SPECIAL ISSUE ON DESISTANCE

Edited by Fergus McNeill

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Scottish Justice Brief
THE SUBJECT of desistance from crime has, in recent years, moved from being the preserve of a few curious criminologists to being a topic much discussed in the justice sector (Farrall 2002, Farrall and Calverley 2006; McNeill and Weaver, 2010). It sometimes seems as if whenever we read about or discuss prisons, probation or sentencing reform, the ‘D’ word gets mentioned. Although, for desistance researchers, this is exciting in many ways, as the concept has spread from research and theory to policy and practice, a risk has arisen that the word ‘desistance’ (never the easiest concept to understand) might come to be misused, misunderstood and misapplied. Occasionally, we hear reference to ‘desistance theory’ or ‘desistance policies’. We may even slip into such loose uses of language ourselves. However, there is no single theory of why people stop offending, nor is there an obvious or agreed set of policy proposals which can be ‘read off’ from the research. For those who crave explicit and specific remedies based on ‘what(ever) works’, this may feel like a limitation. On the other hand, it might also be a strength in that it leaves open space for others, with different forms of expertise, to play their parts in penal reform and development, drawing on their own reflexivity and creativity.

In that spirit, in September 2011 and with funding from the Economic and Social Research Council (Award No: RES-189-25-0258), a group of desistance researchers (McNeill, Farrall and Maruna) and an expert on knowledge exchange (Lightowler) created the Desistance Knowledge Exchange Project (DesKE). Working in partnership with the National Offender Management Service for England and Wales, the Probation Board for Northern Ireland, the Community Justice Division of the Scottish Government and with Lagan Media Ltd (an independent film production company), we worked to co-produce a documentary film about desistance (The Road from Crime) and then to convene a series of eight workshops in which stakeholders discussed and debated the development of ‘practice for desistance’. During the workshops we also disseminated a short review of research written for stakeholders (see McNeill et al, 2012).

The workshops with practitioners, policy-makers, probationers, people with convictions and their family members or significant others, took place in Belfast, Glasgow, London and Sheffield in 2012. They were structured around learning from all participants by sharing professional and personal experience and expertise. Following an Appreciative Inquiry (AI) format (see Liebling, Price & Elliot, 1999 and Robinson et al, 2013), the workshop participants were first asked to reflect on their own or others’ experiences of desistance or supporting desistance. Next, they were challenged to describe what processes, skills, relationships or resources they thought were crucial in facilitating positive change. Drawing on these experiences, we then asked the stakeholders to imagine the sort of criminal justice system they felt would better support desistance. Next, they were challenged to describe what processes, skills, relationships or resources they thought were crucial in facilitating positive change. Drawing on these experiences, we then asked the stakeholders to imagine the sort of criminal justice system they felt would better support desistance. We asked people to produce ‘provocative propositions’ – that is, statements which demanded action and which stated in a clear and challenging way how the criminal justice system could and should be better focused on helping people stop offending. We went on to think about how to realise these propositions; focussing on what needed to be done to achieve this vision of the future of criminal justice. We asked participants in particular to focus on identifying what they could do to move towards better practices, services and policies, and to identify what others also need to do to make this happen.
In this short paper, we review the ten most common and best supported of the ‘provocative propositions’ that emerged in the workshops. It is important to note that although we are the authors of this brief paper, we are not the authors of these propositions; nor do they necessarily represent our particular readings of desistance research. Rather, they are ideas and proposals that have been co-authored and co-produced by all of those involved in this process in a genuine effort at knowledge exchange.

The Provocative Propositions

1. There is a need for meaningful service user involvement in the design, delivery, assessment, and improvement of policies and provision across the criminal justice system; and for clear career routes for former service users that recognize and value the skills that people with convictions possess.

Some workshop groups suggested that every probation or criminal justice social work organisation and prison should have active service user involvement in the design of supervision processes and policy. They argued for greater use of peer mentoring schemes, as well as clear career routes for former users that recognize the value of their skills. Participants argued that these career routes could improve the support services and provide greater opportunities for former users.

2. There is a dire need to reduce the prison population, first and foremost in order to free up resources to invest in efforts more likely to support desistance.

The workshop participants agreed that there needed to be greater efforts made to educate sentence recommenders about how sentencing can support and frustrate desistance, and there may be a need for legislative reform to reduce the numbers going to custody and the length of prison sentences. Stakeholders agreed that prison ought to be reserved for the most dangerous offenders – and therefore used principally for public protection, freeing up resources for more use of interventions such as drug and alcohol rehabilitation and mental health services. Participants argued that those individuals who are not a danger to the public would be better served by interventions aimed at reparation or opportunities to demonstrate rehabilitation as these are more likely to promote and support desistance. One group suggested a scheme by which prisoners could trade hours of constructive ‘pay back’ work for remaining days of prison time.

3. A rethink of criminal justice social work/probation is necessary to make it more ‘holistic’ and ‘humanised’, more focused on the service user’s strengths and needs, and more flexible and open to creative work.

This suggestion would require training and retraining staff as well as the creation of more flexible and imaginative community sentencing options. It would also mean agreeing with service users exactly what supervisor and supervised are going to do together. Participants explained that this would also mean moving away from risk/fear-driven practices, which do not encourage or allow enough time for creative practice. Other ideas included producing ‘before and after records’ for service users, so they can more easily appreciate the work they have done and the changes they have made as they progress to better citizenship. Another idea was a service user recognition award: something to mark and acknowledge the progress made.

4. In the future, CJSW/probation offices and offices need to become better connected with local communities with greater community involvement in all of their work.

Participants argued that CJSW and probation staff need to have greater involvement with families and with those broader structures of social support that enable desistance. To do this, staff need to be allowed and encouraged to get out of the office and into the community. All agreed that CJSW/probation needs to be braver in terms of releasing professional staff to do their jobs, encouraging the reduction of bureaucracy to enable this to happen.

