Irish Probation Journal

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

THE
PROBATION
SERVICE
An tSeirbhís Phromhaidh

PBNI
Probation Board For Northern Ireland

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Editorial

This is a time of change in Ireland and internationally, not only in the political, economic and social contexts but also within probation, which operates within these contexts. There is an increasing momentum for probation agencies to seek to work collaboratively on a range of different levels, including the professional, the organisational and the operational. Probation does not work in isolation and partnership is key to achieving safer communities. Engagement across the criminal justice family, North and South, with colleagues in other bodies and organisations and with our voluntary and community partners is critical in ensuring that our work is effective.

The recent formalised co-operation between the Probation Service in Ireland and the Probation Board of Northern Ireland in the Public Protection Advisory Group is described by the Directors of the services in this volume. Policing and justice powers were devolved to Northern Ireland on 12 April 2010 and a new Department of Justice with its own Minister was created. The impact of devolution and the implications for probation in Northern Ireland are explored in a paper based on a recently delivered speech by Brian McCaughey.

The two Ministers for Justice met recently and acknowledged the benefits of working closely together to 'drive forward a range of criminal justice initiatives to make Ireland, both North and South, a better and safer place to live'. Arrangements for co-ordinating and strengthening the management of offenders in the community by Probation and other services in both jurisdictions are a priority, as outlined in William J. McAuley's paper on PPANI.

The current economic crisis is impacting on Probation services across Europe, and at this time more than ever we need to review the efficiency and effectiveness of how we deliver our services. Managing change is a major challenge for Probation services everywhere. We are all aware that

organisations that actively involve staff and stakeholders in this process have the best chance of success. Some of the papers in this issue address the interests of service users in particular in this changing Ireland, and explore the responses we need to make both organisationally and on the frontline.

A number of papers look at ways of working with offenders so that victimisation and the harm caused by their offending can be reduced. Cormac Russell highlights the benefits of an asset-based community development approach. Risk-based case management is an effective tool in preventing reoffending and enhancing community safety. Denis C. Bracken explores implications for practice using data from his research study with Irish Probation Officers.

In Margaret Griffin and Patricia Kelleher's paper, young men from disadvantaged communities in Limerick city challenge us to consider the personal and social context of male offenders, the need to engage them and the importance of creating effective partnerships if we are to be relevant and effective in addressing their offending behaviour. Two contributions on practice by Mary Trainor and Rachel Lillis outline contemporary approaches in the management of Community Service and working with young offenders.

The 3rd Annual Martin Tansey Memorial Lecture, hosted by the Association of Criminal Justice Research and Development, was delivered on 26 May 2010 at the Criminal Courts of Justice in Dublin. Therapeutic jurisprudence as applied in sentencing, probation and parole was the topic, and is described here in a most stimulating paper by Professor David Wexler. Professor Wexler, the leading authority and author in the field, calls for academic–practitioner, interdisciplinary and international partnerships to expand further the study and practical application of therapeutic jurisprudence.

Prison is necessary and inevitable for some offenders. The impact of imprisonment on prisoners and for their families can prove to be a serious barrier in reintegration following a period in custody; often the very issues that may have contributed to the offending and incarceration in the first place remain to be addressed. The impact on families is often neglected or overlooked. Issues in the reintegration of prisoners and the secondary impact of imprisonment are real challenges in our work, and are explored in a paper by Agnieszka Martynowicz and Martin Quigley and one by Jessica Breen.

This is the seventh edition of *Irish Probation Journal* and the Editorial Committee is grateful to PBNI and the Probation Service for their ongoing support, as well as to all those who have contributed to this edition, including the advisory panel and publishers. Most especially we would like to thank our contributors in this edition, representing both the academic and practitioner perspectives in their contributions.

The focus of *Irish Probation Journal* will continue to be to publish high-quality papers to inform and stimulate debate and challenge us at every level to develop and enhance research and practice and to play our part in making the island of Ireland a safer and better place.

