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## Editorial

This edition of *Irish Probation Journal* explores issues and challenges in research, innovation and development in policy and practice. In many instances, as we all experience, actual policy and practice can sometimes bear little resemblance to the theory, aspiration or the academic research that initiated it. There are compromises, calculations and practicalities which lead to evolution and sometimes quite different outcomes. Contributors to this edition explore research findings, policy development, how research applies in practice and lessons we can learn to be better and more effective the next time.

Mary Rogan, in her wide-ranging and stimulating Martin Tansey Memorial Lecture hosted by the Association for Criminal Justice Research and Development, tracks the evolving concept of rehabilitation within official thinking in Ireland from the foundation of the State, highlighting the influential role of the Department of Justice, and Charles Haughey as Minister, in the developing of interest in rehabilitation during the 1960s. She also critically examines the research challenges facing criminology in Ireland, the role of drivers and influencers in policy-making and the crucial practical issues confronting those 'selling' evidence-based policy initiatives.

Shadd Maruna and his colleagues describe how they have taken on the practical task of 'translating' and communicating desistance research findings into pragmatic action on the ground. Recognising that interest in desistance has been primarily 'ground-up', and that research impact has been inconsistent, the authors have set about establishing a 'knowledge exchange' to develop and flesh out the idea of desistance-based practice.

In the light of debates about motivation for criminality, and the effectiveness of early intervention strategies in tackling juvenile justice issues, Niamh Hourigan outlines the findings of a three-year study on





criminal gang participation in Limerick city. Acknowledging that there are rational reasons to engage in criminal activity in contemporary Irish society, she argues that those advocating early intervention as a means of tackling juvenile justice issues must give greater consideration to why families are enmeshed in criminality and develop appropriate responses.

James Corrigan looks at quality control issues and how inspection of delay in the Northern Ireland criminal justice system observes and tracks the practical factors in the consistent and accountable application of standards and guidelines.

The Northern Ireland Lord Chief Justice, Rt Hon. Sir Declan Morgan, in his address to the 2011 Annual Public Protection Advisory Group Seminar, highlights the importance of partnership working within the criminal justice system in the interest of victims, witnesses, defendants and the general public.

In 2011 the Probation Service completed a drugs and alcohol survey of almost 3000 offenders on supervision. Michelle Martyn analysed the data in a comprehensive report, and her paper outlines the key findings in that survey, highlights the importance of research in informing and constructing policy and practice responses in supervising alcohol- and drug-misusing offenders and proposes an agenda for action and further study.

Examining the role of alcohol in offending among those on Probation supervision, Janice Kelly and Vincent Egan present findings from their research on whether aggressive offenders who had consumed alcohol before offending are different to aggressive offenders who had not.

Probation Officers completing further professional study and training have a particular commitment to researching and testing practice in which they have experience and knowledge. The Probation Service has supported this professional training in developing a dedicated Masters in Social Work programme for Probation Officers in partnership with the School of Applied Social Science at UCD. Three 2012 graduates of this programme present papers on topics of special relevance and interest from their work and study.

Michelle Richardson explores how life sentence prisoners cope with their indeterminate sentences in prison and makes suggestions for practice. Aine Morris investigates the experience of homeless women offenders in supported accommodation on release. Margaret Prendergast outlines findings from her study on the application of the LSI-R risk/need assessment instrument in the Probation Service.

Addressing concerns regarding the management of vulnerable prisoners with mental health difficulties in prison, the award-winning High Support Unit at Mountjoy Prison was established in 2010. David Williamson traces the background to its establishment, highlights the value of a multi-agency and multidisciplinary response in this area of criminal justice and considers issues for the Probation Service in interdisciplinary working and in supervising offenders with mental health difficulties.

Motivational Interviewing (MI) has become an important and core approach in probation work with offenders. Sheena Norton highlights in her paper the value and relevance of MI skills in everyday practice.

There is a small but growing criminological research community in Ireland which is increasingly providing valuable insights and new learning on effective interventions and what works in reducing offending, and on offending generally, in the changing Ireland. Research and study do need to be encouraged, nurtured and supported. Continued and developing engagement between the research and academic community, interest groups, policy-makers and practitioners is a real opportunity for constructive and purposeful partnership. It will also make a positive contribution to planning and managing a better and more effective criminal justice system.

*Irish Probation Journal* has a role in advancing this development by offering a tangible forum for knowledge exchange, critical debate and dialogue. It will continue to publish and promote work by practitioners, new researchers and writers and established authors. The challenge to all of us is to learn and to be more effective for a better future.

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October 2012



## Rehabilitation, Research and Reform: Prison Policy in Ireland\*

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**Summary:** The paper tracks the concept of rehabilitation within official thinking in Ireland since the foundation of the State. It explores when and how the term was first used and how it has fared since. It then examines barriers to and the role of research in the making of prison policy and comments on data deficits in the system at present. Finally it looks at the role of interest groups within the criminal justice system in Ireland, and specifically their effect, or potential effect, on the formation of prison policy.

**Keywords:** Ireland, prisons, Department of Justice, rehabilitation, criminal justice, prison policy, penal-welfarism, criminology, criminological research.

### Introduction

I didn't have the pleasure of knowing Martin Tansey, but the principles that he stood for and sought to realise mark him out as a visionary and an innovator. Those principles continue to be relevant and require our energies and ideas to see them fulfilled today. I am very pleased and humbled to have been asked to deliver the fifth lecture in his memory. I would like to thank Maura Butler and the Board of the ACJRD for the kind invitation to speak. My thanks also go to Danelle Hannan for her kind assistance.

When I read about Martin Tansey, I thought there were three themes I might draw on that had particular relevance to his legacy and ideals. The

\* This paper comprises the revised text of the 5th Annual Martin Tansey Memorial Lecture, sponsored by the Association for Criminal Justice Research and Development (ACJRD) and delivered at the Criminal Courts of Justice, Parkgate Street, Dublin on 3 April 2012.

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first was the concept of rehabilitation, the second the possible impact of research on policy, and the third was the role and importance of ‘interest groups’ within the criminal justice system.

I propose, therefore, to examine these three themes within this paper. First, I would like to track the concept of rehabilitation within official thinking since the foundation of the State. I will explore when and how the term was first used and how it has fared since. Secondly, I would like to examine barriers to and the role of research in the making of prison policy and to say a few words about data deficits in our system at present. Finally, I would like to look at the role of interest groups within the criminal justice system, and specifically their effect, or potential effect, on the formation of prison policy.

### **The concept of rehabilitation**

I had the pleasure of hearing Professor Fergus McNeill give this lecture in 2009, and he delivered a masterful examination of the concept of rehabilitation that I would not be able to emulate, nor wish to rehash. My focus is on how this concept emerged, was fashioned and developed in Ireland.

As Fergus McNeill said in his lecture, rehabilitation is both a penal concept and a penal practice (McNeill, 2009). The word is also used to describe a process of being rehabilitated or an outcome. As McNeill made clear, there are very many other vexed questions arising out of any attempt to describe what rehabilitation means. Some see it as a quasi-religious notion, others a form of re-education, others a kind of medical treatment; some a paternalistic, coerced and enforced set of practices, others something that is legitimate only when engaged in freely by an individual himself or herself (see further the excellent analysis in Ward and Maruna, 2006).

In this paper, I am not interested in what rehabilitation is, might be or should be, so much as how the concept itself has developed in Irish penal thinking. My emphasis will be on how the term or, more specifically, the idea of rehabilitation was conceived of and used by policy-makers. The way in which the concept was translated into practice is, of course, an entirely different matter. I want to explore how Ireland’s penal policy-makers used the term and what they meant, or thought they meant, when talking about rehabilitation.

## Understanding policy formation

How policy-makers use terms such as rehabilitation is revealing of their sensibilities regarding punishment, the objectives of punishment, and the relative importance or priority between competing objectives. It is therefore useful shorthand by which we can understand penal thinking generally. In *Prison Policy in Ireland* (Rogan, 2011b) I attempted to look closely at what policy-makers were doing, or thought they were doing, at various key points in the history of our prison policy. I consider this to be an essential, and somewhat underused, way of understanding penal change.

There is a growing literature on trying to understand the actions of policy-makers and the policy process as a way of explaining penal change (Jones and Newburn, 2007; Stolz, 2002; Sparks and Newburn, 2004; Ryan, 2003; Wall *et al.*, 2001), but in this regard I wish to draw particularly on the work of Loader and Sparks, who suggest that it is important for us to understand how policy actors themselves talk about and conceive of their actions and intentions (Loader and Sparks 2004). Advocating a process they call ‘historical recovery’, Loader and Sparks state that:

The procedure we envisage would subject ... events to more searching forms of historical research and reflection, aim to explore their interplay with extant political imperatives and programmes and seek to explore the ideas and meanings that actors mobilise to encode/decode events and ‘name’ the legitimate response. (Loader and Sparks, 2004, p. 15)

While this is of great explanatory potential, it is also quite good fun to revisit and examine historical and contemporary politics and see how politicians and civil servants use language.

## Rehabilitation as a concept in Irish penal thinking

Ireland provides a particularly interesting place to study the concept of rehabilitation and how it has been used by policy-makers. Our shared penal, legislative and administrative history with the United Kingdom meant that, at Independence, we had many of the structures in place that



are associated with the rehabilitative turn in penal history. The Prevention of Crime Act 1908, the Children Act 1908 and the Probation of Offenders Act 1907 were all British inventions. We also had a penal system that was, as Osborough states, 'largely the product of English penological thought' (Osborough, 1985, p. 181), with prisons, particularly Mountjoy, being exemplars of Victorian thinking on how to organise punishment. While we had these foundational structures in place, Ireland took something of a different path to its nearest neighbour with regard to both prison policy and rehabilitation after Independence. This makes Ireland a very interesting case in which to study the 'conditions' in which rehabilitation can be propagated.

#### *Rehabilitation and penal-welfarism*

When talking about rehabilitation we are, of course, talking also about 'penal-welfarism' as an approach to or period of penal policy, associated with the period from 1895 until the 1960s. 'Penal-welfarism', also known as or considered to encompass correctionalism or penal modernism, as a penal idea has been subject to innovative and expert analysis by David Garland in a most detailed and reflective early work, *Politics and Welfare*, published in 1985 (Garland, 1985). As an aside, it is interesting to reflect upon why this book has received much less attention than his more famous *Culture of Control* (Garland 2001), or indeed why it has spawned much less penological scholarship and critique.

When we talk about penal-welfarism, the wider concept in which rehabilitation is embedded, we are talking about a period in penal policy and penal thinking that had certain key or characteristic features. These include particular penal practices such as attempts to divert people from prison through the use of fines and probation, and, generally, a far greater number of sanctions requiring the input of the social and psychological sciences into the legal milieu. There was also a distinct transferral of responsibility for dealing with those who had committed crimes from private charity to a state funded and administered system.

The prison took on a new role and position within this altered structure, being 'decentred' within the penal-welfare complex. Many of the new sanctions introduced during this period were conceived of as alternatives to imprisonment, while others functioned to remove certain classes of offender from the prison setting entirely. The prison also became a place, in the imagination at least, of transformation of individuals – a setting for treatment rather than simply punishment.

The representation of those convicted of crimes and of punishment also changed. A new language of reform, correction, normalisation characterised the movement that sought to support the 'inadequate', de-emphasise personal responsibility, to cure and restore (Newburn, 2003). Radzinowicz and Hood (1990) also describe this period as one in which there was an increased sense of scepticism about the efficacy of prison, an increasing optimism about alternatives, and a desire to utilise the principles of social work with those convicted of crimes.

Scholars such as Lucia Zedner (2002) and Mick Ryan (2003) have cautioned against indulging in a kind of penal nostalgia about the period prior to the 1960s, noting that repressive elements existed in those systems, and conditions within prisons continued to be difficult. This is an important warning to bear in mind. However, it has come to be accepted that this period of penal-welfarism gave way in the 1970s to a penal era which emphasised punishment rather than welfarism, austerity in prison conditions, and a greater use of prison. This, at least, is the standard narrative from the United States of America and the United Kingdom (Garland, 2001).

### **A history of 'rehabilitation' in Ireland**

In this part of the paper I would like to explore the development of the concept of rehabilitation in Ireland.

As I have mentioned, independent Ireland had inherited the legislation characteristic of penal-welfarism at the foundation of the State. We also had a series of institutions outside of the prison that had as their aim the transformation of behaviour and control. These included the inebriate reformatories, while they lasted, and the extensive use of now infamous institutions such as Mother and Baby Homes, Magdalene laundries and the industrial and reformatory school system. As Kilcommis *et al.* (2004) state, the kind of penal-welfarism that existed in Ireland did so through a variety of sites other than the prison.

Post-independence, these institutions remained in existence. However, in the context of prison policy, the notion of 'rehabilitation' was largely absent from the thinking and language of prison policy-makers. More basically, there is little evidence that prison policy-makers thought deeply about what prison was for at all, or what its objectives might be. The fact that there was not a great deal of consideration of rehabilitation as an aim of the prison system is therefore hardly surprising. Prison policy-makers were far more occupied by reducing the cost of the prison system and

actively avoiding innovation. As I have described in much greater detail elsewhere (Rogan, 2011a, 2011b), ministers and departmental officials were excessively cautious and conservative, resulting in a period of stasis in prison policy in the post-Independence years.

However, on the few occasions when public officials described their thinking about the purpose of prison, the rhetoric employed was that of progress, although the form of language used was dressed in religious or moralistic tones of reform and salvation, reminiscent of Victorian ideals of penality, surrounding ‘saving’, the regenerative power of work and moral reform.

This was shared across party lines during the 1920s. The Cumann na nGaedheal Minister for Justice, Minister Fitzgerald-Kenney, stated in 1928 that: ‘in dealing with prisoners the main object is to endeavour to reform them, to endeavour to bring home to them that though a man may have fallen he can rise again ... Our idea is to try to save these prisoners’ (Dáil Debates, vol. 27, col. 368, 16 November 1928). Mr Little TD, for Fianna Fáil, stated that the moral regeneration of the prisoner should be the driver for prison reform (*Dáil Debates*, vol. 27, col. 372, 16 November 1928).

‘Rehabilitation’ as such was not a word familiar to the penal policy-makers of this period. The idea of changing prisoners, or helping prisoners to change themselves, was more closely related to the Christian idea of saving than to any broader or indeed more secular notion of ‘social rehabilitation’. That said, though they were undoubtedly paternalistic, it is significant that the policy-makers of the period were not speaking a punitive language.

Things were little different in the 1930s and into the 1940s, with the language of rehabilitation absent from official penal discourse.

In 1947, the Irish Labour Party carried out an examination of Portlaoise Prison, arising out of disquiet concerning the death on hunger and thirst strike there of an IRA prisoner, Seán McCaughey (Rogan, 2008). There was a great deal of public concern about the conditions in that prison, which translated into more generalised criticism of the prison system. The Labour Party’s report – the first policy adopted by any Irish party on the prison system – called for the establishment of ‘colonies’ rather than jails, which would allow for the segregation of prisoners and provide work and training. Significantly, it planned for longer-term prisoners to be accommodated under the care of a doctor and a psychiatrist and for such prisoners to be equipped for release through a

combination of moral and physical training. This thinking was getting close to penal-welfarism.

The Government of the day, however, implemented the Prison Rules 1947, which were largely Victorian in their outlook. These Rules, designed to govern every aspect of prison life, were essentially administrative, with an obvious concern with hygiene, cleanliness and good order – little attention was devoted to the question of the ‘treatment’ of prisoners in a rehabilitative sense. The language of rehabilitation was, however, beginning to appear, with the Visiting Committee of the prison at Sligo commending the changes brought about in penal regimes in the 1940s for their impact on the rehabilitation and reformation of the prisoner.

These were isolated pockets, however, and rehabilitation did not penetrate official thinking for some time to come. There were some signs of change in 1958 when the then Minister for Justice, Oscar Traynor TD, argued that rehabilitation was not possible in Ireland at the time because sentences were too short. However, in a couple of years rehabilitation went from being something that was unusual, a bit exotic, and rarely spoken of, to a central idea behind penal thinking – something to be proud of; something to show off. This happened during the crucial decade of the 1960s.

#### *Rehabilitation becomes fashionable: Ireland in the 1960s*

Rehabilitation became fashionable in Ireland in the 1960s. Temporary release was introduced in the Criminal Justice Act of 1960. It was introduced not to alleviate overcrowding, which was part of the reason for its introduction in the UK (Newburn, 2003) and indeed to which use it was put in Ireland later, but rather as a humanitarian measure for prisoners who needed to be at home for whatever reason for a short period, and as a mechanism to prepare people for release. Its introduction was an indication of things to come. In 1962, Charles Haughey became Minister for Justice. I have written elsewhere about the impact he had on the Department of Justice, which was, in my view, significant and long-lasting (Rogan, 2011a). No doubt this was a young Minister, in his first portfolio, desiring to impress and to be seen to be active and forward-thinking.

Haughey used the term ‘rehabilitation’ repeatedly in his discussions about prison. This is illustrated by some examples of the type of language he used:

Prison will always be a place of punishment, but it seems to me that our prisons nowadays must to an increasing extent become places of rehabilitation as well. In so far as rehabilitation may save a person from the misery and degradation associated with a life of crime, it is entirely justifiable on humanitarian grounds alone. In addition, however, it can be regarded as something which brings a positive benefit to the community as a whole. It can mean the difference between a former prisoner continuing as a burden on the community or becoming a useful member of society. (*Dáil Debates*, vol. 198, col. 126–7, 27 November 1962)

He had the following to say about temporary release: ‘I am very enthusiastic about the system – the idea that you would trust somebody to go out into the world, to enable them to readjust themselves, these are the important things’. He argued that its use was ‘enormously beneficial’ as it showed to a person that ‘we trust him’ and it ‘proves that everybody isn’t against him’. Overall, he considered that it could have ‘really satisfactory results’ (‘Young Offenders in St. Patrick’s Institution’, *An Radharc* Archive, Ref. No. 9, available in the Irish Film Archive).

It was not, however, solely Charles Haughey that was experiencing these new impulses and feelings, or was riding these winds of change. The Department of Justice was also working on proposals that can be described as having a rehabilitative ethos. Haughey and Peter Berry, Secretary General of the Department of Justice, combined their forces to establish an Inter-Departmental Committee on Juvenile Delinquency, the Probation System, the Institutional Treatment of Offenders, and their After-Care in 1962. Again, this language was revolutionary. Haughey himself remarked that the recommendations made by the Committee had ‘in the main, as their aim the social rehabilitation of the offender’ (*Dáil Debates*, vol. 198, col. 124, 27 November 1962).

In the 1962 *An Radharc* documentary referred to above, Haughey described his plans for St Patrick’s Institution. He informed the interviewer that ‘we have a great deal of plans and ideas in mind’ including the primary hope to obtain a new, more spacious, building, and ‘the provision of an educational psychologist and a matron to provide a feminising influence on the boys’. As we know, St Patrick’s remains in operation on that same site today.

The Inter-Departmental Committee established in the 1960s engaged in other activities that were characteristic of penal-welfarism research.

There were somewhat amateurish attempts to establish ‘case histories’ of people detained in Mountjoy. This was undoubtedly modest, but this desire to come to know the offender, to pathologise, to diagnose, to cast a criminological gaze on a person, is certainly characteristic of penal-welfarism. Significantly, this Committee also sought out and apparently read *Penal Practice in a Changing Society: Aspects of Future Development*, a UK Home Office publication from 1959, which is considered to represent much penal-welfarist philosophy and practice. The Committee also sourced newspaper reports on Swedish plans for prisons, and it got results – something that is perhaps rather rare in the history of Irish prison policy. Again, its proposals are characteristic of penal-welfarism. It is possible to attribute the development of a psychiatric ward at Mountjoy to the Committee, along with the reopening of the prison school and the expansion of prison trades as well as the introduction of what became ‘the Training Unit’.

But the Department of Justice had even more radical plans for the prison system. In the early 1960s a number of proposals, which never made it to public discussion, were at least superficially penal-welfarist in nature and self-consciously and unashamedly aimed at rehabilitation. The Department was considering whether abandoned farms in the West of Ireland could be used to provide temporary or permanent housing for groups of prisoners, or prisoners together with their families. It was suggested that the prisoners would be paid at a rate lower than the going minimum, with the State making a contribution. No objections were envisaged towards the scheme.

An official in the Department was also writing this revolutionary stuff: ‘prison should mean two *quite* different things: A means of rebuilding and restoring the failure, and a punishment – severe enough to be an effective deterrent’ (Unsigned, undated memorandum, unreleased, uncatalogued, Department of Justice Files, 93/182/17. Emphasis in original).

#### *Changing language in the media*

The media reports of the time were also using this language. *The Irish Independent*, for example carried a very favourable report saying that the developments represented ‘one of the most encouraging steps forward in prison reform and rehabilitation ever taken in this country’ (10 October 1964). *The Irish Press* carried a feature piece on ‘Our Prisons Today’, arguing that ‘the emphasis has now passed from punishing men to attempting to cure them of the disease of crime’ (29 June 1967). That

same year, *The Evening Herald* reported that ‘a wind of change is blowing down our prison corridors’, owing to the introduction of corrective training, ‘work parole’ and changes in the work practices of prison officers (28 April 1967).

One very significant example of increasing media interest in penal affairs came in the form of a television documentary made for Telefis Éireann as part of the *Discovery* series in 1965. This was sanctioned by the Minister for Justice, Brian Lenihan, who hoped that:

Such a documentary, showing the new methods of treatment introduced under our penal reform programme, would lead to greater public interest and co-operation in the efforts of prison administration to secure the social rehabilitation of persons discharged from prison. (letter from Lenihan to Rugheimer, Controller of Programmes, Telefis Éireann, 29 January 1965, National Archives, Department of Justice Files 2002/2/94)

The programme apparently had ‘the Minister’s enthusiastic approval’ and it was even hoped to show it at the forthcoming UN Congress on Crime Prevention and Treatment of Offenders in Stockholm.

The discourse of the documentary was characteristic of the period. The voice-over attested that ‘one of the constant factors in crime is lack of education’, also citing alcohol. A Welfare Officer was filmed saying: ‘now don’t forget – my job as Welfare Officer is to help you and your family’.<sup>1</sup> The Governor was also shown guiding prisoners into what was described as ‘useful therapy’. An interview with a warder elicited this response: ‘the old style warder was ... “custodian”. Today’s warder needs to be half psychologist, half schoolmaster and as much the prisoner’s friend as his guardian.’

The documentary concluded that with a prisoner ‘there is no point being tough ... the greatest truth of the prison service is that tough prisons are always full. Let us have prisons that can one day lie empty.’ Such was the perception of change within the system that the

<sup>1</sup> The prisoners’ cells in the ‘special landing’ were also shown and it was stated the cells could be decorated as prisoners wished with pictures etc. According to an officer, Pope John XXIII and President Kennedy were the most popular adornments, though the ‘old lags’ rarely decorated their cells at all.

documentary asked ‘have we simply gone soft on men?’, to which the Governor replied ‘we are not here to punish men ... our intention is for them to leave here as better citizens’.

The Department of Justice was particularly receptive and enthused by this project, reflecting an openness towards penal matters that dissipated in the following decade. Some of this openness must also be attributed to the filmmakers’ very favourable portrayal of the Irish system and the approach of the prison authorities. The Producer of *Discovery* wrote in the *RTE Guide* that Ireland had ‘the most enlightened penal system in the world’ and that, having been in many prisons before, ‘I have never encountered such a reformatory atmosphere as I did in Mountjoy’ (Letter from Kennerley to McCarthy, 3 May 1965, National Archives, Department of Justice Files 2002/2/94).

The fact that this kind of language and assessment was approved by the Department is itself striking. During this period Justice officials were more than comfortable with the notions of rehabilitation, assistance, training and humane conditions. At no stage was there a discussion on the possibility of a public outcry about such a portrayal of the prison system, or concerns that perhaps voters or politicians would not bear the evidence of the documentary. The Department, in contrast, wanted to put forward such a position through the media, suggesting that it was, at this time at least, most enthusiastic about the ideas of modernisation of the prison system and prisoner welfare.

#### *Rehabilitation appears in legislation*

Ultimately, the ongoing commitment within the Department of Justice to this changed language led to changes in legislation under another young Minister, Dessie O’Malley, who became Minister for Justice in 1970 at the age of 31.

O’Malley piloted the Prisons Act 1970 through the Dáil, though it was essentially a civil service-driven development in gestation for several years. The Prisons Act 1970 was the legislative zenith of this period in Irish prison policy. Its immediate impetus was to provide statutory regulation for Shanganagh Castle, which had been opened in 1968 as a semi-open prison for young people. However, the Act went further. Its preamble and explanatory memoranda stated that its purpose was ‘to enable the Minister for Justice, for the purpose of promoting the rehabilitation of offenders, to provide places other than prisons for the detention of persons’. Rehabilitation was now an official aim of the Irish prison system,



in legislative form. Interestingly, this has never been repealed. Moreover, the softer term 'place of detention' was introduced into the Irish penal lexicon.

In the Dáil, the Minister stated a number of principles about which he felt there was 'general agreement', one of which was that the causes of crime were environmental conditions such as educational disadvantage, emotional disturbance and social inadequacy, and that the environment of an institution was basically unsuitable for encouraging individuals to become responsible members of society (Dáil Debates, vol. 247, cols 100–1, 26 May 1970).

#### *Rehabilitation and sentencing*

The judiciary was also demonstrating reformist and rehabilitative signs during these years. In 1969, Butler J introduced a new form of sentence into the limited panoply of options for the Irish judiciary in the case of *State (Woods) v Attorney General* ([1969] IR 385). This type of sentence became known as the 'Butler Order' and involved the imposition of a custodial sentence with a direction that the offender should be brought before the court again after having served a specified portion of the sentence. At that point, the judge would make an assessment of whether the remainder of the sentence should be suspended, subject to the accused entering a recognisance to keep the peace for the remaining period. Such a recognisance would also typically involve undertakings to participate in certain activities or seek help for an addiction, for example. In this case the judiciary took it upon itself to create a rehabilitative alternative to the prevailing sentence options.

Suggestions for further sentencing reform came from the bench in 1972. Henchy J, while sentencing a repeat offender in the Central Criminal Court, stated that he regretted the fact that he had no power to arrange a more suitable form of treatment. Specifically, it was suggested that, instead of giving judges the sole power to remand a person to a mental hospital or psychiatric institution for treatment, 'independent lay assessors should be employed in courts and proper professional diagnostic services be made available before any attempt is made to deal with offenders' (*The Irish Press*, 28 July 1972).

All of this tends to support the conclusion by Kilcommins *et al.* (2004, p. 53) that 'as belief in rehabilitation waned elsewhere, it began to be formally embraced in a modest way by the Department of Justice', and, arguably, beyond.

*Rehabilitation after the 1960s*

The 1970s were, however, also a time of great crisis in the prison system. The Troubles placed a great deal of strain on a prison system that was beginning to become overcrowded and affected by drug addiction. The Department of Justice became a secretive and defensive place, with huge emphasis placed on security and defence of the State. However, in the midst of this, the Department of Justice continued to pursue a rehabilitationist agenda and successive Ministers for Justice declared their commitment to the principles of rehabilitation, such as Minister Gerry Collins in 1978 (Dáil Debates, vol. 303, col. 1114, 14 February 1978).

The 1980s were an extremely bleak decade in Irish prison policy generally. 'Rehabilitation' is a word little used by policy-makers during the 1980s, being viewed almost as a luxury that penal policy-makers couldn't afford in these years of severe overcrowding, doubling up, high levels of temporary release, and limited funds for the prison system.

It was, however, a significant feature of the reports carried out on the prison system during these years. The Whitaker Committee in 1985 stated that rehabilitation should be the aim of the prison system, and the MacBride Commission and the Council for Social Welfare were highly critical of the lack of rehabilitative efforts within the system. The lack of any effective response by the Governments of the 1980s to these reports is telling. For them, rehabilitation had little place in a system under such immense strain. It is also important that there was no active opposition to rehabilitation as a concept. Indeed, when the prison system and, perhaps, its policy-makers recovered from the crisis-ridden 1980s, the 1994 Department of Justice document *The Management of Offenders: A Five Year Plan* sought to introduce a positive sentence management committee for each prison. It is interesting to note here the change in language, perhaps subtly, away from rehabilitation to this contemporary concept of 'positive sentence management'.

Much less in the way of hesitation or holding back regarding criticism of the concept of rehabilitation was evident in the mid-1990s. Governments of that period did not speak of a commitment to, never mind laud, rehabilitation. Opposition parties linked the concept of rehabilitation to a general softness on crime.

Liz O'Donnell TD said in 1994: 'my generation grew up with a liberal approach to crime. However, as one encounters crime, those liberal views are quickly diminished' (Dáil Debates, vol. 443, col. 1946, 15 June 1994).

She also criticised a lack of prison building as being an example of a ‘woolly minded preoccupation that all criminals are ultimately victims’ in 1997 (Dáil Debates, vol. 474, col. 1101, 11 February 1997). A Fianna Fáil TD, Hugh Byrne, criticised temporary release, saying that the prison system had a higher turnover than Dunnes Stores (Dáil Debates, vol. 458, col. 1812, 28 November 1995). Ivor Callely TD, in 1997, asked a series of questions of the Minister for Justice regarding the provision of facilities and items such as magazines to prisoners. He then criticised the government for providing ‘swimming lessons, outdoor pursuits and telephone calls’ to prisoners (Dáil Debates, vol. 475, col. 76, 18 February 1997).

There are many things that could be said about the 1990s, but perhaps the greatest contrast from the 1960s and, I argue, the most pernicious legacy, is the following. In the 1960s the debates about prison policy concerned what prison should do, what it should be for, and the objectives of punishment. In the 1990s, the debates revolved around a single, ultimately extremely narrow and sterile issue – prison space and prison building. What prison should do, apart from lock more people up, did not receive prominence on the Governmental agenda.

There is complexity here, however, as it was also in this decade that treatment programmes for those convicted of sexual offences were established and, in the 2000s, there are statements from Michael McDowell TD that he was interested in developing new prison facilities to improve conditions, and he was the Minister who oversaw reform of the temporary release system – but not, crucially, its abandonment (see Rogan, 2011b, Chapter 9). Temporary release was restated as being of importance to reintegration and sentence planning.

It is clear, however, that rehabilitation certainly did not have the cachet that it had in the 1960s and 1970s, or indeed the political appeal.

#### *Future directions*

What of today? It seems that we have the language of rehabilitation reappearing in official discourse. For example, the terms of reference of the Thornton Hall review group (Department of Justice and Equality, 2011) charged the group with examining, *inter alia*:

The need for an adequate stock of prison accommodation that meets required standards including in particular, in cell sanitation, adequate rehabilitation, educational and work training facilities for prisoners as

well as facilitating contact with family members and other standards identified by the Inspector of Prisons and relevant international bodies.

It will be interesting to see whether these sentiments mark a renaissance for rehabilitation in Irish prison policy and, indeed, to see further what our policy-makers mean when they use the term.

### **Reflections on rehabilitation in Irish prison policy**

This brief history tells us some interesting things about rehabilitation as a concept in Irish prison policy, and perhaps more generally.

First, it is clear that what policy-makers think they are saying when they talk about rehabilitation is important to interrogate and understand. The term can be capacious, ready to be filled with whatever sentiments and viewpoints the speaker holds regarding punishment and prison generally. Often it is a term merely bandied about without a great deal of reflection as to what is meant by it or what the implications of advocating it are. Sometimes 'rehabilitation' is used as shorthand to describe broader and usually equally ill-thought-out positions a speaker wishes to be seen to hold or to ascribe to others. It was a feature of the discourse on prison policy in the 1990s, for example, that rehabilitationist motives were assigned to political opponents who were generally 'soft' on crime.

Similarly, the absence of discussion on rehabilitation, as a form of 'unthought thought' (Tonry, 2001), is itself revealing of the nature of prison policy at a particular moment. In the 1990s and 2000s, those wishing to be seen as cracking down on crime spoke the language of prison expansion rather than describe what they considered the purposes of imprisonment to be. The lack of examination of rehabilitation in the period from the 1920s to the 1950s was, by contrast, a result of the term simply not being conceived of or imagined.

It is only in the 1960s and 1970s that we see rehabilitation being advocated as what appears to be a genuine objective for the prison system. This can be attributed to the coincidence of a group of individuals wishing to make changes in the prison system, the fact that 'rehabilitation' was considered to be the modern, progressive way, and a climate in which being modern and progressive were things to be admired.

The experience of Ireland tells us some interesting things about penal-welfarism more generally. If we recall the background 'conditions' that Garland describes as being present in the development of penal-welfarism

in the United Kingdom – increasing prosperity, the support of social elites, a social democratic consensus background in politics – these were present in Ireland during the 1960s, which has been described as a decade of progress, modernisation, a shift to the left in politics, increasing prosperity (Keogh, 2005; Lee, 1979; Foster, 1989; Tobin, 1984; Lyons, 1973). The experience of Ireland indicates that such background conditions are necessary for the development of penal-welfarism.

What Garland's account doesn't contain, however, which Ireland shows very clearly, is the importance of individuals and their objectives outside those in the penal realm, in the creation of a penal style. It is by no means certain that Charles Haughey had a fully developed understanding of rehabilitation and its role in the Irish criminal justice system, but the fact that it was associated with being European, modern, exciting, forward-thinking was clearly highly influential on him. These matters deserve our attention in order to understand the nature of and driving forces behind prison policy.

## **Barriers to criminological research in Ireland**

### *The role of research and our data deficits*

Underpinning the rehabilitationist project was a criminological research base or at least an interest in research. In Ireland of the 1960s this was certainly very limited, with very modest attempts being made to source research carried out abroad and to carry out basic surveys on the prison population. However, this desire for research was indicative of a penal-welfarist approach to prison policy.

These early indications that there was an increasing appetite for more research on Irish prison policy were not borne out in subsequent years. Certainly the tentative plan to create a research unit within the Department of Justice mooted in the 1960s has never come to fruition.

In this part of the paper I would like to examine the barriers to research on prison policy and prisons in Ireland at present.

Ian O'Donnell has written thought-provokingly of whether it is naïve, or even dangerous, to believe that more and better research will inexorably lead to what might be considered progressive policy outcomes (O'Donnell, 2011). In O'Donnell's view, the limited capacity for research on Irish criminal justice may have acted as a bulwark against more punitive elements of crime policy introduced elsewhere. As the experience

of the USA and the UK shows, well-developed research infrastructure is no insulation against outcomes that penal reformers would consider authoritarian and counterproductive. It is true that if we evaluate and find failure, we open up the possibility of alternative, more repressive policies.

It is evident that politicians act for a variety of reasons when creating criminal justice policy. As Tonry (2004) argues, policy-makers often act for symbolic purposes, creating policy for reasons far removed from the desire for an effective way to reduce crime. The personalities and particular interests of Ministers and senior civil servants are often decisive in creating a policy direction (Rogan, 2011a). The manner in which research evidence is presented to policy-makers can also be influential (Stevens, 2011), as can broader ideological agendas. As Loader and Sparks (2004, 2011b) suggest, criminologists (and I would argue, penal reformers) would do well to examine what it is that motivates particular policies rather than puzzle over and critique politicians who implement policies that do not accord with what research evidence suggests is sensible.

Improving our research data may do little to shift political objectives or how research evidence is used in the service of other goals. Advocates of improved research infrastructure in Ireland should be alive to the concern, highlighted above, that more research by no means inexorably leads to better policies. While that is so, it is also the case that the lack of good criminal justice data in Ireland has frustrated efforts to contest and challenge the policies that have been made.

Taking full account of the concerns regarding improved research infrastructure, it is nonetheless submitted that we would do well to address the research deficits in Irish criminal justice. Unfortunately, there are many of them.

Our criminal justice datasets in Ireland are generally of poor quality and we lack basic statistical information and have poor statistical infrastructure. The Annual Reports of the Irish Prison Service and the publicly available data on our prison population are scant. We lack full information on sentence length and offence type. Full demographic information on who our prisoners are is not published. As has been described elsewhere (Rogan, 2012; O'Donnell, 2004), we are unable to link data across the criminal justice system, with the Courts Service and Prison Service, for example, using incompatible computer systems militating against the easy cross-matching of data.

Our past performance in the recording of criminal justice data is not auspicious. Throughout a number of periods in the State's history, the publication of annual reports on the prison system has been tardy and incomplete. As O'Donnell notes: 'prior to 1995, the annual reports on prisons and places of detention ... were reasonably detailed, but often published so far in arrears that their value was severely curtailed' (O'Donnell, 2008, p. 121). During the 1970s, for example, prison reports were published intermittently, with the pressure of work cited as the reason. Remarkably, during the years 1995 to 2000 no annual prison reports were published, and when these were produced as a compendium, the figures given related only to the total number of committals. No detailed breakdown is given regarding the number of remand prisoners nor those detained under immigration laws. This is all the more worrying given that this period witnessed fundamentally important decisions about prison policy. Kilcommins *et al.* report that a Cabinet Minister at the time described a proposed increase in prison spaces as having been come up with 'on the back of an envelope' (Kilcommins *et al.*, 2004, p. 238).

The lack of data on Irish criminal justice has been lamented for some time (CIPS, 1985; Law Reform Commission, 1996; O'Mahony, 1996; O'Donnell, 2008). In 2002 the Government established an expert group on crime statistics to examine and make recommendations on the collation and presentation of information relating to reported crime. This group was set up because of limitations identified in the collection of crime statistics (Expert Group on Crime Statistics, 2004). The Group recommended improved linkage across criminal justice data collections, which has been very slow to develop, and the establishment of a specialised unit within the Department of Justice, which has not yet happened.

### *Sentencing data*

The lack of data on sentencing has also been criticised over many years (Hamilton, 2005, 2007; Bacik, 2002), and considered to be inimical to both consistent sentencing and research.

Recently, the Irish Sentencing Information System (ISIS), a pilot project undertaken by the Courts Service of Ireland, has made a database of hundreds of District and Circuit Court cases and sentences publicly available through its website, [www.irishsentencing.ie](http://www.irishsentencing.ie) (last accessed 3 April 2012). This database is a potentially valuable development in increasing understanding of sentencing and the factors taken into account by judges.