5. A wider circle of society should be encouraged to take responsibility for helping people stop offending.

Families and communities (defined as anyone important to the service user) are seen to be a key factor in change processes. Some of the suggestions here focused on creative ideas for encouraging greater involvement in reintegration work among employers, faith communities, civic groups and other potential supporters of desistance. Participants argued that we need to educate society about the lives of those caught up in crime in order to shift attitudes about the causes of crime and the positive role such groups can play in reintegration and desistance.

6. Interventions ought to focus less on risk and more readily on the positives, and what people have achieved and can achieve in the future.

Generally, any system of assessment and review needs to focus on an individual’s strengths (as well as giving appropriate attention to their wants and needs). Language is important; referring to service users as ‘clients’ (for all its limitations) reminds staff and clients that one of the goals of supervision is to pose the question ‘what do you want to get out of your sentence?’ Systems need to be developed whereby successes can be formally recognised and rewarded.
7. Community supervision needs to work to challenge inequality and promote fairness, equalising life chances and contributing to social justice.

Participants argued that we need to create and enable better access to real opportunities for change, and not just to focus on motivating or ‘up-skilling’ those on supervision. We need to encourage people to focus on where those who have offended in the past are now, and the important roles they can and do play in society. Participants suggested that we need to ensure that services are responsive to local needs, with an emphasis on consistency around justice processes, but not necessarily exactly similar services (i.e. not all communities need the same type or the same level of service provision). The ways to achieve this responsiveness to local needs are to be found through consultative and co-productive processes.

Participants thought supervision should focus on assisting people who want to change and encouraging others to consider making small steps towards change. While the compulsory element of a sentence should be bound by proportionate and just responses to offending, the voluntary element should be based on the person being supported, and should be developed with their consent. If it is right that people cannot and should not be forced to change, then the change supporting aspects of supervision need to be self-determined, at least as far as that is consistent with public safety.

Participants argued that there also needs to be strengths-based approach to practice. For example, prisons or probation trusts might partner with local colleges and job centres to find employment for those on supervision or leaving prison, or work with local colleges to provide training and qualifications to service users who deploy goods that could be sold on to the community. Such a joined-up approach could generate income to pay for training and professional support. This could become a self-sustaining social enterprise; recruiting people to help plan and deliver services and products, thus sustaining their employment. Services need to develop people’s human and social capital.

8. Redraft the Rehabilitation of Offender Act 1974 to encourage and recognise rehabilitation much earlier, and not stand in the way of desistance in the name of ‘rehabilitation’.

Under the Rehabilitation of Offender Act 1974, many people’s convictions can never become ‘spent’, and those whose convictions can become spent, often have to wait an inordinately long time. Participants argued that we need a system which can help all individuals with convictions progress towards their criminal records becoming ‘spent’ and also speed up that process whenever possible and appropriate. Some participants thought, for instance that, if there are no further convictions, all sentences ought to become ‘spent’ three years after the end of the sentence (with some exceptions for very grave offences which raise particular concerns about public safety). Another suggestion was that a criminal record tribunal (a review process for people whose past convictions are serious
but who can also evidence change on their part), could be established in order to allow those with extensive and serious criminal histories to re-enter the employment market without having to declare offences which took place many years before. The tribunal could consist of reformed offenders, probation officers, judges and lay members. Finally, many participants thought we should follow the example of some European countries in creating stricter tests of relevance for access to criminal records for employers, focusing on why particular convictions are relevant to posts advertised.

9. The public needs more accurate information about the lives of those in the criminal justice system and in particular on the process of leaving crime behind.

Better public education is needed to help to break down the ‘them’ and ‘us’ mentality around offending. If individuals in the criminal justice system were more humanised than demonised in the public imagination, members of the public would be more likely to believe that prisoners and probationers are capable of change, and that we all have a part to play in supporting change. Criminal justice agencies have a role to play here in holding up examples of success to demonstrate that positive change is possible, indeed common. New social media was mentioned as one potential way of sharing ‘good news’ stories from charities, organisations and services, as well as former service users themselves. Likewise, local media may be easier to work with, even providing former service users the opportunity to discuss their own experiences in a local context.

Participants thought that schools could get involved in educating children and young people about desistance processes, including through the testimony of desisting individuals.

10. Finally – but perhaps foremost in the tenor of the discussions – the criminal justice system needs to become more acquainted with hope and less transfixed with risk, pessimism and failure.

People can and do change, and this matters. Hope that one’s own life can be better is an important sustaining emotion (but one which is easily damaged). Participants argued that we need to find ways of fostering hope in the future for those people who have offended in the past and may still be entrapped in a life of crime and hopelessness. A sense of self-progression; a sense of there being a future worth living for is what the criminal justice system ought to be foster in those with whom it engages. Unless and until it does that, it will frustrate the common interests of people who have offended and of their communities in supporting desistance and reintegration.

Closing Words

Although the ideas above very much cohere and complement one another (indeed, some overlap), they should not be understood as belonging to a singular vision or to one theory of desistance. DesKE was explicitly intended to harness different forms of expertise rather than privileging or prioritising one singular perspective. Clearly, those working in and living with the criminal justice system have already started to talk and think about how people build new lives. The ‘desistance genie’ is well and truly out of the bottle. While researchers have plenty more work to do developing a robust, research-based understanding of these processes and of what supports them, arguments over language, social attitudes, policy developments and practice processes cannot and should not wait for research to provide ‘answers’. Rather, all of the stakeholders with whom we have engaged – people with convictions, policy-makers, service users, families and practitioners – need to press on with the urgent basis of working out what to do with what we have discovered together.

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