

# Irish Probation Journal

**Providing a forum for sharing theory and practice, increasing co-operation and learning between the two jurisdictions and developing debate about work with people who have offended.**

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An tSeirbhís Phromhaidh  
The Probation Service



**PBNI**  
Probation Board  
for Northern Ireland

# Irish Probation Journal

*Providing a forum for sharing theory and practice, increasing co-operation and learning between the two jurisdictions and developing debate about work with people who have offended.*

*Irish Probation Journal (IPJ) is a joint initiative of the Probation Service (PS) and the Probation Board for Northern Ireland (PBNI).*

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## Editorial

As we welcome readers to the seventeenth edition of *Irish Probation Journal* (*IPJ*), on the cusp of its third decade of publication, we acknowledge the personal and professional challenges wrought by COVID-19 over the course of 2020. In the midst of the uncertainty and shifting scenarios, those working in the field of criminal justice have endeavoured to review, revise and adapt practice to ensure the continued delivery of humane, accountable and integrated services. Policymakers, practitioners and researchers have reached across borders to share experiences, frustrations and opportunities. Ironically, at a time when the mantra of 'social distancing' continues to reverberate, the sense of togetherness is palpable and will hopefully be a positive legacy from a pandemic that has yet to subside. In keeping with the journal's commitment to shared learning, we are delighted that this edition includes two practice articles from both Probation Services that provide an important record of interventions at a time of unprecedented health and social crisis. The authors reflect on the rapid and necessary adjustments to procedural practice, the expanded use of technology, the personal impact of remote working, challenges for the worker/service user relationship and important learning for the future.

The journey towards the publication of *IPJ 2020*, which began before the onset of COVID-19 has been exciting and stimulating, with an increased level of interest from potential contributors, some of whom will feature in next year's edition. Within the criminology community, *IPJ* continues to provide a platform to inform learning and stimulate debate and critical analysis. We are pleased and privileged that this year, in addition to three book reviews, there are fourteen articles on a range of themes that draw from policy and practice developments and outline and discuss findings and recommendations from research. These include mental health, intimate partner violence, substance misuse, gender-informed initiatives, the role of community in the reintegration of those convicted of sexual offences, and four papers that provide insight into work in the prison context.

An increasing strength across Probation is the willingness to engage with research to inform effective practice that supports and sustains desistance.

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The opening paper, based on the findings of a 'state of the art' review of the evidence pertaining to recidivism shares valuable lessons in relation to realistic goal setting, programme design and implementation, and research infrastructure. We are reminded of the importance of high-quality evidence in demonstrating the effectiveness of non-custodial penalties. That commitment to evidence-informed practice is central to the paper that provides an introduction to the new Irish Offender Supervision Framework. Theoretical underpinnings and the whole-of-organisation approach to inform and agree the model are outlined.

An article based on the findings from groundbreaking ethnographic research conducted in Irish prisons provides insight into the role played by occupational culture within the prison institution. It will stimulate wider reflection on occupational culture across the criminal justice system and its role in shaping identity, attitude values and practice. Cultural diversity is the theme of an article based on a small research study which focused on prison officers' and Probation Officers' engagement with the Traveller and Roma communities in the custodial setting. The developments and related benefits of collaborative working across disciplines in the prison systems are discussed in two articles, both focused on reintegration and resettlement, one regarding young adults and the other on the management of those serving life sentences.

Readers recognise the many challenges for the reintegration of those who sexually offend. Two papers on sexual offending draw from recent and previous research studies to explore models that have demonstrated some success in meeting these challenges. The articles on intimate partner violence and mental health are apposite, providing important insights for these priority areas of practice. In 2008, we included an article on the development of problem-solving courts. We are pleased to publish a second paper from the same author that demonstrates the application of the earlier learning and provides valuable and positive messages for the implementation of interagency projects. The voices of the women resonate throughout the article on the 'wounded healer' — those voices provide a timely reminder of the centrality of lived experience, life narrative and pathways to redemption for all rehabilitation endeavours.

We wish to thank contributors for maintaining momentum over the year and providing a range of varied and stimulating papers for *IPJ 2020*. Our appreciation to the Probation Board for Northern Ireland and the Probation Service for their support and encouragement. We take this opportunity to

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welcome Mark Wilson to the role of Director of the Probation Service and wish him every success. The publication of the journal would not be possible without the sterling work of the editorial committee and the advisory panel; thank you for sharing your time and expertise.

We hope that you will consider contributing to next year's edition — on a particular area of interest, sharing your experience of a particular project or your critique of a recent publication. In the meantime, enjoy *IPJ 2020* and, as always, any feedback is welcome.

Ursula Fernée  
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Probation Board for Northern Ireland

# Reducing Reoffending: Choices and Challenges\*

Ian O'Donnell†

**Summary:** Recent European research suggests a number of approaches that appear to be effective in terms of reducing recidivism. These include substituting suspended sentences or community service for short terms of imprisonment, ensuring that employment opportunities are available for those who wish to turn away from crime, and providing cognitive behavioural treatment in both community and custodial settings. In addition, there is evidence that procedural fairness, parole, and peer support work within prisons may promote law-abiding behaviour. There are lessons here that could be learned in Ireland where the infrastructure for criminological research remains underdeveloped, the debate about crime and punishment has a staccato quality, and policy formulation can be grindingly slow. What is required as a matter of priority is a serious and sustained commitment to an adequately funded multiannual programme of high-quality research.

**Keywords:** Recidivism, sentencing, cognitive behavioural treatment, procedural justice, imprisonment, sex offenders, White Paper on Crime.

## Introduction

I was delighted to be invited to give this lecture as part of the twentieth birthday celebrations of the UCD Institute of Criminology and Criminal Justice. Our programme of events got underway with a symposium in February in Mountjoy Prison on the theme of translating research into law, policy, and practice. This was followed, in early March, by a distinguished guest lecture in the UCD School of Law, and the launch of a major report on the jury system in the Courts of Criminal Justice. Unfortunately, the remaining events — including a festival, various workshops, and a film screening — had

\* This paper comprises the text of the 13th Martin Tansey Memorial Lecture, sponsored by the Association for Criminal Justice Research and Development (ACJRD) and delivered via Zoom on 29 June 2020.

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to be cancelled due to the COVID-19 pandemic, but we would hope to resuscitate some, or all, of them next year.

To begin, a comment on the man we are remembering today. I got to know Martin Tansey towards the end of 1997, when I returned to Dublin from Oxford to become the first full-time executive director of the Irish Penal Reform Trust. We were in regular contact during the three years that I held this job, and our discussions tended to centre on two main themes. First, how to reduce the rate of imprisonment and promote community sanctions and measures, and secondly, how to create a context where decisions about crime and punishment were driven by research findings rather than hunches or expediency.

When I moved to University College Dublin, we remained in touch and Martin was very helpful to me when one of my PhD students, Deirdre Healy, required access to Probation staff and their clients for her work on desistance. Deirdre is now director of the UCD Institute of Criminology and Criminal Justice and the book that emerged from the doctoral research that Martin facilitated — *The Dynamics of Desistance: Charting Pathways Through Change* — has become a leading text in the field (Healy, 2010).

I attended the inaugural lecture in this series, which was given by Seán Aylward, Secretary General of the Department of Justice, Equality and Law Reform, on 21 May 2008. I would wholeheartedly concur with Seán's account of how Martin managed to combine influence on the policy and legislative stages at home, with leadership at the international level (as a founding member, and past president of the body now known as the Confederation of European Probation), at the same time as 'maintaining a very low, almost subterranean, public profile throughout his career'. Martin was a public servant of the old school, who prized caution and discretion, and eschewed flamboyance.

While mulling over what to speak about today, I thought that I might highlight some of the issues raised in my book *Prisoners, Solitude, and Time* (O'Donnell, 2014), which explores how prisoners cope with solitary confinement. There are lessons here, I think, for all of us about dealing with the prolonged denial of company (especially the adverse mental health consequences that can follow) during a public health emergency such as the one we are currently experiencing. Another possibility was to revisit some of the themes addressed in *Justice, Mercy, and Caprice* (O'Donnell, 2017), which reviews how the Irish state used capital punishment and says something about the role of the Probation Service in providing post-release support to

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convicted murderers who were shown clemency. A third option was to give an early view of my current project on how prisoner societies organise themselves in Africa, the US and Europe. But, on reflection, I thought it would chime better with the theme of the lecture series if I focused on the kinds of issues that Martin and myself tended to discuss, namely de-emphasising the prison and emphasising research, and the associated choices and challenges.

Martin Tansey understood the importance of good-quality evidence to sound decision making. He was skilled at gathering information and overseeing its dissemination. One issue that he was particularly concerned about was recidivism and how it might be reduced or prevented. He was keen to show that non-custodial penalties had a vital role to play in addressing repeat offending and protecting society.

## **Recidivism**

Breaking the cycle of offending is a pressing challenge for societies everywhere. It is essential for promoting community safety and vitality, controlling expenditure on the criminal justice system, and minimising the collateral consequences for offenders and their families that accompany repeat convictions. A research report recently published by the Department of Justice and Equality provides a critical assessment of the evidence pertaining to recidivism (O'Donnell, 2020). It aims to be a state-of-the-art review that can be periodically updated and that might set the parameters for a piece of empirical research in due course. It identifies the limitations of existing studies (and how they might be rectified), as well as highlighting deficits in understanding (and how they might be filled). It brings things up to date since the publication, more than a decade ago, of the findings of a major study of how prisoners fared post release, that was carried out by the UCD Institute of Criminology and Criminal Justice (O'Donnell *et al.*, 2007; O'Donnell *et al.*, 2008; Baumer *et al.*, 2009).

*An Evidence Review of Recidivism and Policy Responses* is the third in a series of reports that the Department of Justice and Equality has commissioned. The others addressed the role of the victim in the criminal justice system (Healy, 2019) and the factors associated with public confidence in the criminal justice process (Hamilton and Black, 2019). In combination, these reports, and others that are underway, will contribute towards advancing the mission of the ACJRD — an organisation that Martin Tansey co-founded and later chaired, and which hosts this annual lecture in his

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memory — which is ‘to promote reform, development and effective operation of the criminal justice system’.

There may be lessons in my review for the legislature (regarding possible law reform), for the judiciary (about the relative efficacy of different sentencing options), and for policymakers and practitioners (regarding what works, how, and for whom). Knowing the characteristics of recidivism-prone offenders or situations will allow interventions to be targeted with greater precision and confidence. This is not only to the advantage of the individuals concerned and their families, but there is a potential diffusion of benefits to the wider community. Social inclusion is promoted. Trust and civic participation are increased.

Those of us with an interest in criminology and criminal justice in Ireland — mine stretches back more than 30 years at this stage — have long been frustrated by the lack of research infrastructure, reliable data and expert analysis. This has adversely impacted the quality of the debate about crime and punishment and puts us at a great disadvantage when it comes to, first, deciding how to respond and, secondly, deciding whether any response has had the desired effect.

I will return to the question of research infrastructure later in this paper. But to begin with I want to share some of the findings from my analysis of the evidence on recidivism. First, I will say a little about my search strategy — how I located the material that forms the basis of the review. Then I will move on to definitions — what do we mean by recidivism? There is a great deal of flexibility in how the term is used, and so too is there variation in what constitutes an adequate follow-up period. We cannot monitor people forever in case they reoffend, so what might be an appropriate cut-off?

I will give examples of several approaches that seem to work well and several that are promising and might repay closer examination. I will conclude by drawing out some of the lessons that might be relevant in an Irish context. My emphasis throughout is on approaches that, in the language of Hopkins and Wickson (2013, p. 596), are plausible (i.e., likely to have the desired effect), doable (i.e., could be carried out within reasonable temporal and financial parameters and are in accord with prevailing political priorities), and testable (i.e., the underlying theory of change has been properly articulated in advance and is amenable to rigorous and meaningful evaluation). To this I would add a fourth and final component, namely that the initiative must be translatable (i.e., there is potential for transplanting what has proven successful elsewhere to an Irish context).

## **Search strategy**

It is important to say that what I am describing is not a piece of empirical research. Nor is it a meta-analysis. It is a much more modest undertaking altogether, being no more than a literature review carried out within tight financial and time constraints, with a view to providing a snapshot of the state of play in recidivism research. It is the first stage in a process, rather than its culmination.

There is a long tradition in the criminal justice arena of limiting the focus to developments in the UK and to a lesser extent the US and to imitating what is done there, sometimes without giving sufficient thought to the suitability for an Irish context. As Deputy John Kelly remarked in the Dáil in May 1983 when the Community Service Order was being introduced, this was: 'simply one more example in the ignominious parade of legislation masquerading under an Irish title ... which is a British legislative idea taken over here and given a green outfit with silver buttons to make it look native'.

The UK and US are easy comparators — we share a language and legal tradition after all — but they are not necessarily good ones given their punitive approach to criminal justice, as illustrated by the striking upward momentum in their prison populations. The latest edition of the World Prison Population List shows that Ireland's imprisonment rate is around half that of Scotland or England and Wales and one eighth that of the US (Walmsley, 2018).

One of the aims of *An Evidence Review of Recidivism and Policy Responses* was to shift the focus, which has been widened to include developments right across Europe. My argument is not that we should substitute laws, policies, or practices from, say, Norway or the Netherlands and give them some 'silver buttons' that can be shined up, but rather that we should look more widely for inspiration than we have tended to. Indeed, there is nothing to prevent us from designing our own solutions without external reference points, and this is something we may do with less caution as the knowledge base develops.

My search was limited to articles written in English that related to a member state of the Council of Europe and were published between January 1990 and May 2019. To identify potentially relevant studies, a search of 12 major electronic databases was carried out. These captured recidivism research from criminological, sociological, psychological and medical perspectives, ensuring that a diverse and interdisciplinary range of material was included.

This is an area where there has been an explosion of interest in recent years, and the volume of subject-specific material is very large. For example, an all-fields search of SCOPUS — one of the databases included — for the word ‘recidivism’ yielded 33,000 hits. By limiting the search term to article titles only and eliminating anything not written in English or European in focus, this came down to 1,273 hits across all the databases. These were cross-checked to remove duplicates, leaving 766.

Articles were then sorted based on their journal of publication, and these journal titles were cross-checked with the Criminology and Penology Journal List of the Social Sciences Citation Index. This index is limited to leading, internationally recognised academic journals. If the article in question appeared in one of the 65 journals ranked on this list, this was taken as a benchmark of quality, ensuring that only refereed articles exemplifying academic excellence were included in the sample. This reduced the tally to 310 articles.

Three academics with significant collective expertise in the field of criminology rated the 310 articles with a score of zero or one based on stipulated guidelines. Each reviewer undertook this rating independently then convened for a workshop during which the scores were collated by a colleague who had not been involved in the review process. Every article received an aggregate score of between zero and three. Only articles that received scores of two or three were included in the final sample, which comprised 89 articles, containing studies from Austria, Denmark, Iceland, Malta, the Netherlands, Norway, Spain, Sweden, Switzerland and the UK, as well as Ireland. These form the basis of *An Evidence Review of Recidivism and Policy Responses*.

While it must be acknowledged that a different selection strategy may have generated a different final sample, the articles identified for this report would likely form the core of any review in the area. My approach allowed me to strike a balance between making the project manageable at the same time as ensuring that the report was based upon unambiguously high-quality material.

## **Definitions**

Simply stated, recidivism is reversion to criminal conduct. It is defined variously as reoffending, rearrest, reconviction or reimprisonment. It is measured through self-report and data captured by police, prosecutors, courts, and agencies involved in sentence administration. When interpreted

sceptically, it is a relevant measure of the performance of a criminal justice system.

In the reviewed research, follow-up periods ranged from six to 216 months. It is clear that while initially steep, the overall rate of recidivism soon reaches a plateau and then tapers off. There is some variation according to offence type. Rates tend to be low for homicide and sex crime and high for property offences.

A two-year follow-up period will generally suffice for analytical purposes, except for sex offenders, whose base rate of reoffending is low, and for whom extended monitoring may be necessary. Despite their low recidivism rates, sex offenders remain the focus of a great deal of research. The high concern that they excite, which is amplified by media coverage, may help to explain why the evidence of low recidivism rates does not redound to their advantage in terms of a more generous approach towards early release (The ninth Martin Tansey Memorial Lecture addressed the reintegration of sex offenders; McAlinden, 2016).

We need to be clear about what is being measured. For example, if one study defined recidivism as reimprisonment for a specific type of offence within two years, the results would be very different from another study that looked at reconviction for any matter (including violations of supervision conditions) over the same period. Greater disparities would emerge if the duration of follow-up were extended or the definition of recidivism broadened to include rearrest (or soft information that indicated an escalation of risk). These choices about research design have ramifications for the data generated by any study and its interpretation.

Next, I would like to turn my attention to some examples of approaches that have proven to be successful or where the results are sufficiently promising to merit closer scrutiny. I will give three of each.

### ***What Works?***

Here I will say something about what we can learn with respect to sentencing, employment supports, and cognitive behavioural treatment programmes.

#### *Community penalties vs. short prison terms*

There is a growing body of evidence that short terms of imprisonment are less effective in terms of reducing recidivism than suspended sentences or community service. They are also much more expensive to administer. This

would have delighted, but not surprised, Martin Tansey who led the Irish Probation Service for 30 years until his retirement in 2002.

A major study in the Netherlands followed up more than 4,000 offenders, half of whom had received community service and the other half a short term of imprisonment (Wermink *et al.*, 2010). The Dutch researchers found significantly lower rates of recidivism (measured by the average annual number of convictions) for those sentenced to community service as opposed to those who were imprisoned. 'In relative terms', they concluded, over a five-year follow up, 'community service leads to a reduction in recidivism of 46.8 per cent compared to recidivism after imprisonment' (p. 343). This effect was also evident in the short term (one year) and in the long term (eight years), for all offences and for violent and property offences separately.

The policy and sentencing implications are clear: if prison or community service is being considered, the evidence strongly suggests that the latter will have the greater impact in terms of future community safety. If prison is criminogenic, as the evidence suggests, the arguments in favour of using it less are persuasive. While necessary as a last resort, the desirability of a more parsimonious approach is indicated, especially for those facing their first sentence.

### *Employment*

A Norwegian study found that having a financially and socially productive way to fill the day was significantly associated with reduced recidivism (Skardhamar and Telle, 2012). Being idle and in receipt of benefits was not a protective factor. The message is to give ex-prisoners a stake in conformity so that they can become (or remain) ex-offenders. Having a job provides a legal source of income, a measure of social control, a structure to the day, and a route to the creation of a new identity as a law-abiding and productive citizen. All these effects are magnified if the job is stable, the work is satisfying, and the conditions are good.

The direction of causality was not entirely clear, and Skardhamar and Savolainen (2014, p. 286) found that the decision to cease offending preceded job entry: 'employment should not be treated as a causal factor but as a consequence of "going straight".' In other words, it would not be correct to state, for this sample at least, that recidivism rates fell because of the protective factors offered by employment.

The message here seems to be that employment opportunities are grasped by those who have decided to turn away from crime. This does not

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lessen the importance of ensuring that such opportunities are widely available, but it means that we must not think that finding jobs for offenders will automatically trigger a cessation in criminal activity. For those ready to change, the right incentives need to be readily available. (Maruna (2017) considered the desistance process in the tenth Martin Tansey Memorial Lecture.)

### *Treatment programmes*

Moving now to specific treatment programmes, one of the most popular is called Reasoning and Rehabilitation. This programme addresses deficits in self-control, critical reasoning, cognitive style, interpersonal problem-solving, social perspective-taking, empathy and values. The theory is that the acquisition of these attributes will better equip the individual to make prosocial decisions and to withstand pressures towards criminal behaviour. The programme is typically delivered in 36 two-hour group sessions at a rate of two to four sessions per week.

A meta-analysis of 16 evaluations of the effectiveness of Reasoning and Rehabilitation found an overall decrease in recidivism (defined as rearrest or reconviction) of 14 per cent for programme participants, compared with controls (Joy Tong and Farrington, 2006). The programme was effective for low-risk and high-risk offenders, when delivered in custodial or community settings, and regardless of whether or not participants were volunteers. The strength of meta-analysis is that it can amalgamate the results of numerous studies, of varying sizes, and come to an accurate estimate of efficacy. The results of this meta-analysis are encouraging.

### ***What's promising?***

In terms of areas where closer attention is indicated, I have a few brief comments on fairness, early release, and how sex offenders are treated in prison.

### *Fairness*

A study carried out among prisoners in the Netherlands revealed that the way they felt they had been treated influenced their future behaviour: 'Although the effect was small, prisoners who felt treated in a procedurally just manner during imprisonment were less likely to be reconvicted in the 18 months after release' (Beijersbergen *et al.*, 2016, p. 63). Fairness and decency are important, and it is within the power of those who work within the criminal justice system to provide (and enhance) them.

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If prisoners feel that the rules are clear and that they are applied consistently and without bias, that they are treated with dignity and respect and their views are heard, they are more likely to comply with the law. A procedurally fair system demonstrates to those subjected to it that they are of value, no matter what they may have done. Procedural unfairness communicates disrespect and disregard and leads to further alienation, resistance and noncompliance. In other words, there are potential gains associated with treating offenders fairly and expecting good behaviour in return.

### *Early release*

There are two possible reasons why prisoners released on parole may reoffend less frequently. The first is because the low-risk cases have been successfully identified for early release. The second is that the act of placing trust in prisoners and holding them to their word leads to an improvement in behaviour. It is difficult to disentangle what might be called the 'selection effect' from the 'parole effect'. To overcome this difficulty, a study in England and Wales calculated predicted reconviction rates — based on factors such as number of previous convictions, age at first conviction and current offence — for released prisoners (Ellis and Marshall, 2000). The predicted rates were compared with the actual rates for each group. This allowed the 'parole effect' to be isolated.

The study found 'a small but consistent difference' (p. 306) in favour of parole, with lower proportions of parolees reconvicted than would be expected based on their criminal history. It also found that prisoners on parole were reconvicted on significantly fewer occasions than prisoners released at the end of their sentences. Looking at time to reconviction it found that parole exercised a positive effect, significantly delaying the onset of reoffending.

The study is somewhat dated. But it suggests that early release may have a role to play in crime prevention. The next step is to identify what underlies this reductive effect. Is it probation supervision? Or the threat of recall to prison? Or the repayment of trust with improved behaviour?

### *Sex offenders in prison*

An interesting qualitative study was carried out with a small sample of imprisoned sex offenders (Perrin *et al.*, 2018). These were men who had taken on peer support roles such as being a Listener trained by the Samaritans to

offer face-to-face emotional support to those in crisis, or acting as a mentor to newly arrived prisoners or those who were experiencing victimisation or bullying, or acting as a literacy tutor. It seemed that these roles made the men's lives meaningful, imbued their everyday activities with a sense of purpose, stimulated reflection, helped them to develop self-control, and encouraged the type of active citizenship that is thought to be associated with law-abiding life post release, by giving people the kind of stake in society that promotes conformity.

By engaging with their less fortunate peers in a constructive way, they were able to develop a more positive self-image and an identity as someone who could redefine themselves in a prosocial direction. They were keen to repay the trust shown in them (both by the authorities and by other prisoners) by demonstrating an ability to make a worthwhile contribution to their environment. In the right circumstances this can promote a virtuous cycle of improved thinking and acting.

In a group as denigrated and despised as sex offenders, it is particularly important to take seriously any opportunity to reinforce the kind of behaviour that might promote successful reintegration. If the reduction of stigma and self-loathing is associated with reduced recidivism and if it can be promoted through peer support work, then this is an idea worth pursuing. So too if peer support activity can assist in compliance with the authorities and better emotional regulation, these are factors that would be beneficial if they persisted after release.

These encouraging findings merit further study — and indeed extension — to probe the degree to which prosocial changes wrought within penal institutions persist outside and depress recidivism rates.

Now, what might we learn from all this? What choices and challenges are indicated by *An Evidence Review of Recidivism and Policy Responses*?

### ***Lessons for Ireland***

National criminal justice arrangements vary considerably, and it is important to be realistic about the likelihood that an intervention found to bear fruit in one jurisdiction will be successfully transplanted to another. Any conclusions must be sensitive to context, and tentative. In addition, findings are always out of date by the time they are published in a peer-reviewed journal. Sometimes the lag is considerable and, in the interim, the legislative and policy environment may have changed considerably. In other words, we must be sensitive to time as well as place.

There are challenges extrapolating from countries where the data are more reliable, the linkages across agencies are better, the system has different priorities, and the administration of justice is organised in a way that has no obvious parallel in Ireland. In Scandinavian countries, for example, residents are issued with a unique identification number which allows records to be linked easily and effectively. This permits researchers to explore possible relationships between criminal justice data and various indices of health, education, employment, income, social welfare and mortality. Such data linkages cannot be made in Ireland.

In the absence of a personal identifier, it is crucial that criminal justice agencies collect data that can be connected across the system. Unfortunately, there is little confidence in the crime figures in Ireland which, for some time, have been published 'under reservation' (Central Statistics Office, 2018). This means that there are obstacles to be overcome before research based on administrative data can reach a satisfactory quality threshold. These concerns are long-standing and have persisted since the minority report of the Expert Group on Crime Statistics, which I wrote in 2004, expressed a lack of confidence in the 'quality, reliability and accuracy of Garda data' (<http://www.justice.ie/en/JELR/MinorityReport.pdf/Files/MinorityReport.pdf>, accessed 29 June 2020; see also O'Donnell, 2002).

But there are some important lessons. The first is about setting expectations at an appropriate level.

### *Setting realistic expectations*

It would be a lot to expect that any programme, however well-designed, well-intentioned and well-implemented, could trump the practical challenges associated with returning to an environment characterised by unstable housing, negligible employment prospects, poor family and community ties, and antisocial peers. If substance misuse is added to the mix, the odds are heavily stacked against even the most highly motivated offender.

Quite simply, it is unrealistic to think that years, and even decades, of socialisation will be reversed by a programme delivered over a number of weeks or months in a criminal justice setting. In other words, evaluations that focus on a single metric as crude as recidivism are inherently limited. There is no denying that treatment programmes may offer a hook for those who are ready to change, but for young people who find a life of crime exciting and rewarding — or whose lives are chaotic and lived under the burden of multiple layers of disadvantage — it is unlikely that any short-term

intervention that does not take account of external circumstances will have a radically transformative effect.

Modifying an offender's cognitive style is of little value if he or she cannot find work or accommodation and continues to struggle with addiction and social isolation. Care is required not to personalise the causes of crime without taking account of the wider social and economic context.

Another lesson is about programme design and implementation.

### *Non-completion*

In assessments of programme effectiveness, it is essential to take account of those who do not complete treatment, for whom outcomes are typically less favourable. This may be because non-completers share characteristics with those who are prone to recidivism, in that they are younger, and have higher-risk profiles, more convictions and fewer community ties. However, it is also possible that non-completion itself is detrimental with respect to future offending and, in some cases, it may be better to do nothing than to begin, but drop out of, a programme.

It is necessary to distinguish between programme completers, non-completers, and non-starters; collapsing these groups might mean that important effects are missed. Including only participants who completed a programme can lead to bias as it is likely to contain a disproportionate number of the most motivated offenders. A good study should report the outcomes for all participants; evaluators cannot simply omit those who drop out. If non-completers are more likely to reoffend and are omitted, this creates a selection bias, independent of any treatment effect, which increases the chances of finding a lower level of recidivism.

It is not entirely clear why non-completion has adverse consequences. There are several possibilities. First, removal from a programme may reinforce an anti-authority disposition. Secondly, important issues may have been raised for the offender, but because the programme was interrupted, he or she may not have acquired the skills required to address them. Thirdly, individuals may feel confused, excluded and worthless; a further erosion of confidence in a group where this quality is often lacking, another example of failure in a life where there may have been few triumphs.

The lessons here are obvious. What is necessary is careful selection of programme participants, followed by extra support for those who are struggling, and specialist referral where needed. Strenuous efforts are required to ensure that all participants move as far through the programme as

possible, ideally to a conclusion. Also necessary is a wider margin of tolerance, so that people are not expelled from programmes for displaying a variant of the problematic behaviour that led to their enrolment in the first place. In some cases, a pragmatic approach may be more beneficial in the long term than one based on unbending rule enforcement.

There is no doubt that running programmes which are not completed by participants is economically disadvantageous. But it is perhaps a matter of greater concern if it is criminogenic.

Finally, those who deliver treatment programmes play an important role in the success or otherwise of their clients, and analyses should not be limited to the client group (Raynor *et al.*, 2014). Just as it might be too optimistic to expect a short cognitive behavioural intervention to negate a lifetime of adversity and a return to instability and criminal peers, so too might it be unfair to castigate for their future behaviour offenders who have not completed a treatment programme if they have been let down by a skills deficit on the part of the professionals responsible for programme delivery. In other words, drop-out may be explained by organisational ineffectiveness as well as by a lack of individual motivation.

Sometimes it might be preferable to do nothing than to implement a programme badly.

## **Research infrastructure**

In conclusion, I will turn briefly to the second issue about which Martin Tansey and myself conversed, namely, how to bolster the evidence base upon which criminal justice policies should be founded. There has been some progress on this front, and the creation of a data analytics unit within the Department of Justice and Equality is a development that will be welcomed by everyone in the research community.

What is required next is a serious and sustained commitment to an adequately funded multiannual programme of work. It is fair to say that the criminal justice policy debate in Ireland remains characterised by deficits of urgency, follow through, structure, and critical scrutiny (O'Donnell, 2013). It tends to have a staccato quality, and many worthwhile initiatives have been allowed to expire quietly after an initial flurry of interest.

To take just one example, consider the progress of the White Paper on Crime, which was to incorporate a national anti-crime strategy. This high-level statement of government policy, its rationale, and the strategies to give it

effect was promised for 1998. A personal communication in September 2001 with one of the officials charged with drafting it revealed that the White Paper 'continues to be under preparation, but publication is not imminent. No date has, as yet, been set' (O'Donnell, 2008, p. 127). This has proven to be a masterpiece of understatement.

The White Paper remained an objective in the Department of Justice, Equality and Law Reform's *Strategy Statement 2003–2005*, where it was described as 'a significant task in the coming period' (Department of Justice, Equality and Law Reform, 2003, p. 25). However, it did not appear, and when the *Strategy Statement 2005–2007* was published, it was silent on the question of the White Paper (Department of Justice, Equality and Law Reform, 2005). In 2009, and again in 2011, there was renewed public commitment by the minister of the day to the production of the White Paper.

According to a check of the Department of Justice and Equality website this morning, the White Paper — by now 22 years in arrears — is 'due for publication in 2015 [sic]' (<http://www.justice.ie/en/JELR/Pages/OverviewOfWPOC>, accessed 29 June 2020). It is awaited with ever-reducing anticipation. The fact that the website has not been updated in so long says a great deal about the seriousness with which the analysis of crime and punishment is taken.

Also, remember the establishment of a National Crime Council in 1999 and its abolition in 2008? Despite some initial enthusiasm, the Council generated little of enduring value and its demise was scarcely noticed. Nor has there ever been a formal, or consistent, mechanism for funding independent criminological research. On the rare occasions when money is made available, the amounts are modest, the focus narrow, and the timeframe short. Official statistics and policy papers appear infrequently and are subjected to little scrutiny. As previously mentioned, there remain serious concerns about data quality and interagency linkages.

Although there is a burgeoning interest in criminological studies at third level, a critical research mass has not yet been attained, and the impetus seems to be towards the provision of undergraduate courses (driven by a desire to increase student numbers and capture the associated funding, rather than for sound pedagogical reasons), which is unlikely to advance the research agenda in any appreciable way.

I think it is fair to say that the underdeveloped research capacity of the state frustrates innovation. So too does the strength of organised labour across the various agencies of the criminal justice system, which slows progress considerably. Where there has been investment, it is not in better

policy formulation, decision making, and research, but in prison building, Garda recruitment, overtime pay, and the creation of new administrative structures. (Various aspects of the 'culture' of Irish criminal justice were the subject of the fourth (Kilcommins, 2011), fifth (Rogan, 2012), and twelfth (Hamilton, 2019) Martin Tansey Memorial Lectures.)

As I have argued elsewhere, the inertia that characterises so many aspects of criminal justice provides a buffer against sudden change, and this may have partially insulated Ireland from the worst excesses of the punitive chill that is evident elsewhere (see O'Donnell, 2011). Earlier, I compared the imprisonment rate in Ireland with that of the UK and US. If we locked people up with the same enthusiasm as they do in the US, we would have a prison population of around 31,000 rather than 3,700 ([https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/26-June-2020.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/26-June-2020.pdf), accessed 29 June 2020; the prison population is perhaps unusually low at present as a result of the strategic use of early release to prevent the spread of the coronavirus). Clearly this is not a situation we would wish to imitate.

The slow pace of change, and its contradictory effects, is perhaps best exemplified by the fact that the Probation Service continues to operate under a legislative framework that predates Independence, namely the Probation of Offenders Act, 1907, which defines its role as to 'advise, assist, and befriend'. These noble sentiments were somewhat dated when Martin Tansey began work as a prison welfare officer in 1965, and it is not clear how well they capture the realities of probation practice as we enter the third decade of the twenty-first century.

I think that Martin would have appreciated the constancy at the heart of the organisation he served for so long, as well as the inevitable tensions between stasis and progress, between inertia and unfocused momentum, between cautious optimism and well-grounded reform. How we resolve these tensions will be central to the task of reducing reoffending and alleviating the burden of crime on society. These are the choices and challenges for the period ahead.

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# Developing an Irish Offender Supervision Framework: A Whole System Approach

Ioan Durnescu, Margaret Griffin and John Scott\*

**Summary:** There is increasing research evidence that the skilled interventions of Probation Officers, based on core principles, can reduce recidivism and facilitate the onset and ongoing maintenance of desistance (Bogue *et al.*, 2007; Raynor *et al.*, 2014; Bonta *et al.*, 2011; Burrell and Rhine, 2013). Arising from the research, a number of practice models have been developed to assist in the translation of these core principles of evidence-informed practice into interventions that can be applied in probation settings. The Irish Probation Service reviewed a number of these practice models, before determining that a bespoke model that reflected the Irish legislative, cultural, policy and practice context was required. This article will outline the background to the decision of the Probation Service to introduce a bespoke model of supervision, the Irish Offender Supervision Framework (IOSF), and it will give a brief account of the processes which were undertaken to arrive at an agreed IOSF. The theoretical underpinnings of the IOSF and the research evidence that supports it will also be described. The authors conclude by reflecting on the challenges of introducing a new model into the Irish Probation Service.

**Keywords:** Offender Supervision Framework (OSF), evidence-informed practice, desistance, recidivism.

## Background

The 1907 Probation of Offenders Act introduced an order enabling Probation Officers to 'advise, assist, and befriend' offenders with the goal of helping them to reform and desist from crime. By the 1930s, in response to growing confidence in the efficacy of rehabilitation, 'treatment'-based community correction interventions grew (Crow, 2001). Probation Officers became recognised as 'experts', capable of 'diagnosing, assessing, and intervening in

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the personal and social factors assumed to lie behind offending behaviour' (Chui and Nellis, 2003, p. 5).

In the 1970s, an influential critique of the rehabilitative ideal was beginning to emerge. In a seminal article, based on his analysis of research conducted into the efficacy of offender rehabilitation programmes, Robert Martinson concluded that 'with few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism' (Martinson, 1974, p. 25). This critique contributed to the emergence of a 'nothing works' discourse in community corrections (McNeill, 2006).

It was clear that for probation to remain relevant it would need to develop a credible response to the 'nothing works' discourse. 'Rehabilitation' itself was no longer construed as the problem, but rather the inconsistent, unfocused and theoretically anodyne manner in which it was pursued in practice (Raynor, 2003). An argument was emerging, supported by a growing body of research, that certain forms of intervention, if planned and implemented properly, could prove effective in reducing recidivism (*ibid.*).

What emerged from the 'What Works' literature was the need for structured, standardised and evidence-based offender 'programmes' underpinned by a set of core principles, commonly referred to as the RNR principles; Risk classification; identifying criminogenic Needs and attending to the issue of Responsivity (Andrews and Bonta, 1994; Chui 2003). Briefly, the RNR model proposes that individuals who pose the highest risk should get the highest level of intervention (risk), interventions should target offenders' needs that contribute to offending (needs), and interventions should be delivered in ways that match the learning styles of the service user (responsivity). The dissemination of the 'What Works' research was followed by the emergence of an abundance of offending-behaviour programmes based on cognitive behavioural approaches, underpinned by the RNR principles and predominately delivered to groups of service users with the aid of training and manuals to ensure programme integrity (Chui, 2003; Raynor, Ugwudike and Vanstone, 2014).

Despite the emphasis on cognitive behavioural group programmes, most probation work continues to be delivered by individual Probation Officers in one-to-one contact with people under probation supervision (Raynor *et al.*, 2014). In the last twenty years, this one-to-one contact has become a focus for research, a central question being whether or not the skills Probation Officers use in their individual work makes a material difference to recidivism rates and other positive outcomes for service users (*ibid.*).

Findings from research in Canada, England, Australia and Jersey concluded that where probation practice is more skilful, reconvictions are reduced (Raynor *et al.*, 2014). The key message emerging from the research is that if staff focus on the right issues, in the right way and with the right people, they can have a profound impact on recidivism (Bonta *et al.*, 2008). Reductions in recidivism, of between 15% and 20%, attributable to the interventions of staff, have been highlighted in the literature (Burrell and Rhine, 2013).

The research conducted by Raynor and his colleagues in Jersey identified nine skill clusters which, when used by Probation Officers, were positively associated with significant reductions in reconviction rates, with two skill clusters reaching statistical significance: 'structuring skills' and 'relationship skills'. Structuring skills refers to the capacity of Probation Officers to purposefully and intentionally influence change in the thinking and/or behaviour of service users. Relationship skills refers to the ability to build positive relationships with service users, helping to engender hope for the future and belief in the individual's capacity to change (Raynor *et al.*, 2014). In addition to finding that more skilful practice is important in probation work, Raynor and his colleagues also determined that the requisite skills 'can be developed through conscious attention and specific training' (*ibid.* at p. 245).

The Irish Probation Service, incorporating the learning from Jersey and further afield, started planning to implement a 'supervision framework' for Probation Officers working with service users (Probation Service, 2016). A supervision framework would structure the contact, and the content of the contact, between worker and client, foregrounding the intentional use of the skills identified as making a difference to outcomes.

## **Why now?**

Every day in Ireland, Probation Officers (POs) manage up to 7,000 offenders on court-related supervision in the community (Probation Service, 2017), providing a unique opportunity to intervene positively in the lives of offenders to reduce recidivism, support desistance, decrease further harm to the public and promote the social integration of offenders. It was recognised within the Service that for this potential to be realised, probation practice needed to be informed by the best available evidence about what is effective in working positively with offenders to reduce reoffending and support desistance.

The first recidivism report completed by the Irish Government's Central Statistics Office on a cohort of probationers from 2007 found a recidivism

rate of 37.2% (Probation Service, 2012), and this figure has remained relatively static for the subsequent years for which figures are available (CSO). The Probation Service recognised that evidence-informed practice has an important role in achieving further reductions to that figure.

While evidence-informed practices, such as validated risk assessments, motivational work and cognitive behavioural programmes, had been introduced in the Service, the Probation Service was aware of the need for a more structured and consistent approach to practice. There was a concern that, while investment had been made in adopting and using assessment tools, supervision and interventions, which should follow through from accurate assessments, had not been given the same attention. Probation practice was at risk of being patchy and inconsistent across the country.

Although there were no external pressures on the Probation Service to introduce change, the timing of introducing a new offender supervision framework was influenced by a number of external factors. The improved national economic outlook in 2018/2019 enabled the recommencement of recruitment, which had not been possible because of the economic recession; 50 new Probation Officers were appointed over the past few years, with more new staff expected in 2020 and beyond. The anticipation of a new Community Sanctions Bill, which provides structure, clarity of purpose and external oversight of probation practice, was also a motivating factor for the Executive Leadership Team of the Probation Service.

There was also a drive within the Service, both from the frontline staff and the leadership of the organisation, to get the best outcomes for offenders and the community, so that the Strategic Plan's statement of 'One Vision, One Team, One Standard' would be a reality across the country.

What was needed was a comprehensive Offender Supervision Framework to weave all the existing evidence-informed practices into a cohesive whole, enabling the Probation Service to meet its moral and operational imperative to be both effective and accountable. It was also recognised that most probation supervision continued to be delivered through one-to-one contact between the Probation Officer and the client. While significant attention had been paid to using formal risk assessment tools and a strengthened approach to case management within the Service, it was timely to throw some light and put some structure on the 'black box' of supervision.

## The review process

The Learning and Development Unit was tasked with conducting an exploratory scoping exercise to identify an 'off the peg' Offender Supervision Framework that was suitable for implementation in an Irish context. The proposed OSF needed to meet a number of key objectives. It needed to:

1. Build on already well-established good practice within the Service;
2. Be underpinned by empirical evidence;
3. Provide a framework for a consistent and accountable approach to offender supervision across the Service;
4. Support staff to further develop practice and deliver effective interventions for offenders;
5. Provide mechanisms for the measurement and evaluation of interventions delivered by the Service; and
6. Enable the Service to meet stakeholders' expectations for effectiveness and accountability.

In determining what OSF would best match the needs of the Probation Service, a review of the literature on the effective supervision of offenders was conducted, and three models were reviewed in detail:

1. Strategic Training In Corrections (STICs) (Bonta *et al.*, 2010)
2. New Model for Probation and Parole: Ramsey County Model (RCCCD) (Bogue and O'Connor, 2013)
3. Skills for Effective Engagement and Development (SEED) (Sorsby *et al.*, 2014).

Each of the three models was considered under the following key headings: context; outline and description; theoretical underpinnings; research and evaluation; training and development implications; and compatibility and fit within the Irish context.

All three models have significant areas in common: the use of validated risk assessment tools; the focus on the relationship between the Probation Officer and the client as a key factor in fostering change; the need to have structured, planned sessions with clients; the incorporation of motivational techniques to promote readiness to change.

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All three models have particular strengths:

- STICS is embedded in the Risk/Needs/Responsivity (RNR) model of correctional treatment, which has good empirical support. It is essentially a training programme designed to change the behaviour of Probation Officers towards greater adherence to the RNR principles in their contact with offenders. The skills required of Probation Officers are explicit and can be learned; clients of the trained staff who applied these skills had a 15% lower two-year recidivism rate than staff not trained in STICS (Bonta *et al.*, 2010).
- RCCCD sees assessment not as an event but as an ongoing process, and it provides for Probation Officers attending to crises in offenders' lives. RCCCD pays attention to the benefits of social support for offenders in their change journey, and it fuses the evidence-based practice of cognitive-behavioural interventions with an appreciation of the wider social and economic needs of clients. RCCCD also recognises the complex needs of offenders, and emphasises the need for workers to use their knowledge and skills to broker essential services for clients to ensure that their non-criminogenic needs are met.
- SEEDS brings together insights from the two dominant paradigms in offender management: Desistance and 'What Works'. It places importance on working collaboratively with clients to identify needs, and it aims to counter overly prescriptive practice by enhancing practitioners' capacity for exercising professional discretion.

Having reviewed the literature, and examined the three OSFs mentioned above, it was evident that there was a strong cogent argument for the adoption of an OSF in the Service. However, no single model examined, in its entirety, met all of the cultural, contextual and practice requirements of the Probation Service.

The recommendation from the review was to engage an external 'subject expert' to work with an internal group in the Service to design a bespoke OSF for the Irish Probation Service.

## **The Offender Supervision Framework design project**

Following an international competitive tendering process, Velia Ltd<sup>1</sup> was chosen to undertake the task of designing a bespoke Irish Offender

<sup>1</sup> The Velia team members were John Stafford, Ioan Durnescu and Esther Montero, with John Scott as the project lead.

Supervision Framework for the Probation Service. Over the months from February to June 2019, Velia set about designing the IOSF collaboratively with staff, building consensus within the Service for the need for the IOSF and creating excitement about, and commitment to, the proposed change.

Velia's task was to consider existing practice and explore how a new design could incorporate the best of the new methods with the traditions upon which the Irish Probation Service was established. All the members of the Velia team came from outside the Irish probation setting, so although there would be fresh international perspectives, it was important that the project was characterised throughout by listening to staff and learning about what already worked well in the Irish context.

It was vital to agree with the leadership of the Irish Probation Service that the project approach matched their expectations, and that the proposals for engaging with staff would work. Essentially, the Executive Leadership Team gave unfettered access to staff and clients across the country. Through the mechanism of a Working Group composed of managers and staff, they enabled the project to proceed rapidly with high levels of support and cooperation.

The Working Group co-ordinator and her team managed the logistics and practical arrangements for eight intensive visits. The activities that took place included: visits to 12 probation offices for team meetings; 16 workshops involving over 170 staff; interviews with ten clients; observations of client interviews with supervisors; a file-reading exercise; sessions with specific staff groups (CS supervisors, admin staff, sex offender supervisors, prison staff, Restorative Justice and Victim Services); meetings with judges, partner organisations, stakeholders; a meeting with the Trade Union; two symposiums attended by about 160 participants in Cavan and Dublin; working sessions with Senior Probation Officers and regional managers; meetings with the Executive Leadership Team, the Senior Management Team and individually; planning meetings with the Working Group and regular liaison meetings.

The design process for the project was based upon the RIBA<sup>2</sup> stages for architecture projects — 1. Brief, 2. Definition, 3. Concept Design, 4. Developed Design, 5. Technical Design, 6. Report. Each visit aimed to provide the material to progress to the next stage.

The starting point was to agree a working definition for the word 'framework':

<sup>2</sup> RIBA refers to the Royal Institute of British Architects.

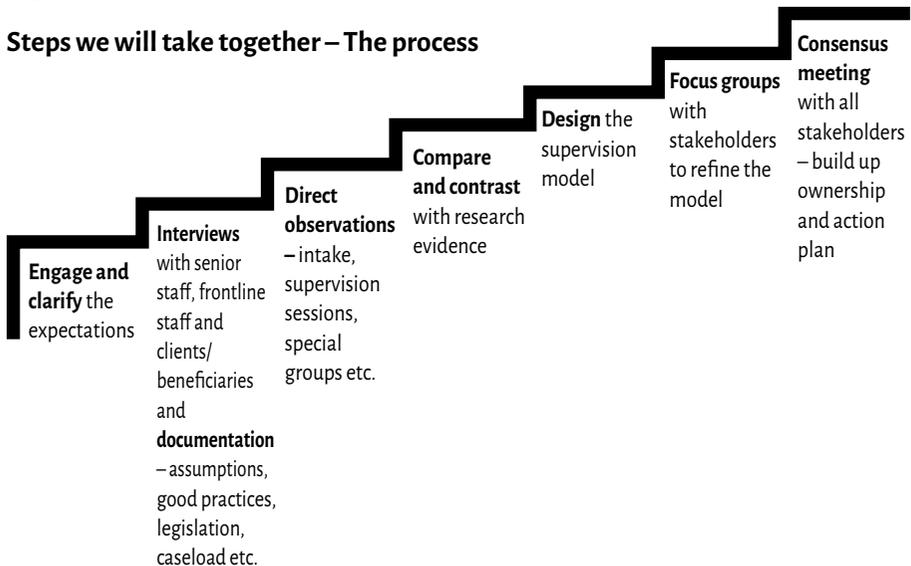
'The Offender Supervision Framework is the essential supporting structure for supervising offenders in Ireland.'

The project aimed to create a framework that was simple, that could be implemented throughout the Service, and that allowed the Probation Officer space to practise effectively within agreed structures — an image that helped the thinking was how tent poles created the living space for a tent.

The methods involved a lot of active listening, stimulated by workshops and asking the right questions of clients, staff, managers and partner organisations. Figure 1 shows the methods proposed at the outset of the project.

**Figure 1.** *The project outline*

### Steps we will take together – The process



As the project developed, some modifications to the process were agreed with the Executive Leadership Team and the Working Group Co-ordinator — workshops were used rather than focus groups and the confirmatory events were with staff in professional symposiums in Cavan and Dublin, rather than a single consensus meeting with all stakeholders. In addition, Velia undertook a whole staff survey to test acceptance of the OSF and willingness to adopt it across the country.

The principles of the approach remained unaltered through the 20 weeks of the design project:

- *Working in Partnership with the Working Group* — involving staff and managers in developing the framework and presenting options
- *Listening* — engaging with staff, management, stakeholders, service users
- *Asking basic questions* — sharing ideas, findings and thinking
- *Building on the good that exists* — identifying strengths and quality work
- *Involving stakeholders and partners* — seeking the views of Probation's many active and valued partners in the community
- *Placing the work in a criminal justice context* — focusing on the supervisor role and the offender's experience.

An inspiring image for the Velia team was of the famous Samuel Beckett Bridge in Dublin — designed by a Spanish architect from Seville, Santiago Calatrava; constructed by a joint venture in Rotterdam; and involving civil engineers and project managers from Roughan & O'Donovan, Irish consulting engineers. A simple design delivered by an international partnership that does the job every day for thousands of people, using the motif of the Irish harp: this is exactly what the project team and the Working Group wanted to achieve together.

### ***The context***

No justice organisation operates in isolation from the social, political and economic context within which it operates. Velia invited the senior managers of the Service to undertake PESTLE<sup>3</sup> exercises, which are designed to assess the environment in which a company or organisation is operating. All senior managers were invited to undertake the exercise, so it provided a 'step back opportunity' to scan the current operational setting for Probation — a Point A, which will make repeating the exercise in future years interesting and a helpful method of monitoring trends and influences upon the Service. The results, reflecting the views of participants about the priorities for Probation in their current context, are published in the project's background report, but the main contextual 'drivers for change' were identified as:

*Politics:* Department of Justice and Equality transformation — and increased accountability

<sup>3</sup> PESTLE is an analysis template and an acronym of the headings used for the 'drivers for change' in this paragraph – see example developed by CIPD 20 2 20 (Chartered Institute of Personnel and Development website).

