; the haste to produce action plans for supervision swiftly (in order to meet targets) gets in the way of spending time developing plans which are genuinely shared and co-produced; workers sometimes bemoan the decline of home visiting (now regarded as too time-consuming to be sustained as a routine practice) which once connected supervisors both to offenders' social worlds and to their familial social networks. In terms of maintaining positive relationships, once they have been established, we discuss below the potential unintended consequences of enforcement targets which may require workers to seemingly prioritise formal over substantive compliance, thus alienating offenders.

- 1.33 In this context, a more general question arises for NOMS – and for any similar service – in the light of tightening resource constraints on the one hand, and emerging evidence of a wider range of factors at play in delivering effective practice in and thus positive outcomes of offender supervision. Whereas in the mid-1990s, the evidence for investing in the delivery of programmes seemed clear and compelling, now policy makers and senior managers face difficult questions about whether and how to spread limited investment across better programmes and/or better assessment instruments and/or better 'routine' practice processes and/or enhanced staff skills and/or workforce development and/or reducing workloads to enhance contact time and make the best of existing staff skills.
- 1.34 With respect to these questions, existing research can offer no unequivocal answer – although it does provide some guidance. At the most general level, it seems clear that enabling supervision to be more relationally engaging, more respectful of the offender's active role in (and ownership of) the change process, more helpful in tackling practical problems and more fair in its administration, is most likely to yield better outcomes. In terms of finding ways to more clearly operationalise the types of approach outlined in this paper, within the OEP it may make sense to pilot different strategies in different areas in order to seek to analyse their differential impacts on outcomes. Though a range of particular strategic and practical approaches could be developed and piloted, a more radical alternative might be to give a probation area (or an entire trust) particular consultancy support in operationalising desistance-focused practice and a high degree of autonomy to pursue related outcomes but without any system of (intermediate) standards or measures at all. It may be, for example, that the academic costs of such a strategy could be fully or partially supported by applying for Economic and Social Research Council support for a knowledge exchange partnership.

## 2. DESISTANCE AND THE PURPOSES OF OFFENDER MANAGEMENT

- 2.1 The relevance of desistance research for offender management depends in large part on the way in which the purposes of offender management are construed. Similarly, the place and purpose of offender engagement within offender management can only be understood in the light of these broader purposes. NOMS has the following aims:
- Protect the public
  - Reduce re-offending
  - Punish offenders
  - Rehabilitate offenders
  - Ensure victims feel justice has been done<sup>4</sup>
- 2.2 These aims closely reflect section 2(4) of the Offender Management Act 2007, although the Act does not contain the fifth aim, stating instead that ‘ensuring offenders’ awareness of the effects of crime on the victims of crimes and the public’ should be one of the Secretary of State’s aims in making provision for probation services.
- 2.3 Although engaging with and supporting offenders to desist can be seen to be consistent with all of NOMS’s aims, it must be noted that not all of the aims require any attention to supporting desistance – and not all require the same forms of offender engagement. Thus for example, public protection, reducing reoffending, punishing offenders and satisfying victims could all be achieved, in theory at least, by other means – including, for example, lengthy prison sentences or intensive surveillance measures intended only to punish, incapacitate or control. Although rehabilitative purposes fit most neatly with an interest in desistance, rehabilitation itself is a highly ambiguous concept (Raynor and Robinson, 2009; Robinson and Crow, 2009); it can be conceived simply as means to the end of public protection through reduced reoffending, or alternatively as a worthy end in itself – the full restoration in his or her rights and responsibilities of the once errant citizen. Moreover, the types of practices and strategies that can be represented as being ‘rehabilitative’ range from the highly medical (for example, aversion therapy or chemical castration) to much more social strategies based on promoting inclusion (cf. Johnstone, 1996). As one of us has argued previously (McNeill, 2006), the evidence about desistance from crime lends itself more to a social than a medical model of rehabilitation.
- 2.4 More generally, there may be circumstances where the interests of justice and the most effective strategy for engaging offenders to support desistance come into conflict. For example, sending someone who commits a serious offence to prison might be reasonably foreseen to be counterproductive in terms of desistance (because it slows maturation, damages family ties, cements criminal identities and establishes criminal associations and networks). Nonetheless, it may be judged necessary because no other penalty is considered proportionate to the harms done by the offender and because

<sup>4</sup> <http://www.noms.homeoffice.gov.uk/>, accessed 16<sup>th</sup> March, 2010.

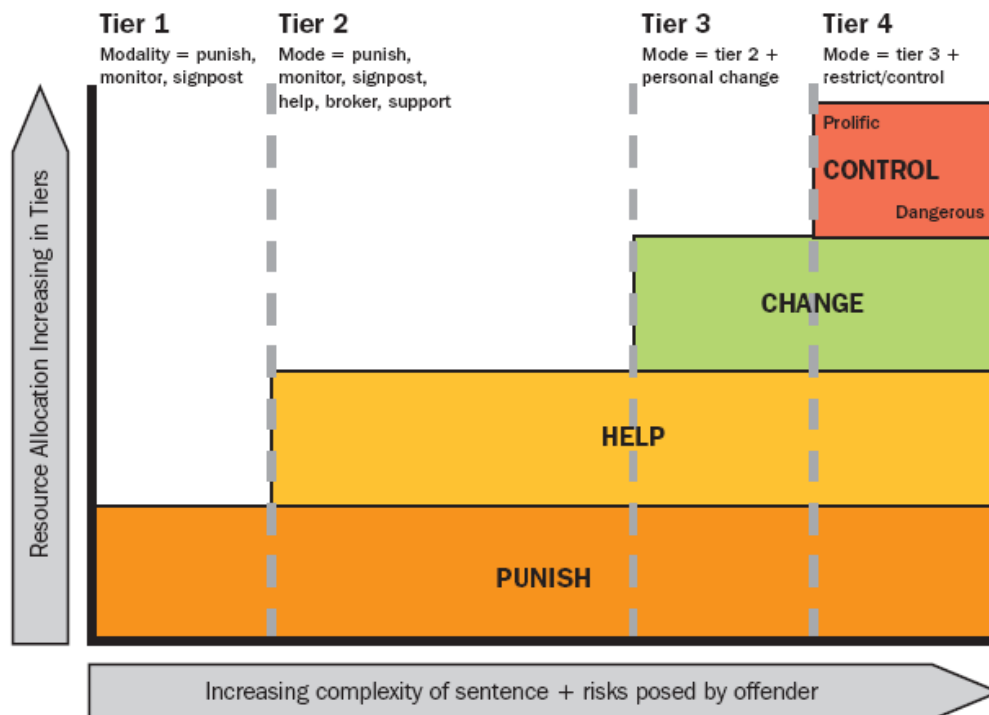
wider concerns with denunciation or deterrence need to be borne in mind, both in sentencing and in the administration of punishment.

- 2.5 There is also a wider social and political context that must be taken into account. Several contemporary penologists have argued that as social life has become more atomised, more individualised, more preoccupied with uncertainties and risks – basically more insecure -- we have become more eager to look after ourselves and our own and less tolerant of anyone cast as an alien, an outsider, a threat. The resulting political pressures to respond to public attitudes and sensibilities about crime through *both* effective public protection *and* the delivery of credible punishments have posed considerable challenges for offender management and community sanctions organisations in many jurisdictions (McNeill, forthcoming). In this context, it is no surprise that public protection has become a key priority and even a ‘meta-narrative’ for probation (Robinson and McNeill, 2004). To talk of protection seems to make sense in times of insecurity; probation’s political position and its claims on public resources may seem to be best legitimated by promising to manage and reduce risks and thus to enhance security. However, whenever offender management commits itself to the assessment and management of risks, it exposes itself not to the likelihood of failure, but to its inevitability. Not all risks are predictable and not all harms are preventable. Even being excellent at assessing and managing risks most of the time -- assuming that this could be achieved -- would not protect probation from occasional, spectacular failures and the political costs that they carry (Robinson and McNeill, 2004, McCulloch and McNeill, 2007).
- 2.6 Another related problem with the prioritisation of public protection is that it tends to dichotomise the interests of offenders and the interests of victims and communities in a zero-sum game (McCulloch and McNeill, 2007). It becomes not just a case of protecting ‘us’ from ‘them’, but a case of setting ‘our’ safeties and liberties against ‘theirs’. This leads to a public and political pressure for more secure – for which we might read incapacitating – forms of control that serve, at least in the short term, to re-assure an anxious public. But probation’s traditional mechanisms for generating protection or security are to be found in the support of long-term change processes through rehabilitation. Such rehabilitative processes provide relatively little security and reassurance in the short-term. So although changed ex-offenders who have internalised and committed to the responsibilities of citizenship offer a better prospect for a safer society in the long term, change programmes and services look somewhat feeble when set against the increasingly threatening offender that communities are taught to fear.
- 2.7 Paradoxically, the dominance of public protection also poses practical and ethical problems with regard to crime victims. When offender management becomes preoccupied with risk management and public protection, it preoccupies itself with things that may happen, with the offender's future behaviour, with potential victims and with the future impacts on communities. This is not the same as being concerned with real victims, real offenders and real communities in the here and now. Responding effectively and ethically to existing crime victims does not necessarily require the same strategies and practices as preventing new ones. Victims may want quite different things from the criminal justice system than the general public.



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- 2.8 It follows that although clearly it can be argued that it is *necessary* for probation services to ask and answer the question of what works in engaging offenders to reduce reoffending and protect the public, it is not *sufficient*. Probation or offender management services are not merely crime reduction agencies; they are justice agencies. Sometimes the haste to control crime can lead to the neglect of questions of justice, due process and legitimacy; ultimately it can compromise the pursuit of justice – social as well as criminal.
- 2.9 In this respect – and with the need for credible and constructive justice in mind -- it is important to recognise the vital role that probation and offender management services play not just in *rehabilitation for crime reduction* but in enabling constructive *reparation* by offenders – enabling them to pay back for their crimes. This is a theme to which we will return. At the same time, and with social justice in mind, offender management services retain an important role in advocating for offenders so that they can access the social goods and resources which so often they have been denied. Of course, it is inequality and the social *injustice* that it represents that so often underlies not just crime and offending but a host of other social problems (Wilkinson, 2005; Wilkinson and Pickett, 2009).
- 2.10 The operationalisation of NOMS’s multiple aims in the Offender Management Model<sup>5</sup> is clearly reflected in its ‘Tiering Framework: Relating Resources to Risk’ (p49):



<sup>5</sup> <http://noms.justice.gov.uk/news-publications-events/publications/strategy/offender-management-model-1.1?view=Binary>, accessed 16<sup>th</sup> March, 2010

- 2.11 In this framework, all offenders are subject to the punishing elements of supervision; some require rehabilitative help; others require rehabilitative help and specific change programmes; and some require help, change and control measures.
- 2.12 In the language of the OMM, as we have already noted, desistance research is a key source of evidence for offender management principally because it can inform the development of better 'help' and 'change' services. However, it is important to note that in so far as it relates to community-based supervision, **all four aspects of the OMM (punishment, help, change and control) rely on effective offender engagement.** Engagement may be especially important as a necessary prerequisite of rehabilitative work (help and change), but the effective delivery of punishment and of control within the community also rely on securing the compliance of the offender with the order. As will become clear in the next and subsequent sections, some findings from desistance research (set alongside some recent theoretical work on compliance) suggest potentially important and helpful synergies between prioritising procedural justice (essentially meaning fair treatment and, in some respects, reflected in the 'decency agenda' in prisons) and securing both rehabilitative and reparative outcomes. Desistance research therefore speaks not just to questions of 'what works' to rehabilitate offenders; it also contributes to wider debates about engaging effectively and ethically with offenders (and with victims and communities) so that justice can be done more constructively in the common interests of offenders, victims and communities.



### **3. UNDERSTANDING AND SUPPORTING DESISTANCE: A VERY BRIEF SUMMARY**

- 3.1 Appendix 1 of this report provides an overview of the empirical studies that identify the factors likely to be correlated with desistance and the role that probation may play in supporting desistance, with specific attention to questions of identity and diversity. The content of that appendix is very briefly summarised here; full references to the literature are included in the appendix.
- 3.2 In defining or conceptualising desistance, some have suggested that there is a difference between primary desistance, meaning a lull or crime-free gap in a criminal career, and secondary desistance, meaning a change in the way that an ex-offender sees him or herself (Maruna and Farrall, 2004). Essentially, secondary desistance is about ceasing to see one's self as an offender and finding a more positive identity; it is about successfully peeling off the criminal label that criminal justice systems are so effective at applying. Though not all researchers concur that this kind of reconstruction of identity is a necessary aspect of desistance (see Bottoms et al., 2004; Laub and Sampson, 2003), it is at least more likely to be necessary for those whose offending has been persistent and who have deeply entrenched criminal identities, but not for those whose engagements with crime and justice have been more transitory. It is also important to note the connections between behaviours, attitudes and identities are complex and contingent; sometimes change *in advance of* behaviours.
- 3.3 Achieving desistance is often very difficult. Taken together, the research suggests that the process of desistance, again focusing on those who have developed persistent offending patterns, is typically characterised by ambivalence and vacillation (Burnett, 1992; 2000; 2004). It is not an event, it is a process; a process of 'to-ing' and 'fro-ing', of progress and setback, of hope and despair.
- 3.4 Theories of desistance tend to focus on the significance of aging, on related life events and social bonds, or on related narrative changes in the offender and his or her sense of self (Maruna, 2001). Most scholars now tend to stress the interplay between these three factors (Farrall and Bowling, 1999); it is not just getting older, getting married or getting a job, it is about what these kinds of developments mean and signify to offenders themselves and whether they represent compelling enough reasons for and opportunities to change the pattern of one's life.
- 3.5 Given the significance of these subjectivities, it is interesting, but perhaps not surprising, that hope plays a key part in these processes (Burnett and Maruna, 2004; Farrall and Calverley, 2005). Desistance can, it seems, be provoked by someone believing in the offender; someone who perhaps carries hope and keeps it alive when the offender cannot do so for him or herself. Of course, the brutal reality is that the social circumstances of the lives of many repeat offenders suffocate hope.

- 3.6 Against this backdrop, Maruna (2001) describes the prognosis for many persistent offenders as 'dire' (precisely because of the criminogenic backgrounds, environments and traits that they experience). Perhaps because of their experience of adversity, we know from research and practice experience that persistent offenders are very often highly fatalistic; or to use psychological terms, they have 'low self-efficacy' and an 'external locus of control'. They don't feel that they determine the direction of their own lives. Rather, life happens to them. Yet Maruna (2001) discovered that, despite this background and previous outlook, desisters somehow manage to acquire a sense of 'agency' – of control over their own lives.
- 3.7 But desistance is not just about the acquisition of new personal narrative and a new sense of personal empowerment; far less it is it simply about the acquisition of the new skills that offender programmes typically focus upon. Desistance requires social capital as well as these forms of human capital (Farrall, 2002, 2004). Important ongoing studies of desistance in both Sheffield and Tübingen have suggested that for young men involved in persistent offending returning home and rebuilding ties with their parents and families is an important aspect of desisting from crime (see: <http://www.scopic.ac.uk/SPOOCS.html>). The social and structural contexts within which obstacles to desistance are both constructed and overcome (or worked around) are as significant as the subjective elements of the process; the 'objective' and 'subjective' aspects of pathways to desistance interact in complex ways.
- 3.8 Finally, there is some evidence that for many ex-offenders desistance is about personal redemption, not necessarily in the spiritual or theological sense but rather in the sense of finding a way to 'make good' on a troubled and troubling past by making a positive contribution to families or communities now (Maruna, 2001). Psychologists refer to this as 'generativity'; it takes little imagination to see the generative potential that resides in community penalties and indeed generativity may provide one hypothesis about why reparative community penalties sometimes outperform rehabilitative ones in terms of reducing reoffending (McNeill and Maruna, 2007).
- 3.9 In our examination (in appendix 1) of the dynamics of the nature of the identity transformations associated with desistance, we delineate three models of the desistance process which underline the importance of targeting interventions based on careful assessments of where people are in the process of change, and what specific measures of support and encouragement may be appropriate at that moment in the unfolding but fragile process. However, in progressing beyond generalities to questions of specific aspects of identity and diversity, we illustrate how desistance-supportive practice also requires practitioners to engage with how individuals construct their identities, masculinities, femininities, and ethnicities within particular social and cultural contexts – and we note that universalised or stereotypical assumptions about what identities mean ignores the heterogeneity both within and across different facets of people's constructions of identity. We conclude by arguing that while desistance supporting practice may be about identity transformations and the development of the social networks that support them, just as with other aspects of identity, this is not just about the individual's subjective experience of those aspects of identity. It is as much about the social, structural, and cultural conditions which conspire to makes these facets of

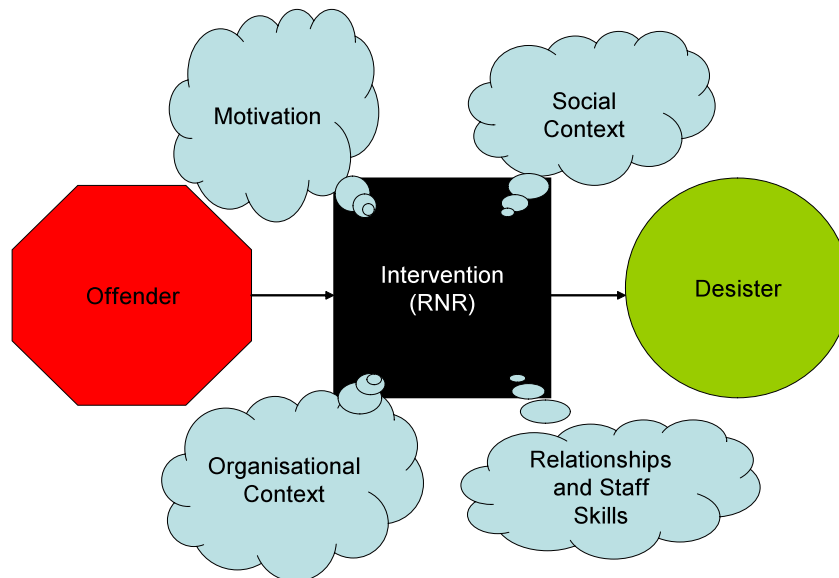
identities assets or liabilities in the desistance process; these 'objective' conditions must also be heeded in thinking about desistance-supportive practice.

