

Probation, Desistance and ‘What Works?’

Probation Purposes

- What works to what ends?
- Rehabilitation
 - A means or an end?
 - Utilitarian or rights-based?
- Reduced reoffending and public protection
 - By which means?
- Reparation
 - Paying back constructively
 - Restorative Justice

Public Protection or Community Safety

- **Public Protection**
 - Protection, blame, risk and insecurity
 - The paradox of protection and the risks of risk
 - Protect ‘us’ from ‘them’
 - Short-term (but secure?) incapacitation or control
 - Long-term (but insecure) change processes
- **Community safety**
 - Collective interest; we are all part of community
 - Collective efficacy and social capital; we are all part of the solution
 - Community capacity-building; we all need to be stronger in order for us all to be safer
 - Links to community justice; to be stronger and safer, we also need to be fairer [without justice there is no peace]

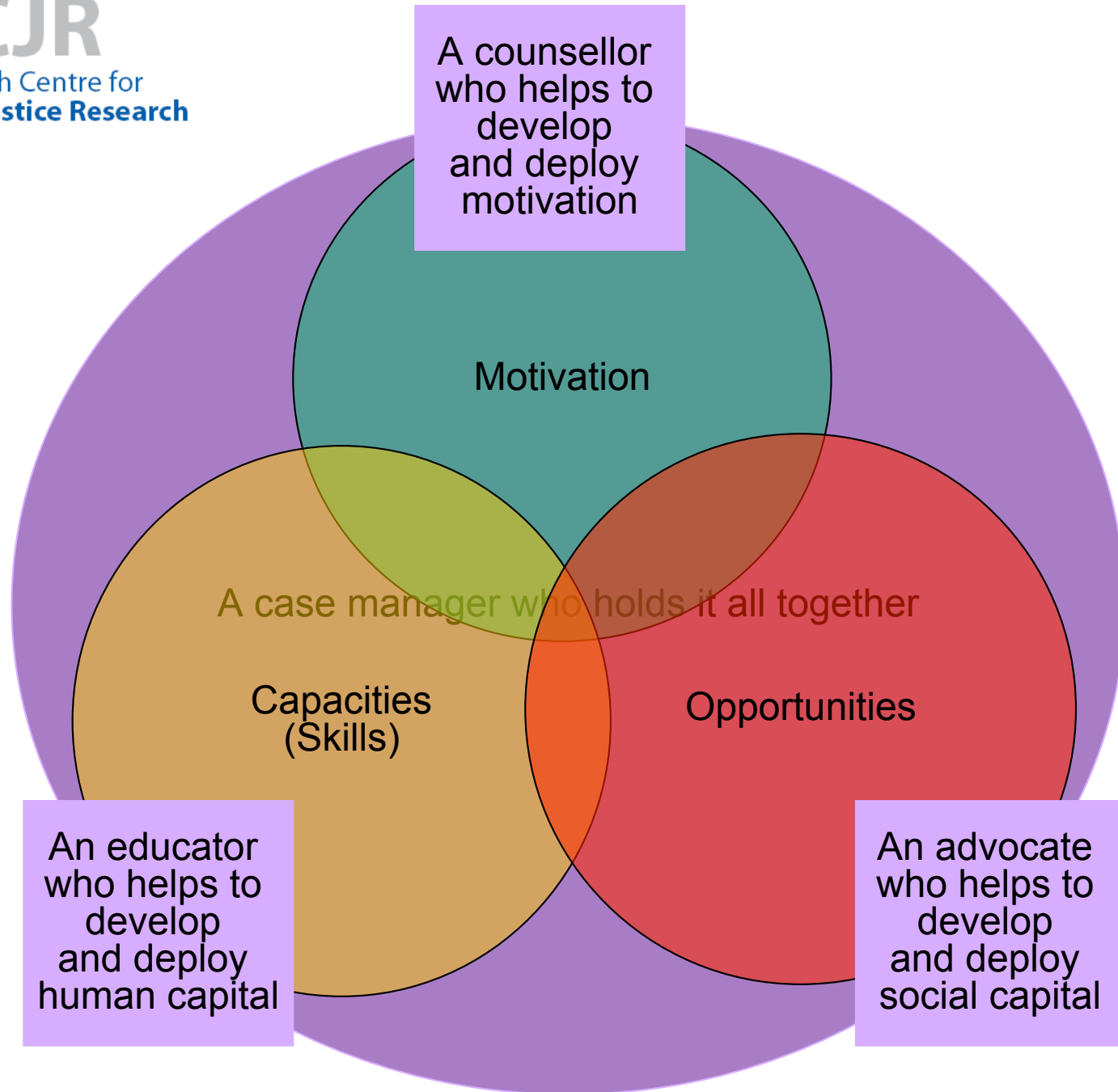
Public protection: What works?