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*Economy:* Brexit — long-term impact and uncertainty — recruitment issues

*Social:* Ageing population — more diverse society — population growth

*Technology:* Slow development of ICT in Probation — lack of investment — access to better information — big data

*Legal:* Community Sanctions Bill — delays — New Agency status

*Environment:* Commuting issues — flexible working conditions — remote working and ICT — the need for Probation to be greener — remote rural offices.

Other organisational contextual perspectives, which need to be factored into understanding the Irish Probation Service and where it fits into the spectrum of international probation services, were highlighted in the engagement phase of the design project:

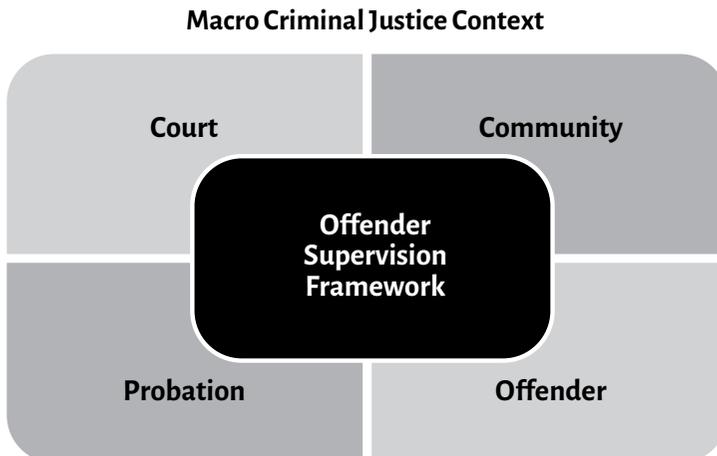
- Probation had been subject to the same public sector pressures as other Irish organisations as a result of the 2008 banking crisis, which had led to cuts and a real-terms reduction of staff and resources of about 25%;
- The historic long-term commitment to social work values had been reinforced in the past two years by exclusive recruitment of qualified social workers into the Probation Officer role;
- One-third of the Probation revenue budget is spent through partnerships with other organisations, who provide key services to offenders in the community;
- The Irish Probation Service has a high investment in internal training and development because the graduate social work programmes dedicate only limited attention to criminal justice practice, theory and policy issues;
- The Service has a highly dispersed workforce and has to cover many rural towns and settings — it is important to ensure that the differences between urban and rural probation are understood
- The independence of the judiciary is a respected and protected cornerstone of the Constitution, and salaried judges adjudicate matters at each level of the court structure. Good relationships are key to effective liaison, but the Service experiences variation in sentencing practice (for example, in breach proceedings and outcomes), which are not amenable to policy influences.

The Irish Probation Service has a strong and assured sense of its history, and its commitment to working with clients in constructive ways to reduce offending, support their integration as positive members of society and contribute to community safety. The need was for a simple design framework that would build on existing practice strengths and enable long-term adaptability for the Probation Service to operate in the complex criminal justice setting in Ireland.

### ***The macro level***

Throughout the various listening exercises, Probation Officers expressed the view that some clients present with complex and urgent needs, often relating to mental health issues and homelessness. There was broad agreement among the staff that, in the absence of other accessible services, they have a role in advocating for clients to have their needs met, which is both time consuming and resource demanding. This work may not always yield the desired results and it can distract from the core task of the Probation Officer, which is to work with the client to support and encourage efforts towards desistance, and help reduce the risk of reoffending.

**Figure 2.** *The macro level*



The Probation Service is well placed to represent the interests of offenders, both within the criminal justice system and in broader governmental and interagency arenas, where policies are developed and priorities are decided.

The Probation Service Directorate is well placed to 'hold the ring' for offenders in interdepartmental discussions, with a view to seeking national arrangements with relevant service providers to enable vulnerable clients to have access to basic essential services. When memorandums of understanding are agreed at the macro level, it will give leverage at a local level to ensure practical and fast implementation.

The Probation Officer working face-to-face with the client needs to locate their micro engagement within this macro context, and the OSF proposed the diagram in Figure 2 (facing page) to illustrate the interconnected nature of the engagement.

All Probation work has its origin in the *court*. *Probation* is the state service to work with offenders. The *offender* is subject to requirements of the court. Crime happens in the *community* and needs to 'be put right in the community' for reparation and rehabilitation. The Offender Supervision Framework is placed at the centre of the diagram and relates to the whole.

## The Irish Offender Supervision Framework

The IOSF draws principally from the two dominant paradigms which have informed offender supervision and engagement over the past number of decades, the RNR literature and the Desistance literature. However, it also draws inspiration from other contemporary studies on legitimacy, engagement and psychotherapy.

Key principles from this diverse body of literature were adapted to the realities of the Irish probation culture and context, and translated into different practices and priorities that largely follow the Pre-ASPIRE model: **Prepare, Relate, Engage-ASsess, Plan, Implement the plan, Review and Evaluate** (Sutton 1999, McNeill 2009).

The IOSF recognises the centrality of the relationship between the Probation Officer and the client as a mechanism for effecting positive change, and it emphasises the concept of co-production as a defining feature of the framework. Co-production requires that clients have access to all information (with some legitimate exceptions), are involved in decision making (apart from the non-negotiables) and, most importantly, share the same understanding of the supervision process as the Probation Officer. Probation supervision in this context is an active, participatory process that necessitates mutual understanding and trust, ongoing dialogue and a commitment to working in partnership. In order to emphasise the partnership principle, the IOSF<sup>4</sup> was

<sup>4</sup> A diagrammatical representation of the IOSF is available from the authors.

created as a mirror, describing in parallel what each participant is doing and understanding at each stage of supervision. The conceptualisation of probation supervision that is represented in the framework emphasises that it is a joint journey, undertaken by the Probation Officer and the client together, with reciprocity and mutuality at its core.

At the start of contact, the task of the Probation Officer is to establish a helpful working relationship with the client; the *Engagement* stage. The relationship between the Probation Officer and the client needs to be based on trust, respect, empathy and genuineness, which are the cornerstones of all positive and helpful relationships. Building positive relationships will involve having open and honest conversations about what supervision entails; doing a cost-benefit analysis of being on supervision; outlining what is expected of the client and the Probation Officer; being clear and transparent about court or organisational conditions *and* about what is likely to happen in the event of non-compliance. It is important that the client is given a written document which outlines the nature of the relationship, their rights, expectations and responsibilities, and details of the complaints' procedure and other practical information. While there is a focus on relationship building at the start of contact, it does, of course, require attention for the duration of the contact between the Probation Officer and the client. To assess the quality of the relationship, and to focus attention on maintaining the relationship, Probation Officers are encouraged to use the Session Rating Scale at least once a month (Johnson, Miller and Duncan, 2000).

Having established a working alliance with the client the **AS**essment process can begin. Validated risk assessment tools have been in use in the Irish Probation Service for a number of years, with the Level of Service Inventory — Revised used with generic offenders, and other instruments used with special categories of offenders such as sex offenders, perpetrators of domestic violence and those offenders posing a risk of harm. The IOSF requires Probation Officers to go beyond the mere application of a risk assessment tool; Probation Officers will need to involve the client in the assessment process, making sure they understand what the assessment tools measure and the outcome of the assessment. In addition to identifying problems or challenges to be addressed, it is vital that assessments focus on identifying the client's strengths, which may be intrinsic to the client or located in their familial and/or community networks. While it is accepted that there may not be full alignment between the Probation Officer and the client at this stage of the supervision process, it is very important that there is

shared understanding and some agreement between them about what issues will be the focus of attention in supervision.

Having completed an initial assessment, and agreed the targets for intervention with the client, a Case Management Plan (CMP) is co-produced with the client. The CMP is the main document that guides and monitors the supervision process and the related interventions. It contains court conditions and the results of the risk/needs/strengths assessment, and it also explicitly ascribes responsibilities and timelines. The CMP is a shared document, and is created and owned by both the Probation Officer and the client; it is individualised to meet the needs, address the risks, and articulate the plans and aspirations of the particular client and Probation Officer who co-produce it. It is a dynamic tool which can facilitate reviews of progress, and it can be updated to reflect changing circumstances and priorities. Essentially, the CMP provides a roadmap for supervision.

Probation practice in Ireland is informed by the RNR principles, with resources targeted at medium- and high-risk clients, and every effort made to divert low-risk clients away from the criminal justice system or to minimise their engagement with it. While, depending on the outcome of the assessment, the supervision process takes different routes, the objective is always to *manage change* and support desistance from offending. High-risk clients may be *prioritised* for involvement in interagency initiatives designed to identify prolific offenders and those likely to pose a risk of harm, such as the Joint Agency Response to Crime (JARC) or the Sex Offender Risk Assessment and Management (SORAM) process. Probation Officers also use a number of special programmes, which can be delivered individually or in groups, on a single-agency basis or in collaboration with a community-based project. These programmes are designed to address particular criminogenic needs, such as alcohol and offending or pro-criminal thinking, and they can assist with skills development.

Notwithstanding the availability of JARC and SORAM, most probation contact with clients continues to be provided on a one-to-one basis, with weekly meetings for high- and very high-risk clients, fortnightly meetings for medium-risk and monthly for low-risk clients.

The IOSF describes a clear structure for every session between the Probation Officer and the client, with a logical and unequivocal link to the CMP. The structure will support the Probation Officer to act with intentionality, giving a stronger sense of direction and continuity for both the client and the Probation Officer. It will involve:

1. Check-in;
2. Identification of current issues, and responding to crises, if any;
3. Review of the previous session/homework;
4. Agreeing the objective(s) of the session;
5. Work on the objective(s);
6. Summary of the session and setting homework;
7. Agreeing date for next session.

In order to get maximum benefit from these structured sessions, Probation Officers will have access to a 'toolbox' of interventions, which can be used depending on the individual characteristics and the needs and risks that the client presents with. The toolbox will contain methods and techniques related to:

1. Core correctional skills:
  - a. pro-social modelling,
  - b. motivational interviewing,
  - c. problem solving,
  - d. cognitive restructuring;
2. Crisis interventions;
3. Family interventions;
4. Victim awareness and restorative justice interventions;
5. Special programmes — e.g. Choices and Challenges, Bridge etc.;
6. Advocacy — referrals;
7. Empowerment;
8. Local team resources — tools and referrals;
9. Feedback tools.

The 'toolbox' allows for professional discretion, which is a core principle that is strongly emphasised in the IOSF. The Irish Offender Supervision Framework is based on a simple two-layered architecture: a skeleton that ensures a general consistent approach to offenders for the whole Service, and a more flexible structure that allows POs to individualise the clients' supervision experience.

During the 'manage change' stage, the client is encouraged to develop an alternative crime-free lifestyle, by developing human and social capital and connecting to pro-social opportunities. The Irish Probation Service has longstanding relationships with community-based organisations, which can contribute to the client's progression by providing education and training,

employment, accommodation and drug services, all of which can be relevant for the client's future prospects. Probation Officers are encouraged to use the victim's perspective as much as possible, both for offender rehabilitation and also for bringing more justice to victims.

Depending on the level of risk, each case is *Reviewed* every three or six months. The review involves three parties: the client, the PO and the Senior Probation Officer. This process is conceived of as an occasion to celebrate small steps towards success, and also an opportunity for the Senior Probation Officer to support frontline practitioners.

The *Ending* of supervision is an opportunity to review the whole journey and think about the prospects for a positive future. Successful cases will be appropriately celebrated where the client will present a portfolio of their work alongside their PO (e.g. assessments, recommendation letters from employers, completed exercises) and the Senior Probation Officer will hand over a certificate for positive citizenship. The ceremony will also consolidate identity gains and progress made by clients, with an acknowledgement that even small steps can be significant. Effective attention to 'closure' can help to build links with the community for clients and ensure that post-supervision help is appropriately signposted. The IOSF also encourages practitioners to work with former clients as mentors or 'professional ex'-advisors.

The IOSF pays attention to many other pertinent aspects of probation practice, including the role of Senior Probation Officers, supporting compliance and enforcing breach, measuring efficiency and implementing feedback loops. Unfortunately, there is not space in this paper to elucidate on these aspects of the framework.

## **Concluding reflections**

The IOSF may look and feel familiar to Probation staff who recognise in it aspects of their own practice, and who see that it delivers on a key objective — it builds on established good practice within the Service. Despite its accessibility and simplicity, and its apparent recognisability, the IOSF does not represent 'business as usual'. The IOSF introduces robust feedback and evaluation mechanisms, which will enable Probation Officers to get feedback regarding the impact of their work, and will provide an opportunity for them to adjust their practice, if deemed necessary. The IOSF also calls on the leadership of the organisation to establish strategic alliances within, and external to, the criminal justice system, to have the needs of homeless clients

and those with mental health difficulties responded to appropriately. The IOSF foregrounds the need to work collaboratively with clients, co-producing assessments and case management plans, and sharing responsibility for the supervision process. The framework also identifies the need for Probation Officers to plan and structure individual sessions with clients, using a variety of skills and knowledge from a practice 'toolbox'.

The design of the IOSF was, ostensibly, the easy part. Left to its own devices, research indicates that it takes an average of 17 years for practice informed by the best available evidence to become routine (Balas and Boran, 2000). To quote Lipsey and his colleagues (2010, p. 2), the challenge is not 'a lack of knowledge of what works, but rather is in translating the robust body of knowledge into practice'. 'The challenge of technological transfer' was also reiterated by Bourgon and colleagues (2010, p. 92) when describing the implementation of STICS model in Canada. In the past number of decades, a body of knowledge about facilitative approaches and methods, known as Implementation Science, has been developed to promote the systematic uptake of research findings into routine practice (Nilsen, 2015). Fixsen and his colleagues (2005), reminding us that evidence-based practice is not self-executing, describe implementation as a complex process, requiring systematic changes in practitioner behaviour and organisational processes. There is no doubt that the IOSF requires change at all levels in the organisation if it is to be implemented effectively and if it is to yield the positive outcomes that are anticipated and intended for clients and the community.

Ensuring that the framework is implemented consistently across the Service is the next stage of the journey on which the Irish Probation Service has now embarked. From the outset, and as part of the initial scoping exercise, the Service agreed that implementation was in itself a distinct project; it intends drawing on the learning from implementation science to promote and support readiness for change, to meet the inevitable challenges and to build further on the collaboration that underpinned the design phase of the framework.

Implementation of the IOSF is progressing in perhaps the most challenging environment in the lifetime of the Probation Service, in the middle of a pandemic with the related social, structural and fiscal pressures. However, based on the energy, commitment, knowledge and excitement that was present throughout the design phase, there are certainly grounds for optimism.

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## Tackling Substance Misuse from a Problem-Solving Justice Approach

Dr Geraldine O'Hare and Peter Luney\*

**Summary:** Drug and alcohol misuse is a growing problem within Northern Ireland. NI figures show a 13% increase in the number of visits to needle and syringe exchange schemes, a doubling of drug-related deaths among males over the last 10 years, and estimates of substance dependency directly linked to offending in 76% of cases within the Probation Board for Northern Ireland (PBNI) (NISRA, 2019). It can be argued, therefore, that substance misuse in NI is now a health emergency and is also an ever-increasing challenge for the administration of criminal justice in this jurisdiction. Organisations within the criminal justice system have been involved in a number of projects to tackle substance misuse, including the Substance Misuse Court (SMC) initiative. This initiative has its origins in 'problem-solving justice', which is an approach that seeks to tackle the root causes of offending behaviour (O'Hare, 2018). The Northern Ireland Courts and Tribunals Service (NICTS) has responsibility for developing this programme with delivery and intervention by the Probation Board for Northern Ireland (PBNI) in partnership with Addiction NI (ADNI). This problem-solving court was established at Belfast Magistrates' Court in April 2018, and takes an alternative approach to dealing with offenders when substance dependency is a predominant factor in their offending behaviour. The court directs eligible offenders to engage with an intensive treatment programme, to help tackle their addiction and change their behaviour. While the SMC is still in its infancy and evolving, early results are encouraging, with a sustained participant engagement in supervision and treatment rate of 87.5% recorded. This paper sets out the findings of an evaluation of the SMC conducted in 2019, and looks at the next steps in the development of this innovative project.

**Keywords:** Substance Misuse Court (SMC), Problem Solving Justice (PSJ), addictions, problem-solving, evaluation.

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## Background to the Substance Misuse Court

The SMC programme was one of the pilot projects established under the Department of Justice (DoJ) Problem-Solving Justice (PSJ) initiative,<sup>1</sup> aimed at tackling the root causes of offending and reducing harmful behaviour within families and the community. The aim of this programme was specifically to target individuals whose offending behaviour was driven by drug and/or alcohol misuse, and to provide them with support to help turn their lives around.

The SMC pilot was initially open to fifty clients who met the following criteria:

- Minimum age of 18;
- Convicted of an offence linked to substance misuse;
- Willingness to participate fully on the programme, cooperate with supervision, desist from offending, avail of appropriate treatment interventions and consent to the sharing of personal information between participating agencies/bodies;
- No coexisting serious mental illness, which would impact on their ability to participate in the programme.

The first phase of the pilot took place at Belfast Magistrates' Court and ran from April 2018 to June 2019. Prior to sentencing, prospective clients were diverted from the Magistrates' Court to the SMC for programme suitability screening and assessment. This was conducted by the PBNI/ADNI SMC team and considered attendance, engagement, motivation, client goals, psychological assessment (if required), and an alcohol/drug audit.

Suitable clients were expected to spend six to nine months on the programme, which included regular substance testing, therapeutic intervention, psychological therapies, access to social support and regular court attendance in front of the sole appointed SMC judge, which ensured consistency. Individuals remained under the supervision of the SMC team throughout, and if progress was deemed unsatisfactory, the individual was referred back to the judge for review. These reviews included the option for removal from the programme and also for passing sentence.

Participants who successfully completed the SMC programme were referred back to the judge who determined the final sentencing outcome, taking into account their successful participation in and completion of the

<sup>1</sup> For further information on problem-solving justice, see <https://www.nidirect.gov.uk/campaigns/problem-solving-justice>

programme, and, indeed, the positive progress and outcomes achieved. Sentencing was at the sole discretion of the judge and included the option of 'conditional discharge'. It should be noted that successful participants had routinely completed the SMC programme within six to nine months; therefore, their disposal was shorter than the minimum one-year probation order they would have received if they had been sentenced, rather than routed through the SMC.

Furthermore, it is relevant to note that very few clients were removed from the programme for reoffending, and occasionally a client who was facing custody — for a breach of a suspended sentence, for example — had their sentence postponed whilst participating on the SMC.

## **The evaluation**

This paper presents key findings from the evaluation conducted in 2019. The evaluation used a variety of qualitative and quantitative research methods and included analysis of data collated from key stakeholders, i.e. PBNI, ADNI and NICTS. Statisticians from the Department of Justice's Analytical Services Group (ASG), who are based within NICTS, carried out the evaluation. The findings from this evaluation will contribute towards the delivery of the second phase of the SMC pilot.

There are two parts to the evaluation: (1) the individual's experience, and (2) the programme delivery.

### ***(1) Individual's experience***

The first section of the evaluation provides an overview of clients accepted onto the SMC and looks at their engagement and outcome. Findings are derived from analysis of administrative data and client questionnaires collated over the duration of their time on the programme.

#### *Demand for the service/Profile*

It is difficult to ascertain the exact number of people who wished to avail of the service. This is due to the total cohort being diverted to the SMC via the Magistrates' Court where the judge offered some individuals the chance to participate, or was petitioned by the offender or their solicitor regarding access to the SMC. The judge then decided independently who to decline or allow to proceed to the screening phase.

However, from considered aspirants, from April 2018, 110 offenders were referred to the SMC in Belfast Magistrates' Court. Fifty of these individuals were deemed suitable and selected to take part in the pilot.

Unsuccessful candidates declined (or were declined) for a variety of reasons. Exclusion criteria included:

- Once they understood the extent of the programme, they were not willing to participate;
- Location problems: they were sentenced locally, but resided in another geographical area, so it was unreasonable to ask or expect attendance;
- They would not consent to regular mandatory drug testing;
- They had axis 2 mental health disorders or high emotional instability at the time of processing;
- They were already accessing similar supportive services (addictions/ drug outreach/MH etc);
- They were simultaneously on another PBNI Order (another order had just commenced);
- They were suicidal;
- They were sex offenders, DV, or had a history of violence;
- They were known to be drug dealing;
- They had DNAd a number of assessment appointments

Of the successful candidates, 88% of clients were male. Age ranged from 18 to 45 (median of 30 on entry). Twenty-nine participants had issues of drug misuse, 8 of alcohol misuse only, and 11 were misusing both drugs and alcohol. The majority (94%) were at medium to high risk of reoffending on entry. Prior offending incorporated drugs (30%), theft (25%), motoring (12%) and 'others' (11%).

#### *Substances misused/primary presenting issue*

**Table 1.**

Heroin	26%
Cocaine	18%
Benzodiazepines	16%
Alcohol	26%
Cannabis	14%

**Note:** Polysubstance use was an issue for many users.

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### *Engagement*

Engagement time on the programme varied, with a range from 3 to 59 weeks (the average was 31 weeks). Other SMC programme averages included: counselling sessions = 37; substance use tests = 11; court hearings = 18.

The number of counselling sessions offered was 1,856, and 82% attended, while 515 substance-use tests were offered, which also yielded an 82% attendance record.

### *Programme completion*

Outcome figures at the end of phase 1 (June 2019) showed:

- 13 participants completed the programme and were abstinent;
- 6 participants had completed the programme and, although not fully abstinent, had evidenced significant reduction and/or had left the jurisdiction for employment);
- 11 participants were removed due to various changes in personal circumstances (e.g. loss of bail address, ill health and death);
- 11 other clients were removed due to non-cooperative behaviour, including reoffending and relapsing;

The remaining 9 participants were engaging but had not yet completed the programme and were carried forward into phase 2 to complete their treatment.

### *Likelihood of reoffending*

Clients were assessed on entry and exit to the SMC, using ACE (Assessment, Case Management and Evaluation — a structured risk assessment tool), which incorporates a number of social, personal and offending domains, to determine likelihood of reoffending within a two-year period. Twenty-six clients who had completed, or were nearing completion of, the programme answered both entry and exit ACE questionnaires.

ACE evaluation showed that 21 out of 26 participants displayed a reduction in overall substance misuse. Average group scores evidenced drug misuse declining from a medium–large problem (2.27) on entry to a small–medium problem (1.31) on completion, and alcohol misuse declining from a small–medium problem (1.31) on entry, to a negligible problem (0.46) on exit. These results therefore evidence statistically significant decreases for both

drug and alcohol misuse. Other measures such as self-reports and weekly drug testing throughout time on SMC monitored abstinence, reduction in use and reduction in polysubstance misuse. These support the findings derived from ACE assessments.

In regard to reoffending, 23 out of 26 clients displayed a reduction in risk of reoffending on exit of SMC, with three clients showing an increase in risk. Overall mean scores for reoffending reduced from 26.04 on entry to 17.85 on exit, which, in accordance with ACE, reduces likelihood of offending from the high end of medium, to the low end of medium risk over the time spent on the programme. This represents a statistically significant decrease in risk of reoffending.

By the end of phase 1, the number of high-risk individuals decreased from 8 to 5, and the number of medium-risk individuals decreased from 15 to 7. Subsequently, the number of low-risk individuals increased from 3 to 14. This indicates that the SMC programme was most effective in reducing the risk of reoffending amongst clients classified as medium–low risk on entry.

#### *Self-efficacy, locus of control, wellbeing*

Twenty clients who had completed or were nearing completion of the SMC provided responses in relation to global metrics on entry and exit to the programme.

**Table 2.**

	<i>Average entry scores</i>	<i>Average exit scores</i>
Self-efficacy	16.1	19.2 (out of 25)
Locus of control	16.1	17.7 (out of 25)
Wellbeing	4.3	7.3 (out of 10)

Findings indicate that the SMC had a significantly positive impact in terms of (i) increasing clients' self-belief/confidence in their ability to complete tasks and achieve goals (self-efficacy), (ii) increasing the extent to which they felt they had control over their lives (locus of control), and (iii) increasing the level of satisfaction with their lives overall (well-being).

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### *Client support*

Client feedback highlighted SMC staff support as essential to their recovery, as it aided motivation, encouraged openness and honesty, and helped reduce their substance intake.

They found one-to-one counselling sessions beneficial and were particularly appreciative of the 'on-the-ground' support and level of outreach from PBNI, stating that it encouraged engagement and commitment to the programme.

The following are some comments from clients:

I struggled with the commitment; support and phone calls from staff to check on me [was the most helpful element of the SMC].

PBNI helped me get accommodation in a hostel [and] brought me food when I was hungry and hadn't eaten in three days.

I've gotten better, mental health is better and the kids have a father who is off drugs.

Other positives highlighted by clients included: staff encouraging attendance, providing reassurance; provision of self-help materials; help with housing; help setting up appointments; substance testing for motivating them to reduce; signposting to other services, NIACRO and Women's Aid. Clients also stated that they appreciated the encouragement and support given by the judiciary and valued being able to speak directly to the judge.

Feedback in relation to difficulties experienced on the programme included:

- Excessive number of appointments; court and/or any additional appointments (e.g. mental/physical health);
- Travelling to appointments;
- Being surrounded by other substance users;
- Those outside the SMC remit not understanding their circumstances.

It is evident that for some individuals, attendance at the SMC was problematic. Difficulties arose for a variety of reasons and are highlighted below.

Several clients were sentenced in Belfast court but resided outside the court area, so travel cost, duration time, and early-morning court appearances were prohibitive. Antipathy was manifest in some other individuals regarding

having to engage routinely with court, PBNI, ADNI counselling, alongside less frequent GP, mental health, and accommodation appointments. However, in these instances, staff did their best to prevent overload and took ethical and timely decisions in the best interest of clients at all times. A number of other individuals just did not appreciate frequent and sometimes weekly court visits.

It is undeniable that some of the factors outlined did have an impact on various clients as regards their motivation, attendance, compliance and drop-out from the programme, and these factors will be taken on board in the next phase of the SMC. Subsequently, in recognition of the importance of credible feedback, the second phase of SMC has incorporated a service users' group. This is being administered by an external agency rather than the SMC team, to encourage honest reflections and aid validity.

Despite misgivings or reservations, it was encouraging that 27 out of 28 clients reported that they would recommend the SMC to someone who was in a similar position to themselves.

## **(2) Programme delivery**

The second element of the evaluation provided detailed insight into the SMC, based on the views of the programme's staff and key stakeholders involved in the operational administration (i.e. NICTS, PBNI, ADNI). This focused on the implementation of the programme, how it worked and was delivered, lessons learned and ideas for the SMC in the future.

### *The Problem-Solving Justice approach*

All key stakeholders advocated the use of the Problem-Solving Justice (PSJ) approach, with the consensus that it was a welcome transformation in justice delivery. Stakeholder comments included:

We're fully supportive of the approach which looks at providing a holistic way of dealing with some of the issues that many people in the criminal justice system may experience.

There are certain continuous themes that run through [the courts] that account for, really nearly, the majority of offending ... it is clear the current suite of disposals that we have don't really get to the root of the problem.

Substance misuse has undoubtedly been the one that has most easily fitted into the problem-solving justice (PSJ) model at this stage and I think

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we will learn quite a lot from the SMC which can ultimately be applied for other models.

I have been impressed by the defendants in the level of respect and engagement they have given at review hearings ... they are turning up on time, they are genuinely wanting to please, not always succeeding, but you can see they are engaging ... they want to improve, they want to meet the expectations of the court and if they don't ... they are apologetic and are quite prepared to hold themselves accountable for what has happened.

### *Service provision prior to the Substance Misuse Court*

Operational staff noted that, prior to the introduction of the SMC, a significant number of habitual offenders were encountering their services due to issues with substance misuse, and that support typically came from public health services with lengthy waiting lists. PBNi noted that its involvement in this process was typically part of a wider probation order, with staff having limited knowledge of issues relating to substance misuse. They viewed the traditional approach processes as strict, contractual and limited by funding, in contrast to SMC. ADNI noted that its services often struggled to engage with this cohort due to their complex needs and chaotic lifestyles, so the introduction of the SMC was seen as a way of potentially 'bridging the gap'.

One stakeholder noted:

When you look at traditional processes, jails are filled with people with mental health problems and drug addiction issues and, if we don't try and downstream that a little and try and provide a different approach, then all we are going to end up with is full prisons and people not being given alternatives.

### *Changes in justice delivery*

Respondents felt that the programme provided a better 'wraparound' service, which was much more accessible to clients, with a quicker speed of access to treatment. Clients were also able to access services such as psychology, which were not available through traditional processes, and therefore the SMC approach better addressed the various social challenges that contributed to offending.

Operational staff felt that the programme enabled more collaborative justice, but highlighted that there was a shorter timeframe in which to deliver

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outcomes, in comparison to the traditional approach. From a staff perspective, specific changes in relation to justice delivery included:

- Continuity, consistency and a bespoke continuum of care;
- A more selective approach in terms of clients accepted onto the programme;
- Ownership of the whole process rather than a small part of it;
- The opportunity to work directly with the judiciary;
- A more 'flexible' approach, affording clients the opportunity to become accountable for their actions;
- Regard for client lifestyle and consideration for medical intervention and/or the need for access to additional services;
- Interventions in a more timely and efficient manner.

#### *Implementation of the Substance Misuse Court*

Staff were generally satisfied with the referral process, but they had not anticipated the volume of heroin users accepted onto the programme and remarked that these individuals could be particularly difficult to deal with. It was asserted, however, that the programme was working with the correct clientele, with suggestions that working with lower-level users would be tantamount to 'overtreating'. It was also highlighted that, for some referrals, the dominant issues were in relation to the participants' mental health, and it would be beneficial if this were addressed prior to engaging with an addiction programme. Staff agreed, however, that this could be difficult to identify at the assessment stage. In terms of future referrals, it was agreed that the level of complexity of the cases accepted onto the programme needed to match the resources available to the SMC.

Although we set the original criteria, we now have a different core coming through and we have had the flexibility within the programme to adapt and change.

It is clear from the first phase that you have a lot more heroin going on in Belfast and more serious users. I didn't really expect that we would be taking such serious drug users into the court, which has been a big challenge for the team.

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### *Initial challenges*

Staff-related challenges included the following:

- The Department of Justice agencies highlighted that the biggest initial challenge was in trying to source a partner to deliver addiction services to the SMC. Statutory services were considered a 'natural partner' in developing the initiative, but they were not in a position at the time to become involved in the pilot. This resulted in a search for a service provider from the voluntary sector. Staff considered that this presented a significant challenge prior to commencement of the pilot but agreed that the partnership between PBNI, NICTS and ADNI ultimately succeeded.
- PBNI staff reported limited experience in dealing directly with substance misuse and felt that more specialist training would have been beneficial for their role and should have preceded the pilot. Although there was some 'learning on the job', a knowledge/skill deficit could be improved on.
- Some staff advocated that co-location between the agencies would have helped teams to 'gel' from the start of the process, and could have been more beneficial in terms of managing cases. ADNI staff, however, felt that, whilst this idea had merit, it was important for them to maintain impartiality and be seen by clients as independent of the justice process.

There were also a number of client-related challenges:

- The general consensus was that most clients coming onto the programme had bought into the idea of dealing with their addiction problems, although staff recognised that a small number had been advised (e.g. by legal representatives) to join the programme before they were completely ready.
- The profile of drug users was unexpected. SMC staff envisaged working towards abstinence with a cohort of cannabis and alcohol users who were medium risk. However, reflective of Belfast's emerging drug trend relating to offending, heroin, cocaine and non-prescribed medication were prominent. In-situ changes in the SMC had to be made to reflect the court referrals and necessitated a move from an abstinence to a harm-reduction approach. It also resulted in low-threshold work being required for high-risk complex drug users.

- Operational staff noted that, aside from addictions, they initially faced many barriers with clients, due to such factors as homelessness, no next-of-kin, and limited appropriate social support beyond the programme. PBNi noted that major outreach work was required to encourage clients to engage with the SMC, but believed that this was a necessity for clients whose lifestyle was typically chaotic. Furthermore, it became apparent that the needs of clients were not static and evolved from their initial 'ideals' as priorities changed throughout their journey on the programme
- ADNI highlighted that specific drug types often require medical intervention prior to the commencement of any other type of treatment and this initial intervention is something that cannot currently be provided through the SMC. They also reported that clients require de-escalation and a level of stabilisation before treatment for substance misuse can begin, and found that it was initially difficult to stabilise some complex clients, with limited timescales and staff resources.
- In the initial stages, staff also found it challenging to find the balance between holding clients to account and providing the appropriate level of encouragement and reassurance required. Staff highlighted that it was important to work out the best way to approach each client and, in that respect, a bespoke package of care was provided.

Whilst these challenges existed in the initial stages of the SMC, staff noted that many problems were addressed and ironed out through continuous feedback over the duration of the pilot, and in the last six months in particular; therefore, they were confident in progressing towards phase 2 of the pilot.

### *Delivering the Substance Misuse Court*

Once teams unified to form one SMC team, staff felt that processes worked very well. It was felt that the overall format of the programme helped in building better relationships with clients. The majority of staff were satisfied or extremely satisfied with most elements of the programme, but they were also candid and highlighted areas where improvement was desired to increase the efficacy of the SMC.

This was an important contribution by staff, as the SMC programme, a previously untried initiative in this jurisdiction, evolves from its infancy into a second more proficient phase.

**Table 3.**

<i>Element of programme</i>	<i>Staff members satisfied or extremely satisfied</i>
Content of programme	10
Running of programme	8
Timeliness of programme	7
Programme structure	5

Number of staff surveyed = 13

The benefits of having one sole assigned judge was highlighted as ensuring consistency and relationship. It was felt that motivation was higher within the SMC compared with traditional criminal justice approaches, and staff believed that it being allowed to have more of a presence (e.g. within court) resulted in less animosity from clients who appreciated the supportive/empathetic environment offered. Staff felt that this, alongside linking with other agencies to help in improving clients' personal circumstances, was a more useful approach in attempting to address substance misuse.

### *Supervision and treatment*

Supervision and treatment provided through the programme were seen as extremely positive and of great benefit to clients. The main challenge reported was in trying to change client behaviour within the given timeframe. Staff reported that the majority of clients had a low locus of control, and were not used to having any level of responsibility; therefore, attempting to change embedded behaviours over the time spent on the SMC was 'a massive job'.

PBNI stressed that the programme was limited in terms of mental health provision and reiterated the difficulties due to the absence of the statutory health service involvement in the programme. PBNI also noted that the need for psychology services was higher than anticipated, resulting in time pressures when factored in alongside other responsibilities.

It was recommended that fluid care plans for clients and more effective case management were required and would aid contingency if staff changes occurred in future. Care plans could also be used by the judiciary as an alternative to court reports, and their use would ease the administrative

burden on staff. The distinction in working arrangements between PBNI and ADNI was raised, with PBNI staff working full-time in contrast to ADNI's part-time hours. Part-time working could leave clients frustrated if they were unable to reach Addiction NI staff.

These issues need to be addressed as the SMC evolves.

Moving forward, staff noted two key areas requiring clarity:

- *Attendance*: Staff agreed that rules around non-attendance were not clear; however, this was a contentious issue, with some advocating negative consequences, whilst others preferred an approach where the judge was the final arbiter.
- *Measuring success*: Measurement of success was not deemed a straightforward issue or solely about abstinence. Some chronic clients required substitute prescribing instead of therapy, and in other instances, the success of the programme was in keeping clients alive.

#### *Validity/reliability of screening questionnaires*

Data were collected by weekly substance testing, ACE, LDQ and global metrics. LDQ and alcohol audits were initially captured by the Probation Officer; however, when PBNI became aware that ADNI was also collecting this data, Probation staff refrained from collecting to avoid duplication. These measures were used by ADNI to chart progress within counselling and were not formally used in the outcome analysis data. It is proposed that in future, these measures should be taken on entry and exit by PBNI staff and used in conjunction with ACE measurement in analysis.

ACE was considered a comprehensive risk assessment tool, but its holistic design limited its effectiveness regarding the nature of substance misuse. A more specific validated measure for determining drug/alcohol use would therefore be beneficial in the future, and these are currently being considered.

#### *Substance testing*

Some staff asserted that substance testing was beneficial and necessary in implementing the programme, and believed that it was important to maintain a focus on substance intake, as well as social problems. Others suggested that abstinence is not immediately achievable with all clients, and may be a long-term goal; therefore, progress should not be measured exclusively by weekly substance tests. Moreover, current SMC substance tests show

presence but not level of the substances used, and therefore do not indicate reduction, which would be useful.

It was agreed that, whilst substance tests are an incentive for some clients, weekly testing is not beneficial or cost-effective for all, as some readily admit to using prior to testing, whilst others refrain from using for a limited time prior to the routine testing.

It was recognised that an unintended benefit of drug testing was the evidence of relapse, and the information available to identify triggers and patterns of behaviour specific to the client, which require management or intervention.

### *The court process*

Feedback around the court process for the SMC was extremely positive. It was evident that the biggest difference between the traditional court process and the SMC court was that it gave clients a voice and an opportunity to 'share their story'. This approach highlighted the level of vulnerability amongst clients, but it was felt that 'shining the spotlight' on these individuals also facilitated accountable justice and forced clients to take responsibility for their actions.

It was noted that the SMC court process felt collaborative, with everyone working together towards the same goal. Staff detected less animosity towards the justice system in the SMC, and believed that the SMC process empowered clients with greater motivation to change their behaviour.

Despite clients' regular mandatory attendance at SMC court, staff reported a non-intimidating atmosphere in comparison to other courts. They suggested that although repetitive court visits might be monotonous to some clients, especially those required to attend weekly, the rigidity of the court process was useful in providing structure for clients.

Staff considered pre-court conferences essential, as they provided a full spectrum of perspectives regarding the client prior to summary in court. ADNI reiterated a desire to be seen to 'maintain impartiality and independence from the justice system to protect their integrity', so would have preferred pre-court conferences at a time/place where clients were not within the same location.

### *The changing client behaviour*

All staff agreed that there were visible changes in clients throughout their time on the programme and noted that, in some instances, the programme

had been a life-changing process. Despite the fact that not all clients had achieved abstinence, staff conveyed that positive changes were still evident, such as lower-risk substance use and/or a significant reduction in the number of substances taken. Alongside this, in line with quantitative findings, staff noted a number of additional benefits of the programme, including a reduction in offending behaviour, the development of meaningful relationships, improvements in mental health, access to additional services, and moves towards employment.

ADNI emphasised that it is difficult to provide evidence of all the benefits of the SMC, as many subtle benefits are not necessarily quantifiable and can only be appreciated in the long term.

Staff agreed that whilst participating on the programme, client offending behaviour reduced, and they were optimistic regarding long-term impact. However, they suggested that consideration should be given to a latent measure of reoffending post SMC involvement, to ascertain stable behavioural change in clients.

#### *Future of the Substance Misuse Court: Lessons learnt*

There were a number of positive lessons from phase 1 of the SMC:

- From the outset, the team adopted a collaborative approach to utilise a broad range of skills and experience. The original steering group comprised representatives from NICTS, DoJ, DoH, PPS, PSNI, victims groups, PBNI and others. The broad spectrum of views was regarded as a significant asset in developing the SMC model and operating procedures.
- The SMC utilises a flexible approach and encompasses a lot of outreach to engage with clients and encourage them to engage with the programme. Although this was time-consuming, staff adjudged it to have resulted in better relationships with clients compared with traditional processes. They also documented that it is important to continue to maintain a level of flexibility in administering the programme, to prevent clients from 'falling through the gaps'.
- In recognition of the distinctive characteristic process of PSJ, where the defendant engages directly with the judge, family members and legal representatives were permitted to be present in court but took no part in the proceedings. It was acknowledged by all parties that the less formal nature of the SMC was one of the key elements of its success,

and the relationship between the judge and the defendants enabled clients to engage with the court in a less adversarial environment.

- Despite the complexity of clients differing significantly from what was initially expected, ultimately admission to the programme is a matter for the judge and may not fully correspond with any pre-defined target defendant criteria. SMC staff have been open and adaptable to this, providing evolving care in line with a changeable cohort. Staff will take this flexibility forward into the next phase of the SMC pilot.
- In terms of the bigger picture, the focus must be upon a long-term reduction in substance misuse and reoffending, but other benefits have accrued, such as improved links between clients and other agencies outside the SMC. Staff noted that modelling positive engagement with other services, to clients with previously negative experiences, appears to have been beneficial in increasing the willingness of clients to engage with these services moving forward.
- The programme works most effectively when there is good communication amongst all parties, a clear understanding of the roles of individuals, effective care planning, and provision of collaborative care.

There were also lessons to be learned from and built upon beyond the first phase of the pilot: as we graduate into the second phase.

- Some staff felt that expectations of all clients becoming 'clean' or telling clients 'Don't take drugs' may, in some cases, be too idealistic. It does not acknowledge either the difficulty of addressing serious addictions, or the success of substance reduction on offending behaviour and in improvement of social circumstances.
- Staff debated whether the focus and purpose of the programme are to achieve abstinence or to reduce the harm to individuals and/or society. They suggested that these are two different things, which require to be measured accordingly and felt that this definition is important in order to set appropriate goals for clients on entry to the programme. Staff also queried what a 'successful intervention' looked like, or whether uniformity in this regard was possible, due to the variety of differences between clients.
- It was reported that 'time and resources' were not utilised as effectively as possible, because of issues around client motivation and non-attendance. To address this in the future, the initial assessment period

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has been extended to four weeks to ensure that only the most motivated clients are accepted onto the programme.

- An appropriate funding stream is required to ensure that the SMC administrators and delivery partners can plan on a long-term basis.
- Several clients who presented to the SMC had serious mental health problems, which would have required treatment prior to addressing issues around substance misuse. A key lesson learnt was that a separate programme is required to run parallel with the SMC, which would accommodate defendants of this nature. This is in line with the American justice model and, alongside other PSJ initiatives, highlights the potential for a range of treatment courts in Northern Ireland.

### *Sustainability*

The core processes of the SMC were adjudged to be working very well and staff believed that there was a necessity for a permanent SMC programme. It was noted, however, that to future proof the programme there is a need for comprehensive care plans to be constituted and put in place. Despite seeing longevity in the programme and opportunities for moving forward, staff highlighted that rolling out the programme further would not be sustainable without increased financial and staffing resources.

In order to ensure that the time and resources currently available were effectively utilised going into phase 2, the initial assessment period for referrals has been extended to four weeks prior to acceptance on the programme. A 'rolling system' has been put in place (i.e. those who are not committed can be replaced by someone who is willing to engage with the programme). It is anticipated that this more rigorous assessment period will ensure that the most committed and motivated clients will be prioritised, accepted and offered treatment. The second phase is now underway.

In terms of sustainability, respondents noted the following:

If you look at the records of the 50 [clients] that we have put through and counted up how many offences they had been committing ... and they haven't been offending ... how much is that saving ... you are not sending them to prison, the other social commitments that they are making, the fact that they are reconnecting with families ... I think taking that, as a whole, it actually does become very good value for money.

It is undoubtedly [sustainable] ... I have no doubt you could take more than 50 [clients] and you could probably run [the court] maybe two days a week, but I understand you need to scale up the support on top of that ... the same team couldn't carry any greater workload.

I think it is value for money ... I think it is probably one of the problem-solving areas that is scalable and could move into a jurisdiction.

## **Conclusions**

It is accepted from the outset that this evaluation was of limited duration and based upon a small sample of individuals with varying and multiple problem factors. Therefore, qualitative input from staff and clients was invaluable to complement quantitative data. It is evident, however, that the SMC approach works with encouraging outcomes regarding abstinence and reduction of substance/alcohol misuse, and reduction in offending behaviour. It is enlightening that the SMC programme was most effective in reducing the risk of reoffending amongst clients who were classified as medium-risk on entry, in comparison to those classified as high-risk, and this may be something to be considered in future, but perhaps requires deeper analysis over a longer time duration.

Many other positives from the SMC approach were confirmed, such as good client attendance with PBNI, counselling and testing appointments, plus significant improvement in clients' self-efficacy, locus of control, and wellbeing measures.

Difficulties were not ignored, with staff highlighting the higher number of heroin users than had been envisaged, the number of clients who were dual diagnosis, difficulties with the referral process, weekly testing, non-attendance and definition of 'successful intervention'. Whilst the latter issues can be remedied in the next phase, mental health is viewed as a huge factor, and staff supported the need for a specific mental health court at a future date.

Latterly, PBNI staff suggested that before the pilot is over, and prior to the SMC being validated for use, all options should be considered. This included advising that the entire programme would run more cohesively and efficiently if delivered by a single organisation (PBNI). Alternatively, it was proposed that further efforts should be made to encourage a collaboration between PBNI and Trust services, which would help deliver a coordinated approach to addiction and health. If this partnership is not feasible, a pathway

of access that enables SMC referral directly to Trust mental health teams should be explored.

SMC staff recognised the limitations of the current structure and process of SMC, whereby offending is highlighted, addiction factors tackled, but causal factors, i.e. root causes of addiction, are not always identified, formulated or addressed. Staff recognise therefore that there is room for improvement within their own practice, and suggested that a comprehensive treatment plan from the outset would benefit this. They also promote the necessity of establishing collaborative links with partner agencies such as Community Addictions Team, Substitute Prescribing Team and Extern. Moreover, they assert that further specialist addiction training is required to enable them to enhance their own professionalism and provide an improved SMC service.

The key principles of problem-solving courts, which are widely researched and evidenced across drug courts in the US, from where this model was adopted, are clearly evident in this project. The essence of problem-solving justice courts is their proficiency in adapting to individual need and that of local communities. This research highlights that the SMC service's individualised approach to justice, with an emphasis on outcomes, has made it one of the most successful legal innovations in recent years.

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# ‘Why Would You Choose to Study Sex Offenders?’: Assisted Desistance and Reintegration of Perpetrators of Sexual Harm

Clare Cresswell\*

**Summary:** This paper presents an overview of a study which evaluated how well three community-based programmes run by PACE (Prisoners Aid through Community Effort) in the Republic of Ireland (henceforth called Ireland) are assisting convicted perpetrators of sexual harm with desistance and reintegration following custody. The study breaks new ground in highlighting the successes and challenges of assisted desistance across the programmes, as perceived by this offender group and a broad range of stakeholders, including probation officers, gardaí, programme facilitators, policymakers and community volunteers. The results presented in this paper focus on the social aspect of assisting desistance and show that the programmes are working effectively in this area, despite particular external barriers and challenges experienced by this offender group.

**Keywords:** Perpetrators of sexual harm, assisted desistance, reintegration, community-based programmes, community volunteers.

## Introduction

‘Why would you choose to study sex offenders?’ was a question I was asked early on in this research. There are good reasons to do so. Firstly, to prevent further victims of sexual crime we need to understand better how perpetrators of sexual harm can be helped to desist, that is, to avoid reoffending. As yet, there is no agreement on how exactly desistance should be defined and measured (Bersani and Eggleston Doherty, 2018). While the concept itself is generally understood as a process of ceasing or slowing down criminal behaviour (cf. Bottoms *et al.*, 2004; Farrington *et al.*, 2006), how this process should be measured remains contested. Secondly, although there is a growing body of research into desistance from crime generally,

\* Dr Clare Cresswell’s doctoral research was funded by the Irish Research Council Employment Based Programme and PACE (email: clare.cresswell@ucdconnect.ie).

how perpetrators of sexual harm desist is underresearched, especially in Ireland. Thirdly, there is even less research relating to the 'assisted desistance' of this offender group, that is, the ways in which they can be helped to avoid reoffending.

This lack of empirical research represents an important gap in knowledge, since this offender group faces particular legal, political and social barriers to reintegration, e.g. notification schemes, post-release supervision and public alienation. Additionally, in common with other offender types, they may experience issues relating to addiction, mental illness and social disadvantage. This study helps to fill the gap by evaluating the effectiveness of three different, if coordinated, types of community-based programme which aim to help this group to desist and reintegrate into communities.

The paper starts by providing a background to the research, then defines the concept of 'assisted desistance' and explains the chosen overarching framework which was used to explore the findings. The chosen methodology, comprising three research strands and use of mixed methods, is then discussed. Finally, the themes found relating to social rehabilitation are presented. The article ends with a discussion and overall conclusions drawn from this aspect of the research.

## **Background**

Research in Ireland matches international research in finding that the rate of reoffending for sex offenders is low in comparison to other types of criminal offences. However, on any given day, there are 450 people in custody convicted of sexual offences (Irish Prison Service, 2019), and at time of writing, 170 sex offenders were under probation supervision in the community following release from custody (Probation Service, 2020). The field of sexual offence prevention and rehabilitation is challenging, and there is a paucity of empirical research into desistance from sexual offending, with even less in the area of 'assisted desistance', i.e. how interventions help individuals to avoid reoffending. Difficulty in accessing this offender group, as well as managing highly sensitive data from a vulnerable population (Farmer *et al.*, 2015), can present particular difficulties for researchers. Furthermore, issues of confidentiality arise in small jurisdictions such as Ireland, where more people know each other and there is a crossover of programme stakeholders involved with different rehabilitation interventions. Broader challenges in this field include strong public emotion towards sexual crime, pressure on

politicians and policymakers to respond, and often inadequate or conflicting evidence for effective interventions (Schmidt and Mann, 2018).

