

scottish justice matters

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SPECIAL ISSUE ON DESISTANCE

Edited by
Fergus McNeill

ALSO

Mike Nellis on
Electronic Monitoring

Andrew Coyle on
early prison reform in Scotland

Bernadette Monaghan on
Children's Hearings

Interview with
HMIP David Strang



DESISTANCE

MOVING ON: DESISTANCE AND REHABILITATION

Scottish Justice Matters is a publication of the Scottish Consortium of Crime and Criminal Justice (SCCCJ). The Consortium is an alliance of organisations and individuals committed to better criminal justice policies. It works to stimulate well informed debate and to promote discussion and analysis of new ideas: it seeks a rational, humane, constructive and rights-based approach to questions of justice and crime in Scotland.

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IT HAS been a longstanding aspiration of Scottish criminal justice, as in other jurisdictions, to make a positive difference in the lives of people who go through its processes. It is also an aspiration that, to some extent, cuts across political and philosophical differences. We may disagree about the extent to which we feel any sympathy for or duty towards those who are punished in our name, and we may disagree about the best methods for promoting change in their behaviour, but we all want them to come out of the other side of punishment less likely to offend again.

Yet the evidence suggests that criminal justice processes and penal institutions (whether custodial or community based) have much less success than we would wish. Reoffending rates are seen as being unduly high and unaffordable. While criminologists have sensibly questioned our common misreading of these statistics (SCCJR 2012) and have pointed to the underlying social and structural determinants of offending and reoffending, it is hard to argue against the proposition that criminal justice could and should do better.

Against that backdrop, it is not surprising that research into desistance from crime has begun to exercise some influence in debates about penal policy and practice. Studying desistance as a process of human development (often in the context of significant adversity) has helped us begin to escape a preoccupation with rehabilitation as a mere technique for changing 'offenders'; the evidence about desistance shows us how constructing pathways to integration requires much more than just personal change; it also requires the removal of social and legal barriers and the settling of moral debts.

In these debates, perhaps the most evidence-based and perhaps most unsettling argument we can make is that our common modes of punishment are often counter-productive as far as desistance and integration is concerned. Research tells us that desistance is about age and maturation, acquiring social ties and developing a more positive identity: experience tells us that our approaches to punishment remove responsibility, damage positive social relations and reinforce negative identities.

This special edition asks if we can imagine ways to escape the contradictions between penal aspirations and realities. Can we reform criminal justice so that justice is done while change is also nurtured and supported? What would that mean and what would it take to reform sentencing and sanctions in that manner?

We begin with a contribution from the Desistance Knowledge Exchange project team who engaged with these questions through collaboration with agencies, policymakers

and practitioners, and with people who have experienced desistance, their families or supporters. This was not about academics pronouncing 'what works' or what 'evidence-based practice' requires, but rather a structured conversation that led to the co-production of a series of 'provocative propositions' for reforming criminal justice.

Studying desistance ... has helped us begin to escape a preoccupation with rehabilitation as a mere technique for changing 'offenders'

The articles that follow shed new light on desistance and on the question of what matters most in supporting it. If you read through this edition in its entirety - and it deserves and will reward that commitment of your time - you will become better acquainted (both from direct experience and from cutting-edge research) with how people experience imprisonment and release and what shapes their prospects for change; with the experiences of families in the penal process and with their vital role in supporting change; with the ways in which probation staff have responded to the challenges not just of desistance research but of listening more attentively to their service users; with the leadership of the Scottish Prison Service's plans to make supporting desistance more central to their vision and practice; with the value and limitations of a desistance perspective in youth justice; and with how a particular cadre of French judges can and do support desistance in their practice.

With the independence referendum not so long away, the Scottish polity is currently preoccupied with imagining and debating the conditions under which Scotland can best flourish as a nation. Imagining a better future, and thinking carefully about the conditions under which it becomes more or less possible, are also the challenges that people in the justice system face on a daily basis - whether they are undergoing or overseeing sanctions. We hope that this issue of SJM will spark our imaginations and engage our collective intellects and experiences so that a different future becomes just a little more possible, not just for people in the justice system, but for the system itself.