- What protects and whom does it protect?
 - Offenders (real and future)
 - Victims (real and future)
 - Communities (real and future)
- Two (complementary?) strategies (Kemshall, 2008)
 - Protection (through risk control)
 - Reintegration (and hence risk reduction)
 - But underpinned by different discourses of risk, conceptions of the offender, conceptions of

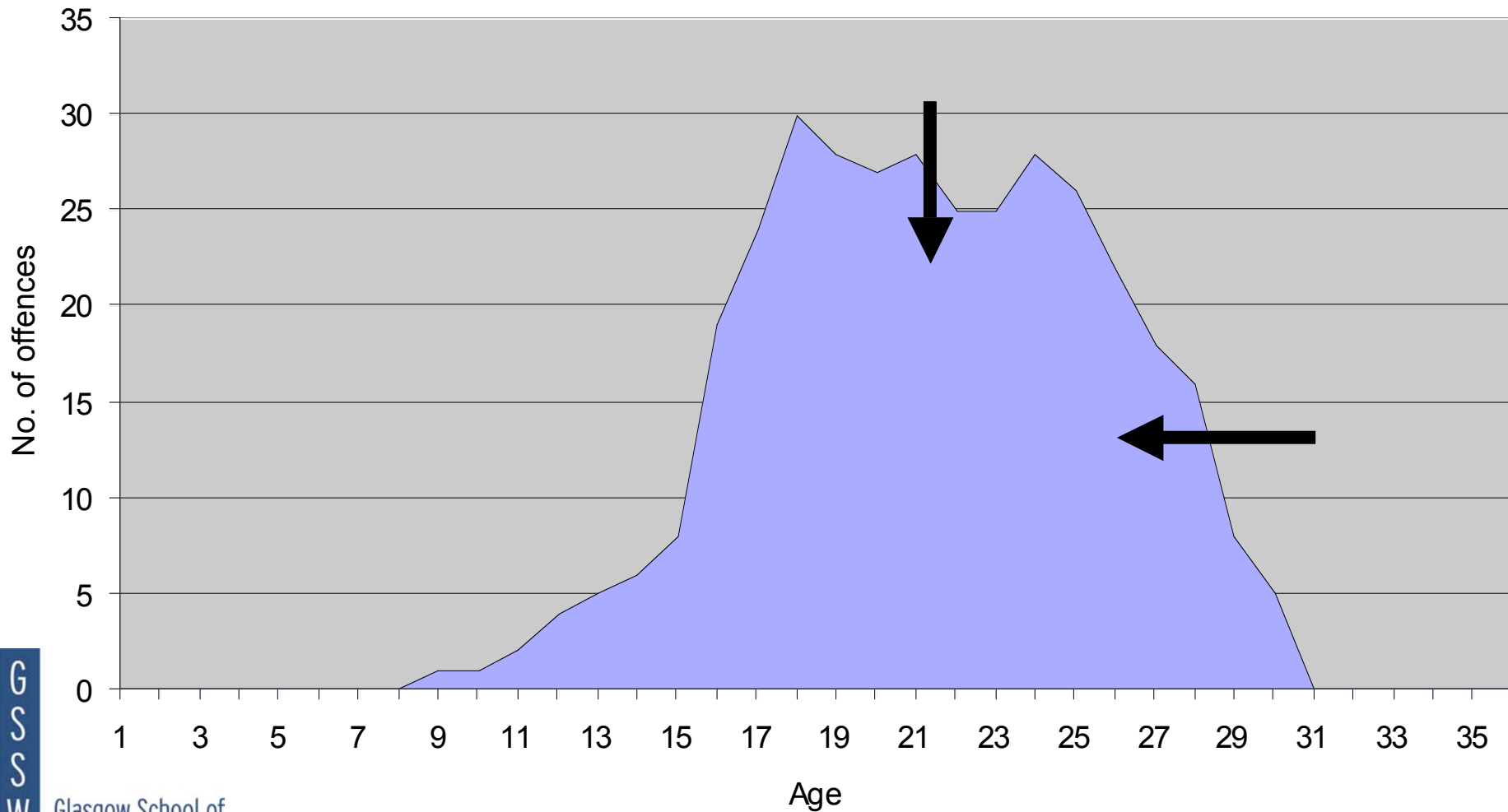
Integrative approaches; prioritising change