General desistance principles propose that rehabilitative approaches to offending must consider not only thought processes and risk, but also the broader issue of reintegration, which needs to involve the community (McAlinden, 2011, 2016). At government policy level in Ireland, criminal justice agencies recognise that public abhorrence drives perpetrators of sexual harm underground (Gallagher, 2020) and that rehabilitative approaches to sexual offending which consider only thought processes and risk, and not wider issues relating to reintegration, do not adequately help offenders or communities and are less likely to prevent further victims (cf. Mews *et al.*, 2017). On the contrary, alienating this population may well increase the risk of reoffending when perpetrators of sexual harm leave prison and return to communities who despise and reject them (Willis *et al.*, 2010; Brown *et al.*, 2007). Responding to the need to assist desistance and protect communities, the Irish Probation Service funds a coordinated community-based response, comprising three different types of rehabilitative programme. Initiated, run and managed by PACE in Ireland, these programmes, Foothold (floating support service), Safer Lives (treatment programme) and CoSA (Circles of Support and Accountability), aim to prevent further victims of sexual harm by managing risk in the community and assisting adult perpetrators to desist from reoffending.

## **What is meant by 'assisted desistance'?**

Although others have explored practice applications of desistance research (e.g. Farrall, 2002; McCulloch, 2005), the term 'assisted desistance' was first coined by King (2013) in an article concerning the impact of probation interventions on individuals in the primary<sup>1</sup> stage of desistance (Dufour, *et al.*, 2018). King (2013) found that while such interventions had a positive impact, they offered little support to address the socio-structural elements of desistance, because if an individual starts to envision a new self, this can be disrupted by adverse circumstances or difficulties which seem too difficult to manage, with the result that reversion to the familiarity of old habits may seem easier. The concept of assisted desistance is complex in incorporating three

<sup>1</sup> Maruna and Farrall (2004) propose that primary desistance can be defined as any gap in an offending career, whereas secondary desistance involves not just ceasing to reoffend, but also the taking on of a new identity of a non-criminal person. While these two phases of desistance are distinct, Healy and O'Donnell (2006) suggest that they are closely connected.

distinct but interconnected concepts within it of desistance, rehabilitation and reintegration. Each of these concepts will now be considered briefly, particularly in relation to sexual offending.

### ***Desistance***

General desistance theories focus on themes of natural desistance emerging through ageing (e.g. Gottfredson and Hirschi, 1990), the influence of informal social controls such as relationships or employment (e.g. Sampson and Laub, 1993), cognitive transformations involving psychological or individual change (e.g. Maruna, 2001; Giordano *et al.*, 2002) or some combination of these (Bersani and Eggleston Doherty, 2018). These general desistance theories are variously, if uncertainly, supported by empirical evidence in relation to desistance from sexual offending. However, there are discrepancies that general desistance theories find difficult to explain. Examples include the unique features of sexual reoffending, such as the wide variations in specialised crime among different types of sexual offenders, or the longer timeframe for sexual reoffending than for general crime, which makes it more difficult to establish whether a person has truly desisted or is still in the process of reoffending. Furthermore, general desistance theories tend to neglect the challenging impact on desistance of an increasingly punitive contemporary criminal justice context (Mustaine *et al.*, 2015). For example, stringent social controls for perpetrators of sexual harm in many jurisdictions, including Ireland, result in restriction of movement, employment and social interaction, although research has shown the impact of social controls to be complex for this offender group who have also reported positive criminal justice experiences (Kruttschnitt *et al.*, 2000; Farmer *et al.*, 2015). Empirical research is thus providing evidence that the combination of different components involved in desistance for perpetrators of sexual harm are complex and can be different from those involved in desistance from general crime (e.g. Farmer *et al.*, 2015). The composite balance between social structures, cognitive factors and personal agency continues to be explored, and research is now highlighting the unique challenges faced by this offender group (McAlinden, 2011; Lussier, 2016; Farmer *et al.*, 2015; McAlinden *et al.*, 2017). Nonetheless, with relatively few studies on desistance from sexual offending, the picture remains unclear as to why and how perpetrators of sexual harm desist.

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## **Rehabilitation**

Desistance theorists understand desistance as a process of change which involves social and structural aspects as well as individual behavioural change (cf. McNeill, 2006). An assisted desistance approach therefore focuses more on *how* programmes bring about change, rather than on the evaluative evidence for 'what works'. Desistance itself is often described as a process of self-change. However, offenders have nonetheless acknowledged the role played by rehabilitation and professionals in helping them change, which suggests that rehabilitative programmes to prevent reoffending should be focused less on producing change, and more on assisting and advancing the individual and social processes that bring about this change (Maruna and LeBel, 2010; McNeill *et al.*, 2012). An assisted desistance approach puts the focus on risks secondary to the broader aims of developing strengths and exploring how each individual can best be supported to achieve desistance through rehabilitation. This requires practitioners to build on an individual's strengths to develop human capital (changes in individuals that enable them to act in new ways) as well as to help build social capital (changes in relations between people who assist that action) by acting as a link to resources and opportunities (McNeill, 2006).

## **Reintegration**

The concept of reintegration goes further, involving the removal of practical and legal barriers, full reinstatement and acceptance as a citizen, an important aspect of the desistance approach (McNeill, 2012). However, research has noted legal and structural barriers with reintegration and, although current Irish penal policy acknowledges the limitations of imprisonment and emphasises the importance of the community role (Kilcommins *et al.*, 2004; Hamilton, 2014), systems are moving towards greater punitiveness in terms of sex offender legislation and community risk management. For example, the General Scheme of the Sex Offenders (Amendment) Bill, 2018<sup>2</sup> (Department of Justice and Equality, 2018) proposed a number of amendments to the (Ireland) Sex Offenders Act 2001. These included restricted travel outside the state, more stringent post-release supervision, including electronic monitoring and a

<sup>2</sup> This Bill was published in 2018. A report on pre-legislative scrutiny of the Bill was made by the Joint Committee on Justice and Equality in January 2019 ([https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint\\_committee\\_on\\_justice\\_and\\_equality/reports/2019/2019-01-24\\_report-on-pre-legislative-scrutiny-of-the-general-scheme-of-the-sex-offenders-amendment-bill-2018\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/reports/2019/2019-01-24_report-on-pre-legislative-scrutiny-of-the-general-scheme-of-the-sex-offenders-amendment-bill-2018_en.pdf)). The Bill has since lapsed following dissolution of the government in January 2020 (<https://www.oireachtas.ie/en/bills/bill/2018/28/>).

requirement to notify the Garda Síochána within three working days of release, as opposed to seven under current laws (which would bring Ireland into line with Part 2 of the (UK) Sexual Offences Act, 2003). Socially, communities appear to be increasingly less welcoming (Bazemore and Stinchcomb, 2004), an issue that is particularly problematic for perpetrators of sexual harm (cf. Ackerman *et al.*, 2013).

Thus, assisted desistance is a field still finding its feet, with much theory but less evidence to support its key tenets empirically. While empirical studies of desistance from sexual offending remain few in number (cf. Kruttschnitt *et al.*, 2000; Lussier *et al.*, 2010; Farmer *et al.*, 2012; Lussier and Gress, 2014; Harris, 2014; Farmer *et al.*, 2015; Hulley, 2016), there is a dearth of evidence-based programmes and empirical research on the effectiveness of strengths-oriented rehabilitation programmes in the area of sexual offending. This study drew on a general assisted-desistance framework proposed by McNeill (2012), which argues that successful rehabilitation needs to involve psychological, social, legal and moral aspects. This four-part framework enabled a broader understanding of the ways in which avoiding reoffending can be assisted by three different types of rehabilitative programme. In addition, it was tested to see if it can be readily applied to perpetrators of sexual harm. McNeill's (2012) framework is discussed briefly below.

*Psychological rehabilitation* is recognised as a very important element of rehabilitation. However, critics suggest that it has shortcomings. The principal focus is on individual-level change, which seeks to address only psychological causes of criminal behaviour, rather than also addressing other aspects, e.g. social and structural factors, recognised by desistance theorists as important catalysts to bring about change (cf. Weaver, 2014). McNeill (2014) expanded this more restrictive aspect of psychological rehabilitation to a broader understanding of 'personal' rehabilitation.

*Legal rehabilitation* is concerned with the requalifying of offenders as citizens and the expunging of criminal records by the state (i.e. spent convictions).

*Moral rehabilitation* concerns the settling of debts and requires a relational focus on the offence, the victim and the community through reparation. This is consistent with Zedner's (1994) argument for a broader conception of reparative justice, whereby an offender is seen to have offended not only against an individual, but also against society.

*Social rehabilitation* concerns the viewpoint that rehabilitation needs to extend beyond personal change to the building of social relationships and to helping individuals to reintegrate more positively into communities.

Desistance theorists suggest that this requires a shift in focus from rehabilitation models focused only on risk to more strengths-based models. These encompass broader aims of providing positive social environments to encourage desistance, developing hope for the future, and encouraging a more positive process of 'reintegrative shaming', where the harm caused is fully acknowledged but there is also a belief that the person is capable of change (cf. McAlinden, 2011). This form of rehabilitation also espouses and encourages community involvement in rehabilitation, which tends to be ignored in risk-based models.

The four-part framework was useful to evaluate all three programmes simultaneously, the advantage being that it enabled a better understanding of them as moving parts, which operate together as a whole in providing a coordinated holistic response to the rehabilitation of this offender group. Furthermore, analysing results through different aspects of rehabilitation allowed the programmes' similarities and differences, as experienced by programme participants and stakeholders, to be encompassed in a comprehensive understanding of how the programmes assisted the process of change. The three PACE programmes are now described below.

### **Three community-based programmes for perpetrators of sexual harm**

*Foothold floating support service* provides an intensive one-to-one practical and emotional support for high-need individuals with limited supports in the community. The programme focus is on helping the client to find accommodation, sort out finances, seek employment and deal with any basic material or practical needs that may arise.

*Safer Lives programme* is a multi-modal, group treatment programme for perpetrators of sexual harm with a range of sexual offence types. Co-facilitated by PACE and the Probation Service, the programme addresses issues relating to the offence to prevent further harmful sexual behaviour. Adopting a strengths-based approach and a desistance focus, Safer Lives aims to help individuals to build internal capacity and coping skills to live safely in the community.

*Circles of Support and Accountability (CoSA)* is a community-based initiative which operates on restorative principles. CoSA increases community capacity to help break down barriers to reintegration through the direct involvement of community volunteers, by bringing a group of them together

with a perpetrator of sexual harm to reduce social isolation and to hold the perpetrator accountable for the way they now live their lives. The Irish CoSA model assists with the monitoring of perpetrators of sexual harm in the community, as well as providing social support in a way criminal justice agencies cannot, 'addressing the social support needs of offenders which are linked to offending but beyond the capacity of professionals to manage' (Armstrong *et al.*, 2008: p. 5, para 1.3).

## **Research methodology**

Recidivism is the tendency to relapse and reoffend, and a recidivism rate is generally measured as an objective behavioural indicator. However, recidivism measured at any point tells us simply whether someone has been reconvicted, re-arrested or re-imprisoned and does not indicate if or how an individual's behaviour may have changed. Furthermore, such objective measurements in assisted desistance practice do not reveal how programme mechanisms help the desistance process, and a more subjective human element needs to be considered to assess this process. Therefore, the study proposed a way in which programme success might be measured through the process of an individual's perceptions of having changed for the better. Measures of programme success were used which included intermediate successes such as the development of social skills, participants' perceptions of increased motivation to avoid reoffending and the achievement of subjectively defined and official outcomes.

A mixed-methods approach was adopted, and the different ways of gathering data enabled the diverse types of results from the three programmes to be analysed and synthesised into a complex but cohesive whole. This was a methodology that more accurately reflects the reality of rehabilitation programmes, which do not occur in a vacuum but rather are embedded within complex social contexts. The need to gather information specific to each programme had to be balanced with the requirement for research consistency, that is to use tools similar enough to allow for comparisons but sensitive enough to capture the uniqueness of each programme. An example was the use of the same scales to assess programme effectiveness in the stakeholder survey questionnaires, although the individual programme aims, aspects of participant experiences and levels of satisfaction were specific to each programme. The study design consisted of three distinct but overlapping phases, involving in-depth interviews, survey questionnaires

and programme document analysis. The three phases were carried out concurrently across the three programmes over a two-year period. These are now described below.

### ***Phase 1: Interviews with programme participants***

Phase 1 of the research explored with each programme participant the process of change over time, through initial semi-structured interviews, followed by telephone interviews six to nine months later. The sampling criteria for research participants required: conviction(s) for sexual offence(s); aged over 18; involvement with a PACE programme (Foothold/Safer Lives/CoSA) for a minimum of three months to ensure sufficient experience of programmes; and voluntary participation. Fifteen participants had contact offences and three were non-contact offences (one had a contact and non-contact offence). Fourteen offences were against children and three were against adults.

As five participants were involved with more than one programme, the different programme effects could be difficult to isolate from all other desistance and criminogenic influences. The methodology reflected this reality of rehabilitation and maximised different programme effects by interviewing these participants on separate occasions for each programme, making a total of twenty-two initial interviews. An interview schedule was designed to ask participants about their experiences of: involvement with a PACE programme; the criminal justice system; leaving custody; social bonds and relatedness; desistance; reintegration; and feelings about the future. Three psychometric tools were administered after each interview: My Life questionnaire (Mann and Hollin, 2010); Warwick-Edinburgh Mental Well-Being Scale (WEMWBS) (Tennant *et al.*, 2007); and Life Satisfaction Scale (Organization for Economic Cooperation and Development (OECD), 2011). These tools identified cognitive schema (a framework or structure that organises and interprets cognitive constituents, e.g. attitudes, beliefs) and explored wellbeing and life satisfaction.

The second research contact, six to nine months later, was with thirteen available participants from the initial interviews. Again, five participants were involved with more than one programme, and eighteen follow-up telephone interviews and a repeat of the psychometric tool on wellbeing were carried out. All interview data were analysed using thematic analysis and the software package MAXQDA (Kuckartz, 1989).

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### ***Phase 2: Survey questionnaires (programme stakeholders)***

Fifty-nine key programme stakeholders completed survey questionnaires (thirty-six face to face, eighteen online, five in hard copy). These research participants were key programme individuals who were working directly with a PACE programme on a daily or weekly basis, at policy level, and/or working directly with PACE clients. They were asked about their experiences of being involved with the programmes and the participants. Information was sought on the same research topics explored in the participants' interviews, with adjustments made for the different focuses of programme stakeholders and the different types of stakeholders. Thus, specific aspects within each topic were tailored for each programme as well as for the different groups of stakeholders (e.g. probation officers, gardaí, programme facilitators, community volunteers). Overarching survey questionnaire themes for all stakeholders related to successful outcome factors, programme effectiveness, critical client needs, work motivation, attitudes and reoffending. Standardised section headings were used, and individual questions were adapted for different programmes and stakeholder roles. An example of this was a question tailored to the effectiveness of the specific elements, procedures and aims of each programme. Stakeholders also provided information relating to other areas, for example, interagency working, reintegration, and attitudes towards offenders. Thematic analysis and basic descriptive statistics were used to analyse the data.

### ***Phase 3: Client files and programme documentation***

Phase 3 involved the gathering of documentation regarding programme processes as well as the collection of programme aggregated data from client files to provide background information on the research participants. The information provided further context as well as a more rounded picture of the participants, for example, their involvement with the criminal justice process, sanctions incurred, the move from prison to the community, risk-factor and treatment needs, and changes that occurred during involvement with a programme. These data were synthesised with the interview and survey questionnaire data to evaluate each programme, as well as to provide an overview across the three programmes.

### ***Research themes***

Results were analysed through the lens of McNeill's (2012) four forms of rehabilitation. Firstly, key external contexts to the programmes, experienced

collectively by all three programme participant groups, were analysed through a legal/structural rehabilitation framework. Secondly, the impact of the programmes on cognitive and broader personal change were considered within a psychological/personal as well as a moral rehabilitation framework. Thirdly, key findings relating to programme mechanisms which help to develop human and social capital and build relationships were explored within a social rehabilitation framework. For the purpose of this paper, the focus is on themes found within the context of social rehabilitation. The three programmes, Foothold, Safer Lives and CoSA, will be referred to where relevant within the themes.

## **Social rehabilitation**

Social rehabilitation concerns the viewpoint that rehabilitation needs to extend beyond individual change to the building of social relationships, and research has found that building social bonds and developing social capital is particularly problematic for perpetrators of sexual harm (cf. Robbers, 2009, McAlinden, 2007, 2011; Schultz, 2014).

Within the social rehabilitation framework aspect, analysis was carried out of how effectively PACE programme mechanisms and processes build social and human capital through the provision of practical support, enhancing social skills and developing social relationships. Two key themes were found: social and practical needs, and social inclusion and relationships. Within these themes, key programme mechanisms identified were: help with basic needs and social skills; building relationships with facilitators, peers and volunteers; building relationships beyond the programme with family and community; and building relationships between stakeholders.

### ***Social and practical needs***

#### *Help with basic day-to-day needs and social skills*

The findings in this theme were focused mainly on Foothold, whose participants have the highest needs, as it is part of the programme's role to assist participants as soon as they leave custody, often with no capacity or basic skills to cope with daily requirements. In terms of assisting clients with basic day-to-day living needs (e.g. accommodation, acquiring financial welfare benefits, courses or employment/meaningful occupation) and providing one-to one support, Foothold was found to do its utmost to assist clients. Programme participants gratefully acknowledged the help, support

and perceived friendship provided by the support workers within recognised boundaries. Many Foothold clients had very unstable lifestyles and, in addition to their convictions, were sometimes dealing with a combination of emergency one-night accommodations, addictions or an undiagnosed intellectual disability.

Participants gave accounts of the harsh reality of trying to find somewhere to live and how, if they were fortunate enough to have somewhere, they were in constant fear of being evicted. The majority expressed palpable fear of the media's potential negative impact on their lives. Recognition by the media or the public often led to harassment and having to leave their accommodation for fear of being attacked. Many had moved multiple times and, on different occasions, had been helped by another source, by the Probation Service or by Foothold.

When I came out of prison at first, I was homeless, so I was moving about a lot. Without Foothold's help, I would have been on the streets otherwise.  
(Foothold participant)

All Foothold stakeholders (support workers, probation officers, liaison gardaí) highlighted as Foothold's key challenge the lack of structure around accessing accommodation. In their view, external structural issues relating to a general housing shortage and inadequate housing policy for this offender group constrained the impact of this aspect of Foothold's role. Liaison gardaí commented that support workers were doing their best working in a very difficult area. Probation officers also commented on Foothold managing with what was at its workers' disposal and with insufficient resources in an extremely challenging area. Support workers spoke of the reduced time available for other important aspects of their work because of the frequent need to deal with accommodation emergencies. The accommodation issue illustrates how the external environment shapes programme operations and participants' experiences of programmes. As one stakeholder said,

... guys sleeping in tents, sleeping in the back of cars, couch surfing, or if they're lucky, [place name] one-night-only shelter.... When someone comes out of prison and they have no accommodation, they don't want to hear anything else from us. Like you can't say, 'Ok we're going to do some shops or get your CV'; they're like 'Look, I don't even know where I'm staying tonight.' So, you can't do any work with them until you get some sort of stability in that regard, so it makes it really difficult. (Foothold Support Worker)

The majority of participants said that they were employed prior to conviction in a variety of occupations, for example, warehouse work, retail, the leisure industry. Most had lost their jobs following conviction and, at the time of first interview, only a few said they were currently working in paid, voluntary or community work. Various explanations for this included being too afraid to apply for a job because of fears around making a disclosure of their crime, being recognised if they had a high media profile, or being asked questions about gaps in their employment histories. The Sex Offenders Act, 2001 restricts employment for this offender group in certain circumstances only, but employers are perceived to be influenced by the stigma attached to sexual harm and to want to avoid the risk for their business. Some participants said they were too fearful of recognition and its consequences even to seek work. A few were doing training courses in the hope of getting work. Others were not seeking work for various reasons, including older age or disability, and found it challenging trying to occupy their days meaningfully.

Notwithstanding these challenges, there was agreement across the board, between participants and stakeholders, of the wraparound support offered to clients, the need for flexibility, the acceptance of clients as people, and the efforts to reduce isolation. Probation officers commented on the suitability of the support workers for their roles and their experience of the system regarding social welfare, housing and resources. Liaison gardaí also pointed to the practical and emotional strengths of the Foothold support network, which meant: getting people back on their feet; pointing them in the right direction; establishing a day-to-day routine; providing emotional help, and generally assisting them to lead more stable lives.

Although Safer Lives and CoSA do not offer specific support with accommodation and employment, and the lives of participants on these two programmes are somewhat more stable, most were struggling with employment challenges because of their conviction. Just under half of Safer Lives and CoSA participants had given up on finding employment for various reasons, including previous experiences of stigma and the fear of being recognised (even when disclosure was not required). Little had changed regarding employment in the six to nine months since first interview. Of the thirteen follow-up participants, two said that they had got some work, and one was doing a hospitality course.

In terms of social skills, results also showed the impact of the programmes' work in developing these in different ways, through building confidence and advising on interactions with others, as well as improving social contacts.

CoSA volunteers, for example, felt they helped to strengthen a core member's social skills through pro-social modelling, which in turn helped them to become more involved in the community,

They learn how to express themselves within a group setting and talk with peers rather than those in power positions, e.g. gardaí or parole officers, and through their time in CoSA, they gain confidence in being given the tools to look further afield and try new things in the community. (CoSA Volunteer)

Although not a main Safer Lives focus, social skills were also very relevant:

It's important because if they're socially isolated they're at higher risk if that was significant in their offending, so ... social skills would be a significant one for some.... They get a lot of positive feedback for managing social situations better and for taking that risk and putting themselves out there and for engaging and signing up for things that are appropriate. So, it is a focus, an ongoing focus. (Safer Lives Facilitator)

## ***Social inclusion and relationships***

### *Building relationships within the programmes*

Other structural influences that shaped programme experiences and revealed the challenges faced in the community included the difficulty of forming relationships and community bonds. A first analysis considered the different levels and types of supportive relationships that existed between participants and stakeholders in each programme. For example, participants in Foothold had one-to-one supportive relationships with individual support workers. Participants in Safer Lives interacted with both facilitators and peers, while those in CoSA interacted with a coordinator and community volunteers. Results showed how effectively the work of support workers in Foothold, facilitators in Safer Lives and volunteers in CoSA helped all programme participants to rebuild personal connections through their commitment, provision of emotional support, and recognition of the humanity of the individual. For instance, Safer Lives staff encouraged participants to engage with others and improve communication skills. Safer Lives interviews also revealed the powerful dynamic of a peer group which encouraged

participants to relate to like-minded others, disclose information about their past and move towards self-acceptance and change (cf. Weaver, 2012). The empathy and commitment of the CoSA volunteers also came through strongly in both participant and stakeholder accounts, with participants expressing more confidence socially and feeling better able to handle social situations as a result of these interactions.

### *Building relationships with others beyond the programmes*

A second analysis was carried out on building/repairing relationships with others beyond the programmes. A sexual offence conviction had severe repercussions for the majority of participants' important relationships with family and/or friends. Participants expressed varying attitudes towards how they felt about trying to rebuild relationships. A positive finding was that at follow-up, the majority of participants had experienced improvement in their relationships in the six to nine months since first interview. However, there was a more mixed response from participants at follow-up regarding reintegration and the wider community. The particular challenges of the 'sex offender' label when back in the community were evident, e.g. difficulties with finding or keeping accommodation and employment and experiences of social rejection and stigma. Some participants spoke of choosing to avoid reintegrating and to stay below the radar to avoid detection and what they feared would be the inevitable resultant retribution. This can be seen less as a choice, but rather as being driven by the fear of being outed as a 'sex offender'. Over time, these external issues may well affect the benefits of the programmes and increase risk factors for reoffending (cf. Farmer *et al.*, 2012). An additional problem in terms of reintegration and community support in Ireland is its relatively small communities, particularly in rural areas (cf. Healy and O'Donnell, 2005). Because of the damage and hurt caused by these crimes, many are living in an unfamiliar community after custody, and to reintegrate requires making new connections, which is challenging for anyone, but particularly for those with an intellectual disability who find it hard to form relationships.

Desistance research has found that social supports (e.g. relationships and employment) help to prevent offending with general crime. However, similar to other sexual offender research findings (see Farmer *et al.*, 2015), many of the participants in this study said that they were in relationships and/or employment prior to conviction. It was obvious that many were shocked at the extent of the social losses they experienced after conviction. This raises

the question as to whether such social supports are less important to perpetrators of sexual harm or whether those perpetrators were unaware of what they stood to lose by committing such offences. Notwithstanding, most participants said that they were desisting from further criminal activity. Taken together, these findings, similar to other research, highlight the complex role played by informal social controls such as employment and relationships for this offender group (cf. Farmer *et al.*, 2015). It is possible that the less straightforward link between employment and desistance for this offender group suggests that the importance placed by participants on employment has less to do with desisting, and more to do with seeing work as a means of civic reengagement and seeking greater self-positivity through work which provides a positive social identity (cf. Maruna, 2001; Giordano *et al.*, 2002; LeBel *et al.*, 2008; Healy 2010).

### *Relationships between stakeholders*

Analysis of relationships between programme stakeholders revealed the critical importance of interagency working and the value of a successful collaborative approach in managing perpetrators of sexual harm in the community. The PACE programmes rely on effective interagency collaboration and good working relationships between stakeholders such as the Probation Service and the Garda Síochána. The involvement of other criminal justice agencies is important in assisting their work, and building relationships at every level takes time to achieve and can be challenging. For example, building stakeholder relationships was a crucial aspect of the pilot CoSA programme (2015 to 2018) and key challenges involved dealing with issues arising from multi-agency participation, coordinating various stakeholders and information sharing:

The overall support, from everything from the Coordinator to the Outer Circle and Probation, is important. Everybody seems to be on board, so I think that's a positive, to keep things moving, keep things changing.  
(Probation Officer)

Many issues highlighted by stakeholders, for example the challenges of information sharing, undoubtedly reflected the coming together of agencies with different priorities. The results also showed how this type of collaboration helps to build appreciation and knowledge of others' roles, to expand mind-sets and to encourage appreciation of everyone working toward the common

good of reduced reoffending as well as individual reintegration. This important area of interagency cooperation is often a forgotten part of relational desistance.

## **Discussion**

This research explored the assisted desistance of adult perpetrators of sexual harm living in the community following conviction. The study is the first of its kind in Ireland to evaluate three coordinated community-based programmes for this offender group, which, as far as is known, offers a unique combination of coordinated interventions. With regard to the field of assisted desistance, the study provides new evidence for strengths-based rehabilitative interventions for perpetrators of sexual harm. Whereas most existing rehabilitation studies are of psychological/cognitive programmes, this study compared and contrasted, in so far as is possible, three very different types of programme with broader strengths-based approaches. Caveats to the findings are voluntary research participation and some restricted access to Foothold clients deemed extremely chaotic or unstable. However, the integrity and independence of the research was upheld throughout, with the field research carried out entirely independently and the confidentiality of all research data maintained. A novel methodology and mixed methods approach, which also included PACE programme and client file documentation, was used to give a voice to programme participants as well as stakeholders. Additionally, the study proposed a subjective way of evaluating programme success, and explored the experiences and viewpoints of participants and stakeholders to capture how well the different programme mechanisms were successfully assisting desistance.

Within the aspect of social rehabilitation discussed here, the research found that, external barriers notwithstanding, all three PACE programmes were assisting to a point. Importantly, information supplied by PACE at the end of the field research period showed that 88.2% of research participants had no further convictions, for either sexual or non-sexual offences, during their time with a programme, while the remainder comprised two breaches of supervision orders for non-sexual offences and one undetermined offence.

Results revealed that the programmes were effectively helping participants to move towards social rehabilitation through programme mechanisms of: helping with basic needs; building relationships within the programmes; building relationships with others beyond the programmes;

crucial collaboration between stakeholders. The positive impact of the programmes' work in improving participants' social contacts was achieved from the developing of social skills through building confidence and providing pro-social modelling of interactions with others. Such activities are recognised in the literature as necessary steps along the journey towards social inclusion (cf. McNeill *et al.*, 2005).

All participants said at follow-up that their lives had changed positively. The majority attributed the changes to their involvement with a programme and, importantly, they said that these changes had influenced their avoiding reoffending. Furthermore, all stakeholders believed the three programmes to be operating successfully based on the criteria they identified and felt that they were achieving their stated official aims. They also felt confident that the programmes performed well in assisting reintegration/living safely in the community.

However, programmes do not work in a vacuum, and findings clearly reveal that these rehabilitation programmes do not operate in isolation but are set within complex criminal justice and societal contexts. For example, the results revealed the need for stakeholders and participants to work within an institutional and political context and highlighted the risk of external barriers to desistance (such as rejection and alienation) undermining the positive work being done by the programmes. Therefore, the notable achievements of the programmes need to be extended beyond their capacity into the wider community. Programme supports and assistance notwithstanding, there were very real difficulties in achieving social inclusion at the most basic level of needs for programme participants. They experienced extremely challenging problems relating to accommodation and employment, which impacted severely on their prospects of achieving full social rehabilitation (cf. Göbbels *et al.*, 2012; McNeill 2012; Ward and Willis, 2016). While all ex-prisoners experience difficulty in finding employment after custody (Visher and Travis, 2003), these participants experienced more pronounced challenges because of the additional restrictions and the stigma attached to this offence type. Participants spoke of high levels of fear, rejection and isolation as a result of these challenges. Certainly, desistance may be frustrated even for a highly motivated individual (Hunter and Farrall, 2018) if they have little hope of being accepted at some level by society.

Nevertheless, despite the variety of challenges in the community, it seemed that a range of informal and formal supports were available to participants. A majority mentioned various support structures that helped

them with behaviours, addictions and reintegration, which included counsellors, addiction services, community schemes, family, friends, accommodation services, and sometimes a combination of such supports. Additionally, it is of interest that, within a criminal justice context external to the programmes, participants' experiences of dealing with probation officers were very positive, and most felt very well supported. Although this has been found previously to be the experience of probationers convicted of non-sexual crimes (see Farrall, 2002; Healy, 2012), it is interesting that a heavily stigmatised group also had a positive experience of supervision. Furthermore, it supports other findings of positive criminal justice experiences (Kruttschnitt *et al.*, 2000; Farmer *et al.*, 2015), which highlight that social controls are complex for this offender group. It may also reflect the welfare approach of the Probation Service, enhanced further by the integration of desistance theory into practice. The probation officer may be particularly important for this group given the stigma and social isolation attached to their offender status. Very few participants expressed criticism of probation supervision and, even then, respect was evident in the way participants spoke of their probation officers who not only advised and helped them but also held them accountable when needed.

The research results support McNeill's (2012) argument about the need for rehabilitation to extend beyond the psychological, and also speak to Barry's (2006) concept of social recognition, which suggests that desistance is the task not just of the individual but also of society. The findings further resonate with the notion of transformative rehabilitation that attends to the need to transform the structural and social barriers which encourage social exclusion rather than reintegration (O'Sullivan *et al.*, 2018). Bearing in mind that participation was voluntary and there was some restricted access to extremely chaotic clients, the following conclusions were drawn from the research results presented here. Firstly, transferring the concept of assisted desistance into practice (with three connected concepts of desistance, rehabilitation and reintegration), and combining this with risk management, is extremely complex. Secondly, all three rehabilitative programmes were found to be valuably assisting with social rehabilitation despite external barriers. Thirdly, although it seems that reintegration as proposed by McNeill (2012) may never be fully achieved for perpetrators of sexual harm, given the particular structural challenges they face, the importance of social rehabilitation was revealed through the positive changes over time experienced by the majority of research participants.

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# The Potential Role of Recovery Capital in Stopping Sexual Offending: Lessons from Circles of Support and Accountability to Enrich Practice

Kieran McCartan and Hazel Kemshall\*

**Summary:** The rehabilitation and reintegration of people who have committed sexual offences presents significant challenges. Current research and practice on desistance from offending behaviour discusses a harm reduction journey that is more multifaceted than the concept of social capital; it is, in fact, closer to recovery capital. This paper discusses how the framework of recovery capital is also useful in the rehabilitation and reintegration of people who have committed sexual offences drawing from the experiences of the Circles of Support and Accountability (CoSA) model. It will consider the CoSA model as an example of recovery capital using its evidence base (especially McCartan, Kemshall *et al.*, 2014 and McCartan, 2016) to frame it as a narrative for rehabilitation and reintegration. The paper will then provide practitioners with some recommendations as well as thoughts for effectively using recovery capital in practice.

**Keywords:** Sexual abuse, desistance, Circles of Support and Accountability (CoSA), recovery capital, prevention.

## Introduction

This article will examine the benefits of broadening the concept of *social capital* (i.e. a focus on the importance of networks, belonging, trust and reciprocity within groups) to *recovery capital* (i.e. a broader focus on the role of cultural, physical, human, and social factors) in the management and reintegration of people convicted of a sexual offence. The article will argue that the shift to recovery capital will help us better understand and conceptualise risk management, rehabilitation and community integration. In doing so, the article will use Circles of Support and Accountability (CoSA) as

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a model to explain the relevance of recovery capital in working with sexual offending. By drawing on two studies of CoSA (McCartan, Kemshall *et al.*, 2014; McCartan, 2016), this article will examine how broadening the concept of social capital to recovery capital can assist practitioners and contribute to the design of service delivery to respond to the complex issues facing people convicted of a sexual offence.

### ***The reintegration of people who have committed sexual offences***

People convicted of a sexual offence have become the most demonised offenders of our age (Mills, 2015), subject to extensive levels of regulation, surveillance, and control within communities (Levenson and Hern, 2007). The consequences of this can be social isolation, ghettoisation, and exclusion. One of the most extreme examples is Tuttle Bridge in Florida, with registered sexual offenders living under a road bridge without running water and adequate sanitation as they are unable to find housing in the local community (Socia *et al.*, 2014). Closer to home, media coverage including the 'outing' of 'sex offenders' in the British tabloid press has in some cases led to offenders moving away from their local community and leaving employment. The impact of social exclusion presents challenges for all those convicted of offences, but in particular those convicted of a sexual offence.

### ***What are Circles of Support and Accountability?***

Since their emergence in Canada in 1994 (Correctional Service Canada, 2002), CoSA have become a feature of the criminal justice landscape in North America, the United Kingdom (UK), New Zealand and Europe (including Catalonia, the Netherlands, Ireland, Latvia and Belgium) (Richards, Death and McCartan, 2020). CoSA programmes around the globe rely on a variety of different operating models, receive funding from various sources, and have varying relationships with the criminal justice system.

CoSA can be described as groups of trained community volunteers who support people convicted of a sexual offence (usually contact offences against children) in integrating back into the community post release (Richards, Death and McCartan, 2020). They aim to promote pro-social values, reduce reoffending, promote desistance, and empower communities (Hanvey, Philpot, and Wilson, 2011). CoSA programmes operate on the premise that by providing recently released core members (people convicted of a sexual offence) with a circle of 4–5 community volunteers who provide both practical support and accountability, offenders will be better equipped

to lead law-abiding lives in the community. Each circle is managed by a circles coordinator, who is an experienced and paid criminal justice professional. Volunteers report back to the coordinator about the circle and the core member, who in turn may, if required, report to statutory authorities (who effectively form an outer circle that is compliance-focused). For example, if there is any concern that there is a risk of a further offence, this is reported to authorities. This has resulted on some occasions in an offender being recalled to prison (Bates, Saunders, and Wilson, 2007). For a more detailed explanation of CoSA service delivery, see Elliott and Zajac (2015).

Existing research, both nationally and internationally, highlights that CoSA assists in the integration of people convicted of a sexual offence by providing pro-social support, role modelling, a positive platform and grounded assistance (see Richards, Death and McCartan, 2020, for a comprehensive overview of the international CoSA research literature). Therefore, CoSA is often seen, in criminal justice terms, as a form of social capital that provides a network of supportive community relationships but that also interfaces with statutory oversight.

### ***What is social capital?***

From the early 2000s onwards, research conducted on the role of social capital and desistance has grown, with social capital increasingly being seen as critical to successful re-integration and desistance (for a full review, see McNeill and Weaver, 2010). Arguably, social capital plays a key role in the 'staged journey' of desistance, which includes re-engagement with social groups and key institutions (Best *et al.*, 2016, p. 2; see also Sampson and Laub, 2003; Maruna and Farrall, 2004; Best *et al.*, 2010; Irving, 2016; Harris, 2017). Social capital has also been characterised as the 'resources and opportunities' required by offenders to achieve non-offending lifestyles (McNeill, 2009), but has also been more broadly defined as access to bonds of trust with pro-social others, participation in positive networks and gaining a 'sense of belonging' within communities often associated with experiences of reciprocity (Boeck *et al.*, 2006). In this sense, social capital focuses solely on networks, belonging, trust and reciprocity within groups, to the exclusion of other forms of capital, such as human, physical, or cultural.

The distinction between 'bonding' and 'bridging' social capital has also been significant (Harper, 2001; Best *et al.*, 2018). Bonding social capital reinforces belonging to an existing social group (including productive and problematic groups), and bridging social capital enables the individual to

access other groups, including pro-social groups. As a consequence of the nature of their offence, people convicted of a sexual offence can often be restricted to bonding social capital in their community integration, as they often find themselves isolated, stigmatised, tied into existing (negative) peer groups or dependent upon professional services for 'peer' support (i.e. police, probation, CoSA, social care).

Social capital has also been framed as the external resources required for positive functioning in the community. However, the potential for change can be restricted by limited physical capital (e.g. unemployment, lack of appropriate housing) and restricted human capital, in that sexual offenders are often 'ghettoised' (Tolson and Klein, 2015). Social capital has also been criticised for a lack of attention to the internal resources required to sustain change over the long term (McNeill *et al.*, 2012).

The authors, therefore, argue that we should look beyond social capital to explain desistance from sexual offending, and instead look to the more rounded concept of recovery capital.

### ***What is recovery capital?***

Derived from substance misuse research, recovery capital is defined as the total sum of resources which individuals can draw on to overcome substance misuse (Cloud and Granfield, 2008; for a systematic literature review of recovery capital, see Hennessy, 2017). Arguably it is a useful theoretical development of social capital (which is a component part of recovery capital but not its sum). Recovery capital is conceptualised more broadly and encompasses cultural capital, physical capital, and human capital, but more importantly the positive interaction of these components as people transition out of drug misuse (Cano *et al.*, 2017). White and Cloud (2008) argue that a practice focus on personal recovery capital, family/social capital, community recovery capital and cultural capital has been successful in the addictions field (see also White, 2011). Cloud and Granfield (2008) have clearly defined and explained the central component parts of recovery capital, highlighting four key components:

- **Social capital** as discussed above is defined as the sum of resources that each person has because of their relationships, including support from, and obligations to, groups to which they belong;
- **Physical capital** is understood as income, property and assets that can be used to increase recovery options (e.g. paying for treatment, detox, relocating, etc);

- **Human capital** includes skills, and personal resources, such as coping mechanisms, resilience, hope, and positive aspirations towards a 'good life'. Such capital is often linked to higher educational attainment and positive problem-solving skills that aid the recovery journey;
- **Cultural capital** includes pro-social values, beliefs and attitudes that can promote and sustain recovery and enhance social conformity and rule compliance.

### ***Analytical framework and discussion***

This paper describes an approach to align an example of sex offender treatment and management, that is Circles of Support and Accountability (CoSA), to the concept of recovery capital, which is generally a theoretical framework used in drug treatment.

Therefore, this approach is exploratory in nature and pragmatic in methodology (Robson and McCartan, 2016). The authors have extensive experience and knowledge of the CoSA model in the UK and internationally, having published on it previously (McCartan, Kemshall *et al.*, 2012; McCartan, 2016; Richards and McCartan, 2017), and therefore are well placed to discuss the theoretical, practical and empirical aspects of CoSA in respect to recovery capital.

In developing their rationale, the authors believe that it is important to have a clear empirical basis for the link between CoSA and recovery capital; consequently they have used data collected in previous empirical research studies they have conducted, to shape and emphasise their points (for more details, see McCartan, Kemshall *et al.*, 2012; McCartan, 2016). The two studies were both mixed methods in nature, had university ethical approval and examined comparable topics (both were process and impact evaluations of CoSA, looking at its impact upon the reintegration of core members from core member, volunteer and stakeholder perspectives). In terms of the data analysis, the two studies were not reanalysed for this article, rather the authors aligned the existing data to Cloud and Granfield's (2008) definition of recovery capital to see if the existing CoSA data offered insights to the feasibility of the model. Hence, the research presented here is not a new or purposeful reworking of an existing data set, rather a realigning of existing data within a new theoretical framework.

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## Discussion

In what follows, we consider whether CoSA meets each of the four component parts of the recovery capital model (i.e. social, cultural, physical, and human) laid out by Cloud and Granfield (2008).

### ***Social capital***

As mentioned, the first key component of recovery capital is social capital, which is discussed extensively in the criminology literature across all individuals convicted of an offence, including those convicted of a sexual offence (Burchfield and Mingus, 2008, 2014). Social capital is important in regard to the (re)integration and management of people who have committed sexual abuse into the community, as the more socialised and integrated they are, the less likely they are to reoffend (Tolson and Klein, 2015). Often, people who have committed a sexual offence have no stable family unit or friendship circle to return to, and this lack of social support in conjunction with the label that these individuals carry can increase the risk/likelihood of reoffending (Brankley, Monson and Seto, 2017; Wilson and Sandler, 2017; Harris, 2017). Research indicates that people convicted of a sexual offence with higher social, family and community support are less likely to reoffend and more likely to have a lower risk of reoffending (Hanson, Harris, Helus and Thornton, 2014). However, in recent years, upon their return to the community, there has been a reduction in the volume and type of support given to people who have committed sexual abuse, largely as a result of budget cuts, notably in the UK, USA and Canada (Levenson, 2016).

Social capital is a central part of the role as well as mission of CoSA, whereby the circle becomes a surrogate support system for the core member, providing the opportunity for them to seek, find and receive support (Höing, Bogaerts and Vogelvang, 2013; Hanvey *et al.*, 2011). The circle enables the core member to pro-socially discuss, receive support for and access additional resources/services linked to the sexual abuse they committed. Therefore, in many ways, the circle provides the 'advise, assist and befriend' role that probation traditionally held. This means that the social capital provided by CoSA is more tangible, more transferable, and more routed in a pathway to integration than purely state-run interventions (Thompson *et al.*, 2017; McCartan, 2016).

It's another means of support, some of the Core Members that I am aware of have no other means of social support. (Volunteer, participant 6)

The circle acts as a group that works to demonstrate and reinforce positive social values for the core member in the same way that a pro-social family member or peer would. This is important given the dysfunctional backgrounds that many core members have.

We have to be a benchmark for what he can achieve, put him in a situation where he can make his own friendships. (Volunteer, participant 1)

The circle offers core members, who often have no other friends or family, a space and opportunity to practise, develop and grow. The core member, therefore, can understand what an appropriate relationship looks like and how to navigate it. They can learn how to manage their behaviour in a grounded way that supports successful risk management.

I hope that it gives the Core Member a place to talk about things that they cannot really talk about with other people, outside of probation. (Volunteer, participant 4)

[P]eople that we would refer to circles have poor socialisation and issues in integration. (Stakeholder, volunteer 7)

Ultimately, CoSA is an opportunity for the core member to practise social and family relationships in a safe environment; the circle is not the core member's only opportunity but rather their first opportunity. As the circle continues, the core member should start to learn, grow, develop, and get more confident in developing social and family recovery capital. The circle is therefore a testing ground.

It feels like a group of friends rather than somebody in a professional capacity. (Core member, participant 1)

CoSA provides social capital to people who have committed sexual offences, enabling them to integrate into the community in a pro-social way (Höing, Bogaerts and Vogelvang, 2013; Thompson *et al.*, 2017). Research indicates that core members are likely to be more pro-social, more engaged in community activities and more socialised following completion of their circle (McCartan, Kemshall *et al.*, 2014; McCartan, 2016). Social capital can also enhance quality of life and positive wellbeing, and both are important to

recovery and desistance. Wellbeing is underpinned by positive personal relationships, self-determination, and positive life experiences (De Maeyer et al., 2011).

### ***Human capital***

Human capital includes the skills, positive health, aspirations and hopes, and personal resources that will enable the individual to prosper (Becker, 1993). Human capital can be demonstrated by individuals 'bettering' themselves through things like educational achievement and promotions at work. It is often linked to problem-solving skills and the ability to navigate positively the situations that individuals find themselves in. As a group, people who commit sexual offences are quite heterogeneous and, therefore, have differing levels of cognitive ability, problem-solving skills and educational achievement; but, on the other hand, we do know that sexual offending is contextual, situational and linked to poor decision-making as well as risk-taking (Wilson and Sandler, 2017; Laws and O'Donohue, 2016). Therefore, human capital is important to understanding, preventing, and managing sexual offending. CoSA helps core members to develop and improve their human recovery capital, both directly (by aiding them in achieving their goals in positive, pro-social and non-risky ways) and indirectly (through positive, pro-social modelling). The circle allows the core member to work on their self-esteem, self-confidence, socialisation, and social communication skills. The circle provides positive role modelling and aspects of social learning for the core member so that they can improve their social and interpersonal skills.

People that we would refer to circles have poor socialization and issues in integration, they are not necessarily the most high risk but they are the people that we think would struggle to make friends, settle back into the community well. (Stakeholder, volunteer 7)

The positive socialisation that the circle provides allows the core member to develop desistance strategies in a non-threatening environment, which is important as effective risk management cannot be effectively tested in a prison setting. During the meeting, volunteers can challenge core members around their beliefs, attitudes, and perceptions of themselves as well as others. These conversations test the core members' ability to think about themselves from different perspectives and how they would respond to issues that arise in the real world.

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We challenge them [core members] and sometimes they don't like it ... but we always talk it through and don't leave in a bad place. (Volunteer, participant 9)

Core members learn resilience in their meetings with the volunteers. They learn how to navigate problematic outcomes and then respond to them appropriately, which is demonstrated by the fact that core members remain in the circle regardless of the challenges that it sometimes presents.

It's only voluntary anyway; if I wanted to walk out I could but I don't want to. (Core member, participant 5)

As the circle is based around support and accountability, it is not set up to respond directly to the training/qualifications aspects of human recovery capital. However, the circle can assist core members in identifying their strengths and weaknesses, thereby enabling them to see where they may need to develop new skills or qualifications, and then encourage the core member to strive towards change and positive societal engagement. During the circle meetings, both volunteers and core members highlight and discuss how core members can improve their human capital through reinforcing their professional, social, and educational development through the recommendation of educational and/or self-help courses.

As part of the circles project they put me on to new activities. And it gets me out. I have to be careful in what I do pursue because there cannot be young people there, they help with that. (Core member, participant 8)

[The volunteers] have really helped me to work out what I want to do and how I can do it in an appropriate way. They have helped me find courses to attend, that I can attend ... I am now thinking about jobs. (Core member, participant 12)

In addition, core members talk about how the volunteers help them to prepare for new social activities, whether it be attending classes or going for a job interview.

I have one Core Member that I helped get a job. I helped them fill in the application and then drove them to the interview as they did not have a car or money for public transport. (Volunteer, participant 4)

The circle provides the core member with the means of achieving their own human capital, by supporting them throughout the processes involved in developing the skills and resources that they need to integrate back into the community (McCartan, Kemshall *et al.*, 2014; McCartan, 2016). However, because of the nature of their offences, their risk management and public perceptions, it must be stated that it is particularly challenging for people who have committed a sexual offence to gain and maintain human capital (McCartan, Kemshall *et al.*, 2014; McCartan, 2016; Kemshall and McCartan, 2014; Harris, 2017). The reality is that for people who have committed sexual abuse, volunteering and joining groups/societies may be a more realistic option rather than traditional working and skills development (McCartan, Kemshall *et al.*, 2014; McCartan, 2016).

### ***Physical capital***

Physical capital is the tangible assets that a person has that enables them to move beyond offending and integrate into the community. These assets could be financial (i.e. money, property, a car, etc.) or social (i.e. social support network that can provide access to resources). Physical capital provides people with the ability to enact the change that is needed to enable desistance. The more physical capital that an individual has, the more likely they are not to reoffend and to (re)integrate better back into the community. The levels of and access to physical capital are not the same for all people who sexually offend given the socio-demographic, age, and employment spectrum that these offenders span.

Consequently, some individuals may have access to their own physical capital (i.e. own a house, have savings, etc.), whereas others will not. Access to social physical capital is often determined by the offences committed by the individual and the consequences linked to their family/peer network (i.e. the amount of residual social capital they can draw on). This means that physical capital is complex and non-generalisable to all people who are convicted of a sexual offence. CoSA helps core members to develop and improve their physical capital indirectly, as they cannot provide assets for the core member themselves or directly intervene on their behalf with the state, to help them gain these assets. However, CoSA can support the core member in achieving these physical assets themselves and can inform the state (police and probation) of positive steps that the core member is making, thus contributing to their risk management. The volunteers and CoSA provide the means to help core members develop their skills, gain access to resources, manage their resources/budget and move towards independence.

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You can ask them anything and they will help you with it. If there is anything that you are not sure of, paperwork and the like, they can help. (Core member, participant 2)

[The core member] had to get to a job interview but did not have access to a car or the money for a bus; even if he had the money, he would have needed to get two buses because the interview was early in the morning ... so I drove him to the interview and waited; he got the job. (Volunteer, participant 8)

Ultimately, the circle equips the core members with the knowledge and the social learning that will enable them to achieve the personal recovery capital skills that they need to develop by themselves.

We have to give the Core Members the tools to look after themselves and hope that they can do so, that they don't get themselves into trouble. (Volunteer, participant 6)

It's great, they have really helped me ... I can do everything online. I can do my banking, do the food shopping, search for jobs, and look for groups to join. I feel more confident! (Core member, participant 3)

The circle provides the core member with the means of achieving their own physical capital (McCartan, Kemshall *et al.*, 2014; McCartan, 2016; Thompson *et al.*, 2017). Although, some people who have committed a sexual offence will be financially independent and able to sustain themselves, this is not the case for everyone. A conviction for a sexual offence can result in job loss, with individuals becoming financially insolvent upon arrest and unable to recover fully from it. In addition, as mentioned earlier, having a strong, reliable social network that can provide ongoing support is often lacking for people who have committed sexual abuse. However, this is a core feature of what CoSA can provide.