Suzanne Vella   Jean O'Neill
Probation Service   Probation Board for Northern Ireland

September 2010

The Public Protection Advisory Group: A Model for Structured Co-operation

Michael Donnellan and Brian McCaughey*

Summary: On Friday, 10 April 1998 the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland was signed, heralding a historic opportunity for a new political beginning. The Good Friday Agreement, as it became known, included plans for a Northern Ireland Assembly and cross-border institutions; under the section on policing and justice it made provision for a wide-ranging review of the criminal justice system in Northern Ireland. Arising from the recommendations contained in the review, the Intergovernmental Agreement on Cooperation on Criminal Justice Matters was established, providing a framework for co-operation between the two jurisdictions. That work is continuing through the recently completed 2010 Agreement. Under the auspices of the Intergovernmental Agreement Working Group, the Public Protection Advisory Group (PPAG) was formed as a subgroup and is jointly chaired by the Director of the Probation Board for Northern Ireland (PBNI) and the Director of the Probation Service (PS) (Ireland). The PPAG has provided a formal structure for the engagement of the PBNI and the PS and strengthened connections with the other important stakeholders in the Criminal Justice System. It has been meeting since early 2006 and has addressed a range of topics related to increased cross-border co-operation, the sharing of best practice and cross-border offending. This paper sets the context, traces the history of formalised co-operation between the PS and the PBNI from 1998, and describes the structure, scope and activities of the PPAG as a model for bilateral co-ordination and co-operation.

Keywords: Public Protection Advisory Group, Northern Ireland, Ireland, Probation, criminal justice, Good Friday Agreement, cross-border co-operation.

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Setting the context

There is a momentum for probation agencies throughout Europe to seek to work collaboratively. Increasingly probation is extending beyond national boundaries at a professional level, at an organizational level and at an operational level.

Ireland is an island with two probation organizations with much in common and a shared commitment in working together, delivering services within their own jurisdictions. Through increased collaboration and co-operation we have the capacity and commitment to ensure that probation is a robust and valued sanction in the Criminal Justice System across the island of Ireland, and through our working together that our services make a significant contribution to a safer Ireland.

The two services share a common heritage in the Probation of Offenders Act 1907 and the commitment in it 'to assist, advise and befriend'. The political, social, economic and legislative changes of the past century have contributed to the development of two distinct services in Ireland and in Northern Ireland. The developments in probation practice over the century have evolved from the offering of general assistance to offenders to evidence-based work in assessing and managing risk and interventions focused on changing the behaviour that contributes to the offending.

Notwithstanding the passage of time and differing contexts politically, legislatively and organizationally, the two services hold strong shared principles as well as the shared belief in the real benefits of community sanctions and the important role that probation can play in the Criminal Justice System.

The Probation Service (PS), an agency within the Department of Justice and Law Reform, has been on a journey of substantial change and modernisation in recent years. In 2006 a rebranded PS with a new management structure, a strengthened in-house corporate structure and a renewed Service Strategic Plan was launched. Staff numbers increased to almost 500; the Service extends to all 26 counties, is available to every Court in Ireland exercising criminal jurisdiction, and has staff working in all prisons and places of detention.

Legislation has added more and more new functions including supervision of part-suspended sentences under the Criminal Justice Act 2006. The Department of Justice and Law Reform through the Prisons and Probation Policy Division provides direction, support and co-ordination across the Criminal Justice System.

The Probation Board for Northern Ireland (PBNI) is a Non-Departmental Public Body (NDPB). When policing and justice functions in Northern Ireland were devolved to the Northern Ireland Assembly on 12 April 2010, the Department of Justice was established as a new Northern Ireland Department by the Department of Justice Act (Northern Ireland) 2010. From this date, the Probation Board became an NDPB of the Department of Justice. Prior to this, it was accountable to the Secretary of State for Northern Ireland.

The PBNI believes that the devolution of policing and justice powers presents real opportunities to strengthen and build on what has been achieved to date. There are currently around 420 staff in 31 offices across Northern Ireland, and Probation Officers work in every part of the community – in, with and through the community.

