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Dimensions and dynamics of compliance with community supervision

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Outline

- Why is compliance important?
- What is compliance?
- How can we explain compliance?
- What can be done to improve compliance?



Why is compliance important?

- ‘Effectiveness’ implies compliance
- True regardless of how ‘purposes’ are understood
 - E.g. punishment; reparation; rehabilitation
- Compliance targets (since 2004)
- Non-compliance attracts more severe penalties



What is compliance?

- Compliance is not clear-cut/a binary concept
- Yet rarely unpacked/analysed
- Bottoms (2001) asks: compliance with what?
 - ‘short-term requirement compliance’ (compliance with specific legal requirements of the penalty)
 - ‘longer-term legal compliance’ (compliance with the criminal law – extends beyond the order/licence)



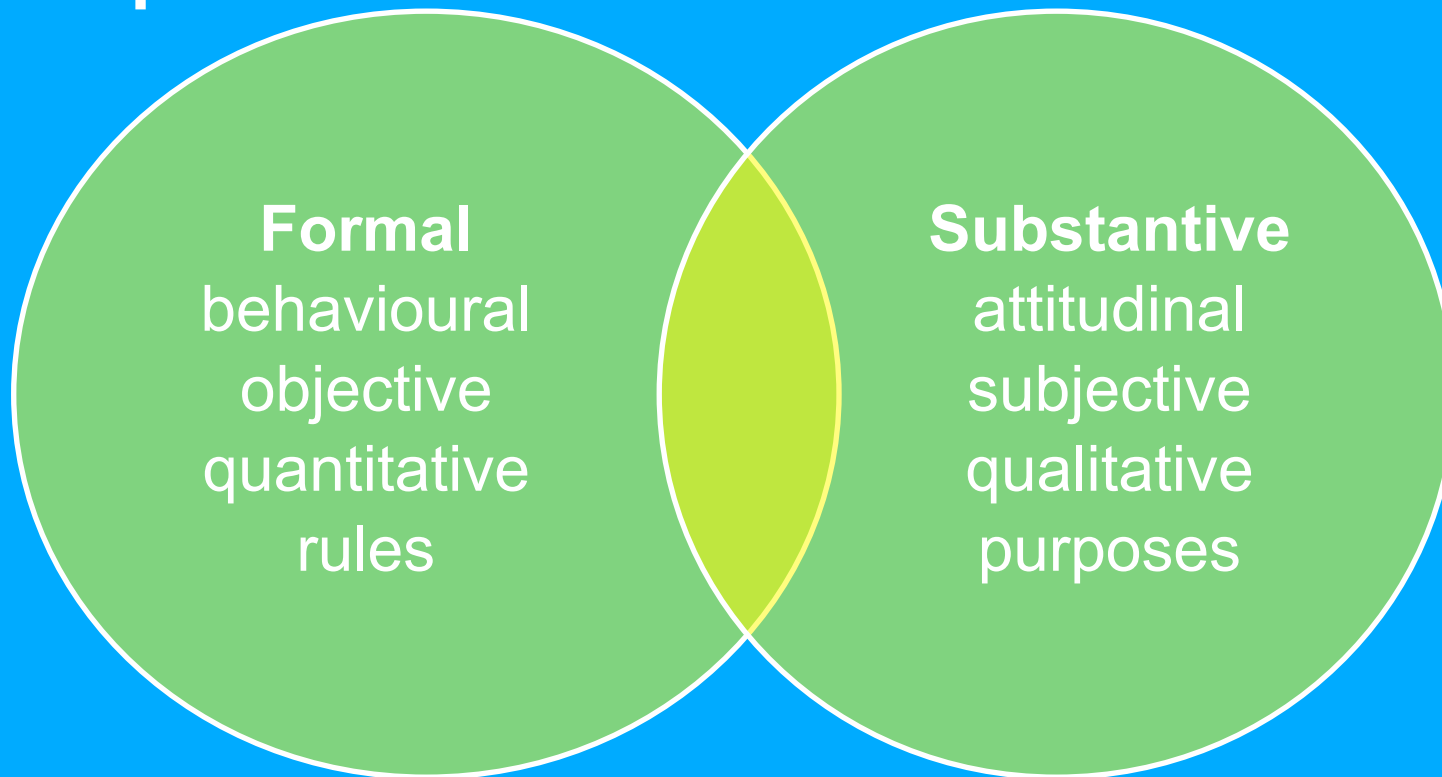
Short-term compliance:

an offender who:

“completes [supervision] with no breach of the formal requirements of the order: for example, an offender given community service attends regularly at community service work sessions, and works hard and diligently during those sessions”
(Bottoms 2001: 88)



Dimensions of short-term compliance





Practitioners' views (1)

Q: What does compliance mean?

“Turning up for appointments on time [...] and actually engaging in the work when they actually come to probation, not just sitting there looking through the window”.

“Engaging [...] not just turning up, ticking a box...”

“They agree certain things, don't they; they agree to be basically pro-social while they're with us [on unpaid work] and if they're not in any way, that then becomes unacceptable”.



Practitioners' views (2)

“I’m not sure whether we’re looking at the right compliance, ‘cos it’s one thing to get, like you say, get people in, that hits numbers [...] but we’re not looking at the quality of what we do when we get them in [...] so, for me, it’s a huge issue but [is it enough] to get people through the doors, and hit our targets, or is compliance bigger than that?”



How can we explain compliance?