### ***Cultural capital***

Cultural capital is about the individual having the appropriate pro-social, values, beliefs, and behaviours that allow them to fit into, and function within, the accepted social norms of society. This means understanding and adapting to dominant and mainstream social, as well as cultural, behaviours. Depending on

the psychology, cognitive distortions, social norms, motivations and behaviours of the individual, they could believe that they are adhering to an excluded subgroup with justifiable norms (i.e. the 'true' paedophile), reflective of society themselves, believing that everyone else is also like them but afraid to say anything (i.e. power/control rapists), or completely detached from prevailing cultural values and social norms (i.e. anti-social, violent sexual abusers). Cultural attitudes to sex, sexual offending, sexual harassment and consent play a major (and central) role in the establishment of cultural capital in the area of sexual abuse, with there being a range of what is seen as 'socially acceptable' or 'socially tolerated'. Therefore, some people who commit sexual abuse may struggle to fit into normal society. People who commit sexual offences tend to suffer from distortions of reality (Szumski, Bartels, Beech and Fisher, 2018) or from mental illness (Moulden and Marshall, 2017) and are socially dysfunctional (Blake and Gannon, 2011). Despite this, perpetrators of sexual abuse are often adept at fitting into society and displaying social norms and cultural values, which is why many of them can abuse in the way that they do. This means that people who commit sexual abuse are paradoxical when it comes to cultural capital, as they do not necessarily have it (or want it) but they can mimic it. The complexity of cultural capital increases tenfold when we start to consider cultural heritage and sexual abuse, especially in terms of sexual abuse across social and cultural boundaries (Kalra and Bhugra, 2013; Cowburn *et al.*, 2014). CoSA volunteers are members of the public and therefore they represent as well as advocate the dominant social norms in society; by acting as pro-social role models for core members, they provide clear cultural capital.

The majority of core members are white, as are most volunteers, and CoSA largely 'speaks' for the dominant UK culture (i.e. white, British, Christian). In the future, CoSA must recruit a wider diversity of volunteers and ensure that greater emphasis on cultural capital, as well as diversity, is embedded in volunteer training, to enhance the responsiveness to the prevailing beliefs of other cultures. Shafe and Hutchinson (2014), based on a systematic review of literature, argue that: 'The documented evidence supports the facts that cultural and community practices continue to be potent forces in perpetuating sexual abuse' (p. 636). Education and public awareness campaigns are often central to reducing this abuse (e.g. campaigns in the UK against Female Genital Mutilation), particularly as some abuse is intergenerational (Shafe and Hutchinson, 2014, p. 636). Intervention work would need to focus on these cultural differences, and how to align existing cultural beliefs and self-identity with lawful, acceptable norms and values.

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The circle provides cultural capital directly through enabling core members to see what is situationally, socially, and culturally appropriate behaviour. The accountability strand of CoSA carries this function. The fact that volunteers are members of the broader community means that they can provide meaningful cultural capital in a way that the state cannot. This can result in cultural capital messages being more acceptable to the core member when offered.

We challenge them when they say inappropriate things, reminding them that certain attitudes and behaviours are not right.... Do they always listen? No ... but we will keep challenging them. (Volunteer, participant 10)

I see them in a different way [from probation], but I am aware that anything that we discuss in my circle that they think is worrying, they have to tell offender managers or the co-ordinator. (Core member, participant 7)

In addition, the circle also creates cultural capital indirectly through primary prevention (i.e. broad-based community support and education). For example, CoSA educates communities about the reality of people who have committed sexual abuse, and their management. Through training volunteers, CoSA provides communities with an opportunity to understand and actively engage in the management of sexual offenders by humanising sexual offenders and putting the abuse in an everyday context. This means that core members will be proactively managed back into communities, selective through they are, in a way that enables desistance, allows proactive risk management and protects the community — therefore, enabling them, theoretically, to access more resources.

Yes, yes, I would [recommend volunteering with circles to another person] as it opened my eyes to the reality of being an ex-offender in the community. (Volunteer, participant 9)

To me they were too soft ... I bluffed them a lot and they did not challenge me; when I started my second circle, I told them to challenge me more and they have, it has been better... I have a different attitude to it and them now. (Core member, participant 10)

This has resulted in professionals seeing CoSA as a proactive service that supports prevention and integration, and therefore a service that they

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recommend to people who have committed sexual abuse and are re-entering the community.

That safeguard is invaluable as it allows them to start reintegrating back into the community in a safe way. It means that they learn what they can say, what they cannot say and the most appropriate times to do it. It means they realise what they can and cannot do, and why. We say these things to them, but do they listen? It helps to have someone else say it too. (Stakeholder, volunteer 9)

The circle clearly provides the core member with cultural capital directly (i.e. via role modelling and safeguarding) and indirectly (i.e. through increased community education and support) (McCartan, Kemshall *et al.*, 2014; McCartan, 2016). However, it is particularly challenging for people who have committed a sexual offence to gain and maintain cultural capital because of the nature of their offences and public perceptions linked to them. Cultural attitudes to sexual abuse are traditionally at odds with the reality of offences and offending, but this is slowly starting to change with the recognition that perpetrators of sexual abuse are not radically different from everyone else.

## Conclusion

This paper has discussed the potential benefits of extending the notion of social capital to that of recovery capital to understand better, and to facilitate, the integration and management of people who have committed sexual offences. Recovery capital provides a greater focus on the opportunities, resources and skills required to achieve change, and offers a more holistic approach to desistance than social capital alone.

Whilst social capital does play a role in desistance, not least in offering some opportunities to gain positive social capital (e.g. pro-social networks), it alone does not necessarily offer the individual the capability to gain more insight into their behaviour or to learn from their experiences. CoSA has demonstrated its contribution to the social capital of people convicted of a sexual offence (see Höing, Bogaerts and Vogelvang, 2013). It goes beyond this to demonstrate clearly the effective application of the broader components of recovery capital in supporting the process of desistance. CoSA, through its commitment to 'Support', could enhance access to and use of social, human, and physical capital, and arguably 'Accountability' could

strengthen the core members' cultural capital of acceptable norms and behaviours. CoSA already has a focus on skill development, problem solving and self-management, and aids the core member in effectively practising these through social engagement both within the controlled environment of the circle, and beyond with the support and mentoring of volunteers. Arguably, enhancing the recovery capital of people convicted of a sexual offence could enable and strengthen their successful integration into the community and aid desistance.

There are also lessons for other practitioners who supervise people convicted of a sexual offence in settings outside CoSA. Broadening interventions with people convicted of a sexual offence to include recovery capital with a wider practice focus on personal recovery capital, family/social capital, community recovery capital, and cultural capital can assist in the 'transitioning out of offending' (Best et al., 2016; Mawson et al. 2015; Dingle et al., 2014; Harris, 2017). This requires a multi-intervention approach, focusing on practical assistance to improve primary assets of income, health, and wellbeing; problem-solving and skill enhancement; strengthening of family and pro-social supports, positive use of leisure, workplace and community organisations; and non-stigmatising access to community resources and positive actions that support and sustain positive change (Healey, 2016). This type of work can be supported by one-to-one interventions or in group settings (Healey, 2016).

To date, the recovery capital of people who have committed sexual offences has not received significant attention, but arguably it should do so. Using a recovery capital approach to desistance would have benefits for people convicted of a sexual offence, victims/survivors of a sexual offence, and society more broadly.

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# Engaging with Mental Health Challenges in Probation Practice

Christina Power\*

**Summary:** In 2019, three internal studies were conducted in the Irish Probation Service, exploring mental health among persons subject to probation supervision. This paper will firstly briefly consider the wider literature exploring mental health problems among those engaged with probation services and will then outline the methodology and findings from each of the three studies. The studies were limited in scale, scope and methodology but are consistent in identifying recurring themes that also support the broader research literature highlighting the prevalence of mental health problems among probation service clients. In conclusion, the paper will discuss the key findings and implications for probation policy and practice. Key issues revealed include the significant incidence of unmet mental health needs and the potential gaps in knowledge and training in the area of mental health and mental health problems for practitioners.

**Keywords:** Probation, mental illness, mental health, prevalence, co-morbidity, service user.

## Background

The prevalence of mental health disorders amongst probation service clients is high — as high, if not higher than, in prison populations (Geelan *et al.*, 2000; Brooker *et al.*, 2012; Sirdifield, 2012). However, the nature of disorders is similarly complex, with high levels of co-morbidity, including personality disorder, substance misuse and psychosis.

Probation clients face both system-level and personal-level barriers to accessing mental healthcare. Many people in contact with probation are not registered with a GP, and/or access healthcare only during crises (Revolving Doors Agency, 2017). Sometimes services simply do not exist to meet their needs, and sometimes services are difficult to access due to their location, problems with their opening hours, restrictive referral criteria and poorly understood access routes (Brooker *et al.*, 2012). Moreover, the health needs

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of people in contact with Probation and how best to structure service provision to make health care accessible to and appropriate for this group are rarely considered by healthcare commissioners, especially in England (see Brooker and Ramsbotham, 2014, for example).

Mental health problems among Probation Service clients in Ireland are an ongoing concern. Probation staff have raised concerns regarding what has been perceived as an increase in the number of clients presenting with a range of longstanding mental health problems who have limited access to and engagement with community mental health services. There is sparse empirical research; however, three small-scale in-service studies conducted by Probation Officers provide some valuable background information.

The first practitioner research study (Griffin, 2008) explored mental health, trauma and bereavement based on a Probation Officer review of 112 supervision cases.

Of those, forty-four clients (39%) were reported to have had a mental health problem over the course of their lives, with depression being most frequently reported (18%). Of the twenty-eight clients who reported a bereavement over their life, 23 cases (20%) made a link between their bereavement and their offending. Eight of those clients reported symptoms indicative of mental health problems — two with psychiatric inpatient history and four involved with specialist mental health services.

The second study is a review of the literature of mental health problems among adult offenders (Cotter, 2015). This was conducted in the course of completing a masters programme in social work, which included a review of prevalence data extracted from the Level of Service Inventory Revised Assessments (LSI-R) undertaken in the Probation Service in 2012. Of the 6,018 LSI-R assessments conducted by Probation Officers on 4,884 clients in 2012, 30.8% were rated as experiencing 'moderate interference', described as exhibiting some signs of distress, mild anxiety or mild depression; 3% were reported as having active psychosis; 33.7% were assessed as having had 'mental health treatment in the past', 15.8% had engaged in some form of psychiatric treatment at the time of assessment, and 12.6% were identified as requiring a psychological assessment.

A mental health survey (Foley, 2016) of one Probation Service region, including four supervision teams, was undertaken to explore the number of clients presenting with mental health problems and the main types of mental health problems experienced by clients. The study also aimed to address another primary concern expressed by Probation staff — dual diagnosis of

mental health and poly-drug use. In one team surveyed, seventeen women (74%) and 12% of men were reported as having mental health problems. Depression was the main type of mental health problem reported, closely followed by suicidal ideation and self-harm, which is consistent with the previous studies. Dual diagnosis was a significant problem for almost all clients.

The studies were individual isolated studies restricted to a team or one region. Even so, they highlight a need for further evaluation, and support the concerns voiced by many Probation Officers who are managing complex cases where mental health problems are problematic for many reasons.

In 2017, the Probation Service Annual Report (Probation Service, 2017) specifically referenced that mental health difficulties 'may have a direct and or indirect link with offending and impacting on capacity to intervene effectively with service users' (p. 11). In view of this, the Probation Service made a commitment in the workplan for 2018 to strengthen mental health awareness in the service, with particular focus on raising awareness of mental health problems, personality disorders and indicators of self-harm and suicide. A working group focused on mental health was set up with an action plan that featured a range of training, including skills training in suicide prevention (Skills Training on Risk Management — STORM).

As part of the strategic arrangements between the Irish Prison Service and Probation Service a senior psychologist was assigned to the Probation Service to provide a specialist level of psychological input. One core aspect of the role was to develop and enhance engagement with community services for psychological needs of clients. It was first important to gain an understanding of the current needs which form the basis of the studies outlined within this paper.

## **The studies**

The first exploratory study presents analysis of the Level of Service Inventory – Revised (LSI-R) (Andrews and Bonta, 2004) data collected routinely by the Probation Service between 2017 and 2018. The second pilot study expands on the LSI-R study, using a self-report survey with Probation Officers from one probation team and the Global Assessment of Functioning (GAF) (APA, 2000).

A third larger-scale study replicated the pilot study using the previous learning and findings across a more representative sample including five probation teams.

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***Study 1: Exploratory analysis of the questions contained within the 'Emotional/Personal' subcomponent of the Level of Service Inventory – Revised (LSI-R) collected between 2017 and 2018***

The Level of Service Inventory – Revised (LSI-R) (Andrews and Bonta, 2004) is an actuarial assessment tool used by the Probation Service to identify an offender's level of risk and needs with regard to recidivism. The risk assessment instrument includes five validated questions on mental health contained within the 'Emotional/Personal' subcomponent. Ratings provided by Probation Officers are informed by available information, including client self-report, practitioner judgement and collateral information.

***Research design and methodological approach***

An anonymised exploratory analysis of statistical data from the Probation Service related to prevalence of mental health problems was undertaken in January 2019. The data were collected from LSI-Rs completed by Probation Officers in 2017–2018. Anonymised data pertaining to the 'Emotional/Personal' sub-component of the LSI-R instrument was extracted from the overall dataset. Access to data was approved by the senior management team with ethical approval from the Probation Service research committee.

***Data collection and analysis***

The Statistical Package for the Social Sciences (SPSS) was used in the analysis of the quantitative data. The data were analysed using descriptive and frequency analysis and comparison of means data (t-tests, ANOVA). Data were screened and coded for gender, geographical region, age and team. The LSI-R questions contained within the 'Emotional/Personal subcomponent asked if the person experienced: (46) Moderate interference; (47) Severe interference; (48) Mental health treatment – Past; (49) Mental health treatment – Present; (50) Psychological assessment needed.<sup>1</sup>

***Results******Descriptive results***

A total of 9,534 LSI-R assessments completed by adult, community-based teams between 2017 and 2018 were included in the analysis. Men comprised

<sup>1</sup> Extract from The Level of Service Inventory – Revised (LSI-R) Training Manual — Emotional/Personal subcomponent (Q48) Psychological assessment indicated: 'Allows tester to score a risk factor in relation to an offender where there is concern about his/her psychological functioning that in the view of the tester increases risk. Scoring this item does not mean that a formal psychological assessment is required; it indicates an area of concern perhaps requiring further investigation.'

82.6% ( $n = 7,873$ ) of the population, and women 17.4% ( $n = 1,661$ ). The mean age was 30.4 years — 30 years for men and 32 years for women.

Thirty-seven per cent of the total sample were aged 18–24 years of age, 34% were 25–34 years, 23% 35–49 years, 4% aged 50–59 years, and 2% 60 years or above.

#### The Level of Service Inventory – Revised ‘Emotional/Personal’ subcomponent questions

Data from the LSI-R subcomponent are presented overall and for men and women. Table 1 shows the number and percentages for each LSI-R question overall, and for men and women.

**Table 1.** Responses to LSI-R ‘Emotional/Personal’ subcomponent questions

LSI-R question	Men				Women				Overall			
	Yes		No		Yes		No		Yes		No	
	(n)	%	(n)	%	(n)	%	(n)	%	(n)	%	(n)	%
Moderate interference	2744	<b>38.8</b>	4308	<b>61.0</b>	813	<b>53.4</b>	707	<b>46.4</b>	3557	<b>41.4</b>	5015	<b>58.4</b>
Severe interference	237	<b>3.3</b>	6812	<b>96.2</b>	54	<b>3.5</b>	1473	<b>96.4</b>	291	<b>3.4</b>	8285	<b>96.3</b>
Mental health (past)	2523	<b>35.7</b>	4521	<b>64.0</b>	794	<b>52.0</b>	722	<b>47.3</b>	3317	<b>38.6</b>	5243	<b>61.0</b>
Mental health (present)	1261	<b>17.8</b>	5789	<b>81.9</b>	468	<b>30.8</b>	1050	<b>69.0</b>	1729	<b>20.1</b>	6839	<b>79.6</b>
Psychological assessment	949	<b>12.7</b>	6391	<b>85.8</b>	204	<b>13.1</b>	1337	<b>85.6</b>	1153	<b>12.8</b>	7728	<b>85.8</b>

Over 40% of the population were identified as having mental health difficulties which moderately interfered with their lives, and 3.4% had mental health issues which severely interfered with their lives. Thirty-six per cent of men reported receiving past mental health treatment compared with 52% of women. A similar difference was noted with current treatment — 17.8% of men reported being at present involved in treatment, compared to 30.8% of

women. A psychological assessment was indicated in 12.8% of cases, similar for men and women.

### *Summary of findings*

Over half of women and more than one third of men in respect of whom an LSI-R assessment was completed in 2017–2018 were reportedly experiencing moderate mental health issues. However, just over 30% of women and less than 18% of men were receiving treatment. There appears to be an unaddressed need among persons on supervision, particularly women, for engagement with or access to treatment. Furthermore, over 50% of women had a history of mental health treatment in the past, compared to 36% of men identified at the assessment stage. Based on these findings and learning, a second more in-depth study was agreed by the Probation Service. This would enable an examination of relevant issues and the development of a measure.

### ***Study 2: Pilot study of mental health and wellbeing among Probation Service clients in Ireland***

The second study expands on the previous review of LSI-R data and explores symptoms which may be indicative of mental health problems among clients engaged with Probation services, from the perspective of Probation staff. Past and current access to mental health services is included, as well as exploring potential barriers to accessing and engaging with services, and key issues which may impact significantly on a client's mental health. The Global Assessment of Functioning (GAF), a single-item standard mental health status measure, was also included.

### *Research design and methodological approach*

Both a qualitative approach and survey method were used to explore mental health problems among clients engaged with the Probation Service. A semi-structured questionnaire was designed for the purpose of the evaluation in the absence of an available specific measure. The Mental Health Service Evaluation (MHSE) was developed in consultation with the Probation Mental Health Working Group. A small pilot of the questionnaire was undertaken by two Probation Officers and rated for clarity. The feedback was integrated into the revised questionnaire.

One urban Probation team participated in the study, which included Probation Officers and a Senior Probation Officer. Participants were asked to

complete the following measures on their caseload within the period of June/ July 2019.

*Mental Health Service Evaluation (MHSE): Power, C.L. (2019).* Contains fourteen questions including descriptive information (gender, age and ethnicity) and past and current mental health problems, involvement with services, key issues which may impact on mental health and possible barriers to accessing services. Categorical questions were rated as 'Yes' or 'No'.

*Global Assessment of Functioning (GAF): American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders (2000).* The participant is asked to subjectively rate the social, occupational, and psychological functioning of an individual, e.g. how well one is meeting various problems-in-living. Scores range from extremely high functioning (100–91) to severely impaired (10–1).

Participants completed paper questionnaires based on their experience and observations of working with the individual client and any collateral information available to them at the time of completion. No individual interviews with clients were required. It was emphasised to participants that all questionnaires were anonymous and no client or Probation staff names would be required. Completed questionnaires were returned anonymously to the principal researcher in an unmarked envelope, and data were held in a secure cabinet within Probation headquarters.

### *Ethical considerations*

Ethical issues were taken into account, including gaining informed consent from participants and ensuring confidentiality and anonymity. The principal researcher met with the Probation team and provided an outline of the research and asked for written consent from the Probation Officers prior to completion of questionnaires. All data were kept strictly confidential. The name of the team was not published to ensure team, client and data anonymity. The study had ethical approval from the review committee at the Probation Service.

### *Data collection and analysis*

The Statistical Package for the Social Sciences (SPSS) was used in the analysis of the quantitative data. The data were analysed using descriptive and frequency analysis. Comparison of means data (t-tests, ANOVA) were used on scale data, including age, Global Assessment of Functioning scale and concern reported by Probation Officers. Chi-square tests were used to

examine the relationship between formal diagnosis, past and current involvement with services, symptoms indicative of mental health problems, key issues and barriers to access and categorical demographic variables including gender and age.

## *Results*

### Descriptive results

A total of 98 questionnaires were returned, 74% of the total caseload. Of those, 91% related to men ( $n = 89$ ) and 9% to women ( $n = 9$ ). The mean age was 37 years — 37 years for men and 32 years for women.

Thirty-nine per cent of the total sample were aged 35–49 years of age, 35% were 25–34 years, 12% aged 50–59 years, 11% 18–24 years, and 2% were aged 60 years or above. Of those, 92% were reported as White Irish, 3% Irish Traveller, and 5% African, Asian or Romanian.

Forty-one per cent of the population were unemployed, 24% were engaged in a drug and/or alcohol rehabilitation programme, 25% were in full-time or part-time employment; two clients were enrolled on training programmes, and five clients were reported as full-time parent, retired, or disabled.

The primary offence type recorded was acquisitive offences (33%), followed by drug-related offences (26%), violence (against the person) (11%), sexual offending (9%), public order offences (8%), driving offences (6%), and property crime and 'other' (4%).

### Mental health and access to services

A third of clients were identified as having a formal mental diagnosis provided by a qualified clinician (men 27%; women 67%), and 40% of clients had received some form of assessment or intervention for mental health problems in the past (men 36%; women 78%).

Probation Officers rated 42% as presenting with active symptoms of mental health problems (men 40.4%; women, 55.6%) and 21% of clients were identified as being engaged with some form of service for their mental health needs at the time of completion (men 21%; women 22%).

### Indicators of mental health problems and past mental health intervention

Anxiety disorders were reported in 13% of cases, followed by mood disorders (9%) and stress disorders (7%). Personality disorders and related traits (5%) and schizophrenia or other primary psychotic disorder (4%) were both reported only in men.

Where clients had received assessment or intervention by a practitioner in the past, 16% received treatment from their GP with medication ( $n = 16$ ), 12% were identified as having had contact with in-patient psychiatric services, and 10% had had contact with a Community Mental Health Team (CMHT).

#### Active symptoms indicative of mental health problems and current service

The most frequently reported symptoms of mental health problems identified by Probation Officers among their clients were sadness and low mood (26%), and anxiety-related symptoms (18%). Withdrawal and social isolation were reported in 9% of cases, self-harm (3%) and symptoms of delusions, paranoia or hallucinations (3%) reported only in men. Active suicidal ideation was reported in 5% of cases.

Of those currently engaged with some form of service for their mental health, 14% were being treated with medication by their GP and 4% were engaged with a Community Mental Health Teams (CMHT) and/or psychiatry, only men.

#### Barriers and key life issues impacting on mental health

Probation Officers reported client lack of insight into their mental health as a barrier to access to appropriate services (15%). Three clients did not have an allocated GP, and two clients declined to engage with mental health services following GP referral. One client was deemed by their GP to be unsuitable for referral to a mental health service.

Probation Officers also identified key issues which they perceived as likely to be contributing to mental health problems. Chronic misuse of alcohol and/or drugs was most frequently identified, followed by difficult family relationships and accommodation instability. Social isolation was identified in 12% of cases, and gang affiliation in 7%, both identified only in men. Chronic misuse of non-prescribed drugs (35%), alcohol misuse (22%), and prescribed drug misuse (16%) were identified.

#### Global Assessment of Functioning (GAF)

Probation Officers completed the Global Assessment of Functioning (GAF) for each client. Table 2 shows the number and percentages of ratings across each GAF scoring range.

**Table 2.** *Ratings across each GAF scoring range*

GAF score	GAF description	Overall	
		%	(n)
100–91	No symptoms. Superior functioning in a range of activities.	4.0	4
90–81	Absent or minimal symptoms; good functioning in all areas, socially effective, no more than everyday problems or concerns.	15.2	14
80–71	If present, symptoms are transient and expectable reactions to psychosocial stressors; no more than slight impairment in social and/or occupational functioning.	17.4	16
70–61	Some mild symptoms or difficulty in social, occupational functioning, but generally function well with meaningful interpersonal relationships.	26.1	24
60–51	Moderate symptoms or moderate difficulty in social, occupational functioning (few friends, conflicts with peers/co-workers).	17.4	16
50–41	Serious symptoms or any serious impairment in social or occupational functioning (no friends, can't keep a job).	4.3	4
40–31	Significant impairment in reality testing or communication or major impairment in several areas (work, family relationships, judgement, thinking mood).	4.3	4
30–21	Behaviour considerably influenced by delusions or hallucinations or severe impairment in communication or judgement or inability to function in most areas.	1.1	1
20–11	Major impairment. Some danger of hurting self or others or occasionally fails to maintain minimal personal hygiene or gross impairment in communication.	1.1	1
10–1	Persistent danger of severely hurting self or others or persistent inability to maintain minimal personal hygiene or serious suicidal act with clear expectation of death.	–	–

Clients were most often identified as presenting with mild to moderate symptoms, such as depressed mood and mild insomnia, possible flat affect or occasional panic attacks and some difficulty with social and/or occupational functioning for those experiencing moderate symptoms.

### *Summary of findings*

Probation Officers indicate that a third of their clients had a previous formal mental health diagnosis and 40% had accessed a service for mental health assessment and/or treatment, or both, in the past. Forty-two per cent of clients were identified by Probation Officers as presenting with active symptoms of mental health problems and 21% were identified as currently receiving some form of service for mental health problems.

Approximately 20% of clients identified as presenting with active symptoms of mental health problems were not engaged with any services to address their mental health needs. Of those receiving some form of input for mental health health problems, most were treated with medication through their GP. Mild to moderate symptoms were most often identified on the GAF.

The findings are consistent with the previous study; however, the study is subject to limitations. It is based on self-report with one urban, inner-city team, and did not reflect the national service. In addition, there were considerably fewer women within the sample than men, which did not allow for accurate comparison. Furthermore, the issue of co-morbidity is also particularly relevant and the numbers reported for alcohol and drug misuse and personality disorder appear particularly low when compared to previous studies undertaken in probation populations. The mental health service evaluation measure was developed for this study and therefore not validated in other settings.

### ***Study 3: Mental health among clients across five regional teams***

A third, larger representative study using the Mental Health Service Evaluation (MHSE) and the Global Assessment of Functioning (GAF) was conducted with five teams across five Probation Service regions.

### *Research design and methodological approach*

The third study utilised similar survey methodology, measures and administration method to the pilot study. The measures included Mental Health Service Evaluation (MHSE) and the Global Assessment of Functioning (GAF).

Five Probation teams, including Probation Officers and Senior Probation Officers, participated in the study. The five teams included two specialist urban teams, two rural teams and one general urban team, which are not published, to ensure team, client and data anonymity. The study received ethical approval from the review committee at the Probation Service. A similar methodological approach as that used in the previous study was applied.

Statistical Package for the Social Sciences (SPSS) was used for analysis of quantitative data, descriptive analysis (frequencies) and Chi-square tests to explore the relationship between variables: formal diagnosis, past and current involvement with a service, symptoms indicative of mental health problems, key issues and barriers to access, and categorical demographic variables including gender, team and age categories. Comparison of means data (t-tests) were used on scale data.

### *Results*

Five hundred completed questionnaires were returned, 8% of the total population of clients on general supervision order as of 1 February 2019. Seventeen per cent were aged 18–24 years, 46% 25–34 years, 29% 35–49 years, 6.1% 50–59 years, and 1.7% were 60 years and over.

For ethnicity, 85.3% were identified as White Irish, 7.5% as White Irish Traveller, 6.3% Other White background, 0.6% Black African, and 0.2% Mixed ethnic group.

Concerning occupation, 58.2% were unemployed, 17.6% in full-time employment, 5.4% in drug and/or alcohol rehabilitation, and 4.8% vocational/apprentice training, 4.8% in full/part-time education. Ten individuals were identified as full-time parents, two full-time carers and 6.7% were reported as 'other'.

The primary offence type included 'violence' (against the person) (31%), acquisitive offences (23%), drug related (16.6%), public order offences (11.9%), property crime (7%), sexual offending (4.2%), driving offences (3.2%) and 'other' (3%).

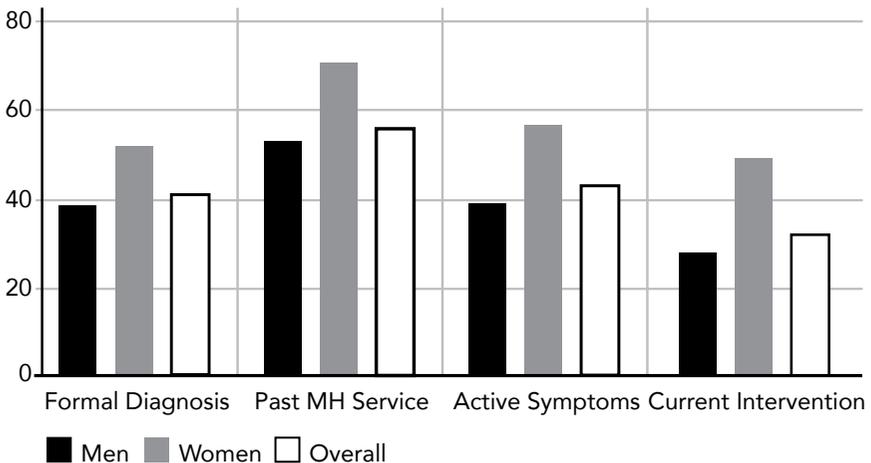
Two specialist urban teams were included: Team A (30%;  $n = 150$ ) and Team D (8%;  $n = 42$ ); two rural teams: Team B (9.4%;  $n = 47$ ) and Team C (30%;  $n = 147$ ); and one general urban supervision team: Team E (23%;  $n = 114$ ). All teams were mixed gender with the exception of Team B, a men-only service.

## Mental Health Service Evaluation (MHSE)

Overall, 41% of clients were identified as having a formal mental diagnosis provided by a qualified clinician (men 38.5%; women 52.3) and 56% of clients had received some form of assessment or intervention for mental health problems in the past (men 52.5%; women 70.5%).

Probation Officers identified 43% with active symptoms of mental health problems (men 40.2%; women, 56.8%), and 32% of clients were identified as being engaged with some form of service for their mental health needs at the time of completion (men 28%; women 48.9%). Figure 1 shows the percentages on the service evaluation questions overall and for men and women.

**Figure 1.** Percentages across service evaluation questions overall and for men and women



Women present with a higher rate of formal mental health diagnosis than men and are more often diagnosed with mood disorder (12% men; 27% women) and stress disorder (5% men; 11% women). Only men had a diagnosis of personality disorder (4%), and disruptive behaviour or dissocial disorders (2%).

More women than men had past mental health assessment or intervention, or both (community and/or custody), and women had higher rates of contact with services, such as: GP and medication (21% men; 39% women), Community Mental Health Team (CMHT) (11% men; 19% women). However,

more men than women had been seen by psychology, psychiatry, addiction services and healthcare services whilst serving a custodial sentence.

More women than men present with active symptoms of mental health problems. Women were reported as having higher or similar rates on all indicators of mental health problems, with the exception of withdrawal and isolation and intrusive thoughts/images.

More women than men are currently engaged with services including GP and medication (17% men; 33% women), Psychiatry — Community Mental Health Team (CMHT) (10% men; 15% women), Primary Care Psychology (1% men; 3% women). More men than women were identified as experiencing mental health problems but fewer were accessing services (21% men; 15% women). Barriers to accessing mental health services included 'client declines to engage', 'limited insight into severity of symptoms' and 'client deemed unsuitable for mainstream mental health services or no service available'.

#### Global Assessment of Functioning (GAF) measure

Over half of clients (61%) were rated as having Global Assessment of Functioning (GAF) scores in the 'slight impairment', 'mild symptoms' and 'moderate symptoms' range; 19% were rated as presenting with serious and severe mental health symptoms.

Half (50%) of men's, and 70% of women's GAF scores fell in the 'slight impairment', 'mild symptoms', and 'moderate symptoms' ranges, consistent with the overall scores. It is notable that 10.5% of men's and 9% of women's GAF scores fell between the serious and severe ranges (GAF: 40–31; 30–22; 20–11); 1.5% of men's scores fell in the 10–1 GAF range, that is, six men described as 'in almost constant danger of hurting themselves or others'.

#### Mental Health Service Evaluation data presented by team

Teams were classified by type of supervision team, including specialist or general supervision team and rural and urban settings. Table 3 shows the number and percentages on service evaluation questions overall and across teams.

**Table 3.** *Ratings across service evaluation questions*

Team	Mental Health Service Evaluation (MHSE)							
	Formal diagnosis		Past mental health service		Active symptoms mental health problems		Current intervention	
	%	(n)	%	(n)	%	(n)	%	(n)
Team A Specialist 1	<b>41</b>	61	<b>49</b>	<b>74</b>	<b>50</b>	74	<b>32</b>	48
Team B Rural	<b>38</b>	18	<b>66</b>	31	<b>32</b>	15	<b>36</b>	17
Team C Rural	<b>43</b>	64	<b>57</b>	84	<b>46</b>	67	<b>35</b>	51
Team D Specialist 2	<b>28</b>	12	<b>55</b>	23	<b>43</b>	18	<b>19</b>	8
Team E Urban general	<b>45</b>	51	<b>60</b>	68	<b>36</b>	41	<b>31</b>	35
<b>Overall</b>	<b>41</b>	206	<b>56</b>	280	<b>43</b>	216	<b>32</b>	159

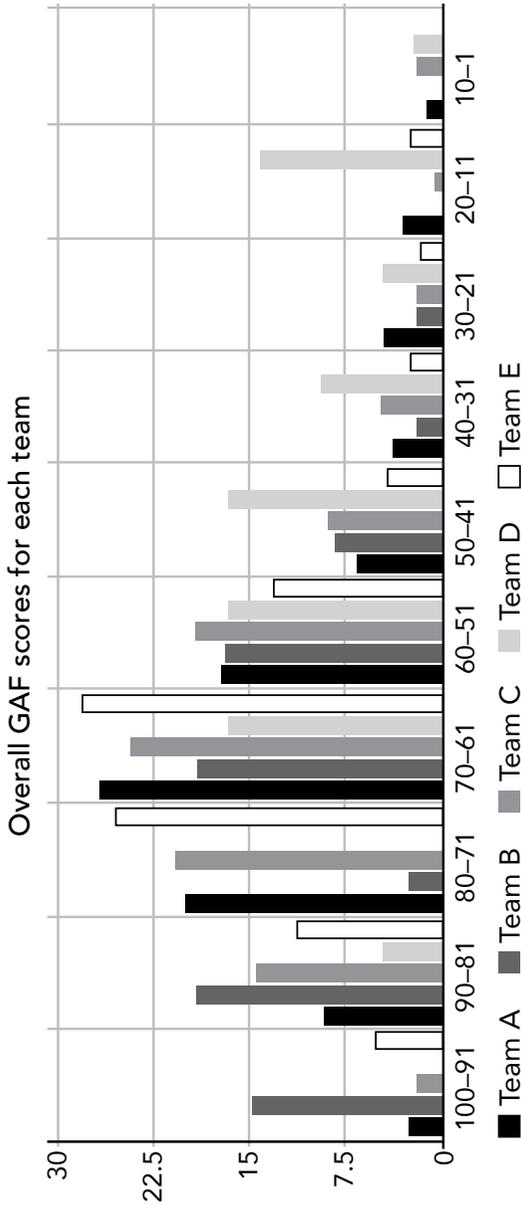
Team D had the lowest rate for formal diagnoses compared to the average figure (41%) and other teams (38–45%); and the urban general supervision Team E reported the highest rate. Team D reported the lowest rate of clients currently engaged with services (19%) and the highest rate of schizophrenia (14%) and past contact with CAMHS (19%). Clients are less likely to be treated by their GP and rated higher on withdrawal and social isolation than other teams.

Specialist Team A reported the lowest rate of past contact with a service overall (56%) and across teams (49%), and the highest rate of current active symptoms (50%). In contrast, the rural supervision Team B reported having had the highest past contact with services (66%), the lowest rate of active symptoms of mental health problems (32%), and 36% were currently engaged with a service

### Global Assessment of Functioning (GAF)

Figure 2 shows the percentages of GAF ratings presented for each team.

**Figure 2.** Percentages of GAF scores by team



The GAF scores are generally comparable across teams. Scores are highest within the mild–moderate symptom range, with fewer scores indicating severe and enduring mental health symptoms. However, the distribution of GAF scores in Team D indicates more complex mental health symptomatology. Scores are skewed towards the middle and lower end of the GAF ranges, indicating serious and severe and enduring symptoms. Probation staff often report high levels of concern with regard to their clients' mental health. Furthermore, when percentages between 'active symptoms' and current intervention are compared, the range for all five teams is 4–24%, with Team D presenting the biggest gap of 24%.

### *Summary of findings*

Forty per cent of clients were identified as having a formal mental health diagnosis, and the most frequently reported diagnoses include anxiety and mood disorders. Over 50% of clients have received some form of assessment or intervention or both, in the past, most often receiving medication from a GP. Eleven per cent were identified as having had contact with in-patient psychiatric services in the past.

Over half of women and 40% of men are reportedly experiencing active symptoms of mental health problems, and the most often reported symptoms indicative of mental health problems relate to depressive symptoms and anxiety. A high level of suicidal ideation and self-harming behaviour is identified. This is of concern for the Probation Service and the wider health services. The finding highlights the importance of raising awareness and providing education and training in line with the National Office for Suicide Prevention national and regional policies.

Poor client insight into their mental health problems and lack of willingness to engage with services were identified as barriers preventing access to mental health services, along with 'client deemed unsuitable for mainstream mental health services or no service available'. Probation staff rated 'none' or 'insufficient' engagement with their clients' current service provider in 17% of cases.

Over half of clients were rated as having Global Assessment of Functioning (GAF) scores in the 'slight impairment', 'mild symptoms', and 'moderate symptoms' range; and a fifth were rated as presenting with serious and severe mental health symptoms, which varied across teams. There appears to be some difference between the types and frequency of indicators of mental health problems and symptoms identified by Probation Officers and the GAF

ratings provided. This may suggest gaps in understanding and confidence in assessment and possible limited knowledge and training needs in the area of mental health problems and identification of symptoms.

## **Discussion**

The three studies completed to date have explored and identified the prevalence and types of symptoms indicative of mental health problems among clients engaged with probation services from the perspective of Probation Officers. The three studies combined confirm a significant incidence of mental health issues among persons on supervision. These findings provide the Probation Service, as well as the Department of Justice and Equality and the Department of Health, with data to evidence the need for appropriate mental health services and for cross-agency and interdisciplinary working with clients presenting with a range of mild, moderate, and severe and enduring mental illness within the criminal justice system.

Mental health is an important criminogenic factor to be taken into account in assessment and supervision. In particular, it impacts directly on a person's capacity and ability to benefit from supervision and interventions, especially when a mental health problem is a co-morbid presentation with a drug and or alcohol problem. The study demonstrates that there are several barriers to accessing appropriate service at the right time, such as client engagement with services and also the willingness of mainstream health services to take appropriate referrals. This highlights the importance of linking and supporting clients' engagement with services, and developing multi-disciplinary partnerships and active working with mental health professionals to maximise benefits of supervision and to reduce offending behaviour. This will ultimately require a proactive approach towards making those links locally and nationally through senior management and the Mental Health Working Group.

Based on the significant gaps in the data gathered, assessing mental health functioning and asking relevant questions, making appropriate referrals and working effectively with mental health professionals require additional skills training and guidance for Probation Officers. It is unlikely that general Probation Officer training provides enough assessment skills or information for Probation Officers to be confident when making referrals. This is further complicated by difficulties in identifying appropriate formal pathways to accessing mental health services, which can vary depending on the resources and availability of services locally and regionally.

There are differences between the types of teams within the evaluation, indicating the need for a tailored approach. This will require working with individual teams to develop an engagement strategy, particularly for those clients presenting with active symptoms but not currently engaged with services. This should be offered alongside additional training and psychoeducation, beginning with the most common mental health problems, such as depression and anxiety disorders.

It is also particularly concerning that 50 individuals were indicated on the GAF as presenting with serious and severe symptoms indicative of mental illness, and six men were identified as being 'in almost constant danger of self-harm or harm to others'. This raises many questions, in particular, how we support clients to get access to appropriate mental health services, and how we as a service support Probation Officers working with individuals with a range of complex mental health needs.

These preliminary studies are subject to several limitations. The scoring of questions is at the discretion of the individual Probation Officer, and there is limited formal mental health training provided to Probation Officers. As such, it may be that the incidence of mental health is an underestimate or an overestimate. It is clear, however, that questions requiring a more nuanced understanding and identification of specific symptoms and indicators of mental health problems were not well answered when compared with the ratings provided on the GAF. This does suggest possible gaps in understanding, confidence and knowledge in basic assessment of mental health, and a need for further training and skills development in recognition of symptoms of mental health problems.

Furthermore, this study does not address issues of co-morbidity or other related addiction issues, which is a significant limitation. The findings are difficult to compare with mental health data collected in other jurisdictions, because of the differences in service provision — for example, the lack of services offering assessment and intervention for those with personality disorder. Furthermore, the GAF measure is subject to several limitations as a one-rating scale, and the mental health service evaluation was designed solely for the purpose of this review; however, the studies provide a snapshot of significant mental health needs among clients. Further research is required, to explore mental health, particularly from a service user's perspective.

The findings, drawn from practice research, highlight data and valuable information to support initiatives across a number of areas of work in the organisation; inform the workplan of the Probation Service Mental Health

Group as it oversees the implementation of the guidance framework, interagency negotiation and collaboration; and provide an evidence base to inform the choreography of future practitioner training that enhances confidence and capacity to engage with these issues that can often be consigned to the margins of practice. The full research report and findings will be published as a Probation Service Research Study in 2020 and will be available on [www.probation.ie](http://www.probation.ie).

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# ‘There are Fourteen Grey Areas’: ‘Jailing’, Professionalism and Legitimacy in Prison Officers’ Occupational Cultures

Joe Gairihy\*

**Summary:** The occupational cultures in which one is immersed have a profound impact on individual and group occupational identities (Ashforth and Kreiner, 1999). Occupational cultures are socially constructed patterns of shared thinking, feeling, and behaving, distinctly associated with particular occupations (Manning, 2007; Schein, 2010). The occupational cultures of prison officers provide a lens through which they perceive their challenging and complex working world, and their place in it. This paper provides insight into the nature of occupational cultures in Irish prisons and their interplay with the identities of prison officers, including their attitudes, feelings, habits, and practices. It identifies how these occupational cultures are challenged, perpetuated, and/or reinforced in our prisons. The paper presents some of the key findings from a large-scale study, commencing with the relationship between officers’ experiences of solidarity and conformity with high levels of entitativity.<sup>1</sup> This will be applied to account for the conceptualisation of ‘jailing’, discretion, professionalism and legitimacy in prison officers’ occupational cultures. The paper draws on unprecedented access to conduct ethnographic research in four Irish prisons from 2015 to 2017, including 76 interviews with all ranks from prison officer to governor. It is complemented by data from a survey distributed to every prison in the state (n = 544). The analysis of prison officers’ occupational cultures and identities provides an in-depth understanding of the experience of prison work and the perception and appropriation of penal policy, while generating possibilities for future research, training, and policy.

**Keywords:** Prisons, prison officers, occupational cultures, identity, penal policy, professionalism, legitimacy.

## Introduction

Cultures provide us with intellectual, emotional, and physical knowledge to make sense of our lives. Prison life is fundamentally framed by prison cultures.

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<sup>1</sup> Entitativity is defined as the perception of a group as a pure entity and perceiving of a collective of individuals characterised by unity and coherence (Campbell, 1958).

Thus, in the analysis of prisons, there is an inherent analysis of their cultures. Occupational cultures are intrinsically linked to the experience of working in prison and the practices of running prisons (Liebling *et al.*, 2011). Considerations of power, legitimacy, and professionalism are of paramount importance in penological studies broadly, but specifically those of prison staff (Sparks and Bottoms, 1995). This paper will present an analysis of the prison officers' occupational cultures in which these considerations are shaped and, in turn, shape.

The dearth of prison research in Ireland is reflected in the lack of consistent and sustained research across the criminal justice system (O'Donnell, 2008; O'Mahony, 1993; Rogan, 2011). This is further exacerbated by the lack of comprehensive research on prison officers in Ireland. Within this context, prisons have remained obscured for much of their history. Where there is research, it tends to focus on prisoners (see Lundström-Roche, 1985; McCann James, 2001; Quinlan, 2011). The climate of research in Irish prisons remains challenging but with the completion of recent doctoral projects (Barry, 2017; Roche, 2016; Watters, 2017), there are grounds for cautious optimism about the possibilities for future research in the Irish prison system. The publication of the report in 2015 by the previous Inspector of Prisons (assisted by Coyle) (2015), *Culture and Organisation in the Irish Prison Service*, is a valuable contribution, but its focus is directed to organisational culture more than occupational cultures. The underrepresentation of prison officers in prison research is reflected internationally, despite some groundbreaking studies on prison staff over the preceding decades (Britton, 2003; Crawley, 2004a; Kauffman, 1988; Liebling *et al.*, 2011; Zimmer, 1986).

The practice of prison work is central to prison officers' experience. 'Jailing' is the verb used by officers to describe the 'jail craft' essential to work in prison. In a broader sense, it relates to officers' abilities to navigate their occupational environment and the occupational cultures that shape every aspect of their life inside the prison. The skills, dispositions and tacit knowledge that comprise 'jailing' situate officers' abilities to 'do' their job, accumulate cultural capital (Bourdieu, 1977) and cope with the challenging nature of their work firmly within the purview of their occupational cultures.

The paper commences with a brief description of the study from which these findings are drawn before defining and contextualising occupational culture within it. The paper progresses with an analysis of the concept of 'jailing' as 'practical mastery' (Bourdieu, 1990, p. 61) within prison officers' occupational cultures. The concept of entitativity (Campbell, 1958) will be

applied to explore the nature of solidarity and conformity for prison officers in this study. The findings explicate how solidarity and conformity develop and are perpetuated through the combination of three dimensions of entitativity — proximity, provenance, and a shared common fate. Discretion lies at the core of prison work and prison cultures (Crewe, 2011; Klofas, 1986; Liebling, 2000, 2008). It is inexorably linked to the professionalism of officers upon whom the legitimacy of the prison regime and practices therein rests (Carrabine, 2005; Liebling, 2011a; Sparks and Bottoms, 1995). The paper will situate the role of occupational cultures in perceiving professionalism and define the concept of ‘compromised legitimacy’ emerging from this study.

The insights gained through this study illustrate the potency of their application to concepts such as professionalism and legitimacy through the lens of the occupational cultures within our prisons. This has significant added value in its application to future policy initiatives to identify how they will be interpreted through these cultural lenses, with the associated implications for their likelihood of adoption and implementation. The paper will conclude with recommendations for future research.

## **The study**

The study aimed to gain insight into the lived experience of prison officers in Irish prisons. Their aggregate of ‘deep stories’ (Hochschild, 2016, p. 135) and shared experiences constitute the occupational cultures within each prison and across the prison estate. The study examined the nature of occupational cultures in Irish prisons and their interplay with the identities of prison officers. It sought to account for the attitudes, feelings, habits, and practices that define these occupational cultures. Central to this was the nuanced ways in which these occupational cultures are challenged, perpetuated, and/or reinforced in Irish prisons.

To achieve this, a comprehensive mixed-methods research design with a strong ethnographic core was employed (Brannen, 2005). The ethnographic approach offers a comprehensive combination of methods with which to accomplish this aim, including participant observation and interviews (Hammersley and Atkinson, 2007). The strength of ethnographic research is its potential to delve deeply into occupational cultures (Brewer, 2000). Put simply, ‘it’s all a matter of scratching surfaces’ (Geertz, 1986, p. 373) so one must aim to hear, see, smell and experience the prison environment to seek to understand it.

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Ethical approval was granted by the Irish Prison Service (IPS) Research Committee and the University College Dublin (UCD) Human Research Ethics Committee. Exploratory in nature, a pilot study was conducted including seven in-depth semi-structured interviews and six surveys. The research rested upon securing unprecedented access through diverse gatekeepers including the IPS Research Office, IPS Research Committee, multiple governors, and facilitation by the Prison Officers' Association over many months. With access secured, the data collection comprised fourteen months of ethnographic research with independence of movement and association throughout four Irish prisons from November 2015 to February 2017. The fieldwork was conducted in the then four prisons comprising the Mountjoy Prison Campus, which at the time comprised two medium-security closed male prisons, a medium-security closed female prison and a low-security semi-open male prison, all for people over 18 years of age. This included 69 semi-structured interviews with participants from all ranks from prison officer to governor.

The aim of conducting ethically and socially responsible research was central to this study. Information sheets and posters with clear accessible language were distributed before the research commenced. The complementary nature of the ethnographic data collection and interviews allowed officers to speak informally and/or seek further information before deciding whether to participate in a recorded interview. Potential participants were assured that participation was voluntary, confidential, and anonymous, while no financial inducements would be offered and there will be no repercussions for non-participation. Additionally, participants had the right to pause, stop and/or withdraw from interviews at any time, and withdraw consent for their contributions to be included thereafter. This, however, did not come to pass at any point.

Informed consent was obtained with all interview participants. Participants were requested to sign two short consent forms, confirming their knowledge, understanding and agreement to these terms. Participants were given one of the consent forms to keep. The audio data were transcribed, and the recordings were deleted upon the study's end. A room was made available to conduct interviews but, as noted by others (see Crawley, 2004a; Liebling *et al.*, 2011; Sloan and Wright, 2015), the constantly changing nature of prison research requires officers to be interviewed when and wherever possible. This resulted in interviews being held in class offices, storerooms, and various other haphazard locations. Concomitantly, the same information was provided to all staff upon first encounter in the ethnographic data collection.

Anonymised descriptors are used, and the names of the participants do not appear in any of the data analysis or publications.

