

# DESISTANCE RESEARCH AND 'EVIDENCE-BASED' PROBATION

# Main sources

2

McNeill, F., Farrall, S., Lightowler, C., and Maruna, S. (2012) Reexamining “Evidence-Based Practice” in Community Corrections: Beyond “a Confined View” of What Works, *Justice Research and Policy* 14(1): 35-60

McNeill, F., Farrall, S., Lightowler, C and Maruna, S. (forthcoming) ‘Desistance as a Framework for Supervision’ in Bruinsma, G. and Weisburd, D. (eds.) *The Springer Encyclopedia of Criminology and Criminal Justice*. Springer.

Both available online at:

[www.blogs.iriss.org.uk/discoveringdesistance/](http://www.blogs.iriss.org.uk/discoveringdesistance/)

# The plan

- Evidence and purposes (Fergus)
- Rethinking what works (Stephen)
- Desistance and what works (Shadd)
- Desistance-based principles and practices (Fergus)

# Evidence and purposes

<b>Purpose</b>	<b>Measure</b>
Promoting community corrections	Increased “market share”
Assisting judicial decisions	Judicial satisfaction with reports; improved decision-making
Rehabilitation/public protection	Reduced reconviction/improved community safety
Punishment/enforcement	High compliance, efficient enforcement
Offenders’ welfare	Improved inclusion and well-being
Victims’ interests	Victim satisfaction with process and outcome
Reparation	Constructive and proportionate redress provided

# Tales of Woe?

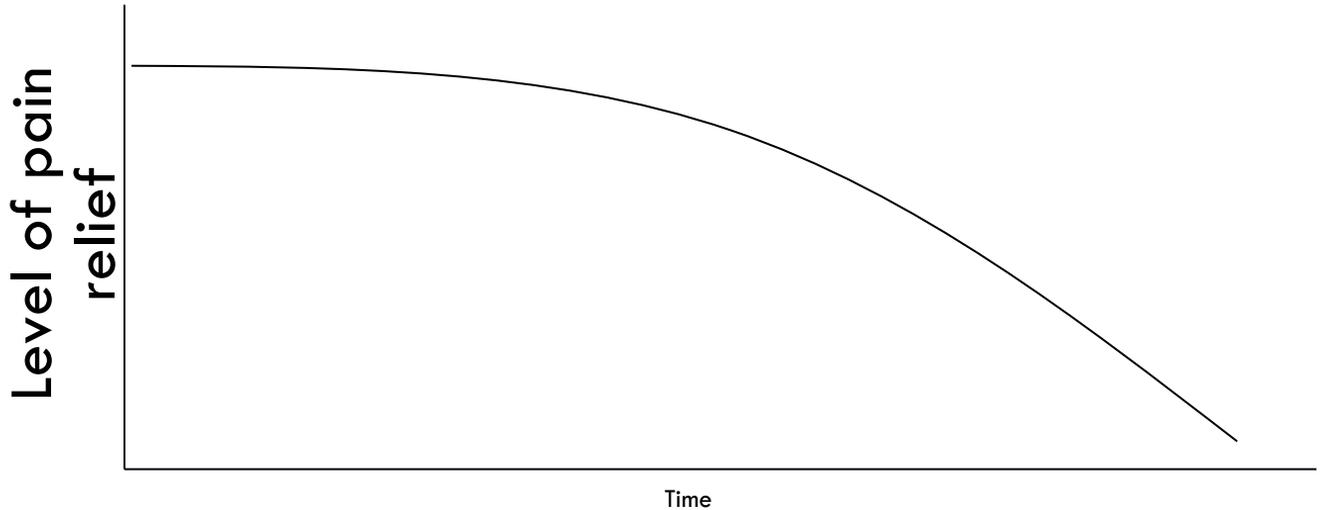
- All too often evaluations of community supervision end in downbeat assessments. Null (or negative) findings litter the evidence base.
- But, such studies often use short follow-up periods (two years), rely on officially recorded data (which has flaws) and count ANY re-offending (or more accurately) reconviction as equalling 'failure'.

