

Discovering Desistance: 'Provocative Propositions for Reconfiguring Criminal Justice'

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The subject of desistance from crime has, in recent years, moved from being a topic exclusive to academic research to an issue discussed by policy makers and practitioners (Farrall 2002, Farrall and Calverley 2006; McNeill & Weaver, 2010). In a recent issue of *The Probation Journal*, Eleanor Fellowes of the London Probation Trust (2012: 68) wrote: "The rolling out of new National Standards can be seen as an explicit adoption of the invaluable lessons of desistance research, indeed the file I received as part of my induction into the new model contained two articles on the subject by Shadd Maruna (2010), Fergus McNeill and Beth Weaver (2010)." Indeed, the *Evidence Report* on which Kenneth Clarke's Green Paper "Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders" uses the terms "desist" and "desistance" no fewer than twenty times (Ministry of Justice, 2010). In Northern Ireland, desistance and the desistance research played a key role in the recent Prison Review rethinking the purpose of imprisonment in Northern Ireland (Prison Review Team, 2011). The biggest impact has surely been in Scotland, where the desistance research has been influential in everything from the new National Outcomes and Standards for Criminal Justice Social Work Services in Scotland (see Chapman, 2011) to the "community payback" model (McCullough, 2010). In the United States, the National Institute of Justice has commissioned a field experiment of a "desistance focused" supervision model meant to be in part "based on Maruna's (2001) transtheoretical model of desistance".

Although highly exciting in many ways, there is a risk that, as the concept has spread from the world of books and articles to actual implementation on the ground, that the word 'desistance' (never the easiest concept to understand) is being misused, misunderstood and misapplied. This is highly understandable since desistance from crime is not a singular model of practice, and, indeed, there are numerous and competing theories of desistance in the academic literature. Occasionally, one hears reference to 'desistance theory' or 'desistance policies'. We may even slip into such loose uses of language ourselves from time to time. However, there is no *single* theory of why people stop offending, nor is there a single or obvious set of policy proposals which can be 'read off' from the research into how and why people stop offending. This may feel like a limitation of the work for those who crave the explicit and specific remedies of a 'what works' variety. On the other hand, it might also be a strength – one which this report hopes to help identify and represent (see below) – in that creativity is encouraged and space is left open for grassroots development.

In this spirit, a group of researchers associated with desistance research and desistance-based practice (McNeill, Farrall and Maruna) and an expert on research-to-practice

“knowledge exchange” work (Lightowler) applied for and received funding from the UK’s Economic and Social Research Council to develop a formal project of “Desistance Knowledge Exchange” (DesKE). Working in partnership with the National Offender Management Service, the Probation Board for Northern Ireland, and the Community Justice Division of the Scottish Government, DesKE is intended to develop and flesh out the idea of desistance based practice through a process of co-production. The two phases of the project involved, firstly, the co-production of a documentary film about desistance, to be used both as a standalone training and supervision tool and as a prompt for the second stage, which involves a series of workshops in which stakeholders discuss and debate the development of ‘practice for desistance’, leading to the production of an outline model of a practice framework.

These eight workshops with stakeholders – including practitioners, policy-makers, probationers, former prisoners, prisoner family members and voluntary and community sector workers working in the area of resettlement and reintegration – took place across England and Wales, Northern Ireland and Scotland in 2012. These workshops began with a viewing of *The Road from Crime* documentary and short lectures (and handouts) reviewing of key research findings in the study of desistance from crime, yet the knowledge exchange was decidedly two-directional (indeed because of the diverse nature of the stakeholders, the conversation was far more multifaceted even than one between academics and the ‘real world’). The days were structured around listening and learning from all participants and sharing professional and personal evidence and expertise.

Following an “Appreciative Inquiry” format (see Liebling, Price & Elliot, 1999), the workshop participants were first asked reflect on their own or others’ experiences of desistance that they are aware of in their personal or professional lives. Next, they were challenged to describe what processes they think were crucial in facilitating these change processes before being asked to think about what would be needed for such positive practices to take place more frequently inside the criminal justice system. We then asked the stakeholders to imagine the sort of criminal justice system which they felt would better support such experiences and practices, making them happen more often. Next, we asked people to produce ‘provocative propositions’ – that is, statements which demanded action and which were aimed at ‘delivering’ on the goal of making a criminal justice system which was more focused than is currently the case on helping people stop offending. People then voted on which of these propositions seemed most important. We also asked them to think about how to realise these propositions; what would policies, practices and services look like if they were re-designed in such a way as to better support those people who want to leave crime behind? Finally we asked them to focus on what needed to be done to achieve this vision of the future of criminal justice. We asked them 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 paper, we review ten of these provocative propositions – the most common and best supported ideas that emerged from the four groups of stakeholders we spoke to in Belfast, Glasgow, London and Sheffield. It is important to note that although we are the authors of this brief report, we are not the authors of these ideas; not 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

The ten ‘provocative propositions’ which we sketch below all emerged out of the discussions held during the eight seminars we held. We have merged some themes and incorporated ideas from different seminars which spoke to similar agendas.