The qualitative data were complemented by survey data gathered from across the prison estate in Ireland. The survey was distributed via paper and online formats to facilitate ease of access for officers in diverse occupational circumstances, with a response rate of 22.8% ( $n = 544$ ). Of the response rate of 22.8% ( $n = 544$ ), 18.4% were female ( $n = 100$ ) and 81.6% were male ( $n = 444$ ). According to IPS (Irish Prison Service, 2016) figures the Mountjoy Campus ratio was F: 28.7% / M: 71.3%, but this is affected by the high percentage of female officers in the female prison. The ratio across the IPS estate was F: 24.4% / M: 75.6%, while the ratio across all prisons minus the female prison in this study was F: 22.3% / M: 77.7%. The age of respondents was collected in predefined age groupings, with the largest grouping, 31.6%, being aged 37–43 ( $n = 172$ ). There were only slightly fewer officers in the age group 44–50 at 30.9% ( $n = 168$ ); 20.2% of respondents were aged 30–36 ( $n = 110$ ), 15.6% were over 50 ( $n = 85$ ), while only 1.7% were aged 23–29 ( $n = 9$ ). The years of service were distributed across the five categories, with 27% having 5–9 years ( $n = 147$ ), 24.8% having 16–20 years ( $n = 135$ ) and 19.5% having 10–15 years ( $n = 106$ ). The categories were completed by the 16.2% of respondents with 26 or more years ( $n = 88$ ) and 12.5% with 21–25 years of service ( $n = 68$ ).

**Table 1:** *Demographics of interview participants (excluding pilot study)<sup>2</sup>*

<i>Study</i>		<i>%</i>	<i>Sample</i>	<i>Total</i>
<i>Gender</i>				
	Male	66.2	45	
	Female	33.8	23	68 <sup>3</sup>
<i>Age</i>				
	23–29	4.4	3	
	30–36	28	19	
	37–43	25	17	
	44–50	23.5	16	
	>50	19.1	13	68

<sup>2</sup> Minor demographic details have been amended to protect the anonymity of participants.

<sup>3</sup> There were 68 individual interview participants but 69 interviews. As is the nature of prison research, this resulted from an interview being interrupted by another officer who subsequently joined the interview with the consent of the original officer. Individual interviews were held separately with each officer at a later date.

<i>Study</i>		<i>%</i>	<i>Sample</i>	<i>Total</i>
<i>Years in Service</i>				
	5–9	35.3	24	
	10–15	26.4	18	
	16–20	19.1	13	
	21–25	7.3	5	
	>25	11.7	8	68
<i>Training</i>				
	HCCC <sup>4</sup>	33.8	23	
	9 weeks	66.2	45	68
<i>Grade</i>				
	Prison Officer	78	53	
	Assistant Chief Officer	11.7	8	
	Chief Officer	5.9	4	
	Governor	4.4	3	68

## **Defining occupational cultures in prison**

Occupational culture, as defined in this paper, focuses on the cultures that developed and remain rooted in the experiences of workers on the lower levels of the organisational hierarchy. There is a distinction between occupational culture (bottom-up) and organisational culture (top-down). In his work on police, Manning (2007) contends that there is a dialectic of organisational and occupational culture. In the Irish context, this is compounded by the fact that except for two (at the time of the fieldwork), every promoted officer up to Campus Governor commenced their career as a recruit prison officer and rose through the ranks. It is more appropriate to consider occupational cultures rather than a singular occupational culture, as there are multiple subcultural variants within the prisons in this study. Schein (2010, p. 18) defines organisational culture as 'a pattern of shared basic assumptions learned by a group as it solved its problems of external adaptation and internal integration, which has worked well enough to be considered valid and, therefore, to be taught to new members as the correct

<sup>4</sup> The Higher Certificate in Custodial Care (HCCC) was introduced in 2007 as a two-year (four-semester) training programme for recruits, replacing the previously provided nine-week course. It combined academic modules and practical elements.

way to perceive, think, and feel in relation to those new problems'. This definition applies to an analysis of the day-to-day context of *being* a prison officer. This sentiment is expressed more succinctly by this officer.

Jail makes you what you are. (Prison Officer, Male, 16–20 years)

The salience of prison officers' occupational cultures was profound in this study but requires analysis to account accurately for the nature of their conscious and unconscious roles in officers' lives. Lombardo (1981) queried the salience of prison officers' occupational cultures and maintained that occupational cultures are significant only in times of extreme danger or threat.

The findings of this study present an occupational group who feel under threat from all sides: from Irish Prison Service Headquarters (IPS HQ),<sup>5</sup> local management, prisoners, the media, and the public. Moreover, the findings support the portrait of prison officers' occupational cultures in existing Irish literature (Barry, 2019; Inspector of Prisons and Coyle, 2015; Watters, 2017) and other jurisdictions in presenting a group who believe that they are undervalued, unappreciated and viewed by the public as 'unintelligent, insensitive and sometimes brutal' (Crawley and Crawley, 2008, p. 134). Prison work, in 'total institutions' (Goffman, 1961), is hidden from public view, which, according to officers, leads the public and media to perceive their work as nothing more than the warehousing of society's dregs and deviants.

Officers feel misunderstood, misrepresented, and maligned by these multiple sources. Consequently, it is reasonable to argue that they experience their occupational group and identities as under constant threat, which significantly solidifies their experiences of insularity and social isolation. To account for these, a brief examination of the relationship between the concept of entitativity with solidarity and conformity in prison officers' occupational cultures is revealing.

## Entitativity, solidarity and conformity

Prison officers in this study perceived a powerful sense of in-group identification, which can be accounted for with the concept of 'entitativity' (Campbell, 1958). Entitativity is defined as the perception of a group as a pure and distinct entity (Lickel *et al.*, 2000). This distinct entity is perceived as a collective of individuals

<sup>5</sup> Officers almost exclusively refer to the Headquarters of the Irish Prison Service (the staff there) as 'IPS' or 'Longford' (the geographic location of the IPS HQ offices). This is incredibly insightful in its symbolism, as officers refer to the title and headquarters of their own organisation as something other and separate.

characterised by unity and coherence (Campbell, 1958). The specific nature of this distinct in-group identity is more accurately defined as bound by ties of enforced inadvertent kinship. Membership has a familial quality. Many officers share close relationships with smaller subgroups of their wider occupational group, defined by working group, rank, background, sporting interests and sides of the roster, among others. In this way, the boundaries between the task (occupational) group and intimacy (familial) group are blurred for prison officers due to the nature of their work. Their sense of kinship and loyalty to their occupational group is a potent matrix of bonds that supersedes traditional co-worker relations. Entitativity is further enhanced by the shared social categories such as provenance and pathways into the job. Finally, entitativity is compounded by their 'proximity' (Campbell, 1958). Proximity is manifest by sharing, often intense, prison environments for long shifts, where the threat or actuality of violence is pronounced throughout their careers, mitigated by their resilience and sense of humour.

The solidarity among frontline and/or uniformed occupations has long been established (Gassaway, 2007; Liebling *et al.*, 2011; Loftus, 2012; Rivera, 2014). In this study, examples of officers' collective goodwill and altruism abound. Officers reported common practices such as pooling annual leave to donate to a colleague in need due to a relative's illness, and having fundraisers for colleagues' charitable causes. It is noteworthy that officers in this study highlighted a perceived generational downward shift in levels of officer solidarity. Put another way, more experienced officers asserted that the newer generation of officers exhibited less solidarity towards their occupational group.

At the heart of hostile relations between officers and the IPS HQ is that, according to officers, policy is determined by ill-informed bureaucratic civil servants with no frontline prison experience. Historically, prison governors had high levels of autonomy, regarding the prison as their 'personal fiefdom' (Inspector of Prisons and Coyle, 2015, p. 24), but they are now more subservient to IPS HQ. Correspondingly, officers assert that their expertise and resilience go unrecognised, while their input goes unheeded. Promotions awarded by IPS HQ are characterised by officers as a combination of nepotism, often dynastic, and rewarding 'company men'<sup>6</sup> or 'poachers turned gamekeepers' in prison

<sup>6</sup> Gendered discourse is socially constructed to refer almost always to officers, roles or individuals in the masculine form (except when referring to a specific example including a female officer). An officer will refer to, 'the man on the gate', 'the man that was with me on the landing', 'there was a man posted to A Division' despite the person in question being a female officer. This was equally evident in the discourse of female officers, including in the female prison.

officer argot. The antagonistic relations also permeate those between local management and prison officers. IPS HQ and local management are perceived as combining to undermine officers' power and authority to appease prisoners, while applying inconsistent disciplinary processes.

Officers contend that IPS HQ and local management perceive staff as a 'necessary evil' and persistently threaten staff with disciplinary action. A wry phrase that captures this most aptly is 'they (IPS) spend three years training you and thirty trying to sack you'. The complexity of this relationship increases with the juxtaposition with the equally common assertion by officers that they are 'unsackable' but are usually sanctioned by loss of salary increments. Combined with a 'blame culture', this fosters a perception that their occupational group provides protection against this persecution. This conceptualisation of solidarity is inexorably linked to the undermined legitimacy of IPS HQ and local management. Solidarity is perhaps most important as it provides the basis for the last line of defence in times of crisis and instigates the reaction of the group to come to the aid of their colleague (known as 'the blue monster').

The role of the POA is noteworthy as a polarising voice in this context. A comprehensive discussion of the role of prison officer unions is beyond the scope of this paper but it is reasonable to argue that, like their counterparts in various jurisdictions, the POA in Ireland has consolidated significant power within the prison system (Bennett and Wahidin, 2008; Doob and Gartner, 2011; Inspector of Prisons and Coyle, 2015; Liebling *et al.*, 2011; Page, 2011). Officers are presented with a 'big picture' version of IPS's perceived long-term goals, which are being achieved incrementally with each policy initiative. In this climate, officers are balloted for industrial action several times a year, and the perpetually negative interpretation of policies and practices introduced by the IPS significantly contributes to officers' distinct sense of persecution. The words of the POA President (2018) in his speech to the National Congress in April 2018 dramatically outline their espoused perspective on many policy initiatives emanating from the IPS and its advisors.

In the latest round of prisoner concessions to satisfy the whim of whoever the latest 'forward thinking' group that never had to walk a prison landing but thought long and impressive thoughts about how to 'hug' away the problems of this world. Unfortunately, we don't live in this 'fluffy bunny' world.

The other side of the same cultural coin is the pressure on officers to conform to the norms and values of their occupational cultures. The protection provided by their solidarity is inexorably linked to their defence of the collective from external threats from identified out-groups. The strength of an officer's personality or resilience to resist the pressure of their working environment and occupational groups varies. The expectations to conform are often implicit and can be made explicit in several ways. These include the use of humour to deride officers who do not conform, and the retelling of occupational folk tales about officers who were ostracised from the group. The most prevalent and effective sanction is social isolation ('the silent treatment') including not communicating with the officer, not engaging in shift swaps, and not affording reciprocal flexibility of tasks. This appears low in severity, but it is grindingly effective in coercing conformity.

The social pressure extends to the wider occupational group and requires officers not directly involved to contribute to this ritual isolation. Finally, the omnipresent spectre of further repercussions, including apathetic responses in coming to the aid of that officer in distress and/or physical violence, remains. This is not to say that officers do not possess or exert agency within their occupational lives. Rather, officers negotiate their behaviours within the matrix of culturally acceptable activities. To do so, officers become masters of their occupational world. The scope of this paper does not allow a fuller exploration of these synthesised concepts and their role in the studied occupational cultures. However, this concise elaboration serves as a premise for the analysis that follows.

## **'Jailing'**

Occupational cultures are intrinsically linked to the skills and practices that form what officers refer to as 'jailing'. Bourdieu (1990, p. 61) uses the term 'practical mastery' for persons' unthinking ability to manoeuvre and engage in everyday life with relative ease. The synthesised totality of these dispositions and skills is constituted in prison officers' occupational cultures as 'jailing'. Officers hold their ability to 'jail' in high regard. It incorporates the skills officers acquire to 'do' their work. It shares elements of their sense of professional skills particular to their occupation, but simultaneously unofficial ways of 'doing' prison work that may not align with official policy or espoused expectations. Thus, the novel verb 'jailing' describes a combination of tacit knowledge gained through experience, instinct and 'cultural capital'

(Bourdieu, 1977) accumulated throughout their careers. Bourdieu (1977) differentiated between four forms of capital: economic, social, cultural and symbolic. In prison, there are particular forms of capital or economies of knowledge, power, and networks.

Jailing is a social and occupational cultural construct transmitted through generations. The officer quoted below succinctly expresses the character and relative intangibility of this dynamic.

Look, you've been here, it's a community. It's not — I couldn't give you a handbook and say, 'this is the way we run the prison'. It doesn't work like that. (Prison Officer, Male, 10–15)

A significant portion of officers' work is social in essence. Officers are usually outnumbered by prisoners. They are taught early in their careers that their verbal and social skills are their greatest asset and primary form of defence.

You don't have a baton or a gun, but you have your mouth, and this is your most important weapon. (Prison Officer, Female, 10–15)

In the intensely gendered prison environment, officers' work is performative (Britton, 2003; Crawley, 2004b; Curtis, 2014; de Viggiani, 2012; Evans and Wallace, 2008; Hefner, 2017; Sim, 1994; Sloan, 2016; Zimmer, 1986). Prisons are traditionally environments designed by and for men. Officers' status and cultural capital are inexorably linked to their capacity to meet satisfactorily their occupational culturally constructed expectations of gender. In the context of prison work, 'doing gender' (West and Zimmerman, 1987) is a core feature of jailing in their occupational identities. Social skills remain central despite the gendered conceptualisations of male and female officers conceiving male officers' recourse to physical or violent resolutions to diverse interactions.

You could spend all day everyday fighting in here if you wanted to, but your mouth is your biggest weapon in here. (Prison Officer, Male, 16–20)

Female officers engage in various strategies to adapt to their perceived lack of physical power, including adopting a maternal role, but, as with their male colleagues, their social skills remain their prime resource.

Officers pride themselves on their communication skills. The social skills incorporating situationally appropriate employment of humour, cajoling,

authority, and discretion are valued and perceived as the social lubricant that maintains the smooth running of the prison. Officers put considerable effort into 'knowing your prisoner'. They were extremely proud of their ability to read the atmosphere of the prison, the resilience and fortitude to handle themselves in interactions with prisoners and peers, which are core elements of their jailing expertise. There is a distinct belief in the findings of this study that officers' jailing abilities were learned and honed by their practices on the floor, as shaped by their occupational cultures rather than their official training. Mastering and internalising the psychosocial processes that underpin their occupational cultures is not sufficient. Officers must perform skilled 'impression management' (Goffman, 1959) to embody their occupational identity. Put simply, officers strategically seek to influence the perceptions of others by presenting a culturally acceptable identity in their interactions.

Cultures are at once a toolkit from which officers draw to create meaningful practices to achieve their aims, and an internalised lens through which they perceive, think, and feel about their occupational world. Officers do not blindly embody their occupational cultures, but engage with them. In this way, occupational cultures are negotiated, contested and not impervious to change. Officers are reflexive in their approach to their work. They learn their craft and reflect on which strategies work better than others to achieve a specific aim. The aim may vary but it invariably includes the accompanying caveat of being achieved through culturally acceptable means.

### **The 'grey area': discretion**

Discretion remains central to prison work (Crewe *et al.*, 2014; Klofas, 1986). According to officers, the 'grey area' is the domain between official prison rules and 'how things are done', which is fundamentally framed by officers' occupational cultures. The importance of the grey area and the significance afforded to it are particularly pronounced in prison officers' occupational cultures. Officers assert that this is where most decisions lie. It is the predominant analogy offered to account for discretion and the flexibility and/or interpretation of rules in their work. Officers reported that the grey area was introduced and positioned at the core of their occupational role from their earliest days as recruits in training. It characterises their perception of their occupational world and role.

There are 14 grey areas. (Prison Officer, Male, 5–9)

The quote above was recalled by an officer from his training but echoes officers throughout the prisons in this study, including the adaptation of the phrase '50 shades of grey' to '14 shades of grey'.<sup>7</sup> The quote ostensibly seeks to instil in officers that distinct prison fields are 'endowed with a specific gravity which it imposes on all the objects and agents which enter it' (Bourdieu and Wacquant, 1992, p. 17). An officer's habitus (Bourdieu, 1977) fundamentally shapes and is shaped by these fields. It simultaneously instils in officers a nuanced relationship with and interpretation of prison rules. It heightens recruits' reliance on their occupational cultures as their primary frame of reference and resource informing their work practices. Compounding this, officers often had little to inform their view of their nascent careers beyond depictions in popular culture or superficial information from relatives, friends, or acquaintances.

The following quote is illustrative of the interpretative lens of occupational cultures through which officers evaluate every situation throughout their daily working lives. Interactions with peers and prisoners must be analysed and a course of action chosen that satisfies a range of often diametrically opposing demands to achieve the desired aim. In this case, the aim is the successful return of all prisoners to their cells for the night, despite the protestations and refusal of one prisoner. The officer must consider a multitude of factors, including the likely cause of the refusal which requires 'knowing your prisoner', power relations, the surrounding audience and site of the incident, the available support from peers, the surveillance through cameras, the possible escalation and paperwork associated with that, the mood and desire to finish the shift swiftly. Ultimately the situation is framed by the learned and acceptable norms and values of the prison and the strategies to 'get the job done'. In an occupation where discretion is a core feature of everyday work, this becomes part of 'jailing'.

It's a huge part of the jail operations. Of the character in [this prison] anyway, not sure about the other prisons, but I am sure it's the same. You have to give that fellow [the officer] that bit of power, bit of control and I said to him [the officer], 'Tell the man [the prisoner], he's over here now on B [Division]. This particular guy [the prisoner], tell him you'll put him back onto A1 in the shittiest cell you can find for him.' and they [the prisoners] do respond to that. Now, you're not antagonising the fellow [the prisoner], he's the one acting the eejit here. So, you have to tell him

<sup>7</sup> The number 14 refers to the 14 prisons in Ireland at the time of research.

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[the prisoner], 'If you want to stay here on my landing, play the game.'  
(Prison Officer, Male, > 10)

The quote above further illustrates the role that discretionary decisions play in the constant negotiation of power in the prison environment. This officer leverages the power available to him over the prisoner's accommodation, and all its associated implications, against the power of the prisoner's resistance, while both feel the pressure to maintain their respective statuses in the prison milieu.

This exemplifies the nuanced strategies common in the grey area. Further examples include refusing requests for account credit checks, the arrival of items deposited for prisoners, instigating cell searches, humiliating use of humour and late unlocking of specific cells. Officers make scores of infinitesimal daily decisions that lie within the conceptualisation of the grey area. The grey area is amorphous and can extend beyond the framework of rules within which officers are supposed to operate. It is not always simply exercising their discretion within what the rules can be stretched to permit. This conceptualisation of the grey area within occupational cultures is insightful as the official discretionary powers are revealed as intertwined with unofficial practices by officers.

These negative examples are countered by the apparent positive exercising of discretion. The data in the study are replete with examples of officers operating within the grey area for the benefit of prisoners, such as giving extra time out of their cell, extra time on visits, organising a pouch of tobacco or a shop order.

I usually have four or five half ounces<sup>8</sup> that I keep there, and I give them out to the quiet lads and the cleaners maybe, if they do an exceptionally good job or whatever. Because it keeps them sweet. Again, you have to show that you are human, that you have feelings, and if these guys are having a bad day or whatever, that they feel you can be approachable.  
(Prison Officer, Male, 5–9)

Discretion is exercised across a spectrum of apparently positive or negative motivations and outcomes but their interpretation lies in the nature of power relations in prison officers' occupational cultures (Liebling, 2011a). Through

<sup>8</sup> The ounces referred to by this officer are tobacco. Most prisoners purchase tobacco in pouches of one-ounce weight.

their occupational cultural lens, power is perceived as under constant threat and erosion, leading to the common phrase to describe modern prisons as 'the tail is wagging the dog'.

We gave them [prisoners] everything. And then we'd nothing left to give them, so they're starting to act up again now, that's a huge thing. (Prison Officer, Male, 5–9)

Officers across all the fieldwork sites asserted that they experienced a loss of power and authority to make decisions and that decisions they make are often undermined by superiors. There is a lack of faith in the effectiveness of the disciplinary systems, resulting in prisoners having minor sanctions imposed arbitrarily and often withdrawn before they are fully completed. This illustrates the intertwined interpretation of modernisation and improvements in prison conditions as positive, but also as appeasement that leaves officers with no incentive or power to withdraw privileges. Accounting for the nature of discretion in prison officers' occupational cultures raises profound questions about the nature of legitimacy and professionalism through these lenses and this is where the focus of this paper now shifts.

## **Legitimacy and professionalism**

The moral performance of prisons is inexorably linked to their legitimacy (Liebling, 2004, 2011b). Legitimacy is often problematic and not prioritised in prisons (Carrabine, 2005; Sparks *et al.*, 1996). Officers claim legitimacy in one sense by the authority and power vested in them by the state, but they are keenly aware that their claim of legitimacy requires constant reaffirmation and maintenance through relationships with prisoners and peers. Many officers aim to achieve this in part through consistency and 'being straight' with prisoners, which supports the literature (Crawley, 2004a; Liebling, 2011a). Consistency is highly valued among prisoners, as they prefer an officer who is consistently proactive or inactive, supportive or abusive, rather than inconsistent. It is noteworthy that even inactive and/or abusive officers laid claim to legitimacy through the consistency of their practices, citing the prison idiom, 'Prisoners know where they stand with me'.

Officers' lack of faith and confidence in senior prison management and IPS HQ further complicates this issue. Put another way, even officers with diametrically opposed perspectives on their role share the view that

developments (or lack thereof) in organisational policy and practice undermine the legitimacy of the prison. The three most common manifestations of this, according to officers in this study, are a perceived policy of prisoner appeasement, the contradictory espousal of rehabilitative aims while the resources to support such initiatives are not forthcoming, and corruption and a lack of transparency and perceived bias in relation to promotions. The legitimacy of IPS HQ is thus undermined in many officers' eyes. Accordingly, officers seek to attain and confirm their distinct form of legitimacy through measures constructed within their occupational cultures.

To analyse one manifestation further, the perceived policy of appeasement is manifest in the current approach of the IPS HQ and local management. It is characterised by many officers as merely placating prisoners and, in so doing, contributing to the lack of discipline among prisoners. This primarily relates to the perceived imbalance in traditional power relations between officers and prisoners.

What's the point in having a fella in uniform if you can't tell prisoners what to do? They're service users now and in another 10 years, I wouldn't be surprised if we were asking them what they should do. (Prison Officer, Male, 10–15)

In this context, officers feel justified in employing informal discretionary strategies that seek to preserve their 'legitimate' sense of authority, while redressing the perceived erosion of their power and authority over prisoners. As previously discussed, these informal strategies employed to (re)establish boundaries and coerce compliance are established as 'tricks of the *jailing* trade' within their occupational cultures. These strategies play upon prisoners' vulnerability and relative powerlessness expressed in the following maxim:

They'll need us before we need them. (Prison Officer, Female, 10–15)

These deliberate practices are not perceived as 'de-legitimising' (Sparks and Bottoms, 1995) through the lens of their occupational cultures. Rather they constitute what is defined in this study as 'compromised legitimacy'. The standards and measures of legitimacy espoused in IPS policy and demanded by perceived out-groups (especially oversight bodies and reform-orientated groups) are undermined as they are perceived as uninformed and misguided to the realities of prison life. Therefore, a compromised form of legitimacy

has developed by the officers' culturally endorsed perception that it is necessary to maintain appropriate power relations and their authority over prisoners. Put another way, the synthesised perception of IPS HQ and out-groups' undermined legitimacy and officers' sense of powerlessness and fear of manipulation supersedes that of sustaining practices officially prescribed as legitimate. Simply put, officers establish their own form of culturally appropriated 'compromised legitimacy'.

According to Beetham (1991, p. 11), 'a given power relationship is not legitimate because people believe in its legitimacy, but because it can be justified in terms of their beliefs'. This conceptualisation of legitimacy accounts for the appropriated form of 'compromised legitimacy' practised and supported as integral to 'jailing' through prison officers' occupational cultures. Officers define their informally established boundaries as being legitimate among officers and prisoners within their field-specific shared habitus (Bourdieu, 1977). Succinctly opined by one officer, 'prisoners know the score' (Prison Officer, Male, 10–15). The maligned interpretation of the nuanced intricacies of 'jailing' in the 'grey area' by out-groups is synthesised in this study with a pronounced sense of persecution in officers' occupational cultures. This serves to support and perpetuate this 'compromised legitimacy' as a more bona fide legitimacy, despite out-groups' criticisms. As the expected and internalised norms and values of officers' occupational cultures are their primary benchmark, this analysis is revealing in accounting for the nature of legitimacy and complexity of prison work practices.

The final element of this analysis is the deeply interwoven conceptualisation of professionalism, which buttresses officers' 'compromised legitimacy'. There is a strong sense among officers that they are very professional in their 'own way', while some are more so than others. In officers' occupational cultures, professionalism is defined in specific valorised ways, while others are disdained. Their professionalism is perceived as manifest in 'getting the job done' and their skilled manner in doing so. The belief that people with no understanding or appreciation of their working environment view their practices and attitudes as 'unprofessional' supports their belief that theirs is the truer conceptualisation of professionalism. It facilitates their undermining of external scrutiny, criticism, and contrary recommendations for change and/or reform. Officers believe that their way of 'getting the job done' is situationally appropriate, while 'politically correct' analyses are perceived as ignorant and misguided.

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We are dealing with people in here who won't respond to, 'please go into your cell sir'. (Prison Officer, Male, 10–15)

For prison officers, the ability to engage cordially and reserve prejudice regarding a prisoner's offence is idealised as a level of professionalism that is central to their work while being misunderstood and unappreciated by society.

The officer in the quote below posits this hypothetical approach to illustrate this point.

You look at some fellas and you know they're doing some horrible stuff and you just get on with it. Not saying it's easy, it's not. Then there are individuals who — it comes to your attention what they've done, and you have to talk to them ... even though you were even feeling that they didn't deserve diddy squat — it's your professionalism as a prison officer makes you do it. Where else would anyone, I'm talking about civilians now, what's the attitude? — you pick a thousand civilians, a random sample and pick a really, really bad individual and tell them all what he did. Then ask of them all a series of 10 or 12 questions about what should happen [to him]. When that happens, and you take your random samples and you do your Red C poll<sup>9</sup> and all that, then people might see how bloody professional prison officers act. (Prison Officer, Male, > 10)

Put simply, this is one of many posited examples of the high levels of professionalism exercised by officers in their interactions and relations with prisoners. Officers contend that it is most pronounced for interactions with those imprisoned for serious, heinous, and/or sexual offences. Professionalism, as viewed through the cultural lens, is evaluated according to whether officers satisfy their cultural expectations of behaviour and are 'getting the job done' while being 'a safe pair of hands' and being able to 'handle' prisoners in the prison environment. Adherence to organisational policies and perceived societal values are subservient in this context.

Legitimacy and professionalism among prison officers are two key penological issues in their own right. The inexorable role of occupational cultures in the conceptualisation of legitimacy and professionalism is profound. Legitimacy and professionalism so conceived are a source of the

<sup>9</sup> Red C is a commonly known polling company frequently employed and published in the media on a range of topics including politics and business (<https://www.redcresearch.ie/latest-polls/>).

meaning, pride and honour that are unavailable through various means endorsed by out-groups.

## Conclusion

The study from which this paper is drawn is the first principally ethnographic study of prison officers in Ireland. The dearth of prison research in Ireland notwithstanding, it represents a valuable contribution to penological research and knowledge in the field. The comprehensive scope of this study brings to light many valuable possibilities for future research. Prescient and feasible research projects developing in this study are analyses of staff–prisoner relations, the experience of prison governors and recruits, and comparative studies of Ireland with other appropriate jurisdictions. Specifically, the upcoming reopening of a dedicated prison for older prisoners is an ideal opportunity to study this unique environment.

This paper illustrated the imperative of rigorous analyses of occupational cultures in accounting for the lived experience and practices of prison officers. The entitativity (Campbell, 1958) of the prison officer in-group underpins the strength and persistence of their occupational cultures. Their conceptualisation of solidarity is a source of protection, camaraderie, and status. Concomitantly, belonging to this in-group is perceived as a source of taint so the kinship experienced by officers is experienced as binding while coercing conformity. Occupational cultures in prisons provide internalised matrices of meaning that profoundly shape officers' practices and sense of self. For officers, being masters of their trade is an immense source of pride. This is represented by the accumulation and conversion of cultural capital specific to 'jailing'. Officers' navigation of the discretionary terrain of the 'grey area' is a compelling illustration of the role of occupational cultures.

Occupational cultures appropriate the fundamental principles of penality. Prison officers' everyday interactions with prisoners and peers constitute the frontline of prison legitimacy. The findings of this study identify the form of 'compromised legitimacy' that aligns closely with the norms, values and frameworks of officers' occupational cultures. Drawing on Beetham's (1991, p. 11) work, in prison officers' occupational cultures, legitimacy can be defined as 'what can be justified in terms of their beliefs'. The conceptualisation of professionalism is interwoven with that of legitimacy in officers' working cultures. Officers' thoughts, feelings and behaviours viewed through the cultural lenses are evaluated according to whether officers satisfy their

cultural expectations. In this context, adherence to organisational policies, procedures and the perceived values of out-groups are subservient.

The findings from this pioneering mixed-method research in the Irish prison estate bring the implications for penal policy and procedures into sharp relief. Extensive access to the experiences, views and practices of prison staff has uncovered the potent 'occupational cultural lenses' through which policy and related initiatives are viewed. The analyses presented provide a novel opportunity to understand and engage with these multi-faceted lenses, enabling a more nuanced and informed approach to the design and implementation of prospective policies. Essentially their adoption or appropriation into practice rests upon and is mediated through the occupational cultures into which they are introduced. Simply put, to understand the cultures of prisons is to understand prisons.

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# The Management of People Serving Life Sentences in Ireland: A Multidisciplinary Model

Anna Flynn and Marita Costigan\*

**Summary:** Various stakeholders have identified persistent problems with the sentence management of people serving life sentences in Ireland, and they have recommended reform. In order to address these issues, the Irish Prison Service conducted a review, culminating in the 2017 report, *Examination of the Sentence Management of People Serving Life Sentences*. The report emphasised the need to implement a new model of early multidisciplinary sentence management for people serving life sentences. The model was developed by the Irish Prison Service Psychology Service and the Probation Service, and it applies to people sentenced to life imprisonment after 1 April 2017. This paper provides an overview of people serving life sentences in Ireland, with particular focus on their sentence management and engagement with services. It describes the model and its key features in detail, and discusses the recruitment of a PhD student to evaluate the model over a three-year period (2019–2022).

**Keywords:** Ireland, prison, life sentence, life imprisonment, early sentence stage, sentence management, sentence plan, engagement with services, risk assessment, parole.

## Introduction

Life imprisonment is defined as ‘a sentence following a criminal conviction, which gives the state the power to detain a person in prison for life, that is, until they die there’ (van Zyl Smit and Appleton, 2019, p. 35). Life imprisonment exists in 183 countries out of 216 worldwide; since the global decline of capital punishment, it is the maximum penalty for serious offences

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in 149 of these countries. Between 2000 and 2014, the number of people serving life sentences around the world increased by 84% from an estimated 261,000 to an estimated 479,000. Women constitute 3.7% of the number of people serving life sentences worldwide; the number of children serving life sentences is unknown (van Zyl Smit and Appleton, 2019). The proportion of people serving life sentences varies considerably from country to country. This can be attributed to a number of factors, such as differences in relation to the mandatory or discretionary nature of a life sentence, the range of offences for which a life sentence can be imposed, and the criteria and processes for release (Griffin, 2020). The proportion of people serving life sentences in Ireland is high when compared with other countries. Across the United States and Europe, Ireland has the fifth highest proportion of people serving life sentences per 100,000 of national population (7.32), following the United States (50.33), United Kingdom (13.41), Greece (9.24), and Turkey (8.63). At the lower end are France (0.73), Switzerland (0.46), Czech Republic (0.46), Denmark (0.37), and the Netherlands (0.19) (van Zyl Smit and Appleton, 2019).

## **Life sentences in Ireland**

In Ireland, a mandatory life sentence is imposed for the offence of murder. A discretionary life sentence can be imposed as the maximum penalty for a range of other serious offences, including arson, attempted murder, drug trafficking, false imprisonment, firearm offences, manslaughter, robbery, sexual offences, and syringe offences. The mandatory life sentence for the offence of murder does not apply to children (i.e. individuals under the age of 18 years). However, a discretionary life sentence can be imposed if it is justified in the circumstances (Griffin, 2018). On average, 20 people are sentenced to life imprisonment each year (Irish Prison Service, 2002–2020).

The Irish Prison Service estate comprises 12 prisons nationally: ten closed, medium- or high-security prisons, and two open, low-security prisons. The Irish Prison Service manages 3,500 to 4,000 people in custody at any one time, both men and women aged 18 years and over. There are 359 people serving life sentences (350 men, nine women) in Ireland, representing 9% of the total prison population (Irish Prison Service, 2019b, 2020c). The majority of people are serving mandatory life sentences for murder (95%), with the remainder serving discretionary life sentences for sexual offences, manslaughter, and attempted murder (Griffin, 2018). Between 2001 and

2019, the number of people serving life sentences increased dramatically by 204% (from 118 to 359), while the overall prison population increased by 28% (from 3,112 to 3,971) (Irish Prison Service, 2002, 2020c).

A life sentence is indeterminate; there is no guaranteed release date. In Ireland, the average time served by people serving life sentences prior to release has risen substantially. It averaged 7.5 years from 1975 to 1984; 12 years from 1985 to 1994; 14 years from 1995 to 2004; 18 years from 2005 to 2014; and 19 years from 2015 to 2018 (Griffin, 2018; Parole Board, 2019).<sup>1</sup> However, these figures only provide an insight into the average time served of those released. Other people serving life sentences have been in prison far beyond this average (Griffin, 2018). In 2017, 6% of people serving life sentences had been in prison for between 20 and 30 years, while 4% had been in prison for over 30 years (Irish Prison Service, 2017). Unlike people serving determinate sentences, people serving life sentences do not know when, if ever, they will be released (Griffin, 2018).

A life sentence does not end following release from prison. If released, people serving life sentences continue to serve their sentence in the community. They must be supervised by the Probation Service and comply with the conditions of their release for the rest of their lives.<sup>2</sup> Conditions of release may restrict where an individual can live, work, and travel, and who they can contact or associate with. The Probation Service submits regular reports to the Irish Prison Service outlining resettlement and reintegration progress, and any risk-management concerns (Griffin, 2018). On average, the Probation Service supervises 81 people serving life sentences in the community each year (Probation Service, 2014–2019). People serving life sentences can be recalled to prison if they reoffend, breach the conditions of their release, or pose a threat to the safety and security of the public (Griffin, 2018). On average, five people serving life sentences are released from prison and one recalled to prison each year (Parole Board, 2019).

<sup>1</sup> Similarly, in England and Wales, the average time served by people serving life sentences prior to release was nine years in 1979, 14 years in 1997, and 18 years in 2013. As an international comparison, the average time served by people serving life sentences prior to release in 2014 was 14 years in Finland, 19 years in Germany, 24 years in Chile, and 32 years in Japan (van Zyl Smit and Appleton, 2019).

<sup>2</sup> The length of time that conditions of release remain in force varies from country to country. Of 53 countries worldwide, 85% impose conditions of release that remain in force for between five and ten years (van Zyl Smit and Appleton, 2019).

## The Parole Board

In Ireland, a non-statutory, advisory parole board is the mechanism of release for people serving life sentences.<sup>3</sup> By way of recommendations, the Parole Board advises the Minister for Justice and Equality of an individual's progress to date, and how best to proceed with the future management of their sentence. Under the current process, people serving life sentences must serve a minimum term of seven years before becoming eligible for review by the Parole Board (Parole Board, 2018).<sup>4</sup> The seven-year minimum term marks the beginning of the Parole Board process, and reviews are conducted every one to three years subsequently. People serving life sentences are typically reviewed on multiple occasions over a number of years before the Parole Board recommends their release (Griffin, 2020).

The Parole Board comprises approximately 12 part-time members who come from criminal justice and other professional backgrounds (Parole Board, 2018). Members meet on a monthly basis to discuss individuals under review and to formulate recommendations about the management of their sentences. The recommendations are primarily based on reports provided by relevant agencies and services, and an interview with the individual (Griffin and Healy, 2019). The Parole Board may also receive written submissions from victims.<sup>5</sup> When reviewing people serving life sentences, the Parole Board's paramount concern is public protection. As a result, the Parole Board considers a range of risk-related factors, including the risk of an individual reoffending on release, breaching the conditions of their release, or posing a threat to the safety and security of the public. The Parole Board also places substantial emphasis on an individual's positive engagement with the various therapeutic, educational, and vocational services in prison. The Parole Board requires people serving life sentences to engage meaningfully with services in order to address their risk-related factors and to achieve their rehabilitative goals (Parole Board, 2018). Early

<sup>3</sup> People convicted of certain offences are excluded from the Parole Board process. For example, people convicted of the murder of a member of An Garda Síochána or the Irish Prison Service must serve a minimum term of 40 years less remission of 25% (Griffin, 2018).

<sup>4</sup> The minimum term that people serving life sentences must serve before becoming eligible for review varies from country to country. Across 98 countries worldwide, the most common minimum term is 15 years, and the average is 18 years (van Zyl Smit and Appleton, 2019).

<sup>5</sup> Victim means: (1) A person who has suffered harm, including physical, mental, or emotional harm or economic loss, which was directly caused by an offence; or (2) A family member of a person whose death was directly caused by an offence. This does not include a family member who has been charged with, or is under investigation for, an offence in connection with the death of the victim (Department of Justice and Equality, 2020). This definition is appropriate given that the majority of people serving life sentences have been convicted of murder.

sentence management is therefore essential to help people serving life sentences to fulfil these Parole Board requirements.

After reviewing an individual, the Parole Board may make a variety of recommendations, such as advising the individual to engage with particular services or to participate in particular programmes. The aim of these recommendations is to encourage people serving life sentences to manage their sentences constructively and to maximise their prospects of progression. The Parole Board submits its recommendations to the Minister who considers them and makes the final decision. The Minister can accept the recommendations in full, in part, or conditionally, or the Minister can reject the recommendations (Parole Board, 2018). On average each year, the Minister accepts 87% of the recommendations in full and 4% in part or conditionally (Parole Board, 2003–2019).

The Parole Act 2019 was enacted on 11 July 2019 and, when commenced, will have implications for the current Parole Board process.<sup>6</sup> The Act will establish a statutory parole board with the power to make final decisions independent of the Minister. The Act will also enhance the rights of people serving life sentences, and of victims, and strengthen their respective roles in the Parole Board process. A legal representative will be assigned to both parties and they will be entitled to make submissions to the Parole Board in person, in writing, or via their legal representative. Of particular relevance to this paper, the Act will increase the minimum term people serving life sentences must serve before becoming eligible for review from seven to 12 years (Griffin, 2020). At the time of writing (July 2020), the Act had not yet been commenced.

## **Problems with sentence management**

As indicated above, early sentence management is essential to help people serving life sentences to prepare for their Parole Board review. However, various stakeholders have identified persistent problems with the sentence management of people serving life sentences in Ireland, and they have recommended reform. The Parole Board has acknowledged the absence of sentence management in the early stage of a life sentence (Griffin, 2018).<sup>7</sup> Members noted that sentence management typically began only at the

<sup>6</sup> See Griffin (2020) for a detailed explanation of the Parole Act 2019 and its implications for people serving life sentences.

<sup>7</sup> The Irish Prison Service defines the early stage of a life sentence as the first seven years before the first Parole Board review (Irish Prison Service, 2017).

seven-year point of the sentence, before the first Parole Board review: 'I've seen many instances of people having no contact at all with the services within the prison until the Parole Board process kicks in' (Griffin, 2018, p. 159). People serving life sentences have also articulated this problem. They described being 'left to their own devices' (Irish Penal Reform Trust, 2016, p. 3) for the first seven years of their sentence: 'In the first seven years, you have to wait. You don't do any work on your issues, your drug problem or other problems. You're just left to get on with it.... Six years have gone by and nothing is done until six months before a review.... You're left to your own survival for the first seven years' (Richardson, 2012, p. 41).

During their visit to Ireland in 2010, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)<sup>8</sup> received complaints from a number of people serving life sentences about their sentence management. They argued that the lack of structured sentence plans made it very difficult to know what the Parole Board expected of them (Council of Europe, 2011). As a result, people serving life sentences were unsure how to manage their sentence constructively: 'There's complete and utter confusion and frustration about what you've done as a person and what you're doing now as an individual, do you know what I mean. Because you don't get anyone that stands up and says "This is what it is, this is what it means, this is what you need to do"' (Milner, 2009, pp. 58–59). The absence of clarity and guidance may make it harder for people serving life sentences to fulfil Parole Board requirements and may consequently delay their progress (Griffin and Healy, 2019). Furthermore, the sense of uncertainty and stagnation may exacerbate the indeterminate nature of the life sentence, leading to self-sabotaging behaviours: 'When you're starting a life sentence you feel like you might never get out, therefore you may get into fights and other sorts of trouble and not care. But a lifer has to realise they have more to lose, as other prisoners have a release date and you don't' (Midlands Prison, 2019, p. 20).

People serving life sentences have described periods of heightened vulnerability and emotional distress during the early stage of their sentence (Geaney, 2008; Milner, 2009; Richardson, 2012). They have frequently stated that the beginning of their sentence was the hardest and have reported feelings of shock, hopelessness, and denial: 'It was hard for the first two years yeah. I didn't think I was going to make it at that time. I thought the pressure was going to get to me' (Geaney, 2008, p. 46). Therefore, the lack of

<sup>8</sup> The CPT visits places of detention in the member states of the Council of Europe to assess how people deprived of their liberty are treated (Council of Europe, 2020).

sentence management and engagement with services in the early stage of a life sentence is particularly problematic. People serving life sentences must adjust to the realities of long-term imprisonment and come to terms with their loss of freedom (Griffin and Healy, 2019). However, with little assistance, people may resort to maladaptive coping strategies, such as use of substances and violence: 'The first seven years should be the time when the work is done with lifers, not after they have met the Parole Board. They can de-rail before that. Go off track, get involved in drugs and other stuff just to cope with life on the inside' (Richardson, 2012, p. 41). In addition, Duffy *et al.* (2006) revealed that the lifetime prevalence of psychosis (8.2%), mental illness (50%), and deliberate self-harm (41.8%) was significantly higher among people serving life sentences, compared to people serving determinate sentences (3.5%, 34.1%, and 24.4% respectively). They also noted that 48% of people serving life sentences had a current alcohol problem, and 29.6% had a current drug problem (Duffy *et al.*, 2006).

While people serving life sentences can engage with services at any stage of their sentence, many believed that early engagement was not relevant (Irish Prison Service, 2017). They did not feel encouraged or motivated to use the early stage of their sentence productively: 'Well since every lifer thinks that the first few years don't mean anything and they decide to do nothing. This is wrong and I wish someone had told me this and I would have worked from the start' (Midlands Prison, 2019, p. 55). It is important to recognise that early engagement may have been happening on an ad hoc basis at local level.<sup>9</sup> However, there was no formal sentence management policy to ensure consistency throughout the Irish Prison Service estate (Irish Prison Service, 2017). Early sentence management is crucial in the context of the Parole Act 2019. When commenced, the Act will increase, from seven to 12 years, the minimum term people serving life sentences must serve before becoming eligible for review (Griffin, 2020). Given this five-year increase in the minimum term, it is vital that sentence management is not delayed until the 12-year point (Irish Penal Reform Trust, 2019).

## **Model of early multidisciplinary sentence management**

In order to address these issues, the previous Director General of the Irish Prison Service commissioned a review of the sentence management of people serving life sentences. In 2016, a committee was established to

<sup>9</sup> For example, all people serving life sentences in Wheatfield Prison have a sentence planning meeting each year (Irish Prison Service, 2017).

conduct this review, containing representatives from the Irish Prison Service, the Probation Service, and the Prisons and Probation Policy Division of the Department of Justice and Equality. In 2017, the committee completed its report entitled *Examination of the Sentence Management of People Serving Life Sentences*. The report echoed the problems highlighted above and identified a number of key areas where improvements are necessary. Crucially, it emphasised the need to implement a new model of early multidisciplinary sentence management for people serving life sentences. This model was developed by the Irish Prison Service Psychology Service and the Probation Service in response to the review, and it applies to people sentenced to life imprisonment after 1 April 2017 (Irish Prison Service, 2017).<sup>10</sup>

The model incorporates early multidisciplinary assessment and annual governor-led reviews, in order to develop individual sentence plans. These sentence plans encourage active engagement with a range of services, including Addiction, Chaplaincy, Education, Healthcare, Probation, Psychology, Training and Employment, and Work Training. These services constitute much of the prison-based multidisciplinary team.<sup>11</sup> Critical to the model is early assessment, engagement, and sentence planning rather than delaying sentence management until the first Parole Board review (Irish Prison Service, 2017). Facilitated by the Psychology Service, the Probation Service, and prison officers designated as Integrated Sentence Management (ISM) coordinators,<sup>12</sup> the model provides a clear pathway for people sentenced to life imprisonment after 1 April 2017, and its key features are described below.

### **First Contact Assessment**

After sentencing, an ISM coordinator meets the individual to complete the First Contact Assessment. The aim of this assessment is to identify the immediate needs and goals of the individual from their own perspective. It contains a series of questions covering several areas, such as addiction, health, mental health, education, and work training. Following the assessment, the ISM coordinator refers the individual to the services relevant

<sup>10</sup> Porporino (2015) proposed a similar model following his review of the Irish Prison Service Psychology Service.

<sup>11</sup> In addition to the prison-based multidisciplinary team, various community-based in-reach services operate throughout the Irish Prison Service estate, including the Irish Red Cross and the Samaritans. See Irish Prison Service (2017, pp. 22–26) for more information on the key stakeholders and services involved in sentence management.

<sup>12</sup> Integrated Sentence Management is a planned, multidisciplinary approach to managing an individual's sentence from committal to release; it encourages greater involvement of the individual in their sentence management (Irish Prison Service, 2017).

to their needs, initiating contact and engagement. In addition, the ISM coordinator refers the individual to the Senior Psychologist and Senior Probation Officer in the prison (Irish Prison Service, 2017). The Senior Psychologist and Senior Probation Officer allocate the individual to either themselves or a member of their team for the joint introductory meeting, respective assessments, and sentence planning (Irish Prison Service, 2019a).

### ***Joint introductory meeting***

Within six months of sentencing, the individual attends a joint introductory meeting with the allocated psychologist and Probation Officer. The psychologist and Probation Officer introduce themselves, provide information about their services, and explain the model of early multidisciplinary sentence management. If the individual consents to participate in the model, the psychologist and Probation Officer will complete their respective assessments, which will inform the individual's sentence plan. The individual is encouraged to participate even if they are appealing their conviction or sentence.<sup>13</sup> In such cases, the index offence will not be discussed or included in the assessments (Irish Prison Service, 2019a). It may be necessary to conduct a further assessment, focused on the index offence, once any appeal process has been finalised (Irish Prison Service, 2017).

### ***Historical-Clinical-Risk Management-20, Version 3***

Within 12 months of sentencing, the psychologist meets the individual to complete the Historical-Clinical-Risk Management-20, Version 3 (HCR-20<sup>v3</sup>). Based on the structured professional judgement approach, the HCR-20<sup>v3</sup> is a comprehensive set of guidelines for the assessment and management of violence risk. It is important to note that the HCR-20<sup>v3</sup> does not quantify or predict the risk posed by an individual. Rather, its fundamental purpose is to facilitate the management of risk in order to minimise the likelihood of future violence (Douglas *et al.*, 2013).

The psychologist determines the presence and relevance of 20 risk factors, grouped into historical, clinical, and risk management factors, by gathering the necessary information from multiple sources (e.g. clinical interviews, Books of Evidence, previous reports, multidisciplinary discussions). The psychologist generally meets the individual for between six and 12 clinical interview

<sup>13</sup> Appeals were lodged in the Court of Appeal in respect of 22 murder convictions in 2018; 18 murder convictions in 2017; 23 murder convictions in 2016; and 15 murder convictions in 2015 (Courts Service, 2016–2019).

sessions, depending on the complexity of the case. Historical factors include history of problems with violence, other antisocial behaviour, relationships, employment, substance use, major mental disorder, personality disorder, traumatic experiences, violent attitudes, and treatment or supervision response. Clinical factors include recent problems with insight, violent ideation or intent, major mental disorder, instability, and treatment or supervision response. Risk management factors include future problems with professional services and plans, living situation, personal support, treatment or supervision response, and stress or coping (Douglas *et al.*, 2013). The aim is to identify the factors that promote desistance (strengths), the vulnerabilities of the individual (needs), and the factors that support violence (risks) (Irish Prison Service, 2018). These factors are critical for the mitigation of risk, and inform the development of risk management plans. Risk management plans incorporate a combination of strategies to manage an individual's risk of future violence, including monitoring, treatment, supervision, and victim safety planning (Douglas *et al.*, 2013). The findings of the HCR-20<sup>v3</sup> will be shared with the individual, and subsequently with the ISM coordinator and the Probation Officer in an initial sentence planning meeting (Irish Prison Service, 2019a).

### ***Social Circumstances Report***

Within 12 months of sentencing, the Probation Officer visits the individual's home to complete the Social Circumstances Report.<sup>14</sup> The Probation Officer generally meets the individual's family twice to gather the necessary information. These meetings also provide an opportunity for the Probation Officer to clarify the roles and contact details of relevant agencies, and to manage expectations early in the sentence. This begins the important and enduring relationship between the Probation Service, the individual themselves, and the individual's family (Irish Prison Service, 2019a).