# All a 'bit of a headache'?



- Influenced by 'aspirin models' of impact? (Take a tablet, within a short time it reduces the headache, but in effects wear off over time).

# Assumed model of impact (based on aspirins)



# A New Way Forward?

- ❑ Q: Can better research designs produce more reliable data?
- ❑ Self-report data; longer-term follow-up periods; more nuanced understanding of reoffending.
- ❑ I shall argue that probation can assist even the most entrenched of offenders to stop offending, BUT that the 'unfolding' of the effects of probation supervision can take very many years (so NOT like an asprin: accumulative not dissipative).
- ❑ [So Answer = 'yes'].

# Tracking Progress On/After Probation

- 199 'daily traffic' probationers recruited into the study (aged 17-35) Autumn '97-Spring '98.
- They and their POs interviewed at the start of their orders, six months later and at end of order (1997-1999).
- 4<sup>th</sup> sweep (1/4 sample) follow-up (2003-04).
- 5<sup>th</sup> sweep fieldwork (2010-2013). 105 int's.
- 1,156 interviews (613 probationers, 543 POs).

# What did PRs say during/soon after probation supervision? (SWPs1-3)

- They felt that they had not got a lot from it.
- 1/3 said that their POs had done 'little' or 'nothing' to assist them in tackling an obstacle to desistance. (Farrall, 2002: 92).
- PO/PR: <50% of obstacles were resolved
- Desistance was 'all my own work'.
- Generally dismissive of probation.
- Looking at data from POs generated similar conclusions

## What did PRs say during/soon after probation supervision? (SWP4)

- Now 2003-4 (so 5yrs on).
- Overall picture still rather depressing; few PRs suggested that they had taken much from probation (Farrall & Calverley, 2006).
- But there were the first signs from some of the PRs that they *had* taken something from probation.

# Bobby: drink-related offending

*All data from SWP5*

BH: Did PO say or do anything to try and help you stay out of trouble?

Bobby: Yeah, well she – she told – told me what she was – for the best but the alcohol, she just says, “You’ve got to can it, it’s obvious that’s the root, that is the be all and end all of what’s happening, if that,” you know, she put everything I’d done, “Were you drunk when you did this, were you drunk when you did that?” “yes” to every single thing, everything, there wasn’t even one that it wasn’t, it was, it was literally – and so we worked on that ...

# Bobby: drink-related offending

*All data from SWP5*

BH: I guess what I was wondering, sort of did you – you know, did you learn anything while you were on probation with PO?

Bobby: Yes, yeah I did because also we – we went across what it [alcohol] does to your body for one thing, and what units are and all that lot, you know, and how many and – and so on and so forth. So that side of things, yeah, I didn't learn – and I was quite surprised about how much of a poison it is really.

# Bobby: drink-related offending

Bobby: But it's hard to – it's like leading a horse to water, you can't make it drink type thing, although I did learn that I **wasn't fully committed to stop so my fault**, nobody else's, you know.

BH: Did she give you any advice on managing the drinking?

Bobby: Yeah, I had a scale of what I drank, I had to write down what I drunk, how I felt, blah blah blah, which I lied about, I'll admit now [both laugh], yeah, but again she can only do so much, I mean I only saw her, what an hour or two every week, so that's not really going to solve much. **It was good to have somebody to talk to though about it.**

# Bobby: drink-related offending

Bobby: It – **when I started to see my son growing up** I thought, I don't want him to know – I mean he's – chances are he'll find out about what I've done, what I've been – been doing, drinking wise and everything else, he'll hear it off, I don't know, off his mam probably because, you know [laughs], I'm not her best – best person in the world at the minute, but fair enough he'll find out, he'll – it's up to him how he deals with it. I'm – I won't deny things, I won't lie to him, **but I thought I've got a little man here and, you know, that's a big eye-opener.**

Son born 2006; last conviction 2008 (but some trouble into 2009); reports walking away from fights in 2010.

# How does probation 'work'?

- Talking (previously derided by PRs) becomes appreciated much, much later
- Practical help (appreciated at the time)

# Befriend, Advise, Assist

(Old Message in a New Bottle?)