It contains information on the sentence received for those cases that it captures and some basic information on the person sentenced, but the information is not always recorded consistently or completely and is not presented in a way that makes it easy for the sentencing researcher to work on.

No information is given on whether the sample sizes for particular offences can allow for meaningful statistical analyses, for example. Some offences have only a few entries, and it might be considered whether resources would be better directed in targeting certain offences – perhaps those attracting presumptive or mandatory minimum sentences. The data could also be presented in a format that a researcher could transfer easily into a statistical package for analysis. It is respectfully submitted that the Central Statistics Office be involved in either the development of the system or the collection of sentencing information in the future. It could be developed into an excellent tool for understanding what influences sentencing.

As well as deficiencies in sentencing data, our understanding of who our prisoners are and their backgrounds is limited and our knowledge is garnered from a small number of one-off studies. These studies have provided us with essential and rich data on where prisoners come from, go home to and the type of lives they have had prior to imprisonment. We know that the Irish prison population is characterised by poor educational achievements; socio-economic disadvantage (O'Mahony, 1997); homelessness (Seymour and Costello, 2005); and high incidences of mental illness (Smith *et al.*, 1996), especially among women (Carmody and McEvoy 1996), and physical disease, especially blood-borne viruses (Smyth *et al.*, 2005).

These investigations have enriched our understanding of those we send to prison. However, there are systemic barriers to conducting such research. The fact that the Prisoner Information System is not publicly available (with appropriate, robust safeguards to ensure anonymity; see Rogan, 2012) means that each study requires individual applications for access, ethical clearance and data collection. This is time-consuming, expensive and labour-intensive. It also means that each study provides a 'snap-shot' of a particular population or point in time, with no ability to link the data to other studies or to give a longitudinal perspective.

The Irish research community has the ability to turn its attentions more closely to the criminal justice and prison systems. However, as O'Donnell *et al.* correctly state, the hurdles to research make it difficult 'to assemble and accumulate the basic knowledge about crime and justice



issues that is required to put things into perspective for concerned citizens and to guide decisions by policy makers' (O'Donnell *et al.*, 2009, p. 124).

### **Deficits of imagination: Criminal justice policy and social policy**

There are also deficits of imagination. It strikes me that almost every time there is a debate about prison policy, we encounter a blind spot. We are very experienced in talking about prison solutions to criminal justice problems or criminal justice solutions to prison problems, but we lack the insight and tools to understand prison policy as one facet of a much larger question of social policy. We are still struggling to pose, never mind answer, the questions of what the role of the prison is in improving society and how prison is part of broader social policy problems.

A further barrier to research is the fact that we remain unable to link criminal justice data to existing data repositories in health, education and elsewhere. In this regard, we could take inspiration from the public health domain and, particularly, its focus on the development of large population registries that seek to examine a wide range of factors that may have influence on disease.

When developing our statistical infrastructure in criminal justice, we should ensure that whatever we create gives us the possibility of linking to other government data repositories. This would give us a fuller picture of what our current prison population is like, as well as proper, robust statistical evidence of its needs.

There are precedents elsewhere that indicate what could be possible. For example, in Western Australia, a study has been undertaken to link the records of those in prison with health records in order to investigate the morbidity and mortality of the prison population (Larney and Burns, 2011). A large project has also been undertaken to link the records of young people in conflict with the criminal law and health, education, child protection and disability data to examine developmental outcomes in children (Ferrante, 2009).

We know that the nature of our current prison population and prison policies mean we will find a picture of multiple disadvantage for many, but without the ability to capture this information repeatedly, our capacity to argue about the need to see criminal justice as just one aspect of social policy is sorely diminished.

Population registries which examine the distribution of crime are open to the charge that they cement views of what crime is and who commits

it. A database would make it easy to capture data on burglaries, thefts and street-crimes, but white collar and financial wrongs may not feature – not because they do not occur, but because they are not defined as crimes or are not prosecuted. This is not something a criminal justice population registry can resolve. It may be the case that the data analysis it would engender would cement stereotypical views of what crime is, but there is no reason why definitions of crime within the registry should not capture ‘white collar’ offences, once these are created and prosecuted. As noted above, data alone cannot alter criminal justice ideologies or policy objectives; however, it can assist in drawing attention to their outcomes. A further advantage is that a generalised criminal justice registry would not specifically ‘target’ regularly studied populations, but would collect data across the population as a whole. In this regard, robust data protection measures are essential, and some possibilities to ensure that data is collected in accordance with legal requirements are discussed by Rogan (2012).

#### *Training for lawyers*

Improving data collection is important, but it is of little use if we do not have a wide range of people able to analyse the data. Lawyers and law students have some very interesting perspectives on sentencing. However, they are generally not trained in statistics, nor in research methods outside traditional legal methods, which are mainly desk-based. It is submitted that this is a major inhibitor to research and change.

Those of us who are involved in the education of law students are in default when it comes to providing them with a rounded and socially useful training. Legal education should be broadened to equip our students with a basic training in statistics and some grounding in quantitative and qualitative methods. This would enrich their education and facilitate them to take up employment in a wider variety of positions. It is further submitted that we are also depriving our policy formation process of the talents of a group of people with potentially socially useful things to say about sentencing and criminal justice data.

### **Penal reform movements in Ireland**

The third and final part of this paper will examine aspects of the experience of penal reform movements in Ireland.

First, it is of note that there are very few reform movements to speak of. Historically, penal reform organisations have been linked with the

Republican movement and, particularly, the Civil War period, the Emergency and the 1970s.

The Churches in Ireland were, historically, strangely absent from public discourse on the prison system. Individual exceptions from the Catholic Church had a significant impact at particular points in history, such as the intervention of Fr Flanagan, of 'Boys Town' fame, in the 1940s, Fr Séamus Conway's work in establishing a post-release hostel in the late 1960s and early 1970s, and the report of the Council for Social Welfare in the 1980s. There are likely to be others of whose work there is little on public record. More currently, chaplains from all denominations supplement their demanding work within prisons with contributions to public debate and critique of prison policy (see, for example, *Irish Prison Chaplains*, 2011). The Jesuit Centre for Faith and Justice ([www.jcfj.ie](http://www.jcfj.ie)) also advocates for a different approach to penal policy to that pursued at present.

The Irish Penal Reform Trust ([www.iprt.ie](http://www.iprt.ie)), established in 1994, is the country's leading non-governmental organisation advocating for the rights of all those in the penal system, for imprisonment to be a measure of last resort, and for penal policy to be based on a commitment to combating social injustice. I am the Chairperson at present of this organisation, and anything I say about it must be read in that light.

The Irish Penal Reform Trust has established itself as an organisation that presents evidence-led, constructive policy proposals based on its core principles, as well as engaging in public debate, among other activities. The fact that a dedicated penal reform organisation developed so late in Ireland by comparison with the United Kingdom indicates something quite significant about how penal matters have been viewed in Irish society, as well as the role of civic organisations generally, both of which merit further research.

In the past, prison interest groups appeared intermittently at times of conflict. A most interesting interest group from the Civil War and Emergency period is the Women's Prisoners' Defence League, known also as 'the mothers'. The group was established by Maud Gonne MacBride, a former prisoner herself. Incidentally, later in life she set up a jam factory in Roebuck House to provide employment to former prisoners. She was also the mother of Seán MacBride, noted penal reformer. Seán MacBride was counsel for Seán McCaughey's family at the inquest into his death, and also Chair of the eponymous Commission examining the prison system in the 1980s, among many other roles.

The League also involved Charlotte Despard, Helena Molony, Dr Kathleen Lynn and Dorothy MacArdle. Its activities revolved around protest and publicity. The League's members would engage in hunger strikes outside prisons; its leaders would make public speeches, particularly around O'Connell Street and Cathal Brugha Street in Dublin. Its members also engaged in prison visiting (see Rogan, 2011b). Their impact on prison policy at the time was minimal, and it appears that they caused little but frustration and annoyance on the part of those in Government. For example, Alec McCabe TD declared: 'why not let out these prisoners and put an end to the campaign of these wild women who spend their Sundays and the time they should spend in their homes, orating from the ruins in O'Connell Street?' (Dáil Debates, vol. 7, col. 1135, 21 May 1924). The Minister for Home Affairs, Kevin O'Higgins TD, took a similarly dim view, describing those involved as 'hysterical young women who ought to be playing five-fingered exercises or helping their mother with the brasses' (*Éire*, 19 February 1923).

In assessing their impact we must remember, however, that the State in these periods considered itself under attack and the prison system was part of its defensive strategy. The association of these groups with Republicans meant they were not 'acceptable' to policy-makers, to use Mick Ryan's term (Ryan, 1978). But to critique them on that basis is to miss their point. They weren't interested in co-operating; they were a protest movement aligned to a political agenda against a very particular backdrop in Irish political history.

### **Influencing policy**

Penal reform organisations and criminal justice interest groups seeking to influence policy can take some interesting lessons from Alex Stevens' research conducted 'undercover' in an unnamed section of the UK's Home Office (Stevens, 2011). Stevens worked with a group of civil servants responsible for responding to requests for information by senior civil servants and elected officials, and developing policy proposals. He encountered a group of people not lacking in research resources but in fact swamped by them. He found that the volume of this material, most of which was, in the academic way, inconclusive and filled with caveats, meant that those he observed engaged in a process of 'selling' policies to more senior colleagues. Solutions were presented as irresistible; uncertainty was to be avoided at all costs, and the complexity and

qualifications attaching to research or proposals erased. These civil servants were also aware of proposals that would not ‘fly’, given the ideological or political commitments of the special advisers they would present their ideas to. For example, arguments that increased use of imprisonment was not a good use of public resources were left out of their presentations as they knew they would not be welcomed.

Much of what Stevens found is depressing for those who desire a genuinely ‘evidence-based’ policy-making process. However, his insights show us that reform organisations must work in ways that are likely to have the greatest impact on those involved in that process. Being to the point and making the best use of busy policy-makers’ time are two valuable lessons in this regard.

There are, however, clear dangers in denying the complexity of issues. Governments don’t always listen to or use evidence, but reform organisations can’t do without it. It is essential for the credibility of the proposal and the organisation putting it forward that there is a strong basis for it. In my experience, the most effective strategy is to present solutions to policy-makers, but to ensure that these are based in much more complex, detailed and considered positions.

It is also important that reform organisations, if they are in the lucky position of being able to influence policy decisions, do so in ways that ensure they remain at a critical distance from Government. Mick Ryan writes forcefully and critically about the elitist policy-making pressure-group circles at Whitehall, where decisions were made in dining clubs and other comfortable surroundings (Ryan, 2003). The democratic deficit inherent in such activity is of obvious concern.

The Irish experience also points us to a very particular dynamic in the policy-making process that reform groups might do well to remember. The history of Irish prison policy tells us that individual Ministers and civil servants can have enormous and long-lasting influence on the future direction of the penal system. Recognising the power of individuals and the importance of personality is essential to ensure that policy ideas are translated into practice.

### **Conclusion: Remembering Martin Tansley**

My paper has attempted to sketch the history of rehabilitation in Irish penal thinking, to draw attention to some barriers to research, and to suggest ways to reduce them. I have also provided a brief examination of

reform movements in Ireland and one or two practical ideas about how to influence change. From what I have read and heard of Martin Tansey, I know he was an advocate of a penal policy based on a rehabilitative ethos, and was committed to research-led policy. He was someone who desired reform and, crucially, worked hard to achieve it. For all these things, a fitting way to thank him would be by trying to pursue those actions in the time that is given to us.

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## Partnership Working for Public Protection\*

**The Rt Hon. Sir Declan Morgan<sup>†</sup>**

**Summary:** This paper is based on a speech by the Lord Chief Justice of Northern Ireland on the topic of partnership, including how judges work with other elements of the criminal justice system, and the partnership concept in sentencing. It outlines North–South co-operation, presents statistics relating to the PBNI, notes the introduction of short pre-sentence reports and Supervised Activity Orders for non-payment of fines, examines alternatives to custody, and commends the Inspire Project and the Victim Information Scheme.

**Keywords:** Partnership, community, PBNI, North–South co-operation, pre-sentence reports, non-payment of fines, Supervised Activity Orders, alternatives to custody, Inspire Project, Victim Information Scheme.

### Introduction

I was delighted to be asked to address the annual seminar and deliver this address. The PBNI has consistently provided a high level of service as part of the criminal justice system (the important word here is of course the word ‘part’). This seminar is concerned with how the many parts achieve a common objective.

The importance and seriousness of this issue is evidenced by the attendance here of the Ministers of Justice for both parts of this island, along with police, prison and probation officers who all have a key role to play in protecting the public.

\* This paper comprises the revised text of an address to the Annual Public Protection Advisory Group Seminar held on 25 November 2011 at the Probation Board for Northern Ireland, Antrim.

<sup>†</sup> The Rt Hon. Sir Declan Morgan is Lord Chief Justice of Northern Ireland.

## **PBNI background**

Before I turn to examine the theme of this conference I want to say a little about the work of the PBNI. I am sure that much of what I have to say is mirrored in the work of the Probation Service in the Republic of Ireland. The Northern Ireland Probation Board is a key organisation in the criminal justice system, founded in 1982 and employing some 376 staff. All Probation Officers are professionals who are registered with the Northern Ireland Social Care Council.

The Probation Board provides almost 10,000 probation reports per year, primarily for courts, but also for Parole Commissioners. At any one time it is supervising over 5000 court orders placed on offenders – over 4000 of these offenders will be in the community, and therefore public protection is absolutely vital. Probation Officers have a demanding role in dealing with people who often have little or no structure in their lives, with chaotic lifestyles, mental health problems and sometimes addiction problems.

The Probation Service seeks, through community service programmes and engaging with offenders, to help put some structure back into these chaotic and troubled lives. When these rehabilitation efforts succeed, there can be enormous public benefit. The risk of reoffending is reduced. The community is safer. There is also private benefit in that the home life and personal life of the offender can be significantly improved if they get help in tackling some of the complex addiction and social problems they face. Having spent nearly two years as a family judge in my judicial career, I am acutely aware of the benefits to children and other family members where such efforts succeed. I am also aware of the complexity and difficulty of the issues that the service and others face.

Officers are based in every provincial town in Northern Ireland, and they supervise 160,000 hours of unpaid work in the community every year, through the Community Service Scheme. One can see therefore that the contribution the Probation Board makes to the administration of justice and to local communities, through the partnerships that it fosters, cannot be overestimated, and is something of which the Probation Board and its Director, Brian McCaughey, should be proud.

## **Theme of seminar**

The theme of this seminar is ‘Partnership Working for Public Protection’. The protection of the public is at the heart of the criminal justice system.

Indeed, not only must we protect the public but we must also ensure that the public are confident that they will be protected – particularly those who may feel vulnerable. Everyone has their role to play in this. That includes the judiciary. Judges must be independent, because that is what the rule of law in our community requires, but judicial independence does not mean judicial isolation.

No single group or profession will be able to achieve the objective of protecting the public on its own. Police and prosecution services can bring an offender before the courts. A judge can tailor a sentence to try to take account of his culpability, the harm he has done, and the need to protect the public from his potential future offending. The Prison Service may be involved. But none of these agencies either individually or cumulatively provides an answer to the underlying problem. It takes other dedicated people, with other skills, to tackle the addictions, family problems and social history that led to the offending behaviour with a view to preventing its recurrence.

Probation Officers work in partnership with community groups and the voluntary sector. All have roles in supporting families and building dynamic and hopeful communities where people have the strength, vision and motivation to build positive futures for themselves.

It is evident, therefore, that partnership working is vital if the wheels of justice are to run smoothly, and if we are to ensure that things get done, and get done fairly and in the interests of the defendant, victims and witnesses, and of course the general public. Judges have nothing to fear from engaging and working together with other key players in the justice system, and in my view we all have everything to gain from such co-operative work.

### **Examples of how judges engage with others and operate in partnership**

I would like to divert slightly at this point to examine some of the ways in which judges work together with other elements of the justice system. We have met with local community groups to discuss issues such as sentencing, and to hear from them about their experience of the justice system. I, as Chief Justice, hold a programme of regular meetings with key stakeholders in the justice system – including the Minister, the Chief Constable, the Director of Public Prosecutions and the Director of the PBNI.

A senior member of the judiciary chairs the Criminal Justice Issues Group, which is made up of senior representatives from the criminal justice agencies and the legal profession, and representatives from the community and voluntary sector and victims' groups. The Director of the PBNI sits on this group, and I know his contribution to the work of the group, and its workshops and discussions, is very much appreciated by the Chairman, Lord Justice Higgins.

### **Sentencing – partnership**

One of the public's key concerns about the legal system is that offenders should receive a just sentence for the crimes they commit. Sentencing is one of the most complex tasks that the judiciary has to undertake. The judiciary is dependent on receiving accurate and relevant information about an offender in a pre-sentence report (PSR) which has been prepared by a Probation Officer. Without such reports our task of sentencing offenders would be much more difficult.

My awareness of the public's concerns about sentencing has led me to set up a judicial sentencing group. We held a public consultation where we invited views from the general public about the areas in which new sentencing guidelines were needed. This was a genuine engagement with public opinion which informed outcomes, and is, in my view, further evidence of the judiciary operating not in isolation but in partnership.

The Minister has also been interested in the work of the Sentencing Group and, in co-operation with his Department, the membership of the Group will be enhanced to include two laypersons.

### **North–South dimension**

The evidence of partnership is clearly present here, in that this is a North–South seminar. The Public Protection Advisory Group is one of the cross-border groups that were established following the inter-governmental agreement on co-operation in criminal justice matters. Representatives from both Probation Services are present at this seminar, both Justice Ministers, both police forces, prison services. The judiciary here regularly holds and attends conferences jointly with our judicial colleagues in the Republic of Ireland. I firmly believe that opportunities like this are highly beneficial in sharing knowledge, making contacts and reflecting on the good work that the Public Protection Advisory Group has achieved to date.

Nowhere is this partnership working more important than in protecting the public. Probation aims to prevent people from becoming victims of crime and to prevent re-victimisation. Its work is aimed at protecting the public and the community from crime. Offenders do not pay attention to borders when committing crimes, which is why such partnerships are necessary.

### **North–South co-operation**

An initiative that I know the judiciary are very supportive of is North–South co-operation in relation to the preparation of PSRs for those who are resident in the Republic of Ireland. The agreement that is in place means that where a judge in Northern Ireland is sentencing someone who is resident in the Republic, and requires a PSR, the shared working relationship between PBNI and its counterparts in the Republic means that the Irish Probation authorities will prepare a report on that person.

All requests and reports go through a single point of contact in the Republic and in Northern Ireland. Last year the PBNI prepared about 15 of these reports for Irish courts, and the PS prepared about the same number of reports for courts here. From speaking to colleagues on the bench who have been provided with these reports from the Irish Probation Service, I know that they have a high level of satisfaction with the outcomes.

This example of North–South co-operation is one that Brian McCaughey and Michael Donnellan should be very proud of. This initiative significantly benefits the justice system and reduces avoidable delay.

### **PBNI stats and performance**

The judiciary is probably one of the PBNI's largest customer-groups. Of the 10,000 reports it prepares each year, the vast majority are for the courts.

There have been recent additional demands on the PBNI as a result of the dangerousness provisions introduced by the Criminal Justice (NI) Order 2008. Prior to the introduction of that Order the judiciary had extensive consultations with the NIO on two fronts. The first was to make sure that the legislation did not repeat the mistake made in England

and Wales of requiring judges to impose long prison sentences on offenders where that was neither in the public interest nor the offender's interest. The second was to support the need to provide the PBNI with the resources necessary to carry out the additional work involved in assessment and supervision of licence arrangements under the new legislation.

I am aware of the Minister's desire to examine further the issue of alternatives to custody. That is a policy matter, on which I have no view to express. I do however want to repeat the submission we made in 2008 that despite an increasingly challenging financial situation, it is vital if the Probation Board is to continue providing its extremely valuable service, and to achieve its aim of protecting the public, that it has adequate resources to do so. Particularly where we are dealing with the protection of the public it is important to ensure that cuts in resources do not impact on the quality and timeliness of the important service that we expect from Probation.

### **Short PSRs**

A major change recently in the courts, for both sentencers and the PBNI, is the introduction of short sentence reports. The District Judges have been working in partnership with PBNI about how the uptake for these short reports can be increased. A short report can be produced by a Probation Officer either on the day it is commissioned or within five working days. The judiciary have been promoting the use of short PSRs, and the figures would indicate that this is having an impact. For the seven-month period from 1 April 2011 until the end of October, 379 PSRs were prepared for the courts – up 68% from the same period the previous year.

PSRs are to be welcomed because they are quicker, take up fewer resources, and ensure that the PBNI's resources are used where they are most required. The judiciary is very much in favour of anything that can reduce delay, while also ensuring that the public is protected. The introduction of short sentence reports is, in my opinion, something that is positive and should be welcomed. The feedback I get from my judges is that they welcome their introduction, and they have no concerns about the quality of the short sentence report, as compared with the full PSR.

## **Supervised Activity Orders**

The PBNI is working closely with the judiciary to introduce a pilot scheme in Newry Magistrates' Court in early 2012 involving Supervised Activity Orders for non-payment of fines. This will ensure that only those who need to be in jail will go to jail for non-payment of a fine. The work that the PBNI will be taking forward in Newry as part of this pilot, in partnership with the local judge, will help to achieve this aim.

I know that the public are troubled when they read reports about people going to jail for non-payment of fines. This whole area was recently examined by Dame Anne Owers in her review of the Prison Service, and I had an opportunity to discuss it with her when I met with her last month in London. The Prison Review Team took the view that 'custody should be wholly exceptional for fine defaulters'. I have to say that the judiciary would understand this view, and we would want to be supportive of feasible alternatives to enforcement.

## **Alternatives to custody**

The kinds of orders that the PBNI supervises are orders that a judge makes, as an alternative to custody. A judge can sentence an offender to community service, or to undertake a period of probation.

The public need to understand that when a judge makes an order like this, it is not the case that an offender is getting a 'light touch'. Community sentences are challenging and demanding, and have a rehabilitative element.

Offenders who have been given community sentences could find themselves going into the Holylands in Belfast the day after St Patrick's Day to help with the clean-up operation; helping tidying up the grounds of a church or a community centre; or working on building a boardwalk at the Divis Mountain National Trust property. The work that the PBNI supervised at Divis Mountain required significant design skills and labour in taking the materials to the site and the preparation. No one could say that this work was not challenging or demanding. It also is a project from which the entire community can benefit. Projects like this really contribute to increasing public confidence in the system.

When a court has ordered a community sentence and an offender fails to comply with the terms of the order, some element of discretion must be allowed to the Probation Service. It is important, however, if the public

are to have confidence in the system, that in appropriate cases the offender is brought back before the courts timeously so that a judge can determine how best he be dealt with. This ensures that there is judicial supervision of the offender and the courts will be able to consider carefully what sentencing disposals should be considered.

This judicial supervision should help to allay any fears on the part of the public that community sentences are an easy option or a light touch.

### **Inspire Project**

Some of you may be aware of the Inspire Project, which is being run in the Greater Belfast area. This is a project that the PBNI developed and on which it takes the lead. The project is a model of positive engagement with women who are marginalised, or vulnerable in some way.

The Inspire Project is a very effective partnership between statutory and community agencies and services. District Judge Bagnall, the Presiding District Judge, has visited it and has been very impressed by the good work. It is a unique scheme and, tying in with the theme of this seminar, is based on partnership working, with Probation at the centre of the partnership. Evaluations of the Inspire scheme show significant improvements in self-esteem, positive relationships and tackling substance abuse.

The innovative work that the PBNI has taken forward in relation to the Inspire Project is inspiring and is to be commended. If it leads to a reduction in reoffending then the entire community will benefit.

### **Victim Information Scheme**

A scheme that the PBNI is involved in and which, in my view, is deserving of enthusiastic support is the Victim Information Scheme. This is a statutory scheme which ensures that victims receive information about what it means when someone is sentenced to an Order that requires supervision by the PBNI. The victim will have an opportunity to influence the type of work that an offender completes if he is sentenced to Community Service. For example, if a victim supports a particular charity, the offender might be tasked to work for that charity.

To date, the scheme has supported approximately 800 victims. Feedback suggests that an overwhelming number (98%) of these victims were satisfied with their contact with this scheme.



I am of the view that gaining the support and trust of victims and witnesses is absolutely vital to the effective running of the courts and the proper administration of justice. If witnesses were not willing to come to court to give evidence, then the courts would not be able to function. It is important that they have confidence in the process. The judiciary is committed to working with others in the justice system to ensure that when a victim or a witness comes to court to give evidence, their needs are considered and met. This is particularly important when dealing with young or vulnerable witnesses. That is why schemes such as the Victim Information Scheme are so important – they ensure that a victim is provided with information and given an opportunity, and a voice, to influence the kind of Community Service an offender may carry out.

### **Closing comments**

Let me conclude by saying that I very much welcome the opportunity of delivering this lecture. It allows me to offer appreciation, on behalf of the judiciary, for the work of others in the criminal justice system and to demonstrate my own commitment to engagement outside the confines of the courtroom.

## Desistance Research and Probation Practice: Knowledge Exchange and Co-producing Evidence-Based Practice Models

**Shadd Maruna, Fergus McNeill, Stephen Farrall and  
Claire Lightowler\***

**Summary:** Criminology, by its very nature, has always been an applied discipline, yet in recent years there has been a consistent push to encourage academic researchers to engage with the ‘real world’ and demonstrate the impact their research has on wider society outside of so-called ‘ivory towers’. This paper describes one such effort at ‘knowledge exchange’ funded by the UK’s Economic and Social Research Council that sought to bring the academic research on ‘desistance from crime’ to a wider audience than the one that would typically read academic research. The project involved the development of a short documentary and a series of workshops involving researchers, practitioners, policy-makers and (most importantly) ex-prisoners and their families. Implications of this experience for co-producing evidenced-based policy-making are discussed.

**Keywords:** Desistance, knowledge exchange, evidence-based policy, probation.

### Introduction

Academics are (in)famous for our pointy-headed irrelevance and most of our made-up jargon words are duly ignored by the general public in preference for plain language whenever possible. The word ‘desistance’, then, may be one of the ugliest and strangest academic jargon words to somehow have crept its way into policy and practice discussions outside

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of academia. Prior to the 1980s, the term was only heard in commands shouted by television show police officers to 'cease and desist', but in the 1980s and 1990s the word 'desistance' (and the even worse term 'desisters') began to be used in academic research on 'criminal careers' to describe the 'retirement' phase of these so-called careers (this career metaphor has since been replaced by a focus on 'crime in the life course'). For the most part this term was used to describe aggregate patterns and trajectories, especially the right-side tail of the so-called 'age-crime curve' demonstrating the relationship between age on one axis and criminal behaviour on the other (see, e.g., Sampson and Laub, 1993).

Beginning around 2000, however, a series of qualitative studies, out of the United Kingdom in particular, began to interrogate what the process of desistance actually looked and felt like on an individual level (see e.g. Bottoms and Shapland, 2011; Farrall, 2002; Farrall and Calverley, 2006; Maruna, 2001; Maruna, Wilson and Curran, 2006). These studies, along with US-based research by Laub and Sampson (2003), Giordano and colleagues (2002), Shover (1996) and others, became known by the shorthand moniker of 'desistance research'. This work caught the attention of a number of more policy-oriented academics, especially in the field of probation research in the UK, who saw in these studies an evidence base that spoke directly to issues impacting probation practice (see especially Maguire and Raynor, 2006; McCulloch and McNeill, 2008; McNeill, 2003; McNeill and Weaver, 2010; Porporino, 2010; Rex, 1999; Weaver and McNeill, 2010). And so was born the strange creature sometimes called the 'desistance paradigm' (McNeill, 2006) or 'desistance-based practice' (Farrall & Maruna, 2004) in probation work, whatever this might entail.

Despite the terrible name, and a still-emerging conceptual development, the idea of desistance-based practice appears to be catching on. The last two directors of the National Offender Management Service (NOMS) for England and Wales have taken to using the term 'desistance' frequently in public speeches, and the *Evidence Report* on which Kenneth Clarke's Green Paper *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders* is based uses the terms 'desist' and 'desistance' no fewer than 20 times (Ministry of Justice, 2010). In Northern Ireland, desistance and the desistance research played a key role in the recent Prison Review rethinking the purpose of imprisonment in Northern Ireland (Prison Review Team, 2011). The biggest impact has surely been in Scotland, where the desistance research has been influential in everything from the new National Outcomes and Standards

for Criminal Justice Social Work Services in Scotland (see Chapman, 2011) to the new ‘community payback’ order (McCulloch, 2010).

As the spread of interest in desistance has been primarily organic and ground-up, the impact has been inconsistent and not especially coherent. As a result, there is considerable potential for co-optation and misuse of the concept to promote ends far from the original vision of proponents and champions (for a similar story regarding restorative justice and the justice model, see Maruna, 2011). Indeed, in an exciting but somewhat concerning development, the the US National Institute of Justice has commissioned a field experiment of a ‘desistance-focused’ supervision model meant to be in part ‘based on Maruna’s (2001) transtheoretical model of desistance’ yet the actual implementation model described in the grant announcement bears little resemblance to either desistance theory or the emerging academic proposals around desistance-based practice (US Department of Justice, 2012).

Partially to address this, a group of researchers associated with desistance research and desistance-based practice (McNeill, Farrall and Maruna) and an expert on research-to-practice ‘knowledge exchange’ work (Lightowler) applied for and received funding from the UK’s Economic and Social Research Council to develop a formal project of ‘Desistance Knowledge Exchange’ (DesKE). Working in partnership with NOMS, the Probation Board for Northern Ireland, and the Community Justice Division of the Scottish Government, DesKE is intended to develop and flesh out the idea of desistance-based practice through a process of co-production. The two phases of the still ongoing project involve, firstly, the co-production of a documentary film about desistance, to be used both as a standalone training and supervision tool and as a prompt for the second stage, which involves a series of workshops in which stakeholders discuss and debate the development of ‘practice for desistance’, leading to the production of an outline model of a practice framework.

In this paper, we will discuss the origins and thinking behind this project, detail some of its achievements to date, and provide a preliminary discussion of some of the emerging lessons learned from the knowledge exchange work to date.

### **Academia and the ‘real world’**

Those of us working in academia oftentimes get a bad reputation for being ‘too academic’, which is somewhat ironic. Trapped in so-called

'ivory towers', we are said to be elitist, obscure, and basically irrelevant to those who inhabit a place called the 'real world'. For the most part such stereotypes are harmless, yet, like all forms of labelling, these caricatures can become self-fulfilling, with the presumption of irrelevance leading to actual marginalisation and eventual irrelevance if no one pays any attention to academic work.

As an applied discipline, criminology depends in many ways on being relevant to policy and practice, and the perception that our work is marginalised or ignored is a familiar complaint in the field (see e.g. Latessa *et al.*, 2002). Criminologists complain that unlike other fields (medicine is the most frequent parallel made – but see Maruna and Barber, 2011), criminal justice work 'is not viewed as a professional area of practice, replete with a growing body of core psychological knowledge and opinion with which practitioners and managers should be familiar before "innovative" programs are introduced' (Andrews *et al.*, 1990). Instead, 'Academic researchers have remained largely detached from criminal justice decision making and instead have been invited to evaluate a program only after a plan, often a haphazard one, has been created' (Martin *et al.*, 1981).

This has changed in recent years. Indeed, at a recent National Institute of Justice Annual Conference, US President Barack Obama's Attorney General Eric Holder warmed many academic hearts in the room when he said:

Let me be clear: this administration shares your belief in the power of evidence-based research to help address some of our nation's most significant challenges. President Obama has renewed our nation's commitment to rely on science in the development of public policy. He understands, as I do, that sound judgement derives from solid evidence. (Austin, 2009)

Although the meaning of the phrase appears to differ depending on who uses it, 'evidence-based practice' has clearly become the mantra of the hour – so much so that the UK government adviser Louise Casey has been heard to remark, 'If No. 10 [Downing Street] says bloody "evidence-based policy" to me one more time, I'll deck them' (Bowcott 2005).

Far from lingering on the margins, in the new evidence-based era, academic criminologists have constructed a newly empowering role for ourselves and ensured a type of legitimacy for our discipline; however, it

is a narrow form of power. We have become the arbiters of ‘what works’ (but see also Hope, 2004). Like High Court judges we have the power to determine what programmes are and are not ‘evidence-based’ – a label that can determine the fate of an entire vocation, such as anger management counselling, job training or cognitive-behavioural counselling in criminal justice settings. Yet, as Susan Martin and colleagues wrote in 1981, such an approach casts our primary contribution around our abilities as programme evaluators (or aggregators of others’ programme evaluations), tracking outcomes and measuring statistically significant impacts. Not only does this represent only a tiny fraction of what criminology as a discipline has to offer, but such functions can be (and are) carried out equally well by those without any criminological background at all.

Additionally, many criminologists are uncomfortable with the notion that our value depends on playing the role of expert judge of practice. The idea that we know best ‘what works’, because only we have the cumulative evaluation data and our job is mainly to impose this knowledge on practitioners, sits uncomfortably with many in academia. It also can be a source of irritation among practitioners, managers and criminal justice clients who cannot argue with a meta-analysis but find actual guidance provided by academic research limited in its usefulness. Indeed, the evidence from recent reform efforts in community corrections (McNeill *et al.*, 2010), and from the broader literature on research utilisation (Buckley and Whelan, 2009; Nutley *et al.*, 2007; Landry *et al.*, 2001; Shonkoff, 2000) suggests that top-down processes of evidence-based practice (EBP) implementation often fail to generate the kinds of commitment and enthusiasm from practitioners (and service users) that are critical to the success of such efforts.

### **Towards a different sort of ‘knowledge’ and ‘exchange’**

Research on the process of desistance from crime is distinctly different from programme evaluation research. For one thing, the research puts the person’s life at the centre of the research enquiry and not any particular programme (McNeill, 2012). There is good reason for this. Although individuals may pass through dozens of structured programmes in a lifetime, most evidence suggests that these limited interventions have relatively little, if any, impact on life outcomes (Lewis, 1990). Desistance research also generally does not ask ‘what works’ in turning lives around,

but rather ‘how’ the process works and ‘why’ (Burnett, 1992; Maruna, 2001; Farrall, 2002). The focus is on the long-term, dynamic interactions that help individuals move away from criminal behaviour, but more importantly help them stay away from returning to such behaviours in the face of life crises and stresses (Burnett & Maruna, 2006; Paternoster & Bushway, 2010).

The research, as such, tends to ‘ring true’ to both ex-prisoners themselves and those who work with them professionally or personally (see Harris, 2005), and indeed the support from activists and practitioners for this work has been one of the key reasons it has been elevated from academic obscurity to a sort of buzzword of the moment. Nonetheless, unlike the ‘what works’ programme evaluation research, desistance research has frustrated many practitioners because it does not offer clear answers as to how to reduce reoffending and lacks an ‘organised practice framework’ (Porporino, 2010). In other words, although the research is interesting and appears to capture some possible truths, it is not clear what, if any, value it has for the ‘real world’ – or at least a ‘real world’ accustomed to the top-down instructions of the evidence-based practice era.

This was the challenge that led to the creation of the ESRC-funded ‘Desistance Knowledge Exchange’ (DesKE) project. The goal of this work was to generate a genuine dialogue between academic researchers, policy-makers, practitioners and, crucially, service users (e.g. probationers and ex-probationers) and their families in relation to desistance from crime and how probation policy can best support it.

Our method is based on the analysis of ‘knowledge to action’ by Best *et al.* (2009) involving research dissemination; building relationships between policy, practice and academia; and embedding research into organisations and systems. The DesKE is intended to:

1. develop with key stakeholders user-friendly methods of disseminating existing research about desistance from crime and about supporting desistance in offender supervision
2. foster dialogue and communication between stakeholders about desistance and how best to support it, drawing not just on research but on the experiences of managers, practitioners, (ex-)service users and families
3. co-produce a set of clear recommendations about the further development of ‘practice for desistance’, and begin to delineate the

features of an organised framework for offender supervision practice to support desistance.

In order to meet objective (1) above, this first phase of the project involved the production of a 45-minute documentary film which explores the desistance process called *The Road from Crime*. The film (directed by Eamonn Devlin) was developed by Lagan Media Productions, a Belfast-based company with considerable experience of criminal justice related projects, and was centred around the life story of Allan Weaver, a former prisoner turned probation professional in Scotland (see Weaver, 2008). Contributors to the film include some of the most prominent ex-prisoner activists in the UK, such as Bobby Cummines of UNLOCK and Mark Johnson of User Voice, as well as eight other, less prominent former and current prisoners and probationers. Other voices converging in the film include those of Probation Officers, ex-prisoner family members, policy-makers and desistance researchers in both the UK and the US. Ahead of this, we also produced a summary of the evidence base for attendees (McNeill *et al.*, 2012).

The film, however, is not the only co-production representing multiple voices involved in the reintegration process. We also created a website around the film with a blog titled 'Discovering Desistance' that has attracted responses and postings from a variety of practitioners and researchers, as well as former prisoners and their families. The second phase of our research also involves a series of ongoing regional workshops in London, Glasgow, Belfast, Sheffield, Polmont (Scottish Prison Service), and, eventually, Washington, DC. These workshops, facilitated by Lightowler, are premised around the process of appreciative inquiry, made famous in criminology by Alison Liebling's pioneering prisons research (see Liebling *et al.*, 2001). In line with the second aim listed above, each meeting was limited to 40–50 invitees with groups chosen to reflect a balance of Probation Officers, policy-makers, researchers and, most importantly, service users including current probation clients, ex-prisoners, and their families. At the Belfast meeting, for instance, there were representatives from Irish Probation, the Northern Ireland Prison Service, NIACRO, Extern, the Prince's Trust, the Police Service of Northern Ireland, the NI Department of Justice, and several other groups and organisations as well as the PBNI, of course. While in Sheffield we hosted similar groups, as well as former service users and those employing reformed offenders directly from prison. The Glasgow and London



seminars also involved people with a range of perspectives on how and why people stop offending. The workshops (broken into two days) involved, first, a showing of the documentary, then a series of focused small-group discussions on ways in which the ideas raised in the film might impact probation practice in particular and criminal justice thinking in general.