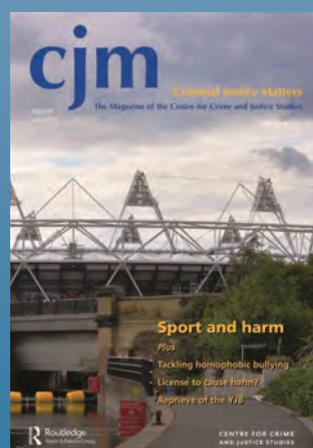
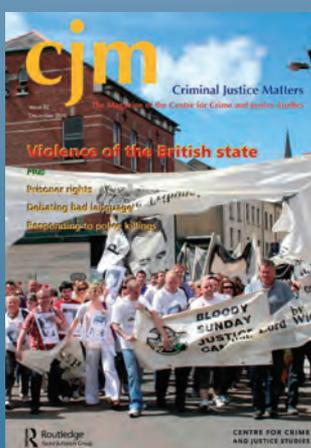
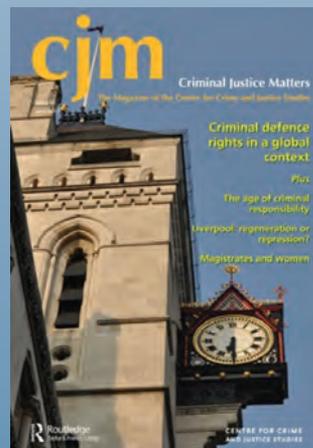
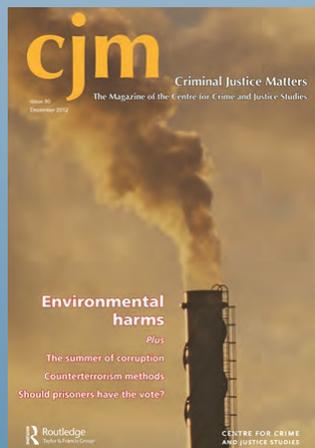
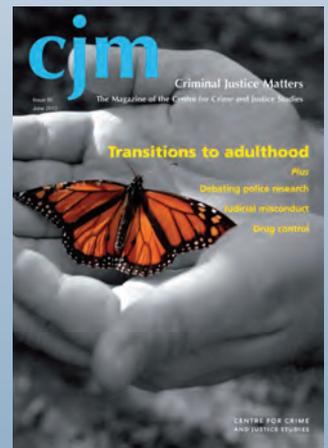
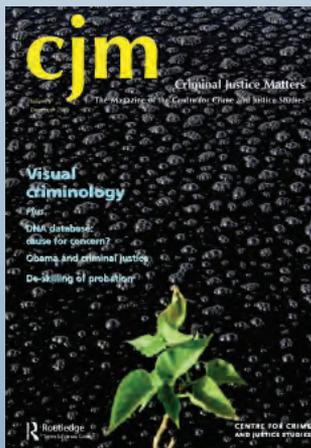
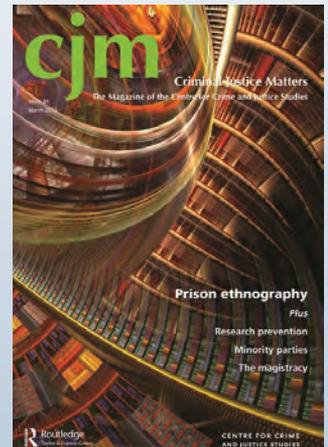
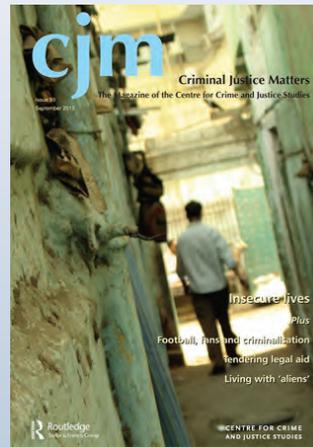
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DESISTANCE

MOVING ON: DESISTANCE AND REHABILITATION

Fergus McNeill is Professor of Criminology and Social Work at the University of Glasgow and co-editor of this issue of Scottish Justice Matters on the topic of desistance from crime.

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 Professor Tim Newburn, London School of Economics.



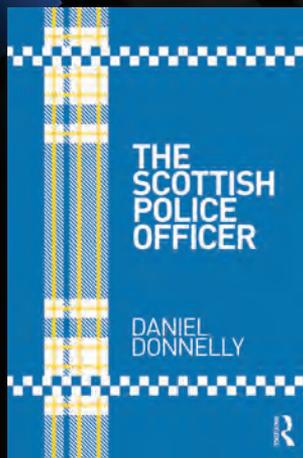
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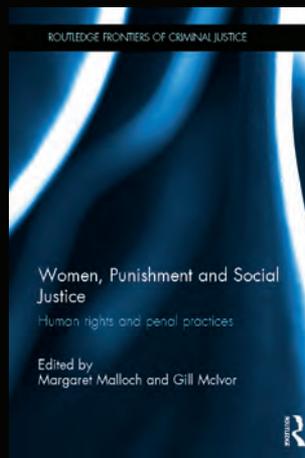
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