1: Make greater use of reformed offenders in correctional work

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; as well as, clear career routes and ways of recognising the skills that former offenders possess.

Some workshop groups suggested that every probation trust and prison should have active service user involvement which informs service delivery and policy. Greater use should be made of peer-to-peer mentoring schemes, and the system ought to provide clear career routes for ex-offenders so that they can progress to (and from) mentoring roles of they wish to.

Likewise, several participants argued that each component of the criminal justice system should have a service user council or representative body aimed at supporting those who want to stop offending. A representative model might involve, for example, holding surgeries so other service users can feed in, with the minutes of meetings shared. Of course, how these service user representatives are resourced is significant; it is important that they are taken seriously within an organisation and that the process is not tokenistic.

Such proposals suggest questions like: What do service users consider to be success? What do workers consider to be success? What are the similarities and differences between these? How can we ensure that service users’ voices are heard at the policy making level? Can we imagine having reformed-offenders as judges, magistrates or prison officers? Practical difficulties (such as restrictions on former prisoners returning to prison to mentor serving prisoners) would need to be resolved. Perhaps the training of criminal justice staff needs to embrace the idea of accrediting prior experiences and learning (APEL) so that former service users are not deterred from working within the criminal justice system. Individuals need to be free to say what they want and not

scared of biting the hand that feeds them (or, rather, supervises or commissions them). Many criminal justice systems employ many non-frontline staff (catering, maintaining buildings etc); can apprenticeships in these trades be created for former service users as well? Thought also needs to be given to support schemes and strategies for when things go wrong (and there will inevitably be such incidents in working with any such groups of individuals). Finally, this proposition would require a considerable shift in public and professional mindset as the approaches outlined above challenge entrenched power dynamics and the risk aversion that affects the criminal justice system.

2: Reduce the reliance on imprisonment

There is a 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 need to be greater efforts made to educate sentencers 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 (for example, in England and Wales, magistrates' courts might be barred from sending people to prison).

Stakeholders agreed that prison ought to be reserved for the most dangerous offenders – and therefore used principally for public protection. Hence, resources could be freed up to make more use of interventions such as drug and alcohol rehabilitation and mental health services. Moreover, it was argued that those prisons which we retain need to be as close as is possible to offenders' home communities in order to enable families and employers to work with inmates where appropriate, and regimes need to be designed principally to support and encourage positive change, not just to maintain security and order.

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. Individuals ought to be provided with opportunities to give something back to the communities or specific people they have offended against. One group suggested a scheme by which prisoners could trade hours of constructive 'pay back' work for remaining days of prison time. Others argued that when community sentences are breached, custody need not be the automatic answer; the system needs different and more creative approaches to non-compliance.

3: Re-orientate the philosophy of probation

A rethink of probation is necessary to make this work 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 the 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 what you are going to do together. In some instances, asking practitioners about what they have done to help those amongst their caseloads move away from involvement in crime (as we did in our workshops) may help to kick-start the shift in focus. This might allow people to feel confident about their role in facilitating desistance – and foster a greater appreciation of the creative work practitioners do with service users (but possibly keep quiet for fear that it doesn't 'fit in' with current ideas of practice).

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: Reconnect probation to local communities

In the future, probation offices and officers need to become better connected with local communities with greater community involvement in all probation work.

Participants across the workshops argued that staff need to have a greater involvement with families, and broader structures of social support to support desistance. To do this, probation staff need to be allowed and encouraged to get out of the office and into the community. Participants argued that we need to think creatively about home visits (what role do they play and can they play in fostering change?) as well as innovative community drop-in centres. Thought needs to be given to how to support such community engagement in terms of IT. All agreed that probation needs to be braver in terms of releasing professional staff to do their jobs, encouraging the reduction of probation bureaucracy to enable this to happen.