## **4. DESISTANCE AND THE PROCESSES OF OFFENDER MANAGEMENT<sup>6</sup>**

- 4.1 The findings reviewed in Appendix 1 and summarised in the previous section have wide-ranging implications for offender management and offender engagement, but there are some quite specific central messages. Firstly, if desistance is an inherently individualised and subjective process, then we need to make sure that offender management processes can accommodate and exploit issues of identity and diversity. One-size-fits-all processes and interventions will not work. Secondly, the development and maintenance not just of motivation but also of hope become key tasks for probation workers, more of which below. Thirdly, desistance can only be understood within the context of human relationships; not just relationships between workers and offenders (though these matter a great deal) but also between offenders and those who matter to them. Fourth, although offender management has tended to focus on offenders' risk and needs, they also have strengths and resources that they can use to overcome obstacles to desistance – both personal strengths and resources and strengths and resources in their social networks. We need to support and develop these. Fifth, if desistance is about discovering agency, then processes and interventions need to encourage and respect self-determination; this means working with offenders not on them. Finally, interventions based only on human capital (the skills, knowledge and personal resources of the individual) will not be enough. Offender management needs to work on social capital issues (relationships, networks and reciprocities within families and communities); in this respect 'offender engagement' is not enough; there are others who must be engaged and mobilised to support the process of desistance.
- 4.2 But there is a more basic and perhaps more revolutionary implication of the desistance perspective that offender management needs to confront and consider. The figure below represents – admittedly somewhat harshly - the type of approach to offender intervention programmes that has come to the fore in the UK of late.

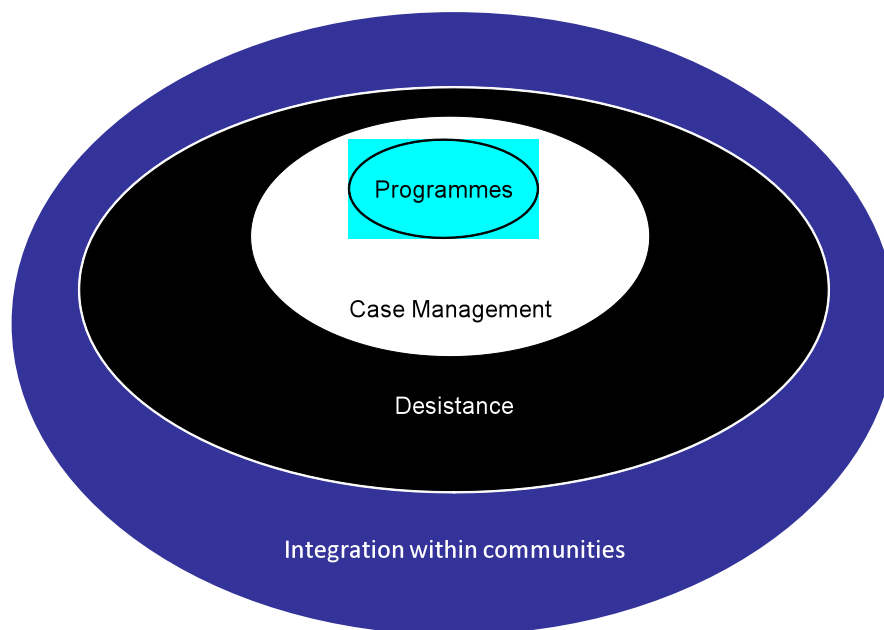
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<sup>6</sup> The content of this section relies heavily on McNeill (2009a) and McNeill (2009b).



- 4.3 In simple terms, the idea is that the offender is put through a programme which conforms to the principles of effective practice (more of which below) and emerges as a desister; it is the offender who is changed by the intervention – and much of the focus has been on how to make the intervention or programme more effective. A number of complicating factors have emerged in the practical experiences of this general approach and in the evaluation research which has sought to account for the sometimes limited impact of such programmes. First of all, researchers have learned – not only through desistance research but from programmes research too -- that more attention needs to be paid to the offender’s motivation and to the impact of his or her social context on the outcomes of the intervention (Farrall, 2002). Secondly, it is now well understood that there is more to effective programmes than designing them well; they need to be run well; that requires the right organisational arrangements, the right staff skills and the right qualities of relationships between offenders and probation staff – both within programmes and beyond them (Raynor, 2004a, 2004b, 2008).
- 4.4 Arguably, the delay in recognising the significance of these sorts of additional ingredients in the recipe for effective practice is a result of thinking too much about interventions or programmes and too little about the change processes that they exist to support. Desistance research, if taken seriously, would invert our priorities – recognising the change process as our central concern and considering offender programmes as but one aspect of the many means of supporting the process.
- 4.5 To use education as an analogy, one might ask the question whether it is more important that teachers understand how children learn and develop and how they can support these processes or to know what currently seems to be the best way to teach them. While we may want the answer to this question to be ‘Both!’, the former may be more of a priority than the latter.

### *Programmes in context*



- 4.6 The figure above seeks to simply convey the relationships between desistance, case management and programmes. The broader context is the effort to secure *from the ex-offender* a commitment to long-term compliance and to secure *for the ex-offender* successful social integration within communities; in other words good lives for good citizens. Desistance can be conceived as the pathway or process to this outcome. Services, systems and practitioners need to begin by understanding the desistance process and how best to support it, and then embed the overall case management process in this understanding, and then embed within case management the role that specific programmes and interventions may play. A desistance-based perspective implies an approach to offender engagement and supervision that is less intervention-led and professionally-led and more process and offender-driven. Perhaps more accurately, it suggests viewing the desistance process (or ‘journey’) as one which belongs to the ex-offender; it casts the worker as a supporter of the offender’s process; or perhaps as a navigator who helps the offender find their way along a desistance pathway (McNeill 2006; Weaver and McNeill, 2010).

### **Programmes, human capital and desistance**

- 4.7 That said, if there was once a risk of ignoring the importance of change processes and supports beyond programmes (Burnett and McNeill, 2005), then there is perhaps now a risk of rejecting or dismissing the role that programmes can play. Offender programmes represent a key mechanism for developing offenders’ capacities for change by building their human capital. There is by now a considerable body of evidence about the types of programmes that seem to work best. Most probation managers will be, by now, very

well aware of the principles of risk, need and responsivity; the principles that make up the RNR model (Andrews and Bonta, 2003) that continues to dominate approaches to offender rehabilitation in the English-speaking world. Ensuring that these principles (and to some extent other research evidence) are increasingly designed into programmes is the task of accreditation systems in many jurisdictions. Despite such efforts to design-in quality and with it effectiveness, the results to date of attempts to roll-out programmes within probation have been somewhat disappointing, in England and Wales at least (for a critical overview, see Merrington and Stanley, 2004).

- 4.8 This may be explained in part by the fact that in practice accreditation criteria represent a very challenging menu not just for programme designers but also, more to the point, for those delivering the interventions. As medical researchers know well, an efficacious treatment in the laboratory is not necessarily effective in the real world. If the 'cure' is more painful or inconvenient than the 'condition', the fact that it 'works' will not persuade many patients to undergo it.
- 4.9 This problem of 'treatment adherence' manifests itself in offender programmes as the problem of 'programme attrition', meaning the numbers of 'drop-outs' who start but don't complete programmes (Kemshall et al., 2002; Roberts, 2004). In England and Wales, this has been a major problem, not least because there is much evidence that those who drop out fare worse in terms of reconviction than those who never start programmes (Hollin et al., 2004). That neither drop-outs nor non-starters do as well as programme completers offers limited comfort to practitioners and researchers alike, since the better outcomes for completers can too readily be attributed to a selection bias; those with the motivation to complete programmes may well have been motivated enough to change without the help of the programme. And indeed some of the evidence from some of the programmes suggests that the completers may have been lower risk offenders in the first place (Burnett and Roberts, 2004). Some commentators in England and Wales attribute these and other disappointing findings to organisational issues and implementation problems, not least problems with the tensions between, on the one hand, the political need to meet targets for getting large numbers of offenders through programmes and, on the other hand, making sure that the programmes are effectively targeted (Hollin et al., 2004; Raynor 2004a, 2004b, 2008).
- 4.10 The discussion above has already alluded to some of the other lessons to be learned from this experiment. Firstly, much more attention needs to be paid to the organisational contexts of professional cultures in and through which interventions are delivered – to borrow from a biblical parable, it is as much the condition of the soil that determines to yield as the quality of the seed. Secondly, offender management needs to be careful not to place all its eggs in one basket, as it were: it is unwise to rely too heavily on programmes themselves as the main mechanisms to deliver reductions in reoffending; rather we need to draw on a wider body of evidence (including desistance research) to make sure that routine processes and practices (case management and casework) – and the key relationships between probation staff and offenders -- are as effective as they can be in supporting change (Hollin et al., 2004; Raynor, 2004; Raynor, 2008).



## Responsivity, Motivation and Engagement

- 4.11 However, there may also be more fundamental issues that need to be addressed in the design of interventions to support desistance. Some critics have suggested that the RNR model is, in practice, somewhat weak in respect of the issue of offender motivation and that, as such, the principle of responsivity – which involves using methods that effectively engage offenders – is as yet underdeveloped. This is a key issue for offender engagement (and thus offender management) since it speaks directly to the question of when and why offenders might make substantive commitments to a change process that is demanding and not necessarily immediately rewarding. Indeed, for many offenders, in the short term at least, change may be less rewarding than the crime. Ward and Maruna (2007) have recently argued convincingly that the Good Lives Model of Offender Rehabilitation (GLM) may address this weakness in existing approaches.
- 4.12 The GLM represents a relatively recent development in the field (Ward and Brown, 2004; Ward and Marshall, 2004; Ward and Gannon, 2006; Ward, Gannon and Mann, 2007). It draws on the developing field of ‘positive psychology’ to offer a strengths-based approach to rehabilitation. In setting out the general principles of the model, Ward and Maruna (2007) articulate several basic assumptions. Essentially, the GLM assumes that people (including offenders) are predisposed to seek certain goals or primary human goods including, for example, life, knowledge, excellence in play and work, agency or autonomy, inner peace, friendship, community, spirituality, happiness and creativity. Secondary goods, such as certain types of work or relationships, provide particular ways and means for us to pursue and achieve primary goods. Because primary human goods are plural, there are many possible sources of motivation for human behaviour.
- 4.13 The GLM rests on the assumption that interventions should aim to promote an individual’s goods as well as to manage or reduce risk. A major aim of rehabilitative work is to enable an individual to develop a life plan that involves ways of effectively securing primary human goods without harming others. However, this is not just about tackling risk factors; it is about the holistic reconstruction of the self that requires practitioners to consider and address individual, relational and contextual factors; attending to both personal characteristics and social environments. Similarly, risk must be understood not as an attribute of offenders but in a multifaceted and contextualised way. Finally, the approach requires an explicit focus on conceptualising a good life; taking account of strengths, primary goods and relevant environments, and encouraging and respecting individual’s capacities to make choices for themselves.
- 4.14 In understanding the aetiology of offending, the GLM draws on strain theory (Merton, 1938) to suggest that there are two basic routes to offending – direct and indirect. The direct route refers to situations where the individual seeks certain types of good through criminal activity. The indirect route refers to situations where the pursuit of a certain good has consequences that increase the pressure to offend; for example, where the use of alcohol to relieve emotional pressure leads to a loss of control in particular circumstances. In the GLM criminogenic needs are best understood as internal or external obstacles to the acquisition of primary human goods.



- 4.15 In the practice model that develops from these principles and assumptions, the practitioner must balance the promotion of personal goods (for the offender) with the reduction of risk (for society). Too strong a focus on personal goods may produce a happy but dangerous offender; but equally too strong a focus on risk may produce a dangerously defiant or disengaged offender. The practitioner has to create a human relationship in which the individual offender is valued and respected and through which interventions can be properly tailored in line with particular life plans and their associated risk factors. So, although, as with RNR, interventions should be structured and systematic, they should also be shaped to suit the person in question. The language used by the practitioner and their agency should be 'future-oriented, optimistic and approach goal focused' (Ward and Maruna, 2007: 127), precisely in order to foster motivation and engagement.
- 4.16 In the processes of engagement and assessment, Ward and Maruna (2007) suggest that as well as addressing risk, needs and responsivity, practitioners should also assess the individual's priorities – their own goals, life priorities and their aims for the intervention. This requires analysing the kinds of priorities implicit in their patterns of offending and also asking the person directly about what s/he values and where s/he places her efforts and energies. A more comprehensive assessment of an individual's potential for achieving a good life involves exploring:
- Whether there is restricted scope for meeting some primary goods perhaps because of an undue focus on others
  - Whether some goods are being pursued through inappropriate means
  - Whether there is conflict between the individual's goals
  - Whether the person has the capacity or capabilities to enact their life plan and achieve their goals
- 4.17 Individual case formulation (or planning) then proceeds by exploring presenting problems and criminogenic needs and then by establishing the function of the offending – that is, the primary human goods to which it directly or indirectly relates. Once the reasons for offending, the level of risk and the flaws in the individual's life plan have been understood, the practitioner should identify their strengths, positive experiences and expertise. Next, the effort shifts to exploring primary and secondary goods and how they might be better met. There should then follow some consideration of the individual's environment and its likely impact on their life plan, before in the final phase of assessment the practitioner constructs an intervention plan based on all of the above considerations:

*'Thus, taking into account the kind of life that would be fulfilling and meaningful to the individual... [the practitioner] notes the kinds of capabilities or competencies he or she requires to have a chance of putting that plan into action. A treatment plan is then developed'*

(Ward and Maruna, 2007: 136).

- 4.18 Ward and Maruna's (2007) evaluation of the GLM presents a wealth of empirical evidence to support the theoretical frameworks, aetiological assumptions and practice focuses of the model and points to positive evaluations of a number of correctional treatment programmes based on or analogous to the GLM. However, their candid conclusion as advocates of the model is that:

*'the GLM appears to function well as an integrative framework, but so far there is a paucity of specific correctional programs that have been explicitly developed with GLM in mind. Thus there is a lack of direct, compelling research evidence for GLM-inspired programs. However, this is changing rapidly and, as we write, several correctional GLM programmes are being constructed and empirically evaluated'*

(Ward and Maruna, 2007: 171).

- 4.19 Beyond this issue about the existing evidence base, there are a number of questions that might be asked about the GLM. Are the primary human goods as universally pursued as the model suggests? How can practitioners manage the deep tensions that exist in contemporary societies around diverse views of what constitutes the good life and the conflicts that arise in the pursuit of very different versions of that life within communities? Do all of those offenders with whom workers engage require the holistic reconstruction of the self that the thoroughgoing revision of a good lives plan seems to suggest? Might less intensive interventions suffice in many cases? [That said, there is no reason why the GLM would not allow for varying degrees of reconstruction and revision and indeed its emphasis on tailored intervention might require this.] Does the GLM perhaps underplay the extent to which criminogenic social contexts (and limited life opportunities) might make a 'criminal' good lives plan logical and functional from the offender's point of view? Finally, might a sharper focus on the importance of interventions around the familial and social contexts of offending and desistance, and on work to develop legitimate opportunities (or licit social capital – see below) also be required?
- 4.20 It may be that the emphasis in both the RNR model and, to a lesser extent, in the GLM model on within-individual analyses of and responses to offending is a consequence of the psychological orientation towards offender rehabilitation that they share. That said, the GLM's values and principles seem highly consistent with probation's humanistic traditions. Moreover, to the extent that one can still see offender management as a form of social work (McNeill, Bracken and Clarke, 2010), the GLM seems congruent with social work's broader history of engaging with ecological perspectives, with its contemporary stress on the personalisation of care and with strengths-based approaches.