Brett: [...] you did listen to her because she wasn't ... she was a nice lady actually, so you'd listen to what she was telling you, and it was like good advice. Even though she was helping you on her own to get somewhere to live, you had to listen to what she was telling you, about what to do, **even when probation was finished.**

# Befriend, Advise, Assist

(Old Message in a New Bottle?)

So, practical help and talking about 'things'

- a) builds trust
- b) helps with engagement and
- c) creates compliance in the long run (as it allows for problems to be solved more effectively by the former probationer).

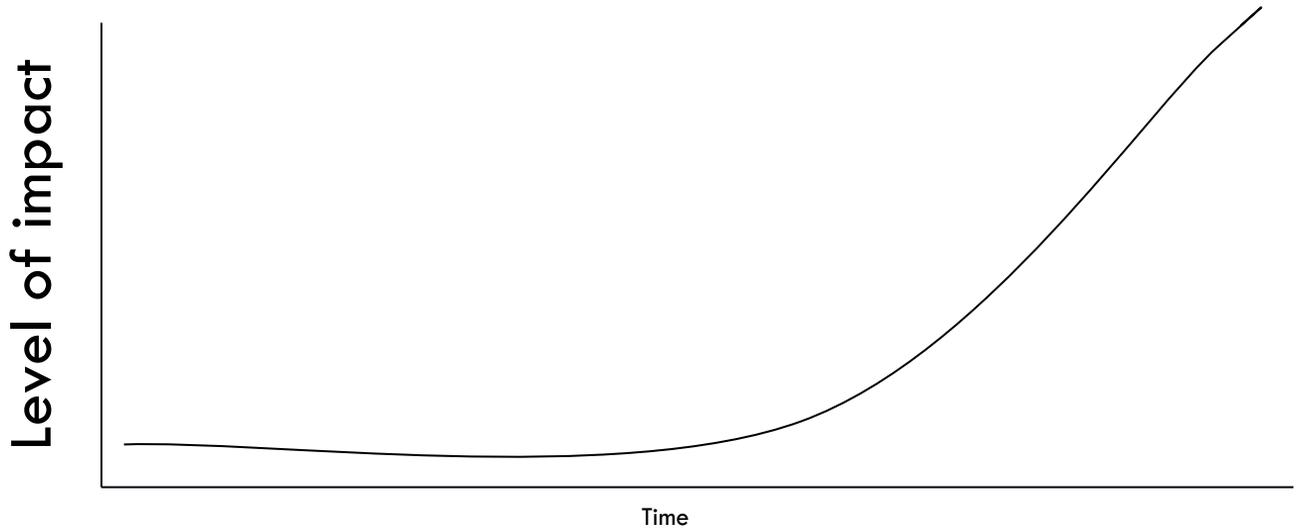
# Lessons

- Can we relate staying out of trouble back to probation supervision?
- YES!; numerous references to supervision as a 'seed'/'starting point' for change.
- Advice given (even if NOT used at the time of 'delivery') IS used as circumstances change. The advice is 'stored'/drawn upon later.

# Lessons

- What lessons about 'assisted desistance' can we extract?
- Some aspects of the social work model appear to 'work'.
- (Bad news for Michael Howard and the past 15 or so years, but arguably good news for programmes like SEED?).

# Possible model of impact?



# Implications?

- 'Clear Theories of Change'?: No thanks!
- Need longer assessment periods (>2yrs. 10yrs?).
- Need to accept periods of low/no impact.
- Need to recognise that other social/personal factors play a mediating role in probation work.
- More (and more rigorously designed) studies.
- 'User Surveys' may contain flaws as they don't address long term impacts.

# What is Desistance Research?

- Learning from success stories.
- Understanding how and why individuals who were at one time frequent offenders were able to move away from criminal behaviours and remain crime free.
- Basic science based, longitudinal and/or retrospective, “life course, frequently qualitative.
- Focuses on the person, not the programme. Individual lives over time.