- ‘Towards Effective Practice in Offender Supervision’
 - Reoffending
 - Desistance
 - RNR and GLM
 - The practice process (the ‘Spine’)
 - Developing human capital
 - Developing social capital

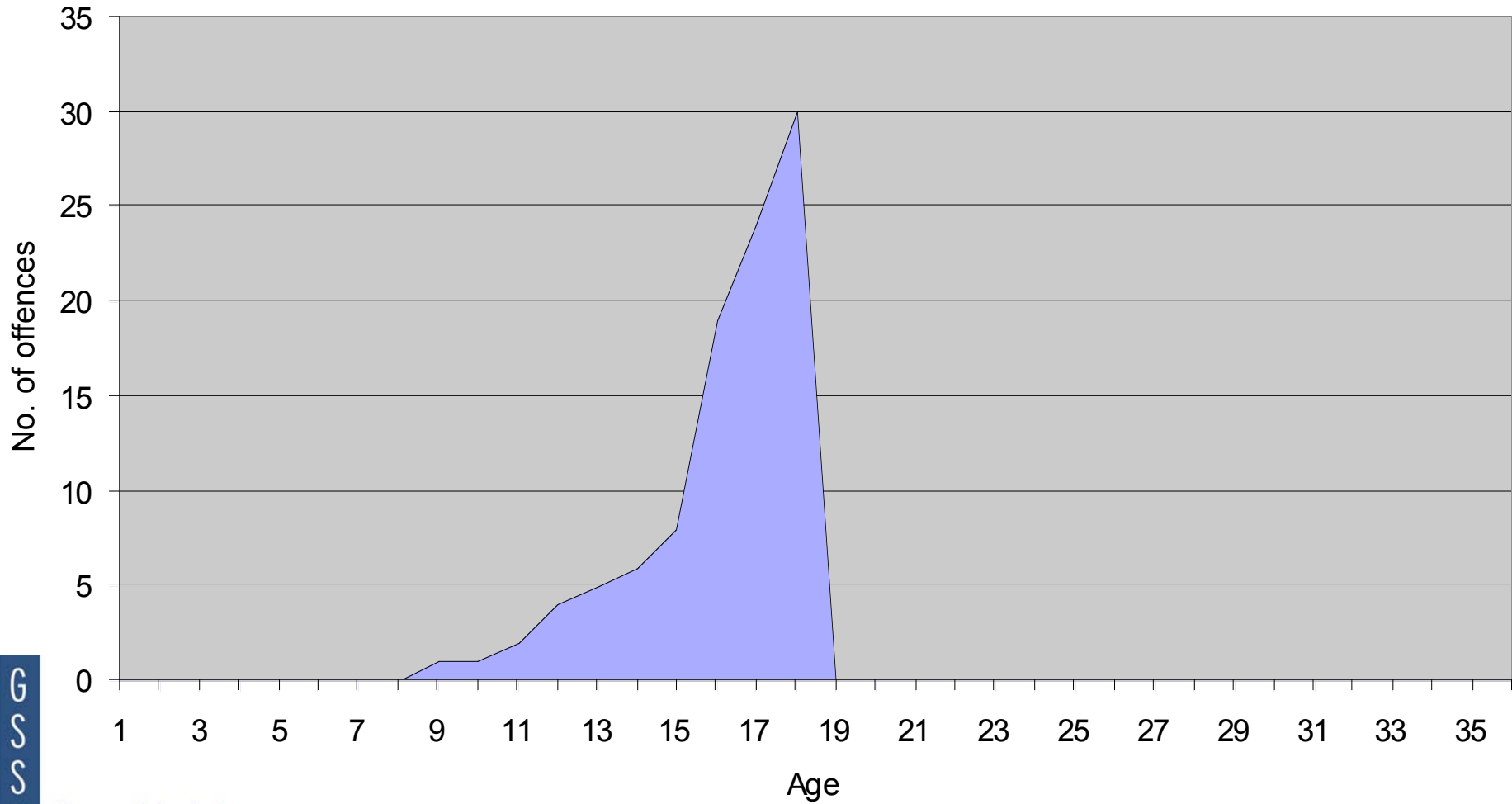
- Available at www.sccjr.ac.uk



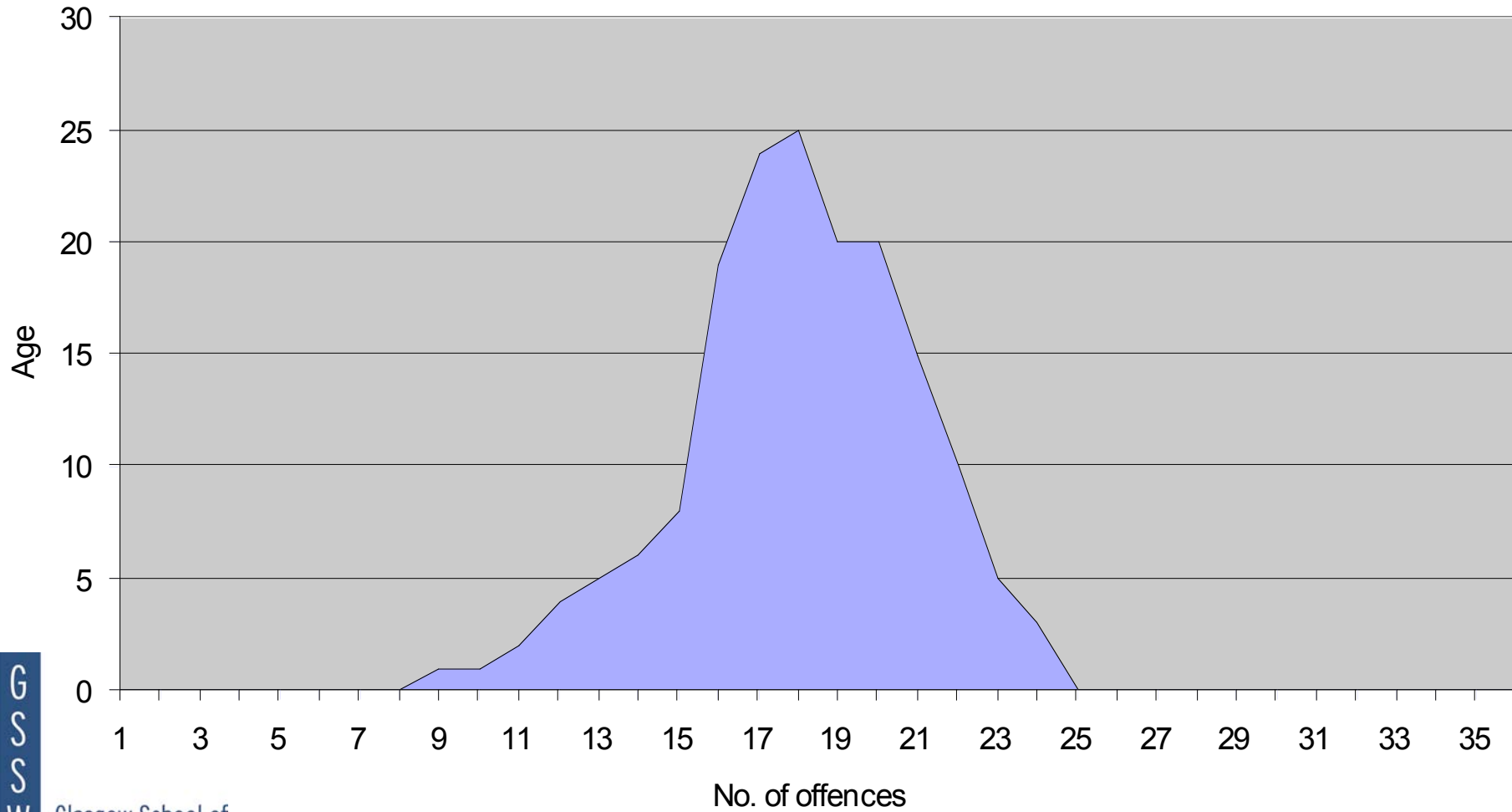
Thinking about the desistance process



Perfect supervision?