The Social Circumstances Report is an assessment of an individual's family and community environment, and contributes to the identification of their strengths, needs, and risks. The report explores the individual's family background and history, including composition, significant relationships, and any experiences of trauma, loss, or neglect. The report outlines the events leading to imprisonment, as understood by the family, such as the individual's lifestyle and behaviour prior to the offence. It captures the family's view of

<sup>14</sup> If the home address is over 100km from the prison, the report is completed by a local community-based Probation Officer. If it is not possible to meet the individual's family (e.g. if the victim was within the family), the report is completed from a file review (Irish Prison Service, 2019a).

the offence, and their willingness and capacity to support the individual during their sentence. The report considers the community's response to the individual and their offence, including the level of local reaction, the type of media coverage, and any hostility towards the individual and their family and friends. Finally, it is important that the Social Circumstances Report accurately reflects the impact of the offence from the perspective of the victim. The report highlights all relevant victim issues, including the consequences of the offence, attitudes towards the individual, and concerns about the individual's possible release from prison in the future (The Probation Service, 2018). The findings of the Social Circumstances Report will be shared with the individual, and subsequently with the ISM coordinator and the psychologist in an initial sentence planning meeting (Irish Prison Service, 2019a).

### ***Engagement with the Psychology Service and the Probation Service***

Following completion of the HCR-20<sup>v3</sup> and the Social Circumstances Report, the individual attends an initial sentence planning meeting with the ISM coordinator, the psychologist, and the Probation Officer. The assessments are discussed with the individual and are used to underpin their sentence plan (Irish Prison Service, 2019a). The aim is to tailor the sentence plan to the individual in order to reinforce their strengths, address their needs, and manage their risks (Irish Prison Service, 2018). In line with their sentence plan, the individual engages with the Psychology Service, the Probation Service, and other services as appropriate (Irish Prison Service, 2019a). As highlighted below, the Psychology Service and the Probation Service provide a range of individual and group interventions to people serving life sentences.

To address mental health and offence-related needs, the Psychology Service delivers individual and group treatments within a stepped care model. This means that, as the first treatment option, psychologists offer the most accessible and least intensive intervention that is likely to be effective. As required, individuals can 'step up' to more intensive treatments (e.g. Mentalisation Based Therapy<sup>15</sup>), 'step down' to less intensive treatments (e.g. workshops for depression, anxiety, and sleep), 'step across' to another treatment at the same level, or 'step out' when an alternative treatment or no treatment becomes appropriate. If necessary, multiple forms of treatment can be provided simultaneously. This stepped care model provides people serving life sentences

<sup>15</sup> Mentalisation Based Therapy improves an individual's capacity to understand their own and other people's thoughts and feelings, and to recognise how one's mental state influences behaviour. This can help individuals to control their emotions and impulses, and to manage their behaviour (The Tavistock and Portman NHS Foundation Trust, 2020).

with the appropriate level of treatment for their mental health and offence-related needs (Irish Prison Service, 2020a).

The Probation Service provides individual and group interventions to help people serving life sentences to cope with their imprisonment, to address their offending behaviour and, if appropriate, to prepare for life after release. The Probation Service developed the Living with Life programme specifically for people serving life sentences. This six-week group intervention encourages individuals to take greater responsibility for their lives, including their past offending behaviour and their future actions. It aims to equip individuals with the information and skills required to serve a life sentence in a productive and constructive manner (The Probation Service, 2013).

Through various interventions, the Psychology Service and the Probation Service motivate, challenge, and support people serving life sentences to adopt a pro-social lifestyle. They help individuals to understand the factors that contributed to their offence, and to develop positive strategies for meaningful change. The aim is to reduce the risk of reoffending, in order to minimise the number of potential future victims. Interventions also promote victim awareness and victim empathy, encouraging individuals to accept responsibility for the hurt, damage, and suffering they have caused (Department of Justice and Equality, 2020).

### ***Governor-led reviews***

Within 12 months of sentencing, the individual's sentence plan is discussed at a governor-led review. This is a round-table meeting chaired by a governor and attended by the individual, the ISM coordinator, and a representative of each prison-based service. During the meeting, each service representative speaks to the individual in turn, discussing the individual's engagement, progress, and plans for the future. The individual is encouraged to share their views, to highlight any challenges they may be facing, and to ask the multidisciplinary team any questions (Irish Prison Service, 2020b). Following the meeting, the ISM coordinator meets the individual to finalise their sentence plan for the coming year. Sentence plans contain recommended actions for the individual to complete, and the ISM coordinator liaises with the individual throughout the year to monitor implementation. Ownership of the plan is essential, as the aim is to motivate people serving life sentences to take greater responsibility for their personal development. The individual attends a governor-led review annually, to discuss their progress during the previous year and to update their sentence plan for the coming year.

Sentence plans and governor-led reviews guide the individual's sentence management up to their first Parole Board review. After this, the Parole Board also contributes to the individual's sentence management (Irish Prison Service, 2017).

### ***Parole Board reviews and sentence progression***

To inform their recommendations, the Parole Board requests reports from the governor, the Prison Review Committee, the Psychology Service or the Probation Service, and An Garda Síochána (Parole Board, 2018). Previously, both the Psychology Service and the Probation Service completed a risk assessment and report for an individual's Parole Board review. This led to the duplication of work and information. However, the model now provides a clear division of roles and responsibilities for the Psychology Service and the Probation Service (Irish Prison Service, 2017). Assuming the role of lead agency, the Psychology Service completes the risk assessment and report for an individual's first and second Parole Board reviews. After the second Parole Board review, a transfer meeting with the Psychology Service, the Probation Service, and the individual is convened. The Probation Service assumes the role of lead agency and completes the risk assessment and report for the individual's subsequent Parole Board reviews. The Psychology Service still supports the individual, providing annual appointments to assess their mental health, and accepting referrals for any emerging psychological needs (Irish Prison Service, 2019a).

The individual continues to attend annual governor-led reviews, with a focus on progressing from closed to more open conditions (Irish Prison Service, 2019a). At this later stage, if deemed appropriate, the Parole Board may make recommendations to prepare the individual for the transition from life in prison to life in the community (Parole Board, 2018). To support the individual's resocialisation and reintegration, the Parole Board may recommend periods of temporary release (e.g. for educational or work purposes) and/or transfer to an Independent Living Skills Unit (ILSU)<sup>16</sup> or open centre. These recommendations provide people serving life sentences with the opportunity to live more independently and to develop skills for normal daily living, such as budgeting, shopping, cooking, and laundry (Irish Prison Service, 2017).

<sup>16</sup> An Independent Living Skills Unit is a specific area within a closed prison that aims to replicate community living in so far as is practicable (Irish Prison Service, 2017).

## **Evaluating the model of early multidisciplinary sentence management**

In September 2019, the Irish Prison Service Psychology Service, in conjunction with the University of Limerick School of Law, recruited a PhD student to evaluate the model over a three-year period (2019–2022). The aim of the research is to explore the sentence management of people sentenced to life imprisonment before and after the implementation of the model on 1 April 2017. This will involve interviewing people about their experiences of serving a life sentence, with particular focus on their sentence management, engagement with services, sentence plans, and sentence progression. The researcher will interview: (1) People sentenced to life imprisonment before 1 April 2017, in different stages of their sentence (e.g. early, middle, and late sentence stages); and (2) People sentenced to life imprisonment after 1 April 2017. In addition, the researcher will analyse data collected from the files of people serving life sentences, on the Prisoner Information Management System (PIMS). The primary objectives are to identify changes in experiences due to the implementation of the model, and to determine factors that are significant in different sentence stages. This will facilitate further development of the model and its customisation to the early, middle, and late stages of a life sentence. The small number of women serving life sentences renders them extremely identifiable, especially if categorised according to sentence stage. Consequently, this research will explore only the experiences of men serving life sentences. Although beyond the parameters of this research, it is important to note that women serving life sentences have clear gender-specific needs, and therefore distinct research is necessary to consider those needs. The researcher will disseminate findings to key stakeholders within the Irish Prison Service and the Probation Service (including people serving life sentences), and to a wider audience via presentations, publications, reports, online materials, and the final PhD thesis. The collaborative and interdisciplinary nature of this research will facilitate the development of evidence-based policy and practice, and will support the successful implementation and further development of the model.

## **Conclusion**

The model of early multidisciplinary sentence management provides a clear pathway for people sentenced to life imprisonment after 1 April 2017, and aims to ensure consistency throughout the Irish Prison Service estate. The key

features of the model (i.e. early assessment, individual sentence plans, active engagement with services, regular reviews, and progressive movement) reflect international human rights standards (e.g. Council of Europe, 2003) and have been endorsed by various stakeholders in Ireland (e.g. Irish Penal Reform Trust, 2016). Although this paper focuses on the sentence management of people serving life sentences, it is important to acknowledge the serious nature of the offences committed by these individuals and the devastating impact of their actions on victims, families, and communities. In line with the Victims Charter, the model promotes victim awareness and victim empathy, encouraging individuals to accept responsibility for the hurt, damage, and suffering they have caused (Department of Justice and Equality, 2020). The ultimate aims of the model are to achieve meaningful outcomes for people serving life sentences and, crucially, to promote safer custody and subsequently safer communities. The model endeavours to motivate, challenge, and support people serving life sentences to adopt a pro-social lifestyle. It anticipates that, if released, people serving life sentences will be more likely to reintegrate successfully and to lead law-abiding and self-supporting lives. The recruitment of a PhD student to evaluate the model is an important mechanism of accountability. Forthcoming research will explore the sentence management of people serving life sentences in Ireland, inform the development of evidence-based policy and practice, and contribute to attaining the fundamental goals of the model.

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# Reflections on a Pandemic: How COVID-19 Impacted upon Probation Practice in Northern Ireland

Jean O'Neill and Gail McGreevy\*

**Summary:** In March 2020, the Probation Board for Northern Ireland (PBNI) had to adapt its practice in response to Coronavirus, which for many of us poses the biggest threat ever seen in our lifetime. The impact of this outbreak can be felt globally, as countries around the world close their borders and cities shut down. In response to the pandemic and the unprecedented restrictions imposed by the UK Government and NI Executive,<sup>1</sup> PBNI made very significant changes to its operational practice and working arrangements. From the beginning of March, the situation in Northern Ireland was changing daily and there was a need for speedy and effective measures to be taken. Importantly a key part of PBNI's strategy was to communicate decision-making to all staff in order to provide reassurance and some certainty to staff in difficult circumstances. This paper sets out the changes that PBNI made to adapt to the new circumstances between March and June 2020, including developing new operational guidance for staff, accelerating our implementation of smart justice and implementing an effective internal communication plan to ensure that staff understood what decisions were being taken and importantly why they were being implemented. Ten staff members<sup>2</sup> and two service users were asked to answer questions and keep diaries about the challenges and opportunities they faced during COVID-19, and their responses are incorporated into this paper.

**Keywords:** COVID-19, probation, practice, innovation, smart justice, lessons for future.

## Introduction

On 11 March, the World Health Organization declared the COVID-19 outbreak. At the beginning of March, PBNI had established its Incident Response Team to manage the contingency plan around COVID-19.

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<sup>1</sup> NI has a devolved administration and local NI Executive and NI Assembly.

<sup>2</sup> Ten staff included Probation Officers, area managers, probation services officers and psychologists.

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From the outset, PBNI's Senior Leadership Team (SLT) sought to take decisive, timely action with the ultimate aim, at all times, being to carry out our public duty of keeping everyone safe, as set out in the Government guidelines. In doing so, PBNI worked together with the Northern Ireland Department of Justice, the Police Service for Northern Ireland, Northern Ireland Prison Service, Northern Ireland Court Service, Public Prosecution Service, Youth Justice Agency and others.

The restrictions imposed by the NI Executive in response to COVID-19 affected public services in Northern Ireland very significantly, and the justice sector in particular. The Justice Minister Naomi Long MLA commented in April 2020:

It's an old adage to say that the wheels of justice turn slowly but, during this crisis, that has never been further from the truth. Time and again, I have been impressed by the work ethic, collaborative approach and 'can do' attitude of the wider justice family as they have worked together to find practical and agile solutions in the fast-moving and ever changing landscape created by the COVID-19 crisis. The innovative use of technology has ensured the delivery of justice is maintained while safeguarding staff and members of the public.<sup>3</sup>

In anticipation of the restrictions coming into place, PBNI had been reviewing its practice and developing operational guidance. Once the restrictions were announced, PBNI had developed guidance to ensure that essential service delivery to protect the public could continue, while at the same time safeguarding staff, service users and the wider public, as much as possible, from the risk of infection by COVID-19.

To capture learning about Probation's work during this crisis, ten staff within PBNI were asked to record video diaries outlining how they carried out their roles in these very different circumstances. Excerpts from these diaries have been used to inform this article. Two service users were also interviewed by the authors and asked about their experience of supervision during COVID-19. Those recorded interviews have also been used to inform this paper.

## **Background to PBNI**

PBNI is a non-departmental public body, which works at every stage of the criminal justice system. All Probation Officers are social workers, and the

<sup>3</sup> Minister for Justice Naomi Long MLA speaking on 8 April 2020. Press release available at <https://www.justice-ni.gov.uk/>

organisation also has a team of psychologists, probation support officers, community service staff, and specialist corporate services staff. The work carried out by social-work-qualified Probation staff is about assessing and managing risk, verifying information, and working directly with individuals to change and challenge their behaviour. It is in this context that the changes to operational guidance should be viewed. The organisation has had to be agile, innovative and creative in order to enable and empower staff to continue that frontline work in a different way.

## **Operational guidance**

In order to comply with the NI Executive's measures in relation to social distancing and working where possible from home, PBNI streamlined its service delivery, closing its 21 offices, and instead opened seven 'operational hubs' throughout Northern Ireland. These operational hubs were based in Belfast and each county, to ensure that staff could meet those service users who required additional support.

On 1 April, PBNI published its 'interim operational guidance', which updated PBNI practice standards for the duration of the COVID-19 pandemic. The guidance covered supervision of orders and licences, work with high-risk offenders, work in courts, work in prisons, work with victims of crime, and work carried out by our psychologists.

## **Supervision**

Staff continue to have supervision with service users, in line with assessed risk, using telephone or video contact. In order to comply with social-distancing guidelines, staff are not going into people's homes to carry out home visits, nor are they attending meetings in approved premises. It would not be possible to adhere to social-distancing guidelines and carry out these tasks. As one probation service officer explained:

My role is to deliver interventions to help people change their behaviour and take responsibility for their actions. I am now delivering one-to-one interventions over the phone and through video calls. This approach is not without its challenges and has had a mixed response from service users. One of my service users is a single mum with two children and it has been difficult for her to focus on the telephone as she is constantly being interrupted as she has no childcare. Yet another service user reports that she finds telephone contact actually works better for her as she can be

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more open and forthcoming on the telephone than by talking face to face.  
(Probation Services Officer 1)

Area managers and Probation Officers also noted a change in the dynamics of supervision during this crisis, with more emphasis on support and assistance for service users who are feeling vulnerable.

Every time a Probation Officer makes contact with an individual service user we need to consider whether they are living alone, do they have mental health issues, or are they struggling with addictions? As well as holding people to account, we are asking questions about their basic needs. Are you coping? Do you have enough food? Do you have electricity? Do you have medication? (Area Manager 2)

Service users, particularly in rural areas, have reported difficulties in accessing local services, and in some cases, the only contact they have in any given day is from Probation. Probation staff in those areas have reported having the added responsibility of trying to ensure that service users, particularly those who are vulnerable, have basic necessities.

Staff, recognising the vulnerability of many of our service users, have provided support by linking them into food banks and support services as needed; for example, information has been provided on groups who can deliver essential items such as food and medication in each locality. This contact and support from Probation has been key during the crisis and was referenced by all those interviewed as reflecting a change in practice.

This support is acknowledged by a service user, who said that the weekly contact with someone outside her family support, with whom she could share some of the anxieties and issues faced during lockdown, was helpful.

I look forward to talking to my Probation Officer, knowing that she is going to ring me each Tuesday at 11.00 — I can plan my day and time around that ... it's nice to know that I can talk to her on that day and just talk about how things are going ... I don't have to worry about upsetting others and it's nice to talk to someone who is not in my family, I can be myself. (Service User 1)

It is of interest that Probation Officers have reported that the telephone calls with service users, and subsequent follow-up to other support agencies, have resulted in increased time demands.

I need to have conversations about the usual concerns, how they are feeling and if they are taking their medication, if required. Now, with the COVID-19 lockdown, we have an added responsibility to supervision. My conversations have been extended to address each client's role and responsibility in protecting each other from the spread of infection, and the added issues the impact of enforced isolation and loneliness has had on them. (Probation Officer 2)

### ***High-risk offenders***

Staff are, however, continuing to see some service users face to face, and the guidance reflects the need to ensure that high-risk offenders are prioritised. It states:

All service users who are assessed as presenting a Significant Risk of Serious Harm (SROSH), or who are assessed as category 3 under Public Protection Arrangements Northern Ireland (PPANI),<sup>4</sup> should have weekly contact, alternating face to face interviews with telephone contact.

Face-to-face contact can also be arranged in cases where staff have specific concerns, even if those cases do not meet the threshold. The guidance also highlights the need for increased liaison with partner organisations — for example, the Police Service of Northern Ireland, hostel staff and social services — to verify the circumstances of high-risk service users and share information more regularly.

Area Manager 5, who works in the co-located public protection team, highlighted the importance of increased interagency working and sharing information:

Sharing of information and close inter-agency working is absolutely vital in the area of public protection. We have weekly briefings which are now conducted by teleconference, with follow-up actions a mixture of telephone and video calls, as well as making direct face-to-face contact if required. Chairing Local Area Public Protection Panel (LAPPP) meetings with PSNI, Healthcare Trusts, Northern Ireland Housing Executive and the Northern Ireland Prison Service where all PPANI offenders are assessed

<sup>4</sup> Category 3 offenders are those where previous offending, and/or current behaviour and/or current circumstances present clear and identifiable evidence that the offender is highly likely to cause serious harm through carrying out a contact sexual or violent offence.

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and risk managed, are all conducted by teleconference. We have worked together to make the new arrangements operate effectively and ensure that we can focus on those offenders who pose the highest risk to the public. (Area Manager 5)

Amongst those high-risk service users who have been prioritised are violent and sexual offenders. There has been an increase in reported incidents of domestic abuse during the first months of the pandemic (PSNI, 2020). During April, domestic abuse call-outs peaked at 723 in one week, compared with the average of 537 for the same week in previous years. The overall increase in April 2020 is approximately 20% compared to an average of the previous years.

PBNI operational guidance reinforced the fact that particular cognisance should be given to domestic abuse cases and cases where there is a child protection issue or where individuals may be vulnerable due to addictions or mental health needs. As well as introducing a new screening tool for these cases (Young, 2020), the guidance stated that regular and proactive contact with the Police Service of Northern Ireland (Public Protection Branch) should be maintained to check whether there have been any police call-outs in individual cases.

Interventions and programmes continue to be delivered and, again, high-risk offenders, including domestic abuse perpetrators, are prioritised. Programme delivery takes place using video technology and telephone. Worksheets are provided to service users and, using video or telephone, the programme staff carry out the intervention with the service user. Partner support workers, who provide support to partners and ex-partners of the men attending programmes, continue to carry out their roles using video and telephone technology.

Approved accommodation for offenders to use on release from custody makes a significant contribution in the resettlement of service users upon their release from custody, and assists in sustaining others in the community, particularly those who are high risk. PBNI has 93 beds available to service users within seven approved premises across Northern Ireland. These are in premises run by partner organisations including Extern, the Simon Community, the Salvation Army and the Presbyterian Board of Social Witness.

There was a real concern that should staff or residents in premises become infected with COVID-19, they might cease to be able to function. Careful contingency planning by the approved premises, individually and collectively,

arrangements for self-isolating, moving those with underlying health conditions to hostels with en-suite facilities, and much-welcomed extra funding from PBNI, have allowed them to continue to offer services during these extremely challenging times. Testing is available and, to date, there have been no positive results in any approved premises.

### **Prisons**

PBNI staff who are based in the three prison establishments are now working remotely at the request of the Prison Service and are continuing to help prepare prisoners for release, including completion of release plans and completing reports for the Parole Commissioners. PBNI staff have also played a central role in the early-release scheme, engaging with those released early by the Northern Ireland Prison Service (under Rule 27) who will be subject to determinate custodial sentences. At the time of writing, 143 prisoners in NI have been released 'early'. These are individuals who were in the last three months of their custodial sentence; the early release scheme applied to those who had received a 'straight' custodial sentence and those who were subject to licence on release. There were several exclusions, including those who had committed serious violence, domestic abuse and those who were homeless. The apparent 'success' of the early release in Northern Ireland contrasts significantly with the early release scheme in England and Wales. It was announced in England and Wales on 4 April that up to 4,000 prisoners who were within two months of their release date and had passed a risk assessment would be released. However, on 27 April, ministers confirmed that only 33 prisoners had been released — including pregnant prisoners and inmates in mother-and-baby units, meaning that fewer than 20 had been freed under the temporary early release scheme (Grierson, 2020).

Probation Officers working in the prison setting recalled that the onset of the pandemic had an impact on their day-to-day practice, as highlighted by one Probation Officer:

I suddenly found myself working in a completely different way ... being a 'key worker' in a prison setting brought new problems to be resolved, such as hand washing and accessing hand sanitiser when you have so many gates and biometric palm readers to negotiate in a prison setting. The very person-centred greeting of a handshake became a virtual wave. (Probation Officer 1)

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## **Courts**

Courts have rationalised their operations into four hubs for emergency business only, and the Lord Chief Justice has given clear guidance as to what this constitutes. The consequence of this for PBNI is that many pre-sentence reports that would have resulted in community-based sentences have been adjourned for at least eight weeks. There will also be a substantial downturn in the number of new pre-sentence reports requested in the coming weeks, which will result in very few new orders or licences being made until courts resume normal working. All breach matters instigated by PBNI are now dealt with solely by way of report, without a PBNI prosecuting presence in court. Warrants are still available in cases where there is risk to the public, and summonses can still be lodged, albeit with lengthy service periods. PBNI staff are completing pre-sentence report appointments via video WhatsApp where possible, or alternatively via telephone.

PBNI is currently involved in the Substance Misuse Court, a court piloted in Belfast Magistrates' Court and which takes an alternative approach to helping offenders when substance abuse is an underlying problem (O'Hare and Luney, 2020). It directs eligible offenders on an intensive treatment programme, to help tackle their addiction and change their behaviour. While the court is not formally sitting, treatment work continues and, indeed, engagement has increased as Probation staff work closely with those individuals currently receiving treatment. Probation Officers report that engagement levels have increased because individuals are in need of additional support and help to tackle addictions at this time.

## **Victims**

Importantly, work with victims of crime is continuing; victims can register online, and information is provided to victims by telephone.

As stated earlier, one of the most significant impacts of the COVID-19 pandemic was the announcement by the Department of Justice that some prisoners would be released early. This had a direct impact, and victims' requests for information increased as people contacted the victims' unit wanting to know if perpetrators in their case would be eligible for release.

Almost immediately, the Victim Information Unit telephone started ringing with enquiries from our service users anxious to find out if the perpetrator of their crime was eligible for early release. There was a need to provide

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information and reassurance and deal with the many questions that victims had. (Probation Officer 5)

The staff in the Victim Information Unit reported challenges in communicating on sensitive issues over the phone but also said that there were some surprising benefits.

Overnight I moved from face-to-face client contact to liaising with victims and victim representatives by telephone only. Now, as a referral comes in, we make sure we contact the victim as soon as possible by phone. Initially I was concerned about 'cold calling'; however, I have been very surprised at the response. Some may be more receptive to taking the call and more inclined to engage in conversation in the current lockdown. Despite the subject matter, sometimes when there's been no social contact for someone, our call can be a welcome connection as well as a chance to impart information. (Probation Officer 5)

### **Psychology**

The COVID-19 lockdown has brought mental health and addictions into sharp focus. The pandemic has increased stress, fear and anxiety, and those who have poor mental health and who struggle with substance misuse can be particularly vulnerable. The PBNI psychology team has developed new ways of providing psychological support to those most in need.

Prior to the lockdown, psychological interventions with service users were face to face, but the current situation has dictated that this *norm* no longer applies, and psychology had to be delivered in a different way. PBNI quickly adopted the use of various technical solutions, including Skype and Zoom, and psychologists assessed that one of the biggest risks to service users was relapse, and this framed service delivery. Psychologists ascertained that the best way of providing support was through regular and meaningful contact that would involve visual worksheets, confirmation texts and telephone/video interventions.

This way of working has been time-consuming, as noted by psychology staff.

As service users have different psychological symptoms, and a variety of different problems, bespoke interventions are required. Worksheets for each individual client need to be generated and this is time consuming. I

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started a new process of creating worksheets, posting them to clients with a request that they are read and completed prior to the telephone intervention. To ensure as good attendance as possible, I texted clients asking them to confirm the most suitable time for a telephone call. Once agreed, the telephone intervention would then take place. As the intervention is delivered by telephone, Socratic questioning and guided discovery have reduced to an extent with a larger emphasis on psycho-education. I originally envisaged that each telephone intervention would last approximately 10 to 15 minutes. In reality, each telephone call is lasting 30 to 40 minutes. (PBNI psychologist)

The operational guidance is reviewed by the senior leadership on a weekly basis and, following staff feedback, it has been amended and revised against the need to deliver essential services.

## **Smart justice**

Technology and the move towards 'smart justice' have been accelerated by COVID-19. PBNI has approximately 400 staff and, by the beginning of April, 340 Probation staff had been enabled to work effectively remotely from home, with access to PBNI case management systems and records. The use of video and teleconferencing has been of paramount importance in enabling staff to deliver programmes and complete supervision. Teleconferencing and webinars have been introduced for staff to keep in contact with each other and with service users. Business Insider (2020) reports:

Employers have increased their reliance on enterprise teleconferencing tools — such as Microsoft Teams, Google Hangouts, and Zoom — as their employees switch to remote working due to public health concerns. We expect that employers' dependence on such tools during the coronavirus pandemic will strengthen the case for 5G connectivity in the home — and in the office as enterprises recognize the value that teleconferencing tools offer.

PBNI's experience is that the use of tele- and video conferencing has been essential and is something that should continue long after the COVID-19 crisis abates. The importance of maintaining communication by such means is described by one area manager:

An important element of my work is staying connected to team members who are now dispersed and working from home. I make a point of keeping in telephone contact with my team as much as possible. I am mindful that everyone's circumstances are different. Some staff members have young families, are caring for vulnerable relations, others live alone. There can also be difficulties in getting a balance when you are working from home. Importantly we have also set up a WhatsApp group to stay more connected and it has been really important in keeping us all connected and there is a lot of reassurance for staff in being able to see and speak to one another. (Area Manager 1)

This view was echoed by Probation staff who have appreciated the continued contact with their line managers and colleagues.

As we were deployed to work from home the importance of embracing new technologies really came to the fore. Initially we used emails and conference calls to speak to service users and colleagues. Our managers had agreed a WhatsApp group to enable us to communicate with each other and update current work situations. As a team, we continue to link in with each other, update information, and share information from other organisations. (Probation Officer 4)

I've tried to remind my clients that I too feel the impact of having to stay at home. I miss socialising with my friends, my extended family and seeing my colleagues ... I feel that this hopefully encourages them not to be tempted to revert to usual habits and activities regarding meeting up with friends. (Probation Officer 2)

PBNI quickly adapted its training programme to meet the demands of the new working arrangements. Mandatory training for induction and the roll-out of a new case management system has taken place through e-learning, using video tutorials and online resources to assist staff.

PBNI has also increased the use of its mobile phone app, 'Changing Lives', which aims to provide services users with a range of resources and tools on their mobile device. Changing Lives is the first app developed specifically to help offenders in Northern Ireland to desist from crime and become rehabilitated. It has been recognised locally and internationally as an important tool in helping Probation to engage more effectively with service

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users. Whilst designed to help offenders, it can be downloaded and used by anyone. During this period where remote working has become the norm, the app has been promoted and used extensively with service users.

Of course, while technology will work for many, it cannot work in all cases and we need to acknowledge and respond to that.

While technological advances in platforms such as Zoom, FaceTime, Skype etc. allow communication between staff and some service users, those without the technology on their phones for risk management reasons have to rely on phone calls and texts messages. Indeed, I have continued to use traditional postal services for some clients. (Probation Officer 1)

## **Communications**

The PBNI response and communications plan in relation to COVID-19 was underpinned by the aim of providing timely, accurate and regular communications to all. PBNI communicated all decision making to staff and explained why those decisions were taking place. PBNI also communicated regularly with key stakeholders through the Department of Justice contingency planning group, and individually with key stakeholders including the Northern Ireland Prison Service, the Court Service and others. The Head of HR holds a weekly teleconference with trade union representatives. The communications unit has developed a daily information bulletin with links to a range of resources, including guidance on working from home, and health and wellbeing links. The Chief Executive has spoken directly with all staff through a regular podcast. At all times, the purpose of communications has been to provide reassurance, support and clear guidance during a period of great uncertainty. Probation staff report that communication at this time has been critical. The feedback from staff has been positive.

PBNI has been very proactive ... I receive weekly updates as well as podcasts from PBNI's Chief Executive, almost daily updates from senior managers, and the communications team and my line manager are very supportive. (Area Manager 2)

## **Learning**

Throughout this period, PBNI has sought to document learning, including what has worked well and what could be done differently. Staff have been

asked for feedback on a regular basis. There has been widespread support amongst staff for the decisions made by PBNI and the efforts taken to provide support and reassurance. Importantly the Senior Leadership Team is now considering how to prepare for 'recovery' and the return of staff to the workplace, as well as considering the potential for further outbreaks of COVID-19 at a later stage.

There are important questions to be asked in the future about ongoing working from home. Do we need to have as many offices into the future if staff can work effectively from home some of the time? There are questions about the continued use of technology. What more can we do to utilise technology as well as possible? Is virtual reality, for example, an option for some programme work?

All of these questions will be considered as we reflect on COVID-19 and how it has impacted upon the work of Probation in Northern Ireland.

Certainly there is a recognition that nothing is normal right now and a hope that, in the future, the learning experience will produce longer-term benefits for the organisation, our customers and service users.

## **Conclusion**

The COVID-19 pandemic and the response to it have had an unprecedented impact for PBNI. Alternative arrangements to maintaining practice were quickly agreed by the SLT and put in place.

Overall, service users have been remarkably compliant with the new arrangements and have welcomed the continued support from Probation Officers during this testing time. The pandemic has exposed the lack of social support in place for the most vulnerable people in society, and under lockdown PBNI is managing an increase in domestic violence and in alcohol and substance misuse.

During this difficult period, Probation staff have been able to use their skills and resources to refocus and reprioritise their work. Frontline staff and those providing support have been able to use skills to adapt their approach and continue to provide an individualised service to all service users. PBNI has come together with a 'can do' attitude and a compassionate approach to deliver essential services, to support service users and to support one another. This has been an unprecedented time and one that will undoubtedly affect how we deliver services well into the future.

The months ahead will probably be quite volatile and dynamic as Northern Ireland begins to consider how to exit lockdown. There will be much to

consider as PBNI continues to evaluate conditions and support a return to recovery, while protecting staff and public health.

PBNI recognises that the coronavirus crisis is a story with an unclear ending, and that we need to support and protect employees and those who access our services in this new world.

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# COVID-19 Pandemic: Practitioner Reflections on Probation Practice

Sheena Norton\*

**Summary:** The announcement of school closures on 12 March 2020, followed by the speech of An Taoiseach (the Prime Minister) on 17 March 2020, was the beginning of the public health emergency in Ireland due to the COVID-19 pandemic. It heralded the beginning of new ways of working for government services across the country. Essential frontline services and other statutory services were catapulted into developing new practices to continue engagement with service users. In line with public health guidance, the management of probation supervision from March to June 2020 was, in the main, delivered through telephone contact by practitioners who were working remotely. This paper looks at the experience and the response of staff in adapting to this new approach. It explores challenges and opportunities both personally and professionally. The opportunity for a more creative delivery of probation services in the future is set out. Service users' responses and reactions are outlined. Finally, lessons learned from this time are considered.

**Keywords:** COVID-19, pandemic, probation service, practitioner, remote working, service user.

## Introduction

As the reality of the pandemic unfolded through March, and in compliance with public health guidance, Probation staff were required to work from home. In these changed circumstances, telephone contact was to be the primary method of engaging with service users. Offices across the country could open only in exceptional and limited circumstances. These arrangements were put in place to support the release and resettlement of people in prison and to manage any potential crises with high-risk offenders on community supervision. Probation work in this uncharted territory continued, with Probation Officers striving to deliver the best possible service. During a time of global stress, pressure and fear, the increased

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vulnerabilities of those on supervision became apparent. Staff were faced with the task of continuing to address previously established targets of intervention whilst responding to needs for additional supports, in other areas and in different ways. At a time of unprecedented change and challenge to existing practice, it is important to track and reflect on the impact of this upheaval through the experiences and observations from practice. In addition to the author's experience, this paper is also informed by the views of eight Probation Officers across two teams and a Community Service Supervisor. Their responses were obtained through structured conversations and written feedback. Questions posed revolved around the personal and professional impact, the impact on service users, relevant supports, and the learning to take forward.

## **Personal and professional challenges**

Probation Officers, as trained social workers, recognise the importance of balancing issues of care and control as part of case management. The organisation was mindful of its public service duty to uphold and support the communication of government health messages in working with service users. A summary guidance document was issued to support Probation Officers in relaying key messages and explaining the implications of this new way of living, drawing from the principles of pro-social modelling and effective problem solving. Empowering people to develop coping strategies to keep safe during lockdown was considered pivotal in all probation work. Practitioners recognised that a level of stability, in an otherwise unstable time, had to be established before there was a refocus on individual criminogenic risk factors.

A range of issues was identified by personnel working from home. Colleagues admitted to feelings of uncertainty, concern and some degrees of anxiety for their own families and personal networks, particularly at the beginning of the restrictions. There were many often-conflicting demands to manage, from childcare, home schooling, caring for vulnerable and 'cocooning' family members to wider family responsibilities. It was a juggling act at times, to balance the care and safety needs of dependent members of the family with the expressed needs of service users. To counteract this and fulfil work commitments, many adopted a more flexible schedule than typical office hours. It was often easier to make contact with other professional agencies during morning periods and with service users in late afternoon and

evening periods. In some situations, staff worked on a Saturday when other available supports for childcare could be utilised.

Many staff reported the desire to work more productively in the early stages when remote access to the IT system was not available to all staff. Whilst supervision requirements could be fulfilled through telephone contact, the inability to maintain case records and adjust case management plans was a source of frustration. As courts were adjourning all non-urgent cases, the need for the preparation of new and updated assessment reports during April and May was reduced. This freed up some time to focus on other administrative duties, which was facilitated by the welcome extension of remote access to all staff in May 2020.

Adjusting to the sudden instruction not to go to the office was challenging for some, and it took time to develop a routine and establish a new way of working from home. Where people had the advantage of a designated area in the home, such as a study, this allowed for some level of division between home and work life. The majority found it somewhat more challenging to manage the physical space in the home for both work and other responsibilities, like home schooling.

## **Impact on service users**

In accordance with Probation Service guidelines, Probation Officers made contact with all those on their caseload to advise them by phone or letter of alternative ways of working. Some officers also chose to put this in writing, as it represented a more formal approach, reiterating obligations for supervision and providing a solid basis to promote and support compliance. Staff were careful to ensure that all service users had relevant contact numbers, including those of line managers.

Probation Officers contacted reported that people reacted well to the changed supervision format and engaged well, particularly at the initial stages of adjustment. Some described 'going back to the basics', such as role clarification, to reinforce the importance of maintaining good contact through this new format for supervision. As the situation evolved and, with that, the realisation that matters would extend beyond a couple of weeks, clients began to expect 'the phone call', and some chose to initiate contact themselves for support. Calls became longer and conversations more intense as issues began to emerge and more in-depth discussions took place. Many reported that the success of supervision by phone was intrinsically linked to

the quality of the pre-existing worker–client relationship. In cases where a therapeutic relationship was well established, the transition to phone supervision was, according to colleagues, further enhanced. There was feedback that some service users appeared more at ease than in the traditional office setting, allowing for deeper levels of engagement. This raises the interesting question of the importance of tailoring supervision modalities to the needs of individuals.

Colleagues observed that women were more likely than men to talk openly on the telephone, more likely to share their experiences, and more able to acknowledge the support from the contact. Working with female service users required adoption of a gender-sensitive approach, in recognition of their specific needs and in accordance with existing Service guidelines. Many male service users, on the other hand, required some level of coaxing to ‘open up’ on the phone. It was generally reported that most service users were comfortable with the contact, understood it to be a supervision requirement and expressed appreciation. They welcomed contact and guidance with queries regarding issues such as social welfare payment post release and liaison with the Irish Prison Service in relation to conditions of ‘temporary release’.<sup>1</sup> Some service users valued the opportunity to talk about what was happening for them and the stresses encountered during such strange times. As one Probation Officer put it:

Obviously it has to be accepted that there are major limitations in what can be achieved but if anything it has been a reminder that maintaining the ‘client relationship’ and providing support, information, using counselling skills, motivating and advocating on their behalf remains the crucial part of our job and this can still be achieved (with some limitations) over the phone.

Similar to staff working from home, clients equally had family issues and responsibilities which they were managing. Some did not have the personal space to take phone calls — there were privacy issues, with other people present in the home, which in turn had an impact upon meaningful engagement.

<sup>1</sup> Temporary and conditional release from prison in accordance with the Criminal Justice (Temporary Release of Prisoners) Act 2003.

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## Key themes covered during supervision process

A range of risk-assessment tools are used to support Probation practice in estimating risk levels and to identify targets for change. This allows for structured interventions to be identified in the Case Management Plan. These measures support and inform the effective management of rehabilitation activities/programmes with due regard to community and public safety. This continued to be the template adopted by Probation Officers for maintaining the supervision process during the COVID-19 period. The level of phone contact reflected the identified levels for risk of re-offending

Key themes covered during the supervision process included:

- Addiction supports, relapse prevention or harm-reduction techniques. Referrals continued to avail of community-based services and residential treatment programmes, with staff supporting clients through this process and advocating on their behalf. Some clients used the time to engage in reflection with their Probation Officer and move forwards in the Motivational Wheel of Change<sup>2</sup> to action phases. This is evidenced in the fact that four clients from the sample workloads entered residential treatment during the period.
- Mental health was frequently mentioned, even in some cases where this had not previously been a concern. Supervision explored techniques for stress and anxiety management during the period, including the importance of maintaining a routine and taking exercise. In a small number of cases, Probation Officers were proactive in liaising with statutory mental health services where there was a clear need.
- Supervision of people convicted of sexual offences continued to address key areas as identified in risk assessments. Forefront to the mind of supervising officers was how the impact of increased social isolation in this category could contribute to increased risk in the community. For some people, Probation Officers were their only source of interpersonal contact.
- Supervision of domestic violence offenders continued to address their particular risk factors. There was a recognition that the period of restricted movements outside the home heightened risks for victims and this required a particular focus. In response to this, there was a high level of collaboration with partners that provide group work

<sup>2</sup> Stages of Change Model (Prochaska and Diclemente, 1983)

programmes. Project workers had increased their levels of remote contact with participants and continued to focus on the material from the programme in conjunction with supervision interventions.

- Significant issues arose for those involved in delivery of Young Person's Probation.<sup>3</sup> Young people under the age of 18 and even young adults were reported as the most difficult to engage. This is perhaps reflective of a generational gap where a phone is more typically used by these cohorts for texting rather than conversation. Where teams had access to the services of Probation-funded project workers, it was possible to increase contact, support and additional supervision through these mentor workers. Social media platforms were often employed by project workers to engage with young people. As many young people are more familiar, comfortable and expressive using such technology, Probation-funded project workers could then liaise with Probation Officers in relation to any emerging risks and needs. Colleagues expressed concern that this group's general lack of adherence to public health guidelines might be challenged by law enforcement, leading to escalation and the danger of further court appearances. Consequently, there was a heightened awareness of the need to explore and encourage socially responsible behaviour with this cohort.

Overall, Probation staff reported employing similar strategies and methods to those applied in the office setting. Crisis Intervention, Task-Centred, Motivational Interviewing, Relapse Prevention, Harm Reduction and Brief Intervention approaches continued to underpin practice.

## **Support for practice**

Access to the office, albeit on a limited basis, continued to be a necessity at times for the safe management of the building and to enable the use of scanning and printing facilities. A level of access was needed, in particular, for the preparation of probation reports on those in custody, as these were a priority for completion. The open style of communication employed by managers assisted staff in responding to challenges with workload management, particularly during the period when wider remote access was awaited.

Strong and participative leadership skills were evident. There was regular contact from line managers, offering support and exploration of new ways of

<sup>3</sup>Young Persons Probation is a specialised division of the Probation Service that operates in urban areas, working with children and young people who appear before the courts.

problem solving to continue to meet Service objectives and goals. Frequent updates from Probation senior management and the human resources section provided clarity and cohesion during a rapidly evolving and changing public health situation. The publication on the intranet of a suite of documents to guide and inform practice supported practitioner confidence and reinforced standards and purpose across the Service.

The extension of remote access to the Probation IT system for all staff, enhanced productivity and facilitated more efficient internal and external communications. The use of teleconferencing for professional meetings was also considered a support, allowing for the continuation of team meetings and interagency collaboration and networking.

A crucial support to practice was the existence prior to the pandemic of established relationships with Service colleagues, criminal justice stakeholders and other statutory and non-statutory agencies. Well-established and productive networking practices and interagency collaboration meant that these professional relationships could support optimum service delivery. Partnership networks were regarded as crucial, with staff maintaining strong links with colleagues in An Garda Síochána (police), the Irish Prison Service, Court Services and other statutory services. This allowed for information flow to continue in a coherent manner throughout the period. Other good practices, such as the digital retention of updated service-user consent forms, ensured the continuation of third-party collaboration that was compliant with General Data Protection Regulations (GDPR).

## **Every crisis an opportunity: Learning for the future**

It was agreed across all conversations that remote contact cannot replace the value of face-to-face work with service users. In its absence during such a unique period, it was felt that whilst telephone contact had many advantages, the utilisation of a wider range of technologies enhanced and added to the overall supervision process. Some colleagues suggested that in particular contexts and with particular client groups, digital tools could usefully augment traditional methods of working.

It is evident that remote working will continue for longer than anticipated at the start of the crisis. Public health guidelines will continue to require a blend of remote and office work as Probation offices re-open to the public and some face-to-face contact with service users resumes. The recent investment in IT infrastructure has opened up new possibilities, providing an

important platform for further developments. It has become evident that many aspects of our work can be completed on a remote basis, and a strategic approach to this new reality that incorporates elements of reorientation and training will ensure the ongoing effective and efficient delivery of Service. Building on the experiences of recent months, there are now opportunities for further conversations to explore new methodologies that enhance service delivery, maintain productivity and support staff wellbeing.

Colleagues identified that a key lesson from the pandemic experience was the reminder of the importance of remaining focused on the very basics of probation work, building on the 'relationship with clients' and adapting a 'flexible approach'. When there was less focus on such demands as assessment reports, creation of case management plans and supervision agreements, 'you are left', in the words of one Probation Officer, 'with the relationship you had started, trying to maintain it and develop it'. This is in no way to suggest that these aspects of the job are not vital and critical to probation work and the effective management of offenders in the community. However, the shift in emphasis seemed to allow for more reflective practice and more person-centred engagement with clients, reminding us of many of our core social work values.

COVID-19 may be with us for a long period, and society as a whole needs to implement new ways of being. Working collaboratively and creatively, the Probation Service adapted to the challenges presented. New operational arrangements were developed to support work practices. Appropriate measures were put in place to protect the health and wellbeing of staff, service users and the general public. Staff at all grades were committed to the development of new and innovative work practices, maintaining and building on the momentum that the crisis demanded from us. While the crisis was neither anticipated nor welcome, it has undoubtedly released new energy, reframed productivity and, somewhat counterintuitively, remote working has reinforced and highlighted the strength and unity of purpose across the Probation Service.

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# 'Helping Others and Helping Myself': Wounded Healers as Peer Workers

Marguerite Woods\*

**Summary:** This paper explores the experiences of women engaged with a peer training reintegration programme, 'Building Recovery Inwards and Outwards' (BRIO), funded by the Probation Service and developed in the Dublin-based SAOL Project.<sup>1</sup> It draws on qualitative data generated in interviews, focus groups and participant observation during a two-year evaluation from 2016 to 2018. In recounting the experiences of women engaged with the programme, it focuses on the challenges facing them before, during and after involvement in drug use and the criminal justice system. This paper will: briefly review the literature and research evidence in relation to women's recidivism, desistance and redemption; document the participants' lived experiences of becoming peer workers; explore the potential challenges for such work; and discuss the importance and future development of peer support training programmes, highlighting the importance of gender-sensitive and trauma-informed responses to women. These responses recognise the enduring impact of trauma for women and its relationship with their pathways into crime and drug use. The paper concludes that peer work offers opportunities to assist others, to experience altruism and mutuality and to make choices and decisions about progression into work and education. The policy and practice implications of this approach are manifold.

**Keywords:** Women, offending, wounded healer, drug use, peer work, recidivism, desistance, redemption.

## Introduction

When they wish to become involved in helping efforts, former offenders should be permitted to 'reach back' and assist others who are beginning the reintegration process. Expanding such opportunities may reduce recidivism and promote successful re-entry among the growing number of formerly incarcerated women. (Heidemann, Cederbaum, Martinez and LeBel, 2016, p. 22)

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<sup>1</sup> SAOL Project was established in 1995 to work with women grappling with drug use and related issues.

BRIO, a peer education and training programme for women, was envisioned, proposed, and designed by the SAOL Project in 2015. Its vision to empower and support women with experiences of addiction and recidivism is expressed through its mission statement, 'Strengthening each other's recovery, reducing each other's recidivism, creating each other's hope'.

Participants are supported on a journey of self-awareness, personal development and skills development that supports and promotes their recovery, and also facilitates their development as potential peer workers.

BRIO was originally proposed as a two-year programme in which a closed cohort of twelve women would participate in six three-month-long modules, followed by work placements. In its first two years, BRIO adapted to the demand from women on probation or leaving prison to participate, and while maintaining a similar modular structure, it developed a less linear, more inclusive approach, responsive to individual need and circumstance. As a result, BRIO made contacts with a total of 116 women. Referrals are taken from a range of addiction, homeless and criminal justice agencies. Some women self-referred. A committee of Probation and SAOL representatives periodically reviews the referral pathways and operation of the programme. BRIO participants do not receive remuneration and the peer work they carry out during and following training is voluntary. Progression pathways include involvement in peer work and further education. The evaluation on which this paper draws was inbuilt as part of the BRIO programme from its inception in early 2016 until March 2018.

## **Recidivism, desistance and women**

Desistance research over the past decades reveals that desistance, a process of 'making good', is often a long, slow, arduous, and complex 'invisible process', during which justice-involved individuals invariably face significant challenges and barriers to change, many of which are context-based and structural (Maruna, 2001, 2017). Some recent gender-sensitive literature has focused on women's experience of such a process, highlighting the connections between drug use, offending, poverty, marginalisation, victimisation and trauma, adverse childhood experiences and lifetime re-traumatisation (Hayhurst *et al.*, 2017; Van Roeyen *et al.*, 2017; Bachmann *et al.*, 2016).

The archetype of the Wounded Healer, drawn from the figure in Greek mythology, Chiron, describes healing others with the benefits of wounds. Research suggests that those with a history of drug use or offending, as

'wounded healers', often have an acute understanding of the lived experience of their own addiction and recovery (LeBel *et al.*, 2015; Maruna, 2001; Brown, 1991; Cressey, 1955). A carer or helper who has experienced past traumas akin to another's trauma may offer that person additional insights and healing. There is a view that the act of helping itself is a healing one (Maruna, 2001; Yalom, 1997; Riesmann, 1965). It appears that women who have experienced a range of adverse childhood experiences, including bereavement and loss, can reduce the risk of recidivism through the generative and transformative activities of peer work (Heidemann, Cederbaum and Martinez, 2016, 2014). Recent research confirms that this lived experience opens up the opportunity for women to work with others who are dealing with similar issues, bringing their wisdom and experience to bear on the process of rehabilitation and integration (Heidemann, Cederbaum, Martinez and LeBel, 2016).

A recent focus on the mental health peer or professional with current or past lived experience of mental health issues has usefully identified the phenomenon of the 'prosumer', an individual with lived experience and at one stage a consumer or client of services (Richards *et al.*, 2016). Those with a history of drug use and criminal justice involvement often describe how they are drawn to work with others (Miller *et al.*, 2006; White, 2000a, 2000b; Winick, 1990). The literature suggests that identity 'shifts' or transformations are important for desistance, 'recovery' and 'exiting' a life of crime (Bachmann *et al.*, 2016; Maruna, 2017, 2001). Furthermore, desistance has been defined as a process that involves a transition from an offender identity to a more prosocial identity and the long-term refraining from reoffending.

There is now substantial research evidence to assert confidently that women's experience of drug use, the criminal justice system and the health system is qualitatively and significantly different from that of men (Covington, 2013; Ettore, 2007; Heidensohn, 1996; Carlen, 1988). Both qualitative research of women's lived experience and quantitative studies of large data sets have demonstrated differences between men and women in their drug use and associated activities. Experiences of drug treatment differ, as do experiences of criminal justice involvement and imprisonment. Recovery, relapse, recidivism and desistance experiences differ also.

Women's pathways to crime and their later experiences of drug use and offending, imprisonment, release and re-entry experiences are now accepted to be closely related to their histories of childhood and lifetime trauma and adversity, poverty and educational disadvantage. This 'pathways model' has emerged out of feminist work that has noted the different perceptions and

responses to women that are gendered or socially constructed (Gehring, 2016; Belknap, 2015; Chesney-Lind and Pasko, 2013; Salisbury and Van Voorhis, 2009). It has also questioned how women were viewed, and further explored how these perceptions then impacted on responses to women, either in drug treatment or in the criminal justice system.

