

Change or Control? (or... Why risk is risky)

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

Why risk is risky?

1. Very brief review of some desistance related research and suggestions
2. What are the problems with risk and protection, from a desistance perspective?
3. How might we begin to think our way through some of these problems (and thereby mitigate the risks of risk)?

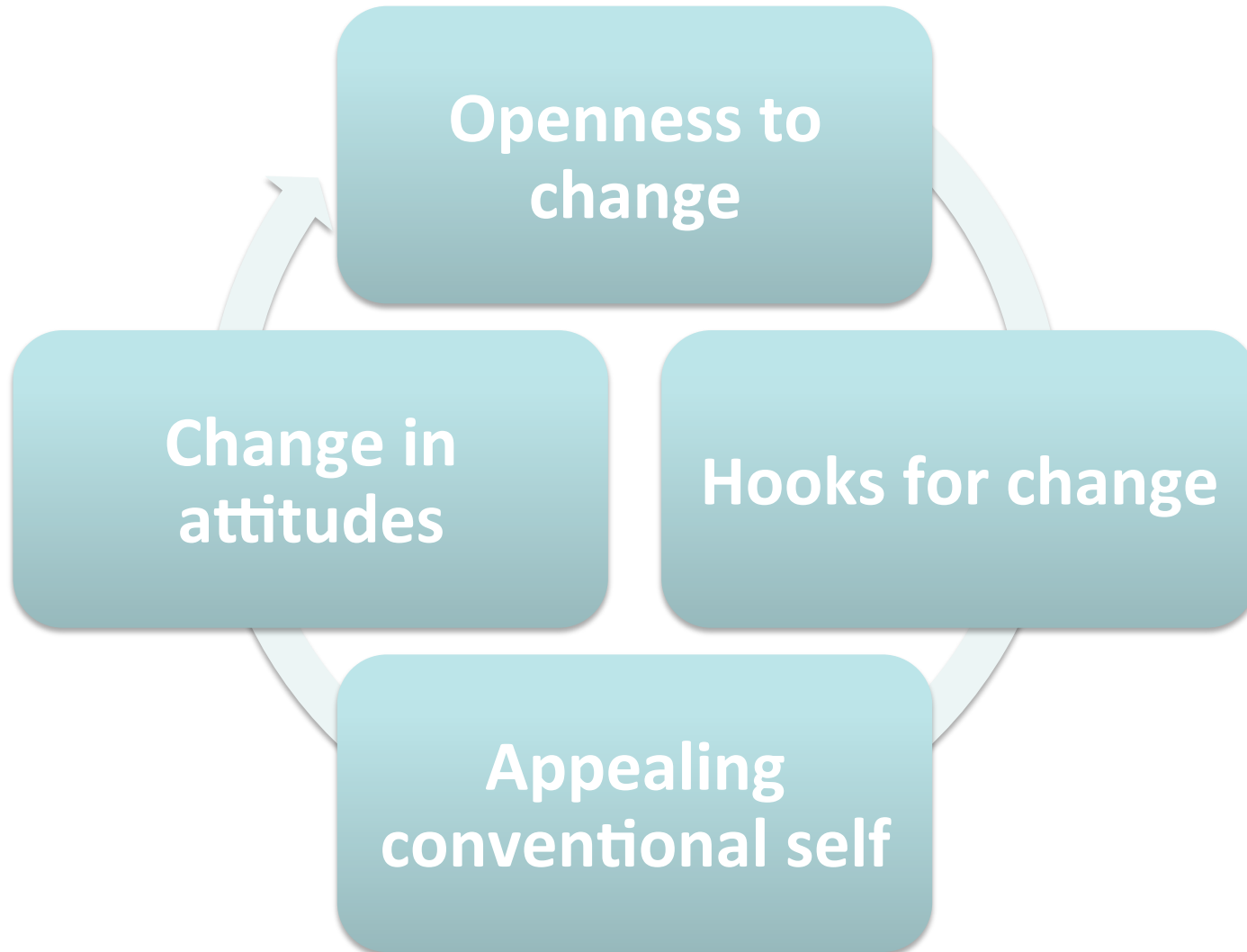
Why study desistance?