Realistic supervision?



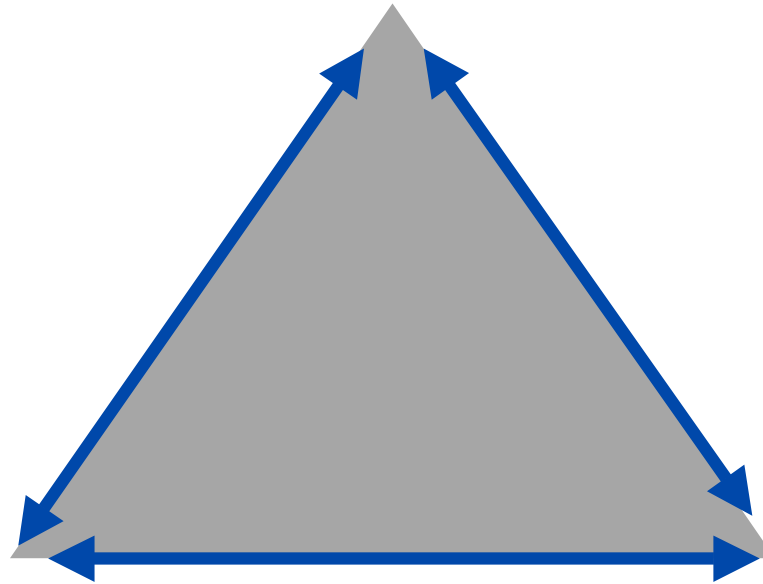
Explaining desistance: theoretical perspectives

- Rational choice theory
- Control theory:
 - Low social control: Criminality endures but opportunities and capacities diminish
 - Age-graded social control: Evolving bonds to conformity
- Structuralist, individualist and interactionist theories
 - Structure and agency
 - Narrative theories: Developing agency and pro-social identities (cognitive or personal transformations) within a context of social constraints and opportunities (e.g. Social capital, social mobilities)
 - De-labelling, knifing off and certification

Integrative theories

- ‘[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: 265, emphasis in original).