INSTRUMENTAL

Incentives
Disincentives

**CONSTRAINT-
BASED**

ROUTINISED

NORMATIVE

Acceptance of norm
Attachment
Legitimacy

Source: Bottoms (2001)



Implications

- different people will comply for different reasons
- different compliance mechanisms may be at work for the same person
- compliance mechanisms may change over time
- suggests ways to improve compliance

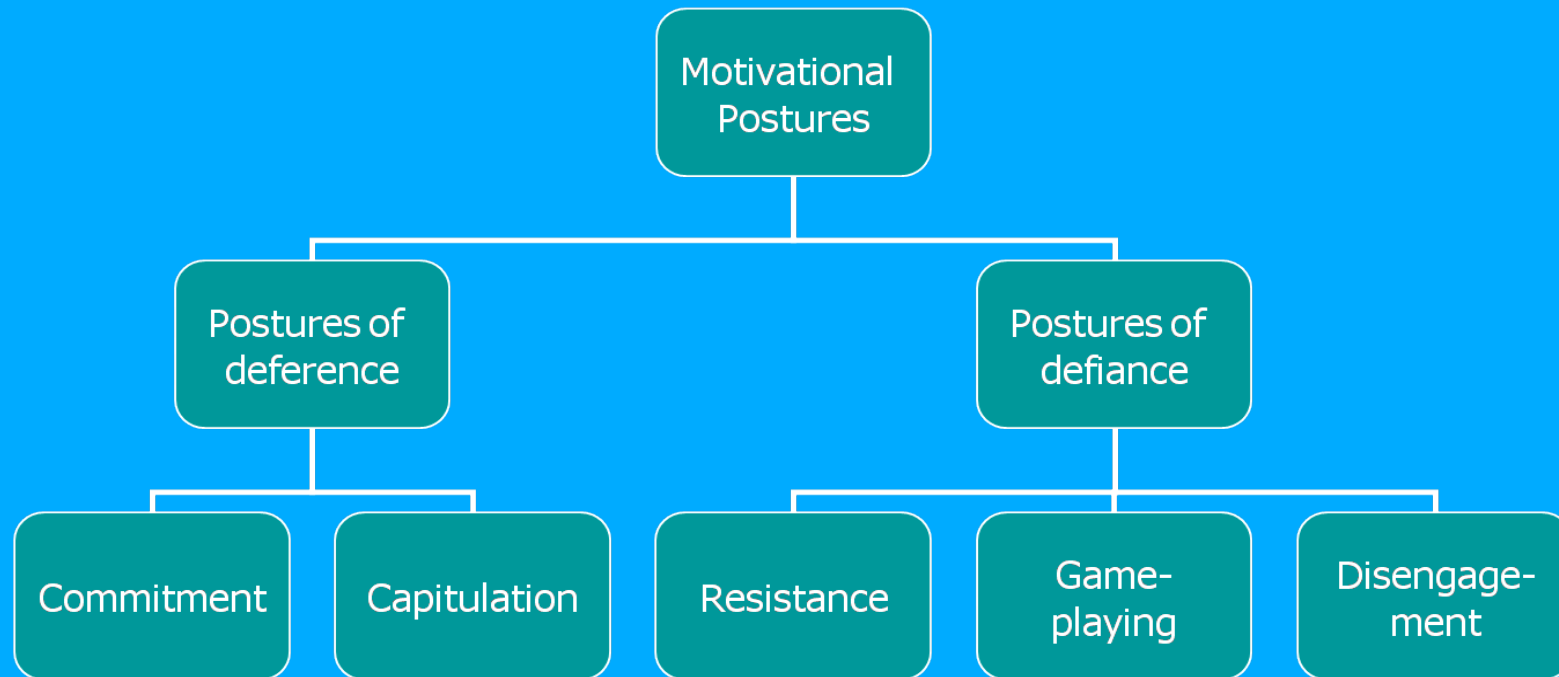


What can be done to improve compliance?

- Develop compliance mechanisms
 - Incentives/disincentives (formal)
 - Routine (formal)
 - Building 'legitimacy' - most important when quality/engagement matter (substantive)



‘Motivational postures’ of taxpayers (Braithwaite 2003)





Building legitimacy

- The problem of consent
- ‘Face validity’
- The problem of purpose(s)
- Demonstrating utility
- Demonstrating consistency and ‘trustworthiness’



National Standards 2007: s3

	RELATIONS WITH STAFF	IMPLEMENTATION GUIDANCE (2007)
3.6	<p>Offenders experience their relationships with staff as being characterised by:</p> <ul style="list-style-type: none">• courtesy, respect and the valuing of diversity• enthusiasm and commitment• the encouragement of compliance and co-operation• recognition and reward for achievement and progress• the firm, fair and legitimate use of authority• behaviour which models pro-social and anti-criminal attitudes, cognition and behaviours• the teaching of problem-solving skills• help to access wider community-based resources and facilities• encouragement to take responsibility for behaviour and its consequences	



Jeopardising legitimacy

- The problem of rigid enforcement policies
- Attempts to 'define deviance down'
- Inconsistency
- Discontinuity in supervision



Conclusion

- Compliance is complex
- Compliance may be formal, substantive or (preferably) both
- ‘Compliance mechanisms’ can be developed
- Legitimacy likely to underpin substantive compliance (engagement)
- Building/preserving legitimacy is therefore key to effective practice



References

- Bottoms, A. (2001) 'Compliance with community penalties', in A. Bottoms, L. Gelsthorpe and S. Rex (eds) *Community Penalties: Change and Challenges*. Cullompton: Willan.
- Braithwaite, V. (2003) 'Dancing with tax authorities: motivational postures and non-compliant actions', in V. Braithwaite (ed) *Taxing Democracy: Understanding Tax Avoidance and Evasion*. Aldershot: Ashgate.
- Ministry of Justice (2007) *National Standards for the Management of Offenders*. London: MoJ.
- Robinson, G. & McNeill, F. (2008) 'Exploring the dynamics of compliance with community penalties', *Theoretical Criminology*, 12, 4: 431-449.



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Thankyou!

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