A primary outcome of these workshops will be the achievement of the third aim listed above – the co-production of a set of recommendations regarding the further development of ‘practice for desistance’. After all, although the effective dissemination of desistance research is a key aspiration of this project, the evidence clearly demonstrates that ‘even good dissemination is not enough if policy and practice change is the goal’ (Nutley, 2003, p. 9). We hope to move beyond dissemination by focusing instead on *co-producing* knowledge about the desistance process by developing relationships through which we will draw on the expertise and experience of practitioners, families and service users, as well as on research findings generated by academics. The new insights developed through this process will then be shared with a wide audience of interested stakeholders. Finally, this project is intended as a catalyst for subsequent work focused more closely on the development of systems (which will necessarily be different in each jurisdiction) to embed the knowledge developed in this project within relevant organisations. This builds on the reflection of Nutley and colleagues (2010, pp. 135–136) that ‘For knowledge to be used it needs not only to be embedded in relationships but also interwoven with the priorities, cultures and contexts of organizations and systems’.

### **The story so far**

It is too early to draw any firm conclusions about the effectiveness or impact of this knowledge exchange process, as we are only beginning the second phase of the project at the time of writing. However, as we have now completed the first part of the project (the production of the documentary film), it is an appropriate juncture to reflect on some of the lessons learned in that process.

We aimed to make a film that was neither fully educational nor fully artistic, but struck a balance between the two and achieved the best of both formats. So we did not want an information-heavy video with talking heads, PowerPoint slides, statistics and graphs about desistance from crime. Although it was very tempting to communicate in this way (the

only way that the three of us academics know), we decided that if we were going to go down this route, we might as well just give traditional academic lectures on film, and the point of this project was that we would communicate in a different way in order to reach an audience that may not spend its free time downloading TED videos ([ted.com](http://ted.com)) or attending academic conferences.

At the same time, we did have some specific research findings and academic theory that we wanted to convey, and could not sacrifice this content either. We did some surveying of existing documentaries around issues of ex-prisoner resettlement into society, and some of these are absolutely tremendous. They are poignant, moving, shocking at times, as well as being beautifully crafted and produced. They can also 'educate' in their own way by providing dramatic insight into the lives of one or more ex-prisoners trying to turn their lives around. Yet they are also explicitly anecdotal, they do not seek to frame the stories they tell in a rigorous analysis of the structural context of the reintegration situation, and (because they are not obligated to do so) they provide little in terms of explanations or indeed solutions for the issues the films dramatise. Although we knew that our own film would also raise more questions than it would be able to answer, we wanted to go beyond conveying important human stories and also provide some level of analysis of this sort.

This balance was no easy task (and how well we achieved it in the end is a matter for audiences and reviewers to decide). The first lesson, learned somewhat painfully over a nine-month period between September 2011 and May 2012, is that film-making is awfully hard and should not be attempted without the strong guidance of professionals. This may seem obvious, but there are so many similarities between qualitative research and documentary film production that it was easy in the early stages of the film production to think that we knew what we were doing. After all, like qualitative research, the documentary was dependent on (a) finding the right 'sample' of participants, (b) asking the right questions of them to evoke powerful stories and self-insights, and then (c) cutting and editing the material together in a way that delivers a coherent message. Collectively, we have been doing this sort of thing in our writing for years, so we did not anticipate the countless complications and difficulties that would be involved once an audio-visual component was added to the process.

Of course, there is the technology and all that it entails. As interviewers, all of us have been in situations when our audio recorders have not

worked, but film-making introduces dozens of other opportunities for mechanical failure and we experienced every one of them at one point or another. On top of that, dozens of truly brilliant quotes and stories, which might have worked perfectly in a book or article, had to be lost from the film because the speaker mumbled them or got tongue-tied, interrupted or off-track before she or he could finish. In traditional qualitative interviewing, it matters little whether a particularly noisy duck is quacking in the background during an interview on a park bench, but during our film-making one such duck nearly cost us one of our best interviews (no animals were hurt during the production of the film, but it was close with that one). The crew and equipment hire is so expensive that rescheduling a second 'take' was rarely an option, and although amazing things could be done in the editing suite, we were all surprised at how much substantively useful material wound up on the proverbial 'cutting room floor'.

Indeed, five whole interviews, each requiring a half a day or more to film, including all the travel involved, ended up not appearing in the final film for reasons other than the content of the interviews. In one case, an interviewee (who spoke powerfully of the stigma and harassment she had faced as an ex-prisoner) asked to be pulled from the film at the last minute for fear of further exposure. Although some faces in the documentary are distorted and some names changed to preserve anonymity, because of the nature of this project as an outreach effort (which will be available for free to watch on the Internet), a new level of confidentiality and ethical consideration was required.

It was on these issues that we occasionally found ourselves at odds with the extraordinarily talented film company with whom we were collaborating. As researchers with a duty of care to our interviewees, the four of us felt that some of the interview material that the film-makers, rightly, argued made for the most compelling viewing (e.g., intimate discussions of interviewees' family situations, detailed descriptions of seriously violent acts, often tragic accounts of family upbringings) was too personal to include in the film. Although all interviewees clearly gave their informed consent to participate and knew that their responses might end up on an online documentary, we worried that we did not have the same consent from their family members or others in their lives (who might be identified, not by name, but because their father's or son's face was appearing on screen), and we worried that interviewees themselves might come to regret how candid they were. We also argued that although these

powerful discussions conveyed important personal and emotional truths for the interviewees, the specific content was not essential for the overall messages of the documentary. This was the line between educational and artistic we had to walk, and it was anything but easy or clear-cut.

The only way to judge whether we struck this balance correctly is to monitor the impact of the film in achieving its aims. This will be easier in the short term – by assessing how well the film operates as a catalyst for discussion at the scheduled regional workshops – than it will in the long term as an online resource (although we will be able to track the number of viewings and downloads, and we will solicit qualitative feedback online in the form of a moderated ‘comments’ function). So far, however, the response has been very positive. One participant in the first Belfast workshop said that the film worked for her ‘both at an emotional level and at an educational one’. The same is rarely said for academic journal articles or public lectures, which explains why they tend to have a limited ability to reach the sort of wide audiences that film can. If the film gets similar reactions from other viewers, even outside the criminal justice system, it may even help an awful term like ‘desistance’ to escape a fate of pointy-headed irrelevance and make an impact in the ‘real world’.

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## Reducing Avoidable Delay in the Processing of Criminal Cases in Northern Ireland

James Corrigan\*

**Summary:** This paper draws upon the inspection fieldwork and reports of The Criminal Justice Inspection Northern Ireland on the problem of excessive and avoidable delays in the processing of criminal cases. Much of the delay is caused by the inherent ineffectiveness and inefficiencies of a 'system' that lacks a whole-systems approach to the delivery of its core services. This is demonstrated by the lack of joint accountability structures, competing targets, an over-reliance on models of operational independence, inadequate performance management systems, and cultural and administrative resistance to fundamental change. The main recommendations of the single integrated criminal justice inspectorate are focused on promoting and facilitating a shared and collaborative approach.

**Keywords:** Delay, inspection, Northern Ireland, justice, performance, partnership, criminal cases, police, prosecution, probation, courts.

### Introduction

Criminal Justice Inspection Northern Ireland (CJI) was established in 2004 following a recommendation by the Criminal Justice Review Group (2000), which called for a single unified inspectorate. This was the first such integrated body in a common law jurisdiction. The prevailing model, as it operates in England and Wales, Scotland and the Republic of Ireland is of stand-alone inspection bodies, focused on one justice agency or part of the justice system.

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The objectives of CJI are to:

- promote effectiveness and efficiency towards performance improvement
- provide an objective and independent assessment on the working of the justice system
- provide independent scrutiny of the conditions for, and treatments of, users of the justice system
- aim to work in partnership with all justice agencies.

The model of a stand-alone inspection body is most evident in England and Wales, where separate inspection bodies were responsible for policing, prisons, prosecution, probation and courts administration (the last of these has recently been abolished). The previous Labour Government did attempt a merger of the existing criminal justice inspection bodies, but this did not receive the required support in parliament and was strongly opposed by those who believed in a separate inspection body and regime for the prisons and for those detained in custody. The current focus of the UK government has been on a greater requirement to undertake more joint thematic and co-ordinated inspections.

The history of inspection in the Republic of Ireland is more recent, and modelled on the inspection model and structures in England and Wales rather than Northern Ireland. For example, the remit of the Office of the Inspector of Prisons is set out in Part 5 of the Prisons Act 2007 which has the objectives to demand that prisoners are treated in accordance with international norms, and that prisons are operated to best standards. The Garda Síochána Inspectorate, which was established by the Garda Síochána Act of 2005, has the purpose to ensure that the resources available to the Garda Síochána are used to achieve and maintain the highest levels of efficiency and effectiveness in its operation and administration, as measured by reference to the best standards of comparable police services.

While the benefits of inspections for policing, prisons and other parts of the justice system are readily apparent, the scope for system-wide improvements is limited by the remit of any stand-alone inspectorate. The focus is invariably on the service delivered by that organisation, while the skills and experience of inspectors are generally drawn from the respective areas of specialism. On the other hand, many of the more problematic issues concerning performance and service delivery may transcend, or exist at the interface between, the justice bodies.

The focus of this paper is on one such issue: the prevalence of excessive and avoidable delays in the processing of criminal cases in Northern Ireland. The issues are explored from the perspective and inspection findings of an integrated criminal justice inspectorate. This is also linked to the existing academic literature on system inefficiencies (Dandurand, 2009) and the ‘whole-systems’ (Kemp, 2008) approach to the processing of criminal cases.

### **Why delay?**

The focus of the inspectorate’s work on case processing times over the past six years has not been on delay *per se* – instead it is about reducing the negative consequences of avoidable delay for those who are users of the justice system, whether they be victims, witnesses or defendants. Indeed, some types of orderly and rational delay can enhance the justice system and provide better outcomes for those affected by crime. The focus has therefore been on avoidable or unnecessary delay, when cases are stalled by bureaucratic inefficiencies, outdated practices and wasted effort. The end result or outcome is not speed; it is improved justice.

The negative impacts of avoidable delay can be substantial – as time passes, certain legitimate interests may be adversely affected, evidence disappears and new evidence has to be adduced, witnesses disperse and lose credibility, further costs are incurred and public confidence in justice is eroded. At the same time, defendants may be remanded in custody and actions designed to address offending behaviour are delayed, most negatively for young and first-time offenders.

### **Research**

In view of the correlation between avoidable delay and ineffective/inefficient criminal justice systems, it is surprising that the issue has not received more attention in scholarly and academic research. The main body of scholarly research and publication has been from a legal perspective, with a strong focus in the United States of America on the implementation of various judicial initiatives around case management.

European legal publications have looked at the issue from the perspective of human rights, mainly those of the defendant(s), and assessed performance against Article 6(1) of the European Convention on Human Rights, which states that ‘everyone is entitled to a fair and

public hearing within a reasonable time by an independent tribunal established by law'. The United Nations Convention on the Rights of the Child guarantees the right 'to have the matter determined without delay'. Much of this academic research is based on case law and the interpretation of judicial judgments.

A broader academic interest from disciplines such as political science, sociology, public administration, economics and even criminal justice is notable by its absence. Perhaps a silo-based approach, which has guided the delivery and inspection of criminal justice systems, has also manifested itself within academia, where an examination of cross-cutting thematic issues such as delay or the treatment of victims and witnesses has remained the preserve of the few.

The purpose of this paper is two-fold: to outline the nature and impact of avoidable delay in the Northern Ireland criminal justice system, including proposals for change; and to present a challenge to those with an interest in the delivery and outcomes of criminal justice, to consider the merits of a whole-systems approach.

## **Northern Ireland**

The first CJI inspection on avoidable delay was published in 2006. A second inspection report was published in 2010, which led to a ministerial request for an annual progress report – that report was published in 2012 and forms the basis of the data used in this paper.

The methodology of the inspectorate is based on the 'whole-systems' approach in that the problems and recommended counter-measures/solutions are examined and challenged from the perspective of the users of the justice system rather than just those who deliver their part of the criminal justice service.

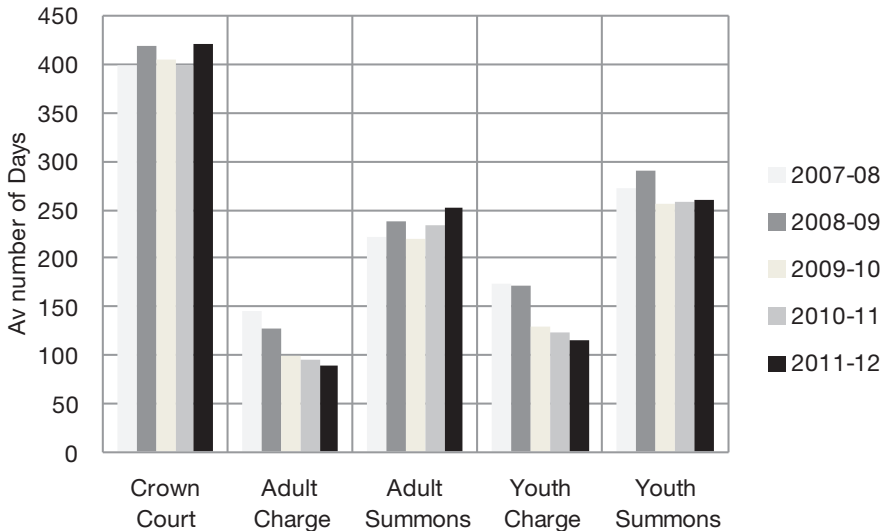
The fieldwork reflected the holistic approach:

- a review of documentation and case-processing data across the various justice agencies
- interviews and focus groups with staff in all justice agencies
- interviews with external stakeholders and users of the justice system
- review of case files (including comparisons of corresponding police and prosecution files)
- comparative analysis on the performance and best practices of neighbouring jurisdictions.

## Nature of the problem

The body of evidence from the case-processing data has been disappointing in that performance on the most serious cases, i.e. indictable cases that go to the Crown Court, has flat-lined over the five-year period of the inspections (Figure 1). It has taken on average about 400 days to process the most serious cases from charge to completion in the Crown Court since 2007 (421 days in 2011–12).

**Figure 1.** Case processing times in Northern Ireland 2007–2012



Magistrates' Court cases, which commence through a court summons process, have shown significant deterioration in terms of delay for adult and youth defendants. The area of most concern has been Youth Court cases, which were taking about nine months on average to process through the justice system in 2011–12. There was evidence of avoidable delays throughout the process, though this was most pronounced at the stage of the issue and service of a summons on a defendant up to their first appearance in court. This is the stage where ownership of the process has to be shared between the three main justice bodies – the police, prosecution and the courts.

The only positive development has been the incremental improvement in the processing of charge cases, which account for about one-third of criminal cases in the Magistrates' Courts. The average charge to disposal

time in 2011–12 for adult defendants was 89 days, while it was about 116 days for youth defendants. Yet again, the problem of delay was more apparent in the Youth Court.

A comparison of performance with neighbouring jurisdictions is complicated by the differences between the respective justice systems (for example, committal proceedings for Crown Court cases are no longer used in England and Wales) and the different counting rules on what cases are included in any performance/target. Inspectors did examine end-to-end processing times – which can minimise the impact of different processes, though not counting rules – and found that cases were significantly longer in Northern Ireland compared to England and Wales. Indicators such as the number and length of court adjournments also provided an insight to relatively poor performance.

### **What needs to happen?**

The big question considered by the Inspectorate was: what needs to be done differently to reduce the amount of time people spend in the justice system? While the justice agencies had developed a strategy and delivery programme as a response to the first CJI inspection report, performance had continued to deteriorate (with the exception of the less numerous charge cases).

A starting point was the need for justice organisations to work more closely together in the delivery of a joined-up approach to criminal justice. In particular, there is a need to develop a stronger working relationship between the police and prosecution services, which recognises the independence of the two organisations while also promoting a more collaborative and partnership approach to the delivery of justice services. It also means addressing directly the causes of adjournments before they get to the Court process. This requires the focus of not only justice organisations (police, prosecution and forensic science) but also linkages with other departments such as health with the provision of timely and quality medical evidence.

A second major point relates to the need for organisations, at an operational level, to deal immediately with those issues directly contributing to the causes of delay within the system. In relation to the police this means, for example, improving the quality and timeliness of their files submitted to the prosecution. The prosecution needs to be able to take decisions on prosecution more quickly. The negative impact of

court adjournments requires more effective case management. Delays at the post-verdict stage can be reduced by the greater use of shorter Specific Sentence Reports (SSRs), which constituted just 7% of all reports prepared for the courts in 2010–11. CJI has recommended that Probation and sentencers should increase the use of SSRs – their use has increased to 13% of all reports in 2011–12 and a target of 20% is envisaged for 2012–13.

Finally, at a strategic level there is a need for improved Ministerial oversight of performance. The capacity to hold a group of organisations directly to account for the delivery of a common service is an important element of public administration. This should be supported by the appropriate governance structures and timely management information.

### **Statutory time limits**

The inspectorate, in its first report, considered that end-to-end statutory time limits should be considered if performance did not improve. This became the key recommendation of the most recent report in 2012. It was based on the premise that only a fundamental change in approach could deliver the required performance improvement.

The introduction of statutory time limits is controversial in that it is opposed by those who believe that the ‘interests of justice’ (i.e. the prosecution of a defendant in court) and the interests of victims outweigh any negative impact of excessive delay. While some of these concerns can be allayed by the application of safeguards (e.g. time extensions, reinstated proceedings), a meaningful sanction is required to change behaviours and practices.

Statutory time limits are also opposed by some in the criminal justice system who are reluctant to take ownership and responsibility for the performance of other criminal justice organisations. This concern goes to the heart of a whole-systems approach in that accountability and the measurement of performance currently rests with individual and separate organisations rather than being shared across the bodies responsible for the delivery of the common service.

The introduction of statutory time limits, as recommended by the CJI, is intended to provide the catalyst for change (i.e. necessary legislative changes) as well as challenging the cultures and practices that impede a joint and holistic approach to a problem that has plagued many criminal justice systems. The evidence from Scotland, where time limits have

existed for many years, is that performance improvement can be delivered and sustained.

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## Juvenile Justice, Crime and Early Intervention: Key Challenges from the Limerick Context

**Niamh Hourigan\***

**Summary:** This paper outlines the findings of a three-year study on criminal gang participation, anti-social behaviour and systems of intimidation within disadvantaged communities in Limerick city. The research is considered in light of debates about motivations for criminality and the effectiveness of early intervention strategies in tackling juvenile justice issues. It is argued that despite the fact that much social, youth and Probation Service work focuses on convincing the individual of the irrationality of criminal acts, there are strong rational reasons to engage in criminal activity within contemporary Irish society. Participation in a gang can provide a socially excluded young man or woman with a form of fear-based political status that is very powerful in a society where they are otherwise viewed as 'scumbags'. Those associated with criminal gangs in Limerick city also had a very clear vision of the financial rewards linked to gang participation. Given this rational aspect of criminal behaviour, it is argued that those who advocate early intervention strategies as a means of tackling juvenile justice issues must give greater consideration to the reasons why a family enmeshed in criminality might not engage with these programmes and develop appropriate responses.

**Keywords:** Criminal gang, rationality, juvenile justice, early intervention strategies, familial engagement.

### Introduction

Limerick city has long held a negative image in the national and international media linked to the activities of feuding families/criminal gangs who operate out of disadvantaged neighbourhoods in the city. Limerick contains some of the most deprived electoral districts in the

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Republic of Ireland. It has the highest rate of social housing (41%) and the highest rate of suicide and self-harm. The city also has very high rates of lone parenthood and marital breakdown (McCafferty, 2011; Central Statistics Office, 2012). Many of the socially excluded families who live on the margins of Limerick society are concentrated in four neighbourhoods: Moyross, Southill, St Mary's Park and Ballincurra Weston. It is within these socially excluded communities that serious criminal activity began to emerge in Limerick city in the 1980s. As the demand for recreational drugs soared in the Republic during the 1990s, criminal gangs in Limerick became significant players in national and international drugs networks (Duggan, 2009). By 2006, Limerick had more than three times the national rate of firearms offences. In 2007, the murder rate in Limerick city was higher than Dublin North or South Central districts (McCullagh, 2011).

In 2007, the Irish Government launched a major project for the regeneration of disadvantaged neighbourhoods in Limerick city. The report that formed the basis for this plan was written by John Fitzgerald, former Dublin City Manager. Within the report, descriptions of social exclusion are detailed and unequivocal. Fitzgerald concludes: 'The picture that emerged during visits to these estates and discussions with residents and community workers is quite shocking. The quality of life for many people is extremely poor' (Fitzgerald, 2007). However, Fitzgerald seemed unsure how this extreme social exclusion was generating feuding, intimidation and drugs-related organised crime. More importantly, no analysis was presented as to the reasons why residents in these communities might engage in criminal activity.

The ambiguity surrounding the link between poverty and crime was the starting point for my own research on fear, feuding and criminality in the city. This ethnographic research project was conducted over a three-year period (2007–2010). Two hundred and twenty-one interviews were conducted with local residents, those on the fringes of criminal gangs, Gardaí, and social, community and youth workers. In addition, approximately 100 hours of participant observation was conducted in a variety of locations, including streets, pubs, bookies, churches, community centres, playgrounds, shops and local public events. Approximately one-third of the participant observation was conducted at night, while two-thirds was conducted during daylight hours. Finally, the findings of the research were presented to four focus groups of residents from estates across the city.

### **Motivation for participation in gangs**

The key finding of my study was that the political rewards of participation in criminal activity were probably the most significant factor in motivating gang-related criminal behaviour. Sociologist Richard Sennett has described how lack of respect is one of the most significant 'hidden injuries of class' (Sennett and Cobb, 1972; Sennett, 2003). By being a 'hard man' within Limerick's criminal culture, gang participants subvert this process. Citizens of mainstream Limerick society may continue to view these men as 'scumbags', but within their own communities they are deeply feared because they embody a form of masculinity linked to toughness and violence. Seanie describes one of the most feared men in his cul-de-sac in the following terms:

*I don't even want to mention his name or look at him. I get nervous just talking about him.*

For a man who is otherwise despised in Limerick society, eliciting this level of fear in his neighbours confers status and does indeed generate a form of respect – respect based on fear.

The financial and economic rewards that emanate from involvement in drugs distribution are also a very compelling factor motivating rational participation in criminal gang activity. Garda figures for the 1990s provide a good overview of how lucrative this business became during the Celtic Tiger period in Ireland. In 1990, there were 73 drugs seizures in Limerick with a street value of £2000 (€2540). In 1995, the number of seizures had risen to 415 and the value of the drugs had increased to £250,000 (€320,000). In 1999, there were 332 seizures of drugs worth £3,318,150 (€4.2 million) (McCullagh, 2011). A scan of gang-related Internet pages on YouTube, Facebook or Bebo demonstrates how the display of high-status consumer goods including cars, clothing and even guns has become part of Limerick gang culture. When questioned about the moral dimensions of their behaviour, one gang member commented that customers want drugs and they are simply supplying the consumer demand. When the illegality of drug-dealing was raised, he highlighted the evident disrespect for the law among Irish political and financial elites which came to light during the tribunals of the 1990s and more recent banking crises. He comments:

*Why should I give a shit about the law? Look at all those fuckers of politicians and developers creaming it for the last 20 years, what about all those tribunals? Did those fuckers respect the law?*

Therefore, interviewees on the fringe of criminal gangs demonstrated a strong rational understanding of the rewards of criminal activity in the context of broader moral codes in Irish society.

Kelleher and O'Connor's study 'Men on the Margins' (2011), which focused on the experience of men who were trying to 'go straight' in disadvantaged communities, yielded evidence that there were few rational rewards for following this path. Of the 18 men interviewed, all but two were unemployed; none of the men were married or had ever been married although they identified 15 children as theirs. More than half (10) of the 18 were living in their parents' house and a number of them indicated that they were fearful of being seen out in public places locally because they were perceived as 'soft targets'. In contrast, some of the young men participating in criminal gangs were perceived as 'tough' by their peers. They had money because of their gang activities and were perceived as being attractive by the opposite sex as a consequence. Thus, the rational rewards for gang participation were considerable and the benefits of non-participation were relatively muted.

In examining the implications of this research for youth and Probation Service work, it seems there is a need to integrate the contrasting understanding of motivations for criminal behaviour in criminal justice and social policy sectors. The Gardaí and Courts system operate from a legal understanding of criminal behaviour which suggests that those who break the law do so in full rational knowledge of the consequences and, therefore, must experience sanction. While fringe gang members I interviewed were prone to accusing Gardaí of all kinds of corruption, they did at least acknowledge that the law exists and that there were points where they had transgressed it. However, those involved in social/youth work often devote considerable energy to convincing those on the fringes of criminal gangs that their activities are not just wrong but irrational. A number of youth workers I interviewed indicated that the young men they work with had some psychological/family/learning issue which meant that they didn't recognise the very logical reasons why they should abandon their errant ways and integrate into mainstream society. A significant proportion of the fringe gang members I interviewed didn't accept this discourse. Indeed, given their evident understanding of the

rational reasons to participate in gang activity, I began to wonder as the study progressed whether the continuing emphasis on the irrationality of criminal behaviour might be damaging the youth work process.

The need to acknowledge the rationality of participation in criminal gang activity at the micro-level has become more urgent, I would argue, since the introduction of austerity measures by the Irish State in 2010. It is possible to argue that young people have been affected more severely by austerity than any other group, given the deep cuts to jobseeker's benefit for the under-23s, cuts to community employment schemes and welfare reforms targeted specifically at 16–23 age-group (O'Halloran, 2012). Given these cuts, the financial incentives to engage in criminal activity are now greater than they were during the Celtic Tiger period.

During the course of this research, I found a degree of openness among Gardaí and criminal justice practitioners to sociological understandings of criminal behaviour focusing on issues such as masculinity, status and the sensory experience of crime. This openness is reflected to some extent in some scholarly debates. For instance, in a recent article on gun crime in Ireland in the *British Journal of Criminology*, Liz Campbell, writing from a legal perspective, acknowledges the need to recognise that 'violence often represents a means of accomplishing masculinity when other means of doing so are curtailed or unavailable due to the social situation of the actor' (2010, p. 425). She concludes:

An adequate and comprehensive response to gun crime should be cognisant of the link to poverty and the drug market and incorporate educational rather than legal approaches alone. Given that the possession and use of guns are not routine, targeted psychology programmes for 'at risk' young men who come to the attention of the police and for convicted gun offenders may address this violent expression of masculinity. (2010, p. 429)

While social policy practitioners might disagree with this suggested strategy, this acknowledgement does at least indicate an increased openness to social policy understandings of criminal behaviour. Correspondingly, by acknowledging the rationality of criminal activity, there is increasing scope for social policy practitioners to converge their own understandings of criminality with the perspectives of criminal justice stakeholders who characterise these behaviours as illegal and immoral, rather than irrational.

The need for greater inter-agency co-operation has long been identified as one of the most critical factors in tackling juvenile justice issues in Ireland. Essentially, evidence from the Limerick context would suggest that something much more profound is actually required: that the understandings of criminality that underpin the strategies developed by practitioners in the criminal justice and social policy contexts must be integrated in order to deliver more robust and effective responses to criminal gang participation.

### **Family**

The centrality of family in developing strategies to tackle juvenile justice issues was the second critical issue that emerged from the Limerick research. The basic sociological unit of these communities is not the individual but the extended family. Even for individuals who were working, the extended family is generally a more important source of identity and status than their career. Although marriage was a rarity, and adult intimate relationships were often unstable, blood ties between parents and children were of paramount importance in locating each man, woman and child's position within local family hierarchies. Kevin describes 'his buddy' Keith in the following terms:

*when I see a guy like Keith, or any guy on the street, I'm thinking of his family, his brothers, his mother, what crowd he hangs with, I don't really see him as separate, no-one is separate or on their own here.*

An individual can be treated with deference or contempt simply on the basis of their family relationships. It was not uncommon for an innocent family member to be punished for the crimes or debts of a sibling or a cousin.

Family was also the central organising structure of the hierarchies within criminal gangs in Limerick. In American cities, young men and women tend to join gangs as individuals and their status within the gang is largely determined by their own physical toughness (Bourgeois, 1995). However, the status of the individual is not as important in Limerick's gang culture. Because family is at the core of Limerick's organised crime networks, family relationships played a huge role in determining the individual's position in local hierarchies. There are only a small number of really important, powerful families in these neighbourhoods and it

would be almost impossible for an individual with no blood relationship to these families to reach a senior position in the local gangs. Young men who work at foot-soldier level in these criminal hierarchies are often from less powerful families on the margins of kinship groups, with more distance blood relationships to the core criminal families. A minority of foot-soldiers were simply addicts or neglected vulnerable youth on local estates.

Family was also central to understanding the activities of child gang participants who, through their anti-social behaviour, were being used by more senior criminals to maintain control over pockets of estates. A number of these children were either related to or directed by families heavily involved in criminal gang activity. Because they were under the age of 12 and, therefore, below the age of criminal responsibility, they were perceived in some instances to be more useful to undertake small-scale tasks or subtly intimidate neighbours than children over 12. In some cases, local residents indicated that they thought that the anti-social behaviour of local children was being actively encouraged by parents through a process of praise and reward. When victims of their behaviours complained to their parents, the mother or father might react with hostility to the complainant, effectively encouraging the child to continue in the behaviour. Sarah explains:

*If someone complains them, they say 'Don't mind that stupid bastard, son'. Then the child thinks that's an adult and he's a stupid bastard and my mother is telling me to call him a stupid bastard so I can keep doin' what I'm doin' and my mam will think that's fine.*

In other instances, it would appear that parents were too enmeshed in their own addictions and problems to sanction the child or were themselves afraid of the child.

In evaluating how the findings of the research could be integrated into criminal justice and social policy responses, I highlighted the need for more early intervention strategies with children 'at risk'. The theme of inaction by the HSE in terms of children 'at risk' repeatedly cropped up during the research. Ellen, a local teacher, comments:

*I don't know what the HSE is at. I've had kids in my class who are really neglected, dirty, unwashed kids, kids who know they won't be fed all weekend and are asking their six-year-old classmates for food on Fridays. I've had kids*

*who had clearly been beaten. I don't know how many times I've reported suspected abuse. All I hear from the HSE is 'we don't have the power to do anything', or 'we don't have the resources to do anything' or 'we're so overloaded that we won't be able to investigate for months' ... What can they do? That's what I'd like to know.*

The theme of inaction also appeared in interviews with social workers themselves. One senior social worker comments:

*The problem as I see it is simply this: at the moment, within the service, the threshold of intervention is just too high. By the time we get to the point of intervening in a seriously neglected or abused child's life, it is nearly always too late to make any real difference. It becomes a matter for the psychiatric services or the criminal justice system or sometimes, the undertakers ... What we need is preventative action, a system which identifies children at risk and moves in to protect and support before the damage is done, not after. This is the big failure at the moment and it makes me want to pull my hair out.*

A general recognition that the threshold of intervention by child protection services was too high not only was evident in my research but was also the major finding of research conducted for the National Care Planning Project (Brophy, 2005). The pilot research for this project was conducted in Southill in 2004 and the problems linked to late intervention continued to be evident between 2007 and 2010. Sinead Brophy, who evaluated this project on behalf of the HSE, criticised the 'very late interventions with families of concern, which by their lateness then require more radical solutions than may have been necessary with earlier focused preventative interventions' (Brophy, 2005).

The need for more emphasis on early intervention, particularly in the first years and pre-school period, is a theme recently taken up in a report published by the Irish Penal Reform Trust entitled *From Justice to Welfare: The Case for Investment in Prevention and Early Intervention* (Murphy, 2012). Murphy argues that:

Ireland's criminal justice system is wedded to the concept of prison as punishment and this system is not working ... Crime prevention policy in many jurisdictions has focused on targeting those found to be 'at risk' of offending with a view to intervening before the risk materializes. Various programmes and interventions have been designed

to identify those predisposed towards becoming the next generation of offenders.

Murphy's analysis of the cost-effectiveness of early intervention initiatives is persuasive and, in broad terms, I support the call for more early intervention initiatives. However, if we accept the centrality of family to criminal gang hierarchies, the challenges generated by lack of familial engagement with early intervention initiatives must be debated more thoroughly. Murphy acknowledges that lack of engagement is a critical and under-researched issue. She notes: 'there is little if anything specifically reported in the literature evaluating different approaches aimed at those most reluctant to participate in such programmes'. She also acknowledges that 'the difficulty of effectively targeting those "at risk" has also been highlighted in the literature as have the dangers of stigmatizing those so targeted' (2012).

However, if we acknowledge that the family is the central unit at the core of criminal activities in Limerick city and if we acknowledge that there are rational reasons why a family might engage in criminal activity, we must also acknowledge that there may be rational reasons why they might refuse to engage with early intervention strategies. If members of a family are actively involved in the importation and sale of drugs or guns, if they are involved in systematic intimidation of other families in the community and if they have active addictions themselves, they have every incentive to keep social/youth and family support workers at a distance. Thus, the likelihood that these families will voluntarily engage with early intervention strategies, during the early years period, may in some cases be quite small.

In this context, I think those of us advocating early intervention strategies as means of tackling juvenile justice issues need to evince greater realism about the question of familial engagement. While acknowledging the potential dangers of stigmatising a family who are forced to engage with such initiatives, the risks to the community of children who are neglected, abused and engaged in repeated anti-social behaviours are also considerable. The question of linking welfare payments to participation in such programmes has been proposed in other national contexts: while such an approach might be too radical for the Irish context, it would appear that sociologists such as myself and social policy practitioners who seek to promote early intervention strategies will need to tackle the question of familial engagement much more robustly in the future.



## **Implications for the Probation Service**

There is a good deal of potential for the Probation Service to facilitate engagement with early intervention strategies. For women on probation who have children at risk, engagement with early intervention initiatives could be part of the overall intervention of the service with the offender. For male clients of the Probation Service who have children or who are part of extended families where children are at risk, a willingness to participate in positive early interventions and to support younger family members in engaging with these strategies could be part of the overall package of early intervention targeted at families.

The question of how the Probation Service deals with the rational basis of gang participation is more complex. At the moment, cognitive behavioural therapy (CBT) plays a significant role in the work of the Probation Service with offenders. By engaging with CBT, the criminal is supported in acknowledging the deviance of their behaviour. However, the fact that behaviours are deviant in legal terms does not mean that they are irrational.

If we acknowledge that there are strong rational motivations for engaging in criminal activities and few rewards for desisting from crime, then it is possible that the use of CBT needs to be accompanied by a range of additional strategies. These might include addressing the structural and material reasons why families in disadvantaged communities engage in crime. It might also involve acknowledging the considerable stigma that men in disadvantaged communities face when they attempt to 'go straight' while still being viewed as 'scumbags' by mainstream society.

These approaches might also include interventions that acknowledge the agency of offenders as moral actors. Gang members interviewed for this study had an awareness of the difference between right and wrong and could identify periods where they exercised choice in terms of their own behaviour. Given that the primary finding of the Limerick research project was that young men and women in these communities crave 'respect', acknowledging the rationality of gang participation might be the starting point in identifying other routes outside of criminality where 'respect' can be gained.

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## Drug and Alcohol Misuse among Adult Offenders on Probation Supervision: Findings from the Drugs and Alcohol Survey 2011

Michelle Martyn\*

**Summary:** This paper is based on the analysis of the Probation Service's Drugs and Alcohol Survey 2011, conducted on 1 April 2011. The survey was completed by supervising Probation Officers based on their own knowledge or the file content of their caseloads. The results demonstrate the significance of drug and alcohol misuse as key criminogenic risk factors and targets for intervention. The study further highlights the need to carry out research consistently on drug and alcohol misuse<sup>1</sup> among adult offenders on probation consistently for the purposes of identifying trends to construct evidence-based policies to combat misuse.

**Keywords:** Alcohol misuse, drugs misuse, addiction, alcoholism, adult offenders, Ireland, Probation Service, courts, crime, supervision.

### Introduction

This report presents key findings from the first large-scale, nationwide representative survey on drug and alcohol misuse among the adult offender population carried out by the Probation Service. The Drugs and Alcohol Survey 2011 encompassed 2963 adult offenders based on Probation Officers' caseloads.

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<sup>1</sup> The Probation Service defines 'misuse' as drug taking that causes harm to the individual, their significant others or the wider community. It includes illicit drug taking and alcohol consumption that leads a person to experience social, psychological, physical or legal problems related to intoxication or regular excessive consumption and/or dependence.

The main objectives of the study were to:

- ascertain the number of adult offenders on Probation supervision who misused drugs and/or alcohol
- examine the nature and frequency levels of drug and alcohol misuse
- establish whether there is a correlation between drug misuse and the current<sup>2</sup> (index<sup>3</sup>) offence committed and to determine whether there is a connection between alcohol misuse and the current (index) offence perpetrated.

### **Methodology**

The Drugs and Alcohol Survey 2011 was completed by Probation Officers on the basis of their existing knowledge or record content of their caseloads. This type of research is crucial for the Probation Service, where professional judgements are highly regarded for informing policies and practices. The advantage of using a survey among Probation Officers was that it captured a large anonymised representative cohort based on their caseloads. Representativeness is essential in order for the study to make general conclusions about drug and alcohol misuse patterns among the adult offender population on Probation supervision.

Three documents – an information sheet, guidance notes and the survey – were circulated to Senior Probation Officers, who forwarded the documents to each member of their team. The information sheet explained the context, aims, submission of returns and outcomes of the study. Guidance notes were issued in order to provide clarifications on definitional issues. Probation Officers were directed to read the guidance notes prior to completion of the survey.

The survey looked at whether an offender had ever misused drugs and/or alcohol. Subsequently, it examined the details (i.e. the nature and frequency) of drug and alcohol misuse. The survey also explored any perceived link of alcohol misuse or drug misuse to the current offence committed.

Specific categories of offenders as part of the study included those subject to:

<sup>2</sup> 'Current' refers to the most recent offence committed by the offender.

<sup>3</sup> 'Index' refers to the most serious offence; for example, if an offender had committed a multitude of offences, the most serious offence ('index') was deployed in this analysis.

- Probation Orders
- all forms of deferred supervision
- Suspended Sentence Supervision Orders
- Post-Release Supervision Orders
- supervised temporary release

as well as life sentence prisoners on temporary release supervision.