Age and Maturity



Subjective Narratives,
Attitudes and Motivation

Life Transitions and
Social Bonds

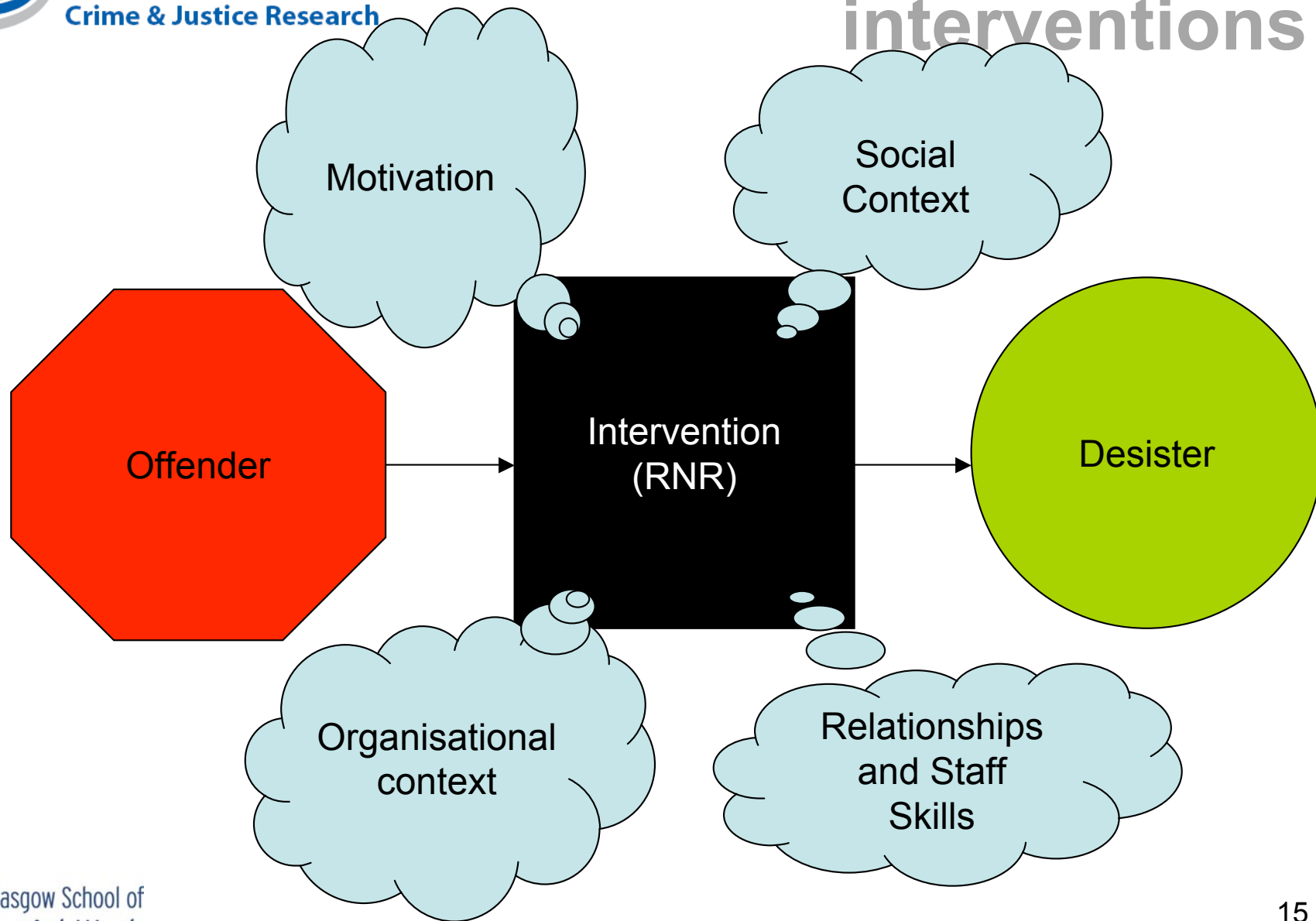
Three models of desistance processes

Giordano et al (2002)	Vaughan (2007)	SPooCS (ongoing)
1. General cognitive openness to change	1. Discernment: reviews possible choices	1. Triggering event
2. Exposure and reaction to 'hooks for change'	2. Deliberation: about possible courses of action	2. Decision to try to change
3. Availability of an appealing conventional self	[A comparison of selves: who one is, who one wishes to be]	3. Thinking differently about oneself
4. Transformation in attitudes to deviant behaviour	3. Dedication: commitment to the new (non-criminal) identity	4. Taking action to desist
		5. Maintaining change

Some key lessons about desistance

- A complex process, not an event, characterised by ambivalence and vacillation
- About re-biography (at the time or post hoc) ; changing identities (narratives); more than learning new cognitive skills
- Provoked by life events, depending on the *meaning* of those events for the offender; inherently subjective, hence individualised, sensitive to difference/diversity
- Solicited or sustained by someone ‘believing in’ the offender (or prevented by someone giving up on the offender?)
- An active process in which agency is discovered and exercised
- Requires social capital (opportunities) as well as human capital (capacities/skills)
- Certified through ‘redemption’ or restoration; finding