# What's the point of the research?

- Imagine you wanted to lose weight.
- You might be interested in knowing which of the dozens of available dieting models, dieting handbooks, diet pills, etc, have been empirically shown to help reduce weight compared to control groups (that's "what works").
- You might also be interested in learning from (and emulating!) others who had once been overweight, lost weight (and were keeping it off). They might have used expert models, pills, programmes, as above, but these might have just been a part of wider changes in thinking, lifestyle and social circumstances (that's "desistance")

# Two Approaches to Happiness

- What Works -- RCT's on treatment of depression – impact enormous – Anti-depressant usage up 400% - - over ten percent of Americans over 12 take an anti-depressant. Are we getting any happier?
- George Vaillant's “Harvard Study of Adult Development” – Longitudinal (74 years!) mixed method study of the lives of a sample of New Englanders from 1939 to 2013

# William White's "New Recovery Movement"

- It is time for a recovery movement. The central message of this new movement is not that "treatment works" but rather that permanent recovery from alcohol and other drug-related problems is not only possible but a reality in the lives of hundreds of thousands of individuals and families.

## William White “New Recovery” cont’d

- There are enormous differences between what constitutes “treatment” and what constitutes “recovery.” ... Professionally-directed addiction treatment may or may not be a factor in such recoveries and, where treatment does play a role, it is **an important but quite time-proscribed part** of the larger, more complex, and more enduring process of recovery.

# Treatment v. Recovery

“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).

# Same in Probation?

“There has been over-investment (both financially and intellectually) in a technocratic model of reducing offending that attaches too much importance in accredited programmes, and under-investment in models that see the process of ‘people changing’ as a complex social skill. The technocratic model seriously underestimates this complexity and its advocates wrongly assume that experimental research can readily identify the causal processes at work in helping people to stop offending” (Mike Hough, 2011).

# Mike Hough

## “Gold Standard or Fools Gold” (cont’d)

“The right strategy for getting closer to answers is not to invest in a huge programme of randomized controlled trials, but to construct and test middle-level theories about how to change people’s behaviour. ... The research strategy for testing such middle level theories needs to be as multi-faceted as the subject is complex. Evidence in support of them may *sometimes* be found in experimental research, sometimes in quantitative surveys, sometimes in qualitative work” (p. 19).

# Factors known to be related to desistance

1. Stable relationships, families
2. Stable employment
3. Move away from same-age, same-gender peers
4. Feelings of responsibility, hope and self-efficacy
5. Increasing concern for others, esp. caring for one's children

## Factors that might impede these normative processes

1. Stable families – INCARCERATION
2. Stable employment – INCARCERATION
3. Move away from same-age, same-sex peers – INCARCERATION
4. Responsibility – INCARCERATION
5. Increasing concern for others, esp. caring for one's children -- INCARCERATION

# Creating Criminality

“The criminal justice system feeds on itself. The more people who are arrested, prosecuted, convicted, and especially incarcerated, the larger is the criminally stigmatized underclass screened out of legitimate opportunities”

(NYU Law Professor Jim Jacobs, 2006: 387)

# How Labelling Works

- 1) **Credentialism**-- “The criminal credential constitutes a formal and enduring classification of social status, which can be used to regulate access and opportunity across numerous social, economic and political domains” and is therefore “an official and legitimate means of evaluating and classifying individuals” (Pager, 2007).

# Key Elements of Stigmatization

- 2) **Naming** – You commit a crime and you are given a new title (“offender”)
- 3) **Ritualisation** – the courtroom ritual as a “status degradation ceremony” imbued with authority and legitimacy (Garfinkel, 1956).

# Labelling Processes (cont'd)

- 4) **Excluded Subcultures:** Exclusion from mainstream opportunities can embed the individual within a deviant subculture, where the individual does not feel ostracised.
- 5) **Internalisation** – a limiting of horizons, a sense of hopelessness or acceptance of one's fate as a permanent outsider

# A Formula That Works

- Credentialism
- Re-naming of whole person
- Ritualisation
- Social Exclusion (containment with similarly labelled others)
- Internalisation of new identity

Same process used in becoming a doctor, a priest, a husband/wife, a soldier, a Ph.D., etc.