- Studying desistance forces us away from static models of people as ‘offenders’, ‘criminals’ or ‘prisoners’ and encourages an understanding of change(s) in personal identities
- It also brings to our attention the fact that today’s ‘young offender’ is more likely to become tomorrow’s ‘new father’ than tomorrow’s ‘habitual criminal’
- As such, **it implies valuing people for who they are and for what they *could become*, rather than judging, rejecting or containing them for what they *have done***
- It can and should inform the redesign of our CJS and practices, where they aim to reduce reoffending

An overview of the evidence

- **Age and maturation** are important factors, but there is more to aging the physical or psychological maturation.
- **Choices and decisions** to desist matter, but there is more to desistance than just willing it.
- **Social ties or bonds** (between the individual and society) matter – like work, partnerships, parenthood – but these ties aren't always enough to bind (either in the sense of healing, or in the sense of restraining)
- **Identity development** – acquiring a coherent 'pro-social' identity seems to be an important part of the process – making good on a troubled past, finding redemption, seems to help

A model of the process (Giordano et al., 2002)



Supporting desistance

Realism

Individualization

Relationships

Hope

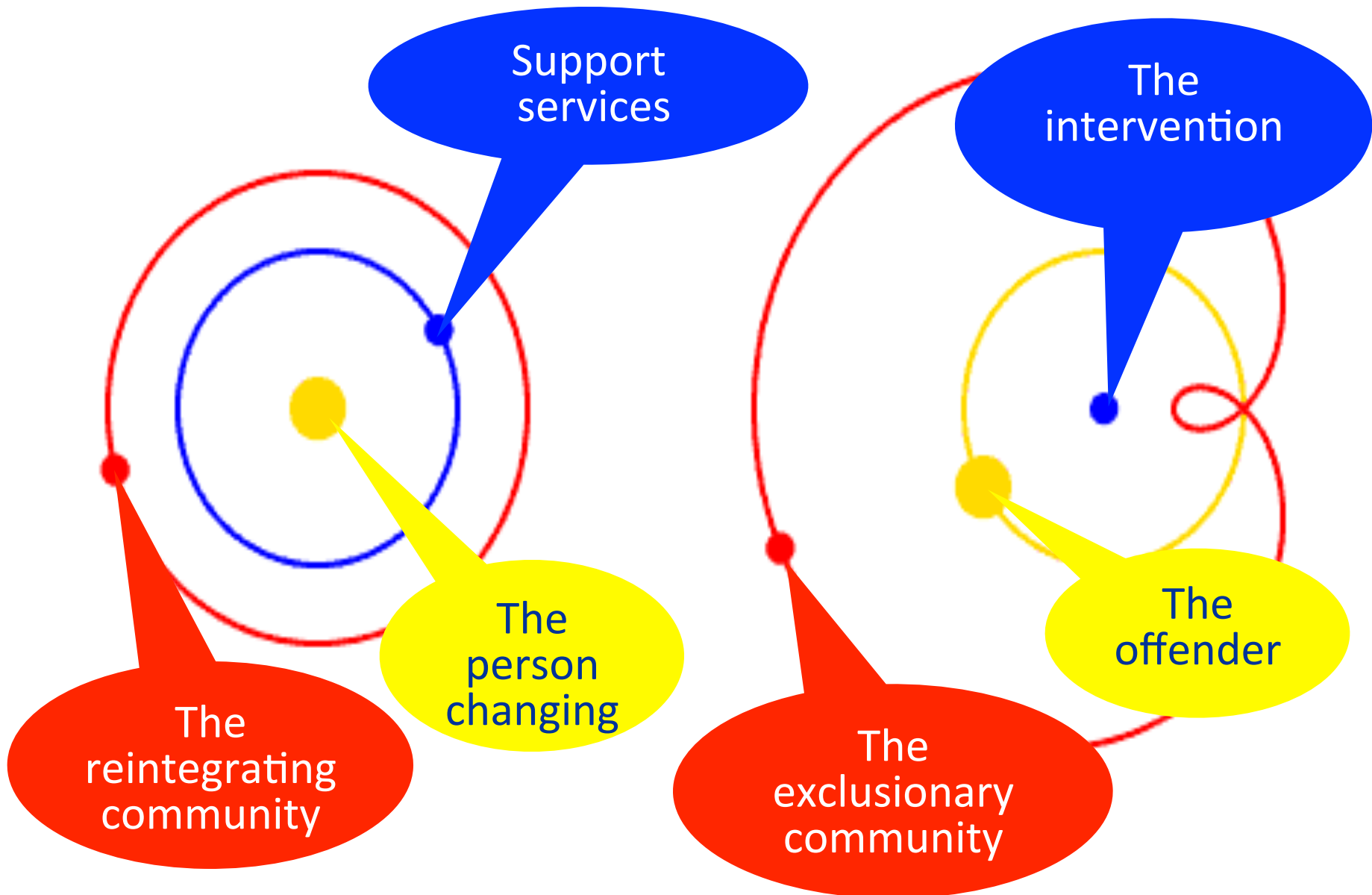
Strengths

Agency

Social capital

Recognition

- Sentencing
 - The Scottish Prisons Commission (2008)
- Prisons
 - The Owers Review of the Northern Ireland Prison Service (2010)
- Probation/supervision
 - Discovering desistance
 - <http://blogs.iriss.org.uk/discoveringdesistance/>
 - **In relation to MAPPA and HROs specifically, see Beth's excellent paper for LPT**
- Civil society
 - The media, faith communities, business, etc.
- The State



- **Problems I won't be discussing:**
 - Design problems: Base rates, confidence intervals, margins of error, false positives, false negatives
 - Implementation problems: applying data about aggregates to individuals, misusing and misinterpreting instruments/scores, etc...
 - Normative problems: Sensitivity to diversity, human rights, doing justice
 - Legal problems: Litigation (vexatious or otherwise)
 - Reputational problems around risk management

Tensions between desistance and risk