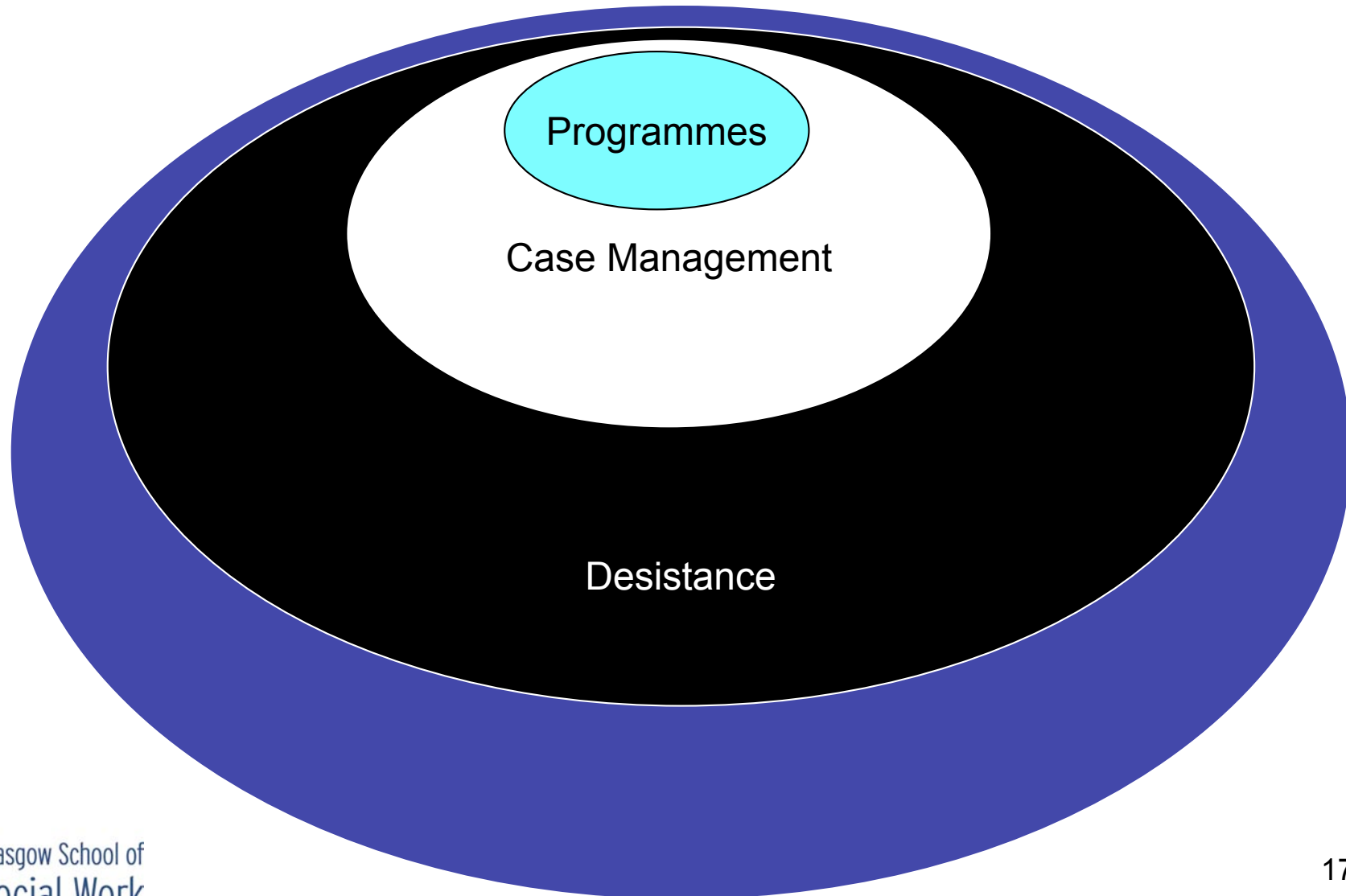
Thinking about interventions



I think change process first, interventions second

- ‘Treatment was birthed as an adjunct to recovery, but, as treatment grew in size and status, it defined recovery as an adjunct of itself. The original perspective needs to be recaptured. Treatment institutions need to once again become servants of the larger recovery process and the community in which that recovery is nested and sustained’ (White 2000, in Maruna et al 2004).
- Compare: Teachers
 - Is it more important to know how children learn and develop or to know what currently seems to be the best way to teach them?