## **Social Capital, Desistance and Offender Management**

- 4.21 Given the criticism that both the RNR and the GLM models are too focussed on the individual level of analysis, as well as the evidence about the significance of social capital in desistance, it is necessary for offender management also engage with the development and mobilisation of social capital. As Bottoms has recently observed,

unless interventions and workers are sensitive to the social contexts within which offenders attempt desistance, their impact will be limited at best:

*'If offenders are to feel that probation supervisors can assist them in dealing with such issues (as finance, employment and drug taking), they need to be confident that supervisors really do understand the social worlds they inhabit'*  
(Bottoms, 2008: 162)

- 4.22 We have already noted that the term social capital refers to the resources that inhere in social relationships and networks characterised by shared norms and reciprocal bonds (see Putnam, 2000; McNeill and Whyte, 2007). Social capital theorists have delineated three types of social capital, two of which are most relevant here; bonding social capital refers to close ties with family and friends, bridging social capital refers to more distant ties, for example with a wider network of acquaintances and colleagues (for more detail see McNeill and Whyte, 2007, chapter 9). Unsurprisingly, research indicates not just that high crime communities have low social capital but also that persistent offenders tend to have very little social capital – or at least very little licit social capital. Their damaged ties even to kith and kin – friends and family – force them to rely on illicit and criminal networks, damaging their prospects for desistance (Webster et al, 2006).
- 4.23 It follows that supporting desistance requires offender management services that look beyond offender engagement and address issues of family engagement too. Although probation work in the UK has arguably become more offender-focused and office-based in recent years, there is a long tradition of working with families to support offenders to change. Recently, in several other jurisdictions, interest has been developing in precisely how best to work with and through families in order to support offender engagement in the desistance process (see Shapiro and DiZerega, 2010 forthcoming, for a US example; Trotter, 2010 forthcoming, for an Australian example; and Vogelvang and Van Alphen, 2010 forthcoming, for a Dutch example). Such work may involve helping offenders, ex-offenders and their families, where appropriate, to repair the bonding social capital represented in family ties<sup>7</sup> and to prepare for and develop ties with the new families that they form as they establish intimate relationships and become parents.
- 4.24 However, this social capital building should also extend to the development of bridging social capital, meaning wider community ties forged with and through employers, NGOs, faith communities and so on. In this context, there is developing interest in the role of volunteers in supporting desistance (O'Connor and Bogue, 2010 forthcoming) – perhaps best illustrated in the use of Circles of Support and Accountability with sex offenders (Armstrong et al, 2008). Equally, there is evidence (as we have already noted) that engaging ex-offenders as volunteers supports their civic reintegration (Uggen et al, 2004). Both by developing their positive contributions to families and by building positive ties with and roles within communities, services can create channels for the generative activities that seem to be important to those desisting from crime in helping them to see themselves as positive contributors to communities rather than risks or threats to them.

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<sup>7</sup> Both in the ongoing SPooCS study discussed above and in the Tübingen study of desistance, repairing relationships with parents seems to be an important aspect of desistance for young adult males who have been involved in persistent offending.

4.25 Of course, developing the social capital of a vilified, marginalised and excluded group like offenders is far from easy in insecure, late-modern societies characterised by populist punitiveness (Bottoms, 1995). However, the development of Circles of Support and Accountability for sex offenders suggests that it is possible – even with the most excluded of offenders – to develop and mobilise social capital (see Armstrong et al. 2008). Restorative approaches may also play a role here (Robinson and Shapland, 2008). Further, there are reasons to think that punitiveness might be moderated where offender management services send the right ‘signals’ to communities (Bottoms and Wilson, 2004; Bottoms, 2008) – not just protection signals, but also perhaps reparation and redemption signals. Communities that feel well supported by justice and other local services may be more likely to be open to and supportive of ex-offender reintegration.

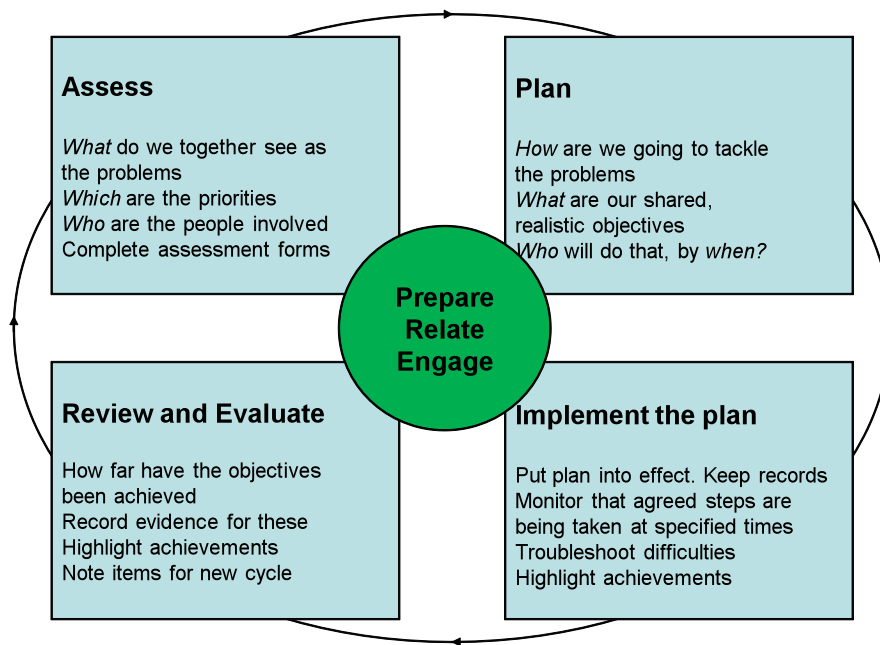
### The ‘offender supervision spine’

4.26 Pulling these strands together, in a recent report for the Scottish Government (McNeill, 2009a), one of us has tried to tentatively outline how the evidence reviewed above might reshape offender supervision, looking directly at the effective practice process and the task of the case manager or ‘offender manager’ in supporting the process of change as a whole. Offender engagement lies at the heart of this model, which draws on a recent review of the skills required to reduce re-offending (McNeill *et al.*, 2005). The model is structured around the key stages of the process of intervention captured in the acronym ASPIRE (see below), already familiar to workers in England and Wales and integrated within the OMM.

4.27 Although the ASPIRE model (Sutton, 1999) works well as an account of *some* of the key stages of practice, it has some unintended but important limitations. Perhaps most importantly in the context of desistance research, it is implicitly focused very much on *what the worker does*, rather than on *what the offender does* in the change process. To address this potential imbalance, it is important to stress that there is a *PRE*-ASPIRE stage (reflected in the diagram below) that is critical to the success of every stage in the practice process; PRE being a mnemonic and acronym for **prepare, relate and engage**. Working effectively to reduce reoffending seems likely to be significantly enhanced where supervisors can take the time to:

- **Prepare** for initial contact by reviewing all the available information and by trying to anticipate the types of aspirations and concerns that the offender may bring to the supervision process (sometimes this is referred to as developing ‘preliminary empathy’)
- **Relate** to the offender both by anticipating and exploring their aspirations and concerns and by taking time to develop a relationship characterised by openness, trust, warmth and good humour
- **Engage** the offender in the supervisory relationship and in the supervision process, contracting the relationship carefully, openly discussing the boundaries between the negotiable and the non-negotiable, identifying the costs and benefits of supervision for the offender, and winning their active participation in the process

***The ASPIRE process (Sutton, 2008: 15; amended)***



- 4.28 It is clear from the psychotherapy and counselling literatures (reviewed in McNeill *et al.*, 2005) that the relationship between the ‘therapist’ and the ‘client’ is a critical factor in effective interventions in relation to psycho-social problems in general. It is the basis for learning about, and gaining the co-operation of the ‘client’, and for matching and modifying interventions to suit the individual person. Building effective relationships is, in turn, underpinned by the practitioner’s ability to develop and use strong communication, counselling and inter-personal skills. Indeed, these skills are critical to each part of the process of intervention discussed below.
- 4.29 The ‘core conditions’ of effective psycho-social interventions relate to the ability of practitioners to convey accurate empathy, respect, warmth and ‘therapeutic genuineness’; to establish a working alliance based on mutual understanding and agreement about the nature and purpose of the treatment; and to develop an approach that is person-centred or collaborative (Hubble *et al.*, 1999; Lambert and Ogles, 2004). We have already seen in the last section that the GLM both recognises and attends to the significance of worker-client relationships and of working alliance in the process of rehabilitation. Recently, advocates of the RNR model have also paid more attention to the core correctional practices (or CCPs) associated with reducing reconviction in the research literature. For example, Dowden and Andrews (2004) suggest that key features of effective practice with offenders include the quality of the interpersonal relationship, the effective use of authority, anti-criminal (or pro-social) modelling and reinforcement, problem solving, and use of community resources. Ongoing studies in Australia, Canada and Jersey are seeking to better understand the contribution that practitioners’ skills can make to the effectiveness of interventions (see Bourgon *et al.*, 2010 forthcoming; Raynor *et al.*, 2010 forthcoming; Trotter and Evans, 2010 forthcoming). These studies suggest the need to combine both ‘supporting skills’ (that develop the relationship as the

vehicle for change) and 'structuring skills' (that purposively drive the vehicle in the planned direction) in the supervision process.

- 4.30 As we have already noted above, the desistance literature more generally recognises that desistance from crime is characterised by ambivalence and vacillation and that, therefore, the ability to foster and sustain motivation is critical to effective work with offenders (Burnett, 1992; Burnett and Maruna, 2004). Desistance is also an active process and one in which agency (that is, the ability to exercise choice and manage one's own life) is 'discovered' (McNeill, 2006; Maruna, 2001). This necessitates approaches to supervision that are active and participative and that seek to maximise involvement and collaboration. The desistance literature also highlights the need to establish relationships within which attempts to positively influence the offender carry *moral legitimacy* from the offender's perspective (this is a theme to which we return in the next section). This again underlines the need for the worker's authority to be exercised in a manner that is clear, explicit and fair. It also points to the importance of offering practical help to offenders since this a vital expression of concern for them *as people*, as well a demonstration of an awareness of their social reality (Burnett and McNeill, 2005). Such concern lends credibility to attempts to influence behaviour. It has the important additional benefit (potentially at least) of directly tackling some of the key social and structural obstacles to desistance that we have discussed above.
- 4.31 It is clear therefore that paying adequate attention to the relational aspects of practice with offenders, and to the skills through which effective relationships are developed and maintained, is a necessary (but not a sufficient) precondition of developing an effective practice process. Little can be achieved within any method of intervention unless practitioners can establish the right kinds of relationships with offenders.
- 4.32 The extensive literature about the development, use and limitations of risk and needs assessment *instruments* is beyond the scope of this section. In thinking about *risk assessment practice* however, it is necessary to look beyond the qualities of the assessment tools being deployed and to look at the ways in which they are used. Recent empirical research suggests that practitioners often struggle to translate the outcomes of risk assessment into effective case planning and risk management (see Bonta *et al.*, 2004; Burman *et al.*, 2008). It is partly for this reason that fourth generation tools have been developed which aim to better address issues of responsivity and to address the difficulties in translating the outcomes of risk assessments into supervision plans.
- 4.33 Looking beyond risk, though well-designed instruments are clearly useful in assessment work, one of the recurring messages from the desistance research (mirrored in the GLM model's approach to assessment) is that assessment must be thoroughly individualised. Both the age and gender related differences in persistence and desistance and the significance of the subjective meanings of events and changes for those involved attest to the need for practice that sensitively and thoughtfully individualises the management of the change process. As we have seen, developmental criminologists now stress the highly differentiated ways that risk factors play out in the unique personal and social contexts of each individual's life course (Laub and Sampson, 2003) – a crucial point recognised in the way that GLM conceptualises risk. It follows that employing styles of



assessment, case management and direct practice that value and exploit individuality and diversity seems necessary.

- 4.34 Taking this argument further, desistance-focussed assessment requires an exploration, in partnership with the offender, of each of at least three discrete areas; their levels of maturity, their social ties, and their personal narratives around identity and change. In each of the three areas, the worker and the offender would work together to make explicit how, in what ways and to what extents the three factors would serve to support or hinder desistance. Part of this process would be concerned with trying to locate the offender within the process of change (bearing in mind the models of the process discussed above) – both in the sense of exploring their where they stand in the process or ‘journey’ and in examining the terrain or territory within which that journey is located. In thinking through what might support desistance, a key task would be the identification of the strengths within and around the person under supervision; that is, their personal resources and the positive supports available within their social networks.
- 4.35 Once these aspects of individual desistance processes have been considered, the more complex task, in the second stage of the assessment, would be elaborating the inter-relationships between the three areas. If there were consonance between the three areas such that all are ‘pulling together’ in the direction of desistance, then a reinforcing support plan might be relatively straightforward to construct. If all aspects were consonant in the direction of continued offending, by contrast, this would suggest both implications for risk assessment and, if community supervision were appropriate, the need for an intensive and multi-faceted intervention. If, as is perhaps likely in most cases, there were some dissonance within and between the three areas, then the task becomes one of reinforcing the ‘positives’ and challenging the ‘negatives’.
- 4.36 The planning of effective interventions should follow from effective assessment practice. Essentially planning (or design) involves the development and continuous review of strategies for change. If assessment requires the development of clear understandings both of the reasons for the offending behaviour (including relevant criminogenic needs) and of the available resources within and around the offender to address it (pro-desistance factors), then planning should rest on the development of credible and testable theories of change. In other words, the question becomes: *On the basis of the best available information and research evidence, what do we (the practitioner and the offender) think might best promote the reduction of re-offending in this situation?* An evidence-based individual change planning process thus articulates the core rationale of the intervention: why do we think that doing what we propose to do will bring about the results that we want to achieve? Arguably, this is the logical step that is most commonly neglected in practice; it is also in part what the GLM seeks to address in insisting on individual case formulation.
- 4.37 Given the range of risks factors, needs, strengths and resources that offenders evidence, it is clear that strategies for reducing re-offending are likely to involve multi-systemic, multi-modal interventions; that is, interventions that work in a variety of ways to address a variety of issues. Thus a truly multi-systemic intervention might involve, for example, individual work (whether in a group setting or one-to-one) to develop

problem-solving and cognitive skills and to address other personal problems, family work to develop positive relationships capable of supporting desistance, work to encourage either changes within an 'anti-social' peer group or to facilitate withdrawal from the group, advocacy work to access resources to address disadvantages located within the local environment, and work to challenge social structures and attitudes that impede the inclusion of ex-offenders. Evidently, the degree to which practitioners focus on working in and through each system should depend on individualised (and criminologically informed) assessments of risks, needs and strengths and on practical judgements concerning where the most effective degree of positive change can be achieved.

- 4.38 Whatever the type and level of the intervention, at a practical level change planning also requires the ability, in partnership with the offender, to set specific targets for the work. These targets should be such as to allow the practitioner and the offender to know whether or not the enactment of the plan is delivering the intended outcomes. The review process can then be based on clear evidence that informs thoughtful analysis concerning whether the theory of change is holding good and, where it is not, it should allow the practitioner and the offender to explore whether this is because the theory is flawed or because of other factors. This iterative process (as captured in the ASPIRE model above) then permits the continuous revision of assessment, theories of change and action plans in pursuit of the desired outcomes.
- 4.39 Case management cannot easily be made into a simple process. If interventions are likely to be multi-modal and multi-systemic, and may involve several personnel within the agency and outside it, then the practical difficulties of maintaining sufficient integrity across the different aspects of the supervision process are likely to be considerable. Moreover, implementing complex plans with people who are usually reluctant, often damaged and sometimes dangerous in order to achieve multiple objectives (some of which are in tension with one another) will always be a challenge.
- 4.40 The term 'case management' does not describe a single way of working, but rather a family of related approaches in which resources somehow follow assessments of risks, needs and strengths (see Turner, 2010, forthcoming). Nonetheless the concept is generally of one lead person who is responsible for deciding how the organisation will go about meeting its objectives in relation to a single service user. S/he is responsible for ensuring that arrangements are in place to deliver a plan, but other people, often from different organisations, are required to deliver specific inputs to achieve some of the identified and measurable objectives. Partridge's (2004) review of case management practices in England and Wales provides a useful reference point in this regard. Several core case management principles emerged from Partridge's (2004) research as enhancing engagement:
- Models need to acknowledge offenders' experiences and needs;
  - Continuity of contact with the same case manager and other staff was essential to building confidence and rapport with the offender, particularly during the initial stages of supervision;



- The greater the level of task separation, the more offenders were confused by why they were undertaking different elements of their supervision, particularly where contact with the case manager had been limited;
- Face-to-face contact with a small case management team was beneficial for both staff and offenders;
- Openness, flexibility and support were key motivating factors for offenders – exemplified by three-way meetings between case managers, practitioners and offenders and where case managers attended initial meetings as offenders moved.