The PS and PBNI recognise the need to continue to develop initiatives that improve and assist the efforts of those under supervision who want to break the cycle of offending, change their lifestyle and become contributing members of their communities. The shared agenda of the two services, the mutuality of vision, goals and commitment to effective practice provided both the platform for and impetus to progress the recommendations outlined in the Criminal Justice Review 2000.[1]

Good Friday Agreement

On Friday, 10 April 1998 a comprehensive political agreement – known as the Good Friday Agreement – was signed. The British and Irish Governments signed a new British–Irish Agreement committing them to give effect to the provisions of this multi-party agreement, in particular those relating to constitutional change and the creation of new institutions.

The Good Friday Agreement included provision for a wide-ranging review of the Criminal Justice System in Northern Ireland, to assess the need for reforms and to ascertain the scope for 'structured co-operation between the criminal justice agencies on both parts of the island'. The Review Group reported on its findings in March 2000, making a total of 298 recommendations. The British government accepted the recommendations and published legislation and an implementation plan to give effect to the recommendations.

[1] Available at www.nio.gov.uk/review_of_the_criminal_justice_system_in_northern_ireland.pdf

PROTECT North and South

Two of the recommendations of the Criminal Justice Review were of particular significance in promoting joint working by the PBNI and the PS in the development of a jointly managed and staffed project.

Recommendation 279 proposed *that the scope for the joint delivery of training, education (including continuing professional development) and the exchange of good practice on criminal justice issues should be examined*; and Recommendation 282 advocated *fostering co-operation between researchers through joint conferences and seminars and … that specific research projects might be undertaken on an all island basis.*

PROTECT North and South (Probation Reducing Offending through Enhanced Co-operation and Training) was established by the PBNI and PS in direct response to the recommendations. Funded by the Special European Union Programmes Body (Peace II), it was launched in 2004 as a two-year initiative.

The objectives of PROTECT North and South were to 'maximize the opportunity provided by peace, to begin to understand, share and develop professional approaches to assist in the effective management of a range of offenders'. Its four key aims were to:

1. develop cross-border approaches to the management of offenders
2. disseminate knowledge of effective models of supervision approaches
3. promote and engage with local communities
4. create opportunities for staff exchanges.

By the time the PROTECT North and South project had reached its conclusion in 2006 it had worked on identification of shared issues and hosted conferences (Kennedy, Moore and Williamson, 2005) and seminars demonstrating effective practice. It had progressed the development of a shared protocol for the monitoring of sex offenders and the joint delivery of programmes addressing domestic violence and drink driving on a cross-border basis.

Public Protection Advisory Group

The Criminal Justice Review referred to North–South co-operation on criminal justice matters, recommending that *a group of criminal justice policymakers from the two jurisdictions be established … to identify and advise*

on the opportunities for co-operation at government level and between the criminal justice agencies North and South (Recommendation 278).

The Agreement on Cooperation on Criminal Justice Matters was signed on 26 July 2005 by Minister for Justice, Equality and Law Reform Michael McDowell and NIO Criminal Justice Minister David Hanson MP. In April 2010 a new Intergovernmental Agreement was signed, which ensured that this framework would remain in place following the devolution of policing and justice powers to the Northern Ireland Assembly.

The Intergovernmental Agreement on Cooperation on Criminal Justice Matters provides a framework for co-operation that includes at least one Ministerial meeting per year between the relevant Belfast and Dublin Ministers, who receive reports from a Working Group made up of officials from both jurisdictions.

Under the auspices of the Intergovernmental Agreement Working Group the Public Protection Advisory Group (PPAG) was formed as a sub-group[2] and is jointly chaired by the Directors of PBNI and PS. Its role is to advise the Working Group on the potential for strengthening enforcement of non-custodial sentences and post-custodial supervision with a view to enhancing protection of the public.