Embedding interventions



Developing Change Capacities

- ‘Between the ears’ interventions
- RNR: Risk, Need and Responsivity
- Programmes (and accreditation)
 - Evidence-based models of change
 - Selection of offenders
 - Targeting of criminogenic needs
 - Effective methods (skills orientation)
 - Sequencing, intensity, duration
 - Engagement and motivation
 - Continuity of programmes and services
 - Integrity and evaluation

Developing Change Capacities

- **Lessons from England & Wales**
 - Attrition
 - Completers, non-completers and non-starters: the problem of selection effects... but getting better (Hollis, 2007)
 - ‘Too much haste, too little speed’: Organisational issues and implementation problems
- **Practices, processes and systems**
 - Organisational contexts and professional cultures
 - ‘Throwing the baby out with the bathwater’: Models of ‘offender management’ and continuity of care
 - ‘All the eggs in one basket’: Staff skills and relationships
 - A broader conception of ‘evidence’ (e.g. desistance)

Developing Change Motivations

- **The Good Lives Model (Ward and Maruna, 2007)**
 - Offender motivation and the responsivity deficit
- **General Principles**
 - Twin focus on primary and secondary goods, ecological, identity construction. Manage risks and promote goods
- **Aetiologiical Assumptions**
 - Indirect and direct routes to offending, criminogenic needs as obstacles. Goals (approach and avoidance), goods and strategies

- **Practice**
Identity, good lives plans, internal and external conditions

Developing Change Opportunities

- Social capital, crime and persistent offending
- Social capital: Bonding and bridging
- Developing social capital
 - Working with families of origin
 - Working with families of formation
 - Working in and with communities (employers, NGOs, faith groups, etc...)
- ‘Generativity’ and change opportunities (McNeill and Maruna, 2007)

Social capital and public attitudes

- Developing the social capital of a vilified group is not easy in insecure, late-modern societies, but cf.
- Re-assurance policing, signal crimes and control signals (Innes, 2004)... Links between control signals and non-punitiveness (Bottoms and Wilson, 2004)
- So, what are the prospects for sending:
 - Control/Protection signals
 - Restitution/Reparation signals
 - Reformation/Redemption signals
- The success of such signals may have major consequences for the capacity of resettlement systems to generate wider opportunities for the development of social capital, in support of reduced re-offending

What Works? Control or change?

- Control-focused or change-focused probation?
- Public protection and risk control or community safety and integration?
- Is the dominance of a 'risk' or 'protection' discourse likely to frustrate its own purposes...
 - If it identifies offenders with the worst aspects of themselves?
 - If it leads practitioners to neglect of offenders' needs, strengths, goals and aspirations?
 - If it reinforces a social climate that creates practical and attitudinal barriers to ex-offenders' prospects of mobility and of living differently?
- Would we all be more safe in a society where ex-offenders were supported to *move* towards better lives, than in one where the risks that they present are merely managed and surveilled, and where those risks are continually *fixed* and reinforced by their stigmatisation and exclusion.

Thank you

- For a short written version of this paper, see:
 - http://www.ejprob.ro/index.pl/what_works_and_whats_just
- For more detail, see:
 - McNeill, F. (2009) *Towards Effective Practice in Offender Supervision*. Glasgow: Scottish Centre for Crime and Justice Research.
 - Available at: www.sccjr.ac.uk
- For even more detail, see:
 - McNeill, F. and Whyte, B. (2007) *Reducing Reoffending: Social Work and Community Justice in Scotland*. Cullompton: Willan.