# Can We Reverse Stigmatisation?



“An important feature of these (degradation) ceremonies in our culture is that they are almost irreversible .... [The deviant] is ushered into the special position by a decisive and dramatic ceremony, yet is returned from it with hardly a word of public notice. ... From a ritual point of view, nothing has happened to cancel out the stigmas imposed upon him by earlier commitment ceremonies. ... A circularity is thus set in motion which has all of the earmarks of a "self-fulfilling prophecy“ (Kai Erikson, 1966)

# The *un*-criminal credential: “Wiping the Slate Clean”

The American Bar Association (2007) recommends “certificates of good conduct” or “certificates of rehabilitation” issued by state authorities to law-abiding ex-prisoners.

Opportunity to earn the right to have statutory bars to jobs or other services lifted, as well as to have civil rights and public benefits reinstated.

“Knifing off the past” “Phoenix model”

# “Judicial Rehabilitation”

## Rituals in France

- In France, “judicial rehabilitation” rituals take place in the same court rooms that sentence individuals to prison and (not coincidentally) “resemble citizenship ceremonies” (Herzog-Evans, 2011)
- This “judicial rehabilitation” benefits from “a certain imprimatur of official respectability” given “the respectability that the judiciary enjoys in [Western] society” (Love, 2011: 783).
- Courts “can state what the truth is.” This ‘judicial truth’ (*vérité judiciaire*) or “legal magic” carries real weight.

# A Formula That Works

- ❑ Credentialism
- ❑ Re-naming of whole person
- ❑ Ritualisation
- ❑ Social Exclusion (containment with similarly labelled others)
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Same process used in becoming a doctor, a priest, a husband/wife, a soldier, a Ph.D., etc.

# Desistance-focussed practice?

	<i>Offence-focussed practice</i>	<i>Desistance-focussed practice</i>
<i>Orientation</i>	Retrospective	Prospective
<i>Problem locus</i>	Individual attitudes and behaviours	Individual problems and behaviours in social context
<i>Practice focus</i>	Individual attitudes and behaviours	Personal strengths and social resources for overcoming obstacles to change

<i>Medium for effective practice</i>	Rehabilitative programmes (to which offenders are assigned on the basis of risk/needs assessment instruments)	Individual processes and relationships
<i>Worker's Roles</i>	Risk/needs assessor, programme provider, case manager	Risk/needs/strengths assessor, advocate, facilitator, case manager
<i>Intended outputs</i>	Enhanced motivation Pro-social attitudinal change Capacity/skills development	Enhanced motivation Changes in narrative/self-concept Development of inclusion opportunities
<i>Intended outcomes</i>	Reduced re-offending	Reduced re-offending Enhanced social inclusion

<b>The Non-Treatment Paradigm</b>	<b>The Revised Paradigm</b>	<b>A What Works Paradigm</b>	<b>A Desistance Paradigm</b>
Treatment becomes help	Help consistent with a commitment to the reduction of harm	Intervention required to reduce reoffending and protect the public	Help in navigating towards desistance to reduce harm and make good to offenders and victims
Diagnoses becomes shared assessment	Explicit dialogue and negotiation offering opportunities for consensual change	'Professional' assessment of risk and need governed by structured assessment instruments	Explicit dialogue and negotiation assessing risks, needs, strengths and resources and offering opportunities to make good
Client's dependent need as the basis for action becomes collaboratively defined task as the basis for action	Collaboratively defined task relevant to criminogenic need and potentially effective in meeting them	Compulsory engagement in structured programmes and case management processes as required elements of legal orders imposed irrespective of consent	Collaboratively defined tasks which tackle risks, needs and obstacles to desistance by using and developing the offender's human and social capital

# Principles

1. Desistance, for people who have been involved in persistent offending, is a difficult and complex process. **Criminal justice supervision must be realistic** about these difficulties and find ways to manage setbacks and difficulties constructively.
2. Since desistance is an inherently individualised and subjective process, **approaches to supervision must accommodate and exploit issues of identity and diversity..**
3. **The development and maintenance not just of motivation but also of hope become key tasks for supervisors.**
4. **Desistance can only be understood within the context of human relationships;** not just relationships between supervisors and offenders (though these matter a great deal) but also between offenders and those who matter to them.