The survey excluded offenders in custody, on Community Service, referred for assessment reports and those under 18 years of age. The number of validly completed surveys returned was 2963 (96.7%). All the data was coded by the Probation Service and was analysed using SAS software. Particular care was taken when manually coding the data, but it must be acknowledged that any large-scale transfer of data is subject to errors.

### **Limitations of the study**

As previously stated, the data from this survey is based on the case records and expert knowledge of Probation Officers. A limitation is that self-reporting or interviews with offenders were not used as part of this study. These methods might have enhanced the validity and reliability of the findings. However, self-reporting studies among offenders in the community tend to result in low participation rates, and offenders on Probation supervision may not disclose their misusing behaviour, or at least the extent of it, in case it would result in negative outcomes (especially in research commissioned by the Probation Service). Therefore, it is acknowledged that there are methodological caveats to this study. Results can only be viewed as estimations of drug and alcohol misuse patterns among the adult offender population on Probation supervision within the limitations outlined.

Research has been largely underdeveloped in the Probation Service in Ireland. Only one other study (Geiran, 1999) has been carried out on drug abuse among offenders, which was confined to the Dublin Metropolitan area, while there has been a complete absence of empirical research on alcohol misuse among the offender population. This study endeavours to add to a limited knowledge base and provide a foundation for ongoing research.

## Key findings

This section highlights some of the key findings the analysis generated with regard to the prevalence,<sup>4</sup> nature and frequency levels and the perceived alcohol and drug misuse linked to the offenders' current offence.

### *Drug and alcohol misuse*

The number of adult offenders on the caseload that had 'ever misused drugs and/or alcohol' was high among the sample, at 89% (Table 1). Due to the absence of research on misuse among offenders on Probation supervision in Ireland, there is no available comparative figure. Hence, this finding highlights the need for consistent research in order to evaluate misuse trends among the adult offender population on Probation supervision over time.

**Table 1.** 'Ever misused drugs or alcohol'

<i>Ever misused?</i>	<i>Percentage</i>
Yes	89%
No	11%

Of the sample, 69% had misused drugs (combining 'alcohol and drug misuse' and 'drug misuse only'). In the last broadly similar study carried out by the Probation Service, 55–60% of offenders who engaged with the organisation in the Dublin Metropolitan Area had abused drugs (Geiran, 1999). The inference can be drawn that drug misuse is substantially higher among the adult offender population on Probation supervision compared to the general population in Ireland, where only 27% were estimated to have used drugs during their lifetime (National Advisory Committee on Drugs (NACD), 2011).

Of the sample, 62% had misused alcohol (Table 2). No figures exist to compare previous alcohol misuse trends among the adult offender population on Probation supervision. 'No misuse' was reported in only 11% of cases.

Although 88% of the adult offender population on Probation supervision comprised males and 12% were female, the two genders had comparable levels of drug and/or alcohol misuse (Table 3). The level of

<sup>4</sup> 'Prevalence' refers to the proportion of the adult offender population that misused drugs and/or alcohol.

drug and/or alcohol misuse by adult female offenders is extremely high, although they constitute a relatively small proportion of the adult offender population.

**Table 2.** Overall misuse patterns

<i>Pattern</i>	<i>%</i>
Alcohol and drug misuse	42
Alcohol misuse only	20
Drug misuse only	27
No misuse	11

**Table 3.** Prevalence of drug/alcohol misuse by gender

<i>Gender</i>	<i>Misusers</i>	<i>Total</i>	<i>%</i>
Male	2304	2576 (88%)	89.4
Female	332	387 (12%)	85.8

Age is a crucial determinant of attitudes and behaviours, and one of the most important indicators of personal identity (O'Mahony, 1997, p. 29). Female misuse of drugs and/or alcohol peaked later, with 39.3% in the 25–34 age category (Table 4). This suggests that females' drug misuse tends to occur later than that of males.

**Table 4.** Ages of alcohol/drug misusers

	<i>Age (years)</i>				
	<i>18–24</i>	<i>25–34</i>	<i>35–44</i>	<i>45–54</i>	<i>55+</i>
Males	41.5%	35.1%	15.1%	5.5%	2.7%
Females	35%	39.3%	18.1%	4.8%	2.0%

Table 5 highlights the proportion of adult offenders that were misusing 'drugs only' by each age category. This analysis indicates that offenders in the younger age groups had higher levels of drug misuse, with 36.3% in the 25–34 age bracket. Drug misuse declined in the older age categories. Nonetheless, 35.7% of drug misusers were aged over 35, which illustrates the chronic and long-term problem of drug addiction. As described by Mullally (2011), drug treatment centres in Ireland are now faced with a third generation of drug misusers.

**Table 5.** ‘Drug misuse only’ by age

	<i>Age (years)</i>				
	<i>18–24</i>	<i>25–34</i>	<i>35–44</i>	<i>45–54</i>	<i>55+</i>
‘Drug misuse only’	23.8%	36.3%	24.8%	8.1%	3.0%

The nature and frequency of drug and alcohol misuse among the adult offender population are now examined. It must be highlighted that data were based on the perceptions of Probation Officers and, therefore, can only be viewed as an estimate. For example, often Probation Officers may not be aware of an offender’s misuse of softer drugs such as cannabis. Comments made by Probation Officers at the end of the survey in some cases indicated that there was some uncertainty as to the ‘current’<sup>5</sup> alcohol-/drug-misusing status, for a variety of reasons, including a lack of up-to-date information. For example, some clients were recent referrals or transfers. Probation Officers were sometimes uncertain regarding the clients’ alcohol-/drug-misusing status. Some Probation Officers felt that they had no ‘proof’ to confirm ‘current’ alcohol/drug-misusing status.

Alcohol was identified as the most common substance misused on a ‘current’ (36.4%) and ‘previous’ (37.6%) basis by Probation Officers based on their caseloads (Table 6). Alcohol has also been identified as the main problem substance among the general population in Ireland, accounting for more than half of all cases treated for problem substance use during the period 2005–2010 (Carew *et al.*, 2011). The results of this study highlight the necessity to include alcohol with illicit drugs in any examination of substance issues: ‘Failure to include alcohol data in reporting systems leads to an underestimation of problem substance use’ (Long *et al.*, 2004, p. 5).

Cannabis was the most common illicit drug misused among the adult offender population on Probation supervision. This finding is consistent with similar trends in the adult offender population in the United Kingdom (Budd *et al.*, 2005).

Of the sample, 8.9% was ‘currently’ misusing opiates, and 25.9% had misused opiates in the past.<sup>6</sup> Use of heroin (the main opiate) is much lower among the general population in Ireland, where the lifetime prevalence rate is 0.8% (NACD, 2011).

<sup>5</sup> ‘Current’ in this study refers to weekly, monthly and occasional misuse.

<sup>6</sup> ‘Past’ refers to 12 months ago or longer.



**Table 6.** 'Current' and 'past' drug/alcohol misuse

Drug/alcohol	Time of misuse ( <i>n</i> = 2963)			
	'Current' (weekly/monthly/ occasional)	%	'Past'	%
Alcohol	1078	36.4	1113	37.6
Cannabis	645	21.8	937	31.6
Opiates	265	8.9	766	25.9
Stimulants	190	6.4	1002	33.8
Misused prescribed drugs	219	7.4	568	19.2
Miscellaneous	55	1.9	256	8.6

The most recent study carried out by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) (2011) indicates that heroin abuse in Ireland is highest of 17 European nations. According to Bellerose *et al.* (2011), the proportion of new opiate cases was higher in Ireland (42%) compared to Europe (31%). Given the large proportion of offenders on Probation supervision misusing opiates compared to the estimated figure for the general population, the criminal justice system should be viewed as an important site to intervene and address opiate misuse.

Misuse levels for stimulants such as cocaine and ecstasy in the past were high among the adult offender population at 33.8%. Figures in this study suggest that the proportion of offenders misusing stimulants has declined substantially, with 6.4% having 'current' misuse. This may be partially attributed to changing drug fashion trends in Ireland: for example, ecstasy was seized for the first time in 1991 and by the year 1995, over 180,000 tablets were seized (Gordon, 1995). This compares to just 398 tablets seized by the Gardaí in 2010 (An Garda Síochána, 2010) as one indicator that highlights the drug's decline. During the 1990s, ecstasy was linked to the rave dance culture in Ireland, which has now largely diminished, suggesting a wider cultural change away from the drug.

Results from the NACD (2011) also indicate a massive drop in cocaine use: the number of 25–34-year-olds who reported using cocaine in the past year was 2.5%, one-third lower than consumption levels four years previously. Hence, the overall cultural shift away from these drugs may also explain the large difference between 'current' and 'past' stimulant misuse among the adult offender population.

Of the adult offender population in the survey, 7.4% were 'currently' misusing prescribed drugs. 'Past' levels of misuse were higher, at 19.1%.

The illicit use of benzodiazepines, in particular, by offender populations has been a cause for concern in Scotland and elsewhere in recent years (MacGregor Forsyth *et al.*, 2011) and appears to be reproduced here.

Frequent use of the most harmful substances can be indicative of problematic drug use (Budd *et al.*, 2005, p. 18). Therefore, Table 7 uses 'weekly' as an indicator to identify misuse patterns by gender.

**Table 7.** 'Weekly' misuse by gender

<i>Drug/alcohol</i>	<i>Males (2576)</i>	<i>%</i>	<i>Females (387)</i>	<i>%</i>
Alcohol	476	18.5	48	12.4
Cannabis	372	14.4	31	8.0
Opiates	108	4.2	35	9.0
Stimulants	70	2.7	10	2.6
Misused prescribed drugs	116	4.5	33	8.5

Alcohol was the most common substance misused by the adult offender population for males (18.5%) and females (12.4%). Cannabis was identified as the most frequent illicit drug misused by adult males at 14.4%.

Although the number of males misusing opiates in the sample was higher (offenders in the sample were predominantly male), proportionately, misuse of opiates among the adult female offender population (9%) exceeded that of the males (4.2%), consistent with international research (see Adams *et al.*, 2008). Furthermore, previous findings by Comiskey *et al.* (2006) disclosed that the most common drug used by Irish female prisoners was heroin.

The level of misuse of prescribed drugs was also high among the adult female offender population, with 8.5% misusing on a weekly basis. This was almost double the proportion of the adult male offender population (4.5%).

Among adult offenders on Probation supervision, the proportion of 'current' alcohol misusers was highest among adult offenders in the South West region<sup>7</sup> at 44.1% (Table 8).

Table 9 presents 'current' opiate misuse by the five Probation Service regions. The highest percentages of adult offenders misusing opiates by region were in the Dublin North and North East (12.5%), Dublin South

<sup>7</sup> In order to adjust for regional variation in offender population size, the proportion of drugs/alcohol misuse in each region was calculated.

and Wicklow (11.4%) followed by the Midlands and South East (8.4%). In a study carried out by the Health Research Board (2008) on treated problem drug use, heroin was identified as one of the main problem drugs reported by new cases in the Greater Dublin area and the Midlands region (Reynolds *et al.*, 2008). While opiate misuse has been historically viewed as centred in Dublin, the proportion of opiate misusers in the Midlands and South East region is indicative of a problem in this region.

**Table 8.** 'Current' alcohol misuse by region

<i>Region</i>	<i>%</i>
Dublin North and North East	36.2
Dublin South and Wicklow	29.3
Midlands and South East	39.0
South West	44.1
West, North West and Westmeath	35.2

**Table 9.** 'Current' opiate misuse by region

<i>Region</i>	<i>%</i>
Dublin North and North East	12.5
Dublin South and Wicklow	11.4
Midlands and South East	8.4
South West	4.2
West, North West and Westmeath	5.0

*Link between misuse and the 'current' offence committed*

Of drug-misusing offenders, 74% had their misuse perceived by Probation Officers as linked to the 'current'<sup>8</sup> offence committed. In almost a fifth (19.6%) of cases, drug misuse was noted by Probation Officers as not associated with the current offence perpetrated. This reinforces the point that not all drug misuse is linked to criminal activity. As highlighted by the United Kingdom Drug Policy Commission (2008, p. 26): 'not all drug use among offenders is necessarily directly associated with offending. For a considerable proportion of offenders it is just part of a way of life which includes both drug use and offending and reducing their drug use is unlikely to lead to reductions in their offending.' Therefore, a holistic approach is essential to ensure that all factors that lead to an individual's behaviour are addressed.

<sup>8</sup> The 'current' offence is the most recent offence committed. If more than one offence was committed, the most serious ('index') was counted in the analysis for this study.

In 6.4% of cases, no link or absence of link was specified (Table 10). These unspecified cases may be attributed to the Probation Officer's lack of knowledge as to whether the offence was a positive correlate to drug misuse, or clients were recent referrals to this Probation Officer who had insufficient information to answer the question at the time of the survey.

**Table 10.** Perceived drug link to 'current' offence committed

<i>Perceived link?</i>	<i>%</i>
Yes	74.0
No	19.6
Unspecified	6.4

#### *Age, misuse and offending*

Of those who misused drugs, adult offenders in the younger age<sup>9</sup> categories were more likely to have their misuse perceived to be linked to the current offence committed. As highlighted by Connolly (2006, p. 19):

With regard to the drugs–crime link, studies of drug users have found them typically to be single, aged between 14 and 30, male, urban, often still living in the parental home, from large and often broken families, having left school before the legal minimum age of 16, with highest levels of unemployment, with their best ever job being in the lowest socio-economic class, with a high number of criminal convictions and high rates of recidivism, with a history of family members being in prison, and a profile of extreme social disadvantage characterised by being from areas with a high proportion of local authority housing and often by the prevalence of opiate drug use and high level of long-term unemployment.

Table 11 suggests that the drugs–crime link goes beyond the age of 30, with 73.6% of drug misusers in the 35–44 age category having their 'current' offence linked to their misuse.

<sup>9</sup> In order to adjust for variation in the offender population size by age, the actual proportion of drug link to the offence was calculated by the total number of drug-misusing offenders in each age category.

**Table 11.** Perceived drug link to 'current' offence by age

<i>Age (years)</i>	<i>%</i>
18–24	70.6
25–34	79.7
35–44	73.6
45–54	48.1
55–64	50.0

Findings by Hearnden and Harcopos (1999) claim that the average gap between first use of any drug and first injecting was nine years, and between first use and first perception of a problem it averaged eight years for offenders on Probation supervision in London. The findings of this study highlight the high level of drug misuse linked to crime among the younger offender population. It illustrates the importance of intervening as early as possible to address addiction in the criminal justice system. Hearnden and Harcopos (1999, p. 4) state that:

Whilst it is probably hardest to work with problem drugs users during the early stages of their drug careers, when the perceived benefits of drug use still outweigh the costs, this finding reveals the potential pay-off that might be achieved from early interventions with younger offenders.

#### *Offence types*

Of those whose drug misuse was linked to the 'current' offence committed, 31.8% of cases were 'drug offences' (Table 12). It should be noted that drug possession accounts for most 'drug offences' recorded in Ireland. According to the Central Statistics Office (2010), the figure for 'possession of drugs for sale or supply' was 4159, compared to 'possession of drugs for personal use' at 14,523, which further indicates that drug users are deeply embedded in the criminal justice system. The finding shows that the link between drugs and crime is complex. Often the drug link to the offence is related to possession of drugs being a crime. As highlighted by O'Mahony (2008, pp. 47–48):

Because the possession of illicit drugs is by definition a crime and because the association between drugs and other forms of crime is apparently very strong, there is a distinct danger of overstating the

drugs/crime nexus and slipping into the trap of automatically equating drug use with crime. In fact, there are great many drug users who do not commit crime other than ‘inherent’ drug-related crimes intrinsic to drug use.

**Table 12.** Perceived drug link to ‘current’ offence type

<i>Perceived link</i>	<i>%</i>
Drug offences	31.8
Theft	16.8
Assault	10.7
Burglary	8.3
Robbery	7.7
Public order offences	7.6
Property offences	4.0
Dangerous acts	3.5
Weapons and explosives	2.5
Road traffic offences	2.5

The perceived link between drug misuse and acquisitive<sup>10</sup> crimes is reflected in this study and corroborated in the wider literature. Of offences that were linked to drug misuse, 16.8% were theft-related. Theft was the most common type of offence committed by the 2009 drug-misusing cohort in the United Kingdom (Home Office, 2010). In the *NEW-ADAM* survey, theft & handling and drug dealing offences were strongly associated with drug use status (Bennett and Holloway, 2004).

With regard to those whose drug misuse related to the ‘current’ offence committed, 8.3% of offences were burglaries and 7.7% were robberies, contributing to the 36.8% where the perceived drug link to the offence was associated with acquisitive crimes. Goldstein’s (1985) ‘economic’ model contends that drug users need to generate illicit income from crime such as robbery and burglary to support their habits. O’Mahony (1997) found that almost all in his sample of prisoners in Ireland admitted to funding their drug use through larceny, burglary and robbery. In a study carried out in the United Kingdom, the most common reason offered by prisoners for the drug link to offending behaviour was to gain money to buy drugs (Budd *et al.*, 2005). The offence with a perceived drug link was assault in 10.9% of cases. Assault is not commonly linked

<sup>10</sup> Acquisitive crimes include theft, burglary, robbery and property offences.

to drug misuse, as highlighted by the UK Drug Policy Commission (2008, p. 25):

Such offending is strongly linked to alcohol use, but may also be exacerbated by recreation use of drugs such as cocaine. Problem drug-using offenders may often act as street dealers in order to fund their drug habit and in this role may be involved in some violence associated with markets, as victims as well as perpetrators.

#### *Gender and offence types*

In this study, the perceived drug link to the offence for female adult offenders was mainly for theft-related offences and for drug offences. The perceived drug link to the offence for male adult offenders was for drug offences. For female offenders, theft was disproportionately lower.

Robbery was double the proportion for males as for females whose perceived drug misuse was linked to offending. Burglary was higher for male drug misusers than for female drug misusers. Assault and public order offences were also higher for the male drug-misusing offender population.

#### *Opiates and offending*

Of the perceived opiate misuse, 43.6% was linked to theft, robbery or burglary (Table 13). The association between opiate misuse and criminality is also highlighted in other previous Irish studies. As noted by O'Donnell (2005, pp. 128–129):

There is evidence that crime peaks in 1983 and 1995 coincided with the crests of the two waves of the heroin epidemic in Ireland. As most crime is against property, this supports the notion of heroin addicts as primarily acquisitive criminals.

**Table 13.** Perceived opiate link to 'current' offence

<i>Offence type</i>	<i>%</i>
Drug offences	29.5
Theft	20.4
Robbery	12.0
Burglary	11.2
Assault	7.7
Public order	5.4
Dangerous acts	3.2

Of the alcohol-misusing offenders, 71.3% were linked to the ‘current’ offence perpetrated (Table 14). The figure highlights the significant role alcohol plays in offending behaviour. Central Statistics Office figures show that there were 5000 more alcohol-related crimes committed annually than there were six years previously (O’Keefe, 2011), which suggests that the misuse of alcohol and its link to crime is an ever-increasing problem for Irish society.

**Table 14.** Perceived alcohol link to ‘current’ offence committed

<i>Perceived link?</i>	<i>%</i>
Yes	71.3
No	21.1
Unspecified	7.6

For over a fifth (21.1%) of alcohol misusing offenders their ‘current’ offence was not linked to their misuse. In 7.6% of cases, no answer was provided. Again, this may be attributed to the lack of certainty by Probation Officers as to whether the offence was linked to alcohol misuse.

Assault (20.9%) comprised one-fifth of cases where Probation Officers perceived the link between alcohol misuse and offending behaviour (Table 15). In a survey conducted by Alcohol Action Ireland (2011), one in 11 members of the general public reported that they or a family member had been assaulted by a person under the influence of alcohol in the past year in Ireland (with 50% not reporting the incident to the Gardaí). The results in this survey further highlight the correlation between alcohol misuse and assault offences.

**Table 15.** Perceived alcohol link to ‘current’ offence type committed

<i>Offence type</i>	<i>%</i>
Assault offences	20.9
Public order offences	18.9
Theft	12.7
Drug offences	9.2
Dangerous acts	8.0
Burglary	6.6
Property offences	6.3
Road traffic offences	3.0
Robbery	3.0



Of alcohol-related offences, 18.9% were related to public order. The psycho-pharmacological model proposes that the effects of drugs – in this case, intoxication – lead to criminal behaviour (Goldstein, 1985). A study carried out by the Institute of Criminology (2003) indicated that 97% of public order offences recorded over a five-month period were alcohol-related in Ireland. Of 50 Garda members interviewed as part of that study, 98% believed that alcohol was a primary casual factor in public order offending. However, a further analysis of 177 observed public order incidents found that alcohol played a role in just over half the total.

Although this survey confirms that there is a strong association between drug misuse and crime, and alcohol misuse and crime, this does not necessarily mean that one causes the other. The relationship is complex. There were other factors associated with offending behaviour. Many Probation Officers in this study cited the offender's anger and self-control as major concerns. Mental health and mild learning difficulties were predominantly cited as factors that contributed to criminal behaviour across the sample. Other factors such as disrupted family background, lack of parental control, low education, child abuse and domestic violence were also stated as risk factors in offending behaviour.

## Discussion

### *Identification and targeting of resources*

The research highlights the need for the Probation Service to target specialised interventions to the appropriate gender and age cohorts, as well as in specific regions. Male and female offender populations exhibit similar misuse levels, which indicates a need for tailored interventions, particularly for female offenders, though at a smaller scale.

It is clear that drug and alcohol misuse is particularly high among the younger adult offender population; however, as noted, while alcohol misuse has always been a concern among the older offender population, drug misuse is an ever-increasing problem for adult offenders in older age cohorts.

Drug misuse was particularly predominant among the adult offender populations in the Dublin North and North East and the Dublin South and Wicklow regions. Opiate misuse was highest in these Probation Service regions. The Midlands and South East region also appears to have a significant emerging problem with opiates. This has implications for all services and providers including integrated drug services within these regions.

The results of the research highlight that the South West Probation Service region has a particularly high level of alcohol misuse issues. While public concern and policy-makers have focused on the rise of illicit drug misuse and its consequences over recent decades, alcohol remains the most commonly misused substance among the adult offender population. The Probation Service, in taking cognisance of the high level of alcohol misuse, needs a developed strategy to ensure provision of and access to appropriate alcohol education, counselling and treatment services. The findings highlight the need to prioritise action to work effectively with the large alcohol-misusing adult offender population.

Responsivity is an identified key factor in the effectiveness of interventions. It necessitates the tailoring of the intervention to the learning style, motivation, abilities and strengths of the offender. It is therefore critical that interventions be based on quality assessment and matched with responsivity of the persons engaged.

#### *The need for female gender-specific interventions*

Though females made up a relatively small proportion of the adult offender population at 12%, misuse of drugs and/or alcohol was on a par with that among the adult male offender population. The study highlights that misuse of opiates and prescribed drugs was proportionately higher among the adult female offender population. Acknowledging that most programmes and structured interventions have been planned for male offender populations, the study indicates a need for gender-specific holistic interventions for female offenders. This will ensure a more effective means of addressing and managing addiction and offending issues for this cohort.

Further exploratory research may provide additional information and reasons for gender variations. Such research could inform practice and policy development and the case for gender-specific and age-specific (given that those in the 25–34 age group appear to be the most ‘at-risk’ female cohort) services and interventions.

#### *Addressing the link between misuse and crime*

The research indicates a strong association between alcohol and offences against the person, while there appears to be a link between drug misuse and offences against property. It is clearly identifiable in the research that drug and alcohol misuse are significant criminogenic factors in offending behaviour and therefore, as highlighted by Taylor *et al.* (2003, p. 271):

The monitoring and quantifying of drugs and crime is critical to policy development. There is relatively little work that has quantified how much crime is attributable to drug use. Clearly the size of the problem will dictate the level of resources that should be devoted to the problem.

It is important that in all future research alcohol be included in any drug analysis.

#### *Need for research*

This study adds to the limited knowledge base in Ireland in relation to alcohol and drug misuse among offenders on Probation supervision. It will raise awareness of the importance for the Probation Service to collate statistical information and commission robust research at regular intervals on alcohol and drug misuse among the adult offender population on supervision, to inform policy and practice. Research would, in particular, assist the Probation Service in identifying and prioritising appropriate interventions for better outcomes. Areas for follow-up research from this study include the following.

- A follow-up study on drug and alcohol misuse among the adult offender population by an independent organisation/researcher(s) where interviews or surveys on misuse levels are carried out with adult offenders on Probation supervision.
- An alcohol and drug misuse study among those under 18 years of age on Probation supervision.
- As was cited in this study, in a significant number of cases offenders have mental health problems including ADHD and mild learning difficulties. Therefore, there is a need for research on the mental health of offenders on Probation supervision, particularly dual diagnosis.
- Exploratory research on drug/alcohol misuse among the female adult offender population is required.
- An in-depth examination of polydrug misuse among the adult offender population (which, due to various limitations, could not be fully explored in this study).
- An impact evaluation of the engagement and outcomes of alcohol and drug treatment services for the offender population.

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## A Case–Control Study of Alcohol-Related Violent Offending among Irish Probation Clients

Janice Kelly and Vincent Egan\*

**Summary:** A case–control study examined whether aggressive offenders who had consumed alcohol before offending differed from aggressive offenders who had not consumed alcohol prior to their index offence or non-aggressive control offenders on measures of aggression, criminal cognitions, mating effort and personality. We examined whether alcohol-related aggressive offenders could be postdicted by individual difference measures. All 72 participants were on probation and completed the Buss–Perry Aggression Questionnaire; the Psychological Inventory of Criminal Thinking Styles; the Alcohol-Related Aggression Questionnaire; the NEO–Five Factor Inventory–Revised; and the Mating Effort Scale. The study found alcohol-related aggression expectancies predicted by low agreeableness and high neuroticism. Aggressive offenders who had consumed alcohol prior to their index offence were more likely to have higher levels of alcohol-related aggressive expectancies, aggression, callousness, and lower levels of neuroticism and thoughtfulness than non-aggressive offenders.

**Keywords:** Personality, aggression, five-factor model, alcohol, alcohol-aggression expectancies, assessment, probation, supervision, offenders.

### Introduction

Violent offenders have commonly been drinking alcohol immediately prior to their index offence. Shaw *et al.* (2006) found that 45% of homicides committed in England and Wales over a three-year period were alcohol-related. A meta-analysis of laboratory studies examining the relationship between alcohol consumption and aggression by Exum

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(2006) found that even in non-field conditions and with a selected population, alcohol exerts a medium effect on aggression. As most persons do not become aggressive after consuming alcohol, pharmacological effects do not fully explain the alcohol-aggression relationship – even if alcohol indirectly influences aggressive propensity by virtue of the disruption of cognitive, physiological and emotional systems (Exum, 2006). Alcohol is believed to affect cognitive functioning by limiting the number of cues a person can perceive and attend to; this is referred to as ‘alcohol myopia’, and may result in a person being less likely to generate alternative ways of interpreting and responding to aggressive situations (McMurran *et al.*, 2006). Though persons sometimes attribute their misconduct to the abuse of alcohol, there is not always objective evidence of it causing the mental impairment that can potentially lead to criminal misjudgements (Egan & Cordan, 2009).

Alcohol-related aggression is more likely to occur in certain environments; for example, bars that are crowded, noisy, uncomfortable, poorly ventilated, that have aggressive and over-controlling staff and that have higher numbers of intoxicated patrons (Leonard *et al.*, 2003). These bars are commonly also social settings where individuals may compete to acquire a partner. Egan and Hamilton (2008) used the Mating Effort Scale (MES; Rowe *et al.*, 1997), which measures intra-sexual competition in young drinkers, seeking to determine the level of effort an individual puts into attaining and keeping a partner. It was found that young people who displayed higher levels of sexual competitiveness and lower levels of agreeableness were more likely to describe themselves as being aggressive when consuming alcohol. Mating effort was found to have a greater influence on various aspects of alcohol-aggression expectancies than personality, age or gender. Aggressive behaviour may be a behavioural strategy that is helpful when competing for mates, and alcohol may disrupt normal inhibitory mechanisms controlling competitive aggression (Egan and Hamilton, 2008).

In delinquent peer groups, violence and alcohol consumption often occur together, thus strengthening alcohol-violence-related expectancies (McMurran, 2007). Alcohol-related expectancies develop from an early age and are influenced by the behaviour of family and friends, reports in the media, cultural contexts and by the individual’s drinking experience. Environmental contexts have been found to influence alcohol-violence-related expectancies and the speed at which these expectancies are accessed (Wall *et al.*, 2001). This could result in an increased probability

that other social cues in the environment are processed as hostile (Quigley and Leonard, 2006).

The social information-processing model suggests that individuals selectively focus on certain pieces of information from the environment, with aggressive individuals more likely to focus on and remember aggressive social cues (Sestir and Bartholow, 2007). 'Alcohol myopia' may make it more difficult for a person to establish a non-aggressive intention behind another person's behaviour (McMurrin *et al.*, 2006). According to the social information-processing model, individuals assess social information and consider possible ways to respond to the situation. Those who have high levels of trait aggression are more likely to respond in an aggressive manner and generally produce fewer alternative responses to the event (Sestir and Bartholow, 2007). As alcohol may impact on evaluation of responses, an intoxicated person may not consider the consequences of aggression; so if aggression is witnessed while consuming alcohol, it may increase alcohol-related aggressive expectancies and allow the belief to develop that aggression is permissible when in that state.

Highly emotional stimuli provoke pre-emptive processing of social cues whereby the processing of events is based on schemata rather than in-depth analyses of cues (Crick and Dodge, 1994). While schemata assist people to function by reducing the information they need to process, the reliance on particular heuristics or schemata may also result in an individual misinterpreting social cues. Pre-emptive processing is particularly likely to occur when negative arousal exists or when the social cue has been interpreted as hostile (Ireland, 2009). Due to alcohol's effect on cognitive functioning, acute alcohol use may produce an increased probability that pre-emptive processing of social cues will occur. Individuals with hostile attribution biases are more likely to respond to interactions that provoke hostility and aggression from others. This may provoke further hostile attribution biases, and suggests that information-processing deficits lead to aggressive behaviour (Sestir and Bartholow, 2007). Thus, pharmacological effects of alcohol on the cognitive system, alcohol-related expectancies, and the setting in which alcohol is consumed may all exacerbate these information-processing deficits in individuals with high trait aggression.

Aggressive offenders usually commit other non-aggressive offences and often show general criminal cognitions (Collie *et al.*, 2007). Zhang *et al.* (1997) found that hostility, aggression, deviant attitudes and impulsivity had a direct causal influence on the probability of committing an assault,



but found no direct association between the usual pattern of drinking prior to a violent crime and the probability of committing an assault. However, males who consumed more alcohol and had pro-criminal attitudes were more likely to commit a violent crime. This suggests that high levels of alcohol consumption play a facilitative role in aggressive males who have antisocial attitudes when committing a violent offence. Zhang *et al.* (1997) found that once a person committed a violent offence, alcohol consumption prior to the offence and usual drinking behaviour predicted future alcohol-related violence. This may be due to alcohol-related violent expectancies. Such research shows that criminal attitudes influence aggressive offending irrespective of alcohol use.

Many offenders have self-serving cognitive distortions and anti-social values that allow them to maintain their offending (Walters, 1995). These criminal distortions may result in an offender believing they are entitled to behave criminally, due to their strong emphasis on self-centred beliefs and thoughts. Primary cognitive distortions are supported by secondary distortions, which result in the offender rationalising or justifying their behaviour, which means that after committing the offence the person experiences less cognitive dissonance. These deviant attitudes may remain even when an offender is abstaining from criminal behaviour (Egan *et al.*, 2000).

Antisocial attitudes are often normative in criminal subcultures, and offenders often have more extreme general personality traits. The five-factor model of personality refers to the five dimensions of personality – Neuroticism, Extraversion, Agreeableness, Conscientiousness and Openness – repeatedly found to emerge from the analysis of large multivariate analyses of personality scales conducted on broad samples, and has been found an effective way of structuring other psychological findings (Costa and McCrae, 1995). Generally, personality traits such as high Neuroticism, low Agreeableness and low Conscientiousness underlie greater aggression and violence, substance misuse, and general antisocial behaviour (Egan, 2009, 2011; Lynam *et al.*, 2003). Thus persons with greater levels of criminal cognitions have higher levels of sensation seeking and Neuroticism, and lower Agreeableness (Egan *et al.*, 2000). The relationship between alcohol use and aggression is also mediated by personality (Holcomb & Adams, 1985).

The current case-control study examined the role of individual factors in alcohol-related aggressive offending in offenders on probation in Ireland. It investigated whether aggressive offenders who had or had not

consumed alcohol prior to their violent offence reflected two different populations, as indicated by significantly different scores on measures of aggression, antisocial attitudes and personality traits, and in comparison to non-aggressive offenders (many of whom also abuse alcohol). Lastly, it explored the relationship between alcohol-related aggression expectancies and the measures of mating effort, personality, aggression and criminal cognitions within an offender population, and whether these measures could differentiate offender populations.

## Method

### *Participants*

Eighty-one Probation clients participated in this research. Criminal records were not available for nine participants and these were excluded from analysis; consequently the final sample consisted of 72 participants aged between 18 and 55 years ( $M = 27.9$ ,  $SD = 8.42$ ). Participants were divided according to whether they had committed a non-aggressive offence ( $n = 25$ , 34.7%), an aggressive offence after consuming alcohol ( $n = 36$ , 50%), or an aggressive offence without consuming alcohol ( $n = 11$ , 15.3%). The mean number of convictions for non-aggressive offenders was 4.3; for aggressive offenders who had consumed alcohol 11.1; and for aggressive offenders who had had not consumed alcohol at the index offence 11.2.

### *Materials*

Participants completed the following questionnaires.

1. A demographic questionnaire, which sought information on gender; ethnicity; age; occupation; if they had been convicted of an aggressive offence; and if they had consumed alcohol prior to the offence.
2. *Buss-Perry Aggression Questionnaire* (BPAQ; Buss and Perry, 1992). This scale measures aggression. It is a self-report questionnaire in which individuals respond to statements such as 'Some of my friends think I am a hothead' on a five-point Likert scale. Responses range from 'strongly agree' to 'strongly disagree'. The scale consists of four subscales that measure physical aggression, verbal aggression, anger and hostility. Cronbach's alpha was reported to be 0.85, 0.72, 0.83 and 0.77 for the respective component scales and 0.89 for the total score. The BPAQ had good test-retest reliability, with the total score showing a reliability of 0.80 (Buss and Perry, 1992).

3. *Alcohol Related Aggression Questionnaire* (ARAQ; McMurrin *et al.*, 2006). The scale measures proneness to alcohol-related aggression expectancies and measures items that may play a role in it. Statements such as 'I get aggressive if I drink too much' are answered on a four-point Likert scale. The responses range from 'always false for me' to 'always true for me'. The ARAQ consists of 28 items. There are four subscales: trait aggression, alcohol aggression outcome expectancies, sensitivity to pain and anxiety, and high alcohol/low cost beverage lifestyle. The total score was demonstrated to be psychometrically superior to its component scales (McMurrin, 2002). On these grounds this research study only utilised the total ARAQ score. The ARAQ has good reliability, with McMurrin *et al.* (2006) reporting a Cronbach's alpha value for the total scale of 0.96 and test-retest reliability of 0.79.
4. *Psychological Inventory of Criminal Thinking Styles* (PICTS; Walters, 1995). This is an 80-item scale which measures criminal cognitions and thinking styles that are related to offending. The questionnaire consists of statements such as 'I tend to push problems to the side rather than dealing with them'. It consists of 80 items, which are measured on a four-point Likert scale with responses ranging from 'strongly agree' to 'disagree'. There are eight subscales: mollification; cut off; entitlement; power orientation; sentimentality; super-optimism; cognitive indolence; and discontinuity. Egan *et al.* (2000) found that the PICTS consisted of two broader factors; 'Lack of thoughtfulness', which comprised the scales mollification, cut off, sentimentality, super-optimism, cognitive indolence and discontinuity, and 'Wilful hostility', which comprised the scales entitlement, power orientation and mollification.
5. *NEO-Five Factor Inventory-Revised* (NEO-FFI-R, McCrae and Costa, 2004). The NEO-FFI-R utilises the five-factor model to measure personality traits. It measures the personality traits of Neuroticism, Extraversion, Openness, Agreeableness and Conscientiousness by providing the participant with statements that they rate on a five-point Likert scale. The responses range from 'strongly agree' to 'strongly disagree'. The questionnaire consists of statements such as 'I am not a worrier', and has 60 items. Costa and McCrae report that the scale has been proved to have good validity and reliability in a variety of cultures and contexts.
6. *The Mating Effort Scale* (MES; Rowe *et al.*, 1997). This is a 10-item scale. The questionnaire is answered on a five-point Likert scale

ranging from 'strongly disagree' to 'strongly agree'. The MES was originally developed for adolescent males, but has been used in various research studies among adult males and females (see Weiss *et al.* (2004) and Egan and Hamilton (2008)). Weiss *et al.* (2004) adjusted this scale for gender and sexual orientation. Both the adjusted scale and the original scale have good reliability: Weiss *et al.* (2004) reported a reliability of 0.76 and Rowe *et al.* (1997) a reliability of 0.7.

### *Procedure*

Prior to commencement of the project, a research ethics proposal was approved by the University of Leicester School of Psychology's Ethics Committee. Individuals were invited to participate in this research by their Probation Officer. If they wished to partake, the researcher met with them and they were asked to sign a consent form and to fill out the abovementioned questionnaires truthfully, answering all questions. Due to literacy difficulties some participants had the questionnaires read to them and they ticked the answers independently. It was felt that it was important not to exclude participants with literacy difficulties, as this could potentially be a source of bias. While it is acknowledged that reading the questions to the participants may potentially increase interviewer effects or social desirability response biases, this was minimised by allowing the participants to tick the answers independently.

### *Statistical analysis*

This research tested whether aggressive offenders who used alcohol at the time of their offence (alcohol) differ from aggressive offenders who did not use alcohol at the time of their offence (no alcohol) and non-aggressive offenders in terms of criminal cognitions, aggression levels and personality characteristics, using analyses of variance (ANOVAs) and Kruskal-Wallis and Mann-Whitney *U*-tests. Lastly, logistic and linear regression analyses examined whether proneness to alcohol-related aggression is predicted by criminal cognitions, aggression levels and personality, and whether these constructs can predict criminal group classification.