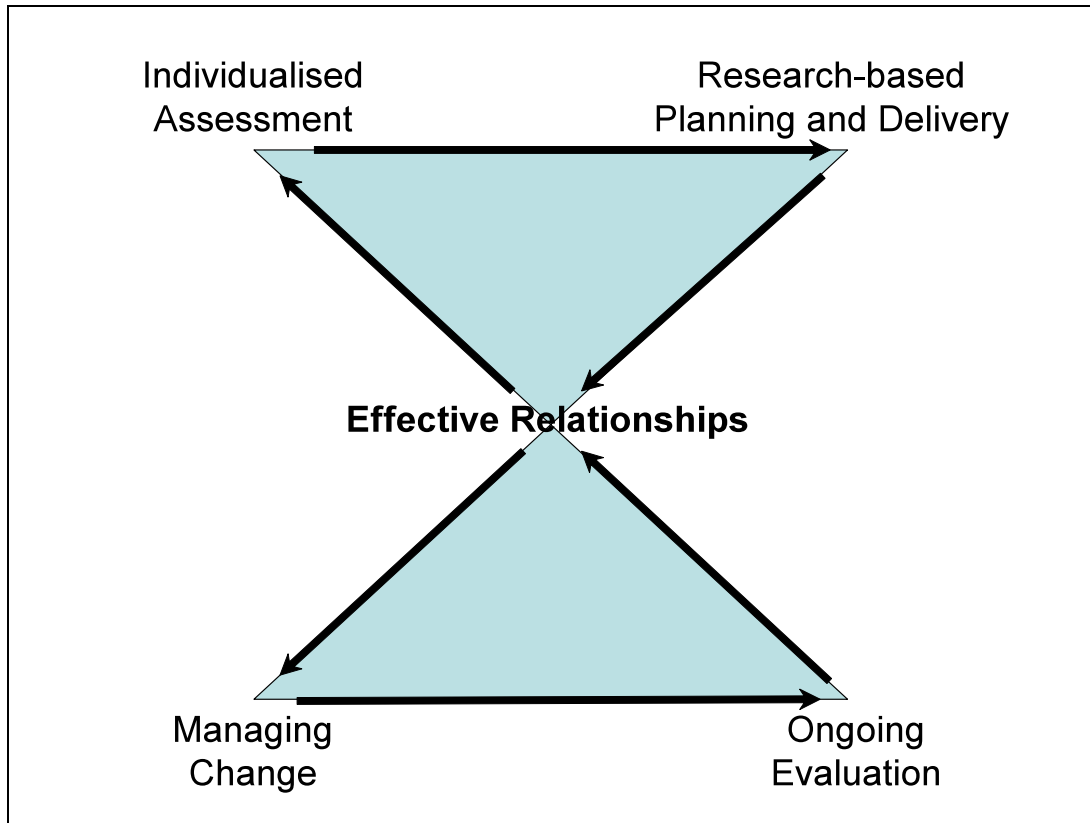
4.41 This evidence (which seems consistent with emerging messages from desistance studies) suggests that any service is likely to ensure a better focus on effective practice if it is able to put individual case management at the centre of a holistic service. Some clear, although not necessarily very new, messages emerge about managing effective change through a ‘human service’ approach; developing a single concept of implementation where key stages are mapped on an end-to-end process where case management binds them together into a coherent whole; fostering differentiated approaches, enabling different resources and styles to be matched to different cases; enabling one case manager to implement one plan; and developing variable forms of teamwork and organisational support for the core process of case management.

4.42 The research evidence reviewed above, in particular its consistent and compelling message about the importance of the relational aspects of effective practice, would tend to support Robinson and Dignan’s (2004) conclusion that the task of managing interventions so as to promote and sustain desistance is not an administrative one; it makes better sense to conceive of the case manager’s role as being ‘therapeutic’, at least in the sense of being an active part of the change process rather than merely a coordinator of services. In reviewing the implications of research on models of case management for effective probation practice, Holt (2000) identifies four over-lapping features of case management:

- **Consistency** is a vital ingredient of seamless service delivery. It also allows the worker to promote and reinforce effective learning (perhaps from structured programmes) by providing opportunities to exercise new skills; to put theory into practice. Consistency also provides an essential element of the positive working relationships that, as we have seen above, are critical in order to support and enhance motivation to change.
- **Continuity** across all aspects of the intervention and over time is necessary if the intervention is to be meaningful and productive for the offender. The case manager needs to ensure that the offender experiences supervision as an integrated holistic process; a key part of achieving this integration is likely to be the provision of one stable and supportive relationship throughout the duration of the supervision experience.
- **Consolidation** of the learning is achieved when the case manager allows the offender to reflect upon the learning achieved in the different aspects of supervision. This involves enabling the offender to make connections across all aspects of the process; to join up the learning. However, consolidating the learning also requires accessing opportunities for community reintegration, where the offender’s strengths can be employed and confirmed.

- **Commitment** of the case manager to the offender and to the supervision process is essential in promoting desistance. This commitment creates stability in the delivery of the intervention and provides a 'holding context for change'.
- 4.43 Though the four 'C's are integrated within the OMM, academic commentators have questioned whether the OMM in and of itself can deliver the 'relational continuity' that supporting change seems to require (Maguire and Raynor, 2010). Certainly, there is a clear need to understand integrated offender management, at least if it is about supporting desistance and not just organisational efficiencies, as being about consistent support across agencies, and not as a series of administrative 'hand-offs'.
- 4.44 Though the relational core of offender management is difficult to dispute on the basis of the evidence reviewed above, its success at the individual level also depends on the existence of the local strategic partnerships and pathways that allow the case manager to access and coordinate the required services and resources. Even the best designed, best implemented and most research-based individual case plan will fail if the case manager cannot access the services and resources required to implement it (Robinson and Dignan, 2004).
- 4.45 The diagram below indicates how effective and engaging relationships lie at the crux of an effective practice process (though it signally fails to capture the wide range of related supervision tasks and challenges required in implementing interventions). Put simply, the supervision process begins with the establishment of relationships and the effectiveness of every subsequent part of the process will depend in part on the quality of relationships, though good relationships alone will not be enough to bring about change. In other words, although we can conceive of the ability to build and utilise relationships as discrete aspect of intervention in its own right, in fact it underpins each of the other aspects of the supervision process. The accumulated weight of evidence, coming from studies that start with quite different assumptions and using very different methodological approaches, drives us towards recognition that relationships are at least as critical in reducing re-offending as programme content (Burnett and McNeill, 2005; McNeill et al., 2005). Clearly, if the individualised and relational interventions required to support desistance need to be multi-dimensional, then the professional skills required to deliver them will be similarly broad-ranging.

*An effective practice process*

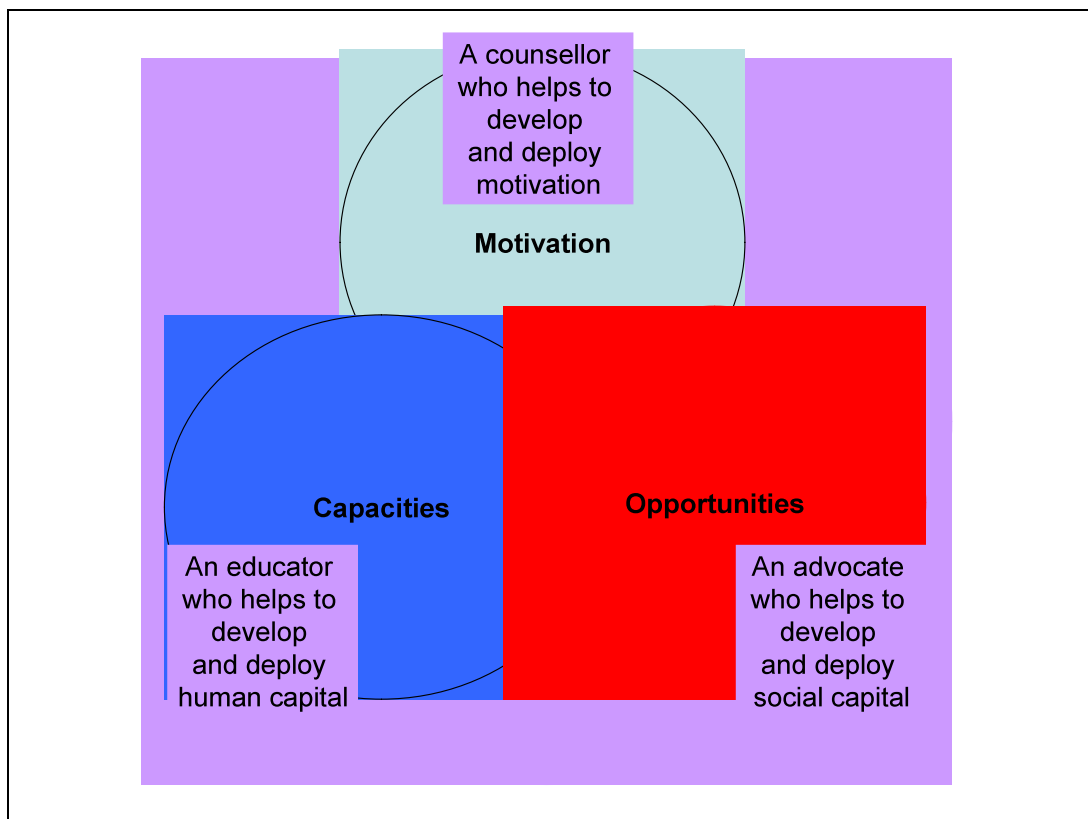


- 4.46 It is not just practitioners who need high levels of motivation, capacity (or skill) and opportunity (or resources) to be effective. Casework theories have long suggested that in order for change processes (like desistance) to occur, the same three conditions need to be present for those who are doing the changing (see, for example, Ripple *et al.*, 1964). In other words, offenders need *motivation* to change, *capacity* to be and to act differently and *opportunities* to do so. All three features need to be present for change to occur; all three are necessary conditions of change.
- 4.47 Identifying the need to work on motivation, capacity and opportunity also serves sharpen our focus on the primary roles that the criminal justice social worker needs to enact if desistance is to be supported. As the diagram above indicates, working on motivation implies a counselling role – and one that might well involve the deployment of motivational interviewing techniques. Working on developing the person’s capacities or capabilities may also involve counselling, but it points to an educative function too – particularly perhaps with respect to problem solving abilities. Work on developing, accessing and exploiting positive opportunities in turn points to the importance of advocacy in working with offenders. With this trio of requirements in mind, the next two sections focus on the role of change programmes in developing offenders’ ‘human capital’ (that is, their *motivation, capacities, knowledge, skills, and personal resources*) and on the challenges of developing social capital (that is, the social networks and

relationships within families and wider communities that can create and support *opportunities* for change).

- 4.48 The final part of this section aims to gather together the material reviewed in this section to outline the key questions that practitioners need to address as they work through the ‘offender supervision spine’. The suggestion is that the prospects for effective offender supervision will be greatly enhanced where practitioners use their knowledge and skills to explore and answer these questions; some of which are drawn from the existing ASPIRE model and some of which reflect the evidence reviewed above. This requires combining their ability to engage the offender (and relevant others) and their ability to engage with the research evidence reviewed above.

***Three necessary conditions of change***



4.49 PREPARE

**Key Question:** Why should we work together and how will we work together?

- **Prepare:** What is already known about this person? What types of aspirations and concerns might s/he bring to the supervision process
- **Relate:** How can I best engage with these aspirations and concerns? How can we best develop a relationship characterised by openness, trust, warmth and good humour?
- **Engage:** What can I do to engage him or her in the supervisory relationship and in the supervision process?

#### 4.50 ASSESS

**Key Question:** How do we understand the issues and problems that we need to tackle?

- What formal **risk assessment instruments** need to be used in this case?
- What is my analysis of the key **risk factors and issues** in this case? What more do I need to know about the social and situational **contexts of risk**?
- What is my analysis of **needs** in this case?
- What is my analysis of the **strengths and resources** of the individual and of his/her social networks in this case?
- What might enable **desistance** for this person and what might represent the key obstacles to it?
- *What* do we together see as the **problems**
- *Which* are the **priorities**
- *Who* are the **people** involved

#### 4.51 PLAN

**Key Question:** Why do we think that doing what we plan to do will bring about the desired results?

- How can the identified **risk factors** be addressed? Which are most pressing? Are specific programmes or services required to address risk factors?
- How can my knowledge of the risk factors and of the contexts of risk inform **risk management**?
- How can the identified **needs** best be met? Which are most pressing? What specific services are required?
- How can the **strengths and resources** of the individual and the network be used to support change?
- How can **resources for desistance** be released and obstacles to desistance overcome?
- **Human capital:**
  - What needs to be done to develop **motivation** to change?
  - What needs to be done to develop **capacity** to change?

**Social capital:**

- What needs to be done to develop **opportunities** to change?
- How can **families and social networks** be engaged in supporting change?
- *How* are we going to tackle the problems
- *What* are our shared, realistic objectives
- *Who* will do that, by *when*?

#### 4.52 MANAGE

**Key Question:** Are we doing what we said we would do?

- Who is responsible for and committed to case management? Who is providing continuity and consistency of care?
  - How many/few people *really* need to be involved and in relation to the case plan, who is doing what and by when?
  - Are the different parties and services working together to consolidate learning and progress towards desistance?
  - Are there any unmet needs or required programmes or services that are not available?
  - How is compliance being promoted and fostered and non-compliance being tackled?
- 
- Put the plan into effect. Keep records
  - Monitor that agreed steps are being taken at specified times
  - Troubleshoot difficulties
  - Highlight achievements

#### 4.53 REVIEW AND EVALUATE

**Key Questions:** Is it working? If not, why not? Was the intervention rationale wrong or did something go wrong in its implementation?

What data is required to allow us to review and evaluate?

- from re-administration of risk assessments and psychometrics
- from the offender (self-reported progress and self-reported offending)
- from significant others
- from the supervisor
- from others contributing to the case plan
- from records of attendance/non-attendance
- from other records (e.g. new SER requests)

In the light of the above:

- How far have the objectives been achieved?
- Record evidence for these
- Highlight achievements
- Note items for new cycle

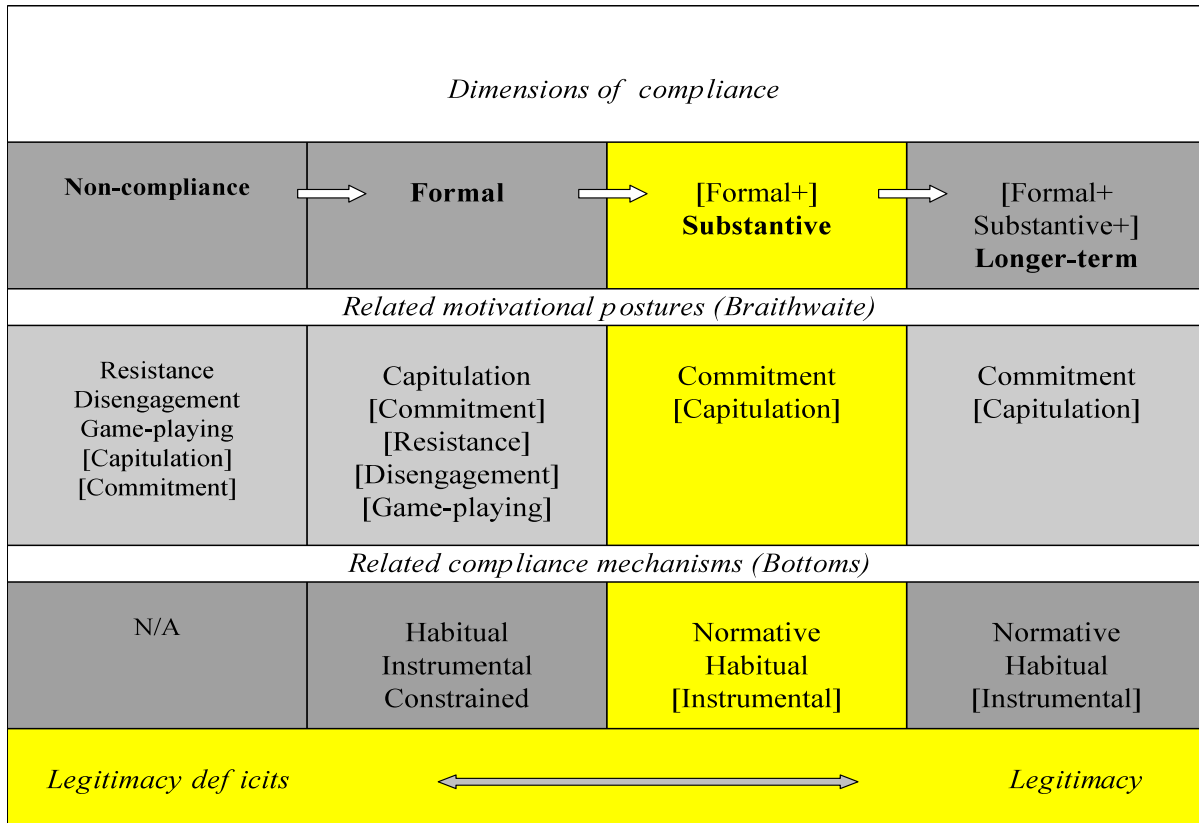
## 5. DESISTANCE AND COMPLIANCE WITH OFFENDER MANAGEMENT<sup>8</sup>

- 5.1 We noted at the outset that because community sanctions function within the community and involve no physical constraint of the offender, they depend on securing engagement and compliance from the offender in order to achieve their purposes. This is true of efforts to 'punish' and 'control' since without the offender's cooperation neither the punitive nor the controlling aspects of a community sentence or release licence can be properly delivered. But it is especially true for efforts to 'help' and 'change', since such efforts rely not just on basic cooperation but on more significant 'buy-in' from the offender. Robinson and McNeill (2008) draw an analogous distinction between *formal* and *substantive* compliance with community sanctions, wherein the latter involves some kind of active commitment not just to the processes but to the purposes of supervision. In other words, substantive compliance is concerned with the *quality* of compliance rather than merely the *quantity* (McNeill and Robinson, 2009).
- 5.2 The desistance literature is highly pertinent here because it can be read as a literature which is concerned with the development of *longer-term* compliance with the law. *Short-term* compliance with the processes of offender management (whether formal or substantive) can be considered a kind of intermediate aspect of this wider project.
- 5.3 Robinson and McNeill (2008) draw on a range of theoretical and empirical studies of compliance (in various contexts where human behaviour is somehow regulated) to develop and propose a dynamic model of compliance with community sanctions:

### *A Dynamic Model of Compliance*

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<sup>8</sup> This section draws heavily on Robinson and McNeill (2008) and McNeill and Robinson (2009). We are grateful to Gwen Robinson for permission to include this material here.