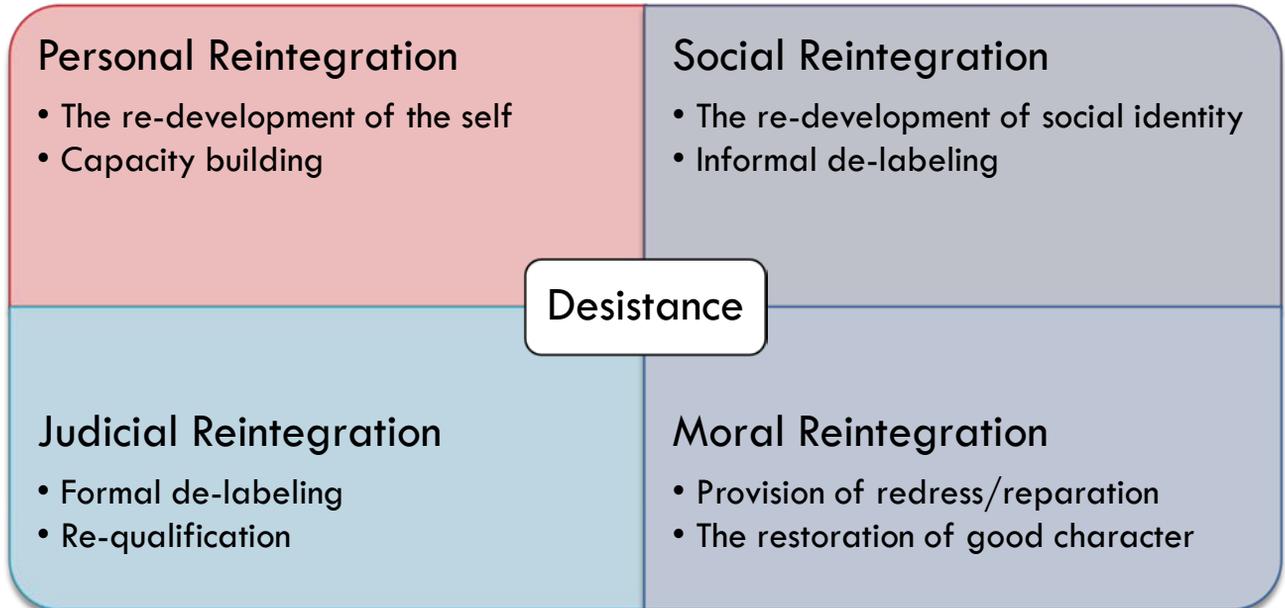
# Principles

5. Although the focus is often on offenders' risks and needs, they also have **strengths and resources** that they can use to overcome obstacles to desistance – both personal strengths and resources, and strengths and resources in their social networks. Supporting and developing these capacities can be a useful dimension of supervision.
6. Since desistance is in part about discovering self-efficacy or agency, **interventions are most likely to be effective where they encourage and respect self-determination**; this means working *with* offenders not *on* them.
7. Interventions based only on developing the capacities and skills of people who have offended (human capital) will not be enough. **Supervision also needs to work on developing social capital**, opportunities to apply these skills, or to practice newly forming identities (such as 'worker' or 'father').
8. **The language of practice** should strive to more clearly recognise positive potential and development, and should seek to avoid identifying people with the behaviours we want them to leave behind.

# DesKE Propositions

1. Make greater use of reformed offenders
2. Reduce the reliance on imprisonment
3. Re-orientate the philosophy of probation
4. Reconnect probation to local communities
5. Mobilise wider support networks
6. Focus on the positive, not the negative or risks
7. Challenge inequalities; promote fairness
8. Redraft the [UK] Rehabilitation of Offenders Act
9. Educate the general public about the processes of desistance
10. Give people hope; show them they have a future