5: Mobilise wider support networks

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, churches, civic groups and other potential supporters of desistance. Some employers already report positive benefits of employing former offenders; how can these experiences be harnessed?

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 the future. For instance, what can be learnt from schools who do not exclude pupils about how they engage with those at risk?

6: Focus on the positive, not the negative or risks

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. Participants argued that small steps can make a big difference in this regard. For example, feedback about OASys (the offender risk assessment tool used in England and Wales) noted that if a topic (e.g., education or employment) was scored zero, it was discounted from further consideration as is not a risk factor; but it could, of course, still act as a strength. Therefore OASys (and systems like it) fail to focus practitioner attention on the positives as well as the negatives in an individual's life; both protective and promotive factors linked to desistance.

7: Suggestions for supervision, release and reintegration

Community supervision needs to work to challenge inequality and promote fairness -- equalising life chances and contributing to social justice (pursuing both substantive equality and equal treatment in the criminal justice process).

Our criminal justice system is not generally well-versed in valuing human rights, or treating people fairly, respectfully, with value and hope. Participants argued that we need to create and enable better access to opportunities for change. We need to encourage people to focus on where those who have offended in the past are *now*, and the important roles some of them play in society. We need to engage in a programme of myth busting and education (for example, one seminar attendee reported that local housing officers and service users both thought that criminal convictions automatically barred one from council housing waiting lists, whilst in practice this was not the case). Further, access to opportunities should not be based on risk levels. Participants suggested that we need to ensure that services are dependent on local needs, with an emphasis on consistency around process, but not services (i.e. not all communities need the same type or the same level of service provision). The ways to achieve this 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 or proportionate element of a sentence should be bound by reference to offending behaviours, the voluntary element should be based on the person being

supported, 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.

This suggestion would require multi-agency service provision beyond probation and beyond the public sector, and may require developing information-sharing protocols and facilitating partnerships to foster the emergence of localised and responsive networks of support engaging voluntary and community sector services and groups. Services and practices would need to be embedded in communities and, like policy, need to be underpinned by a broader theoretical rationale to facilitate change.

Participants argued that they also need to be strengths-based in orientation 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 this in a project that produces 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 Offenders Act

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 current Rehabilitation of Offender Act, many people's convictions can never become 'spent', and those whose can often have to wait an inordinately long time (so long that the benefits of the policy may no longer be useful for promoting change). Participants argued that we need a system which can help all individuals with convictions have their previous criminal records 'spent' and also speed up the process whenever possible. Some thought, for instance, that 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) if there is no further offending.

Others argued that the Rehabilitation of Offenders Act ought to be broadened to apply to insurers and housing providers so that they too have to abide with it. Others argued for an amnesty for those who failed to disclose offences in the distant past. 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, in general, participants thought we should follow the example of some European countries in creating stricter tests of relevance access to criminal records for employers, focusing on why particular convictions are relevant to posts advertised. In some respect, employers such as the Ministry of Justice and local probation trusts need to take a lead in employing former service users.

9: Educate the general public about the processes of desistance

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 could 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 models of success to demonstrate that positive change is possible, indeed common.

In general, participants thought that enabling former and current service users to share their experiences publicly is key to this process. 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. An award system could be created in which former service users are recognised for 'good deeds'. This could act as a vehicle for better public understanding, as well as being intrinsically good in itself. 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 about desistance processes and facilitating the testimony of desisting individuals as well.

10: Give people hope; show them they have a future

Finally, 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 offending in the past and may still be entrapped in a life of crime. A sense of self-progression; a sense of there being a future worth living for is what the criminal justice system ought to be trying to offer to those who form its daily traffic.

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 desistance theory. The Desistance Knowledge Exchange project was explicitly intended to harness different forms of expertise rather than privileging or prioritising one singular perspective. Indeed, the impact of criminal justice ‘discovering desistance’ is largely beyond our control as academics – even as academics associated with desistance research. Those working in and living with the criminal justice system have already started to talk and think about how people build new lives; in other words, the ‘desistance genie’ is well and truly out of the bottle. In some respects, our work as academics in trying to stimulate new ways of thinking about supporting change in the criminal justice system is complete. While we 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 should not and cannot wait for research to provide ‘answers’. Rather, all of the stakeholders with whom we have engaged -- policy-makers, service users, families or practitioners – need to press on with the urgent basis of working out what to do with what we have discovered together. The ambition of the workshops was to facilitate and maybe focus some of this on-going work.

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