## **Results**

### *Descriptive statistics*

Means, standard deviations and alpha reliabilities were calculated for all variables. The internal consistency of the scales was measured using

Cronbach's alpha. The scales that measured Extraversion, Openness and Verbal Aggression had alpha reliabilities of less than 0.7, so were excluded from further statistical analysis (Table 1). The normality of distribution of the variables was tested utilising Kolmogorov-Smirnov tests, which found that BPAQ Physical Aggression and PICTS Lack of Thoughtfulness were significant, suggesting that the distribution of these variables was not normal.

**Table 1.** Means, SDs and reliability of all measured variables

	<i>Mean</i>	<i>Standard deviation</i>	<i>Alpha reliability</i>
ARAQ	56.3	17.9	0.94
(BPAQ) Total aggression	94.4	19.2	0.93
Physical aggression	30.2	8.1	0.83
Verbal aggression	17.3	3.4	0.55
Anger	21.8	6.2	0.81
Hostility	25.1	6.4	0.76
PICTS total scale	130.6	29.5	0.93
PICTS Lack of Thoughtfulness	76.5	17.0	0.87
PICTS Wilful Hostility	54.0	14.2	0.84
N	38.2	8.9	0.81
A	41.4	6.8	0.72
O	38.5	6.0	0.38
C	41.7	6.4	0.71
E	39.9	5.1	0.39
MES	26.3	7.1	0.74

#### *Correlational analyses*

Correlations were calculated between and within the scales of ARAQ, BPAQ, NEO-FFI-R and PICTS, to establish the relationship between the various measures used in this research (Table 2). The table of correlations shows that almost all measures were significantly correlated with each other. Significant positive relationships were found between the ARAQ and the BPAQ total measure of aggression and its subscales of Physical aggression and Anger. This supports previous research (McMurrin *et al.*, 2006). The correlations also revealed that a person who scored high in the ARAQ tended to score high in Neuroticism and low in Agreeableness. There was no significant relationship between the ARAQ and Conscientiousness. There was a significant positive correlation between the ARAQ and measures of criminal cognitions, Wilful Hostility, Lack of

**Table 2.** Correlations between measures

	<i>BPAQ</i>	<i>Physical aggression</i>	<i>Hostility</i>	<i>Anger</i>	<i>N</i>	<i>C</i>	<i>A</i>	<i>Lack of Thoughtfulness</i>	<i>Wilful Hostility</i>	<i>PICTS</i>	<i>MES</i>
<i>ARAQ</i>	0.39**	0.43** <sup>1</sup>	0.22	0.37**	0.40**	-0.17	-0.39**	0.36** <sup>1</sup>	0.35**	0.38**	0.20
<i>BPAQ</i>		0.86** <sup>1</sup>	0.73**	0.85	0.58**	-0.27*	-0.49**	0.71** <sup>1</sup>	0.56**	0.65**	
0.30**											
<i>Physical aggression</i>			0.34** <sup>1</sup>	0.6** <sup>1</sup>	0.37** <sup>1</sup>	-0.24** <sup>1</sup>	-0.54** <sup>1</sup>	0.61** <sup>1</sup>	0.53** <sup>1</sup>	0.62** <sup>1</sup>	
0.51** <sup>1</sup>											
<i>Hostility</i>				0.49**	0.58**	-0.17	-0.09	0.46** <sup>1</sup>	0.41**	0.46**	-0.08
<i>Anger</i>					0.53**	-0.18	-0.5**	0.55** <sup>1</sup>	0.43**	0.51**	
0.26**											
<i>Neuroticism</i>						-0.31**	-0.15	0.44** <sup>1</sup>	0.51**	0.49**	-0.04
<i>Conscientiousness</i>							0.13	-0.23 <sup>1</sup>	-0.49**	-0.37**	-0.19
<i>Agreeableness</i>								-0.39** <sup>1</sup>	-0.23	-0.34**	
-0.51**											
<i>Lack of Thoughtfulness</i>									0.76**	0.93** <sup>1</sup>	0.24 <sup>1</sup>
<i>Wilful Hostility</i>										0.94**	0.22
<i>PICTS</i>											0.23*
<i>MES</i>											

<sup>1</sup> Non-parametric test (Spearman's rank order correlation) was used. \* Correlation is significant at the 0.05 level (two-tailed); \*\* correlation is significant at the 0.01 level (two-tailed).

Thoughtfulness and the PICTS (a combination of wilful hostility and Lack of Thoughtfulness). The BPAQ and its subscales also had significant positive relationships with Neuroticism. The total score for the BPAQ, along with its component scale Anger, had a significant negative relationship with Agreeableness, while only the BPAQ had a significant negative relationship with Conscientiousness. This is supportive of the view that high Neuroticism, low Agreeableness and low Conscientiousness are particularly associated with aggression (Egan, 2009).

#### *Comparison between groups*

To establish whether aggressive offenders who had consumed alcohol differed from aggressive offenders who had not consumed alcohol, and in turn differed from non-aggressive offenders, ANOVAs and Kruskal-Wallis tests were conducted (Table 3). A one-way ANOVA indicated that there was a statistically significant difference between the groups on the measure of Anger,  $F(2, 69) = 3.59, p < 0.05$  (Table 3). Post-hoc comparisons did not show statistically significant differences between any two groups of offenders. For measures that were not normally distributed, the Kruskal-Wallis test was used for differences in scores across groups. Offender groups were significantly different on the total score of the BPAQ,  $H(2, n = 72) = 8.5; p < 0.05$ . Mann-Whitney tests were used to perform post-hoc comparisons on non-normally distributed data. Overall, this analysis revealed that aggressive offenders (alcohol) and aggressive offenders (no alcohol) did not differ significantly on the BPAQ, Anger, Hostility, Neuroticism, Agreeableness, Conscientiousness and PICTS 'Wilful Hostility' measures, although there was a small but statistically significant difference between them for PICTS 'Lack of Thoughtfulness'.

#### *Regression analyses of the data*

Logistic regression was conducted to ascertain whether the individual differences measures could be combined to predict whether or not persons who would be convicted for aggressive offences would have consumed alcohol. The full model with the predictor variables was not statistically significant,  $\chi^2(7, n = 72) = 12.34, p > 0.05$ . Violent participants could not be differentiated psychometrically for the criminological function of predicting whether an offender would be drunk or sober at the time of an index violence offence. By contrast, regression analyses found that this criminological differentiation was possible for

**Table 3.** Mean scores on variables by group with one-way ANOVA/ Kruskal-Wallis test (K-W given if data not normally distributed)

	<i>Non-aggressive offenders</i>	<i>Aggressive offenders (alcohol)</i>	<i>Aggressive offenders (no alcohol)</i>	<i>F-ratio/H value (all with x, y d.f.)</i>	<i>p &lt;</i>
<i>n</i>	25	36	11		
ARAQ	46.0	61.4	63.4	$F(2, 69) = 7.7$	0.01
Total BPAQ Aggression	84.6 *	98.8	103.1	$H(2) = 8.5$	0.05
Physical Aggression	25.1 *	32.5	34.2	$H(2) = 14.2$	0.01
Anger	19.2	23.0	23.8	$F(2, 69) = 3.6$	0.05
Hostility	23.6	25.6	26.6	$F(2, 69) = 1.0$	N.S.
PICTS total	123.7	130.5	146.5	$F(2, 69) = 2.8$	N.S.
Lack of Thoughtfulness	73.2 **	75.2	88.3	$H(2) = 6.6$	0.05
Wilful Hostility	50.5	55.3	58.3	$F(2, 69) = 1.4$	N.S.
Neuroticism	37.2	38.3	40	$F(2, 69) = 0.40$	N.S.
Agreeableness	43.5	40.0	38.4	$F(2, 69) = 2.8$	N.S.
Conscientiousness	41.9	41.8	41.0	$F(2, 69) = 0.1$	N.S.
Mating effort	23.2	27.4	29.6	$F(2, 69) = 4.2$	0.05

N.S. = non-significant. \* Non-aggressive offenders significantly different to aggressive alcohol offenders. \*\* Non-aggressive offenders significantly different to non-alcohol-abusing aggressive offenders.

psychometric measures obtained for alcohol-abusing violent offenders compared to non-violent offenders,  $\chi^2(7, n = 58) = 43.49, p < 0.01$  (Table 4). As shown in Table 4, Neuroticism, ARAQ, BPAQ, PICTS 'Wilful Hostility' and PICTS 'Lack of Thoughtfulness' variables contributed significantly and independently to the predictive ability of the model. Aggressive offenders (alcohol) were more likely to have higher scores on the ARAQ, BPAQ and the PICTS 'Wilful Hostility' scale and lower scores in Neuroticism and the PICTS scale of 'Lack of Thoughtfulness' than non-aggressive offenders.

Given the general associations between personality, aggression and personality measures, a regression model was constructed to predict total ARAQ scores from PICTS 'Lack of Thoughtfulness' and PICTS 'Wilful Hostility', Neuroticism and Agreeableness. As PICTS 'Lack of Thoughtfulness' did not meet the assumptions of multiple regression, but the two PICTS dimensions were highly correlated, the two summary scales were added to make a total PICTS measure. In this model, only Neuroticism and Agreeableness were significant independent



**Table 4.** Logistical regression predicting likelihood of offender belonging to the aggressive offence (alcohol) group as opposed to the non-aggressive offender group

	<i>B</i>	S.E.	Wald	Sig.	Exp( <i>B</i> ) (odds ratio)	95% C.I. for odds ratio	
Lack of Thoughtfulness	-0.23	0.08	7.36	0.01	0.80	0.67	0.94
Wilful Hostility	0.18	0.08	4.99	0.03	1.20	1.02	1.4
BPAQ	0.24	0.08	8.15	0.04	1.27	1.07	1.5
ARAQ	0.12	0.04	7.95	0.01	1.13	1.04	1.23
N	-0.25	0.10	6.74	0.01	0.78	0.65	0.94
A	0.10	0.10	0.95	0.33	1.10	0.90	1.36
C	0.18	0.10	3.13	0.08	1.19	0.98	1.45
Constant	-22.46	9.2	5.96	0.02	0.00		

BPAQ = Buss-Perry Aggression Questionnaire; ARAQ = Alcohol Related Aggression Questionnaire; N = Neuroticism; A = Agreeableness; C = Conscientiousness.

predictors of alcohol-related aggression expectancies ( $R^2 = 0.28, p < .05$ ); Neuroticism demonstrated a positive relationship with the ARAQ, while Agreeableness was negative. The squared semi-partial correlation between the ARAQ total and Neuroticism was  $sr_1^2 = 0.14$ , and that between the ARAQ total and Agreeableness was  $sr_1^2 = 0.13$ , showing that Neuroticism explained 14% and Agreeableness 13% of the total ARAQ variance (Tabachnick and Fidell, 2007).

## Discussion

This study found no difference between aggressive offenders who had consumed alcohol prior to their index offence and those who had not for measures of aggression, the criminal cognition of callousness, or personality. The only statistically significant difference between the two populations of violent offenders was on a 'lack of thoughtfulness' dimension, where aggressive offenders (alcohol) had lower levels than aggressive offenders (no alcohol). Although this difference was statistically significant, it was in real terms slight and of little genuine effect. This would suggest that there is very little difference between aggressive offenders who have consumed alcohol and those who have not. Logistic regression was not able to differentiate the two aggression groups psychometrically on any of the measured variables despite their relevance to predicting aggression in the first place. However, alcohol-consuming

aggressive offenders were different to non-aggressive offenders on the individual difference measures, with this being medium in effect. These results indicate that whether they have consumed alcohol or not, aggressive offenders have higher levels of criminal cognitions and aggression than non-aggressive offenders,

This study also examined the general psychometric relationship between alcohol-related aggression expectancies and broad individual differences. It found that high levels of dispositional aggression, high levels of criminal cognitions, higher Neuroticism and low levels of Agreeableness correlated with a greater level of alcohol-related aggression, whereas higher Conscientiousness and higher scores on the MES were not associated with expectancies about alcohol-related aggression. Multiple regression, which was used to ascertain how these measures predicted aggression when considered simultaneously, found only Neuroticism and Agreeableness to be significant independent predictors of alcohol-related aggression expectancies. This suggests that hostility and emotionality are fundamental influences on aggression, whether alcohol-driven or not (Egan and Lewis, 2012). Some offenders who commit aggressive offences after the consumption of alcohol do not believe that alcohol is related to their aggressive offending, and these persons report a low level of alcohol-related aggression expectancies. This study found that alcohol-related aggression expectancies were predicted by high Neuroticism and low Agreeableness. Aggression related to high Neuroticism is generally defensive, impulsive and emotional (Egan, 2009). It is possible that behaviours associated with lower levels of Agreeableness could result in a person becoming embroiled in a conflict situation due to their reacting in a defensive, impulsive and emotional manner driven by concurrent high Neuroticism, without Neuroticism actually driving the behaviour (Egan and Lewis, 2012).

The current findings differ from research conducted by Egan and Hamilton (2008), who found that higher scores on the ARAQ were related to low Agreeableness and Conscientiousness and that MES scores predicted total scores on the ARAQ. In the current study, MES and ARAQ total scores did not correlate significantly. It is possible that the differences in the results of the studies reflect differences in the samples used. Egan and Hamilton's (2008) sample consisted of student union recruits, whereas the current sample was a population of offenders on probation. It is conceivable that individuals in the two clinical groups, who both reported high scores on the ARAQ, act aggressively for different

reasons following the consumption of alcohol. Egan and Hamilton's (2008) research sample suggested that aggression-alcohol expectancies were greater in persons who were also higher in intra-sexual competition, implying that violent status display may be in operation. The current sample presented a positive but non-significant correlation between these measures, whereas high Neuroticism and low Agreeableness again predicted greater scores on the ARAQ, and high MES was associated with lower Agreeableness.

Our results have implications for the treatment for aggressive offenders generally, as they suggest that violent offenders are demonstrably different to non-violent offenders, even if they both abuse alcohol. Aggressive offenders who had consumed alcohol prior to their offence had an average of 11.1 previous convictions; non-aggressive offenders had only four previous convictions. This also suggests that the population of aggressive offenders who had consumed alcohol contained a large number of recidivists. It is probable, therefore, that this particular group can be identified as having more chronic problems requiring greater intervention compared to non-violent offenders, and that resources and treatments should be allocated more selectively to violent offenders. Violent offenders may benefit from a multimodal intervention that targets their aggression. Offenders who have committed violent offences after consuming alcohol may benefit from an additional component that addresses the facilitative role of alcohol use in aggressive behaviour such, as the Control of Violence for Angry Impulsive Drinkers (COVAID) programme (McMurran & Cusens, 2003).

Personality remains an issue for management of offenders. In our study those who report high levels of alcohol-related aggression expectancies were more likely to exhibit low Agreeableness and high Neuroticism. Listwan *et al.* (2007) found that those who possess traits associated with Neuroticism are more likely to reoffend. Van Voorhis *et al.* (2002) found that offenders with high levels of Neuroticism, who had completed cognitive behavioural treatment programmes, still had higher levels of recidivism than other participants. It is possible that offenders with high levels of Neuroticism and the concomitant low self-esteem, anxiety and depression may find it difficult to engage in treatment in a group setting, so this type of programme may not be the most beneficial for this type of offender. Equally, Neuroticism is associated with impulsivity, and impulsivity is a cardinal behavioural marker for reoffending (Gordon and Egan, 2011). Individual treatment may be more beneficial for this group.

Further research is needed to establish effective treatment for emotionally unstable offenders who report high levels of alcohol-related aggression expectancies.

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## Practitioner Perceptions on the Merits, Challenges and Ethical Dilemmas of LSI-R in Practice

**Margaret Prendergast\***

**Summary:** The Level of Service Inventory–Revised (LSI-R), a validated risk assessment instrument, was introduced into practice with adult offenders by the Irish Probation Service in 2004. This signalled the beginning of an unprecedented change process, which has since permeated every aspect of Irish probation work, including service delivery. Reflecting what is considered to be best practice in international probation policy and research, the Irish Probation Service has invested significant resources in introducing a new practice orientation and associated tools to ensure the delivery of high-quality assessment and supervision of offenders. A structured, standardised risk assessment and risk management approach has been adopted, which has required practitioners to shift their practice orientation from the traditional casework approach to an evidence-based one. This paper presents the findings from a study that examined practitioner perceptions of risk assessment/risk management orientation and its impact on probation practice with adult offenders. Providing an opportunity for reflection, it sought to elicit what practitioners consider to be the strengths of the new orientation as well as critical theoretical, ethical and training aspects that merit further deliberation. The study found that the transition from a model of care to one of control has raised dilemmas, tensions and conflicts for practitioners. As practice becomes more prescriptive and regulated, practitioners often find that they hold two incompatible beliefs at the same time; those from their professional social work training on one hand and those that underpin a more managerialist narrative on the other.

**Keywords:** Actuarial risk assessment instruments, LSI-R, the Probation Service, Probation Officer, practitioner perceptions, effectiveness, clinical judgement, quality control, training, ethical issues, audit.

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## Introduction

In recent years, The Irish Probation Service, in its role as the lead agency with responsibility for the assessment and management of offenders in the community, has had to respond to a changing environment. Within a context of rapid economic, social and cultural transformation, demands on service provision grew, bringing greater challenges, the need for a new strategic response and a search for more effective and innovative ways to address and reduce offending behaviour.

During a period of unparalleled change within the Service, practitioners have been required to adopt a new practice orientation grounded in risk assessment and risk management. A risk/needs assessment instrument (LSI-R)<sup>1</sup> for assessing and managing offenders has been introduced into practice. In line with international research and practice, the Irish Probation Service has moved from the traditional approach, which relied solely on practitioner clinical judgement, to a more structured approach based on actuarial risk assessment.

It is envisaged that that this new orientation will enable practitioners to address the complexities of offending behaviour, encourage positive change in offenders, reduce reoffending and protect the public by helping break the cycle of crime and victimisation. The first structured assessment tool introduced into Irish Probation practice was the Level of Service Inventory–Revised (LSI-R) in 2004.

The use of the LSI-R with adult offenders and the later introduction of assessment tools in Young Persons Probation (YPP)<sup>2</sup> and in work with domestic violence and with sex offenders have now been integrated into practice. This process has been supported by the fundamental transformation of the Probation Service and its understanding of how offenders can be best supervised in the community. Building on the experiences of other jurisdictions – Canada, the UK and elsewhere in Europe – Ireland has adopted a structured, standardised risk assessment and risk management approach considered to be consistent with the latest in evidence-based practice.

The research on which this paper is based set out to explore practitioners' perceptions on the impact of this new practice orientation on Probation Service delivery with adult offenders in the Irish context.

<sup>1</sup>The Level of Service Inventory–Revised™ (LSI-R™) was developed by Don Andrews and James Bonta (1995) and is published by MHS Inc. [www.mhs.com](http://www.mhs.com)

<sup>2</sup>YPP is a division of the Probation Service working with offenders under 18 years of age.



This exploration was informed and guided by a review of the vast body of international theory and research that forms the backdrop to modern probation practice.

## **Research**

Original research was conducted for dissertation purposes motivated by the researcher's interest in day-to-day practice and the impact of new directions on service delivery. It was an exploratory study that aimed to elicit probation practitioner perspectives on a very significant directional change in practice orientation. Both qualitative and documentary research methods were used.

The qualitative research was carried out by conducting eight semi-structured interviews in one probation region which has a mix of both urban and rural practice. Interviews were conducted with eight probation practitioners, all frontline staff, from Probation Officer and Senior Probation Officer grades. The respondents were chosen randomly, with care taken to ensure that there was at least one respondent from each team within the region. The semi-structured interviews were recorded and transcribed by the researcher for analysis. The study was piloted, permissions were sought and the ethical requirements as set out by the university (UCD) and the Irish Probation Service were complied with.

In addition to the qualitative research, international and Irish literature relating to the risk paradigm and the trends in probation practice approaches over the past 10 years was reviewed. Papers relating to the risk paradigm were reviewed back to 1985 – the year Garland's (1985) research first noted a shift to a 'new' or 'postmodern' paradigm with risk management at its heart, which therefore could be considered the starting point for any study of this nature. The literature review relating to practice was confined to the period 2000–2011.

## **Limitations of the study**

The study was for dissertation purposes and was limited in its scope. The findings relate to one Probation Service region and cannot be considered representative of the national service. It has, however, been interesting to compare the findings with two research articles relating to risk-based assessment and case management in the Irish context (Richardson, 2008; Bracken, 2010). Together these studies are beginning to shed some light

on the impact of actuarial risk assessment and management in Irish probation practice.

### **The risk discourse in international literature**

Over the past two decades work with offenders has been shaped in large part by the discourse of risk characteristic of late modern penal systems. Debates in social, political and professional contexts reflect a significant shift in thinking or 'penal transformation' that has had significant implications for probation policy and practice. The sidelining of the 'penal welfarism' paradigm, with its emphasis on rehabilitation, in favour of a 'new penology' concerned with the management of crime and risk heavily influences the way we view and how we work with offenders (Feeley and Simon, 1994; Garland, 2001; McNeill, 2004).

Garland (1985) noted that by the mid-1980s probation in the UK was already moving towards a 'new' or 'postmodern' paradigm that had risk management at its core. By 1995 Garland believed this paradigm shift had become embedded in both State and non-State agencies charged with responding to deviance (Garland, 1995). Responding to the influence of the risk discourse in social theory, the focus of probation policy and practice shifted away from a rehabilitative model and its concern for individuals and made way for a model that had risk management at its heart and favoured categories or aggregates of potential or actual deviants (Giddens, 1990; Beck, 1992; Robinson, 2002).

### **Impact of the risk discourse on probation practice**

Literature from Canada, the US, England, Wales and Scotland reflects a shift towards risk management to the extent that by the end of the 1990s the risk paradigm was impacting not only at policy but also at probation practice level. Risk assessment instruments were introduced into UK probation practice based on research in Canada by Andrews and Bonta (1995) and Home Office research (1996). Risk became 'the key classificatory mechanism for organising all probation work' (Kemshall, 1998, p. 80). A new discourse had evolved (Feeley and Simon, 1992). The discourse supporting the treatment and rehabilitation of individual offenders was displaced by a discourse focused on 'the rational and efficient management of the criminal justice system itself' (Bullock, 2011, p. 121).

Today clinical judgement and professional discretion have been replaced by actuarial, evidence-based risk assessments, highly structured instruments that include a comprehensive assessment of client characteristics that 'are attentive to responsivity, strengths, idiosyncratic risk factors and their integration into case management strategies' (Bonta and Wormith, 2007, p. 148). These assessments, strongly rooted in theory and evidence, and occupying an increasingly prominent position in probation practice, are designed to identify the risks (of reoffending and of harm) and criminogenic needs or dynamic risk factors of offenders. The idea is then to purposefully target those needs likely to contribute most to the risk of reoffending with interventions, usually involving cognitive behavioural methods, to change offenders' attitudes and behaviour.

Proponents of the risk paradigm approach advocate its effectiveness. According to Gelsthorpe, it has been packaged to the extent that it is now almost impossible to critique because the principles intrinsic in new public management 'promulgate responsibility, openness of enquiry, transparent decision making, efficiency and a whole host of other things that we might hold dear in the interests of development' (2007, p. 489).

However, new literature is emerging that questions and challenges the dominance of 'rational-technical' approaches and advocates the reinstatement of traditional probation/social work values that became submerged and sidelined in the discourse of new management (Ministry of Justice, 2011). There are now indications that consideration must be given to interventions that embody a more holistic approach to rehabilitation; one that sees the offender as an individual person. Critics of evidence-based practice argue for value-based objectives such as empowerment and social justice and individual objectives such as development of self-esteem which are not pursued because they are not amenable to measurement (Trotter, 2006, p. 10).

### **Risk discourse in Irish probation policy**

Literature relating to Irish experience indicates that the impact of the risk orientation had not made any significant inroads into either policy or probation practice in the Irish context prior to 2005. The 'correctional' drift in probation policy did not manifest itself until much later than in the UK and was first noted by McNeill in 2004, when he found evidence reflected in the 'fore-fronting of the language of risk and public protection' (McNeill, 2004, p. 33).

O'Donnell and O'Sullivan (2001, 2003) are of the opinion that a combination of media interest, public reaction and the political response of 'zero tolerance' and 'war on crime' initially represented the new punitiveness in Ireland. Kilcommins noted that the 'absence of correctional criminological debate in Ireland for the greater part of the twentieth century, and Government apathy regarding the commission of research, stands in marked contrast to developments in other jurisdictions such as the US and England and Wales' (2005, p. 20). He pointed to a trend towards a 'crime control model of justice' beginning to emerge, with measures designed to maximise efficiency, enhance control and minimise risk (2005, p. 33). In 2008 Richardson found that 'concerns for accountability, value for money and management of those deemed "risky" has contributed to an ideological shift from rehabilitation and welfare to risk assessment and offender management' (Richardson, 2008, p. 5).

Contemporary international debates, but particularly those in England, Scotland and Wales, provoked much debate within the Irish Probation Service. This in turn influenced the search for the 'most appropriate organizational structures within which to deliver community based sanctions' (McNeill, 2004). The subsequent audits, restructuring of the Probation Service and the setting out of the Service's mission, strategic goals and objectives in strategy statements and work plans all reflect a correctional drift in Irish probation policy discourse.

It could be argued that with its emphasis on enhancing public safety and promoting the common good (Strategy Statement, 2006–2007), the Irish Probation Service moved away from being a primarily offender-oriented service to one in which the wider public became the intended beneficiary (McNeill, 2004). This drift is consistent with recent work by Kilcommins which states that Ireland's criminal justice system 'is showing signs of drifting in the direction of an "assembly-line" model of justice in which the State–individual balance is increasingly tipped in favour of the former' (2011, p. 69)

### **Impact of risk discourse on Irish probation policy**

The consequences of this shift in thinking mean that over a short period of time a very significant change in perspective has occurred in Irish probation policy and practice and practitioners have had to adjust to an unprecedented shift in practice orientation. The service previously known as the Probation and Welfare Service is now known as the Probation

Service, the word 'welfare' having been dropped from the title in 2006. The discourse has also changed – 'clients' are now more often called 'offenders', 'social inquiry' or 'pre-sentence reports' are now 'risk assessments', 'supervision' of clients is now 'offender management' and terms such as 'risk category', 'criminogenic factors', 'effectiveness', 'enforcement', 'public safety', 'public protection' and 'value for money' have all entered the vernacular.

As public and political attitudes to crime and to the treatment of offenders changed, and as the restricted economic climate put more and more emphasis on increased effectiveness and value for money, Irish probation policy took on a managerial approach with target setting and monitoring together with effectiveness and efficiency as its core. In an effort to become more efficient and effective, risk assessment tools, national standards, templates, guidelines and procedures and various supporting policy documents have been introduced. These developments can be placed within the broader international trend referred to earlier as the 'new penology' of risk or actuarial justice (Feeley and Simon, 1992, 1994; Feeley, 2003; Kemshall and Wood, 2007).

### **What is known from research in the Irish context?**

Research into risk assessment/risk management in Irish probation practice is limited. In the wider criminal justice context, research relating to the risk paradigm, how it developed and how it is shaping thinking in Irish criminal justice is found in the work of O'Donnell and O'Sullivan (2001, 2003), Kilcommins *et al.* (2005), Kilcommins (2005, 2011) and Kilcommins and Considine (2007). As outlined earlier, these authors are all of the opinion that while initially Ireland may have managed to avoid much of the rhetoric and punitive policy developments happening in the USA and in the UK, this situation has changed and the risk discourse is now firmly embedded in Irish penal policy.

Davies (2007) outlines the introduction of the LSI-R risk assessment tool into Irish probation practice. Ireland adopted the instrument later than other jurisdictions, most notably the UK.

Work by McNeill warns of what might be lost by making the transition from 'welfarist rehabilitation' to 'correctional treatment' (2004, p. 28). He argues that 'desistance research should provoke a reconsideration of the essential character of interventions with adults involved in offending behaviour' (2004, p. 28) and that there are 'aspects and forms of

rehabilitation that we should seek to defend and retain' (2009, p. 5). These sentiments are supported in Healy's research into desistance and rehabilitation in the Irish context, which suggests a more holistic approach to practice that 'recognises that informal sources of support and personal resources play a role in desistance alongside professional treatment' (2010, p. 181). Healy's research cautions against an overemphasis on offence-focused factors and argues that Probation Officers should 'also target desistance-related factors such as employment status and family ties' (2010, p. 181).

There are two research articles (Richardson, 2008; Bracken, 2010) relating to Irish probation practitioners' perceptions on the introduction and use of risk assessment instruments in practice. Bracken's work found concerns among practitioners around the issue of keeping a balance between community safety and addressing offender needs. There was also a desire to understand the relationship between risk assessment and case management, with a perception by some that community safety outweighed rehabilitative considerations (2010, p. 107).

Richardson's (2008) research, conducted two years after the introduction of the LSI-R risk assessment tool into Irish probation practice, investigated the attitudes of Probation Officers working with adult offenders in Dublin. It examined the complexities experienced by probation practitioners and identified key issues, positive and negative, in adopting risk assessment tools. Richardson found that, despite the introduction of the LSI-R, Probation Officers were likely to favour clinical judgement over actuarial assessment when making decisions relating to their practice with adult offenders.

The Probation Service has adopted the risk-based case management approach to practice. Research into the implications of this new direction on practice is still in its infancy, but initial indications are that the Service has, over a short period of time, caught up with its international neighbours in adopting an evidence-based approach to the assessment and management of offenders. Practice has moved away from a traditional welfare-oriented approach to a new managerialist approach that is concerned with risk management and control (Healy, 2010).

## Research

The research was conducted over a three-week period during January and February 2012. It focused on practitioner perceptions relating to the

assimilation of actuarial risk assessments and risk management into Irish probation practice with adult offenders.

Seven of the eight respondents were working in the Probation Service for a number of years prior to the introduction of the LSI-R actuarial risk assessment tool in 2004. Therefore, they had considerable experience of working in the Service at a time when decisions relating to offenders rested solely on professional clinical judgement. All eight respondents had a social work background; five have a Masters qualification.

The interviews took a semi-structured approach based on a topic guide. The topic guide was determined by the themes and issues that emerged from the literature review, international and Irish, researched to contextualise the study.

### **The findings**

The findings from my research are presented under five themes as set out in the topic guide.

#### *Effectiveness of risk assessment tools*

The majority of the respondents were of the opinion that the introduction of the LSI-R risk assessment tool was a positive development. The reasons given were that a structured assessment provided a 'framework' and a 'focus' identifying risk factors and levels of risk, 'setting the stage for future interventions'. The majority of respondents reported using the instrument to validate their own judgement or assessment and ensuring that 'important aspects did not get overlooked'. Practitioners reported that such assessments helped ensure that they did 'not take short cuts' or 'ignore things that might be important'.

*The questions are focused on risk factors. That is a good thing. It helps keep focus on what is important. That is important in the initial assessment phase. It certainly sets the stage for any future interventions.*

*What is good about it is that it allows you raise issues with the client that might be awkward. The line of questioning is gradual, very specific and purposeful and draws the client in.*

In relation to the LSI-R's ability to standardise practice, the majority of respondents felt that its use contributed to professionalism, particularly

in relation to court reports and our interactions in court and with other related professionals.

*We are able to present it in our reports. It looks more professional. It is a researched tool so we are able to stand over it if we are questioned on it.*

*It allows us speak the language of risk with other professionals and stakeholders.*

Practitioners felt they were 'more than just risk assessors' and that an individual client's circumstances should be looked at carefully. Most respondents believed that the LSI-R tool did not accurately assess some clients' level of risk as it is not sensitive to the variables specific to some groups, i.e. travellers, foreign nationals and women.

In the changing economic climate many felt that the questions relating to employment, place of residence and accommodation could now 'raise the risk level for some people' and could be considered 'judgemental'.

*The questions are such that someone's employment, accommodation, education status, etc. could see their risk level rise. There is an inbuilt dynamic that doesn't allow for cultural differences relating to those items. We have to say to ourselves 'hang on a minute' and allow professional opinion or judgement override class and cultural imposed prejudice.*

Respondents believed that now, more than ever, there is 'greater room for error' in assessing the risk level. Most respondents cautioned on the need for 'greater care' in completing assessments, to ensure they 'are not completed too quickly' as 'a client's future depends on it being accurate'.

Most respondents felt that the LSI-R, in its electronic form, is very useful to Service management.

*Managers can now ask how many clients you have in a particular category and what you are doing and how you are managing and evaluate the intervention and level of supervision that is being applied with a client.*

*Managers can now say to an Officer well if an offender falls into a particular category there is a level of expectation that you will meet with this client on so many occasions and that you would do work to address these particular issues.*



*Actuarial risk assessments and clinical judgement*

All respondents felt that the LSI-R is an assessment tool only. It does not outweigh or replace professional judgement. Most felt that actuarial assessments should not stand alone in determining risk, as this would render the assessment too narrow. A healthy relationship with the client that encompassed 'transparency' was considered to be the most vital aspect of the assessment process.

*I believe the individual relationship between the practitioner and the client is much more important. Assessment might be a guide but I think getting a person to a better place has a lot more to it than just a good assessment. The assessment says there is a risk; it doesn't tell us how to get around the risk. That is the human side of our work. Sometimes the mistake practitioners make is to allow the assessment to be the be-all and end-all.*

*My concern is that literally the tool now seems to have taken over from the personal relationship and it all seems to be about the record keeping and the scores and the reapplication and the administrative side of it.*

*The use of LSI-R: Practice on the ground*

All the practitioners interviewed reported using LSI-R at the initial assessment stage and believe that it is now routine practice. The majority of respondents felt that, while it took a few years for this approach to embed into practice, court reports and supervision practice are now more 'offence-focused'. All reported that they gather collateral information when completing the assessment in addition to the self-reported information gathered from the client. All respondents believed that this is important, even though in many cases there may not be much difference between the self-reported information from the client and the collateral gathered from other sources. Not all respondents manage to reapply the LSI-R at the six-monthly intervals, for a variety of reasons.

Most respondents felt that the Probation Service does not have adequate safeguards in place to ensure that this and other risk assessments are being used properly. Practitioners, they believe, received training but this is 'historic at this stage'. More than half of the respondents felt that because the LSI-R assessment has been in use for some years, practitioners are becoming 'complacent' and felt that 'there are some questions that could be answered wrongly'. Some felt that court reports have become too standardised as a result of the LSI-R and have lost a sense of the client as an individual.

*Without safeguards the biggest danger is that it puts writing reports into a bit of a strait-jacket. It's timely that we review it. It has been there for some time now.*

*We have a professional responsibility to think about why we are asking the questions. Without proper safeguards there is a danger that it might become a tick-box exercise or used to get high-risk offenders into prison. We can become complacent. There should be a refresher, like an NCT, every two years for all risk assessment tools.*

#### *Risk assessment/risk management and social work*

All respondents believed that the practice orientation within the Irish Probation Service is now similar to that in other jurisdictions internationally. In their view there has been a purposeful move towards a risk assessment/risk management model over recent years, and away from the more traditional 'welfarist' approach.

Many respondents expressed concerns relating to ethical and value issues within this approach and to the place of the client in the process, feeling that 'we can't lose sight of the client's vulnerability' or that 'we are dealing with a human being'. The ethical and value issues included the use of power, being judgemental, balancing care and control and categorising clients.

*It could be seen as a harsh approach if not used properly. It could be seen to be very judgemental from the client's point of view. There is an issue of power. Probation Officers have a lot of power. If they are not aware of this the assessment tool might be used inappropriately. Practitioners need to be sensitive and respectful.*

*The thing about categorising them, I think, can be difficult ... as many of our clients are not familiar with the language of risk.*

*Sometimes it is not as easy as completing an assessment form and putting people into a certain bracket. You'll always have variations. We need to keep a balance between risk management and our clinical judgement on a case-by-case basis.*

*We are using this model and it is a model of control. We also need to be mindful of the model of care at all times. It is that balance.*

All respondents understood that the level of risk determined by the assessment will influence the case management plan and the level of intervention or resources available to the client. Those clients deemed to be in medium- and high-risk categories will receive a greater resource allocation that includes practitioners' time and skills. While the majority of respondents felt that there might be some benefit in seeing those in lower risk categories less often, they also expressed some concern that this might not be right in every situation.

*You don't want to be further criminalising somebody but you want to be offering support if support is what they need and linking them to appropriate services that they mightn't easily access themselves, so I guess we need to be open-minded and aware and careful when we are making decisions about levels of support.*

Ethical dilemmas centred on the possibility of setting somebody up to fail, trying to hold onto values in a changing work environment and the view that practitioners are becoming 'case managers'.

*I personally feel clients are more than a questionnaire, they are about having a vision, about having hope and if a questionnaire takes that hope away then we could be setting them up to fail. Do we set somebody up to fail by asking them to get a job? The danger is the assessment may force people to do things. There are some categories such as travellers who are prejudiced already. The LSI-R could in my view be a double prejudice, almost copper-fastening the original prejudice. This screams 'injustice' to me.*

*If they are met with uniform inflexibility and they don't tick the boxes it changes nothing, it just enforces their role as victims of the system. I think support and care for people gets them to change.*

*I suppose we are becoming case managers to a large degree, that we pass somebody over to another practitioner or to another agency and say now I don't have to worry about them again. It is not always effective.*

#### *Training needs/issues*

All of the respondents had been trained to use the LSI-R assessment instrument when it was introduced in 2004. Some, but not all, had attended refresher training. Only one respondent had a clear under-

standing of the origins, theory and principles that underpin the risk/needs/responsivity model. Of the remainder there were varying levels of understanding, but in essence the learning was now considered 'historic' and much of the theory was forgotten. Some respondents expressed a concern that they might not be sure what to say if they were cross-examined about it in court. Others felt there should be some sort of mentoring group, and felt the loss of the 'super-user' group.<sup>3</sup>

*I think we need to be checking in every two years or so. We could be questioned about it in court so we need to be aware of the specifics. I'm not confident that I would know all the answers if I were questioned on it.*

*I remember there were super-user groups but I wouldn't know now where to access a super user. It's nearly presumed we all know how to use the LSI-R but that's not always the case.*

All respondents were of the view that there was a need for regular refresher and training opportunities and that it might now be timely to revisit the theory and principles, particularly in light of changing economic environments.