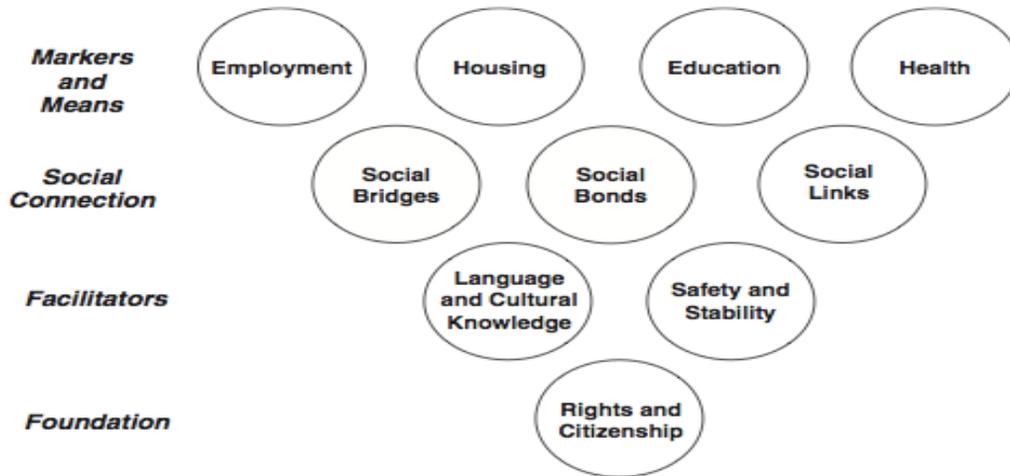
# After desistance? Thinking about reintegration



Based on McNeill and Maruna (2010); McNeill (2012)

...A model from the migration literature

**A Conceptual Framework Defining Core Domains of Integration**



From Ager and Strang (2008)

# Future directions

- Might a clearer and more critical account of (re-) integration (perhaps as distinct from re-assimilation or resocialisation?) help us move beyond the preoccupation with reoffending... and even with desistance?
- Might it edge us towards a more positive probation practice that examines, articulates and advances the social goods that justice exists to promote?
- What would it mean for 'evidence-based practice' and for 'payment by results'?

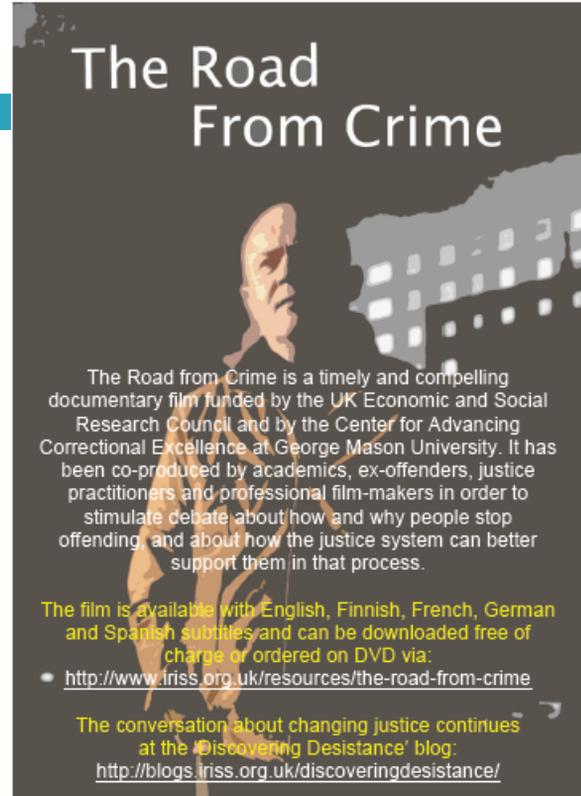
# For more information

<http://blogs.iriss.org.uk/discoveringdesistance/>

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## The Road From Crime

The Road from Crime is a timely and compelling documentary film funded by the UK Economic and Social Research Council and by the Center for Advancing Correctional Excellence at George Mason University. It has been co-produced by academics, ex-offenders, justice practitioners and professional film-makers in order to stimulate debate about how and why people stop offending, and about how the justice system can better support them in that process.

The film is available with English, Finnish, French, German and Spanish subtitles and can be downloaded free of charge or ordered on DVD via:

- <http://www.iriss.org.uk/resources/the-road-from-crime>

The conversation about changing justice continues at the 'Discovering Desistance' blog:  
<http://blogs.iriss.org.uk/discoveringdesistance/>