- 5.4 In this model, the related concepts of motivational postures and compliance mechanisms are important elements. The ‘motivational postures’ (essentially psychological stances) taken by tax-payers towards tax authorities have been studied extensively by Valerie Braithwaite (2003). Her work reveals the contingent relationships between attitudes (towards authorities) and behaviours (compliance with regulatory regimes), as well as revealing how the behaviours of regulatory authorities, when perceived as being unreasonable by those subject to regulation, can unwittingly provoke postures of defiance and non-compliance. This can occur, for example, where the person being regulated regards the regulator as unsympathetic or unreasonable in their response to sincere attempts to comply that nonetheless fall some way short of full formal compliance.
- 5.5 The mechanisms underpinning compliance have been described by Tony Bottoms (2001) who distinguishes between instrumental (i.e. calculating costs and benefits), habitual, constraint-based and normative mechanisms. Normative mechanisms involve three elements – relational attachments, perceptions of legitimacy and commitments to norms and values. This last mechanism seems likely to be especially important in relation to change and desistance because normative compliance involves the internalisation of controls wherein the (former) ‘offender’ becomes persuaded to actively sign up and commit to adherence to social rules or norms. Clearly this connects to the longer term but most secure means of pursuing reduced reoffending (and increased public protection) -- through the successful achievement of the rehabilitation



and reintegration of the once-offending citizen. This is ultimately more secure than constraint or control because it need not rely on the maintenance of external mechanisms to secure good conduct. Therefore, it is also much cheaper.

- 5.6 Bottoms recognises that compliance mechanisms can interact with one another – for the person seeking compliance (the regulator), it is not a case of picking one mechanism over another; it is a case of seeking to find the best mix to support compliance in the case at hand. Interesting, one recent empirical study of compliance with probation, conducted when enforcement (rather than compliance) targets were a national priority in England and Wales, found very little evidence that deterrent strategies associated with strict enforcement had much influence on offenders (Ugwudike, 2010 forthcoming). Rather than complying because of an increased threat of enforcement, where offenders complied they related this mostly to the *positive* benefits that supervision provided; namely, the prospect of receiving meaningful help with their difficulties. It may be that initial offender engagement can be best secured by emphasising such positive incentives rather than threats (Ugwudike, 2010, forthcoming). As well as fostering engagement, receiving useful help seems likely to be a key aspect of developing relational attachments between supervisors and supervised. Such attachments are highly likely to characterise those relationships that become the basis of substantive compliance, of commitment to the change effort, of the modelling of pro-social attitudes and behaviours and ultimately of the internalisation of new norms.
- 5.7 Such hypotheses find some support in the small body of research on offenders' views of statutory supervision (reviewed above) which has indicated that they value a consistent supervisory relationship to which they feel some commitment (see Robinson 2005; Burnett & McNeill 2005 for reviews). This sense of commitment is likely to be underpinned by an attachment to the supervisor, which in turn is an indication of legitimacy. Though empirical work is urgently required to further explore the relationships between motivational postures, compliance mechanisms and compliant behaviour, there are strong grounds (from existing studies in many other areas) for expecting legitimacy to be a key issue here (McNeill and Robinson, 2009). Just as the legitimate use of authority is an important facet of the 'decency agenda' in prisons, and one which is critical to their moral performance (Liebling with Arnold, 2004), so it seems likely that within community sanctions the development and maintenance of the practitioner's moral and psychological legitimacy (in the eyes of the offender) is an essential pre-requisite for securing and maintaining the positive engagement of the offender; particularly their engagement in the project of change or desistance.
- 5.8 But as the discussion of motivational postures above suggests, legitimacy can be easily lost. How then might community sanctions lose legitimacy, perhaps leading to defiant postures? In the community sanctions context, the aspect of policy and practice which is arguably most vulnerable to accusations of procedural *injustice* is enforcement action. Enforcement policies which privilege formal compliance over substantive engagement pose potentially significant threats to the legitimacy of community sanctions, and to positive supervisory relationships (Robinson & McNeill 2008). Where offenders have begun to buy into the 'spirit' of an order or sanction but find themselves nonetheless penalised for failing to abide by the letter of the law, it is easy to see how a positive motivational posture – and a positive working relationship - could begin to go sour.

- 5.9 An increasingly robust approach to the enforcement of post-custodial licences has also attracted the attention of researchers (e.g. Padfield & Maruna 2006), and a recent study of offenders' perceptions of the prison recall system is illuminating in the context of the present discussion. Digard (2010) interviewed 20 sex offenders who had been recalled to prison, all of whom questioned the fairness of various aspects of the recall process (as well, incidentally, as the legitimacy of the extended sentences to which they were subject)<sup>9</sup>. Most relevant in this context (i.e. with engagement and desistance in mind), eight of Digard's sample of 20 said that they would be disinclined to comply with state sanctions in the future as a result of the procedural injustices they had experienced. There are some indications then that perceptions of procedural *injustice* could damage future compliance, or at least convert formerly substantive compliers into merely formal compliers, as Digard notes.
- 5.10 The force and durability of the kind of resentment that may arise from perceptions of unfair treatment, and its consequences in terms of disengagement, has also been a regular theme in oral histories that one of us has been gathering recently from Scottish probationers from the 1960s (see McNeill, 2009c). Even 40 years on, some of these men recount with great indignation their sense of betrayal and injustice about enforcement action. One described poignantly his sense of betrayal when a young probation officer (to whom he related well as a sort of elder brother figure trying to steer him right) agreed with a magistrate that he needed the short, sharp shock of a custodial remand. His sense of abandonment was powerful enough to disengage him not just from this relationship but from almost all future interactions with social workers. Another expressed his rage at a probation officer who, 12 months into a 2 year order, had him 'jailed' for 3 months for not attending AA meetings, despite the fact that he was sober and had not committed any offences. A key theme in these and other accounts concerns the difficulty that probationers had in understanding why someone who was supposed to be trying to help them (i.e. to whom they imputed a rehabilitative purpose) could treat them this way (i.e. in a manner perceived to be officious and unduly punitive). To their minds, the enforcement action didn't make sense to them in terms of the psychological contracts that the probation officers had developed with them.
- 5.11 Turning to more contemporary expressions of these difficulties, it is clear that policies which seek to bolster the external legitimacy of legal authorities can backfire at the level of internal legitimacy with the individual offender (and indeed, potentially, with workers). 'Tough' enforcement policies, impersonally executed, could therefore render community sanctions and the relationships through which they are enacted illegitimate in offenders' eyes. Indeed, scholars and researchers in the field of community penalties have been critical of this policy turn in favour of tougher enforcement, arguing that it is not grounded in an understanding or appreciation of the dynamics of compliance (e.g. Hedderman & Hough 2004; Raynor 2004; Robinson & McNeill 2008). A considerable body of socio-legal research warns against the indiscriminate use of sanctions which can expose regulatory bodies to accusations of unreasonableness and unfairness and thus jeopardise the future compliance of regulatees (e.g. Ayres & Braithwaite 1992; Sherman 1993; Murphy 2005).

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<sup>9</sup> As Digard notes, offenders serving extended sentences are among those who stand to be hardest hit by prison recall because recall means serving the entirety of their sentence, including the 'extension period' of up to eight years.

- 5.12 Another potential threat to legitimacy in the community sanctions context recalls our preceding discussion of the potential importance of the offender/worker relationship. As we have already argued, this relationship arguably constitutes the prime site upon which legitimacy is negotiated. However, where there is discontinuity in supervision, problems may arise. If we assume that legitimacy is endowed by the offender on the basis of his or her experience of interactions with an individual worker, and that the endowment of legitimacy probably reflects a the establishment of mutual respect and trust between the principal parties, then we cannot assume that a transfer of supervisory responsibility will be accompanied by an unproblematic transfer of psychological legitimacy. Even where normative compliance has previously been achieved, it will not necessarily continue in the context of the new supervisory arrangement. The journey towards normative compliance may need to be re-started in these sorts of situations; and if the loss of the first supervisors involves any sense of abandonment or betrayal, then another obstacle has been created.
- 5.13 In sum, the argument in this section we have suggested that securing and maintaining engagement, particularly in the project of change, is likely to depend on developing and sustaining relational legitimacy – and that there are a number of significant challenges that have to be confronted in this regard, some of them related to the competing policy priorities within offender management (for example, punishment versus rehabilitation, enforcement versus compliance).

## 6. DESISTANCE AND THE CREDIBILITY OF OFFENDER MANAGEMENT

6.1 Questions of legitimacy apply as much to the external audiences of offender management -- principally the public and the courts -- as to its internal audiences (offenders and victims). In some respects the 'Justice Seen, Justice Done' programme, following from the Casey Report (2008), seeks to attend to these issues. As we have noted above, satisfying perceived public or media desires, for example, that community payback be sufficiently visible, robust or punishing, can sometimes come at the expense of internal legitimacy (in the eyes of offenders). Whilst the pursuit of internal legitimacy might be hard to 'sell' to politicians or the public -- since it might be easily misconstrued as merely appeasing offenders -- the reality is that the public interest seems likely to be best served by community sanctions that can generate long-term substantive compliance and with it the secure basis for lasting change in the lives of offenders.

6.2 In this regard, there are however some possible synergies as well as tensions between the interests of internal and external audiences of offender management here. In a recent paper exploring the available research evidence about public attitudes to probation in the light of Casey's recommendations, Maruna and King (2008: 347) come to the following conclusion:

*'Casey is absolutely right to utilise emotive appeals to the public in order to increase public confidence in the criminal justice system. Justice is, at its heart, an emotional, symbolic process, not simply a matter of effectiveness and efficiency. However, if Casey's purpose was to increase confidence in community interventions, then she drew on the exact wrong emotions. Desires for revenge and retribution, anger, bitterness and moral indignation are powerful emotive forces, but they do not raise confidence in probation work -- just the opposite. To do that, one would want to tap in to other, equally cherished, emotive values, such as the widely shared belief in redemption, the need for second chances, and beliefs that all people can change.'*

6.3 It is particularly interesting in this context to note that those who we might expect to be most angry and even vengeful in their emotive responses to offenders -- crime victims -- often seem able to draw on some of these more positive and cherished values. The recently published evaluation of restorative justice schemes in England evidenced this very clearly, though the findings are consistent with many earlier studies of victims' views and wishes:

*'In approximately four-fifths of the conferences [n=346] that we observed, offenders' problems and strategies to prevent reoffending were discussed, whilst discussion of financial or direct reparation to the victim was rare... This was not because victims or their wishes were ignored but rather because victims, in common with other participants, actively wished to focus on addressing the offenders' problems and so minimizing the chance of reoffending.'*

In pre-conference interviews... 72 per cent of victims said it was very or quite important to them to help the offender'

(Robinson and Shapland, 2008: 341, emphasis added).

- 6.4 The concept of 'paying back by working at change' (Scottish Prisons Commission, 2008) seems to have strong resonance here, not just with probation's rehabilitative origins and affiliations, but with what many victims (and offenders) want from justice processes. As we have seen in the discussion of desistance research above, there is at least some empirical evidence that paying back (or making good) through working at change is something that many offenders want and need to do in and through the process of desistance. It may be therefore that where punishment is cast as 'payback' or reparation, rather than mere retribution, important connections can be made between punishment and rehabilitation; the 'punish' and 'change' elements of the OMM might be more clearly linked.
- 6.5 Historically, in many jurisdictions, probation and criminal justice social workers have tended to consider themselves as providers and advocates of (usually rehabilitative) *alternatives to punishment*, rather than as providers and advocates of *alternative punishments*. Somehow the notion of punishing, as opposed to supporting, supervising, treating or helping – or even challenging and confronting – seems inimical to the ethos, values and traditions of probation and social work. However, the penal philosopher Antony Duff (2001) has argued convincingly that we can and should distinguish between 'constructive punishment' and 'merely punitive punishment'. Constructive punishment can and does involve the intentional infliction of pains, but only in so far as this is an inevitable (and intended) consequence of 'bringing offenders to face up to the effects and implications of their crimes, to rehabilitate them and to secure... reparation and reconciliation' (Duff, 2003: 181). This seems very close in some respects to the ideas of challenging and confronting offending which have become widely accepted in probation work in recent years, partly in response to political pressures to get tough but also, more positively, in response to the legitimate concerns of crime victims that their experiences should be taken more seriously.
- 6.6 Duff's work also helps us with a second problem, since he recognises, as probation workers have understood for decades, that where social injustice is implicated in the genesis of offending, the infliction of punishment (even constructive punishment) by the state is rendered morally problematic, because the state is often itself complicit in the offending through having failed in its prior duties to the 'offender'. For this reason, Duff suggests that probation officers or social workers should play a pivotal role in mediating between the offender and the wider polity, holding each one to account on behalf of the other.
- 6.7 It may be therefore that Duff's work provides some of the conceptual resources with which to populate the concept of payback constructively. His notion of constructive punishment and his insistence on the links between social justice and criminal justice might help to buttress payback from drifting in a punitive and probably futile direction. In similar vein, Bazemore's (1998) work on 'earned redemption' examines more directly the tensions and synergies between reform and reparation, and the broader movements around 'relational justice' (Burnside and Baker, 1994/2004) and restorative justice

(Johnstone and Van Ness, 2007) provide possible normative frameworks within which to further debate these tensions and synergies.

- 6.8 In terms of the practical applications of such ideas within offender management, these ideas and developments evoke Martin Davies's (1981) notion of probation as a mediating institution. We can understand this in two ways. Firstly, probation mediates between the sometimes conflicting purposes of punishment – between retribution (but not of the merely punitive kind), reparation and rehabilitation. But equally probation mediates between the stakeholders in justice -- between courts, communities, victims and offenders, much in the manner that Duff (2003) suggests.
- 6.9 Like any justice service, NOMS is not solely concerned with reducing crime; to think that it is would be to miss the point that crime reduction is but one amongst several purposes and functions that systems of punishment must serve (see Tonry, 2006). It follows from this that the delivery of effective crime reduction or public protection is not the only key to the credibility of offender management or community sanctions. The plug for the credibility gap might be found in working harder to deliver and communicate sanctions that communities could understand as constructive justice, rather than as 'mere' crime control. If such sanctions could be characterised by high internal (as well as external) legitimacy, they might also nonetheless contribute more to crime reduction, for the reasons elaborated in the preceding section. It may well be that fairly administered penalties are more effective ones too – for offenders, victims and communities.



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## APPENDIX ONE: UNDERSTANDING AND SUPPORTING DESISTANCE<sup>10</sup>

### Understanding desistance

This section aims to explore the implications of desistance theory and research for offender management and to examine underdeveloped aspects of this important interface. We aim firstly to provide an overview of desistance theory, and to review both the few empirical studies that have specifically focused on the role that probation may play in supporting desistance and wider debates about the implications of desistance research for the practice of offender management. By seeking to explore and understand the processes through which people come to cease offending – with or without intervention by criminal justice agencies – desistance research potentially provides a wealth of knowledge for policy and practice, and directs those involved in criminal justice practice towards a series of issues that have been, until recently, somewhat neglected in the pursuit of ‘evidence-based’ practice. These issues include the significance of officer-offender relationships in the process of rehabilitation (Burnett and McNeill 2005), and the significance of the social contexts of offending and desistance (Farrall 2002; McCulloch 2005; McNeill and Whyte 2007). This section reviews but also seeks to move beyond these issues by exploring other crucial but underdeveloped dialogues between desistance research and probation practice around questions of identity and diversity.

Whilst there is no agreed theoretical or operational definition of desistance, most criminologists have associated desistance with *both* ceasing *and* refraining from offending. Rather than being a linear progression to the state of non-offending, however, the process of desistance has been likened to a zig-zag path (Glaser 1964) and to a drifting in and (eventually) out of offending (Matza 1964). Maruna and Farrall (2004) have suggested a key distinction, to which we shall return below, between primary and secondary desistance. Primary desistance refers to any lull or crime free gap in the course of a criminal career. Secondary desistance is defined as the movement from the behaviour of non-offending to the assumption of a role or identity of a non-offender or ‘changed person’ (Maruna and Farrall 2004). Although the usefulness of this distinction has been contested (Bottoms et al., 2004), it seems likely that particularly where policies and practices are concerned with persistent offenders who have acquired criminal or criminalised identities the concept of secondary desistance may be particularly useful (McNeill 2006).

Maruna (2000) identifies three broad theoretical perspectives in the desistance literature – maturational reform, social bonds and narrative, to which we shall now turn.

Maturational reform (or ‘ontogenic’) theories have the longest history and are based on the established links between age and certain criminal behaviours. Essentially, such theories attribute changes in criminality in the life-course to the physical, mental and biological changes that accompany ageing, concluding that over time and with age, young people tend to naturally ‘grow out of crime’ (Rutherford 1992, quoted in Newburn 2002: 541), what Wolfgang et al., (1972) refer to as ‘spontaneous remission’.