*Like all models there might be a need for adaptation. Things change and evolve. Maybe there is now a need for additional research.*

*Training is no bad thing. The stumbling block is when we answer questions just for the sake of it. Unless there is training there is a danger that it will become a paper exercise. There is a danger that it could lose its value and if asked in court what it means could you answer? A client's life depends on it being accurate.*

## Discussion

From the findings it is accepted by the practitioners interviewed that the LSI-R assessment tool has been a helpful addition to probation practice, providing a structured, focused framework to guide assessment. It is

<sup>3</sup> 'Super users' were a small number of staff with considerable knowledge of how the LSI-R instrument worked who offered support to their colleagues around issues or problems relating to their use of the instrument.

embedded into routine assessment practice and is credited with helping practitioners focus on offence-related matters rather than on other pieces of client narratives peripheral to the task in hand. Practitioners credited the LSI-R with increasing their professional competence and credibility both in practice within the Service and in their interactions with external professionals and stakeholders.

*Professional judgement in risk assessment/risk management*

Practitioners were cautious about the ability of LSI-R to assess risk levels accurately for some clients. This is consistent with the findings from international research (Kemshall, 1995b; Raynor and Vanstone, 2002; McNeill, 2004), which notes that risk assessment instruments based on risk factors from general populations can lead to miscalculations of risk for minority groups and females if used uncritically. In such situations practitioners were likely to use the override facility and call on their professional judgement when making decisions relating to their clients.

Practitioners experienced a tension between how they felt the LSI-R should be used and what they perceived to be the view of Service management. Practitioners view the LSI-R and other risk assessment tools only as aids in risk assessment. In the opinion of the respondents, professional and practice knowledge and judgement are equally or more important. Practitioners felt that, for Service management, the LSI-R, particularly since it became available online, drives and informs Service policy. It is perceived as a tool of control and surveillance with an ability to monitor practitioner practice. Many practitioners expressed concern about the LSI-R now having become the 'be-all and end-all' and that professional knowledge is sidelined to a secondary place.

These perceptions are not peculiar to Irish probation practice and are in keeping with international research exploring the role of technology in risk thinking (Ericson and Haggerty, 1997; Franko Aas, 2005). Computerised records generate an almost instant knowledge and, according to Franko Aas, 'the force of managerialism is deeply dependant on a structured and formatted view of reality' (2005, p. 153).

The perceptions of the respondents in this research appear to be indicative of the arrival of a managerial-surveillant discourse in Irish probation practice and of moving to a place where neoliberal values dominate (Nellis, 2005). In such a culture efficiency, particularly cost-efficiency, becomes important to the extent that it supersedes 'values that

have hitherto given purpose to the organisation and motivated its professional staff' (Nellis, 2005, p. 179). Practitioners reported that they regularly find themselves impacted by two often incompatible value systems: the official discourse that underpins actuarial practice, and the professional social work discourse that they draw on daily to deal with the relational aspects of practice. As a result they often have to draw on their experience as practitioners to decide what is best for their clients.

In 2008, Richardson found that practitioners were favouring clinical judgement over actuarial risk assessment when making decisions relating to risk. Today, four years later, while practitioners are routinely using the risk assessment tool and are able to identify many of its limitations, they continue to claim a place for professional clinical judgement in their everyday practice and to revert to this judgement when critical decisions have to be made.

#### *Practitioner–probationer relationships in risk assessment/risk management*

In addition to professional judgement, respondents were keen to assert the place of the practitioner–probationer relationship within the risk assessment/risk management approach to practice. They believe this to be a crucial factor facilitating change and desistance. Practitioner views relating to the place of the relationship are supported by research findings (Hubble *et al.*, 1999; Hopkinson and Rex, 2003; Burnett, 2004)

#### *Safeguarding and training*

All practitioners felt that there weren't adequate safeguards in place to ensure that risk assessment instruments were used properly, consistently and accurately. Among the concerns raised were complacency, loss of client individuality and identity in a tick-box culture, errors in determining risk level, over-calculating risk level, clients being placed in inappropriate categories and diversion of high-risk offenders to prison or to other services.

All respondents called for additional training. Most had forgotten the theory and principles that underpin the LSI-R assessment. This is cause for concern as it is probable that there are practitioners completing the assessment without fully understanding what they are doing. Given that a miscalculation of risk could have serious implications for a client, this could be considered unethical practice and needs to be addressed immediately. Some were of the view that it is time for a review of our practice, now that this risk assessment/risk management approach has

embedded into practice, and to look at the issues that are of concern to practitioners. One respondent summed up the sentiments by saying:

*If you happened to be the individual client that was being assessed, wouldn't you like to make sure it was done accurately?*

#### *Value and ethical issues*

International and Irish research findings presented earlier demonstrate an emerging trend that is beginning to question the impact of the evidence-based risk–need–responsivity model on the value base of probation practice. The works of Maruna *et al.* (2004), McNeill (2004), Smith (2005), Trotter (2006), Gelsthorpe (2007), Milner and Myers (2007), Ward and Moreton (2008), Birgden and Cucolo (2010), Healy (2010) and Ward and Salmon (2011) all advocate the right of clients to be treated as persons deserving of a humanistic care approach.

Many of the ethical issues raised in international research were echoed by respondents in this study. Complex human needs, imbalance of power, judgements, categorising and labelling, the care/control dilemma, balancing client and community needs, the fear of setting somebody up to fail, and holding onto professional values and beliefs in an ever-changing practice environment were some of the issues raised. These views are similar to the critical themes emerging from international research, relating to the impact of the risk–needs model on both clients and practitioners, where fragmentation, deprofessionalisation and depersonalisation were also found to be concerns. The dilemma for practitioners is in deciding which set of values to draw on to resolve everyday practice dilemmas. Most often that decision seems to be based on their professional judgement and values.

Gelsthorpe proposes that all new policies and practices should be subjected to a 'rights audit' (2007, p. 505), while Kemshall suggests that 'agency risk policies should be underpinned by a statement of values and principles to inform actions and choices of practitioners' (1995a, p. 11).

The experiences of Irish practitioners suggest that they are experiencing ethical and value conflicts. This research suggests that an ethical audit and time for critical reflection are needed in a practice environment that has changed significantly over a short period of time. Probation practice has a moral quality. There is a need for clarity. Critical reflective practice would help bring clarity to those situations in which there is obscurity, doubt and conflict (Dewey, 1933) better equipping

practitioners to deal with the complex demands of working with offenders in ways likely to promote more positive and emancipatory outcomes (Thompson and Thompson, 2008).

## Conclusion

Practitioners acknowledge the need for greater competency in both the assessment and the supervision of offenders, and welcome and use the actuarial tools that help make this possible. They continue to call on their professional training, practice learning and clinical judgement when making critical decisions relating to their clients. Practitioners believe that traditional values are under threat, and experience increased uncertainty and anxiety when having to make complex ethical decisions.

The study concludes that, given the rapid pace of change over recent years, it is now time to appraise the value base of current Irish probation policy and practice. It is also time to take stock of quality control and training needs. Findings indicate a deep and resounding wish to keep professional clinical judgement and the practitioner–probationer relationship central to practice.

It appears from recent research that future best practice may need to be inclusive of such competencies in order to be effective. Perhaps in the light of this new research practitioners will see professional social work values reinforced in future practice, wherein assessment and supervision will be a more collaborative process for both practitioner and client. In the words of Gregory, a positive way forward might be to ‘look at how these deeply held values and well developed skills can be made use of in the challenge of working with offenders in ways that will facilitate lasting changes in their behaviour’ (2010, p. 2289).

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## Motivational Interviewing: An Appropriate Model for Engaging Clients with Drug Abuse Problems in the Probation Service

Sheena Norton\*

**Summary:** Motivational Interviewing (MI), initially developed to assist those with alcohol addiction issues (Miller, 1983), is also a useful strategy in probation work with offenders. A 'problem behaviour' as defined by the criminal justice system may not be identified as such by the offender. Nonetheless, the Probation Service may be charged with the task of changing that behaviour, and an approach such as MI, which seeks to work with the offender and not against them, is worthwhile, effective, respectful and, this paper will argue, an appropriate intervention tool and model. Following on from Loughran (2006), this paper sets out the continued relevance and practical application of this approach in guiding supervision and intervention with drug-using offenders some six years later. As a Probation Officer in current practice, the value of employing this approach on a daily basis informs this paper. MI and the Cycle of Change model are employed by Probation Officers in key tasks such as preparation of pre-sanction reports, development of case management supervision plans, contracting and agreeing goals, encouraging compliance, managing non-compliance and reducing recidivism.

**Keywords:** Motivational Interviewing, Cycle of Change, behaviour change, interventions, offenders, probation supervision.

### Introduction

The focus of probation work has increasingly developed greater emphasis on responding to criminogenic targets in keeping with 'what works' principles, alongside encompassing principles of effective risk assessment and risk management. Motivational Interviewing (MI) is grounded in evidence-based practice of 'what works' (Clark *et al.*, 2006; Saunders

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*et al.*, 1995). Its popularity grew in the early 1980s as an alternative model to more traditional approaches aimed at facilitating behaviour changes (Miller, 1983, 1985).

There is undoubtedly a link between drug use and crime (McCullagh, 1996; Williams, 2004; Probation Service, 2006, 2008), and most Probation Officers' caseloads reflect this correlation. How Probation Officers engage with offenders with addiction issues can vary, according to individual practitioners and service policies. The belief that 'the resources and motivation for change reside within the individual' is consistent with the philosophy of the Probation Service in Ireland (Loughran, 2006, p. 20). The mission statement of the Probation Service includes 'Provide high quality assessments of offenders and a professional and effective management of services and supports to bring about positive change in the behaviours of offenders' (Probation Service, 2006, p. 3). Inherent in the values of the Probation Service is the belief that 'Each person has innate value, dignity and capacity for positive change' (Probation Service, 2008, p. 8). This paper seeks to explore MI and the Cycle or Wheel of Change model (Prochaska and DiClemente, 1983), and their relevance and usefulness in working with court-mandated offenders with addiction issues. This approach and model is advocated as best practice with the Probation Service, and Probation Officers are encouraged and supported through in-service training to adopt this framework in interventions with clients experiencing addiction issues. Approaches such as these are also standard in addiction treatment in the United Kingdom (Velasquez *et al.*, 2001).

### **What is Motivational Interviewing?**

MI is an extremely useful strategy in working with persons who are ambivalent about changing their addictive behaviour. Probation Service clients are rarely self-motivated, voluntary participants seeking to enter into a therapeutic counselling relationship to effect positive change in their life circumstances. The typical profile of an offender is as an involuntary client, resistant to change, obliged to attend with a Probation Officer by a court, the alternative often being a prison sentence.

The tasks of a Probation Officer are complex. The order of the court must be complied with and balanced with the need to motivate the client towards positive change while also managing potential risks to the community. The challenge of the dual role of the care versus control

dilemma for Probation Officers can be effectively handled by MI approaches, 'as it does not require clients to be motivated in the traditional sense but offers practical techniques for working with people who may feel that change is undesirable' (Harper and Hardy, 2000, p. 399).

The same perspective may not be shared by the client, the Probation Officer and the court. In using MI, 'Probation staff can examine how to impose sanctions and build helpful relationships, and with training, agents can build the skills to supervise for compliance and increase the offender's readiness for change' (Clark *et al.*, 2006, p. 25). MI is a very appropriate and worthwhile intervention tool for this task. Employing the Wheel of Change – a six-stage model of change, developed by Prochaska and DiClemente (1983) – as a frame of reference can help to move people forward in addressing their addiction. It is outlined in more detail later in this paper.

Deep down, the majority of Probation Service clients have some level of concern about their behaviour and this may be the starting point on which to base intervention in probation work with offenders. The task of the Probation Officer is to elicit this concern and build on it to increase motivation to change. 'Motivational Interviewing is a directive, client-centred counselling style for eliciting behaviour change by helping clients to explore and resolve ambivalence' (Miller and Rollnick, 1995). Clearly some Probation Service clients may have ambivalence about whether or not their addiction is something that they wish to or feel ready to address. MI seeks to help people reach their own decision to change and give their personal commitment to that change.

MI is especially useful in work with those with low or no motivation to change, and can be employed successfully at different stages of treatment (Mann *et al.*, 2002). Studies have found that when heroin users attending a methadone clinic were also treated using MI, they showed more commitment to treatment goals, more compliance with treatment requirements, fewer heroin-related problems and fewer relapses than a control group who did not receive the benefits of MI alongside methadone maintenance (Gossop, 2009). In a study of drug misusers court-mandated into treatment, those who received MI were more likely to attend for and complete treatment than those who did not (Lincourt *et al.*, 2002).

MI can be effective in dealing with client resistance (Clark *et al.*, 2006; Mann *et al.*, 2002). It seeks to highlight and emphasise one's own ambivalence and discomfort about one's personal situation, thus stimulating the person's own desire for change. Harper and Hardy (2000)

tested the effectiveness of MI as an appropriate intervention tool in probation work with offenders. The study concentrated on clients with drug and alcohol abuse problems and the skills base of the supervising Probation Officers. Findings indicated that offenders who were supervised by MI-trained staff demonstrated more 'significant attitudinal changes' than those supervised by non-MI-trained staff.

MI 'is not just a collection of techniques to apply on an offender. Raising motivation levels and increasing offenders' readiness to change requires a certain climate – a helpful attitude and a supportive approach that one takes with an offender' (Clark *et al.*, 2006, p. 22).

A study by Miller *et al.* (1993) found that directive and confrontational approaches in probation work with offenders produced twice the resistance, and only half the desired positive client behaviours, in comparison with an alternative approach such as MI that was supportive and client-centred. Confrontational approaches can inhibit change and serve to encourage the person to continue with their addiction (Clark *et al.*, 2006). 'Locking horns creates a downward spiral that satisfies neither. Research finds that when we push for change, the typical offender response is to defend the problem behaviour' (Clark *et al.*, 2006, p. 39). MI can provide an alternative: 'It allows offenders to reconsider the positive and negative consequences of their behaviour more thoroughly and to relate their behaviour to their value system' (Mann *et al.*, 2002, p. 91).

### **Principles of Motivational Interviewing**

The motivation to change should be led by the Probation Officer. The necessary skills inherent in the work of the Probation Officer arise from social work training and qualifications which are reinforced by in-service training and work environments.

Basic interviewing skills such as the use of open questions, reflective listening, summarising and '*change talk*' (Miller and Rollnick, 2002, p. 85) are employed by Probation Officers in the initial stages of the MI process. Reflective listening and summarising what has been said allows offenders to explore the meaning of their behaviour for themselves and to resolve their ambivalence or inner conflict about their drug use as something that is rewarding for them while at the same time it may be self-destructive.

The aim is to develop and widen discrepancies between the clients' expressed wishes and actual behaviours evident. Through goal setting

with the client, exploring available options to change and securing the client's own commitment to change, the desired behaviour is facilitated by the process (Loughran, 2006). The strengths of the client, epitomised by the social work 'Strengths Perspective' (Seden, 2005) may also be employed at this stage.

There are five broad principles in MI (Rollnick, 1996; Miller and Rollnick, 2002, p. 36), as follows.

1. *Roll with resistance*: Confrontation is not considered beneficial – the client is seen as the expert in developing solutions to their problems. Reframing as opposed to challenging may be more productive.
2. *Express empathy*: The task of the worker is to convey to the client that they fully comprehend their thoughts, feelings, values and meaning. The worker must understand their client's feelings and perspectives and convey this to them without judging, criticising or blaming. Mirroring the client's experience back to them may allow them to really see and experience their situation.
3. *Avoid argumentation*: Arguments are considered counterproductive and damaging, leading to defensiveness. '*Defending breeds defensiveness*' (Sciacca, 1997).
4. *Support self-efficacy*: An inherent belief is client individualisation and unique capacity to change (emulated in the Probation Service mission statement and values). The client is responsible for their own personal change.
5. *Develop discrepancies*: Discrepancies between a client's actual behaviour and goals that may be important to them can motivate change. The task of the worker is to raise doubts by eliciting the gains and losses of either staying the same or changing their behaviour; e.g. worker attempts to develop discrepancies between short-term gains of drug use and long-term goals of the individual. The challenge for the Probation Officer is 'to first identify and increase [this] ambivalence, and then try to resolve it by creating discrepancy between the actual present and the desired future' (Clark *et al.*, 2006, p. 40).

Applying the five principles outlined above requires the Probation Officer to work towards increasing ambivalences displayed by the client, identifying and elaborating discrepancies between what the client says, believes and does, enabling the client to view the reality of their situation in a non-threatening manner, and examining the causes of the client's drug use and its consequences for their significant others. For example, if a drug



user is referred to the Probation Service, under threat of prison if they do not stop using drugs but not self-motivated to address their addiction, the following MI approaches can be employed to initiate change.

- Eliciting the client's positive experiences of drugs, i.e. the 'pro' list – the benefits the client perceives to derive from their drug use. This begins the process as non-confrontational while also serving to engage the client and build rapport. For example, *What do you enjoy about using heroin? People usually take cocaine because they enjoy its effect – why do you take it?*
- Explore the client's negative experiences of drugs, i.e. the 'con' list – the negative effects the client can identify for himself. This allows them to name the adverse consequences, thus establishing possible ambivalence; for example, *What do you not like about taking heroin? What problems are caused by using drugs?* It may be appropriate to use prompts from the 4 Ls model (Roizen and Weisner, 1979): Law (correlation between drug use and conflict with law), Liver (health), Love (personal relationships), Labour (effect on work life/studies/hobbies).
- Identify the client's goals; for example, *If things were different for you, how might that be? What do you want to achieve? How does your use of drugs fit with what you want in life?*
- Encourage the client to reach their own decision to change – emphasise and highlight the client's dilemmas and ambivalence, then ask for their decisions; for example, *Have you made a decision about what you want to do? Have you decided to continue as you are or to stop using drugs?*
- Set goals with the client in order for them to make the changes. Goals should be SMART (specific, meaningful, assessable, realistic, timely); for example, *What will your first step be? When would you like to be off drugs? Who can help and support you through this?*

### The Cycle of Change

A guide for the worker and client alike may be the Wheel of Change model. Prochaska and DiClemente (1983) developed a model of behaviour change to explain how people change undesirable behaviour as well as develop and maintain new behaviours. This model provides a structure for understanding where each client is at in relation to the change process. Using the Wheel of Change, the Probation Officer can match each intervention appropriately. The task of the Probation Officer

is to assess a client's readiness to change and to enhance the client's motivation through a series of techniques, depending on where the client is at. MI complements the Wheel of Change and allows for facilitating change in the early stages, even with clients who are resistant or not yet ready to change. Clients in each stage of the cycle respond to different skills and strategies, and the worker needs awareness of this. Research has shown that this model is particularly useful in matching clients with treatments based on their readiness for change (Thombs, 1999). Use of MI techniques, employing the Wheel of Change as a frame of reference, guides the worker in their intervention. In this model, change is considered as a progression through five stages (Prochaska and DiClemente, 1983).

### **The stages of change**

1. *Precontemplation*: The person is not aware, denies or refuses to acknowledge that there is in fact a problem. The person does not identify the negative consequences as outweighing the positive consequences in their circumstances. The person continues in a situation that is damaging and is not considering change.
2. *Contemplation*: The person acknowledges that they have a problem and begins to seriously consider dealing with it. It may be acknowledging the negative effects drugs have caused in their life through exploration of the 'Four Ls' model (Roizen and Weisner, 1979). Clients can spend varying lengths of time in this stage before actually making a decision to change.
3. *Preparation/Decision*: The person reaches the decision themselves to make a change. Something finally tips the balance to awareness that there are more negative consequences than positive. The person needs to plan for how they will make the changes.
4. *Action*: The person begins to take the relevant action to change their behaviour. It is still early in the change process. Immense effort is required to maintain the changes following initial action. Essential to the process are changes in attitude and thinking.
5. *Maintenance*: The person maintains the change over a significant period, often dealing with challenges and difficulties. The 'honeymoon' period may pass, elation may not always accompany the benefits, and yearning for the past may have to be overcome. It requires determination, hard work and support to stay on track.

A sixth stage, *Relapse*, has been incorporated into the 'Wheel of Change' (Prochaska and DiClemente, 1983). This recognises that relapse is part of the cycle and that people may go around the wheel more than once in their efforts to sustain long-term changes. Relapse should not be considered as a failure, but as a learning experience: it should be addressed quickly and the person returned to action as soon as possible. Relapse can enhance the possibilities of success on the next occasion.

It is important for Probation Officers to understand that clients vary in the time it takes them to go around the Wheel of Change and in the time they spend at each stage of the change process. Some clients can be motivated quickly and moved along. Others will be resistant and slower. Many clients go through the process several times. Clients need to know that they will not be judged but will be supported.

## Conclusion

This paper has explored how MI can be an appropriate model for engaging clients with drug abuse problems. MI is a valuable, appropriate and legitimate technique in probation work with offenders. It is not a 'cure-all, but it is an approach that has real value in guiding the way in which we think about and attempt to work with offenders' (Mann *et al.*, 2002, p. 99).

In conjunction with the Cycle of Change or Wheel of Change, MI can engage clients with drug abuse problems towards positive change. The principles and values of MI are reflected in the mission statement and values of the Probation Service in Ireland (Probation Service, 2006, 2008) and are reinforced by the commitments to in-service training and work environment of the Probation Service.

The potential for change, for all our clients, is the fundamental building block for probation work with offenders. MI provides important skills and knowledge and is a valuable intervention approach in the Probation Service, and undoubtedly an appropriate model for engaging clients with drug problems.

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## Lifers: An Exploration of Coping among Male Life Sentence Prisoners

**Michelle Richardson\***

**Summary:** The impact of long term imprisonment has been well documented. However, much of this research has taken place in jurisdictions other than the Republic of Ireland and focused on the psychological changes that occur during long term incarceration. This study focuses on coping amongst a small number of prisoners serving life sentences in a prison in the Republic of Ireland. In the Republic of Ireland, there are no specific programmes designed to meet the needs of life sentence prisoners in custody. Once sentenced, prisoners must simply adapt and come to terms with the indeterminate sentence. In recent years, there has been a sharp rise in the number of people being sentenced to life imprisonment. It is therefore timely that attention is paid to the issue of coping amongst this group of prisoners. The study identifies the factors that support coping among life sentence prisoners currently serving sentences in Ireland. The study also highlights a number of flaws inherent within the current system for managing life sentence prisoners in Ireland. It argues that the importance of providing support services to life sentence prisoners should not be underestimated given the gravity of the offending behaviour, the impact on victims and the consequences for society in general.

**Keywords:** Life sentence, prisoners, imprisonment, courts, sentencing, Ireland, coping, long-term imprisonment.

Prison is not a life that life sentence prisoners would want, and prison does not provide a life that they would desire. But prison is all lifers have. To survive, they must adapt. For lifers, it's as good or as bad as it gets.

(Johnson and Dobrzanska, 2005, p. 8)

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## **Introduction**

The past 50 years witnessed rapid growth in criminological literature on the impact of prison. The effects of long-term imprisonment have been well documented (Sykes, 1958; Cohen and Taylor, 1972; Sapsford, 1978; Richards, 1978; Zamble and Porporino, 1990; Flanagan, 1995; Roscher, 2005; Liebling and Maruna, 2005). However, much of the research has focused on psychological changes that occur during imprisonment and the detrimental effects of long-term imprisonment. All of this research has taken place in other jurisdictions. In the Republic of Ireland, since 1998, there has been a sharp rise in the number of life sentences being imposed by our criminal courts (O'Keefe, 2008; O'Donnell, 2011). According to the Irish Prison Service, the number of life sentences increased by 10% in 2009. In that year 22 life sentences were imposed by the criminal courts, and by the end of it 276 prisoners (male and female) were serving life sentences, which represents 6.8% of the total prison population (Irish Prison Service, 2009, p. 3). There has also been a notable increase in the average time spent in custody for life sentences. In recent times a life sentence prisoner can expect to serve, on average, a minimum of 17 years in prison before being considered for a structured release programme. This compares to an average of just over 7.5 years served for life sentence prisoners who were released between 1975 and 1984, and just under 12 years for life prisoners released between 1985 and 1994 (Irish Prison Service Report, 2009, p. 4). It is clear from these statistics that not only is the number of life sentence prisoners increasing, but the length of time served is also rising.

## **Research rationale**

In light of the increasing number of life sentences, it is timely that some attention be paid to the needs of life sentence prisoners. Currently there are no specific programmes designed to meet the needs of life sentence prisoners within the Irish Prison Service (IPS). Once sentenced, a life sentence prisoner is treated similarly to other prisoners in that he/she must adapt to the prison regime and find ways to come to terms with his/her sentence. (The term 'lifer' is used in much of the literature, and will be used interchangeably with the term 'life sentence prisoner' throughout this paper.) Lifers are eligible for review by the Parole Board approximately seven years into their sentence and, until then, they must

adjust and cope. Thus, as this study highlights, few programmes are implemented with lifers until the first Parole Board review is imminent.

Research in the Republic of Ireland on coping with life imprisonment is limited to just two studies: Jamieson and Grounds (2002) and Geaney's (2008) unpublished master's dissertation in criminology. Jamieson and Grounds (2002) examined the effects of imprisonment among Republican prisoners and their families. Republican prisoners had a support structure among prisoners, and their families had additional political support, which may have aided coping (Jamieson and Grounds 2002). Geaney's research identified common themes such as loss of identity and loss of contact with family. She found that prisoners responded differently to life sentences, and their resettlement experience also varied. Geaney recommended that further research on life sentence prisoners' coping strategies should be carried out in Ireland. There is limited research in Ireland on coping with life imprisonment from prisoners' perspectives, and very little is understood or known about the coping strategies employed by prisoners to come to terms with the indeterminate nature of their sentences and their futures. Further, there is a dearth of literature with an Irish context on how best to respond to the needs of this group of prisoners, though Probation Officers and psychologists are deployed to prisons where there are large numbers of life sentence prisoners. While the Irish Probation Service has guidelines for supervising life sentence prisoners released 'on licence' and protocols for the management of life sentence prisoners, guidelines outlining effective work in prisons with this group of prisoners do not exist in Ireland. Consequently, probation practice within prisons with lifers is varied and is limited to writing parole board reports and preparing life sentence prisoners for release.

The author works with prisoners and has developed an interest in how they come to terms with life imprisonment. Of particular interest is how life sentence prisoners cope and motivate themselves. This group of prisoners have to accept that they have no release date. The release date, for other prisoners, signals an end to imprisonment and a target to work towards. Managing a sentence with no specified end date can be challenging for prisoners and for staff who are charged with engaging them.

### **Aims of study**

The study aimed to explore coping among male life sentence prisoners, and to identify from prisoners' perspectives the kind of supports that



would be useful in helping them cope with a life sentence. The study also aimed to make to make recommendations for professional practice with life sentence prisoners.

### **Research questions**

The study focused on two main questions.

1. How do male life sentence prisoners cope with life imprisonment?
2. What factors contribute to coping among life sentence prisoners?

### **Research design**

The research design was qualitative, which allowed the researcher to exact richness and meaning from the data (Maxfield and Babbie, 2001). Qualitative designs permit more in-depth analysis of the data and are flexible enough to respond to whatever data is made available from the research participants (Patenaude, 2004). The prisoners in this research told their personal stories of coping with life imprisonment, and attempting to quantify these deeply sensitive and personal experiences would have been inappropriate. As the sample was selected by the Governor of a different prison to the one in which the researcher currently works, the risk of familiarisation was minimal. The prisoners were given written information on the research design, informed consent and the parameters of confidentiality. The first three prisoners who agreed to participate were interviewed and they formed the sample. The sample size was small and therefore, the data gleaned from the participants was not intended to be representative of larger lifer populations. Given the small size of the sample, the findings cannot be generalised to wider life sentence prisoner populations. Rather, the study was designed to capture personal experiences of coping among a small number of lifers, which would be suggestive and subjective as opposed to definitive.

All male prisoners currently serving a life sentence in the prison in question were included in the sample. Non-life-sentenced prisoners and sex offenders were excluded as the study aimed to look exclusively at coping among men who had committed murder. The researcher gained access to a prison in which no sex offenders were housed. Thus, access limitation was also one of the reasons for excluding lifers with a sexual element to their offence. Female life sentence prisoners were not included

in the sample as the researcher was permitted access to a male-only prison. Thus, the coping responses of female life sentence prisoners are beyond the scope of this study. However, it is worth noting that research on coping among female lifers indicates that they require different programmes to male lifers to assist coping (Roscher, 2005).

The research was completed within a limited time frame as it was undertaken as part of an academic study. The time constraints reduced the sample size considerably. Each participant had served over 20 years in prison. Participants were between 59 years and 65 years of age.

As mentioned above, the data collection method chosen was semi-structured interviews, which facilitated the researcher to build rapport and trust with the participants. Moreover, interviews seemed to be the most unobtrusive way of extracting rich data. As the researcher aimed to elicit the participants' experiences, interviewing offered the best potential to understand these experiences. An interview schedule was designed to capture data and to guide the researcher during the interviews to the areas that are the focus of this study.

The men in this study were asked how they came to terms with the life sentence and how they coped with long-term imprisonment. Throughout the process of the data collection, the researcher analysed the interviews to look for core concepts and themes that were relevant to the study. When common themes occurred, they were extracted and presented in the findings. A number of other themes arose during the course of the interviews, including issues such as the lack of special training for prison officers working exclusively with life sentence prisoners, coping with boredom and frustration within the prison regime, and the arguments for abolition of the mandatory life sentences in Ireland in favour of a system where a fixed tariff or punitive period is handed down at the start of the sentence. Given that the specific focus of the study was to explore coping, these themes were not developed or explored in detail in the study.

### **Participant profile**

All participants had been sentenced to life imprisonment in their mid-thirties, and two of the three had never served a custodial sentence prior to the life sentence. All participants pleaded guilty to murder from the outset, and this appeared to have assisted them in coming to terms with what lay ahead.

### **Research limitations**

The participants spoke about their subjective experiences and, therefore, the findings cannot be generalised to the wider population of life sentence prisoners. Due to delays in gaining access to the target sample, and the time constraints this generated, the final sample size was smaller than previously envisaged. The sample is not intended to be representative of the general prison population. It is possible that the findings would be different if the researcher had interviewed participants who had recently commenced their life sentences. The limited sample and delay in gaining access to the sample meant it was not possible to compare coping among life sentence prisoners who were at the beginning of their sentence and prisoners who had already served a significant term.

### **Impact of life imprisonment**

Historically, descriptions of prison life have highlighted the destructive nature of long-term imprisonment on the psychological, physical and social wellbeing of inmates (Sykes, 1958; Goffman, 1961; Cohen and Taylor, 1972; Snacken, 1997). Sykes (1958) coined the term 'the pains of imprisonment', which refers to the various forms of deprivation prisoners experience when incarcerated for long periods. The deprivation of liberty, goods and services, autonomy, sexual relations and security is so painful that it requires prisoners to form a defence in order to be able to cope and adapt (Mathiesen, 2006). According to Snacken (1997), life sentence prisoners experience uncertainty and a lack of security more than other prisoners due to the indeterminacy of life sentences. Toch (1992) also identified the lack of autonomy and uncertainty about safety as pains of imprisonment. Sykes (1958) describes the impact of isolation experienced by long-term prisoners; being involuntarily cut off from family and friends and the boredom and loneliness this entails. He suggests that perhaps the most difficult of the pains of imprisonment is the fact that 'the confinement of the criminal represents a deliberate, moral rejection of the criminal by the free community' (Sykes, 1958, cited in Jewkes and Johnston, 2006, p. 164).

Cohen and Taylor's (1972) study of inmates in a maximum security prison, coupled with Mitford's (1973) scathing review of prison as a place where reforms are nothing more than empty rhetoric and where civil

liberties do not exist, contributed to the perception of prisons as cruel and brutal institutions (Bonta and Gendreau, 1990). According to Goffman (1961), when a prisoner enters a prison he undergoes rites of passage; rituals that reinforce that notion that the prisoner is the property of the institution. The main purpose of these rites of passage is to dehumanise the prisoner; that is, to strip him of his personhood (Mays and Winfree 2009). Goffman used the term 'total institution' to describe institutions where every aspect of inmates' lives is in the hands of those who have the power and authority. The total institution is identified by the presence of hierarchical routines, segregation of populations and rituals of degradation. According to Mays and Winfree (2009, p. 149), the term 'total institution' captures the essence of contemporary prisons.

In order to retain a sense of personhood, the degradation by the free community must be warded off and the prisoner must find ways to protect himself from the psychological impact of long-term confinement. While contemporary prisons are institutions designed to deprive prisoners of liberty and to control large numbers, it must be noted that the standards and conditions in European prisons have improved in recent years. Moreover, the introduction of the United Nations Convention for the Prevention of Torture and Inhuman Treatment for detainees, prison visiting committees and the inspections of prisons combine to provide more robust accountability and oversight mechanisms compared to the 1970s, when Cohen and Taylor's research was conducted.

Cohen and Taylor (1972) argue that life sentence prisoners need particular attention as they cannot draw on other coping mechanisms or supports to aid adjustment to life imprisonment. They argue that when we experience a loss or a negative life event, in order to come to terms with it we refocus our attention on other aspects of our lives, such as work or family. Our lives still have meaning following a shattering event; the pieces can be picked up, which allows us to rebuild meaning. Major events tend to happen in one domain of our lives, leaving other domains for us to draw upon for support and reassurance. Cohen and Taylor (1972) suggest that long-term prisoners cannot play one domain against another. A life sentence prisoner must face the fact that 'a life cannot be reassembled twenty years after its destruction. He has been given life, a prison life – and somehow he must learn to live it' (Cohen and Taylor, 1972, p. 43).

Long-term imprisonment is also associated with low self-esteem and a loss of interest in external relationships and the future (Heskin *et al.*,

1977). Lifers resist thinking about the future, lose interest in external relationships and 'grow more insensitive to the problems of their relatives, feeling powerless to influence them' (Heskin *et al.*, 1977, cited in Snacken, 1997, p. 53). However, Cohen and Taylor (1972) found that prisoners are not passive recipients of the pains of imprisonment. Rather, they are active 'social agents who reflect upon their situation and respond to it not automatically, but strategically' (Cohen and Taylor, cited in Snacken, 1997, p. 49). The findings of this study suggest that the men were able to effectively utilise strategies to reduce the impact of life imprisonment. This indicates that prisoners who find meaning in their daily lives cope better with the pains of imprisonment.

More recent research has challenged the perception that lifers deteriorate over time. Johnson and Dobrzanska (2005, p. 36) suggest that most lifers 'can and do adapt to incarceration in active and reasonably effective ways, although adjustment typically remains an ongoing and arduous affair'. Bonta and Gendreau (1990) argue that while long-term prisoners tend to lose their relations with the outside world, this results in a more intensive use of internal prison programmes and better adjustment to discipline. This allows them to adapt to life in prison, resulting in increased compliance with prison regimes. Hence, the widely held assumption that long-term imprisonment is destructive to the emotional wellbeing of prisoners (Sykes, 1958; Goffman, 1961; Snacken, 1997) is challenged when critically examined (Bonta and Gendreau, 1990; Holahan and Moos, 1990; Johnson, 2002).

In terms of adjustment and coping, the importance of prison programmes and regimes in attempting to reduce the negative effects of long-term imprisonment was not highlighted in earlier research findings (Bonta and Gendreau, 1990; Johnson and Dobrzanska, 2005). It seems that at different stages of the sentence, lifers may require different programmes and strategies to support coping. The men in this study had served over 20 years in prison, thus their programme needs might be different from prisoners early in a life sentence. Johnson (2002) suggests that hard time can become constructive time if the pains of imprisonment are met with mature coping. He argues that lifers cope maturely with long-term imprisonment by establishing routines that give their lives meaning and purpose. Thus, life sentence prisoners come to grudgingly accept the prison as their home from home, and see other lifers as akin to an adopted family (Toch and Adams, 2002; Paluch, 2004).

## **Coping and life imprisonment**

Lazarus and Folkman (1984) found that in order for the prisoner to endure a life sentence, he must adapt in different ways. Firstly, he must adapt practically to his new environment; secondly he must adapt socially to be able to interact with staff and inmates; and finally, he must adapt psychologically, which involves both problem- and emotion-based coping. Thomas and Zaitow (2006) found that religion and spirituality were an effective coping mechanism employed by life sentence prisoners.

Research with prison populations indicates that effective coping strategies have been found to ease distress (Zamble and Porporino, 1988) while an inability to employ them is associated with self-harming behaviour (Liebling, 1992, 1994, 1999, cited in Harvey, 2007). Bonta and Gendreau's (1990) research on prisoners' adaptation to particular aspects of confinement such as isolation, crowding and long-term imprisonment supports the various studies on general coping (Visotsky *et al.*, 1961; Lazarus and Folkman, 1984; Rotter, 1966; Carver *et al.*, 1989; Carver and Scheier, 1994; Holahan and Moos, 1990). They found the evidence inconclusive regarding the effects of long-term imprisonment and the impact of the pains of imprisonment on psychological wellbeing. Rather, their research points to the importance of individual differences in coping and adapting to long-term imprisonment. This finding is corroborated by other research in the area of coping and imprisonment (Zamble and Porporino, 1990; Liebling, 1992; Johnson and Dobrzanska, 2005), which indicates that it is not the situation but the individual appraisal of it that matters. It seems that it is the combination of structure and the individual's sense of agency that is important when considering factors that influence coping outcomes.

### **Research findings: Factors that support coping**

Participants in this study were asked what they believed contributed to their adaption and coping. In response, the participants identified coping as an individual matter which depended on the person's personality, temperament, social resources such as contact with friends and family, their ability to protect their mental health from the impact of long term imprisonment and the availability of work programmes within the prison. Each factor that the men identified is outlined below with citations from the men's interviews.