The PPAG has provided a formal structure for the engagement of the services and strengthened connections with the other important stakeholders in the criminal justice systems, north and south. It also provided a forum to address Recommendation 286 of the Criminal Justice Review, which proposed that *the issue of developing mutual arrangements for continued enforcement of non-custodial sentences and post custodial supervision should be addressed. Arrangements for accessing programmes available in the other jurisdiction should also be considered.*

The terms of reference of the PPAG, revised in 2006, are:

- to examine existing policies and practices on the rehabilitation of offenders in both jurisdictions and elsewhere, to identify best practice and any gaps in rehabilitation services, so that those approaches with a proven record of success are assessed for common adoption

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[2] PPAG membership consists of senior representatives from Criminal Justice Directorate Northern Ireland Office, Department of Justice and Law Reform, Northern Ireland Prison Service, Irish Prison Service, An Garda Síochána and the Police Service of Northern Ireland.

- to develop joint recommendations for the future rehabilitation of offenders, which will also reduce the rate of recidivism, and enhance community safety and social integration.

The PPAG has been meeting since early 2006 and has addressed a range of topics and built on initiatives arising under the PROTECT North and South project. The issues identified include increased cross-border co-operation, the sharing of best practice and addressing cross-border offending.

As common issues emerged, it became increasingly clear that a collaborative approach by the two services in addressing these would be the most effective. The overarching consideration in all our work continues to be the imperative to maximise community safety and prevent victimisation, and we believe this can best be achieved through effective probation and interagency practice. To this end the PPAG has identified the following priorities.

1. Best practice in the management of sex offenders
The Sex Offender protocol agreed between the services and effective from 1 May 2010 is aimed at enhancing public protection across the island of Ireland by strengthening the management of sex offenders who move between jurisdictions. It provides a framework for the secure and confidential sharing of information between the PBNI and the PS while co-coordinating the supervision and management of sex offenders in the community in both jurisdictions.

The protocol has been informed by up-to-date practice develop-ments, data protection issues and case management reviews in relation to offenders who moved from one jurisdiction to the other.

The PPAG-supported implementation of an all-island approach to the assessment and management of sex offenders has resulted in the application of agreed risk assessment tools by Probation and police services in both jurisdictions. Relevant staff have been trained in RM 2000 (Thornton et al., 2003) and in Stable and Acute 2007 (Hanson and Harris, 2000; Hanson, Harris, Scott and Helmus, 2007).

2. Best practice development in managing diversity
The increasingly multicultural society North and South is an important consideration for all public services in responding to the needs of service users. Rather than relying on anecdotal information, it was recognised that accurate information about foreign nationals under the management

of the PS and PBNI was necessary. A survey was undertaken by both services on 1 May 2009 which provided information on ethnicity, language, location and numbers, as well as highlighting other barriers in accessing probation services.

3. Information sharing and co-operation
The work of the PPAG has advanced the day-to-day co-operation and co-ordination of the two services, facilitating information and knowledge sharing and the development of complementarity and consistencies in practice. A point of contact within each jurisdiction for all transfer requests and information exchanges has been established, and has structured communication between the services. It also allows for the collation of information, which is presented to the PPAG on a six-monthly basis.

The development of an international desk in each jurisdiction is particularly noteworthy and establishes a process and structure that will enhance communication and ease the implementation of EU Framework Decision 2008/947/JHA[3] on the the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions. Under the Framework Decision, from December 2011, it should be possible to transfer the Probation supervision of community sanctions between jurisdictions.

Implementation of the Framework Decision is among a number of priority areas in the work programme agreed by the Ministers for action by summer 2011.

The way forward

Ministerial commitment
The first formal meeting of the cross-border criminal justice ministerial group was held in Carlingford on 9 July 2010. The Minister for Justice and Law Reform, Dermot Ahern, TD and Northern Ireland Justice Minister, David Ford, MLA met to discuss a range of issues including the work of the PPAG.