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<sup>10</sup> Parts of this section are drawn from Weaver and McNeill (2010). We are grateful to the editors and publishers of that chapter for permission to use the material here.

One of the largest longitudinal studies of crime and desistance was undertaken by Sheldon and Eleanor Glueck in the 1930s (Glueck and Glueck 1940<sup>11</sup>). In their theory of 'maturational reform', they argued that: 'Ageing is the only factor which emerges as significant in the reform process' (quoted in Bushway et al., 2001: 492). Their theory of maturational reform was that 'the physical and mental changes which enter into the natural process of maturation offer a chief explanation of improvement of conduct with passing years' (Glueck and Glueck 1974: 149, in Laub and Sampson 2001: 38). Thus for the Gluecks, desistance 'cannot be attributed to external environmental transformations' (Glueck and Glueck 1974: 173, in Laub and Sampson 2001: 39) but was normative and expected, with exceptions being explained by delayed maturation.

Similarly, Gottfredson and Hirschi (1990) suggest, in a variation of the Glueck's approach, that '[s]pontaneous desistance is just that, change in behaviour that cannot be explained and change that occurs regardless of what else happens' (ibid:136, in Laub and Sampson 2001: 40). They attribute decreases in offending over time to biological changes which slow down the individual, thereby reducing the will and capacity to re-offend. Natural processes of ageing have also been used to explain desistance based on normative patterns of development (see for example Gove (1985), who appealed to the physiological changes that accompany ageing). However, Maruna (2001) has highlighted, in reference to male crime, that although testosterone levels decrease with age, they do so less rapidly than the decline which follows the sharp peak in the age-crime curve; similarly, while physical strength tends to peak at age 30, the age-crime curve peaks earlier.

However, Bushway et al. (2001) argue that although developmental processes occur with ageing (with age being the dimension along which the behaviour changes), age in fact indexes a range of different variables, including changes in biology or physiology, in social contexts, in attitudes, beliefs and values, in life experiences, and in the impact of social or institutional processes. Age is not, therefore, in itself the explanation for change. As Laub and Sampson succinctly state, 'The process of desistance is more than mere ageing and more than individual dispositions' (2004: 11). Furthermore, any theory that uses age alone or a single normative pattern of development to explain desistance, fails to account for the considerable diversity of developmental pathways and the multiple pathways to desistance (Laub and Sampson, 2004).

Recognising this, social bonds (or 'sociogenic') theories argue that there is an association between desistance and circumstances external to the individual (although these theories often include and attend to the individual's reaction to and interaction with those circumstances). Such theories stress the significance of bonds or ties to family, employment or educational programmes, for example, in explaining changes in criminal behaviour across the life course. Where these ties exist, it is argued that they create a stake in conformity.

There is a substantial body of research confirming that desistance from crime is correlated with completing education, acquisition of employment and investment in familial and personal relationships, particularly in terms of the social control exerted by these factors (see for example Farrington et al 1986; Gibbens 1984; Glueck and Glueck 1940; Graham and Bowling 1995; Liebrich 1993; Meisenhelder 1977; Rand 1987; Sampson and Laub 1993; Shover 1985;

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<sup>11</sup> This refers in particular to the Gluecks' fifteen year longitudinal study of 1000 juvenile delinquents (see Laub and Sampson 2001).



West 1982). Correspondingly, those who lack such attachments or bonds are considered more likely to persist in their criminal activities because they have the least to lose, for example from the imposition of social or criminal sanctions. Social control theories (Hirschi, 1969; Laub and Sampson 1993) argue that deviance arises from weak social bonds, and that desistance is facilitated where bonds to mainstream institutions (such as a spouse or a career<sup>12</sup>) are developed or strengthened. Laub et al., (1998) emphasise the 'independent' and 'exogenous' impact of these bonds. They posit that these bonds often relate to triggering events which occur, at least in part, by 'chance' (Ibid: 225) or by 'default' (Sampson and Laub 2004). If these turning points were entirely the result of the reasoned decisions or personal preferences of individual actors, control theorists admit, they could not argue for the 'independent role of social bonds in shaping behaviour' (Laub et al., 1998:225). It is noteworthy, however that Sampson and Laub (2005:42) consider that their most recent work,

'questions the idea that some inferred from *Crime in the Making* - that institutional turning points are purely exogenous events that act on individuals. The men we studied in *Shared Beginnings, Divergent Lives* were not blank slates any more than they were rational actors in an unconstrained market of life chances'.

In reference to social control theory, proponents of this approach recognise that key life events such as marriage or employment are likely to be correlated with, although not necessarily causal of, desistance (see for example see for example Graham and Bowling 1995; Sampson and Laub, 1993; Shover, 1996).

The positive impact that marriage exerts on (particularly male) offending behaviour has been observed in numerous qualitative and quantitative studies (see for example Farrington and West 1995; Horney et al 1995; Laub and Sampson 2001, 2003; Sampson and Laub 1993) Gleuck and Gleuck (1940) found that marital attachment was significantly related to changes in adult crime and Gibbens (1984) found that marriage led to 'increasing social stability' (Ibid: 61). Knight et al. (1977) found that while marriage did not reduce criminality, it reduced anti-social behaviour associated with criminality such as alcohol and drug use (Ibid: 359; see also West 1982:102).

Explanations for the relationship between marriage and desistance vary. Sampson and Laub (1990) posit that the bond deriving from an individual's investment in marriage acts as a mechanism of social control which facilitates the desistance process in so far as it leads to a gradual accumulation of social capital which incrementally exerts a constraining effect on behaviours that would jeopardise this bond (see also Laub et al 1992, 1998, Sampson and Laub 2003). In contrast to the social control theorists, Warr (1998) draws on differential association theory (Sutherland 1947) to explain the marriage effect on desistance from crime in terms of diminishing peer relationships and associated influences as a result of marital commitment. Similarly, Osgood and Lee (1993) posit that marriage influences desistance due to the changes in lifestyle and routine behaviour that marriage affects. Cusson and Pinsonneault (1986:79-80) argued that what was important in terms of facilitating desistance, was not marriage in and of itself, but the quality of the relationship and the criminality, or otherwise, of the chosen partner (see also Rutter 1996: 610; West 1982). Perhaps surprisingly, Horney et al (1995) found that

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<sup>12</sup> It is widely accepted that social bonds include significant relationships, responsibilities and 'stakes in conformity' in a wider sense, and are not confined to the formal institutions of marriage or employment as such.

where marriage has a reductive effect on offending behaviour, cohabitation appeared to exert the opposite effect and increased criminality.

There are a number of studies which suggest that there is a relationship between employment and desistance from crime (see for example Farrall, 2002; Uggen, 2000; Horney et al, 1995; Sampson et al, 2007). Sampson and Laub (1993) for example, suggest that, like marriage, work facilitates desistance as a consequence of the informal social control that employment exerts. Although there is some consensus that employment can facilitate desistance, there is disagreement as to *how* employment impacts on the desistance process. There is some evidence that unemployment leads to higher crime rates. Farrington et al. (1986) found that individual offending rates oscillated in relation to the individual's employment status. However they suggest that reductions or suspensions in offending were not so much attributable to the individual acquiring an increased stake in conformity, but that they had less opportunity to offend because working reduced the available time. Conversely, other authors have observed that employment also provides opportunities for offending (Hirschi, 1969; Sviridoff and Thompson, 1983; West and Farrington, 1977).

Nevertheless, whilst employment may reduce the likelihood of re-offending, a lack of employment does not necessarily correlate with an increase in offending. Gottfredson and Hirschi (1990) conclude that differences in the rates of criminality among employed and unemployed people, other factors being equal, are 'small, non-existent, or even in the wrong direction' (Ibid: 138-9). Furthermore, the connection between unemployment and crime is not sustained when applied to women, who have been historically disadvantaged in terms of employment, but remain highly under-represented in crime statistics (see Naffine and Gale, 1990; see also Graham and Bowling, 1995). Age has also been cited as a factor in determining the impact of employment on criminality; Uggen (2000), in an analysis of data from a national work experiment in the U.S, found that those aged 27 or older were more likely to desist when provided with marginal employment. For those below this age, the experimental employment scheme had no effect on desistance. Uggen inferred from this that the meaning attached to employment and crime may change as individuals age, indicating a subjective component to desistance.

The findings of such studies seem to imply that desistance cannot be attributed solely to the existence of social attachments acting as external forces which determine the individual's behaviour. Rather, what matters is what these ties mean to 'offenders'; the perceived strength, quality and interdependence of these ties; and their impact in buttressing informal social controls which reduce both opportunities and motivations to offend (see Sampson and Laub, 1993; see also Farrall, 2002). Therefore, unlike maturational or developmental theories, such theories suggest that the experiences that lead to desistance are not necessarily universal and they can often, to a greater or lesser degree, be under the control of the individual, in terms of obtaining employment or becoming married for example (Laub and Sampson 2001).

This kind of individual variation is best reflected in narrative theories of desistance which combine individual and structural factors in their explanations of the desistance process. Increasingly, such theories, which seek to explore the dynamics of desistance, are being developed from the subjective perspectives of offenders themselves, drawing on their narrative accounts of desistance processes (see for example Farrall and Bowling, 1999; Giordano et al, 2002; Maruna, 2001, Uggen et al, 2004) and stressing the significance of subjective changes in

the person's sense of self and identity, reflected in changing motivations, greater concern for others and more consideration of the future.

Burnett (1992) studied the efforts to desist of 130 adult property offenders released from custody. She noted that whilst eight out of 10, when interviewed pre-release, wanted to 'go straight'; six out of 10 subsequently reported re-offending post-release. For many, the intention to be law abiding was provisional in the sense that it did not represent a confident prediction; only one in four reported that they would definitely be able to desist. Importantly, Burnett discovered that those who were most confident and optimistic about desisting had greatest success in doing so. For the others, the 'provisional nature of intentions reflected social difficulties and personal problems that the men faced' (Burnett 2000: 14). More recently Burnett and Maruna (2004) have written persuasively about the role of hope in the process of desistance and equally importantly about how adverse social circumstances can suffocate hope (see also Farrall and Calverley, 2006; Lebel et al, 2008).

On the basis of her interviews, Burnett (2000) delineated three categories of desisters. The 'non-starters' adamantly denied that they were 'real criminals' and, in fact, had fewer previous convictions than the others. For the 'avoiders', keeping out of prison was the key issue. They appeared to have decided that the costs of crime outweighed the benefits. The 'converts', however, were:

'the most resolute and certain among the desisters. They had found new interests that were all-preoccupying and overturned their value system: a partner, a child, a good job, a new vocation. These were attainments that they were not prepared to jeopardize or which over-rode any interest in or need for property crime' (Burnett 2000:14).

Although Burnett notes that, for most of the men involved in her study, processes of desistance were characterised by ambivalence and vacillation, the over-turning of value systems and all pre-occupying new interests that characterised the 'converts' seem to imply the kind of identity changes invoked in the notion of secondary desistance (which, as we noted above, is defined as the movement from the behaviour of non-offending to the assumption of a role or identity of a non-offender or 'changed person' (Maruna and Farrall 2004)).

Maruna's (2001) study offers a particularly important narrative-based contribution to understanding secondary desistance by exploring the subjective dimensions of change. Maruna compared the narrative 'scripts' of 20 persisters and 30 desisters who shared similar criminogenic traits and backgrounds and who lived in similarly criminogenic environments. In the 'condemnation script' that emerged from the persisters, the 'condemned person is the narrator (although he or she reserves plenty of blame for society as well). Active offenders... largely saw their life scripts as having been written for them a long time ago' (Maruna 2001:75). By contrast, the accounts of the desisters revealed a different narrative:

'The redemption script begins by establishing the goodness and conventionality of the narrator- a victim of society who gets involved with crime and drugs to achieve some sort of power over otherwise bleak circumstances. This deviance eventually becomes its own trap, however, as the narrator becomes ensnared in the vicious cycle of crime and imprisonment. Yet, with the help of some outside force, someone who "believed in" the ex-offender, the narrator is able to accomplish what he or she was "always meant to do".

Newly empowered, he or she now seeks to “give something back” to society as a display of gratitude’ (Maruna, 2001: 87).

The desisters and the persisters shared the same sense of fatalism in their accounts of the development of their criminal careers; however, Maruna reads the minimisation of responsibility implied by this fatalism not as simple ‘denial’ but rather as evidence of the conventionality of their values and aspirations and of their need to believe in the essential goodness of the ‘real me’. Moreover, in their accounts of achieving change there is evidence that desisters have to ‘discover’ agency (the ability to make choices and govern their own lives) in order to resist and overcome the criminogenic pressures that play upon them (see also Gadd and Farrall, 2004). This discovery of agency seems to relate to the role of significant others in envisioning an alternative identity and an alternative future for the offender even through periods when they cannot see these possibilities for themselves. Typically later in the process of change, involvement in ‘generative activities’ (which usually make a contribution to the wellbeing of others) plays a part in testifying to the desister that an alternative identity is being or has been forged (see also McNeill and Maruna, 2007).

Pulling these three strands together (maturation, social bonds and narratives), Farrall and Bowling (1999) draw on life course perspectives (namely Sampson and Laub, 1993) and structuration theory (Giddens, 1984 -- adapted to criminology by Bottoms and Wiles, 1992), to propose a developmental theory of desistance. Farrall and Bowling argue that the process of desistance is ‘one that is produced through an *interplay* between individual choices, and a range of wider social forces, institutional and societal practices which are beyond the control of the individual’ (Farrall and Bowling, 1999: 261, emphasis in original). Using the concepts of ‘duality of structure’, power, social identities and position practices, Farrall and Bowling contend that different levels of power within individuals over the life course will influence the ‘timing and pace’ of desistance (Ibid: 265). In two case studies drawn from a wider qualitative sample, they illustrate the influences of significant others and events in individual decisions to stop offending. However, it could be argued that offenders are equally influenced by significant others and events in deciding to continue offending (see Gadd and Farrall, 2004:126).

Some desistance theorists have increasingly focused on which changes at the level of personal cognition (Giordano et al, 2002) or self identity and self concept (Burnett, 1992; Graham and Bowling, 1995; Maruna, 1997; Shover, 1996) might precede or coincide with changes in social bonds (LeBel et al, 2008). Using the data set from the Oxford Recidivism Study (Burnett, 1992), followed up after a decade, LeBel et al (2008) attempted to disentangle the interaction between such ‘subjective/agency’ factors and ‘social/environmental’ factors. They found that subjective states measured before release had a direct effect on recidivism as well as indirect effects through their impact on social circumstances experienced post release.

Similarly, drawing on a symbolic interactionist perspective, Uggen et al (2004) emphasized *both* the role of age graded social bonds and the social-psychological processes underpinning these related role transitions. In addition to changes linked to employment and family, they stress the significance of ‘civic reintegration’. Building on Maruna’s (2001: 7) contention that desistance requires that ex-offenders ‘develop a coherent pro-social identity for themselves’, and his recognition of the salience of involvement in ‘generative activities’ as critical to this process, they specify the varieties of civic participation that contribute to such an identity and their associated subjective meanings for desisters. They show how role transitions across socio-

economic, familial and civic domains relate to identity shifts over the life course. However, Uggen et al (2004: 260) also emphasize the reduced citizenship status and the enduring stigma experienced by offenders, resulting in 'the reduced *rights* and *capacities* of ex-offenders to attain full citizenship' (emphasis in original). These status deficits undermine commitment to conformity and create new obstacles to desistance and the assumption of pro-social roles. Even where ex-offenders articulate a desire to assume such pro-social roles, they 'often lack the resources and social relationships necessary to establish role commitments and solidify new identities' (Uggen et al, 2004: 284-5). These obstacles represent a major problem because of the important role of societal reaction in supporting (or undermining) new self conceptions and the reinforcement of pro-social identities (Maruna and Farrall, 2004); Meisenhelder (1977: 329) described this as the 'certification' stage of desistance.

## Supporting Desistance

The role that offender management may play in supporting desistance has been examined in very few empirical studies. One of the first such studies was located in New Zealand and based on extensive interviews with a randomly selected sample of 48 people who had been placed on probation in 1987 and had not been reconvicted by 1990 (Leibrich, 1993). Few people spontaneously cited probation as a factor in their desistance and only half of the sample considered probation to have been useful in this regard. A revision of personal values, reassessing what is important, responding to new family commitments, desire for a better future and the development of self-respect were cited as reasons for wishing to desist, as well as fear of consequences and shame. Desistance was accomplished by tackling personal problems using interpersonal resources, accompanied by a sense of life management; this last finding might be linked to the discovery of agency to which later authors allude (see Maruna 2001, McNeill 2006).

In Leibrich's study, the quality of the supervisory relationship was cited as pivotal in supporting the process of desistance. The desisters and their probation officers shared similar views about the characteristics they deemed crucial to such relationships; having someone that they could get on with and respect; who treated them as individuals; was genuinely caring; was clear about what was expected of them and trusted them when the occasion called for it (Leibrich, 1993, 1994). Negative appraisals of the supervisory relationship were attributed to a sense of being merely 'processed'; the probation officer having been late or missing appointments; and where the officer gave the impression of being curious rather than genuinely concerned. The desisters, like the probation officers, emphasised the need to identify and address causes of offending and emphasised the individuals' own motivation as an essential component of the change process (see also Farrall 2002; Maruna et al. 2004a).