*Having a focus: Getting involved in work/education*

*I knew I had to keep busy to be able to cope and keep the head, you know, keep sane! You could go mad in places like this over the years. But work kept me focused and gave my life meaning. You are left to your own survival. There is no special regime for lifers. (Participant No. 1)*

*Coping is a very individual thing. You must accept the realities because you can't do anything about them. Philosophically, you have to accept the reality. It's a matter of temperament really. You must be realistic, be patient and endure it. If you can, look on the bright side, if there is one. Also my education and my intellectual interests which I can pursue just as effectively here as I could on the outside have helped me cope. I have maintained my interest in things and this has protected me from deteriorating over the years. (Participant No. 2)*

The quotes above suggest that having a focus and becoming involved in training and education while in prison significantly improve coping. Prisoners who can retain a sense of optimism, self-esteem and personhood to protect themselves from the impact of long-term imprisonment tend to fare better. The prisoners in this study found ways to draw on alternative coping mechanisms in the absence of family and friends.

These findings support previous research findings (Sykes, 1958; Cohen and Taylor, 1972; Carver and Scheier, 1994; Johnson and Dobrzanska, 2005; Roscher, 2005; Geaney, 2008) that prisoners' dispositional optimism and pessimism affect how they adjust and deal with stressful events. Participants in this study described how they warded off mental and psychological deterioration by keeping busy, undertaking educational programmes and maintaining intellectual interests. This finding also supports Bonta and Gendreau (1990) and Johnson's (2002) argument that prison programmes and regimes are important when one is attempting to reduce the negative effects of long-term imprisonment.

*Maintaining family contact*

Two out of three participants were in contact with their family and have maintained contact for over 20 years of imprisonment. One participant had no contact with his family since the day of his arrest for the offence. Overall, contact with family appeared to be a major issue for life sentence prisoners. Having ongoing access to family members via regular visits

appears to encourage coping and generates future-oriented thinking (Geaney, 2008).

*You could have some good conversations with your visitors but it depended on where you were sitting and sometimes, officers would sit closer than they needed to and it would be clear that they are listening to your conversation. However, despite all of this, all of my relationships have survived and prospered. Some of my friends have died over the years, one or two have emigrated. But my partner, my son and my core group of friends have visited me every week for 30 years. I'm lucky because my relationships have remained intact. That is a key issue for lifers. For a number of lifers, they are not allowed keep in touch with their children. That is a source of distress for a large number of lifers. (Participant No. 2)*

Participants in this study spoke about the difficulties of having relationships with their children and their partners from behind prison walls with no definite period of release. Participants also described the changes that occurred in their relationships with their family.

*I noticed that my child would refer to my wife if she wanted anything. I did not resent this. It's only natural that the child would do this. Your partner's life moves on. You are still married, but you're not able to fulfil the normal things that you would do when married ... there is not enough qualified people in the prison who can sit down with you and talk to you about family life. The Probation Officer does this, but there is not enough of them to do this job. A lot of relationships break down. You create a false relationship. You have to accept the fact that your wife may want to end the relationship. (Participant No. 3)*

Participants in this study suggested that it was easier to cope with a life sentence when contact with family members is maintained. This finding is contrary to research by Crawley and Sparks (2006) which found that lifers without access to partners or wives tended to cope better in custody. Crawley and Sparks found that some prisoners actually cut themselves off from family during the sentence, believing that it would help them cope better with prison life. This may be due to prisoners feeling that they have little influence over the lives of their loved ones, or the belief that having nobody to care about on the outside world assists coping with life on the inside.



*Someone to talk to: Access to therapeutic and support services*

Access to therapeutic services such as the Irish Prison Service Psychology Service and the Probation Service was another theme that was common to all participants. The men spoke about long waiting periods before seeing a psychologist and all agreed that in some prisons, there was a complete lack of therapeutic support services for life sentence prisoners. Participants highlighted the need for life sentence prisoners to begin to talk about their life, the offence and feelings of grief and loss early in the life sentence. The participants identified the prison-based Probation Officer as the first person they would go to when they wanted to talk about something, and they were in agreement that the prison-based Probation Officer is in a position to offer supportive counselling.

*There are not enough services to help people with their emotions. Even Probation, they are too busy; they have to prioritise prisoners and lifers are not a priority until they are being prepared for release. Usually, a lifer is up to his gills in guilt, so you need to talk to someone about that. (Participant No. 3)*

*We need more Probation staff in prisons so that they can help a lifer deal with his problems. Probation can help a lifer build a new life for himself. But they don't have the staff ... Lifers need to build a new life and they need help with their problems. It could be years and years before you get to see a Probation Officer to do this work. (Participant No. 1)*

It has been recognised in other jurisdictions that work with life sentence prisoners requires staff that are specially trained to respond to their particular needs (Sykes, 1958; Cohen and Taylor, 1972; Heskin *et al.*, 1977; Snacken, 1997; HM Inspectorates of Prisons and Probation, 1999; Johnson, 2002; Roscher, 2005). Geaney's (2008) unpublished Irish study of the direct consequences of life imprisonment also found that there is a need for more specialised training for all practitioners working in prisons where there are significant numbers of life sentence prisoners.

In recent years, the Probation Service has restructured its service provision in Irish prisons. It has prioritised work in prisons to focus on the following: post-release supervision orders, pre-release work and preparation of Parole Board reports (Probation Service, *Our Work in Prisons*, accessed via [www.probation.ie](http://www.probation.ie), January 2012). This refocus of the

service in prisons has resulted in the Probation Service having a reduced input with life sentence prisoners who are not due for review by the Parole Board or being prepared for release. As life sentence prisoners' lives are not static in prison, lifers experience the various stages of the life cycle in prison. They are likely to require different programmes to meet their needs during the various stages. Consequently, opportunities for prison-based Probation Officers to support lifers with life events that occur during the term of the life sentence are missed given the reduced input with lifers who are not due for review.

### **The parole process: Uncertainty and frustration**

A key theme that emerged in all three interviews with the men in this study was concern about the Parole Board review process; in particular, the limited power of the Parole Board to make decisions about life sentences.

In the Republic of Ireland, the Parole Board has an advisory function to the Minister of Justice and Equality. It has no statutory basis and is limited in its jurisdiction and powers. The primary function of the Parole Board is to advise the Minister in the administration of sentences of eight years or more. Prisoners serving sentences for murder or attempted murder of members of An Garda Síochána and/or the Prison Service are not eligible for review by the Parole Board. The Parole Board advises the Minister on a prisoner's progress, and 'the degree to which the prisoner has engaged with the various therapeutic services and how best to proceed with the future administration of the sentence' (Irish Parole Board, 2009). The final decision about a sentence rests with the Minister, who can accept the Parole Board's recommendations in full or in part or reject them. Given that the Parole Board's reviews are on a 'case-by-case' basis, there is no set time frame within which a prisoner can expect to complete the process. Indeed, the length of time spent in custody by offenders serving life sentences can vary substantially (Irish Parole Board, 2009).

Participants in this study experienced feelings of frustration with a perceived lack of progression with their sentence management and a sense of stagnation when involved in the process of review. All participants suggested that the Parole Board's advisory capacity is powerless because it has no statutory basis and all decisions about life sentences rest with the Minister for Justice and Equality. The men in this study believed that all decisions regarding the management of a life sentence are political and therefore vulnerable to political calculations. They suggested that the

current system is flawed, as lifers are only asked to engage in offence-focused work prior to a review by the Parole Board, which occurs seven to eight years into the life sentence. Participants indicated that life sentence prisoners should be engaged by therapeutic services from day one of the sentence. They suggested that following an initial 'settling-in' period, life sentence prisoners' needs should be assessed so that a sentence management programme can be developed for each lifer and reviewed at agreed intervals.

*In the first seven years, you have to wait. You don't do any work on your issues. You're just left to get on with it. There should be something in place in the first seven years to deal with their crime. Not just before a review year. (Participant No. 1)*

*The general public don't know just how defective the system is ... Politicians are afraid that they might be damaged by anything that might be perceived as risky and in particular may be seen as being in favour of releasing a murderer. (Participant No. 2)*

*No regime, no individual work done for over seven years, and then the first review is just a process. Even when decisions are made, lifers are not told. There is an appalling lack of communication. You have to get used to dealing with this. (Participant No. 3)*

As outlined above, all participants highlighted that problems such as the uncertainty of time frames regarding the Parole Board review process, coupled with a perceived lack of transparency in communicating decisions about the transfer or temporary release of life sentence prisoners, contributed to a sense of stagnation and frustration. The apparent delays in receiving feedback and decisions from the Parole Board have resulted in a prevailing sense of uncertainty. This uncertainty appears to increase the perceived degree of suffering amongst lifers. Cases that attract media interest present specific challenges. Those charged with making decisions about the release or transfer of high-profile lifers risk being influenced by political calculations and the political climate at the time. In Britain, the Parole Board has the independent authority to decide to release a prisoner when the minimum tariff has been served and 'once concerns relating to public safety and risk of re-offending have been adequately addressed' (Ministry of Justice, 2012).

A pervasive theme from the interviews was the notion of making the most of a grim situation, and all participants agreed that coping and adaptation to life imprisonment is contingent on a number of factors: the individual's personality and the extent of supports available to him such as family contact, access to therapeutic services and the availability of meaningful work within the prison.

### **Policy implications**

Life sentence prisoners present both a challenge and an opportunity to the prison system. They will be released back into the community at some point, and when that time comes, the prisoner must prove that he does not pose a risk to the community. In recent years, the number of life sentence prisoners has increased, increasing pressure on the penal system to manage these sentences effectively. Rising numbers of prisoners in a time of decreasing resources within the public service has prompted debate about the cost of our penal system as value-for-money considerations become prominent aspects of the crime control discourse (Garland, 2001; O'Donnell, 2011).

The absence of critical debate on our policy of penal expansionism, coupled with the lack of vision and insight into how best to respond to and manage those who commit serious offences, has ramifications not just for those living behind bars and those who work with this prisoner group but for victims and the public in general. When thinking about the topic of coping among life sentence prisoners, it is easy to assume that prisoners are more capable of dealing with imprisonment than non-offending populations. If we are honest, perhaps some of us hold the view that they deserve their lot as they have committed grave offences that warrant long-term imprisonment. The literature on coping with long-term imprisonment is contradictory and somewhat inconclusive regarding the detrimental effects on psychological wellbeing. However, there appears to be agreement that there is a need for support programmes within prisons that are tailored to the specific needs of life sentence prisoners.

There needs to be a change in policy in relation to the system for managing life sentence prisoners. The current arrangement does not encourage progression through the prison system for lifers once they have addressed their offending behaviour and satisfied the Parole Board that they are suitable for release. The Parole Board in conjunction with the Prison Service should develop a policy that stipulates time frames within which recommendations by the Parole Board must be made.

The Probation Service is an agency in a pivotal position to support lifers to adjust and cope with life imprisonment. However, as suggested in the findings of this study, the Probation Service has refocused its policy on probation work in prisons. The newly prioritised areas of work in prisons include offenders who are subject to post-release supervision orders, preparation of Parole Board reports and preparing life sentence prisoners for release. Life sentence prisoners early in their sentence, and not due for review by the Parole Board, are not considered a priority by the Probation Service. The men interviewed in this study highlighted the need for support at different times during their sentence; someone to talk to when they experience a loss or when they are going through a transitional period. A consequence of the current Probation Service policy is the missed opportunities to engage lifers during critical periods throughout the life cycle of a life sentence. The implications of these missed opportunities are, arguably, far reaching.

Whatever the reason for the lack of attention to the topic in Ireland, as social scientists we have an obligation to shine a light on all sections of society who experience deprivation of any kind and to be sensitive to the plight people experience whether they deserve what they get or not. Regarding the question of why researchers should focus on lifers who have committed violent and brutal offences, it seems clear that the answer lies in our personal philosophy about the purpose of prison: deterrence, rehabilitation or retribution (Roscher, 2005). Garnering interest and investment in support programmes for life sentence prisoners will always be challenging given the nature of the crimes committed and the fact that spending money on lifers may show few visible results. Nonetheless, it seems the current penal response achieves little but confinement for an indefinite period (Roscher, 2005, Geaney, 2008).

The cost to the public finances that is incurred in keeping lifers in prison for indeterminate periods in these times of austerity and economic crisis is significant. There is a lack of leadership and vision in relation to the most effective ways to manage life sentences. While some might argue that the very essence of a life sentence is its indeterminacy, the reality in Ireland is that life sentence prisoners will not spend the rest of their natural lives in prison and they will be released at some future point. Supporting life sentence prisoners to cope and adjust early in their sentences by providing therapeutic support services may prevent prisoners from resorting to maladaptive coping such as drug use, which we know impacts the entire prison system and is resource-intensive

(Liebling, 1992, 1999; Smith et al., 1996; Linehan et al., 2005). Further, if therapeutic support services are provided early in their sentence, lifers are more likely to have already taken steps to address the offending-related needs by the time they are called for review by the Parole Board. The sense of frustration and uncertainty that appears to permeate the parole process is likely to decrease.

### **Summary and conclusions**

The findings of this study are not definitive and they cannot be generalised to wider lifer populations due to the limited sample size. Nonetheless, they provide an insight into the factors that supported mature coping among a small number of men serving a life sentence in an Irish prison. It is clear that the participants in this study adjusted and coped with life imprisonment differently depending on the following: their personality, in particular, their dispositional position regarding hope and optimism; their ability to fashion a routine that gives their lives meaning and purpose; their ability to submit to the prison regime yet retain a sense of autonomy and control over their lives; the quality of their family contact; and the opportunities to avail of work and education. What is apparent from this study is that lifers learn to live within the limitations of confinement. They settle in; they develop a routine for themselves and learn to live with the pains of imprisonment.

However, the current system for managing life sentence prisoners in the Republic of Ireland needs to be overhauled. The Parole Board process has become protracted, with significant delays in lifers receiving decisions about their review and the absence of firm time frames within which reviews must be completed. Moreover, a life sentence prisoner will not be told when the Parole Board review will be completed. The current system appears to be punctuated with uncertainty.

It is widely acknowledged that a prisoner sentenced to life will not remain in prison for the rest of his/her natural life, and the Minister has the discretion to order the temporary release of a lifer. The Minister is not obliged to follow the Parole Board's advice. Keeping lifers in suspense about the length of sentence for years when the details of the offence are known from the outset seems unfair and, in some cases, increases the sense of suffering on the part of those sentenced to life (Von Hirsch, 1976). Moreover, keeping life sentence prisoners in prison for any longer than is deemed necessary is morally questionable in a progressive society.

The Irish Human Rights Commission has argued that the current regime governing life sentences in Ireland is incompatible with the European Convention on Human Rights on the grounds that the decision to release is entrusted to the Minister rather than a court-like body. It has called for legislation to be introduced to bring Ireland into line with European human rights requirements (Irish Human Rights Commission, 2006).

Consideration should be given to introducing new legislation that transfers the function of release from the Minister for Justice and Equality to an independent body with executive powers. By introducing an independent review body on a statutory basis with the power to make decisions about the management of life sentences, political consideration would be removed from the Parole Board process.

The Irish Prison Service should develop a national analysis of the lifer population to determine the provision for offending behaviour work that needs to be in place. A single department should also be created within the Irish Prison Service that has responsibility for ensuring that sentence management for lifers is centrally directed and would provide an overview of how life sentences are managed. The current policy of reviewing prisoners seven years into a life sentence needs to be revised. Life sentence prisoners should be engaged earlier by the therapeutic services, with a view to developing an individual life sentence management plan.

Given that the Probation Service has experience of working with life sentence prisoners in both prison and community settings, it should consider developing a psycho-educational pre-release group programme for life sentence prisoners who are preparing for release or being transferred to lower security prisons. Specialised training for staff working in prisons with life sentence prisoners should be offered by the Irish Prison Service in conjunction with the Probation Service. This training should take account of the often sophisticated approach that lifers may have. Further research into what supports coping among this prisoner group is required in order to gain a broader understanding of the issues faced by life sentence prisoners.

The importance of work with lifers has not been acknowledged in Ireland. The lack of criminological research in Ireland on the impact of life sentences and the absence of specific programmes for life sentence prisoners are telling. Garnering interest and investment in support programmes for life sentence prisoners will always be challenging given the emotive responses generated by the crimes they have committed.

Moreover, investing in lifer programmes may show few immediate, visible results. The topic is likely to remain a political 'hot potato'. Nonetheless, providing therapeutic intervention early in the life sentence is warranted due to the gravity of the offences and the life-long consequences for victims and their families and for society in general. Providing support services to lifers earlier in the sentence to assist them to cope effectively with life imprisonment is likely to have advantages not just for the prisoner, but for the authorities responsible for managing life sentences. In the long term, the benefits for society may become more visible as the adaptive coping responses lifers develop in prison can be utilised by them on their eventual release.

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## Exploring Women's Experience in a Hostel on Release from Custody

**Aine Morris\***

**Abstract:** This paper explores the experience of women offenders residing in the De Paul Hostel after release from custody. Recent studies in Ireland and Britain indicate that on leaving prison women face many challenges and difficulties. The De Paul Hostel offers supported transitional accommodation for women leaving prison. This paper discusses the women's views on their time in the hostel and their opinions about interventions from the staff and the Probation Service. It reveals the importance of the key working system whereby each woman was assigned a staff member to work with, the consistent and flexible approach of staff and the value of education and training, peer support, family involvement and practical help.

**Keywords:** Women offenders, imprisonment, Dóchas Centre, gender-specific services, therapeutic relationship, resettlement, De Paul Hostel, homelessness.

### Introduction

This paper is based on a study exploring the views and experiences of women offenders on release from prison staying at the De Paul Hostel since 2007. The De Paul Hostel is located on the North Side of Dublin near the Dóchas Centre (Mountjoy Female Prison). It offers supported accommodation to women leaving custody. It provides six bedsit apartments, and the length of tenancy is six months. The Probation Service is the sole referral agent.

The study, between August 2011 and March 2012, set out to capture the views and opinions of women who resided there. It was prompted by the fact that since it opened in 1999 the population of the Dóchas Centre

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has increased year on year. Given the seemingly unending rise in the numbers incarcerated there, it is worth exploring services available to positively resettle the high number of women offenders in prison and prevent their return.

The literature indicates that gender-responsive services based on relationships between staff and women are effective (Malloch and McIvor, 2011). Community-based services should be based on partnership between the woman and agency (Malloch *et al.*, 2008). The relationship between the woman and staff should be a safe one, allowing trust to develop.

Semi-structured interviews were carried out with four women. From an ethical perspective it was hoped that the process would be an empowering one for the women involved. There were clear limitations to this study. For one, each of the women that were interviewed was able to manage her tenancy and had positive stories to tell. This study does not capture the views of those women who were unable to sustain their tenancies or who broke the conditions of their statutory orders. It was not possible to trace some of these women; it was possible that they had returned to the criminal justice system and were before the Courts. It would have been unethical to interview these women. A number of the women who were contacted by the management of the De Paul Hostel did not wish to participate. They indicated that they did not feel confident enough to be interviewed. There is a need for further, more comprehensive research to be conducted.

### **Dóchas Centre**

In 1999 the Dóchas Centre opened with a bed capacity of 80. By 2003 the population had grown to 103; 2009 saw the daily average number of prisoners rise to 110 (Irish Prison Service, 2011). Dr Catherine Comiskey's 2006 Report, *Hazardous Journeys to Better Places* (Comiskey *et al.*, 2006) painted a bleak picture for women offenders in Ireland. It found that women leaving the Dóchas Centre faced serious risks to their welfare and safety: 'Immediately upon release women's experiences ranged from gang rape, overdose, prostitution, poly drug use, homelessness and/or some other exposure to considerable risk' (Comiskey *et al.*, 2006, p. 40).

In 2007, as part of a commitment by the Probation Service to respond to Dr Comiskey's findings, a through-care model of intervention was

introduced. The De Paul Hostel was a cornerstone of this policy. It was intended to form part of a transition from custody to an independent law-abiding lifestyle. The aim of the De Paul Hostel has been to provide transitional housing that recognises the complex needs of the women and remains realistic about the progress that can be made in the space of six months. The goal is to move beyond the chaos and challenges that addiction and offending bring, and towards an independent stable life, reducing the risk of harm and of a return to the Dóchas Centre.

Currently the bed capacity of the Dóchas Centre is being expanded, with an additional 20 beds coming on stream in 2012. The new accommodation is housed in a building that was initially used as staff quarters. When construction work was taking place it was planned that this building would become a committal section of the Dóchas Centre. The accommodation was intended to comprise dormitories, with up to nine women sharing a room. This marked a departure from the ethos of the Dóchas Centre and a move away from a gender-sensitive approach. In December 2011 Michael Donnellan was appointed Director of the Irish Prison Service and his appointment has seen a reversal of this policy shift. When the new building now comes on stream it will accommodate 20 women and will be a privilege area of the Dóchas Centre rewarding prisoners for good behaviour.

### **De Paul Hostel**

The De Paul Hostel accommodates women leaving custody at the end of their sentence; including those on Part Suspended Sentence Supervision Orders and supervised temporary release. Women in residence are subject to either statutory supervision or voluntary supervision by the Probation Service. The De Paul Hostel has a bed capacity of six. Its occupancy levels ran at 46% in 2003 – its inaugural year.

In 2007 the Probation Service introduced a through-care model of work, which provides that women subject to post-custody supervision will work with the same Probation Officer from the point of incarceration through their sentence and on release. A woman going to reside in the De Paul Hostel on release is supervised by a Probation Officer from the Probation Team at the Dóchas Centre. The management of the De Paul Hostel moved towards relaxing the criteria for referral. This allowed the Probation Service to refer women who had higher levels of need with regard to both substance abuse and mental health issues. That year saw

occupancy levels of 72%; six women were resettled and eight were unable to sustain their tenancy.

In 2009 the occupancy levels rose by 6 percentage points to 90%, the highest level since the hostel opened (De Paul Ireland, 2010, p. 15). Four women were resettled while four were unable to sustain their tenancy. 2010 saw occupancy levels reach 95%, with four women resettled and one woman unable to sustain her tenancy.

### **Women's offending behaviour**

In order to understand what is best practice for professionals working in this area, a review of relevant literature was carried out. This revealed that 'women's involvement in crime has become only a little more prevalent, and the seriousness of their offending has either increased marginally or remained static' (Hedderman, 2011, p. 29). Despite this a statistical review indicates that the number of women held in custody in Ireland and internationally is increasing.

In 2010, 1701 women were committed to prison in Ireland. This figure represents over 12% of the persons committed to prison in 2010. Between 2005 and 2010 there was an 87% increase in the number of women committed to prison. (Irish Penal Reform Trust, 2011: 1)

This has become a concern for those working with women offenders (Malloch and McIvor, 2011). The reintegration of women offenders on release is of utmost importance in this context. The provision of supported housing is a significant factor that can smooth and support their return to the community. 'Put simply it is no exaggeration to say for many women the trials begin once they are released from prison' (Gelsthorpe *et al.*, 2007, p. 25).

### **Housing**

In 2010 The Irish Penal Reform Trust published the *Reintegration of Prisoners in Ireland* report, which identified housing as key to successful reintegration and highlighted the De Paul Hostel as one of two services where: 'The provision of services structured around multiple needs transcends the usual remit of a housing project by acknowledging that people in need of housing often require more than just a roof over their head' (Martynowicz and Quigley, 2010, p. 27).

The Corston Report (Corston, 2007) shows that more women than men were remanded in custody and the nature of women's offending is less serious. The report also pointed to the importance of housing. 'In particular, more supported accommodation should be provided for women on release to break the cycle of repeat offending' (Corston, 2007, p. 11).

### **Gender-sensitive approach and a therapeutic relationship**

Research indicates that it is imperative to adopt a gender-sensitive approach; one which recognises that women offend for different reasons to men: 'The consistent message from research literature on women offenders includes the fact that they tend to have a history of unmet personal, health and structural needs, compounded very often by substance misuse and childcare responsibilities' (Sheehan *et al.*, 2010, p. 349).

Women's journey into the criminal justice system is often characterised by experiences of childhood sexual abuse, sexual abuse as an adult, homelessness and substance abuse. Their problems are compounded by their roles as mothers (Gelsthorpe *et al.*, 2007).

Research literature highlights the importance of the relationship between the professional and the woman as the foundation to achieve change. Such an approach recognises 'the complexity of women's problems, the significance of stigma, trauma and abuse, the importance to women of the supervisory relationship, the relevance of self-efficacy and the nature of barriers to compliance' (Malloch and McIvor, 2011, p. 325).

Research also supports the therapeutic relationship as the driver for change in working with women offenders. 'The relevance of a strong relational dimension to effective services for women ... has been highlighted by a number of commentators' (Sheehan *et al.*, 2008, p. 302).

For a supervision relationship to be therapeutic it must be based on identifying strengths within the woman. The Fawcett Society commissioned Gelsthorpe *et al.* (2007) to undertake a study of provision for women offenders in the community. 'The authors found that in contrast to their personal relationships which women described as abusive and/or controlling, relationships with their supervisors (social workers or project workers) were usually said to be characterised by openness, trust and a degree of reciprocity and women often reported receiving valued

practical assistance and support from them' (Malloch and McIvor, 2011, p. 334).

A gender-sensitive approach also recognises that women offenders can face high levels of stigma and become isolated from family and friends. 'Double deviance' refers to how many women found themselves twice punished for deviant behaviour; by the criminal justice system and by informal sanctions from family and society (Heidensohn, 2006, p. 2).

Strong pro-social relationships act as a protective factor for women offenders. 'The research evidence presents a clear picture of close links between successful reintegration and positive lifestyle choices supported by pro-social networks' (Deakin and Spenser, 2011, p. 243).

### **The women's views**

Two former and two current residents of the De Paul Hostel were interviewed for this study. Grace, Patricia, Tracey and Kate had their details changed in order to preserve their anonymity. These women provide a picture of what worked for them on leaving prison. They each faced difficulties on release but have managed these sufficiently to remain out of prison and the criminal justice system. From interviews with the four women a number of themes emerged, confirming much of what the literature tells us about effective work with female offenders. The women interviewed for the study had a range of unmet needs. In particular, issues highlighted were isolation from family, history of homelessness, addiction and mental health problems.

Each of the women described the welcome she received on her arrival to the De Paul Hostel.

*There was a meal made, I felt so welcome. I went up to my bedroom and opened the fridge and there was food. That was good because when you're homeless you don't eat. I kept thinking 'thank God it's clean'. (Patricia)*

The women all described an event being created by staff around their arrival to the hostel. This type of service delivery is crucial, as 'Post Prison provision arguably needs to empower women both psychologically and materially so that women can re-evaluate and distance themselves from the attitudes and values which characterised their lives before and during prison' (Gelsthorpe *et al.*, 2007, p. 25).



The women praised the key working system that operates in the De Paul Hostel, describing it as a partnership. Each of the women was assigned a key worker and a secondary key worker to work towards goals and manage their tenancy. Describing the process, one woman said:

*It's trying to work a plan out for what my needs are. I think it's good and you need it because your key worker is trying to find out what's best for you. (Tracy)*

The women said that they had prioritised attending their key working appointments. This style of working is effective because it brings the women on board and reflects their own hopes and aspirations. 'Evidence adds up to a need to work with women in non-authoritarian cooperative settings, where women are empowered to engage in social and personal change' (Gelsthorpe, 2011, p. 131).

The De Paul Hostel lowered its threshold for accepting residents in 2007. The aim was to meet women where they were at, rather than where services wanted them to be. This approach allows the De Paul Hostel to work with women who are taking steps to stabilise their drug or alcohol use. As a result the women felt they could be honest about their drug or alcohol status and that they could trust the staff with this information.

*I told the manager I'm still dabbling and even if I got the place and if I dabble I wouldn't be able to come back. I remember she said to me if you use, you can still come back, that gave me a safe place, if I had a slip I could still come back. (Kate)*

These supportive pro-social relationships are of the utmost importance to women who may leave custody isolated from family and friends. 'Women offenders feel they work best with workers who listen to them – who are "straight up" and do not talk down to them' (Nugent and Loucks, 2011, p. 19).

The literature points to the fact that women offenders can often be seen as troublesome with high levels of needs, they can require more frequent contact than men and they can have high expectations of what their social workers, Probation Officers and case workers should do for them (Malloch and McIvor, 2011).

The De Paul Hostel is staffed 24 hours per day and during working hours there is also support by volunteers. It is clear that the women

availed of this support and found it helpful. In addition to seeking higher levels of contact with their supervisors, however, female probationers were also thought by some social workers to be more responsive to less formal contact and more likely than men to seek contact with their supervisors on an ad hoc basis as issues arose (Malloch and McIvor, 2011).

### **The Probation Service**

The Probation Service is the primary source of referral to the De Paul Hostel. The women who reside there are subject to supervision either as a result of a court-ordered Probation Bond or a Post Release Supervision Order or as part of supervised temporary release. It was clear that the women understood that there was interagency dialogue going on between the De Paul Hostel and their Probation Officer.

*The Probation Officer talks to my key worker and asks what do we need for moving on, what do I need out of this place. They are all for you, there's no point turning against them. (Grace)*

When difficulties did arise, such as when Grace had broken some conditions of her tenancy, she appreciated the advice given to her.

*The Probation Officer said I may stop or I'd end up back inside. She was right, common sense really. (Grace)*

The partnership between the Probation Service and the De Paul Hostel works in the best interests of the women: 'it would appear that to reflect best practice, community-based services for women should, where possible, be based on multi-agency co-operation' (Malloch *et al.*, 2008, p. 390). It is important that the Probation Service and the De Paul Hostel are working closely together to meet the needs of women offenders.

### **Education and training**

Baroness Corston's Report recommended that 'Life skills should be given a much higher priority within the education, training and employment pathway and women must be individually assessed to ensure that their needs are met' (Corston, 2007, p. 48). Each of the four women I interviewed attended courses throughout her time in the De Paul Hostel.

There was an expectation by staff that the women would avail of education and training and it formed an important part of the work they had to do. The approach of the staff was one of support and involved enabling the women to take steps towards a return to education and training.

*I knew I was going to have to do something. My key worker rang the course, said to me there's a guy who wants to talk to you and she just handed me the phone. I started yapping, went for interview two days later and then got a place on it a couple of weeks after that. (Kate)*

The women also stated that education and training had given a structure to their day.

*I was going to my course from eight in the morning until the evening. The whole day was gone, that was grand, I was kept busy. (Patricia)*

Beyond providing the women with a routine, education also built on what they had achieved in custody.

*I got the bug for learning in prison. I had no qualifications before I went to prison. (Tracy)*

Education and training empowered these women and increased their self-esteem and self-belief.

### **Rules and conditions of tenure**

All the women understood the need for rules and conditions in the De Paul Hostel.

*Rules have to be there because if the rules weren't here in the house, the house would go to bits. (Kate)*

Other women agreed; in particular, one former tenant spoke about how in hindsight she appreciated that there was a purpose to the rules. Patricia spoke about how when she left the De Paul Hostel she missed the security and safety that the rules had given her. In her new home provided, through a housing agency, there was less support and staff left at six o'clock in the evening. Patricia understood that this was part of a move toward independent living but she struggled with this.

In terms of the rules and conditions, each woman felt that she could raise issues and concerns she had. They agreed that they had a say in how the house functioned and could raise matters they were frustrated with with the staff.

*Oh yeah, anytime I have a problem and I go to any of the staff, it's sorted, they deal with it and in a professional manner. (Grace)*

These views reflect the mutual respect present in the De Paul Hostel, with the women feeling they were treated as equals. 'Self-efficacy, or self-confidence, is highly relevant to the notion of empowerment and valued by gender-responsive and feminist scholars as a protective factor for women' (Salisbury *et al.*, 2009).

### **Peer support**

The De Paul Hostel encourages women to interact, though it also encourages boundaries in their relationships with one another. There are two communal meals a week and there are group activities. Women can be at different stages of recovery, and there is a need to balance everybody's needs in the house. It is of interest to see how the women managed these relationships.

*No one would ask you anything here. If you wanted to say something, the girls will listen but they won't ask you. (Grace)*

One woman described how when she was struggling to maintain a drug-free status she could rely on peer support not to use drugs or drink alcohol.

*The other girls that were here at the time were a great help. I'd say I'm dying for a drink, one girl might be going out and she'd say don't go out, what do you want in the shop and I'll get it. (Kate)*

The sharing of these pro-social values enforced the ethos of the house.

### **Family and friends**

'Whether or not women are accepted back into the community upon release from prison has a major impact on their ability to reintegrate' (Fortune *et al.*, 2010, p. 22). The research indicates that many women

become isolated from friends and family when they are sentenced to a custodial sentence. It is important that services support women to rebuild relationships with their family and friends in order to reduce their isolation. The women spoke about how living in the De Paul Hostel allowed them to rebuild relationships with their family. Kate spoke about how her addiction had resulted in her children worrying about her. She said of the De Paul Hostel:

*They were delighted I was here and their partners were delighted. My children were made to feel very welcome here. If they visited there would be tea and biscuits laid out for us. (Kate)*

She commented that she had lovely memories and photographs taken during her time in the De Paul Hostel. Overall the women felt that their families were welcome to visit them.

### **Moving on**

The women expressed different views about moving on from the De Paul Hostel. Two of the women had moved on to other housing and availed of transitional accommodation run by a housing association. Their new homes afforded them more independence with less support than they had been used to at the De Paul Hostel. One woman, Patricia, had left before the roll-out of the De Paul Hostel's outreach service. Patricia had limited support from her family and found the move to new housing difficult. She missed the support she had enjoyed at the De Paul Hostel.

Some of the women interviewed had experienced difficulties with their mental health, others were in recovery from addiction and some were isolated from their families. It was important that the women who did move on were housed with a housing association. They were on the road to independent living but continued to need support. The importance of a comprehensive outreach service is clearly highlighted by the women as it can take account of their different levels of need and support them to move on from the De Paul Hostel.

### **Implications for social work practice and policy in Ireland**

There are a number of implications for social work practice and policy when working with women offenders. These include the following.

1. *Flexible and intense service:* The Probation Service and other social work agencies should note that a flexible service with high levels of support is likely to be the most effective way of working with women offenders (Malloch and McIvor, 2011). The women interviewed for this study clearly benefited from frequent and intense support from their key worker, staff and volunteers based in the De Paul hostel.
2. *Practical help:* The role of practical help should not be underestimated and should be incorporated into working with women offenders. Where this was offered to the women who were interviewed it gave them a sense that they were valued and supported, and acted as a component in building trust.
3. *Intimate partner violence:* The two women who had moved on from the agency had availed of accommodation with a housing agency that works with women made homeless through domestic violence. It is important to recognise the role intimate partner violence has played in some of these women's journeys. It would be helpful if professionals were aware of the dynamics involved in relationships marked by intimate partner violence and addressed these with the women.

## Recommendations

1. Each of the women interviewed spoke positively about their time in the De Paul Hostel. The interviews highlighted a gender-sensitive approach that attempted to meet the women's unmet needs. Lessons should be learnt from the De Paul Hostel about elements of good work with women offenders. This information could be used to develop further services for women leaving prison in Ireland. In particular its ethos of a gender-sensitive approach and its delivery of a women-only service should be incorporated into additional residential and non-residential programmes for women offenders. The importance of the therapeutic relationship, in particular the emphasis on partnership and mutual respect, should be noted.
2. The women interviewed for this study were aware of interagency dialogue between the Probation Service and the De Paul Hostel. By and large this was positive and the women expressed an understanding of the need for joint working. It is clear that the Probation Service and the De Paul Trust work well together in the best interests of the women.

3. The findings of this study highlight the need to develop step-down accommodation from the De Paul Hostel. The hostel caters for women at different stages in their recovery from addiction. This has its value – the women who were struggling to maintain sobriety found the support of their peers invaluable. Difficulties arose where women felt that others' relapsing was impacting on their own recovery. Some of the women interviewed felt there should be different accommodation units for women who were stable. Step-down accommodation would benefit women who have achieved change but still require support to sustain this. It would allow them to stabilise in one housing unit and have a level of after-care to support this change in another.
4. Finally, the study calls for the expansion of the Outreach Service for former residents. While residing in the De Paul Hostel the women described having a flexible service at their disposal. This level of service delivery did not create dependency but did foster a sense of empowerment. An outreach service should be client-led and should allow the clients to dip in and out of the service as they require. It should remain in place for a significant period of time: arguably that of the current six-month period.

## **Conclusion**

Women offend for different reasons to men. Their offending is linked to a range of unmet needs and problems that prison can accentuate. It is important while working with women post-release that community based services firstly recognise these issues and adopt a gender-sensitive approach. Furthermore, service delivery needs to adapt to engage and intervene in these women's often chaotic lives. Community-based services need to be based on partnership between the woman and the agency. The relationship between the woman and staff should be a safe one, allowing trust to develop.

Tracy, Kate, Grace and Patricia are the experts on their experience of leaving custody and offending behind. Their views and opinions are strengthened by what the literature tells us about working with women offenders. These women described how they could be isolated from friends and family, face stigma from society; that in some cases they struggled to move on from the De Paul Hostel and missed the safety and sense of community it provided for them. They understood the

importance and value of rules and conditions at the De Paul Hostel, they responded well to being treated as equals by the staff, it was clear that mutual respect played an important role in building trust, and they appreciated the practical help that eased their return to the community.

There were challenges for these women in leaving the Dóchas Centre and returning to the community. They had to manage conditions of release, Statutory Court Orders and supervision. What was important was that they could problem solve with the staff without shirking their responsibilities. Notwithstanding the challenges of residing with five other women, who were at different stages of recovery, these women were able to avail of peer support and seek help from staff when matters became difficult. This also shows the development of important life skills in boundary relationships with peers.

The De Paul Hostel is focused on the women's needs on leaving custody. There is much for service providers to learn from these women and their hostel experience about what constitutes effective practice in working with women offenders leaving custody and successfully resettling in the community.

