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
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.

Editorial Board
Niall Campbell, Hazel Croall, Nancy Loucks, Alan Mairs, Mary Munro, Alec Spencer, Alan Staff, Cyrus Tata

Managing editor: Mary Munro
Consulting editor: Hazel Croall

Thematic editor for this edition: Professor Fergus McNeill

Administrator: Helen Rolph

If you would like to contribute to SJM or have a proposal for content, please contact editor@scottishjusticematters.com

Website: www.scottishjusticematters.com
Twitter: @SJMJournal
Magcloud: www.magcloud.com

SJM is free to read digitally but relies on grants, advertising and donations. To make a donation please go to: www.scottishjusticematters.com

Email us at: info@scottishjusticematters.com

Copyright: Creative Commons Attribution-NonCommercial-NoDerivs 2.5 UK: Scotland license. Before using any of the contents, visit: http://wiki.creativecommons.org/UK:_Scotland

Disclaimer: publication of opinion in the SJM does not imply endorsement by the SCCCJ.

ISSN 2052-7950 (Print)
ISSN 2052-7969 (Online)

Scottish Consortium on Crime and Criminal Justice is a registered charity [SC029241]

Scottish Justice Matters is available on the HP MagCloud service. Here you can download and view for free on the MagCloud iPad or desktop apps. If you would prefer a printed copy, MagCloud offers a print-on-demand service.
ADVOCATES of desistance theory would forcefully contend that prison is not the best place to start.

On any given day, Scottish prisons hold in the region of 8,000 prisoners, which most informed commentators would rightly argue is far too many. However, viewed as potential ‘desisters’, this offers both a challenge and an opportunity. Of course, the prisoner population is not homogeneous; there are some serious high tariff offenders whose ‘desistance’ will only be by reason of incapacitation in custody. Nonetheless, observed from a positive perspective, there is considerable scope for SPS to play a significant role in the rehabilitative process, along with its partner agencies in justice, for the vast majority of prisoners returning to the community.

The extensive modernisation of the penal estate has helped to transform the living environment within prisons, with the result that it is more humane, civilised and amenable. This is of course often to the irritation and consternation of the tabloid press which equates improved living conditions in custody to ‘soft justice’. New bricks and mortar though are not the whole story; nor are they enough on their own. Keeping prisoners securely in conditions that are decent, caring for them humanely and creating a stable and orderly environment will forever remain essential, but, in our future paradigm, can no longer be considered our raison d’être.

Desistance evidence is increasingly being harnessed by the SPS as the lens through which to focus organisational and cultural change; to take a fresh view of what SPS represents and does, and to re-examine the role of custody in 21st century Scotland. Through the desistance lens we see a vision of a reinvigorated custodial service, the fundamental intention of which is to bring about reducing reoffending. We see a revised underpinning philosophy which emphasises promotion of positive, trusting and respectful relationships and places high value on pro-social behaviour modelling.

And for my own part and based on experience gained over 30 years, whilst I acknowledge the detrimental effect custody can have, I believe there is much good than can come from it too. As I said in the 2012 Sacro lecture: “I see great value in the Scottish Prison Service playing a more central role in both creating, then seizing, a fantastic opportunity to help support the development of an integrated, just and progressive approach to penal policy in Scotland” (McConnell, 2012).
Since the introduction of accredited behavioural programmes in the mid-1990s, the SPS approach to reducing reoffending has tended to focus on the identification and management of social and psychological deficits within the prisoner population. While risks and needs-based approaches will remain necessary, they are not sufficient in themselves. The assessment of risk and need will continue to be required at key transition points, but our view is that our future approach must enable and support prisoners to change their lives through creating a personal lens of desistance which allows them to look forward as well as back: a 360° panoramic life view.

Emerging research in the fields of prisons and desistance, as well as in related disciplines such as public health, points to the importance and relevance of such a forward looking view. We know that for positive change to be generated and sustained, our vision must be one that encompasses the strengths and potential found within an individual as well as drawing on the assets found around them within families, their social networks and their communities.