In a study of 'assisted desistance' in England, Rex (1999) explored the experiences of 60 probationers. Most of the probationers considered probation to have assisted the process of their desistance from offending. Rex found that those who attributed changes in their behaviour to supervision described it as active and participatory. Their commitments to desist appeared to be generated by the personal and professional commitment shown by their probation officers, whose reasonableness, fairness and encouragement seemed to engender a sense of personal loyalty and accountability. Probationers interpreted advice about their behaviours and underlying problems as evidence of concern for them as people, and 'were motivated by what they saw as a display of interest in their well-being' (Rex, 1999: 375). Such evidence resonates not just with Leibrich's earlier findings, but with other arguments about the pivotal role that



relationships play in effective interventions (see for example, Barry, 2000; Burnett, 2004; Burnett and McNeill, 2005; Holt, 2000; Hopkinson and Rex, 2003; McNeill et al, 2005; McNeill 2006). Beyond the significance of processes and relationships, Rex' findings also relate to the content of probation interventions; her findings suggest that probationers valued guidance concerning their personal and social problems which she summarises as strengthening social ties.

However, workers and working relationships are neither the only nor the most important resources in promoting desistance. Related studies of young people in trouble suggest that their own resources and social networks are often better at resolving their difficulties than professional staff (Hill 1999). The potential of social networks is highlighted by 'resilience perspectives' which, in contrast with approaches that dwell on risks and/or needs, consider the 'protective factors and processes' involved in positive adaptation in spite of adversity. In terms of practice with young people, such perspectives entail an emphasis on the recognition, exploitation and development of their competences, resources, skills and assets (Schoon and Bynner 2003). In similar vein, but in relation to re-entry of ex-prisoners to society, Maruna and LeBel (2003) have made a convincing case for the development of strengths-based (rather than needs-based or risk-based) narratives and approaches. Drawing on both psychological and criminological evidence, they argue that such approaches would be likely both to enhance compliance with parole conditions and to encourage ex-prisoners to achieve 'earned redemption' (Bazemore 1998; 1999) by focusing on the positive contributions through which they might make good to their communities. Thus promoting desistance means striving to develop the offender's strengths – at both an individual and a social network level – in order to build and sustain the momentum for change.

Farrall (2002) explored the progress or lack of progress towards desistance achieved by a group of 199 probationers in England. Though over half of the sample evidenced progress towards desistance, Farrall found that desistance could be attributed to specific interventions by the probation officer in only a few cases, although assistance in identifying employment opportunities and mending damaged family relationships appeared particularly important. Paradoxically, it was in these very areas that practitioners were found to be wary of intervening. The findings indicate that in terms of the identification and resolution of 'obstacles to desistance' only a minority of probationers and practitioners worked in partnership; there was limited evidence of agreement between probationers and their supervisors about the obstacles to desistance and how best to overcome them. Overcoming obstacles was perceived by both probationers and practitioners to be contingent on a range of factors often beyond the control of either practitioner or probationer; unsurprisingly therefore, no specific method of probation intervention could be credited with successfully overcoming obstacles. Rather, desistance seemed to relate more clearly to the probationers' motivations and to the social and personal contexts in which various obstacles to desistance were addressed. Farrall (2002) goes on to argue that interventions must pay greater heed to the community, social and personal contexts in which they are situated. Necessarily, this requires that interventions be focused not solely on the individual person and his or her perceived 'deficits'. Vitality, it is social capital (see below) that is necessary to encourage desistance. It is not enough to build capacities for change where change depends on opportunities to exercise capacities.

Building on these insights, McCulloch's (2005) study, based on twelve semi-structured interviews with probationers and their probation officers in Scotland, drew on probationer and

practitioner perspectives to explore the attention given to probationers' social contexts in supporting desistance from crime. Somewhat in contrast to Farrall (2002), McCulloch found that probationers and practitioners had little difficulty in reconciling the apparently polarised objectives of welfare support and offence focused interventions, although, akin to Farrall (2002), she found that direct work in the area of employment was limited and that 'talking methods' were the most frequently cited approach to addressing social problems (see also Rex 1999). Where obstacles to desistance were successfully resolved, participants attributed this both to probation intervention and the wider normative processes that occurred in the probationer's life. McCulloch forwards a convincing argument for an increased level of probation involvement in families and local communities, and a greater focus on integration (see also Farrall 2002; Rex 1999; 2001).

Looking beyond these empirical studies of probation and desistance, other authors have analysed the implications for practice emerging from the broader desistance research (see for example Maruna and LeBel 2003; Maruna et al 2004; McNeill et al 2005; McNeill and Maruna 2007) and to which we shall return in the next section of this report. In what remains of this section, however, we examine some of the more recent developments in desistance theory and research which attend to issues of identity and diversity, and consider what these developments have to say about supporting desistance.

### **Identity, diversity and (supporting) desistance**

As we observed earlier, the role and significance of identity change in desistance has been somewhat controversial. Bottoms et al (2004), for example, acknowledge that the process of desistance is probably the result of an interaction between social context and subjectivities or agentic factors, but they question the extent to which the individual is necessarily conscious of this change as it occurs. By contrast, in Maruna and Farrall's formulation, desisters *are* aware that they are changing and indeed positively wish to change: 'Secondary desistance involves ... a measurable, reflective and more *self-conscious* break with patterns of offending' (Maruna and Farrall 2004: 8)(emphasis in original). Bottoms et al (2004) query whether, although people clearly realise they have changed when they *have* desisted, they are actually consciously aware of this change *as it occurs*.

Differences in the apparent significance of agency in desistance narratives may depend in part on whether they are elicited prospectively or retrospectively. Retrospective accounts of desistance may be susceptible to cognitive rationalizations that place undue or unrealistic emphasis on the role of agency (see also Farrall and Bowling, 1999, Sampson et al, 2006). Bottoms et al (2004) suggest the possibility of 'a gradual injection of greater self-responsibilisation... allowing oneself to stop and think about what one is doing, particularly within a social context where supportive others are indicating that this is a desirable development' (Bottoms et al. 2004: 376). This 'gradual injection' could be conceived as a feature of the *transition* from primary desistance to secondary desistance or of the process of movement along the continuum from primary to secondary desistance. Indeed, findings from the SPooCS<sup>13</sup> study, a prospective longitudinal desistance study of 113 persistent young male adult offenders in their early twenties, emphasise both the precariousness of and the sense of struggle involved in desistance; findings resonant with Burnett's (1992) observation that, when studied prospectively, desistance appears faltering, uncertain and punctuated by relapse. Most

<sup>13</sup> <http://www.scopic.ac.uk/StudiesSPooCS.html>



of the SPooCS sample did not completely desist from offending although there was definite evidence that the average frequency of offending had significantly reduced. Interestingly, the qualitative data from this study stressed the significance of the onset of adulthood and the realisation that the advent of new roles might require a change of lifestyle.

Others have tried to delineate or model processes of desistance (see below). In conceptualizing the first stages of desistance, Giordano et al. (2002) discuss the significance of 'openness to change', while Vaughan (2007: 393) posits an initial stage of 'discernment' where one 'reviews possible choices and puts them beside our multiple, persisting concerns around which one has hitherto structured a life dominated by crime'. Here Vaughan suggests that 'a pre-requisite for change, then, is that the agent is at least willing to consider different options' (p394). Probation staff might more readily identify this as the 'contemplation' stage of Prochaska and DiClemente's 'cycle of change' (Prochaska et al 1992).

### **Three Models of Desistance Processes**

Giordano et al (2002)	Vaughan (2007) <sup>14</sup>	SPooCS (ongoing)
<ol style="list-style-type: none"> <li>1. General cognitive openness to change</li> <li>2. Exposure to 'hooks for change'</li> <li>3. Availability of an appealing conventional self</li> <li>4. Reassessment of attitudes to deviant behaviour</li> </ol>	<ol style="list-style-type: none"> <li>1. Discernment: review of possible lifestyle choices</li> <li>2. Deliberation: review of pros and cons of various options (a comparison of possible selves)</li> <li>3. Dedication: commitment to a new non-criminal identity</li> </ol>	<ol style="list-style-type: none"> <li>1. Current offending is influenced by a triggering event</li> <li>2. The decision to try to change</li> <li>3. The offender thinks differently about himself</li> <li>4. The offender to take action towards desistance</li> <li>5. Maintenance – the offender looks for reinforcers but may encounter obstacles</li> </ol>

The SPooCS authors suggest a five-stage model of the desistance process: current offending is influenced by a triggering event; which leads to the decision to try to change; which leads the offender to think differently about himself; which leads the offender to take action towards desistance; which requires maintenance – the offender looks for reinforcers but may encounter obstacles. Findings from SPooCS confirmed that new and strengthening social bonds appeared to be linked to successful desistance, but with the desire to change being critical and central to this. Indeed, this would appear to mirror Giordano et al. (2002) suggested second stage in their theory of cognitive transformation which the authors view as central to the process of desistance, namely '...exposure to a particular hook or set of hooks for change' (p1000) and 'one's attitude toward [it]' (p1001). Additionally, the SPooCS team discovered that empathy seemed to increase over time, manifesting in the need to take into account others' feelings, a sensitivity which the authors consider as an emerging feature in moving towards desistance. Again, this process is reflected in what Vaughan (2007) terms 'the second stage of *deliberation*'.

<sup>14</sup> Unlike the other two models, Vaughan's model is based on an analysis of theoretical developments and previous empirical studies, rather than on original empirical research. Nonetheless, it is an important contribution.

'What gets accomplished here is a review of the pros and cons of potential courses of action and a comparison with sticking in a well worn groove of custom. What ultimately emerges is a comparison of selves—who one is and who one wishes to be' (Vaughan, 2007: 394). Again this seems to require what Giordano et al (2002: 1001) describe as the envisioning of 'an appealing and conventional replacement self'. Vaughan (2007) emphasises that there is an influential emotional component to this comparative process which involves thinking about the reactions and feelings of others and envisaging how one's current self or identity is perceived by others.

In similar vein, Maruna and Farrall (2004b: 27-8) explain that:

'a lull can turn into secondary desistance when two things happen. First, the person finds a source of agency and communion in non-criminal activities. They find some sort of "calling" -- be it parenthood, painting, coaching, chess or what Sennett (2003) calls "craft-love"<sup>15</sup> -- through which they find meaning and purpose outside of crime... The second part of our desistance formula, like that of Lemert's deviance theory, involves societal reaction. The desisting person's change in behavior is sometimes recognized by others and reflected back to him in a "delabeling process" (Trice and Roman 1970)' (Maruna et al. 2004b: 28).

The authors of the SPooCS study, in discussing their five-stage model, suggest that failure to maintain desistance in the face of obstacles may lead to relapse and a return to the beginning of the cycle (as similarly implied by Burnett, 1992).<sup>16</sup> Healy and O'Donnell (2008) citing Vaughan (2007) propose that:

'even when offenders have nominally dedicated themselves to a new non-criminal identity, they may still experience setbacks as they negotiate their way from a criminal lifestyle with its associated benefits and demands to a completely new way of being. In the chaotic, uncertain times of primary desistance, their long-term goals may become temporarily sidelined' (Healy and O'Donnell 2008: 35).

In secondary desistance however, crime not only stops, but 'existing roles become disrupted' and a 'reorganization based upon a new role or roles will occur (Lemert 1951: 76)... desistance does involve identifiable and measurable changes at the level of personal identity or the 'me' of the individual' (Maruna et al. 2004b: 274). The SPooCS authors themselves ultimately agree that successful maintenance and reinforcement in the face of obstacles may result in the adoption of a crime free identity as a non-offender. It is in this secondary desistance phase that Vaughan's (2007) tertiary and final stage of 'dedication' might be positioned. He argues that to establish desistance, agents must regard their commitment to their new identity as incompatible with ongoing criminality and regard criminality as 'morally incompatible with whom they wish to be' (Vaughan 2007: 394). Indeed, the individual experiences at this juncture the fourth stage in Giordano et al.'s (2002: 1002) four part theory of cognitive transformation: 'a transformation in the way the actor views the deviant behaviour or lifestyle itself'.

<sup>15</sup> Maruna and Farrall (2004: 28) explain that 'much criminal behaviour is maintained by rewards that are extrinsic (status, riches) or fleeting (the buzz of a drug). The discovery of an alternative, intrinsic rewarding pursuit can be a necessary, but not sufficient component of the successful abstinence from such highs'. The authors offer the example of from Sennett (2003) who referred to his own cello playing in his adolescence as an example of 'craft love', describing the manner in which this activity provided him with a pleasure in itself, for itself and a sense of self worth which wasn't dependent on anyone or anything external.

<sup>16</sup> For many this will again evoke images of Prochaska and Diclemente's cycles of change (Prochaska et al. 1994).

Healy and O'Donnell's (2008) Irish study lends further weight to the foregoing arguments. The authors studied Irish male probationers who were in an early stage of the change process and who were comparable in age with the SPooCS sample. They found that while their narratives contained a high level of motivation and modest goal aspirations in relation to the acquisition of employment or in reference to relationships, they contained little evidence of agency or generative concerns consistent with notions of secondary desistance. Healy and O'Donnell propose that their findings therefore support the view that, at least in the early stages of change, whilst ex-offenders do not necessarily possess a strong sense of agency, the development of social bonds may be intermediate goals that indirectly lead to desistance. The authors suggest these goals in turn forge new commitments, which then perhaps invoke a sense of an agentic self, result in a new identity and a focus on a different and possibly more altruistic set of goals.

## Gender and Desistance

Despite its focus on white men, desistance research has paid surprisingly little attention to questions of masculinities. Gadd and Farrall (2004: 128) argue that:

'[f]or critical gender theorists, men's symbolic and material dependence on the nuclear family is heavily implicated in the self-same social relationships and structures that routinely reproduce patterns of male delinquency and sexual inequalities more generally (Connell, 1995: ch.5). However, this point has largely escaped the attentions of those exploring desistance from crime'.

They observe that the literature, whilst underlining the significance of work and family life, neglects to consider 'the gendered nature of men's places within these spheres, and is hence often devoid of an analysis of power, wider social consequences and the complexity of meaning that social and personal relationships have for the people in question' (Gadd and Farrall 2004: 131). Gadd and Farrall (2004) illustrate how the structure of meanings on which men draw are embedded in a wider network of social discourses which are themselves structured by gender, race and class; in this context, individuals invest in those discursive positions that assist them to make sense of their experience. They suggest that to understand men's involvement in crime and desistance, attention needs to be paid to how men's anxieties and fears are shaped by social discourses and by contradictory and conflicting social expectations about what it is to be a 'man'. This would suggest a need for practice with men to attempt to explore men's specific subjective experiences of their masculinities; to explore social discourses and expectations about what it is to be a man and how these manifest in relations between men, and in relations between men and women; and to put forward alternative ways of accomplishing masculinity and identity (Gelsthorpe and McIvor, 2007).

The significance of gendered social expectations emerged in McIvor, Jamieson and Murray's (2000) Scottish study of youthful offending, which explored desistance amongst three groups of young people aged 14-15, 18-19 and 22-5 (see also Jamieson et al, 1999). They conducted interviews with a total of 75 'desisters' (43 male and 32 female) and 109 young people (59 male and 50 female) who were still offending or had done so recently. In the youngest group, desistance for both boys and girls was associated with the real or potential consequences of offending and with the growing recognition that offending was pointless or wrong. Young people in the middle age group similarly related their changing behaviour to increasing maturity, often linked to the transition to adulthood and related events like securing a job or place at college or university, or entering into a relationship with a partner or leaving home. For

the oldest group, 'desistance was encouraged the assumption of family responsibilities, especially among young women, or by a conscious lifestyle change' (McIvor et al, 2000: 9). In general, the young women tended to attribute their decisions to desist to the assumption of parental responsibilities, whereas the young men focussed on personal choice and agency. Amongst persisters, girls and young women were more often keen to be seen as desisters, perhaps reflecting societal disapproval of female offending. McIvor et al. (2000: 9) speculate that:

'Assigning the offending to the past rather than acknowledging it as a current or future reality may enable young women to better cope with the tensions that may arise when, on the one hand, society encourages gender equality and, on the other, continues to double condemn young women who step beyond their traditional gender roles.'

Graham and Bowling's (1995) earlier study of young people aged 14-25 found similar gender differences. They noted a clear association between the transition from adolescence to adulthood and desistance from offending among young women. Young men, in contrast, were less likely to achieve independence and those that did leave home, formed partnerships and had children, were no more likely to desist than those that did not. Graham and Bowling (1995: 65) speculate that life transitions: 'only provide opportunities for change to occur; its realisation is mediated by individual contingencies. Males may be less inclined to grasp, or be able to take advantage of such opportunities, as females'. More recent studies have revised this conclusion to some extent; suggesting that similar processes of change do indeed occur for (some) males but that they seem to take longer to 'kick-in'; positive effects of the assumption of responsibilities in and through intimate relationships and employment are more notable in men aged 25 and over (Flood-Page et al, 2000; Farrall and Bowling, 1999; Uggen and Kruttschnitt, 1988). Thus, it seems that young men take longer to grasp the opportunities for change that these life transitions provide.