Speaking after the meeting, Minister Ahern said:

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[3] Available at http://eur-lex.europa.eu/en/index.htm

There is a real closeness in North/South relations in the justice and policing area that can only be to the benefit of the wider public on both sides of the border … We are also promoting engagement on a strategic level between the various criminal justice agencies with a view to the exchange of expertise, best practice and policy development. We face the same challenges and it is important that we share ideas and co-operate in tackling them.

Minister Ford said:

I am committed to working closely with Dermot Ahern to drive forward a range of criminal justice initiatives to make Ireland, both North and South, a better and safer place to live. The devolution of policing and justice powers provides an opportunity to enhance the working relationship with the Irish Government. Co-operation between criminal justice agencies is critical.

Value of the PPAG to the criminal justice systems North and South
The PPAG in its work with criminal justice agencies North and South has provided invaluable leadership in joint working across jurisdictions and in the development of all-island initiatives. The achievements to date in the closer working between the services, the shared understanding and the effective systems in place are testament to the important impact of the PPAG. We now have valuable structures in place, enhanced communication and an ongoing sharing and development of knowledge and expertise.

These structures are increasingly important not only for us on the island of Ireland but also throughout Europe, as evidenced in the forthcoming EU Framework Decision on the transfer of community sanctions across jurisdictions.

We need to share knowledge, skills, expertise and experience and have strong communications to ensure that as offenders cross from one jurisdiction to another we have a strong and sound management plan in place. Co-operation and communication between agencies and across jurisdictions in how we manage offenders are vital if we are to collaborate effectively and achieve results.

The leadership and vision provided by the PPAG as a model for structured co-operation is undoubtedly making an enormous

contribution to keeping communities safer. The strength of the PPAG is in the development of bottom-up practical cooperation, and as the Heads of our respective services we will strive to see that practical work continue.

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Addressing the Challenges Anticipated by PBNI in Relation to Devolving Policing and Justice*

Brian McCaughey[†]

Abstract: This paper is based on comments made in a speech by the Director of the Probation Board, Brian McCaughey, to stakeholders within criminal justice in Northern Ireland. It charts the recent developments in criminal justice in Northern Ireland and considers the opportunities and challenges for Probation as it operates against the backdrop of changing political, social and economic circumstances.

Keywords: PBNI, devolution, opportunities and challenges, individual practitioners, relationships with other criminal justice agencies, influencing policy, accountability, future of the PBNI.

Introduction

Policing and justice powers were devolved to Northern Ireland on 12 April 2010. A new Minister for Justice was appointed and a new Department of Justice was created after a period of 34 years of Westminster control of these functions. Having local politicians in Northern Ireland take responsibility for policing and justice was hailed by many commentators as the final part of the 'devolution jigsaw'.

Now that it is finally in place, it is important to consider the impact of devolution on probation and the implications for probation services in the coming months and years. In this paper I will outline what I believe the opportunities are for probation in relation to individual practitioners, relationships with other criminal justice agencies, influencing policy, accountability, and the future of the Probation Board of Northern Ireland (PBNI). I will also consider the challenges that lie ahead.

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Background

The Probation Board was established as a non-departmental public body (NDPB) under the Probation Board (Northern Ireland) Order 1982, in accordance with a recommendation in the Report of the Children and Young Persons Review Group (1979) that the Probation Service in Northern Ireland should be separated from central government and become responsible to a Board.

The first Board was appointed in December 1982 and appointments to it were made by the Secretary of State. The Board was and continues to be tasked with maintaining an adequate and efficient Probation Service, and is responsible for determining its policy within broad parameters set by government and for monitoring the service's performance against objectives. From its inception, the Probation Board carried out most of its work with offenders in the community but also worked in each prison establishment, preparing prisoners for resettlement.

In 1982, social, economic and political circumstances in Northern Ireland were radically different. Over 100 people were killed in that year. Probation Officers worked against a backdrop of ongoing violence and political instability and within communities described as some of the most deprived in Europe. Although the challenges in the 1980s and 1990s were very different to those faced today, the values of probation remain constant – working with all communities in a fair and impartial manner, holding offenders to account, believing people have the capacity to change and ensuring that victims' voices are clearly heard.