Patterns of recidivism display distinct differences, with women reoffending less often than their male counterparts in almost all jurisdictions. These differences are observed across research, including several Irish studies (Gobeil *et al.*, 2016; Rodermond *et al.*, 2016; Kelly and Bogue, 2014; Irish Prison Service, 2013; Probation Service, 2013). It has also been suggested that women's desistance experiences differ and their path to 'redemption', that is total desistance, differs from that of their male counterparts. The redemption lens examines the long-term outcome where the likelihood of an individual with a history of offending committing an offence is the same as that of an individual who has never committed an offence.

The first two years post sentence or following release from prison are high-risk periods for reoffending. However, some studies have suggested higher rates of recidivism among women who have been imprisoned (Stuart and Brice-Baker, 2004), with a greater likelihood of reoffending after incarceration as opposed to being subject to probation.

Some large longitudinal quantitative research studies of recidivism and desistance among women offer valuable findings. They show varying rates of recidivism — over fifteen-year, eight-year, three-year and two-year periods (Mastrorilli *et al.*, 2015; Scott *et al.*, 2014; Huebner *et al.*, 2010; Deschenes *et al.*, 2007). These studies report that following release from prison, recidivism occurs quite quickly for many, and recidivism is also a risk for those on probation. This supports the need for early and effective interventions in their first points of contact with criminal justice that will focus on the structural risks of poverty, housing, unemployment and stigma (Morash, Kashy, Northcutt Bohmert, Cobbina and Smith, 2017; Holtfreter *et al.*, 2004).

With regard to 'redemption' research, the key question concerns the length of time that must elapse since one's last criminal offence before an individual can be regarded as 'redeemed'. Indeed, another question has been asked, namely: 'Who makes it to the redemption point?' Significantly, one recent study's findings suggested that men reach the 'redemption' point after ten years, while women on average reach it after four years (Curcio *et al.*, 2018).

The complexity of the shift from offending to desistance means that much has to be achieved along this, often staggered, pathway to desistance.

Definitions of success for women post prison or offending are broader than for men. For those leaving prison or 'coming home', release and re-entry means returning to their communities and encountering many obstacles with regard to accessing treatment and support, housing and accommodation, reunification with children and families, employment, and education. (Heidemann, Cederbaum and Martinez, 2016; Huebner *et al.*, 2010). Notwithstanding the barriers, obstacles and adverse life experiences encountered on the pathways into criminal activity, these further challenges on release often 'contribute to a staggering rate of recidivism' (Heidemann *et al.*, 2016, p. 24).

Definitions of 'success' with regard to post-release integration and non-offending programmes have been questioned, and many offer cautions and suggest rethinking in this regard (Morash, Kashy, Northcutt Bohmert, Cobbina and Smith, 2017; Carlton and Segrave, 2016; Heidemann *et al.*, 2016). In defining 'success' as addressing individual deficits, without responding to social, structural and contextual issues, this approach ignores 'state-created recidivism risks' (Morash *et al.*, 2017, p. 441).

Heidemann *et al.*'s study sought to identify how women who have been imprisoned define 'success' post incarceration. Notably, while they identified avoiding recidivism as a marker of success, participants also defined success as achieving a 'normal life', accessing accommodation, reuniting with their children and families, meeting challenges, being resilient, achieving independence from surveillance by the criminal justice system and engaging in caretaking and helping others.

Against this backdrop, involvement in generative peer work may interrupt what is often regarded as the almost inevitable recidivism/relapse outcome. Many studies suggest that such positive and desistance-enhancing relationships and activities, including participation in peer-work activities, play a crucial role in effective aftercare work.

## **Methodology for the evaluation**

Drawing on a qualitative approach, the evaluation gathered data using methods that included semi-structured interviews, focus groups and participant observation. The evaluation aimed to explore the experiences of participants at all stages of peer work, in order to examine the impact of the programme. Throughout the two-year fieldwork period, reflexive strategies were adopted and the data generation and analysis were guided by

grounded theory principles (Glaser and Strauss, 1967; Strauss and Corbin, 1990, 1998).

This evaluation tells the BRIO story, highlighting the evolution and development, the complexities and challenges of a programme that emerged from a proposal, informed by long-term involvement in the Project and in the field of education. It also explores the lived experience of the women and offers narrative reports about their progress, development and growth on the programme.

In total, 22 semi-structured interviews were carried out with participants, management, staff of the SAOL Project, the Probation Service and other stakeholders. A total of 19 women attended in a series of group discussions that focused on the exploration, assessment and evaluation of their experiences. Of these participants, eight women volunteered to be interviewed on a one-to-one basis. Many of the women were mothers, and their ages ranged from 24 to 50 years. All had interacted with the criminal justice system and drug-treatment services.

A number of areas were explored with regard to their experiences before their participation, during the BRIO programme and in the transition to peer working. Questions to the participants sought information and accounts of their day-to-day participation; the impact of participation on their lives; their views of the content of the six modules, their experience of group work, and peer work; what worked, what was helpful, what might be done differently; and what participation meant to them.

Consultation with regard to ethical standards and practice took place with the Project Director and the Management Committee of the SAOL Project. Informed consent was sought from individuals, and their right to withdraw from discussion or participation, at any point, was constantly upheld. It was imperative that each individual's anonymity and confidentiality be respected, to the extent that pseudonyms are used throughout when talking about participants.

The evaluator adopted a trauma-informed and gender-responsive approach and purposely did not ask questions about previous life experiences, childhood, drug use, imprisonment, criminal activity or the nature of offences. However, in discussing their experiences on BRIO, the participants did connect back with many adverse life experiences. Keyworker support was available in SAOL/BRIO following these discussions.

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## **Participants' experiences**

The findings focus on the women's accounts of their experiences of participating in a peer training programme and commencing peer work with each other, in community and prison settings.

### ***Participation in BRIO***

Without prompt, the women offered accounts of their lives, some of which mirrored previous research findings referred to earlier. Several described difficult and painful childhood experiences, alluding to 'traumatising experiences': bereavement; responsibility for other siblings in their own childhood; domestic violence in their families of origin; a dislike of school; lack of educational achievement and generalised feelings of exclusion. Several talked about never feeling safe, not trusting adults and always feeling different.

They spoke too about their experiences of drug use and involvement in criminal activity. Their introduction to drug and alcohol use in teenage years and sometimes in childhood, continued involvement in acquisitive crime, public order offences and sometimes violent crime were mentioned. They all expressed feelings of guilt and remorse about involvement in crime, particularly where others may have suffered as a result of their actions. They described experiences of incarceration and experiences of inpatient and outpatient psychiatric treatment. More recent experiences prior to BRIO included drug use, drug treatment, arrest, court appearances, custodial sentences, childcare proceedings and loss of custody, homelessness, violence, both domestic and sexual, and mental health challenges.

The starting point on BRIO for some women was in the immediate aftermath of some challenging experiences. Others had spent more time in 'getting my life together' and were 'well on the road to doing something'. Some women described involvement on BRIO as 'compulsory' and not of their own volition, while others described it as a choice, a 'welcome development'.

Several women highlighted how the benefits associated with becoming involved in BRIO were 'unexpected'. Some women had attended services for upwards of 20 years and experienced BRIO as a 'breath of fresh air' despite initially not wanting to attend. Every single participant described BRIO as 'supportive' and said that they felt 'supported', one woman describing it as being 'held'. The issue of group safety and the importance of being with peers was raised.

I'd rather be with people with lived experience ... I am more confident now, drug free for the last nine months, using nothing, addressing homelessness and mental health issues and I haven't reoffended. I don't lose it like I used to ... it's welcoming, there's warmth, you have a laugh, you are not going to be turned away. You matter! The women help each other. (Jenny)

People trusted me and I trusted them. It is great to be out of prison, I felt I was just a prisoner.... It's good to be with others. In prison you don't have friends. BRIO is a different world. In prison, you have no choice. (Sally)

For some, their referral to BRIO by other agencies was the first contact they had with the SAOL Project. Others had been participants on various programmes in the past or were regular participants at other SAOL groups and activities.

I came to SAOL many years ago but it didn't work for me then. It is different now. (Trish)

I dread to think where I'd be if I didn't start here. A worker in another project referred me. I didn't know SAOL/BRIO. (Amelia)

Participants described positive experiences of their first contacts with SAOL and/or BRIO, coming through the door for the first time, and highlighted the safety of the environment, the building and the fact that it is a women-only programme. Conversely, several women expressed their early distrust of working alongside other women. Empathy and non-judgmental approaches among the staff and the other women were mentioned throughout. The 'other women' — the 'peers', the 'girls' — created a safe space and welcome. Some described how more experienced peers took them under their wings and were very protective and encouraging of their joining the group.

### ***Change experienced***

An end-of-module review of the first introductory programme gave expression to participants' views, their attendance and their experiences of the group activities. It was observed by participants and staff that attendance varied from those who attended all sessions to others who struggled to attend. However, the commitment to engage with the group and all the activities when present was highlighted. The experience of engaging with

peer education and with experiential learning, where participants' own lived experience mattered, was appreciated. The women also talked at length about motherhood. The theme of wanting to 'do it differently' emerged, and some women suggested that they wanted their children to have different experiences from the ones they had as children. Others wanted to parent differently as a result of having made changes in their lives. In the main, the participants were seen to be 'buying into change' and constantly talked about 'wanting to give or feed something back'. Being identified as a BRIO participant was important, and participants experienced a sense of belonging and pride — 'We are BRIO'. They spoke of the status achieved as peers, and the acknowledgement from families, neighbours and wider community who were surprised at the progress they had made.

I see things differently. I learn off the girls. I see. It has built me up given me more self-esteem. I now know what I want to do. I'd love to see myself facilitating a therapy group in relation to supporting family members affected by gangland stuff.... Psychology, Social Studies, Social Care, I'd like to study, go to college. (Anna)

When I came here, I didn't know how to deal with my feelings, my emotions, my behaviours. I was all over the place. I came here because I knew I had to do something. I didn't come here to be a peer, to be honest. I came here to help me and my kids. But now I know I can be a peer trainer. (Amelia)

Some described the importance of keeping active, staying involved and 'having something to do'. Others described the programme as keeping them 'off the streets', 'keeping me out of trouble' or as a 'really safe place to be'. Several have said that it is important for them to remain engaged and occupied.

I have learned that I work better when I have a more busier schedule. Chaos is good for me. (Rose)

Becoming a peer worker — the peer-to-peer worker transition — was described as 'life-changing' for many of the women, engendering confidence in their experience.

I have learned that to be a good peer worker, you need to be able to take yourself out of the situation personally, even though you may have been through the same situation. (Sally)

I work in the prison. I am getting training opportunities. I might go to Liberties College or Maynooth [University] in the future. I don't know yet. (Amelia)

They described the support they gave and received from their community of peers. They also recognised the sense of personal achievement when they can assist another person. There was evidence of their preparation for the challenges they will meet ahead as they commence peer work in co-facilitation in BRIO, SAOL, Dóchas Centre and other agencies.

I have learned that peer-working is a support through all stages of recovery with someone who can empathise with your situation. It is something that has to be experienced and learned over time. (Anne)

Many women identified how they had changed in the course of training, how they respond differently and react differently when faced with a range of situations.

It gives me a focus. The learning is important to me. Routine is important. Being with other people. Learning with the group. (Jenny)

Several women made clear decisions about the pathways they want to follow.

Doing the Peer [support] keeps me here. The range of choices and options are important, the learning in it is huge and it is voluntary, my choice, self-determination ... it does draw you in.... The process is healing and my confidence and self-esteem were enhanced.... I want to do this work after I train. Key working in a drug project is what I am going to do. (Trish)

Many of the women spoke about how the material, the course content, the modules and theories 'triggered stuff' for them. However, the 'Solas sa SAOL' module, focusing on domestic violence experiences, and 'Recover Me', focusing on feelings and emotions, brought a lot of issues to the fore.

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I found it really tough. The domestic violence module, 'cause it was the reason I was in prison. It upset me. But I managed it. It was very good. (Sally)

Feelings were hard to deal with but that was when the lightbulbs went on. (Jenny)

The women's prior learning in terms of their lived experiences made their educational journeys more challenging and emotional, demanding risk-taking and 'going beyond our comfort zones'.

It is really tough to talk about alcohol and drug use and crime. I'm not proud of what I have done. I have to live with that but I am more aware now of why I ended up there. I had made the decision to change before I ever came to BRIO. Coming to BRIO was because of that decision. (Amelia)

Many women expressed hopes and aspirations for the future. Further education was mentioned by all the women interviewed and this also arose as an important issue in the group discussions. Knowing that there are pathways and progression routes to new opportunities following participation in BRIO was a huge motivator.

Some participants discussed the financial costs of participation in BRIO. However, despite their unpaid participation in BRIO, they enjoyed their status as volunteers, 'giving back' and doing something useful for themselves and others.

I have to come in by bus and it's not cheap, I don't have a pass ... but I shouldn't be giving out, I enjoy BRIO. It keeps me going, it keeps me involved with other people and I like that. (Rose)

I do get payment from it, but not just financial. I have a home now, my daughters back ... through coming in here. It is voluntary. I am here because I want to be here. (Sandra)

From time to time, participants decided that their time with BRIO had come to an end, either temporarily or permanently. Several women had taken 'time-out' for a variety of reasons, and some returned to participate at a later date. The reasons for 'time-out' are diverse and may be connected with drug

use, relapse, physical and mental health challenges, hospitalisation, imprisonment, or just needing an opportunity to rest.

Endings, 'leaving BRIO', were identified as difficult for the women to anticipate. In witnessing some of the difficulties experienced and the feelings of ambivalence expressed by several women as they moved towards completing the sixth module, one of the workers raised the question, 'What does leaving BRIO mean?'

The group suggested that it was about becoming 'a part of a peer movement' that involved 'staying with the group *and* moving to the next stage in terms of peer support service delivery and even education and training elsewhere'.

Several women have completed all the BRIO modules and at time of writing are in a co-facilitating role with staff members as they are on placements in a variety of differing contexts. Others were completing modules with a view to 'graduating' to placements in the future.

### ***Wounded healers***

The women's increased sense of self-esteem and self-worth as a result of participation in BRIO was highlighted. They assumed the identity of 'wounded healer' or 'peer' and believed that they were 'getting a lot from the programme'. Several talked about how they were received and perceived more positively in the community now and by their families and, in some cases, their children.

Many, however, spoke of the challenges of remaining engaged with others to whom they were offering peer support, being respectful, treating them with dignity and using a trauma-informed approach. The difficulties of being a peer, with the related identity shift and the responsibility to support others with their challenges, were discussed at length. Participants demonstrated their experience and understanding of how challenging this role is and how blurred the boundaries might possibly become. They spoke of 'giving back', 'making amends', 'healing through helping'. They were also acutely aware of their own limitations and made many suggestions about additional training that might enhance their skills further. The need for self-care was identified and they recognised that the work itself would now bring up these issues for them again and again.

Boundaries are very important as you need 'you time' too. (Sandra)

Several talked about their feelings of stigma and shame that 'sometimes just comes from myself and the way I feel about myself'. The media coverage of a public-speaking engagement in which two participants were identified as mothers who used drugs and were former prisoners proved to be a stressful event. The risk of speaking openly is a 'double-edged sword'; sometimes these experiences have been positive and fulfilling, while further stigmatisation and exposure have also been recounted.

The participants highlighted how changes had taken place while 'doing the BRIO' in terms of their attitudes, behaviour and knowledge base.

I have friends who are wounded healers, my brother is a wounded healer. We all experienced traumas — experiences of growing up, involvement in prostitution, drug use, gangs. I think the idea of the wounded healer is an inspirational idea. They all gave me hope — they give inspiration to other people's lives. I'd like to do that too. I had to get out, live. These are ways out. (Maggie)

They described 'lightbulb moments', new understandings and a shift in many of their attitudes. They have new friends, social networks and contacts, many of whom have similar aspirations. They have acquired skills and knowledge, that are transferable. They have started to plan for participation in future educational programmes. They are more aware of safeguarding their physical and mental health and are more aware of triggers and stressors. Their 'eyes have been opened'.

Recommendations for change made by participants focused on the programme's contact hours, additional modules and remuneration for participation. A module focusing on mental health was proposed, so that peers know how to respond to and refer on individuals who are experiencing extreme distress, suicidal ideation or self-harm. 'What do I do when this happens [in my peer work]?' was a question asked.

I would also add a mental health module 'cause I know and meet a lot of people who have mental health problems and I don't know how to properly and confidently help them. (Jenny)

Others mentioned the importance of further addiction studies inputs, experiential group work and skills-based modules. The importance of training in cultural diversity was identified, emphasising how Irish society is changing.

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Modules on self-care and ongoing supervision and mentoring were recommended also.

We do the 'Reduce the Use' and that's a very good course but I think we need more about addiction, and recovery and skills for dealing with stuff about addiction. (Rose)

The programme's pace and its acceptance of individuals who have experience of relapse and recidivism is appreciated. While some participants found it useful to start the programme and be in the group with more experienced peers who had completed several modules already, others expressed some discomfort about this initially, highlighting their lack of confidence.

I kept thinking at the beginning that this group wasn't for me. I felt stupid, actually. Totally thick. (Jane)

It took me time to realise that I came into BRIO at a different time to some of the other girls, that my confidence was on the floor. (Anne)

Some participants also underlined the importance of moving from a voluntary status to the status of paid peer-worker and were concerned about how their work would be valued, recognised and acknowledged in the field. Many were anxious to explore employment prospects and opportunities for further training in the future.

The only thing I would change is to make it into a programme where we get paid. (Trish)

The women interviewed identified how they encountered many life challenges. Alongside addiction and offending, either recent or historic, these issues included poor physical health, mental health issues, relationship difficulties, low income, experiences of domestic violence, homelessness, childcare difficulties and, in a number of the women's experiences, separation from and sometimes infrequent access to their children. Unstable living conditions continued to be an issue for many. It is significant that several women engaged with the programme from the outset had addressed their homelessness situation over the period and were now living in accommodation that was more secure, suitable and appropriate to their needs.

Almost all mentioned how their range of achievements had increased their confidence, their commitment to maintaining stable and crime-free lifestyles and their optimism and motivation for further involvement with BRIO and peer work, career enhancement, and engagement in second-level, university-based access programmes and third-level education.

## **Discussion**

As Heidemann *et al.*'s (2016) quote prefacing this paper suggests, becoming involved in wounded healer/giving-back-type activities may reduce the potential for recidivism and promote opportunities for desistance. Echoing the women in Heidemann *et al.*'s 2016 study, the BRIO participants interviewed identified how becoming a peer, helper or wounded healer benefits them: by increasing self-esteem and social status; by providing opportunities for achievement; increasing their prosocial contacts and activities; and decreasing social isolation. Yet the challenges, while not insurmountable in their view, are many.

Recidivism and relapse are pervasive risks for women with histories of drug use and offending. When women on the programme reoffend, there is an attempt to maintain the link with the Project. This includes prison visitation to prepare for return to the community and to BRIO. Women in this situation have sometimes described their interactions with systems as a form of 'recycling' (McCann James, 2001). It is crucial to develop innovative responses that do not perpetuate these experiences or reinforcement of identity as 'drug user', 'offender' or 'prisoner', but allow for a slow, measured and considered reflection on identity and transformation over time. Challenging stigma and discrimination, as described by the women, is also required (LeBel *et al.*, 2015). The parallel issues of recovery and desistance are challenging for women, staff and systems alike.

The concept of 'identity' is a complex one, not fixed, always fluid, changing, negotiated and constructed and co-constructed within different social contexts (Richards *et al.*, 2016). The challenge of shifting roles and identities is part of the peer workers' reality. They traverse different boundaries at different moments and engage with professionals both as service users and as co-helpers, and with their peers as helpers and as co-service users.

While engagement in peer work offers many opportunities to women following a history of criminal justice involvement, the structural barriers as outlined in this paper often remain. Peer work is often a voluntary endeavour.

The lack of financial remuneration, the ambiguous and often stigmatising status of openly working as a peer worker, and the intensity of the issues presented by peer service users present difficult challenges. The lack of payment or adequate payment means that not only does their economic situation remain largely unchanged; its value to society is not validated through conventional monetary acknowledgement. One of the key recommendations made by the participants is that these issues of employment and remuneration for peer support work should be considered. For some, little may change in their lives in terms of improved economic circumstances and status, other than that they are busier than ever and incurring further costs. While structured routine and engagement may reduce risks of recidivism and significantly increase possibilities of desistance, an absence of fundamental change in their social and economic circumstances may present further risks, with the additional risk of further wounding.

The risks of vicarious trauma or burnout in the course of peer working are significant, and require adequate support and supervision. This may necessitate a further exploration of the impact of peer movements — the implications of carrying out the difficult or 'dirty work' (Morriss, 2016; Hughes, 1970) of responding to highly marginalised, traumatised and stigmatised individuals as a peer worker, with attendant low status. Their visibility as justice-involved or formerly justice-involved women peers may lead to further experiences of stigmatisation.

These issues present significant ethical challenges and implications for organisations that fund, promote or engage in such work. They demand that, as providers working alongside peers, the highest standards possible are adopted, that reflexive practice is central, and that the potential for exploitation is anticipated and avoided.

This paper explored the participants' experiences of identity changes, transformation and transition to peer trainee and worker. While overwhelmingly positive, their experiences also highlight the challenges encountered in the course of their training and transitions, including maintaining change, the ever-present reality of the risk of relapse or recidivism, the impact of drug and crime-related stigma, and the struggle to achieve future progression towards further training, educational opportunities and paid work. The words of a stakeholder expressed it aptly:

BRIO is essentially about listening to the voice of the service users and the potential of BRIO peers engaging with the stakeholders as co-facilitators

and trainers. Focusing on progression routes — the different routes — and accessing opportunities and new possibilities of collaboratively working together in the future is key. (Senior Probation Officer)

In conclusion, however, it is fitting to leave the final words to a BRIO participant who offered her insights for inclusion in an information leaflet for distribution in the women's prison:

The best part of being on BRIO is being able to speak up for other women, who can't be heard. Doing peer work means that I'll be able to continue doing that in the future. Helping others and helping myself.

**Postscript:** The BRIO programme continues peer training with ever-increasing peer involvement in 2020. The voice of the participant has had an impact on practice and policy development within the SAOL Project and in the Probation Service. BRIO's further development reflects the increasing importance of the focus on the service user experience and voice across the criminal justice system and the addiction services. Examples of collaborative peer work with other agencies have involved co-facilitation of programmes in SAOL Project, in Dóchas (Women's Prison) and in other projects. Peers have assisted the Probation Service in carrying out service user surveys, delivered training, and participated in a range of events. They have played active roles in representation, delivery of presentations and research with the Service Users' Rights In Action Group.<sup>2</sup> The current COVID-19 public health crisis has highlighted the ongoing practical, psychosocial and harm-reduction supports offered by BRIO peers to one another and to the community to meet the challenges of restrictions to movement, social distancing and social isolation. Truly, there are always new possibilities, double edged as they may be, to expand collaboration across all sectors of the community.

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<sup>2</sup> A coalition of users of drug services, service user representatives and community activists that was formed a decade ago.

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# Promising Directions for Intimate Partner Violence Prevention: The Case of Northern Ireland

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**Summary:** Intimate Partner Violence (IPV) is a significant problem in Northern Ireland. Several initiatives have been implemented in recent years to improve preventive efforts. The present article reviews current policy and practice in relation to IPV in Northern Ireland with reference to findings from research conducted with the Probation Board for Northern Ireland (PBNI). The research was conducted as part of a European-funded programme, the Collaborative Network for Training and Excellence in Psychotraumatology (CONTEXT), a research consortium dedicated to the study of aspects of psychological trauma across diverse settings. Current challenges in IPV prevention are outlined and new initiatives based on international data are discussed. Key areas of focus include risk assessment, rehabilitation, victim safety measures and the potential of multi-sectoral collaboration for the enhancement of effectiveness across each of these domains.

**Keywords:** Domestic violence, intimate partner violence (IPV), family violence, trauma and offending, psychotraumatology, victim safety.

## Introduction

### *The CONTEXT programme*

Most research underpinning current knowledge in psychotraumatology (the study of psychological trauma) has been conducted on relatively homogenous samples, resulting in gaps in scientific knowledge about its potentially context-specific aspects (Vallières *et al.*, 2016). The CONTEXT project was developed with the overarching aim of addressing such knowledge gaps, setting out to examine elements of trauma exposure across three priority

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populations: 1) asylum seekers and refugees; 2) emergency service personnel and humanitarian first responders; and 3) survivors and perpetrators of childhood and gender-based violence (Vallières *et al.*, 2017). This research was undertaken by twelve doctoral researchers, two of whom were placed with the Probation Board for Northern Ireland (PBNI). The fellows placed with the PBNI examined trauma as it relates to intimate partner violence (IPV) in the context of Northern Ireland.

### ***Intimate partner violence***

The Istanbul Convention defines domestic violence as ‘... all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim’ (Chapter 1, Article 3b, Istanbul Convention, 2014). Domestic violence, therefore, may include violence between intimates as well as other forms of violence such as child abuse or elder abuse. Research conducted by the CONTEXT fellows at the PBNI focused primarily on IPV perpetration, the subtype of domestic violence that takes place between current or former partners or spouses. Although domestic violence can affect anyone, victims are disproportionately women, and it is the most common type of violence experienced by women (Tjaden and Thoennes, 2000; Watts and Zimmerman, 2002; Devries *et al.*, 2013). As such, IPV is considered to be a form of gender-based violence.

IPV is a serious public health and human rights issue, with grave and wide-ranging consequences for victims’ health and wellbeing (e.g. Campbell, 2002). IPV often overlaps and co-occurs with other types of domestic violence. For example, individuals who are violent towards partners are also likely to be violent towards children (Mitchell and Finkelhor, 2001; Osofsky, 2003; Andrews and Bonta, 2010). Additionally, witnessing violence in the home itself constitutes a form of emotional abuse against children, and is associated with multiple negative outcomes (Edleson, 1999; Kitzmann *et al.*, 2003; Andrews and Bonta, 2010). Indeed, many perpetrators of domestic violence have themselves experienced or witnessed violence in the home as children (Rosenbaum and O’Leary, 1981; Hastings and Hamberger, 1988; Widom, 1989; Tolman and Bennett, 1990; Dutton and Hart, 1992; Maxfield and Widom, 1996; White and Widom, 2003; Ehrensaft *et al.*, 2003).

### ***The context of Northern Ireland***

In Northern Ireland, domestic violence incidents and crimes have shown a generally upward trend since the PSNI began to collate statistics in 2004 (PSNI, 2018). The latest Northern Ireland Crime Survey (NICS; Department of Justice, 2017) estimated a lifetime prevalence of 15.1% among women aged 16–64 and 8.4% among men, and a three-year prevalence of 5.9% and 2.5% respectively. A 2014 study from Northern Ireland found that, of all the traumatic events analysed, experiencing violence at the hands of a partner was associated with the second highest conditional prevalence of post-traumatic stress disorder (PTSD; Ferry *et al.*, 2014).

Part of the increase in police-recorded domestic violence incidents and crimes in Northern Ireland is likely attributable to increased reporting (Doyle and McWilliams, 2018). However, IPV in Northern Ireland is still a significantly under-reported crime. According to Northern Ireland Crime Survey data, police are unaware of 63.4% of victims' worst incidents (Department of Justice, 2017), and Eurostat (2019) figures suggest that Northern Ireland's rate of domestic homicide is the joint highest in Europe, at 0.43 per 100,000 inhabitants.

International research shows that the occurrence of armed conflict is associated with increased incidence of partner violence. This link has been demonstrated quantitatively in Liberia ( $n = 3452$ ; Kelly *et al.*, 2018) and South Sudan ( $n = 527$ ; Murphy *et al.*, 2019) and qualitatively in countries including Lebanon (Usta, Farver and Zein, 2008), Uganda (Annan and Brier, 2010) and Sri Lanka (Guruge *et al.*, 2017). Important insights into how Northern Ireland's status as a post-conflict setting may influence IPV perpetration have been generated by research conducted by Monica McWilliams and colleagues (e.g. McWilliams and McKiernan, 1993; McWilliams, 1997; McWilliams and Ní Aoláin, 2013; Doyle and McWilliams, 2018, 2019a, 2019b).

McWilliams and colleagues interviewed victims of IPV both during ( $n = 56$ ; McWilliams and McKiernan, 1993) and after ( $n = 63$ ; Doyle and McWilliams, 2018) the civil conflict in Northern Ireland, and identified several ways in which the history of conflict complicates issues relating to domestic violence perpetration and victimisation. For example, some perpetrators' access to weapons was a conflict-related factor that presented a graver risk for victims (McWilliams and McKiernan, 1993). Similarly, perpetrators using real or fabricated paramilitary connections to threaten and instil fear in victims was another factor exacerbating the victimisation experience in some cases (McWilliams and McKiernan, 1993; Doyle and McWilliams, 2018). Such factors

were also found to be compounded by societal effects of the conflict. For example, socially conservative attitudes underpinned by religious identities were reported as contributing to a sense of shame associated with leaving a violent partner, which in turn resulted in more chronic victimisation in some cases (McWilliams and McKiernan, 1993; Doyle and McWilliams, 2018). McWilliams and colleagues therefore propose that Northern Ireland warrants specific policy consideration in relation to IPV, taking such conflict-related factors into account.

The present paper reviews current policy and practice in Northern Ireland, primarily with respect to the prevention of IPV offending and recidivism. Some potential developments based on primary research from Northern Ireland and international evidence are also proposed.

## **Methods**

This paper draws upon the primary and desk-based research from two doctoral research projects conducted as part of the CONTEXT programme in collaboration with the PBNI between 2017 and 2020. Each project comprised a literature review and two empirical studies based on quantitative secondary analysis of case files. The primary research focused on a sample of 405 IPV perpetrators who had enrolled in rehabilitative behavioural intervention programmes with the PBNI. The literature reviews explored international evidence on risk factors for IPV perpetration and principles of effective intervention.

The overarching research question for the body of PBNI-affiliated research was 'How are trauma and related mental health, psychological and developmental factors related to IPV perpetration and reoffending in Northern Ireland?' The literature reviews included analysis of relevant policy and practice in Northern Ireland, including consideration of 'grey literature' sources such as websites, policy documents and news reports. The present paper describes some key findings of the primary research to date, and discusses their implications with reference to policy and practice in IPV prevention in Northern Ireland.

## **Results and discussion**

The results are discussed as they relate to key areas of policy and practice in the prevention of IPV in Northern Ireland. This section is structured in cascade format whereby higher-level broader points in relation to policy and

legislation are discussed first, followed by issues relating to interagency collaboration, and finally factors specific to probation practice and rehabilitation.

### ***Legal protections***

In recent years, there have been some significant developments in protections for victims of IPV in Northern Ireland. For example, in 2018, legal protections for victims were expanded with the enactment of the Domestic Violence and Abuse Disclosure Scheme (DVADS). The DVADS enables victims to request information about their partners' history of police involvement for domestic abuse.

At the time of writing, the new Domestic Abuse Bill is in the process of being debated. This new legislation is set to criminalise the offence of coercive control in Northern Ireland. Coercive control refers to the systematic domination of perpetrator over victim that is enforced through the threat of physical violence and other manipulation and abuse (Stark, 2007). IPV can be a challenging concept to capture legally, since it is often characterised by repeated low-level acts of aggression and control, which, taken individually, would not necessarily reach the threshold for criminal acts (Walby *et al.*, 2017). For this reason, the criminalisation of coercive control as a specific crime can be an important means of enabling victims of IPV to access justice. The presence of controlling behaviour by perpetrators is also recognised as a significant risk factor for intimate partner homicide (Campbell *et al.*, 2003; Campbell *et al.*, 2007).

The introduction of this legislation closes a gap in victim protection that previously existed in Northern Ireland in comparison with England, Scotland, Wales and the Republic of Ireland. However, the new legislation will not extend to the criminalisation of stalking, which is set to be dealt with separately at a later date. Such a development will be another important protection for victims. Aside from the psychological consequences associated with the experience of stalking itself (e.g. Dreßing, Kuehner and Gass, 2005), research shows that intimate partner homicide is frequently preceded by stalking. One US study of 206 victims of intimate partner homicide or attempted homicide demonstrated that stalking had preceded the attack in 76% of homicide cases and 85% of instances of attempted homicide (McFarlane *et al.*, 1999).

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### **Data availability**

As well as providing important protections to victims, legal developments such as the introduction of a coercive control offence are also positive from a data and research perspective. Since at present there is no official IPV offence in Northern Ireland, and types of offences classed as IPV differ cross-nationally, conducting research into its occurrence is challenging. For example, the CONTEXT research conducted with the PBNi was required to focus on a sample based on perpetrators' enrolment in rehabilitative behavioural intervention programmes, which necessarily introduces a degree of bias into the research findings.

Gaps in relation to data availability also hinder efforts to compare prevalence with other jurisdictions. For example, a groundbreaking Europe-wide survey conducted by the European Union Agency for Fundamental Rights (FRA, 2014) put the European prevalence of physical or sexual violence at 22% of ever-partnered women. Unfortunately, the FRA (2014) statistics for the UK are not disaggregated to allow comparisons between England, Scotland, Wales and Northern Ireland, but the overall UK prevalence of lifetime physical or sexual violence by an intimate partner was 28.4%, compared with 14.5% in the Republic of Ireland. Although the Northern Ireland Crime Survey (Department of Justice, 2017) provides information on domestic violence crimes in Northern Ireland, these figures are not comparable with those of the FRA (2014). Nor are they directly comparable with other crime survey statistics, such as those from England and Wales, which use a different age range for respondents and include types of abuse not included in the Northern Ireland survey, such as stalking (Office for National Statistics, 2018). Improving specificity of IPV-related data and aligning data collection practices cross-nationally is necessary to assess prevalence properly and to evaluate fully the success of preventive initiatives and interventions.

### **Interagency collaboration**

It is widely acknowledged in the international literature that effective interagency collaboration is at the heart of effective prevention of domestic violence (e.g. Saunders 2008; Stover, Meadows and Kaufman, 2009). Positive indications in relation to the effectiveness of risk-need-responsivity (RNR) approaches to prevention of partner violent recidivism appear to support this (e.g. Stewart *et al.*, 2014; Scott *et al.*, 2015). The RNR model involves

providing individualised intervention for perpetrators, based on various treatment needs that are criminogenically relevant, and concentrating the most intensive targeting of resources among those assessed as highest risk (Andrews, Bonta and Wormith, 2006; Andrews and Bonta, 2010). From this perspective, it is positive to note that the RNR model is already applied to guide intervention delivery by the PBNI (PBNI, 2019).

There are also some formal structures in place to enable interagency collaboration for the prevention of IPV in Northern Ireland. The 2008 Criminal Justice (NI) Order provided for the Public Protection Arrangements Northern Ireland (PPANI). Managed through Local Area Public Protection Panels (LAPPP), PPANI is a structure for monitoring high-risk perpetrators. This enables several agencies, including Probation, police and other relevant parties, to collaborate in assessing and managing risk of offenders deemed to pose serious harm, including IPV offenders (Department of Health, 2016).

Domestic Violence Partnerships (DVPs) provide a forum for victim-focused collaboration between state agencies, organisations and individuals in Northern Ireland. These partnerships promote integrated service provision for victims of IPV and address issues relating to intervention and risk management, as well as monitoring relevant legislation and policy in areas such as victim protection and perpetrator accountability (Department of Health, 2016). Multi Agency Risk Assessment Conferences (MARAC) are interagency meetings focusing on victims deemed to be at risk of significant harm from domestic violence. DVPs play a role in supporting the work of MARAC, by contributing to policy and protocols and identifying training needs of personnel. For a perpetrator to be referred to PPANI, the LAPPP is provided with a case summary, which includes information about whether the victim in question has previously been subject to a MARAC (PPANI, 2016).

The existence of these multi-agency structures enhances capacity to monitor high-risk perpetrators and improve victim safety. However, the field of IPV prevention and risk management has developed significantly in recent years and several new actuarial risk assessments and structured clinical judgement tools designed specifically for use with partner-violent individuals are now available. Instruments such as the Danger Assessment (Campbell, Webster and Glass, 2009), for example, could have potential to support and enhance the risk assessment work of such interagency structures in cases where there may be a risk of lethal or near-lethal IPV. The Danger Assessment was specifically designed to assess empirically derived risk factors for intimate partner homicide. Such risk factors differ from risk of other types of violence

(Campbell, Sharps and Glass, 2001), and so it may be beneficial for multi-agency structures under the jurisdiction of Her Majesty's Prison and Probation Service to consider adopting such a specific assessment of potential for lethality in IPV cases.

### **Probation practice**

A key finding of the primary CONTEXT research based with PBNI was that cumulative trauma experienced by the perpetrator significantly increases the likelihood of perpetrating some particularly severe forms of IPV (Travers *et al.* 2020). This finding may partially explain the increased prevalence of IPV in post-conflict settings. The study by Travers *et al.* (2020) was based on secondary data analysis, examining the case files of 405 individuals who had perpetrated IPV and been referred to a PBNI behavioural rehabilitation programme. A series of logistic regression analyses were used to explore the associations between trauma, mental health problems and five indicators of offending severity (causing injury, use of a weapon, breach of non-molestation order, sexual violence, and previous police involvement for domestic crimes). That study found that each additional type of trauma increased the likelihood of perpetrating injurious violence and sexual violence by 24% and 28% respectively, with childhood maltreatment acting as a particularly potent risk factor. However, there was no significant relationship between trauma exposure and the other three severity indicators.

Substance abuse was also highly prevalent in the sample, with 87.7% of files recording a present or past issue with alcohol or drugs. Substance abuse emerged as another strong risk factor in the study, showing associations with three of the severity outcomes. Having a history of abusing alcohol or drugs was associated with increased likelihood of perpetrating injurious IPV, using a weapon in a domestic context, and with having a history of police involvement for domestic crimes, when controlling for the other variables in the model, such as trauma and mental health problems. This risk factor is another way in which the post-conflict setting may contribute to increased prevalence of IPV; experience of armed conflict is associated with increased alcohol abuse, which in turn increases the risk of IPV perpetration (e.g. Kelly *et al.*, 2018).

Such information may be useful for practitioners to consider when completing periodic risk assessments in probation settings. At the level of the PBNI's work with partner-violent individuals, the risk assessment in use is the Brief Spousal Assault Form for the Evaluation of Risk (B-SAFER; Kropp and Hart, 2004). Trauma exposure is not included in the B-SAFER as a specific risk

factor, although the instrument does invite consideration of mental health and other psychosocial factors that may be relevant to offending. Additionally, individuals on probation in Northern Ireland are routinely asked about significant or traumatic life events in their periodic assessments by Probation Officers using an adapted version of the Assessment, Case Management and Evaluation form (ACE; Gibbs, 1998). The findings of the CONTEXT research highlight the particularly nefarious effects of the occurrence of multiple trauma or polyvictimisation, and propose that this finding may be useful for probation professionals to document and bear in mind when completing the B-SAFER and ACE assessments.

### ***Rehabilitation***

Behavioural intervention programmes for perpetrators, usually delivered in groups, are a widely used component of criminal justice responses to IPV globally. In England and Wales, the Integrated Domestic Abuse Programme (IDAP), a group-based programme informed by the Duluth/CBT treatment model, was introduced into the probation services in 2005 (Phillips, Kelly and Westmarland, 2013). The IDAP was adopted by the PBNI in 2009, as the state-accredited intervention for partner violent men (Crawford, 2017). The IDAP was then replaced in 2013 in England and Wales (Phillips, Kelly and Westmarland, 2013) and 2015 in Northern Ireland (Crawford, 2017) by another programme, entitled 'Building Better Relationships' (BBR).

The BBR programme draws on the theoretical framework of the General Aggression Model developed by Anderson and Bushman (2002) and moves away from the gendered focus of its predecessor (Phillips, Kelly and Westmarland, 2013; Hughes, 2017). The General Aggression Model draws on elements of social learning and cognitive theories to form a comprehensive model of aggressive behaviour (Anderson and Bushman, 2002). The BBR includes activities such as the creation of 'identity maps' where perpetrators contemplate aspects of themselves in relation to other people (Hughes, 2017). Other new aspects of the BBR include a less confrontational style of delivery, more emphasis on participant engagement, a more individualised focus, and inclusion of methods to target offender engagement (Hughes, 2017). To promote engagement, the BBR contains a motivational component and some individual sessions focusing on perpetrators' motivation to change (Crawford, 2017). Victim engagement is also included as a component of the PBNI's delivery of rehabilitative intervention for IPV perpetrators, and partners of all participants in the IPV interventions are provided with the

opportunity to engage with a partner support worker. Information generated from group participation, such as whether the perpetrator is still denying or minimising the offending behaviour, can be useful information for victims in assessing the potentially continued risk to their safety.

In terms of programme effectiveness, a study of the effectiveness of the IDAP programme was published in 2015 (Bloomfield and Dixon, 2015) and found that the programme demonstrated a small but significant effect on two-year recidivism. However, no empirical test of the effectiveness of the BBR programme has been published to date. It is suggested that this is an important priority for future research and an important contribution towards efforts to enhance the evidence base for IPV prevention in Northern Ireland and the UK.

## **Conclusions**

Several positive practices have been implemented in recent years in Northern Ireland in relation to the prevention of IPV and protection of victims. However, further improvements in key areas have the potential to strengthen protections and supports. One key area for future development is the improvement of legislative protections, particularly in relation to stalking. Existing multi-sectoral collaboration structures for supervision of high-risk perpetrators may be enhanced through the use of IPV-specific risk assessment tools drawn from the growing body of evidence on risk factors for IPV and intimate partner homicide. CONTEXT primary research results point to the importance of early intervention to interrupt the accumulation of multiple adverse life experiences, which have potential to increase risk of serious forms of IPV perpetration later in life. The presence of such risk factors may be useful for probation personnel to consider in the context of risk assessment and treatment needs within the RNR model. Trauma-informed intervention as a component of rehabilitative programmes in the probation context may also be beneficial. In terms of future research in relation to trauma and its relationship to offending, research that better elucidates the specific mechanisms of the relationship between trauma and IPV, such as how the risk conferred by trauma is affected by the presence of substance abuse, would be useful. Also in relation to future research, we suggest that development of the evidence base for the BBR intervention programme is an important priority.

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# Partnership Working Towards More Effective Resettlement

Mark Nicholson and Stevie Mann\*

**Summary:** In May 2018, the Criminal Justice Inspector Brendan McGuigan published his inspection report on resettlement within the Prison Service in Northern Ireland. He opened the report by saying: 'The successful delivery of resettlement inside prison must be one of the primary goals of the penal system in Northern Ireland. The work to address the causes of offending behaviour and reduce a prisoner's risk on release must start from the day someone enters prison and continue until the day they return to the community.' The Chief Inspector went on to say that the Inspectorate supported the collaborative approach of the Prison Service and Probation Service in delivering resettlement services but made several recommendations to enhance the model of partnership and develop future resettlement work. This paper provides context to the Inspection report, outlines the recommendations made, and discusses how those recommendations were implemented by local probation and prison managers in Hydebank Wood Secure College.

**Keywords:** Probation, prisons, Hydebank Wood Secure College, partnership, resettlement, PDU, Prisoner Development Plan (PDP), Criminal Justice Inspection.

## Introduction

Resettlement is a key element in reducing the risk of reoffending. In May 2018, the Criminal Justice Inspection Northern Ireland published an inspection report on *Resettlement: An Inspection of Resettlement in the Northern Ireland Prison Service*. That report found that the Probation Board for Northern Ireland (PBNI) and the Northern Ireland Prison Service (NIPS) had much to be proud of in the work that it undertakes to provide effective services to support the resettlement and rehabilitation of people in a custodial setting.

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It did, however, make a number of recommendations, including that PBNI should be more central in the delivery of the prisoner development model of sentence planning. It also recommended that PBNI and NIPS sentence coordinators should work more closely together in sentence management.

As the Area Manager (Probation Manager) and Prison Governor (Unit Manager) for the Personal Development Unit in Hydebank Wood College, the authors have been responsible for shaping and progressing a more collaborative approach to sentence management between Probation Officers and Prison Officers carrying out the sentence coordinator role.

This paper will explore the journey since the publication of the inspection report in 2018 from an operational perspective. It will provide an overview of how PBNI and NIPS worked together within Hydebank Wood College in order to implement the recommendations in the 2018 inspection report.

## **Hydebank Wood Secure College**

Hydebank Wood, located three miles from Belfast city centre, is Northern Ireland's main facility for holding young adults aged between 18 and 24 years. The site is shared with women held in Ash House. Hydebank Wood was opened in 1979 as a centre for Category C young offenders. On 1 November 2012, the establishment stopped holding male juvenile offenders between the ages of 16 and 17, and from 28 May 2016, it was given 'secure college' status, holding sentenced and young men on remand.

A significant number of those within the college have disclosed that they have mental health or emotional wellbeing problems. Reflecting the wider NI society, substance misuse issues are prevalent amongst the prison population, with alcohol, illegal drugs and prescription medication all frequent risk factors. Limited educational attainment is an issue, with a high percentage of younger offenders having numeracy and literacy deficits. A high proportion of the female population are victims of domestic abuse; and overall, amongst both the male and female prisoners, there is evidence of adverse childhood experience (HMIP, CJINI 2016). The college retains a policy of prison staff being in civilian attire rather than uniform.

A range of agencies work within the prison, including Belfast Metropolitan College of Further Education, South Eastern Health and Social Care Trust, and PBNI.

Within the college is the Prisoner Development Unit (PDU). This unit is in place to ensure that prisoners are supported, challenged and motivated,

whilst also recognising the need for them to be managed and supervised throughout their time in custody. Their management and supervision are appropriate to the needs, strengths and risks they present for their return to the community. The authors manage this unit.

## **The CJINI report**

The inspection looked specifically at the concept of resettlement as opposed to rehabilitation, and pointed out that although the two terms have areas of commonality, for the purposes of the inspection the Inspectorate drew a distinction between resettlement and rehabilitation. Resettlement, it said, involved providing support and assistance to prisoners in preparation for release. Rehabilitation was the wider aspect of longer-term reintegration into society/community, addressing health and social issues and work involving the reduction in the risk, desistance and the prevention of reoffending; much of this was beyond the remit of the Prison Service.

Much has been written about the correlation between rehabilitation and resettlement and the definitions of both. McNeill (2014) points out that the term resettlement may involve, or be connected with, rehabilitation, but it also extends beyond it — in a sense, implying its objective. If correctional rehabilitation is the journey, reintegration and resettlement are the destination.

The CJINI report made two strategic recommendations, which were:

1. The Prison Service and Probation Board should strategically review the Prisoner Development Model (PDM) to increase the effectiveness of joint delivery. CJI considers this an urgent need. To inform the work, a joint scoping study should be completed within six months of the publication of the report, to assess the impact of the changed working practice for prison-based Probation staff on the operation of the PDM and resettlement outcomes for prisoners.
2. The Department of Justice NI, as part of its wider desistance remit, NIPS and PBNI should, within one year of the publication of the report, develop meaningful performance measures to assess the longer-term effectiveness of resettlement provision, interventions and outcomes for prisoners.

It also made seven operational recommendations. Six of those recommendations were specifically for the Prison Service, and one related to the Reducing Reoffending Strategic Outcomes Group (RRSOG).<sup>1</sup>

## **Implementation of recommendations**

In order to implement the recommendations, a working group was established which brought together senior managers, governors, managers and psychologists from both NIPS and PBNI, to discuss and review the recommendations and identify opportunities for joint working to improve outcomes for prisoners.

The working group agreed that PBNI staff should contribute more to the resettlement process by being involved from the outset of the custodial sentence. Staff and, indeed, service users post release had indicated through a range of service-users surveys that it would be beneficial for PBNI to be involved at an earlier point in their sentence, rather than waiting until 12 months pre-release pre-Parole Eligibility Date (PED).

The working group pointed out that there are key points during the sentence — for example, induction post sentence, devising the Prisoner Development Plan (PDP), PDP reviews — where PBNI should take the lead, working closely with prison staff.

It was also agreed that there should be regular reviews and agreement on roles to enhance partnership working and address needs and strengths. This commitment to collaborative working from the outset would promote better communication and partnership-working with all service-providers within the prison.

<sup>1</sup> Within six months of the publication of the report, the Reducing Reoffending Strategic Outcomes Group (RRSOG) should complete any outstanding work to align psychological services and interventions across the NIPS, the PBNI and the YJA. The NIPS review of the Prisoner Needs Profile (PNP) should examine the veracity of the information collected in the PNP and whether this was sufficient for effective sentence planning and resource allocation. Within six months of the publication of the report, the NIPS should introduce effective casework supervision for PDP coordinators, to ensure that appropriate work was done to address properly prisoners' risk of harm, likelihood of reoffending and preparation for return to the community. The NIPS should take the necessary steps to implement the corporate vision to have the offender as the centre of its focus, to reduce the risk of prisoners reoffending on release. Work should start immediately to embed resettlement as a core role of residential officers linked to the PDM, underpinned by the internal appraisal process. The NIPS should fundamentally examine the provision of psychology services and Offending Behaviour Programmes (OBP). Using the learning from RESET, ECO, POST and operational recommendation 5, the NIPS should review how it deals with short-term prisoners who are at high risk of reoffending, to target resources to reduce the reoffending rates for short-sentenced prisoners. Within nine months of the publication of the report, the NIPS should implement a policy for prisoner transfers to ensure that, other than in exceptional circumstances, all prisoner transfers are planned and made on the basis of resettlement need.

This proposal would require additional staffing to allow PBNI staff to engage with all sentenced prisoners, subject to post-custody licence at the point of sentence, to assess and agree pathways and interventions with prison colleagues, utilising information from PBNI pre-sentence reports and other assessments. This would, in turn, ensure that all relevant information is gathered and used to inform and agree the PDP and review points.