Interestingly, Giordano et al. (2002: 1052) suggest that despite the commonalities between males and females in their accounts of their change processes, women were more likely than men to cite 'religious conversions' and parenthood as catalysts for change. This is broadly compatible with Runggay's (2004) theorisation of women's processes of desistance as rooted in the recognition of an opportunity to claim an alternative, desired and socially approved personal identity. Certain common identities, she suggests, such as that of a mother, may provide a 'script' by which to enact a conventional pro-social role, serving to enhance the individual's confidence in their ability to enact it successfully. This success in turn positively affects the woman's sense of self efficacy and, alongside the deployment of other skills and strategies, assists in perpetuating the newly acquired identity (see also Maruna and Roy, 2007; Giordano et al, 2007).

Essentially, there would appear to be some consensus that women's desistance is related to what may be broadly construed as investment in relational commitments, manifesting in generative concerns and the assumption of responsibility (Barry, 2007). These include marriage, familial and parental responsibilities, awareness of peer, familial and societal disapproval, commitment to religious beliefs, concerns surrounding the consequences of continued offending and threat of consequent punishment and desistance from substance abuse (see Jamieson et al, 1999; McIvor, 2007; Barry, 2007).

Taken together, this evidence would appear to suggest the need for practice with women that supports women's efforts to change through the provision of services which take account of the realities of their lives, of what is important to them and of the social demands placed upon them (see Gelsthorpe and McIvor, 2007; McIvor, 2007); practices that provide practical and emotional support to them in meeting those responsibilities and commitments that are significant to them. This might include addressing, for example, housing and financial problems, assistance with child care, access to meaningful education and employment opportunities, and support to strengthen social and familial support networks. Such practice would be focused on empowering women to take control of their lives by them to access opportunities not only to increase their capacity to accumulate (social) capital, but to expend capital. Barry (2007) identified this as critical to the desistance process for women, in terms of generative concerns (such as ensuring their children's welfare, making restitution to their local community) and the assumption of responsibility (such as employment or familial responsibilities). But equally practice must avoid inappropriately universalized or stereotypical assumptions about women's relational commitments, generative concerns or socially valorized desires to assume caring responsibilities. Other pathways to desistance need to be opened up and supported for women who chose other ways to realize their femininities.

### **Ethnicity and Desistance**

While gender has been a neglected area, research on the relationships between ethnicity, 'race' and desistance has been even more limited to date. Some relevant studies have been conducted in the United States (Elliot, 1994; Rand, 1987; Hughes, 1997, 1998). Elliot (1994), for example, studied offenders between ages 24-30 and found that white offenders desisted earlier than black offenders. Elliot speculated that contextual differences, for example in people's workplace or living environments, might explain this phenomenon. Pager's (2003) research, conducted in Milwaukee, found that people from minority ethnic communities may face additional barriers to desistance from offending. Pager found that ex-offenders were only one half to one third as likely as non-offenders to be considered for employment, confirming that a criminal record presented a major barrier to obtaining employment. Furthermore, and of particular significance, Pager found that African-American ex-offenders were less than half as likely to be considered by employers than their white counterparts, and that African-American *non-offenders* fell behind even white ex-offenders. Thus, additional obstacles faced by minority ethnic offenders as a result of racism seem likely to hinder and frustrate their processes of desistance.

Bracken et al. (2009) examined the interplay between structural constraints and individual choice in the desistance pathways of male, Canadian aboriginal gang members, with particular consideration given to their economic and social marginalisation, over-representation in the criminal justice system, and to issues of culture, history and identity. Their study underlines the significance both of increasing social capital as a mechanism for overcoming structural constraints and of re-acquisition of and re-connection to a culture which can be seen as a mediating force between structure and agency. They conclude that for young, Canadian, aboriginal male gang members, successful desistance involves more than a decision to cease engagement in criminality and access to education or employment opportunities. It requires supporting individuals to comprehend and internally reconcile their experiences of social injustice and trauma and to assist them to reconnect with their aboriginal identities, traditions and culture.



In the UK, there is evidence that black and minority ethnic people (and particularly those of African or Caribbean origin) are over-represented in British prison populations and indeed, in the criminal justice system more broadly, compounding the disadvantage which they encounter economically, educationally and in terms of employment (Calverley et al, 2004; 2006; Sharp et al, 2006). Calverley (2009) has recently completed an important exploratory qualitative investigation examining the various dynamics underpinning the process of desistance for thirty-three male offenders of Indian, Bangladeshi and Black and Dual Heritage ethnic origin resident in London. Calverley identified distinct variations in the pathways to desistance between the three groups, particularly at the level of family and community. For the Indian participants, desistance was influenced by their families' 'aspirational values' and greater access to economic, employment and educational resources, whilst the Bangladeshi participants' families showed a willingness to offer acceptance and forgiveness connected to strongly held religious values. Returning to religious roots and building an identity through renewed religiosity represented a viable strategy for these men. Calverley argues that for men in both of these ethnic groups, desistance was typically a more collective experience involving their families *actively* intervening, constructively and supportively, in their lives; in turn their desistance involved an expectation that they would follow particular norms of behaviour and adopt the same beliefs and values system as their families. In contrast, Black and Dual Heritage participants experienced a much more individualised and isolated process of change. For them desistance seemed to necessitate their disengagement from previous social relationships, developing a structured lifestyle and independently initiating steps towards 'self improvement'. This suggests the existence of what Calverley, citing Deane et al., (2007), refers to as different 'cultures of desistance' among different ethnic groups (Calverley, 2009: 302). Whilst desistance for all three groups seemed to require the adoption of different lifestyles, he found that the social context inhabited by Black and Dual Heritage desisters was more problematic and more likely to hamper desistance, compared with experiences of Indian and Bangladeshi participants.

In general terms, Calverley found that the factors correlated with desistance reflected those identified elsewhere in the desistance literature: access to social capital, engagement in social institutions, the significance of social bonds to family and employment. These factors were identified as impacting the desistance process across all three groups. Whilst he found that ethnicity in itself neither caused nor impeded desistance, his findings emphasise that ethnicity indexes significant structural differences which have implications for the operation of processes of desistance in terms of 'the availability of resources, opportunities and pathways out of crime, which in turn affect the expectations and actions of desisters themselves' (Calverley, 2009: 308). Thus, whilst the three ethnic groups 'shared the same fundamental mechanisms responsible for promoting desistance, the socio-structural and socio-cultural differences between them affected how, when and where these mechanisms operated' (Calverley 2009: 219). Again, this underlines the significance of attending to both the socio-structural location and the cultural contexts within which desistance takes places.

Calverley's study evidences how desistance from crime is not solely a within and between individual phenomenon, but is also dependent on interactions between the individual and their immediate environment, community and social structure. This reinforces the need for practices that attend and adapt to the social and cultural contexts which offenders and their families inhabit and which work to maximise the potential contribution of individual and community resources to supporting desistance and reintegration. Clearly though, within the inevitable constraints of these social structures, it remains necessary to respect and support the

individual's right to determine both how they define their ethnic and cultural identity and to what extent they wish to engage with family and community in their process of change. Practice approaches need to remain sensitive to the heterogeneity both across and within ethnicities, cultures and ethnic and cultural identities.

## Religion, spirituality and desistance

Sharp et al's (2006) analysis of the resettlement needs of Black and minority ethnic offenders identified gaps in the types of support that they were more inclined to seek and to which they were more inclined to respond. They also reported that a number of service providers highlighted the significance of religion for many Black and minority ethnic offenders, both in the emphasis on religion evident in their upbringing and as a feature of their familial and cultural traditions. Within prisons some Black and minority offenders identified that certain needs were not being met due to security constraints or resource restrictions. Often this related to dietary requirements and accessing time and space to attend to religious practices.

Marranci (2009) spent four years investigating the impact of imprisonment on Muslim identity and the effect of imprisonment on prisoners' experiences of Islam, from a sample of approximately 175 Muslim former and current prisoners across Scotland, England and Wales (see also Marranci 2007). Marranci demonstrated that Muslim ex-prisoners encountered particular issues distinct from the non-Muslim population, yet there was little evidence of considered strategic approaches to addressing their particular resettlement needs. Muslim ex-prisoners received less support than non-Muslims in terms of accommodation and less assistance reintegrating into the community. For many current and former Muslim prisoners, in particular for those involved in alcohol or drug use<sup>17</sup>, their ostracism from their community and sometimes their own families served to increase the isolation they experienced (Marranci 2008); ex-prisoners often found themselves rejected from Mosques due to fears surrounding allegations of extremism (Marranci 2007). Given the significance of social bonds and social ties to desistance, such experiences may present additional obstacles to desistance. Where familial support was available, Marranci explained that prison visits presented further difficulties. Muslim women were discouraged from attending prisons due not least to different cultural forms of attire and the desire to avoid drawing unwarranted attention to themselves, which had implications for the maintenance of significant relationships during periods of incarceration (Marranci 2008).

Marranci's study also illustrates how, for a number of interrelated reasons, Muslims often rediscover Islam within prison (Marranci 2007). Amongst those reasons is the desire to repent and to make good, presenting (in Giordano et al.'s 2002 terms), a 'hook for change' as they 'reconsider their life and link their experience of prison not to human punishment but to an opportunity granted by Allah to change their life' (Marranci 2007: 8). Marranci (2006) elucidates a theory of identity as encompassing two functions – it allows human beings to make sense of their autobiographical self and it allows them to express that self through symbols which communicate feelings that could not otherwise be externally communicated (see also Marranci 2007). Marranci (2007: 8) proceeds to differentiate between Islam as 'an act of identity' and Islam 'as an act of faith'. He argues that Muslims in prison often see Islam more as an act of identity than of faith:

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<sup>17</sup> Many Muslim prisoners denied any difficulties they were experiencing with substance misuse for fear of rejection which presented an additional barrier to accessing the relevant support services.



‘The act of identity is used to re-establish equilibrium within the autobiographical self and the surrounding environment. Prisoners in general, because of the prison environment and the small community in which they live, develop a strong viewpoint... some of them tend to develop an essentialist view of Islam based on radical dualism: Islamic versus non-Islamic’ (Marranci 2007: 8).

This is heightened where Muslim prisoners suffer greater security surveillance than other inmates; he found that such intrusions were particularly directed at those who adopted religious symbols or cultural objects or exhibited a strong commitment to religious rituals and practices, at least where this was interpreted by prison authorities as evidence of radicalisation (Marranci 2007). He explains that security policies within prisons, including restricting praying in a communal space (see also Sharp et al. 2006) or reading the Qur’an during work breaks, effectively exacerbate rather than suppress radicalisation insofar as such attitudes, underpinned by a misrepresentative conflation of Islam with terrorism in the mass media, serves to increase the isolation and feelings of persecution experienced by Muslim prisoners. The combined effects of their experiences of incarceration, criminal justice processes and associated ostracism can lead towards disenfranchisement and anger towards a state which they perceive as oppressive and discriminatory. This experience can leave Muslim ex-prisoners vulnerable to recidivism and, for a minority, radicalization.

Nonetheless, drawing on the findings of Bracken et al. (2009) and Calverley (2009), we might infer that the rediscovery of Islam has the potential to assist Muslim offenders to re-connect with their religious identities, traditions and culture so as to support their efforts to change. As Marranci (2007) suggests, this depends to an extent on the willingness of Mosques, Islamic institutes and the wider Muslim community to offer support to former offenders. Of course, Islamophobic attitudes in the wider community also need to be challenged. Services need to recognize and engage with the multiplicity of communities in society, to pursue meaningful and sustained engagement with those communities and to recognize the important role of religious institutions as a resource within communities.

Maruna et al.’s (2006) analyses of the life story interviews of 75 male prisoners provides an insight into the dynamics of conversion to Christianity within prison which resonates with some aspects of Marranci’s study. The authors argue that the prison environment, within which one is removed from all that is familiar and typically stripped of one’s identity, is precisely the type of environment in which self-identity is likely to be called into question. As such prisoners are ‘particularly open to new ways of perceiving themselves and organising their lives’ (Maruna et al. 2006: 163). Maruna et al. (2006: 161) suggest that conversion enables the prisoner to create:

‘a new social identity to replace the label of criminal, [it] imbues the experience of imprisonment with purpose and meaning, [it] empowers the largely powerless prisoner by turning him into an agent of God, [it] provides the prisoner with a language and a framework for forgiveness and allows a sense of control over an unknown future.’

For Maruna et al.’s respondents, their experiences of prison led them to consider:

‘...fundamental questions about life, death, meaning and the individual’s place in the world. Not only did they seek a framework through which to interpret and attribute

meaning to events they had experienced, they also sought one that would provide answers to their questions and give them ways to move forward and construct a new, positive life and self-identity' (Maruna et al. 2006: 173).

Thus, like Marranci, Maruna et al. (2006) conceptualise conversion as a process of reinterpretation of one's autobiographical self, in some respects a change process analogous to the identity transformations underpinning the process of desistance more generally. However, perhaps the unique contribution that the commitment to a form of religion may offer is a 'cognitive blueprint for how one is to proceed as a changed individual' (Giordano et al. 2007: 4); a blueprint found in the prescriptions and teachings associated with that faith, upon which the individual can draw as they embark on the process of desistance and encounter new situations and experiences. To return to the navigational analogy, religion provides a sort of map to identity transformation.

Giordano et al.'s (2007) longitudinal study allowed the authors to identify variations in ex-offenders' life circumstances which assisted them to specify the particular conditions under which commitment to religion was positively associated with desistance or otherwise. Their analyses highlighted the importance of differentiating between respondents who describe a generally positive orientation towards religion and those who make a specific cognitive connection such that they regard their attachment to religion as incompatible with involvement in criminality, resonant of Giordano et al.'s (2002) fourth stage in their theory of cognitive transformation (discussed above). As we have outlined previously, and as the authors demonstrate, the presence of a pro-social bond in and of itself does not appear to be sufficient to trigger or sustain desistance, rather it is the strength, quality and meaning that the social bond has for the individual (Giordano et al. 2007). Thus a deep and intense connection to religion may be essential if it is to exert sufficient influence to sustain the individual through the difficult process of change and if it is to facilitate identity or cognitive self-transformation associated with secondary desistance.

Indeed, in their analysis of the narratives of respondents who exhibited such a deep personal connection to Christianity, Giordano et al (2007) observed a shared emphasis on the role of positive emotional changes that their attachment to Christianity heralded. Christianity was considered to inject life with meaning, to provide a source of emotional capital and thus a key resource upon which to draw in the face of stressful circumstances. Respondents not only referred to important inner personal changes in their feelings towards themselves but also to changes in their stance, attitudes or feelings towards the external world. For some respondents, their new found commitment to religion enabled the development of different forms of social capital in terms of the consolidation or reparation of existing relationships, particularly where such relationships reinforced or affirmed their religious commitments, and the development of new relationships and social networks through affiliation to religious institutions or faith groups (see also Chu, 2007 in relation to desistance from drug use).

However, Giordano et al (2007) highlight that, whilst some people may be favourably disposed towards religion, unless the associated ideologies, ideas and practices resonate with the individual, it is unlikely to act as a catalyst for change. In addition, even where a strong attachment to religion pertains, ex-offenders are often disadvantaged on multiple levels, and have social networks that are similarly disadvantaged, and they may encounter an array of what they experience as insurmountable obstacles which may overwhelm the individual and

overshadow the positive effects that commitment to religion may provide, perhaps hastening a return to more familiar coping strategies, which may include substance use or a return to criminality.

Just as desistance-supportive practice requires practitioners to engage with how individuals construct their identities, masculinities, femininities and ethnicities, so it requires practitioners to open up lines of enquiry and resources for desistance that may reside in religiosity and/or spirituality. The evidence above suggests that this is about both identity transformations and the development of social networks that may support them. Just as with the other aspects of identity discussed above, this is not merely a matter of the individual's subjective experience of these aspects of identity; it is as much about the social, structural and cultural conditions which conspire to make these aspects of our identities assets or liabilities in the desistance process.

## Conclusion

We noted at the outset of this section that desistance research has already had a significant impact on debates about probation policy and practice, and that two of the key messages arising from this developing dialogue related to the reassertion of the significance of relationships (both personal and working relationships) in the change process, and the reassertion of the significance of the social contexts of (and obstacles to) change. The research findings that we have reviewed in this section serve to strengthen these arguments, but they add new dimensions of complexity to debates about how to integrate the insights of desistance research into approaches to offender rehabilitation. None of the research that we have reviewed overturns the central and general messages of desistance research; the desistance process seems to have common elements for all or at least most people – developing maturity, the emergence of new social ties which hold particular subjective significance for the individuals concerned and, sometimes, a renegotiation of personal identity.

However, when we look more closely at the evidence around gender differences, ethnic differences and the significance of religion, we find clear evidence that the common elements of the process can be very differently experienced and constituted, depending on the socio-structural, cultural and spiritual positions that people occupy and move through as they negotiate their personal and social lives. The central practical implication of this insight – which may be obvious but which we think needed to be evidenced – is that no rehabilitative intervention which aims to support desistance can expect to succeed if it lacks sufficient sensitivity to these diversity issues.

More generally, if practice is to be critical practice, it needs to include but also extend beyond the adoption of constructivist approach that respects and engages positively and respectfully with the development of personal narratives, it also requires a commitment to challenge forms of oppression that devalue certain identities while over-valuing others. To focus solely on overcoming these obstacles at the individual level runs the risk of accepting the world as it is, thus colluding with the social structures and attitudes that diminish the resources for desistance available to marginalized groups.

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