Individual practitioners

Currently the Board is supervising 4,400 orders – 3,600 in the community and 800 in custody. Of these, 25% have a high likelihood of reoffending and 43% a medium likelihood. While in financial terms we are one of the smallest organisations in the criminal justice family, with only 1.5% of the overall budget, the introduction of the Criminal Justice (NI) Order 2008 has placed us at the heart of the arrangements for managing offenders. We are now supervising a greater number of offenders in the community. One of the most immediate challenges is to ensure that the appropriate funding matches responsibility and visible delivery.

The new legislation has had a significant impact on the role of Probation and how Probation Officers carry out their job. It means that Probation will now supervise anyone who receives a sentence of 12 months or more when they are released from custody into the community. Other powers in the legislation relate to the management of offenders in the community by way of electronic monitoring and strengthening the public protection arrangements of which PBNI is part.

To deal with these increased responsibilities we recruited additional staff throughout the past year to support those delivering front-line services. Ten years ago we had 300 staff in place; we now have 423, of whom 275 are providing front-line delivery of services to offenders. As the organisation grows and the business expands, I believe the potential also increases to use probation experience and expertise more effectively to prevent reoffending and to divert those who may be at risk of offending away from that path.

Over the past 40 years Probation has been in the unique position of being able to work directly in all communities in Northern Ireland. I often say our role is to work 'in, with and through communities'. What that means in practical terms is being able to go to offenders' homes in whatever part of the community they reside, assess them in their own surroundings and verify – not just see, but verify at first hand – the environment they live in and their relationships with others. It is that first-hand experience that helps us to make thorough assessments of risk.

Probation Officers require a significant level of professional knowledge and expertise to make those risk assessments, and the social work qualification for Probation Officers is key to providing a sound foundation for building vital relationships and making decisions in relation to risk of reoffending and the harm caused.

We believe that there is a desire on the part of communities and political representatives to have the Probation Board use its experience from working with communities over the past 40 years to do more work in prevention and diversion. However, we are not funded currently to do that work.

There is no doubt that we will have to continue to deliver services against a backdrop of all public services having finite resources. It is imperative that if an organisation has skills and expertise in a particular area, such as prevention and diversion work, these are used effectively to contribute to community safety. It is crucial that the organisations with the right skills are able and adequately funded to carry out that work.

Relationships with other criminal justice organisations

The political and security climate in Northern Ireland over the past 40 years has meant that media coverage and public interest in criminal justice issues have often focused on the areas of security and, in particular, policing and prisons; for the most part, that was right and proper. However, the concentration on this area of criminal justice has understandably meant that people have less understanding and awareness of how other elements of the system operate. Public confidence in our entire criminal justice system (CJS) can only be achieved when the public fully understands the different roles and responsibilities of organisations within that system and, more importantly, how they work together to increase community safety and prevent crime.

Recent crime surveys continue to show that although crime figures are falling in Northern Ireland, there is much more work to do in building confidence in the criminal justice system. Research undertaken in December 2009 indicated that the proportion of respondents who were confident that the CJS as a whole was effective was 37.3% (Northern Ireland Statistics and Research Agency, 2010), which shows little change from the previous year and is similar to England and Wales. However, in Scotland 53% thought that the criminal justice system was effective. Therefore it is clear there is much to do in building confidence, and the first step to that is building awareness of what all the agencies tasked with making communities safer do.

In 2008 the Probation Board carried out a survey of Northern Ireland MLAs (Members of the Legislative Assembly) and found that while those who knew about PBNI had a high regard for the work carried out, a sizeable number of local representatives were not aware of the services provided by Probation.[1] Likewise, an Omnibus Survey in 2009 revealed that more could be done to raise awareness of our work among the public (Northern Ireland Statistics and Research Agency, 2010).

Devolution has created important opportunities for the Probation Board to raise awareness and to explain its role in helping to create safer communities. However, it is important that criminal justice agencies including police, Probation, prisons, Youth Justice Agency, and Public

[1] Findings of a ComRes Survey of MLAs conducted on behalf of the Probation Board, December 2008.