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## **A Collaborative Approach to Working with Vulnerable Prisoners: The Establishment and Operation of the High Support Unit at Mountjoy Prison**

**David Williamson\***

**Summary:** The management of vulnerable prisoners, especially those with mental health difficulties, within the Irish prison system has been the subject of concern and criticism over a number of years. There has been particular concern about the situation in Mountjoy Prison as it has consistently suffered from issues of high prisoner numbers, high prisoner turnover and poor infrastructure. In 2011 the establishment of a High Support Unit within Mountjoy Prison was recognised by the World Health Organisation through awarding its work a prize in relation to healthcare initiatives within prisons. It was further recognised when it won the main award at the Irish Healthcare Awards for 2011 and also won a Taoiseach's Award for Public Service innovation in 2012. This paper traces the background to the establishment of the High Support Unit, highlights the value of a multi-agency and multidisciplinary response in this area of criminal justice and considers the implications for the Probation Service in working with offenders facing mental health difficulties. The paper suggests a need to transfer the learning from Mountjoy Prison not just to other prisons in Ireland, but also to the integrated management of offenders in the community.

**Keywords:** Prison, forensic mental health, assessments, special observation cells, interdisciplinary working, high support, Probation Service, Mountjoy Prison.

### **Introduction**

It has long been recognised that within prison and in the offender population in the community there are higher levels of mental illness and mental health difficulties than within the general population (Danesh,

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2002; Brinded, 2001; Meltzer, 2008; Duffy *et al.*, 2006). This is especially true for remand, as opposed to sentenced, prisoners, but for both groups the levels of mental illness and mental health difficulties remain significantly above the levels for the general population. The demographic features of the prison population also show that there tends to be a higher level of drug and alcohol abuse in prison than in the general population (Fazel, 2006). These levels represent a significant challenge for those working with prisoners and also for those responsible for the management and design of prisons, but they are compounded by what appears to be a high level of comorbidity. Meltzer (2008) states that 'All surveys in all countries where investigations into the mental health of prisoners have been carried out report high levels of comorbidity'. This comorbidity of mental illness, personality disorders and substance abuse presents many practical challenges within custodial settings, as it also does for the supervision and support of such offenders within community settings.

A 2008 study by the Criminal Justice and Health Research Group showed that within a probation population in Lincolnshire issues of mental health were significant, and that:

Levels of co-morbidity and dual diagnosis are known to be high in prison populations, but very little research has examined this in a probation population. Results of this study suggest that there is also a very high degree of comorbidity and dual diagnosis in a probation population. (Brooker, 2008)

This raises many questions about how such prisoners and offenders can be most easily identified and how they can best be treated, supported and managed. It also challenges us to consider the reasons behind the high levels of mental health problems within prisons and among offenders in the community, and to be critically aware of how we construct definitions of mental health and mental illness.

Mountjoy Prison has been the prison most frequently seen by the public as providing a benchmark for practice within the Irish penal system. It was in Mountjoy Prison that pressure for a change in approach to dealing with prisoners presenting with mental health difficulties led to the establishment of the High Support Unit, which has now become a model planned for adoption across the prison estate in Ireland.

## Mental health and the Irish prison system

The current system of healthcare delivery in the prison system is one of mixed delivery. The Irish Prison Service (IPS) has moved in the past 10 years from a system of private contracting with GPs<sup>1</sup> supported by Prison Service Medical Orderlies (Prison Officers with additional healthcare training) to one where a Healthcare Directorate, now incorporated into a Care and Rehabilitation Directorate, oversees qualified nursing support, including specialist addiction nurses, to support the ongoing GP provision.

In management terms each prison now has a Chief Nursing Officer at ACO<sup>2</sup> level, and at Mountjoy Prison there is a Complex Healthcare Manager, who is also a senior nurse. Additional addiction services comprise medical staff sourced through the HSE,<sup>3</sup> Addiction Nurses employed by IPS and Addiction Counsellors sourced on a contract basis from an independent specialist agency. These services operate on the principle that addiction services in prison must be comparable to those available in the community.

The National Forensic Mental Health Service (NFMHS) provides regular inputs to all Dublin prisons and to the Midlands Prisons Complex through teams consisting of a Consultant Psychiatrist, Registrars and a Forensic Community Mental Health Nurse.

In *A Vision for Change* (Department of Health, 2006) – the report of an expert group on mental health policy adopted as the blueprint for the development of mental health services – it is proposed that the delivery of prison-based mental health services should reflect that in the community: ‘Where mental health services are delivered in the context of a prison, they should be person centred, recovery oriented and based on evolved and integrated care plans’ (Department of Health 2006, p. 139). Recommendation 15.1.5 states that ‘Prison health services should be integrated and coordinated with social work, psychology and addiction services to ensure provision of integrated and effective care’ (Department of Health, 2006, p.142).

The Irish prison system has been the subject of review by a range of statutory authorities and international bodies such as the Inspector of Prisons, the Mental Health Commission, and the European Committee

<sup>1</sup> General Practitioner: a medical doctor treating acute and chronic illnesses and providing care.

<sup>2</sup> Assistant Chief Officer – an Irish Prison Service management grade.

<sup>3</sup> Health Service Executive: responsible for the provision of healthcare in Ireland.

for the Prevention of Torture (ECPT) over the years, and a consistent level of concern has been expressed in relation to the level of healthcare supports in the system and frequently at Mountjoy Prison. This is not a recent phenomenon, as noted by Tim Carey in his history of Mountjoy Prison (Carey, 2000). He notes that

in 1884 a member of the Cross Commission of Inquiry into Prison Conditions in Ireland thought insanity in Mountjoy Prison ‘one of the most serious points’ brought to their attention. He stated that ‘it ought to have attracted the notice of the authorities to a greater extent than it appears to have done’. (Carey, 2000, p. 96)

Over 125 years later the Mental Health Commission inspection of the Forensic Psychiatry Service in Mountjoy Prison noted that ‘It was of concern to the Inspectorate that at times, the only resource available to the prison mental health service to safeguard vulnerable prisoners was to place prisoners in safety observation cells, sometimes for a period of weeks’ (Mental Health Commission, 2010). In addition, the 2010 report of the ECPT to the Irish Government requested ‘the Irish authorities to take all necessary steps to further enhance the level of care available to prisoners suffering from a psychiatric disorder’ (ECPT, 2010), having, in its 2002 report (ECPT, 2002), commented that:

In Cork and Mountjoy Prisons, and to a lesser extent at Cloverhill, prisoners in need of psychiatric care were frequently placed in unfurnished padded – or so-called cladded – cells (e.g. following their discharge from, or awaiting transfer to, the Central Mental Hospital). In general, the cells had poor lighting and were dirty. The persons concerned were provided with disposable chamber pots and with a mattress and blankets; however, the latter were often filthy. It would appear that on occasion the prisoners were left naked or in their underwear. In most cases, the persons concerned remained in the padded cells throughout the day. (ECPT, 2002, p. 20)

In relation to the situation pertaining at Mountjoy Prison, the Inspector of Prisons stated in his August 2009 report that

It is accepted that prisoners with serious mental health problems have the right to be treated in a non-forensic mental health environment.

Currently vulnerable prisoners are accommodated in the B Base and on C2 Landing with protection prisoners and in various special cells located around the prison. This is undesirable as they may not have adequate access to all the primary healthcare and mental health care services that they would have if they were located in a specific dedicated unit. (Inspector of Prisons, 2009, p. 30)

The situation in Mountjoy Prison prior to the establishment of the High Support Unit was that prisoners presenting as in need of psychiatric assessment and those with a possible increased risk of harm to self or others were placed in special observation cells (SOCs). These cells were also used to contain prisoners needing to be separated because of disciplinary issues. This further increased the risks to vulnerable prisoners.

It should be acknowledged that at Cloverhill Prison, the principal remand centre, there is a scheme providing for the location of prisoners deemed to be in need of psychiatric evaluation or support on a specific landing, and for fast tracking of reports to the courts with a view to the diversion of prisoners to community treatment where appropriate (McInerney and O'Neill, 2008). There has, however, been no other specific intervention within the prison system to address the needs of convicted prisoners vulnerable because of health-related issues.

### **Mountjoy Prison**

Mountjoy Prison is a committal prison with a current operating capacity of 590, located close to the city centre in Dublin. It was built in 1850 and is now part of a complex of four prisons (Mountjoy, Dóchas Women's Prison, The Training Unit and St Patrick's Institution). The prison accepts committals from the greater Dublin area and manages prisoners serving all lengths of sentence. It has a central block – the original 1850 building – and this block is, as it was when it opened, made up of four wings radiating from the central circle, with three tiers. In addition to these wings there are two separate blocks that also house prisoners. The older of these additional units, commonly known as the 'separation unit', now predominantly houses prisoners in need of protection.

The more recent New Medical Unit (NMU) was built in 1993 to deal with those needing isolation because of health needs and later also in response to drug treatment needs. This unit has six landings, with nine cells per landing, and became the base for the Drug Treatment

Programme (DTP) and for detoxification programmes. It is in this unit that the High Support Unit has been established, benefiting not only from design features but also from the presence of the DTP, which is an eight-week rotating groupwork-based programme, with an abstinence approach, for prisoners dealing with addiction.

The prison population in Mountjoy was extensively studied in 1996 by Dr Paul O'Mahony (O'Mahony, 1997). Fifteen years later there are many striking similarities to the population described then. A significant change to this profile would appear to be the more ethnically diverse population that has come with the growth of immigration in Ireland.

What O'Mahony strikingly confirms in his sample is the high level of exposure to adverse life experiences. Of the representative sample of 124 prisoners he states that 'only 12 prisoners had none of the following problems: a heroin habit, an alcohol problem, a past attempt at suicide, HIV or Hepatitis, a history as a Psychiatric inpatient or no employment last 3 months' (O'Mahony, 1997, p. 137). He adds that '40% had experienced three or more and 12% an incredible 4 or more of these severe adversities' (O'Mahony, 1997, p. 138).

Given these levels of adverse life experience and of the parallel reality of the high levels of social, economic and educational deprivation, it is perhaps not surprising that Mountjoy Prison, with its location and its history, remains a touchstone in our understanding of, and response to, imprisonment.

### **Establishment of the High Support Unit**

Following the report of the Inspector of Prisons in August 2009 (Inspector of Prisons, 2009) discussions began within the prison on how a unit for vulnerable prisoners could be established, where it could be located and what its operating procedures would be. The term 'vulnerable' was specifically used, for while it was always clear that the vast majority of prisoners accessing the High Support Unit would have mental health difficulties, the unit could also be used for certain medical needs or in relation to detoxification approaches requiring additional monitoring. The central driver in this was the Healthcare Directorate of the Irish Prison Service, and discussions with stakeholders and local management continued into the summer of 2010.

In the summer of 2010, following the assignment of a new complex Governor to Mountjoy Prison, it was directed that the High Support Unit

was to be opened in line with the recommendations of the Inspector and the strategy statement of the IPS. It was identified that the F1 landing in the New Medical Unit would be the most suitable location for the unit. While standard operating procedures were being designed by a group comprising the Complex Healthcare Manager, NFMHS staff, local operational management, Psychology Service and the Probation Service, work proceeded to ensure that the fabric of the unit was suitable for meeting the identified needs of those who would be housed there. This meant refurbishment of cells and a review of features that posed particular risk (examining factors such as ligature points and security of fixtures).

Discussion also focused on how the daily operation of the High Support Unit could be enhanced by looking at the regime and décor in the unit. In addition staffing levels were agreed and training for operational staff to be assigned to the unit was rolled out. In December 2010 the unit was opened as a 10-bed unit. Giblin (2012) outlines the significant differences in staffing and approach in the HSU compared with an ordinary association area in Mountjoy Prison (Table 1).

**Table 1.** Access to mental health services on ordinary wings and High Support Unit (source: Giblin, 2012)

	<i>Ordinary prison wing</i>	<i>High Support Unit</i>
Number of cells	35	10
Number of Prison Officers per shift	4	3
Attendance of prison Healthcare Manager	As required	Daily
Hours of lock-down (confined to cells)	16.5	16.5
Nurses attend on the wing	When requested	Daily
Community Mental Health Nurses attend on the wing	Clinics in main prison surgery for those with appointments	Three times per week and as requested
Psychiatrists attend on the wing	Twice-weekly clinics in the main prison surgery for those with appointments	Three times per week and as requested
Multidisciplinary/multi-agency reviews each week	No	Yes



For Probation Service staff, interviewing prisoners generally within the prison access is determined by the availability of prison staff to escort Probation Officers to designated offices close to wings. In the High Support Unit prisoners can be interviewed on the wing, generally in a small recreation room that has a large soundproofed window behind which is the control room for the unit, where Prison Officers are sited. Probation Officers are therefore able to interview and work with High Support Unit prisoners without needing an escorting Prison Officer.

When the High Support Unit was opened, one of the central innovations was the establishment of a weekly multidisciplinary meeting to review those housed in the unit and those being considered for transfer into the unit. The meeting also focused on the active treatment needs of prisoners on the unit as well as looking at treatment and support needs where a prisoner was being moved back to general location or was being considered for release into the community. As Giblin (2012) notes in reference to the High Support Unit: 'Regular inter agency meetings which share information and make joint decisions regarding admissions and discharges are an essential component in the optimal functioning of such a facility within a sentenced prison'.

The weekly meeting was attended by a Consultant Psychiatrist, Senior Registrar, Community Forensic Psychiatric Nurse, Complex Healthcare Manager, Senior Probation Officer, the Governor responsible for Healthcare and the Assistant Chief Officer responsible for the Medical Unit.

### **Unit operation and outcomes**

The rationale behind the establishment of the High Support Unit was to provide focused interventions with vulnerable prisoners that would allow for better assessment and management within the prison setting, as well as decreasing the pressure on transfer demands to specialist treatment facilities. One immediate goal was to seek to reduce the use of heavily criticised special observation cells within Mountjoy. As Giblin notes in her 2012 research, 'There has been a significant reduction in the frequency of use of SOCs in the prison. The mean daily or monthly rate of use of SOCs has fallen by 59% since the High Support Unit became operational.'

While transfers to the National Forensic Service facility at the Central Mental Hospital Dundrum did not decrease, the High Support Unit's

establishment did lead to more streamlined communication between the services and arguably better pre-hospital assessments. It also improved continuity of care, as all transfers to the Central Mental Hospital from Mountjoy Prison subsequent to its establishment came from the HSU, and 70% of transfers back to Mountjoy went into the HSU.

The High Support Unit has dealt with a significant number of offenders who had complex needs and significant mental (and occasionally physical) health issues. This allowed the Probation Service to have a much clearer understanding of how best to draw up intervention and supervision plans for these offenders and more easily and effectively to contribute to the complete assessment required.

### **Probation practice**

In the establishment of the High Support Unit in Mountjoy Prison the clear driving forces were the Irish Prison Service and the National Forensic Mental Health Service. In designing the unit and looking at standard operating procedures, local prison management ensured that both the Psychology team based at Mountjoy Prison and the Probation Service team serving the prison were fully involved and attended all the meetings that looked at how the unit would operate and what inputs from the Service could be provided.

The local Probation Service team had to decide how significantly to become involved with the process. In making that decision a crucial factor for the team was an awareness of the particular challenges for the Service in the assessment and supervision of offenders with mental health problems. The decision was also influenced by an awareness of the number, and the criminogenic needs, of prisoners across the IPS estate who are subject to mandatory Probation supervision on release from custody. This number has grown exponentially as the use of section 99 of the 2006 Criminal Justice Act<sup>4</sup> in sentencing has developed.

Section 99 provides authority for a court to make an Order sentencing a person to a period of imprisonment and to suspend some, or all, of the sentence on their entering a recognisance with conditions including Probation supervision for a specified period on release from custody. Figures from the Probation Service and Irish Prison Service indicate that

<sup>4</sup> Criminal Justice Act 2006 (Number 26 of 2006), available at [www.irishstatutebook.ie/2006/en/act/pub/0026/index.html](http://www.irishstatutebook.ie/2006/en/act/pub/0026/index.html)

there are over 800 prisoners currently in the prison system with such orders and with recognisances that specify post-custody supervision by the Probation Service. Frequently additional conditions are attached to such orders in relation to treatment (generally addiction but also occasionally mental health).

For the Probation Service this development in sentencing has emphasised the need to manage offenders on a throughcare basis, linking custody and community in a new way. Establishment of the High Support Unit was informed by an understanding of Service goals and responsibilities, but also as a professional opportunity to enhance practice.

Probation Officers work with offenders in institutional and community settings. They have a core function of supporting public safety through seeking to reduce reoffending. This is done most frequently through working individually with offenders to address pro-offending behaviours and attitudes. The Probation Officers are also conscious of the impact on offending of social experience and are aware of the social construction of the concept of crime.

In doing this, Probation Officers bring a social work perspective to their work which informs the application of a range of risk and needs assessments and an individually focused range of interventions. These assessments, and the interventions that are determined to be appropriate in working with clients, are complemented in many cases by knowledge of the offender's history drawn from their previous contact with the Probation Service. These assessments and interventions emphasise and examine the individual in a social context, and this perspective complements the clinical assessment of the specialist medical staff within the High Support Unit.

Kendall argues that 'Within corrections, psychiatry has been the most influential medical subdiscipline', adding that there are

two unique approaches: medical-somatic and social-psychological ... Both the medical-somatic and social-psychological approaches individualise crime. Whether the cause of crime is located in the body or the mind the focus is on changing the individual rather than the social structure. Therefore the two reinforce one another. (Kendall, 2004, p. 65)

Ensuring that this perspective and these professional skills are included in the service delivery within an HSU should be, I would argue, a priority

for the Probation Service. De Vaggiani (2007) argues in his paper on structural determinants of prison health that there needs to be a broader and more radical approach to prison health: ‘one that lifts the debate from the traditional orthodoxy based on medical, psychiatric and security imperatives to a new public health agenda that addresses key social and structural determinants of health’.

### **Collaboration or co-operation?**

Hepworth *et al.* (2010) suggests that organisational relationships range from co-operation to collaboration and argues that ‘cooperation, coordination and collaboration are often used interchangeably to describe a relationship between organisations, but the nature of the relationship is different with respect to function, structure and durability’ (Hepworth *et al.*, 2010, p. 450). Is the development of the High Support Unit and its planned roll-out across the Irish Prison Service estate a true collaboration between the key agencies?

Trant, in an unpublished thesis (Trant, 2012), examines interdisciplinary working within a Probation Service funded project and notes that one of the challenges for working in such a setting is that

staff are not merely representing different disciplines, they also represent different organizations who may have different agendas and contrasting philosophies. While all Programme staff work on the same team with a ‘common’ goal, they are ultimately accountable to individual employers. (Trant, 2012, p. 23)

The establishment of the HSU within Mountjoy Prison was, I suggest, a collaboration between the Irish Prison Service and the HSE, with which the Probation Service co-operated. Hepworth *et al.* (2010, p. 452) adapt a table from Graham and Barter (1999) which identifies the phases of collaboration as follows:

1. problem setting in which stakeholders within a domain are identified, with mutual acknowledgement and common definition of issues
2. agreement on direction and common values that guide individual pursuits, including expectations of outcome
3. implementation of the plan and skills – for example, conferring, consultation and cooperation – and understanding the interdependence between the various professionals involved

4. the creation of a long-term structure that enables the collaboration to sustain, evaluate and nurture the collaborative effort over time.

In the process of design and establishment of the High Support Unit there was a degree of problem setting in which there was some common definition of issues, namely the need to improve assessment and management of vulnerable prisoners and the goal of a reduction in the use of seclusion to manage risk. There was also agreement on common values guiding individual pursuits, but these were easier for the core collaborators, whose professional perspectives were medical and whose operational perspectives emphasise institutional responses to risk management.

In the implementation of the plan there was conferring with the Probation Service team within the prison, along with the offered co-operation. From a social work perspective the idea of the High Support Unit being a true collaboration is weakened by the absence of a long-term structure that supports the collaboration process. How the development of High Support Units across the prison estate is managed in the absence of a Probation Service input other than an informal local level represents a missed opportunity for improving delivery of services to a particularly marginalised group.

Comments by Giblin (2012) regarding staffing resources in the HSU focus on the situation for medical, nursing and operational prison personnel. It is worth briefly noting the Probation Service position. The Probation Service has assigned one Senior Probation Officer and five Probation Officer posts to Mountjoy Prison. The Service reprioritised its work in prisons in 2009 as part of a wider management exercise arising from increased demands in relation to court-mandated work and related resource constraints.

The Service now prioritises focus on service provision to prisoners with a court-mandated sanction involving post-release community supervision, the production of court and Parole Board reports, and work with female prisoners and with identified child protection concerns. The needs of prisoners with specific and severe mental health difficulties did not fall within this prioritisation. In the light of Giblin's (2012) findings the Probation Service might reassess what resources might be needed to optimise the opportunities afforded by the High Support Unit model to address offending behaviour more effectively within this vulnerable population.

## Conclusion

In 2010 a High Support Unit was established at Mountjoy Prison. It was designed to provide an environment in which vulnerable prisoners could be assessed, monitored and, crucially, supported with greater effectiveness than if they were in the general population within the prison. The High Support Unit has proved successful in reducing the use of special observation cells in the prison and has increased the communication and cooperation between the mental health services, general healthcare and the Probation Service in the prison.

On the basis of these demonstrated benefits, and in line with the recommendations of the Inspector of Prisons, it is now proposed that the model will be rolled out across the prison estate.

For the Probation Service there are additional aspects to consider. Co-operation between services within the prison has proved positive, but it also challenges the Probation Service, given the high level of demonstrated mental health issues within the community supervision as well as the in-custody populations, to consider how such co-operation might develop into collaboration and be developed across the Irish Prison Service estate. Such co-operation, ideally collaboration, will inevitably be impacted on at some level by the inherent structural power imbalances that exist within custodial settings. Such imbalances are reinforced by perceptions of professional status and expertise and thus there is more of a challenge for the Prison Service than for other services and agencies in being conscious of such imbalances and the impact they can have on practice.

The HSU, as a model of good practice, also needs to be considered in relation to community settings and community supervision, where the Probation Service leads in the management of offenders. Developing better co-operation and perhaps collaboration poses challenges for services dealing with complex and challenging behaviours, where dual diagnosis is a significant issue and where the causative relationship between mental health and offending is a contested area. The depth of these challenges should not, however, deter the Probation Service from considering how they might be met.

In facing these challenges services can take an important message from one of the key lessons that have emerged from the establishment of the High Support Unit. Good interdisciplinary practice, based on an acknowledgement and acceptance of different professional skills and

perspectives, along with an understanding of different organisational imperatives, supports good practice. If we can take something into the community it is that the High Support Unit model of cooperation supports the Probation Service in the provision of more effective service delivery to a client group with particular and significant challenges and complex needs.

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## Book Reviews

### **Life after Life Imprisonment\***

**Catherine A. Appleton**

Oxford: Oxford University Press, 2010

ISBN: 978-0-19-958271-6, 280 pages, hardback, £65.00

Having spent the past six years managing PBNI services provided to life-sentenced prisoners in custody and in the community, it was with excitement and anticipation that I opened this book. There is limited research and academic discussion in respect of post-release 'lifers'. This book's aim of investigating 'life after life imprisonment' in order to distinguish factors associated with successful resettlement from those that are relevant to recall and reoffending was music to my ears. I looked forward to 'answers' that would inform future practice, and this book does not disappoint.

The author's research was inspired by the results of a small-scale study that highlighted the high recall rates of discretionary life-sentenced prisoners in England and Wales in the 1990s. The size of her ensuing research project is impressive, with 113 interviews with Probation Officers across England and Wales. In an attempt to 'understand the world of the research participants as they construct it', 37 life licensees were also interviewed and invited to 'tell their story'. Nine of these were interviewed while subject to recall to custody.

The book sets out clearly and comprehensively the legal and political context for discretionary life-sentenced prisoners. It does not focus on mandatory life sentences and the legislative framework is that of England and Wales, but Catherine Appleton raises important issues that are transferable to other jurisdictions regarding transparency, fairness and

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efficiency in respect of release procedures. She also highlights the huge responsibility invested in those who have a role to play in decisions to 'recall', as well as the outstanding dilemmas and tensions arising for recalls that are based on non-adjudicated behaviour. It may be tempting for some readers to skim through Part I, and it took me a second reading to fully appreciate its value.

In Part II, Appleton introduces the reader to the 'old' versus the 'new' penology debate of individual rehabilitation versus risk management. She takes the reader on 'a short excursion into the theoretical issue of relevance', highlighting the broad policy shift towards the emergence of a risk society where regulatory controls dominate and there is 'an underlying sense of pessimism' about the individual's capacity for reform. She evidences how this appears to have been translated into the Probation culture and practice in England and Wales. It is heartening then that this chapter, which goes on to detail how lifers are processed 'with little mention of transformative goals', concludes that public protection and rehabilitation are not mutually exclusive. Indeed, rehabilitation also continues to play a prominent role in Probation Officer practice with life-licensees. Similarly, regarding licensees' perceptions of supervision, Appleton notes that there were many instances of those under supervision 'illustrating a completely compatible mixture of care and control in their descriptions of the role of probation supervision'.

Part II goes on to 'give the answers' that I sought from the outset of my journey through the book. Much of what is considered by lifers to assist successful resettlement is grounded in the professional relationship and traditional social work values of Probation Officers. And it is to the credit of the practitioners in this study that they were able to develop positive relationships which were highly appreciated by those they supervise. The interviews with life-licensees and the many direct quotes from them considerably enliven this discourse.

In Part III, entitled 'Desistance and Persistence', the author promotes the benefits of desistance-based practices. Desistance theory is a helpful framework in drawing together the many elements of good practice that Probation Officers have exemplified in this book. Of added value is the pursuit of the construction of a new narrative identity. The book is helpful in identifying the role Probation Officers and others can play in order to contribute to this new pro-social self. While recognising the positive outcomes arising from the construction of new identity, I would be

interested to hear further debate on how this can be progressed to ensure it takes account of victim considerations.

The final section of this book examines the recall process and seeks to examine, through quantitative analysis, significant factors associated with the likelihood of recall. The results will have resonance for readers who have been involved in the recall process. This section makes interesting reading but, as the author acknowledges, the findings are based on a small number of cases and further empirical research would be helpful.

This is an important book and should be read by all those who have responsibility for policy or practice with life-sentenced prisoners and life-licensees. The supervisors' and licensees' accounts of supervision demystify this work and give a sense of what makes up day-to-day engagement, including the tensions and dilemmas faced. There are many important messages coming out of this research; it is incumbent on managers and practitioners to learn from and act on them.

**Coercive Confinement in Post-Independence Ireland: Patients, Prisoners and Penitents****Edited by Eoin O'Sullivan and Ian O'Donnell\***

Manchester: Manchester University Press, 2012

ISBN: 978-0-7190-8648-9, 288 pages, hardback, £65.00

The central concern of this book is whether the large increase in the imprisoned population in Ireland over the four decades since 1970 is in fact masking a much more significant trend in the changing role of institutions and the use of coercive confinement in Ireland since the foundation of the State.

Internationally, the question of why there has been such an increase in prison populations in certain Western countries in recent decades is a focus of debate. The apparently exponential increase of that population in Ireland since 1970 has attracted political, social and academic comment.

Between the establishment of the Free State in 1921 and an apparent watershed in 1970, the imprisoned population of Ireland remained relatively steady at between 30 and 35 per 100,000 of national population per annum. Between 1970 and 2009, that population increased steadily to in excess of 90 per 100,000, representing a threefold increase over the four decades.

The authors, however, look behind these changing numbers to show a very different picture. Rather than looking at prison as almost the only form of coercive confinement, as today, they examine the broader, historic picture of civil and criminal detention in the myriad forms available during the earlier decades of the period examined.

They demonstrate with stark detail how the increase in prison population has been accompanied by a vastly more significant reduction in involuntary confinement in other forms of institution. When this broader picture is considered, a more concerning issue is the vast number of citizens coercively confined, mostly without any form of due process, in a multitude of sub-standard institutions between 1920 and 1970.

By examining the changes in imprisonment rates over the nine decades, in the context of the alternative forms of coercive confinement available, the authors put forward a more holistic analysis of those other forms of confinement. Other studies, they argue, have looked at

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institutions such as county homes, mental hospitals, industrial schools or Magdalene laundries in isolation. As a consequence, the analysis of coercive confinement as an all-encompassing entity in the period from 1920 to 2009 has, to date, failed to consider the totality of the picture and to arrive at a full and reasoned understanding of what occurred and why.

The authors employ contemporaneous writing from the time to describe the experience and circumstances in these institutions. While the statistics speak in stark reality, the writings add a sense of the attitudes, values and beliefs that prevailed, even among those individuals who appear less punitive.

The authors divide the literature they review into three categories: (1) patients, paupers and unmarried mothers, (2) prisoners and (3) troubled and troublesome children. In this short review, I refer specifically to only the first of these.

For single mothers and others deemed wayward, a form of social or moral internment, whereby those who could bring shame were locked away to prevent them from doing so, prevailed. The panorama of sin was extensive, and the concentration on and finesse in distinctions made between one moral infringement and another almost obsessive. The concept of disaggregation is frequently proposed to manage the risk of cross-contamination. Most of the sin was sexual, but punishment for this was almost exclusively of females and by detention. The words rape, incest and child sexual abuse do not appear in the writings. Beyond the women themselves, there was a need to ensure the proper moral (Catholic) upbringing of their children, who in turn populated to a large degree the industrial schools. These attitudes appear to have waned by the early 1970s, when the introduction of unmarried mother's allowance for the first time allowed such women to raise their children with a measure of independence.

If institutions for unmarried mothers were largely urban-based and religious-run, the mental hospitals were more rural in location and purpose. While under the direct governance of the State, the poor level of investment in both mental hospitals and county homes for the destitute is clearly described. Many who spent most of their lives in the mental hospitals of the period may have been only briefly, if ever, mentally ill. Such illness, at times, could not be identified or treated because of the vast overcrowding within the institutions. A significant explanation for this overcrowding was the socioeconomic circumstances of the time. The stem farm inheritance system ensured that only one son could inherit the

unified farm. The future of other family members had therefore to be secured elsewhere. Where families and individuals managed effectively, this was achieved by education, emigration or religious vocation. Where they did not, the need to eliminate surplus family members was met primarily by the mental hospital.

The authors argue that the level of coercive confinement in Ireland between 1920 and 1970 was a result of the values, the needs and the activities of not one but three powerful institutions: the State as an executive organisation, the Catholic Church and the family. Family, state and church all stood to gain through such confinements, but most importantly, they stood to gain together. It has been elsewhere argued that the Irish Free State, established through a background of revolution, needed, in the first instance, to establish its legitimacy. It did so in part by underwriting in the constitution the positions of both the Catholic Church and the family. The authors here argue that the new State perceived a need to establish its moral superiority. Such perceived needs supported a tendency to conservatism and authoritarianism.

By the 1960s the de Valera vision of a rural ideal, extolled in his 1946 speech, was being replaced by a concept of an urban industrial prosperity. By the early 1970s, membership of the EEC had brought both inward economic investment and an external social lens. Developments in psychiatric treatment, the farmer's dole and unmarried mother's allowance were some of the markers in the watershed of social change.

The writings assembled in this book do not support complacency. While one gender is no longer specifically targeted for detention, since 1971 the rate of female imprisonment has increased to a significantly greater extent than that of males. While those involuntarily confined in today's prisons have benefited from due process, the majority still come from socio-economically deprived backgrounds and many have poor mental or physical health. In the absence of adequate community-based supports to meet such needs, it is clear that the socially and economically excluded will continue to make up the bulk of our coercively confined population.

## **Justice in Transition: Community Restorative Justice in Northern Ireland\***

**Anna Eriksson**

London: Routledge, 2012

ISBN: 978-0-415-62772-6, 232 pages, paperback, £24.95

This book examines community restorative justice in the Northern Irish context, making a substantial contribution to the relatively small restorative justice literature focused on this aspect (e.g. McEvoy and Mika, 2002). Eriksson combines a comprehensive literature review of restorative justice practice and theory with findings from her empirical research, including interviews with those involved in community-led restorative projects based in Northern Ireland and with individuals from related agencies, such as the Police Service of Northern Ireland. The excerpts included in this book serve as a fascinating insight not only into the actual workings of community restorative justice initiatives in Northern Ireland, but also into what people who work for these organisations understand as being the true value of their work.

The book starts with an overview of restorative justice and gives a brief insight into the contested nature of the concept. Eriksson then examines the implications of a transitional context on restorative justice and looks at what restorative justice may uniquely be able to offer in a post-conflict society. She goes on to provide a good, concise overview of the historical origins of restorative justice in Northern Ireland, from Brehon law to present day. She then elaborates further on recent history, with a chapter dedicated to examining the violent practices immediately preceding the move towards restorative justice, i.e. paramilitary punishment beatings and shootings.

Two chapters examine the main concern of this book, the two community-led restorative justice projects in Northern Ireland: Community Restorative Justice Ireland (CRJI) and Alternatives. Particularly interesting is Eriksson's account of the way in which CRJI and Alternatives gradually evolved to start replacing the harsh punishments being imposed in their communities by paramilitary organisations. She also looks at the differences between the operation of CRJI and Alternatives, which highlights the importance of a flexible approach for restorative

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justice, so as to adapt to the needs of the community within which it operates.

These chapters are followed by consideration of the implications of the involvement of ex-combatants with both CRJI and Alternatives. Eriksson details how this involvement creates opportunities, such as bringing some credibility and legitimacy in the eyes of the community, as well as the ability to engage with paramilitary organisations in negotiating a move away from punishment attacks to more peaceful methods of resolving conflicts. However, the involvement of former combatants causes difficulties as well, which are also highlighted by Eriksson. These include negative perceptions of these restorative projects as being simply a front for the relevant paramilitary organisation and being used as another means to exert control over the community. There are also implications of ex-combatant involvement in interactions between these organisations and State agencies.

The last few chapters in the book are dedicated to an examination of the development of community restorative justice in Northern Ireland, in particular the gradual move towards stronger links with State agencies. Eriksson points to the special role of CRJI and Alternatives in building bridges between the State and the community. This is an interesting examination of the gradual construction of relationships between both CRJI and Alternatives and state agencies, looking at various aspects including funding issues, retention of the independence of CRJI and Alternatives and the positives and negatives of closer interaction with State agencies. Eriksson posits what may happen to these community-led organisations in the future, as they form stronger partnerships with State agencies including the police, and suggests that the struggle over the ownership of justice may well continue, despite increased collaboration.

Overall, Eriksson provides a convincing account of the importance of community restorative justice and its benefits. She makes an interesting point about the fluidity of community restorative justice practice in Northern Ireland and throughout the book, reiterates the benefits of such a grass-roots approach. She argues, *inter alia*, that the nature of 'community' in the Northern Irish context is such that a top-down approach to crime prevention is unlikely to succeed and may even increase tensions between the State and the community. Eriksson argues that community restorative justice projects have an invaluable role, having evolved independently of the State and therefore having a measure of legitimacy with, and a wider reach within, the community.



Eriksson sees restorative justice as a fundamentally different way of thinking about and dealing with conflicts and, because of her particular conception of restorative justice (emphasising the importance of flexibility of approach, among other things), she sees State-run restorative justice as having limited transformative potential because of its having been adapted to fit in with the dominant criminal justice system.

Eriksson also argues that community restorative justice is better able to address underlying causes of crime, in particular social structural conditions, such as a culture of violence within a community. She sees community restorative justice in Northern Ireland as being a powerful vehicle for transformative justice, transforming the relationships between participants, and also contributing to changes in the 'structural circumstances' that led to the conflict.

Through making several such comparisons (some implicit, some explicit) between State and community restorative justice, Eriksson makes plain that she sees many more benefits in community schemes. She does not, however, really elaborate on the State-run restorative justice scheme in Northern Ireland and does not seek to highlight the positive aspects of State-run schemes.

While many of Eriksson's claims for community restorative justice seem bold, they are largely backed up by her fascinating empirical research carried out with CRJI and Alternatives. Further engagement with the arguments against such initiatives might have lent more punch to her concluding remarks, but, as she points out herself, there is already substantial literature detailing all the perceived faults associated with such schemes and hers is a refreshing positive voice to be added to the debate, skilfully highlighting all the beneficial aspects of community restorative justice and potential wider applications.

Another interesting aspect of the book is Eriksson's discussions concerning the meaning of 'community' and she offers an intriguing account of the differing conceptions of community within and outside the transitional context, as well as the positives and negatives associated with the concept of 'community'. Eriksson notes that within the transitional context, the strong informal control networks that a strong community can offer can sometimes be a contributing factor to armed conflict and therefore something that the State may attempt to repress when reasserting its authority. Conversely, States not in a transitional context may emphasise the importance of strong communities. Eriksson goes on to demonstrate the positive role that strong community ties can play in

the transformative context, when placed within a restorative justice framework.

The book maintains a distance from wider theoretical arguments relating to restorative justice, such as those pertaining to philosophies of punishment. For example, Eriksson takes the stance that restorative justice is something opposed to retributive justice, without much deliberation on this point. I wonder if some discussion on this might have been warranted, as this view is by no means the consensus and is hotly contested within the field of restorative justice – even Howard Zehr, the ‘grandfather of restorative justice’ changed his position from arguing that restorative justice is opposed to retributive justice to accepting that there are, or can be, retributive elements within restorative approaches (Zehr, 2002). A number of other authors also see retributive elements to the restorative process (e.g. Zernova, 2007). This lack of engagement with such issues is certainly not fatal, but may have had some implications for her research, though that would be difficult to say from an outside perspective. Certainly, Eriksson is clearly an extremely effective empirical researcher and it is from her empirical research that the main contribution of this book comes. Aspects of restorative justice theory not dealt with by Eriksson have been covered extensively by various authors already, in any event (e.g. Daly, 2002).

Overall, Eriksson’s book is a thorough account of the benefits of community restorative justice, as well as an examination of the particular usefulness of restorative justice in a transitional context – concluding that her research shows that restorative justice is a useful framework around which to construct ‘indigenous initiatives’ of conflict resolution. She argues that restorative justice forms a useful framework for transitional societies, as it takes account of underlying political, social and economic factors that contribute to criminal and antisocial behaviour in such societies. Eriksson also argues that, aside from showing the benefits of a community-led restorative approach, her research also supports a widening of the application of restorative justice; for example, to more serious offending behaviour and to adults as well as juveniles.

This book appears to be ideal for those wishing to familiarise themselves with the origins, development and current practice of community restorative justice in Northern Ireland (there is a timeline in the appendix, which is a very good reference source for an overview of developments concerning restorative justice in Northern Ireland). While this book is primarily geared towards the academic market, it should

appeal to a much wider readership as well, including restorative justice practitioners and criminal justice professionals.

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