With this in mind, SPS is already embarking on a number of desistance-inspired initiatives, particularly with young people. We aspire to help them to find a way to accentuate, accelerate, then sustain their individual desistance journeys.

For young people, the approach at HMYOI Polmont is undergoing a radical rethink which is generating improved and better tailored activities within a new concept of a living and learning environment which stimulates personal growth and responsibility through training, education and skills development.

And there is good reason to be cautious too. The same desistance evidence suggests that the journey of those who have developed a persistent pattern of offending, is characterised by ambivalence and vacillation. For those with a prolific offending history, desistance is not an event, but a process; often with cycles of progress and setback. Desistance is rarely binary and requires those on that journey to stop defining himself or herself by way of their criminal behaviour. They have to find a way to shed the label of ‘criminal’ and find, adopt and maintain a positive identity based on achieving life goals through legitimate means.

Changes involving maturation and ageing, significant life events, social bonds and a reappraisal in the sense of self can promote desistance. Our response therefore must be targeted and personalised, both within prison and in the community, so that we can support the emergence of an individual’s ‘redemption script’. Only by working and relating in this way can we honour our commitment to reduce re-offending.

It is an uncomfortable truth that providing opportunities in custody to build strengths, skills and abilities will be ineffectual if not accompanied with the development of positive networks, resources and opportunities in the community. There is the need to consider the circumstances which those leaving custody encounter when designing and resourcing the ‘whole system’ response, including prioritising and sequencing case management and support. A properly structured capacity building and asset-based approach, that has effect across and throughout the desistance journey, will be best placed to put the brakes on the ‘revolving door’ of prison.

Looking again through our lens of desistance, to implement such an approach requires a reappraisal of the role of custodial staff. We know that appropriate behaviours of our front-line staff can cultivate the capacity for those in their care to feel increasingly valued and respected and to be recognised as such. And so, we must commit ourselves to create opportunities for those who have committed offences to change their lives and fulfil their potential as valued citizens, recognising that this will only be made possible if all in the SPS hold true to the belief that in such circumstances change is possible and worthwhile; have the appropriate training, skills and personal motivation; and that our body-corporate works to instil revised cultural values which promote positive staff-prisoner relationships: what Alison Liebling would refer to as sound ‘moral performance’ (Liebling 2004).

Cultural change, though, will take time. A simple edict from senior management will, on its own, not carry the day. Doubters and resisters will need to be persuaded through constant reinforcement of the efficacy of positive interaction. Managers and our officers have a unique opportunity to lead by example, motivate and constructively challenge prisoners; they are, after all, an integral part of prisoners’ daily lives. Such proximity and interaction provides countless opportunities for pro-social modelling, positive behavioural reinforcement, social skills development, restorative practices and conflict resolution.

As mentioned earlier, there is however, a risk in overstating the contribution that any prison or Prison Service can make to reducing reoffending if working in isolation. It is not realistic to expect prison custody to rectify the social, economic, educational and psychological problems that present in the prison population. Whilst my organisation can encourage and motivate those in prison to use their time to develop their skills, abilities and resilience, it is unlikely to be able to provide, in isolation, the opportunities and support necessary for them to sustain positive and crime-free lives when they return to the communities from which they were imprisoned.

And so back to the key desistance question ‘how effective is SPS in reducing re-offending?’ In this context, it appears overly-simplistic and perhaps needs to be recast.

SPS has an impressive range of professional resources, interventions and mentoring skills at its disposal; and its staff are its principal asset. Maybe the challenge, the question if you like, is better framed in terms of measuring its effectiveness in preparing those in prison for release and pro-social community reintegration which, with robust community support, will be far more likely to promote desistance from offending and the attainment of life goals through legitimate endeavour.


SPS (1990) Opportunity and Responsibility

Colin McConnell is chief executive and Jim Carnie, head of research of the Scottish Prison Service. Hazel Mehta is residential unit manager at HMYOI Polmont.
‘If cjm did not exist, someone would have to invent it’
Professor Tim Newburn, London School of Economics.