Desistance-based practice (at its best)	Risk-based practice (at its worst)
Realism (expects and manages lapses)	Demands compliance
Individualizes	Dividualizes
Works in, with and through relationships	Works on the individual, uses relationships to manage risk
Builds and sustains hope	Manages fear
Builds strengths	Addresses deficits
Supports agency	Applies external controls/interventions
Develops social capital/integration	Manages social control/containment/exclusion
Provides positive recognition	Reinforces negative labelling

- **Shallow relationships of distrust**
 - Poor prospects of ‘therapeutic alliance’ , never mind ‘co-production’
 - Game-playing (on both sides)
 - Formalism (on both sides)
 - Reputational damage for workers and services (e.g. Probation in OMUs described as ‘the Gestapo’)
- **‘Risk is the arch-enemy of change’**

Offender: I'm depressed.

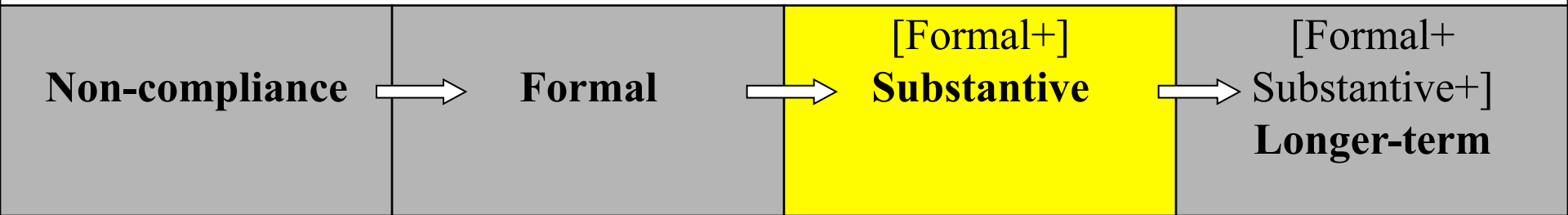
Correctional staff: Why?

Offender: Because I just found out I am ORAS [risk assessment tool] high. Now I know I'll never make it. I was sitting next to some other lady in group and she was a mess and she is an ORAS moderate and the whole time she was talking I was thinking "you a mess you never gonna make it" then I come to find out I'm worse that she is.

[pers.comm. from Chris Lowenkamp, 16th April]

- Signs of risk (even risk stigma) versus desistance signals
- Retrospective versus prospective practice
- Negative versus positive prospects
 - Risk factors, protective factors, promotive factors
- Risk assessment and desistance assessment
 - Would it matter if we changed risk for **trust**? If we assessed trustworthiness? If we were preoccupied with supporting and developing and enabling trustworthiness. Is it the positive good we are really after here?
- Coercion → Constraint → Consent → Coproduction

A Dynamic Model of Compliance (Robinson and McNeill, 2008)



Related motivational postures (Braithwaite)

Resistance Disengagement Game-playing [Capitulation] [Commitment]	Capitulation [Commitment] [Resistance] [Disengagement] [Game-playing]	Commitment [Capitulation]	Commitment [Capitulation]
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Related compliance mechanisms (Bottoms)

N/A	Habitual Instrumental Constrained	Normative Habitual [Instrumental]	Normative Habitual [Instrumental]
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Legitimacy deficits ← → *Legitimacy*