The working group also set out that: 'Responsibility for taking forward these recommendations will rest with Senior Managers in both organisations; at an operational level, NIPS Governors, Managers, and Psychologists, as well as PBNI Area Managers and other partners will be key to the successful implementation.'

As the managers of the two key agencies within the Personal Development Unit, our main area of responsibility was in changing the working practices of the unit to ensure that it was more effective, and in developing a partnership approach. It should be noted that we made a joint decision to change the name of the PDU from Prisoner Development Unit to Personal Development Unit, to emphasise the individual focus of our work.

This paper will discuss the actions taken to deliver on this work.

## **Enhancing collaboration within PDU**

### ***Leadership and culture***

In the *Review of the Northern Ireland Prison Service* (Prisons Review Team, 2011), it was highlighted that 'one of the key partnerships is between prisons and probation services'. That partnership is at the heart of the PDU model, and leadership was identified as being highly influential in shaping and embedding a collaborative culture. Whilst staff within the PDU came from two different organisations with different values and cultures, it was important that there was a shared vision of what collaboration should look like.

In the first instance, therefore, work was carried out internally to build mutual respect and understanding of each organisation's professional role. Both managers agreed to have an 'open door' approach and to be available for all staff to provide advice and guidance. A deliberate decision was taken to reach out to all the staff within the PDU, but especially the coordinator group, irrespective of whether or not they were a Prison Officer or a Probation Officer. Basic courtesy, respect and acknowledging the skill and experience of all the staff were cornerstones to the management approach.

We were acutely mindful to ensure as best we could that there would be no 'us and them' culture, but rather a culture that was open and transparent, with two agencies working in partnership at all grades within the PDU.

According to Bitna and Matz (2018), 'To maximise the benefits of partnership, some researchers recommend police and probation/parole agencies formalise their informal working relationships. Formal partnerships can provide clear guidance on the nature and extent of partnerships, including the specification for measurable purposes, geographic areas covered, information shared, and activities to be undertaken.'

Mindful of the research into professional partnership in criminal justice, to embed this culture of partnership and collaboration, the authors worked together to provide defensible, sensitive, unambiguous and clear communication. A Collaborative Best Practice Guidance was produced in 2020 for sentence coordinators of both agencies, to provide a step-by-step guide from committal to discharge. This document complements both the PDU standards and the PBNI standards regarding sentence management and preparation for release, but details what a collaborative approach should look like for NIPS and PBNI coordinators. Whilst we have stressed that this is a guide, and different prisoners will require a nuanced bespoke approach, we wanted the coordinators to have a practice guide as a reference and as a direction for broadly how they should work in partnership in sentence management. Moreover, we were able to reference the guidance when continuing to push the message of collaboration.

Over a two-year period, as part of enhancing the collaborative identity of the PDU, a programme was developed of external PBNI visits to Hydebank, and a job-shadowing opportunity for NIPS with PBNI in the community. This has given staff from both organisations further knowledge and insight into the life in the prison, the specific work within the PDU and the challenges for PBNI in the community. Community representatives have also been invited into the PDU to build awareness of our role and to enhance engagement with communities.

### ***The structure of PDU***

'Collaboration was also conceived as partnership — working and attending inter-agency and cross-sectional forums where key stakeholders meet together to finesse their practice and to calibrate their long-term visions and goals...' (Graham, 2016). This description captures the vision both managers had for the PDU working in collaboration. Together, both managers

developed the internal working structure of the PDU. That included agreeing the frequency of coordinator team meetings, how these should be chaired, the operation of case conferences, the joint management of discharge and release, the oversight of reports to the Parole Commissioner for Northern Ireland (PCNI) and Public Protection Arrangements for Northern Ireland (PPANI). Joint presentations to external and internal audiences also took place in order to set the tone and provide a single voice. At all times, in any formal or informal context, both managers were mindful of consistently referring to the collaborative/partnership that is NIPS/PBNI within a PDU setting.

Joint training initiatives — in particular, for the coordinators — have also been developed and facilitated. Examples include child protection training and training in relation to report writing for PPANI. We have also facilitated numerous internal meetings to look at particular areas of operation within Hydebank, including links with the Educational Department. The goal has been to expand the understanding of PDU, but more specifically the collaborative emphasis of the work.

Another key element in the joint approach was establishing the monthly Sentence Coordinators Team Meeting. This forum is an opportunity to bring all coordinators together formally, to consider best practice and peer support, and to enhance their knowledge base through outside speakers coming to the meeting. In regard to the collaborative aspect, the key to the success of this forum was the joint ownership by both managers who share the chairing of the meeting, agree to the agenda and provide a forum for all coordinators to contribute.

The authors also developed a collaborative model of supervision of staff. Within PBNI, as with other social-work based professions, there is a tried-and-tested model of staff supervision that is broadly based on support, accountability and development of staff. As part of the development of the PDU model, the Prison Service developed a supervision model for the Prison Officer coordinators. However, it was clear that there was a need to develop an additional tier of supervision of staff that captured the collaborative element and the partnership working required of them. The model of collaborative supervision requires managers to meet jointly with both Probation Officer and Prison Officer, with a focus on how they are meeting the best-practice guidance and the threats and opportunities the co-working presents. This model also provides line management with evidence of how the collaborative model is evolving, and the impact on staff and on prisoners. In addition, this further tier of supervision provides support for the staff.

Within the PDU, each agency has its own monitoring arrangements of cases in line with its own agency policy and procedures. PBNI, through the Probation Manager, provides to the PBNI Assistant Director Prisons a monthly report of the monitoring of a number of cases subject to sentence management by the PBNI Coordinator, reports to PCNI or PPANI on release plans and additional scrutiny of those prisoners assessed as Significant Risk of Serious Harm. The monitoring provides checks and balances on how PBNI is meeting both internally laid-down standards and prison-based business objectives (these focus on six key areas of sentence management from committal to release planning, with defined timescales and qualitative standards). To undertake this monitoring, access to information systems is critical. In the PDU, this requires access to PRISM (Prisoner Records and Information System Management) and, in addition, for PBNI it requires access to the PBNI information system ECMS (Electronic Case Management System).

To embed a collaborative approach fully within the PDU required an additional mechanism of monitoring and auditing that allowed managers to quality assure the work being jointly undertaken by both NIPS and PBNI coordinators and to track the impact of that work on prisoners' journey through their sentence.

The authors developed a new audit system to be undertaken by the senior officer in the PDU, which would form the basis of the monitoring of selected cases that were being collaboratively managed by both NIPS and PBNI. Cases were randomly selected and the findings examined to enable any deficits to be addressed, but also to track the impact of the work of the PDU on a prisoner whilst in custody, and to ensure relevant interventions to match the objectives of sentence planning and future release planning. Alongside this, PBNI coordinators use the ACE system (Assessment, Case management and Evaluation system – an evidence-based measurement of the risk of reoffending). The assessment is reviewed in custody at critical points. In subsequent sentence planning, the monitoring exercise takes account of the link between the evidence-based assessment and the prisoners' progress.

An important component in our collaborative monitoring is the work done around those prisoners recalled to custody having breached their licence. A post-recall case conference is now held and information is gathered to inform any links between the prisoners' sentence management prior to release and the behaviours or activity that led to their subsequent recall to prison.

## ***New partnerships***

Both Probation and the Prison Service have sought within Hydebank Wood College to develop partnerships with the voluntary and community sector and other statutory bodies, to assist in resettlement of those in custody. For example, in response to the high level of young men with low parenting skills, we embarked on a partnership between Barnardos, the Prison Service and the Probation Service, to deliver a parenting programme to male prisoners. A Probation Officer, a Prison Officer and a Barnardos team member worked together to facilitate this programme. This was an arrangement we deliberately implemented to reinforce the partnership approach.

We have also developed partnerships with sporting organisations including the Irish Football Association (IFA), where Probation staff, Prison staff and IFA coaches come together to provide training and interventions to those in custody.

## **Conclusion**

In the Foreword to the 2018 Resettlement Inspection Report, the Chief Inspector said: 'prison staff need more help and support if we are to lift resettlement to the next level and make a real impact on reoffending. That will require the fulsome involvement of trained, experienced Probation staff working alongside Prison Officers, not just with the most serious offenders.... It would be the view of CJI that NIPS could not deliver the PDM effectively without the support, expertise, social work and community-based experience of PBNI.'

As a result of the work undertaken since August 2018, staff at all levels in both organisations have been encouraged to consider opportunities for enhancing joint working, streamlining services, reducing duplication and any other initiative that will lead to better outcomes for prisoners. To date in Hydebank Wood College, we have undertaken a number of initiatives to build a culture of partnership, and in doing so improve the outcomes for those in custody. We believe in the principle of continuous improvement and acknowledge that there is more work to be done but we believe we have a firm basis for that work to continue into the future.

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# Interactions with the Traveller Community by Prison and Probation Staff

Denis C. Bracken\*

**Summary:** Recent scholarship has provided insight into the experiences of ethnic minority offenders in prison (IPRT, 2014; Earle and Phillips, 2013; Costello, 2014; Edgar and Martin, 2004). Experiences of prison staff, including Probation Officers, working in prisons with ethnic minority offenders have not, however, been the subject of significant attention. Prison literature identifies that prison order requires cooperation between prison officers and those in custody. Prison functioning can be disrupted by communication issues based on cultural differences, as well as misunderstandings about authority. The efficacy of structured offender programming can be hindered when the approach taken in programmes is based on a different cultural perspective from that of minority ethnic members. Cultural competency, developed through formal training or life experience, can go some way towards overcoming challenges that can arise from cultural difference. Familiarity with ethnic minority cultures presents an opportunity to work constructively with minority group offenders. Based on interviews with a small sample of prison officers from three prisons, and Probation staff at one prison, this research considers the experiences of staff working with Travellers and Roma in Irish prisons. Interviewees were asked questions related to: prior life experience with minorities (particularly Travellers); their contemporary experiences with minorities and how these relate to their roles within the prison; suggestions for future training and preparation to enhance working with those from minority cultures in a prison setting.

**Keywords:** Cultural competency, Traveller, Roma, ethnic minority, prison officer, Probation Officer, bias, rehabilitation.

## Introduction

Overrepresentation of ethnic minorities in prison is a phenomenon in many national and subnational prison systems (Phillips, 2012; Lammy 2017; Nellis, 2016). The experiences of many ethnic minorities in prison have been the

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subject of studies (Costello, 2014, Edgar and Martin, 2004) that have focused on discriminatory treatment, denial of services and rehabilitation opportunities. The experiences of prison officers and Probation Officers working with ethnic minorities has been subject to less scrutiny. Although there is significant research with respect to racism within prisons, what has been subject to less scrutiny is the experience of prison officers working with persons of ethnic minority status. A large majority of criminal justice system personnel are white and male (MacNamee, 2018). Prison officers and Probation Officers working in prisons have their own knowledge, based in training, work experience, and occupational cultures (Garrity, 2018), as well as prior personal experiences of ethnic minorities. The literature on prisons identifies that prison management requires the cooperation between prison officers and prisoners around routine activities to maintain order. Cultural differences in communication, approaches to authority, and participation in daily life can interrupt prison management. The efficacy of structured offender programming, as well as regular supportive work undertaken by prison officers and Probation Officers can be hindered when the approach taken is from a cultural perspective that differs substantially from that of minority ethnic members. Cultural competence either through formal training or life experience can go some way towards overcoming cultural difference.

This research therefore was designed to examine aspects of the work of prison and Probation staff specifically as it connects with their formal skills and life experience of engagement with ethnic minorities. The focus was mainly on Travellers, although it also included Roma and other minorities. The research used a qualitative approach with a very small sample. Prison officers from three prisons and Probation staff from one prison were asked to participate in either a focus group or an individual interview. Three persons opted for an individual interview, and eight people participated in two focus groups — one of prison staff and one of Probation staff. The questions in the focus groups and interviews focused on: the participants' experiences with Travellers and/or Roma prior to working in the Prison or Probation Services; their contemporary experience in particular as it related to their roles within the prison; suggestions for adequate training and preparation for working with those from minority cultures in the prison setting.

Three distinct themes emerged from the collated data. The first is what is known in the literature as cultural competence, and subjects reported varying degrees of familiarity with Travellers based on a combination of prior personal experience before coming into the Prison or Probation Service, and on the

job experience. Related to this understanding was the ability to recognise cultural difference and integrate it into dealings with Travellers and, to a lesser extent, persons of Romani background. A second theme from the data was the level of engagement that Travellers and Roma were prepared to accept in order to pursue opportunities for rehabilitation and upgrading. The subjects reported on the need to work on ways to get Travellers involved in these kinds of activities. The last theme focused on the fact that routine activities of prison life require a degree of formal or informal cooperation between staff and prisoners. Staff recognise that there are different perspectives on this type of cooperation, based in cultural differences, and therefore some measure of adaptation is necessary. The paper will now consider each of these themes.

## **Cultural competence**

There are many descriptions of cultural competence, beginning in the 1980s in the fields of health and mental health (Martin and Vaughn, 2007). Generally speaking, it refers to the ability of individuals and/or organisations to understand, appreciate and feel comfortable with persons of other cultures, customs, languages, etc. Most of the literature on cultural competence in health and social service settings suggests that the development of such competence is a process that includes recognition of difference beyond 'learning a given set of facts about specific populations ... or attending a training on cultural competence' (Substance Abuse and Mental Health Services Administration, 2014, p. 9) More important, particularly in the context of this research, is that it includes recognition that people from diverse backgrounds may 'perceive, interpret, or encounter similar experiences' differently (Substance Abuse and Mental Health Services Administration, 2014, p. 9). In the prison setting, 'cultural competence is a necessary key to enable prison officers to be more effective in supervising and managing inmates coming from different cultures than their own' (ToersBijns, 2014). For prison officers, this can mean that understanding difference becomes important for the daily routine management of the prison, as well as providing opportunities for rehabilitation, personal growth and desistance from further offending after release (Herbert, 2015). The prison officers and Probation Officers in this sample had previous experiences with Travellers prior to entering the Prison or Probation Services, or had an openness to understand the culture of Travellers, and to a lesser extent

Roma, and how that impacted on their prison experience. Cultural competence was therefore something learned from work experience and, in some cases, learned against a background of previous, largely sympathetic experiences from the past.

One prison officer described contact with Travellers as a child on a farm when his father had regular contact with the Traveller community:

My dad had horses so we used to travel around the country when I was young so I would have had [interactions] with Travellers since I was small. When they came to our area they might camp on our land, they might try and sell my dad something, they've always called to us.

Another prison officer, also from a small rural community, spoke about his mother's contact with Travellers in his village.

I am from a little village in [a county] and there would be a large number of Travellers there and my mother used to look after them. I remember growing up and having them in around our house and stuff like that especially, they lived in tents and so, on bad stormy nights my mother would take in their kids and you would have them sleeping on our floor and stuff like that.

Other subjects shared similar experiences, although they were not always positive. One prison officer described contact with Travellers when they were young, using an older pejorative term to describe them:

I hadn't got much dealings with Itinerants before I came into this job other than there was a halting site in my town.... It was on the [two counties] border, but we must have got the problem kids of the Itinerant community, constantly shootings in the halting site; it was a kind of no-go area for the townspeople.

For those subjects who did not have childhood experiences with Travellers but rather learned about Travellers through work experience, the following is a typical comment, in this case from a Probation Officer:

I personally actually enjoyed working with members from the Travelling community even when I worked in the young offender institution ... they

were kind of my favourite clients that used to come in. Maybe because they were a little bit more challenging, they were never honest....

The Probation staff and prison officers in one of the prisons where this research was conducted understood and recognised that cultural difference was important. It was not clear from the data if this recognition was based on the individual subject's perception of its importance, or part of a broader systemic approach. This research was not intended to consider this. However, other prison systems with longer experience with prisoners of diverse ethnic backgrounds have been slow to acknowledge the need for appreciating diversity in work with prisoners (Douyon, 2016). On an individual level, the participants spoke about both what they learned and what skills they were able to utilise in their work with both Travellers and Roma prisoners:

I think like the cultural thing it is, like I say it's helpful to know but I definitely think it poses a lot of challenges particularly in terms of when it comes to release ... I think that is quite a challenging thing and you know, it's because let's say family is obviously very important for let's say, Travellers. Trying to separate someone from that side of things to encourage them around I suppose, more pro-social behaviours sometimes you know, you're at a loss straight away because of the environment [they are returning to]. (Probation Officer)

Family is a big thing with Travellers. If your dad is King of the Travellers, then when you're in here you're Prince of Wales. It doesn't matter how big or small you are because they know if they do anything to you when you go out or your family are out there, so there is like a hierarchy. (Prison Officer)

The women Travellers when they are vulnerable, they are very vulnerable, but the male Travellers it's not that they aren't vulnerable, but they wouldn't let on, but they seem to be more [able to] adapt to prison life than the women do. (Probation Officer)

For Roma prisoners, the fact that there is often a language barrier and that their culture is probably less well understood than that of the Traveller community can present particular challenges. Horgan's study of Roma women's encounter with a Probation project in Tallaght (Horgan, 2007) is instructive in terms of an

understanding of Roma culture. In particular, he was able to highlight both the insularity, especially of Roma women, from the dominant Irish way of life, and also the strengths their culture provided. Similarly, the report of the Tallaght Roma Integration Project (Jacob and Kirwan, 2016) highlights various aspects of Roma culture and traditions, but also draws attention to the disadvantage and marginalisation they have experienced in Europe, including Ireland. A lack of trust between the Roma community and agencies of the Irish State was highlighted in the Logan report, which recommended that 'State agencies need to develop their cultural competence' in dealings with the Roma community (Logan, 2014, p. 104). The comments from the subjects in the present study reflect these aspects:

I think with the Roma women, the barrier ... for me is the language, do you know what I mean? (Probation Officer)

I just find the Romas great to work with ... I really get on well with them, they've got that cheeky impishness about them. I like the Romas.... Not all the staff now would have much time for them. They'd be pretty well thought low of. (Prison Officer)

You can never believe a word they [Roma] say. Not one word that they will say is truthful and that's, I won't say that's not their fault, it's that that's their culture, they don't genuinely, they are like Travellers, they don't genuinely know the difference between truth and lies. (Prison Officer)

The Logan report highlighted a particular issue with respect to the perceptions of the Roma in Ireland. When there was no training with respect to understanding of the cultural difference between the Roma and the majority Irish population, '[I]n reality, this meant that stereotypes and generalisations about the Roma community were left unchallenged' (Logan, 2014, p. 109). Such stereotypes, overwhelmingly negative, have been recognised as a major issue in relations between the Roma peoples and majority populations not only in Ireland, but throughout Europe. When there is little in the way of understanding of cultural difference, there is a tendency to fall back on negative stereotypes. This has been well documented, particularly as it affects the Roma and Travellers (Commissioner for Human Rights, 2012)

## Engagement

The second theme from the interviews and focus groups related to the capacity as well as interest in ethnic minorities participating in correctional programming offered in the prison setting. There has been significant research on the participation of ethnic minority offenders in correctional programming in several other countries. A review of rehabilitative programme research with Australian Aboriginal offenders (Day *et al.*, 2003) suggests that the dominant paradigm for programming — the risk, need and responsivity framework — may need some adjusting for both indigenous and ethnic minority offenders. For example, they suggest that risk of imprisonment may be connected to discriminatory practices in a criminal justice system, need may be heavily influenced by non-criminogenic factors, and importantly for present purposes, ‘responsivity can also be improved by consideration of culturally appropriate ways of program delivery’ (p. 129). In a review of Canadian correctional programmes in the federal Correctional Service of Canada (Usher and Stewart, 2011), the authors found that ‘Offenders who participate in programming are less likely to return to custody than offenders who do not participate in programs, regardless of ethnic background’ but also that ‘Offender ethnicity and culture remain important responsivity factors in effective correctional programming’ (p. iii). A British review of the research (Shingler and Pope, 2018) found similar results in terms of programme effectiveness, irrespective of ethnic background. However, they also reviewed qualitative studies that considered the views of ethnic minority prisoners and suggested:

[T]reatment is perceived as most effective when it is delivered by culturally aware and sensitive treatment providers, and when it recognises and accommodates cultural differences. Treatment providers should be particularly mindful when there may be a single individual from a minority ethnic background participating in a programme. Evidence suggests this can lead to an individual feeling isolated and misunderstood in standard correctional programmes. (p. 21)

This last point is similarly reflected in the work of the Irish Penal Reform Trust, specifically in their report based on interviews with Travellers in prison. Some of the people interviewed for that report ‘spoke of how fear of discrimination could prevent someone from attending education and training courses’ (Costello, 2014, p. 14).

The participants in the study spoke of the challenges in working with Travellers and Roma, both in terms of establishing a working relationship around reducing the chances of reoffending, and with respect to cultural and linguistic barriers. The comments were often made within a comparative context, either comparing Travellers and Roma, or either group with Irish prisoners from the settled community.

I think it's difficult to form a relationship [with a Roma prisoner] like where sometimes like with the [prisoner] from the Travelling community, you can use a little bit of banter as well like you know what I mean, and they might pass a comment and say 'oh I like your shoes' or something you know, or just normal chat as well like but with the Roma [prisoner] it's quite difficult because of the language. (Probation Officer)

It's that kind of, you can give them [Roma] and offer them everything; if they don't see the value in it, they won't participate. (Prison Officer)

In this next quote, the prison officer mentioned the low expectations that Travellers might have with respect to their chances of not coming back to prison following their release, based on their assumptions about both what is expected of them and what they expect of themselves.

The Travellers kind of are, 'I am not coming back', but they really believe they will. There is no stigma really to it, they know that in their culture whatever they are going to be doing, they are going to go back robbing, 'I'll be back in prison,' it's you know, it's fine, it's part of the life.... So, middle class Ireland don't go to jail, Travellers go to jail all the time. (Prison Officer)

Research on ethnic minority prisoners in other jurisdictions provides some context for the issue of support after prison. For example, research that compared issues of re-entry between Roma and Romanian prisoners following release (Durnescu *et al.*, 2016) highlighted the importance of cultural and family support. Roma had stronger cultural and familial support to ease the difficulties of re-entry than Romanian prisoners.

Others in the research sample recognised that with Traveller women there was a possibility of making a connection to provide support, but that the language barrier and a cultural issue with respect to gender roles with Roma women and men made this more difficult. As one Probation Officer said:

Travellers, [it's] really positive, I think if you can get them on board and they realise you are there to support them and help them and they buy into that relationship, I think that can be used really positively, do you know, to motivate them, to address whatever, their offending, their addiction or you know, link in with their kids or if there is social work involved or whatever I think that can be really positive. Yeah, with the Roma, I mean I don't have huge experience with Roma either to be honest, but my experience is that it's harder to get that connection or that trust, because they are not forthcoming with information or they don't really tend to want to engage but yet, they feel they are quite innocent in all of it, you know, they kind of feel like they're the victim ... the husband or the man is always kind of there in the background so, it's harder to work with them I think.

A prison officer echoed this comment in terms of the engagement of Travellers if they can be convinced that it might be important to be involved in work training.

Generally, for the work training it would be very rare for Travellers to get involved with it even though I have tried ... they are actually quite good, when they put their mind to it actually they're quite good, but generally no, there would be little engagement there starting off, you have to encourage them to work.

## **Influence of cultural difference on legitimacy and prison management**

The third theme highlights the fact that the routine activities of prison life require a degree of formal or informal cooperation between staff and prisoners. A prison's daily routine has been described as being the result of the work of both prison officers and prisoners to see that prison order in some form is developed and maintained. As explained by Anthony Bottoms, 'order in prisons is to a large extent achieved through the subtle interplay of relationships between prison officers and prisoners, as they work their way through the prison day' (Bottoms, 1999, pp. 210–211). How that order emerges and is maintained is dependent on relations between the prison officer and prisoners. The potential for disruption is present when there are cultural differences in terms of communication and what is and is not

acceptable behaviour. As well, these cultural differences can be exacerbated if they lead to prejudice and/or feelings of discrimination. The study by the Irish Penal Reform Trust, referred to earlier, found that Travellers experienced both discrimination and respect from prison officers.

Interviewees also experienced offensive name-calling from prison officers. There was a shared view that this did not come from all prison officers; rather, people spoke of the 'odd, bad' prison officer who exhibited such behaviour ... another ... interviewee put this case more strongly, suggesting that prison officers treated with respect those who showed respect to them, and that this often led to particularly positive relations between Travellers and prison officers. (Costello 2014, p. 16)

The sentiment — when prison officers treated prisoners, in this case, Travellers, with respect, that such respect was returned — was expressed by several prison officer participants in the current research.

I find Travellers generally the easiest prisoners to deal with once you come to their level to deal with them. I find them quite easy to deal with compared to other prisoners.

One thing that stuck to me, an officer that we worked with in [a prison] said it to me and he was in the job a little bit longer than I am, he said historically Travellers had, and do have, respect for the officer.

From this perspective one might also assume that Travellers recognise a certain amount of legitimacy resides in the prison officers. Garrihy identifies prison officers' daily work as 'the frontline of prison legitimacy' (Garrihy 2018, p. 265). Prison officers must use their authority in a way that is seen as fair, and such procedural fairness means that the authority therefore is in some way legitimate. In working with Travellers, the participants in the research sample explained that they believed Travellers recognised and acknowledged that legitimacy. Prison officers, at least when working with Travellers, were, as Liebling describes it, less about enforcing the rules and more about handling a situation (Liebling, 2011). This was expressed in an exchange in one of the focus groups about what would happen if prison officers needed to break up a fight among Travellers, usually a fight that was based in a long-running feud between Traveller families external to the prison.

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Yes, with the Travellers yeah, if they are feuding with no fair play man, once the blue shirts arrive, it's fair game it's all over. Whereas, if it was the Irish or the Polish or whatever, we actually have to go in and break it up.

Another participant then added their agreement about dealing with Travellers when there is fighting among them in prison.

We are in less danger with a Traveller fight than we are breaking up any other kind of fight, but I know there was an incident recently where an officer got hurt with Travellers, but again they were Travellers that are down a different path, they are on drugs, mental health issues, but in my point of view if I am going into the yard when Travellers are fighting, I have a fair degree that I know that no staff is going to come out hurt, but if I go into the yard with settled people, I have no idea what is going to happen, you're talking blades, you're talking, anything could happen....

A different participant mentioned, in a different context, their preference to work with Travellers over other prisoners, and concern about working with other than Travellers.

For the sake of your research and it's a wonder one of us hasn't said it already but, I much would rather have a landing or a jail full of Travellers than a landing full of heroin[users] up in Dublin, it would be, they are a hell of a lot easier to manage.

The experience with Roma prisoners was, however, different. In the eyes of the participants, Roma were much more difficult to manage, because of language and the lack of shared understandings about the prison, and also the disruption to the prison order that came with this. Two prison officers expressed their views in this way:

You try and have a routine that they [prisoners] stand and wait and have respect, waiting for me. Travellers, within reason, will abide to that, I'll have to bark at them and tell them 'I am talking to someone else, stay your time or else move on', they will. The Roma, no they don't understand this, and they will keep interrupting you, they won't learn, like you are trying to teach I suppose one way....

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Well when you're maintaining good order, which is one of our primary functions, maintaining good order is not going to happen when you have someone [Roma] constantly disrupting that order.... We learn to manage it our own way, but they're not going to change in the time that they are here, and they have no intention of it.

This was not a view universally shared among the participants. For example, one participant expressed a different view.

They wouldn't be a difficult prisoner to deal with, as we said, in the kind of work, they always look sad but they would generally whinge and kind of whinge about going home and about a phone call, but they wouldn't be difficult, there would be no discipline issues with them. I find there would be no discipline issues with the Roma whatsoever.

The participants overall had a generally favourable view of Travellers with respect to shared understandings about maintaining good order in the prisons, with mixed views on the Roma. It should be stated that the Roma were not seen as disruptive in a way that required the imposition of severe discipline. Rather, to some they were more an irritant in the smooth order of the prison, as opposed to being highly problematic.

## **Conclusion**

It is difficult to draw any major conclusions from this study due to the small size of the sample. It should also be noted that as participation was strictly voluntary, it is very possible that only those prison officers and Probation staff who had sympathetic views towards Travellers, as well as Roma, in prison would have agreed to participate in the study. As nine out of the 11 participants in the sample had experience with Travellers, either when growing up or in previous employment, this might be a safe assumption. Notwithstanding the small scale of the study, there are some interesting messages that are worthy of further consideration and wider research. As the data indicate, there was a general feeling that past life and work experience could be used to good effect when working with Traveller prisoners. This is also an indication that there are persons working in the prisons and probation systems who have personal experience and perhaps some level of 'cultural competence' that positively informs their work. Other participants were clearly open to learning through their work about different cultures.

None of the sample had personal experience prior to employment in criminal justice with persons from the Roma community. One suspects that the opportunities for personal interaction with Roma are very limited, and, at least in urban centres, may fit the negative stereotype of Roma as beggars. This can create limitations in terms of the development of cross-cultural experience among prison staff and Probation staff. The participants' experiences, however, would suggest a level of skill, or cultural competence, in work with Travellers that exists in both services. There was less familiarity with Roma, which likely reflects the wider community lack of understanding and respect for their culture, and highlights the additional challenges for the Roma community in relation to post-release integration.

Research into the overuse of custody with ethnic minority/indigenous minority offenders goes back almost five decades, and comes right up to the present day (e.g. Hylton, 1981; Gavin, 2019), but little has changed with respect to the numbers in custody. Recent criminal justice research on ethnic minorities and criminal justice systems has focused more directly on the issue of implicit bias (e.g. Lammy, 2017; Brandon and O'Connell, 2018), in the sense that a person's actions may be based in a prejudice against others that is not conscious and/or overt. Overcoming implicit bias is difficult. However, the literature on effective work with ethnic minority prisoners highlights the need for sensitivity to, understanding of and competency with the culture, traditions and languages of minority ethnic offenders. The Logan report referenced earlier had a suggestion in this regard: 'Training should be provided across public services to ensure that when engaging with minority communities, including Roma, all staff are culturally competent and informed about the communities they serve' (Logan, 2014, p. 107). The issue of cultural competence is not without its critics. Such criticism highlights that by drawing the attention of the majority to issues that are 'problematic', such as language and culture (see, for example, Beagan, 2018), ethnic minorities become a 'problem' group to manage, as opposed to persons whose differences are to be respected and understood. Cultural training on work with minorities should be considered within a context of greater familiarity with diversity and difference in contemporary Irish society. The current study suggests that prison staff and Probation staff who participated in the research had both experience of and/or openness to cultural difference that they used in their day-to-day work. Perhaps there are ways that this knowledge and experience of existing staff could be blended with more focused training for all prison-based staff, given that they are or will be working with a range of ethnic minorities in an increasingly diverse Ireland.

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## Book Reviews

### **Counselling Skills for Social Workers<sup>1</sup>**

**Hilda Loughran**

London: Routledge, 2019

ISBN: 978-1-138-50420-2, 322 pages, paperback, £26.39

There has been a recurring, if somewhat sporadic, debate, throughout these islands and indeed further afield, as to the relevance of social work to probation, and vice versa. Reviewing this book by Dr Hilda Loughran of University College Dublin raises the question again regarding what direct relevance, if any, there is in such a publication for probation work, whatever about its value to the field of social work more generally. This question should be considered now in the context that, in recent years, Probation Officers joining the Irish Probation Service have had to be registered social workers. This is also the position of the Probation Board for Northern Ireland. Having said that, there may well also be at least elements of a practice 'lag' in fully embracing social work theories and practice in probation work. In a similar vein, for example, 'counselling' is not a term or concept that gets used much in the world of probation practice, at least in this reviewer's experience. Having read *Counselling Skills for Social Workers*, however, this reviewer is confirmed in the book's relevance for probation work, as for the other areas of social work practice more generally.

The book is divided into three parts: (1) Counselling skills for social work, (2) The application of counselling social work to [social work] methods, and (3) Appendices. The first part describes the various skills in question, including: conversations, counselling and therapeutic interventions; talking and responding; listening; thinking; processing and reflective practice; questioning; assessing and assessment; empathy, reflection and reflective responding; and affirming, advising and motivating change. Part 2 describes

<sup>1</sup> Reviewed by Vivian Geiran, former Director (2012–2019), Irish Probation Service (email: vgeiran@gmail.com).

the application of the various skills discussed to three specific social work methods: (i) Solution-Focused Work, (ii) Motivational Interviewing, and (iii) Group Work. Part 3 comprises a compendium of various useful practice 'toolkit' components, reflection exercises, checklists, case examples, and illustrations.

Loughran adopts an accessible approach, structure and layout, in getting her message across effectively. This is achieved and supported through setting out a structure of grand theories, sub-theories, associated methods and skills. In clarifying this framework through a simple yet effective approach, the author identifies, and reiterates throughout, the core elements of what is required in working as a professional social worker. Then, in each skill area, she provides examples of how we may already practise these skills in various situations. But the crowning achievement is how the author elevates these everyday 'relatable' behaviours to the level of professional competency, demonstrating what makes professional practice unique and what that practice at the required professional level looks like. She achieves all this through the use of an effective teaching style, using examples to which the reader can readily relate, and providing excellent case studies, examples, checklists and illustrative tables and figures. All of this is backed up by appropriate research evidence, which is overlaid with Loughran's extensive experience over many years of reflective practice in different settings. This enables Loughran to 'get under the bonnet' of counselling skills in social work, and make those inner workings transparent to the student and established practitioner reader alike, as well as charting a clear path to how these essential skills can and should be developed, honed, and delivered in practice. It is evident throughout that Dr Loughran has brought to bear here the full range of her undoubted ability to review her practice critically, in the context of its theoretical foundations. She has also clearly organised and integrated all that material to develop a deep understanding of how to achieve ever-more skilful and effective interventions with service users.

Loughran states in her introduction (p. 11) that this book sets out 'to provide a theoretically informed understanding of the core skills required to provide counselling interventions that work'. The author succeeds admirably in that goal. In addition, Loughran also manages to address a number of issues core to the practice of social work, including to criminal justice social work. These include the applicability of social work methods and skills with involuntary clients, such as those under probation supervision. She also identifies the general 'invisibility' of social work skills in many respects, and

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some practitioners' perceived aversion to theory. The latter is despite the author's assurance (p. 88) that 'theory is our friend', providing 'a connection to an appropriate methodology for intervening'. One of the many positive features of Loughran's analysis, demonstrated throughout the book, and which resonated with this reviewer, is her ability to demystify many frequently misunderstood concepts, and to debunk mythologies that have grown around particular social work methods and practices. These include, as well as issues associated with working with involuntary clients (and statutory and agency requirements arising in such contexts), consideration of the features of an effective professional relationship, including the use of empathy and self-disclosure. Unhelpful ideas that have sometimes emerged among some practitioners around the whole area of assessment, and the practice of Motivational Interviewing for example, are also addressed.

This book is an excellent addition to the social work — including criminal justice social work — practice literature. The presentation and layout are excellent, and it lends itself to use in self-directed learning, as well as being a valuable student training manual or staff development handbook. My only quibble is that there are a number of typos through the text. These are minor enough not to detract from its overall quality and value, but slightly irritating, where they do occur, in what is otherwise an excellent production. Dr Loughran's publication deserves to be widely read and used, and to sit, well-thumbed, on the bookshelves of social work students, practitioners and their practice teachers/supervisors and managers. In that context, it does indeed achieve its author's goal of providing a 'theoretically informed understanding of core [social work] skills' for effective work and productive outcomes. In addition, although the book is well founded in relevant theory, its author could hardly have made it more readable and user-friendly. This publication was a joy to read and should be a standard 'go-to' book for social work students, teachers and practitioners alike.

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## **Uses and Consequences of a Criminal Conviction: Going on the Record of an Offender<sup>2</sup>**

**Margaret Fitzgerald O'Reilly**

London: Palgrave Macmillan, 2018

ISBN: 978-1-137-59661-1, 300 pages, hardback, €67.40

*Uses and Consequences of a Criminal Conviction: Going on the Record of an Offender* discusses and explores the myriad uses and possibly misuses of criminal records, predominantly within an Irish context. The text is divided into three parts, exploring initially the criminological and penological perspectives of the subject matter, and moving on to consider the criminal record from pre-trial to post-punishment, and finishing with perspectives in the aftermath of punishment and release.

The book provides a valuable insight and overview into the development of the various uses of the criminal record. It considers how these uses align themselves to legal principles, predominantly in the context of proportionality. The author gives a detailed description of the uses of the criminal record at the various stages of the criminal procedure and poses questions regarding whether and how these uses are aligned with the protections provided vis-à-vis the Irish Constitution and the European Convention on Human Rights.

The interplay between governmental penal policy, proportionality, risk assessment and control are discussed throughout the book. These concepts are central to the work of the Probation Service, and especially in post-release supervision orders, with the extension of control that these orders can represent. The author discusses how the extended and perpetual surveillance and control of those who have committed offences have become key components of penal policy and practice. The extension of surveillance in the context of some of the novel supervision and post-custody criminal justice initiatives such as J-ARC<sup>3</sup> does cause this reader to reflect on whether they represent perpetual surveillance and a possible encroachment upon basic rights, or are an opportunity for individuals needing a higher level of support to continue on their journey of desistance.

<sup>2</sup> Reviewed by Leah McGuire, Assistant Principal Probation Officer, currently on secondment with the Department of Children and Youth Affairs.

<sup>3</sup> Joint Agency Response to Crime (JARC) is a strategic offender management initiative led by An Garda Síochána, the Probation Service and the Irish Prison Service, with the active support and engagement of the Department of Justice and Equality.

In the opening chapters, the author notes a cultural shift in the approaches taken in criminal justice practices generally, from individualised justice and rehabilitation, to an ideological focus primarily upon monitoring and controlling in the name of offender management, harm minimisation and public protection. A criminal record in these circumstances is an added burden, heightening the exclusion and stigmatisation of already marginalised persons who fall foul of the criminal justice system.

The overwhelming number of people in prison or subject to probation supervision in Ireland, and elsewhere, are working class, have poor educational achievement, more likely than not are unemployed or in low-paid work, and a high proportion have a history of drug and alcohol problems. As this book clearly highlights, they are already, for the most part, among the most deprived and marginalised in society.

The author refers to David Garland's seminal 2001 book, *Culture of Control*, where he posits the view that the fear of crime has become salient and a problem in itself. The fear of crime, in his view, contributes to insecurity, anxiety and a falling confidence in the criminal justice system to do anything about it.<sup>4</sup> Fitzgerald O'Reilly recognises the significance of that fear and how the response over time across the world has been reflected in retribution in sentencing, net-widening (more people in prison and on supervision), and an increasing managerialist and risk-averse culture in criminal justice. In societies and communities evermore fearful of crime, those labelled as offenders and punished are, in many instances, still feared, irrespective of efforts made towards change and rehabilitation.

Reading this book prompts reflection on the centrality of the criminal record across a Probation Officer's workload — from pre-sentence, to case management and final review. Risk assessment tools and case management plans, completed with reference to the criminal record, are used to aid in managing risk and monitoring progress. The well-known mantra that the best predictor of future behaviour is past behaviour can be like a millstone that potentially blocks the pathway to redemption and reintegration. The far-reaching impact of the declaration of a criminal record on an individual's attempts to manage their life in relation to housing, employment, banking and travel can be evermore discouraging and seemingly insurmountable. The individual with a criminal record regularly struggles to assert some of the most basic fundamental human rights that other citizens can take for granted.

<sup>4</sup> David Garland, *Culture of Control* (2001), Oxford: OUP

Fitzgerald O'Reilly's comments on the increasing retention and use of previous criminal record information, beyond the criminal justice system, arguably makes a nonsense of the possibility that an offender, having served the penalty for an offence, has paid the price for their infraction. The life-long criminal record and the increasing use of vetting, official and unofficial, ensure that a person continues to pay a high personal price for what may have been long-past misdeeds. The Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 is a welcome but very limited possibility for a few to leave their past behind. Its restrictive conditions highlight the ongoing distrust of the community and a continued labelling of the already marginalised.

This reviewer agrees with the author, and does not believe any of the noble aims of rehabilitation and reintegration are assisted by the constant shadow of one's criminal record being recalled, not only at the court house, the probation office and the Garda station, but also at the job centre, the airport or the housing authority. With a significant criminal record, however far in the past, a person cannot, in most instances, be employed as a civil servant. That means, for example, that, irrespective of other qualifications, they cannot become a Probation Officer, a post where their experience, personal change and insight could be invaluable as a role model and change agent.

As Margaret Fitzgerald O'Reilly has written previously:

There must be a balance between public concerns and allowing the individual to be integrated, rehabilitated and essentially move on with their lives. Achieving this balance has become more and more obscure as the justice system focuses its attention on control, the strategy dominating late modern culture.<sup>5</sup>

In summary, this challenging book presents a detailed breakdown of the uses of a criminal record. It begins with a methodical and practical insight into how previous convictions are considered, from pre-trial right through to sentencing. The author goes on to reflect upon the proportionality and fairness of such uses, suggesting the possibility that some equate to misuses. The question of misuse is further explored in the use of the criminal records beyond the sentencing *de jure*, beyond the criminal justice setting, and into the civil domain areas such as housing, employment and travel.

<sup>5</sup> Margaret Fitzgerald (2009), 'The usual suspects: Analysing the use of past criminal convictions in the criminal justice system', The Westminster International Law & Theory Centre, Online Working Papers, available at <https://www.westminster.ac.uk/sites/default/public-files/general-documents/WILT-03-09-Fitzgerald.pdf> (accessed 29 July 2020)

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The author invites the reader to consider not only the wide and varied facets of life that a previous conviction can impinge upon in a citizen's life but also the longevity of the implications of the conviction, long after the sentence has been served. For criminal justice actors such as Probation Officers, who believe in the capacity of individuals to rehabilitate and desire for them to reintegrate successfully into their societies, this book offers a formidable reality check, and an opportunity to reflect on their practice and the significance given to the criminal record.

This is a timely and important publication that should be read widely not only by Probation Service personnel but by policymakers and practitioners across the criminal justice system. It obliges us to consider the unintended, and sometimes intended, consequences of our actions in the light of our better aspirations towards supporting change, promoting inclusion and encouraging rehabilitation. We owe it to ourselves, our communities and each other to remove blockages and provide incentives to those who have offended and have paid a debt to society. Not only should it be read but the critical messages should be forefront in the mind of those policymakers and practitioners as we plan for a better future.

## **Imaginative Criminology: Of Spaces Past, Present and Future<sup>6</sup>**

**Lizzie Seal and Maggie O'Neill**

Bristol: Bristol University Press, 2019

ISBN: 978-1-5292-0268-7, 176 pages, hardback, £60

This book is a thoughtful and effective contribution to a growing body of work that seeks to both challenge and re-imagine the cultural and structural inter-workings of criminology as a discipline. Imaginative criminologists often argue that criminology has become overly narrow and bureaucratic as a discipline and is too closely aligned to dominant perspectives such as criminal justice and the criminal law to be able to criticise or challenge them effectively. In response, they seek to overcome these perceived epistemological and methodological weaknesses by conducting research that engages more substantively and theoretically with diverse subject matter such as the dramatic arts, fiction, film, photography and varied cultural institutions.

In their introduction, the authors note that while this book is about arguing for imaginative criminology itself as a perspective, its chief purpose is to put

<sup>6</sup> Reviewed by Brian Payne, Subject Leader for Criminology, Ulster University (email: b.payne@ulster.ac.uk).

forward a series of examples of 'imaginative criminologies' where broad contexts, both physical and imaginary (or a combination of the two), are explored in depth. 'This is cultural criminology constituted through ethnographic work' (p. 2), and certainly the book roots itself firmly in the idea that there is a symbolic dimension to what we conceive of as our social reality, ensuring that if we can understand the ways that we react as a viewer or reader to the repertoire of images, ideas and meanings available to us about crime and other transgressions, then we can also understand the broader structures and processes that can create outcomes for individuals, and frame our subsequent reactions to them as a society. However, as argued by the authors, any attempt to explore and deconstruct the spaces and places of transgression, defined as 'the breaking of boundaries and taboos' (p. 9), will require the reinvigoration of criminology through the deployment of creative approaches or the borrowing of insights from other creative fields of practice.

Chapters 2 and 3 begin this process, setting out two powerful examples where spaces of control and confinement (homes for indigenous children in Australia and Magdalene Laundries in Ireland) are understood through various mediums. Both case studies, despite not being penal in nature, can be seen as highly representative of Goffman's description of total institutions where perceived disorderly groups are segregated from mainstream society with a regime put in place that is meant to reform and improve them. Applying a critical lens to the shortcomings of criminology in attending adequately to these institutions, the authors explore the use of oral history accounts and cultural representations in the portrayal of indigenous children, and feminist histories, poems, a documentary and films in the case of the Magdalene Laundries, to highlight their importance as specific sites of social control, human rights abuse and gendered shaming. Central to this are the ways that social knowledge of the events that occurred there have been reconstructed through concepts like memory at individual, familial and national levels, all of these combining to produce a shared imagery of what occurred there and its significance.

Maintaining the focus on confinement, Chapter 4 explores the findings of a participatory arts intervention that used creative writing classes with male prisoners in HM Prisons Lewes and Durham. The deployment of imaginative criminology in this case takes the form of a range of creative participatory methods that are designed to enable self-expression and critical reflection and can enable a richer understanding of the spaces of imprisonment and the boundaries between the inside of the prison and the outside world or

freedom. These take the form of poems and stories, which are analysed through the prism of creative writing rather than as examples of rehabilitation in action. While it is recognised that the benefits of initiatives such as enhanced literacy are important from a rehabilitative standpoint, the authors explain that such writing is much more valuable as a means for shedding light on the complexities of imprisonment.

Chapter 5 continues the focus on space and place to discuss the use of film and walking ethnographies to explore the experiences of asylum seekers and migrants within border camps, mostly in Greece, Syria, and Melilla, as they interact with the material and symbolic concept of the border. Chapter 6 focuses specifically on space, place, violence and transgression, with two fascinating case studies from Canada and Northern Ireland. The imagined spaces inhabited by indigenous women and sex workers, including attempts to remember those missing or dead in Vancouver's Downtown Eastside, are juxtaposed with the history of the 'peace walls' in Belfast, which have in the past been epicentres of war, violence and conflict, through diverse methods, including walking methods, photographs and interviews. Finally, Chapter 7 puts forward a rationale for the use of works of fiction as a means of doing imaginative criminology, setting out the imagining of dystopian futures in young adult fiction as an example of how this method can offer complex and layered social realities that are ripe for exposition by criminologists and sociologists.

Bringing this all together, the concluding chapter puts forward arguments for an imaginative criminology of space. By showing us how there are no limits to the types of methodologies and subject matter that can be explored, Seal and O'Neill have given us a tantalising glimpse of the ways that our criminological imaginations can be expanded, and highlight the potential benefits for the enhancement of both empirical and conceptual work that can both critically and creatively reimagine how we conceive of social justice and of the transgressions that occur within society. Whilst there is a clear roadmap for how we should use this book, the emphasis on substantive theory set against an array of complex imaginative methodologies does ensure that this book is far from a simple manual for practitioners to follow and is one that needs to be returned to on a number of occasions in order to grasp fully its complexity. Of course, this in no way limits the significance of what is an insightful and knowledgeable read that lends momentum, as well as a new body of ideas and techniques, to efforts to realise the untapped potential of criminology as a means for bringing about transformational justice.

# General Information & Guidelines for Contributors

*IPJ*, a joint initiative of the PS and the PBNI, aims to:

- Provide a forum for sharing good theory and practice, increasing co-operation and learning between the two jurisdictions and developing debate about work with people who have offended.
- Reflect the views of all those interested in criminal justice in an effort to protect the public and to manage offenders in a humane and constructive manner.
- Publish high-quality material that is accessible to a wide readership.

*IPJ* is committed to encouraging a diversity of perspectives and welcomes submissions which genuinely attempt to enhance the reader's appreciation of difference and to promote anti-discriminatory values and practice.

**Preliminary Consultation:** If you have a draft submission or are considering basing an article on an existing report or dissertation, one of the co-editors or a member of the Editorial Committee will be pleased to read the text and give an opinion prior to the full assessment process.

**Submissions:** Contributions are invited from practitioners, academics, policymakers and representatives of the voluntary and community sectors.

*IPJ* is not limited to probation issues and welcomes submissions from the wider justice arena, e.g. prisons, police, victim support, juvenile justice, community projects and voluntary organisations.

Articles which inform the realities of practice, evaluate effectiveness and enhance understanding of difference and anti-oppressive values are particularly welcome.

Submissions (in MS Word attachment) should be sent to either of the co-editors.

Gail McGreevy, PBNI  
gail.mcgreevy@pbni.gov.uk

Ursula Fernée, PS  
ugfernee@probation.ie

**Originality:** Submissions will be considered on the understanding that they are original papers that have not been published or accepted for publication elsewhere. This does not exclude submissions that have had limited or private circulation, e.g. in the writer's local area, or as a conference paper or presentation.

**IRISH PROBATION JOURNAL** is a peer-reviewed publication. The following types of submission are considered.

**Full Length Articles:** Normally around 3,500–5,000 words, though all contributions up to a maximum of 7,500 words including references will be considered.

**Practice Pieces:** Shorter practice pieces are very welcome. These offer an opportunity to describe a recent piece of practice, practice-related issues or recent practice developments in brief. Ideally around 2,000–3,000 words including references; 4,000 words maximum.

All **full-length articles** submitted to the journal are anonymised and then subjected to rigorous peer review by members of the editorial board and/or editorial advisory board and/or by appointed specialist assessors. The final decision to publish or reject is taken by the editors in the light of the recommendations received.

All **practice pieces** will be considered and a link-person from the editorial committee will be assigned to liaise with the author. The final decision to publish practice pieces will be taken by the editors.

**More detailed guidelines for contributors are available from the Editorial Committee on request and should be followed when making submissions.**

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