Prosecution Service are able to work collectively to provide an effective and efficient service to the public.

If one part of the criminal justice system is failing to deliver, then we are all failing. The public are not interested in the workings of individual organisations; they want to know that there is a strategy in place to prevent crime, investigate crime, manage offending and keep communities safer, and that all criminal justice agencies are involved.

Northern Ireland, unlike England and Wales, has one Police Service, one Probation Service, one Prison Service, one Court Service and one Public Prosecution Service. In looking at future policy it is important to learn from the experience of others, and it is clear to PBNI that NOMS (the National Offender Management Service)[2] is not a system that needs to be replicated in Northern Ireland. To create an excellent system there is a need to maximize resource effectiveness and there should be a greater sharing of experience, through increased secondments, exchanges and research within the CJS.

Perhaps one of the biggest challenges and indeed opportunities in the coming months is to ensure that all criminal justice organisations collaborate effectively and create a real synergy.

Influencing policy

As well as building relationships with other criminal justice organisations, it is essential that relationships be formed to allow PBNI to influence and help shape policy initiatives. One of the most important opportunities for Probation in this new political landscape is the chance to influence and shape policy on criminal justice. According to Rick Muir, who looked at the impact of devolution on crime and justice matters: 'One important benefit of devolution is it allows different areas to adopt different solutions, so different parts of the UK can learn from each other' (Muir, 2010).

This is critically important for Probation in Northern Ireland. It is clear that the 'one size fits all' approach cannot and should not be applied across the United Kingdom. In Northern Ireland we have the opportunity to forge ahead and make brave and innovative decisions while at the same time considering what has worked and what has not

[2] For more information on NOMS, see www.noms.homeoffice.gov.uk

worked in other areas. Muir (2010) concludes that: 'Devolution has opened the prospect for the cross-fertilisation of policy ideas and cross-national learning from different practices. Policymakers would do well to make the best use of that opportunity.'

Initiatives that the PBNI would like to see developed include having a more joined-up approach to dealing with offender management, and the use of supervision in the community instead of short prison terms. I will now look at those initiatives in more detail.

More joined-up approach across government

Many of those who offend have physical and mental health problems, low levels of literacy and numeracy, poor employment prospects, housing needs, difficulties in sustaining personal relationships and behavioural problems. It is necessary to address all these factors that impact on offending in a 'Northern Ireland Offender Management Strategy'. There is a need for a joined-up approach right across government departments, particularly the Department Of Health, Department of Education, Department of Employment and Learning, Department of Social Development and Department of Justice.

Community supervision instead of short prison sentences

Those who commit serious offences must be imprisoned. However, short prison sentences may have the worst outcome in terms of preventing reoffending. The Scottish Prison Commission, reporting in 2008, and a House of Commons Justice Committee in December 2009 found that imprisonment for short sentences (under six months) can do little or nothing to reduce the likelihood of offending. Instead, by breaking positive ties and building negative ones, the experience of imprisonment can do a great deal to increase reoffending. Statistics show that supervising an offender in the community is more likely to reduce reoffending than imposing a short prison sentence.

Future policies

In the autumn an addendum will be drafted to the Programme for Government for the Department of Justice. The Hillsborough Agreement, published in February 2010, stated that:

Confidence, avoidable delay, rehabilitation, recidivism and the interests of victims and witnesses are key elements of any addendum.

Developing policies which support effective policing should also be part of any forward work programme.

The Probation Board supports many of the actions outlined in the Hillsborough Agreement that could support the agreed policies, including a review of alternatives to custody, the development of a Victims Code of Practice and a comprehensive strategy for the management of offenders.

Accountability

One of the most obvious changes post-devolution is the change to accountability for the Probation Board. Prior to devolution the PBNI was accountable to parliament through ministers from Westminster and its performance was reviewed by the Northern Ireland Office. From April 2010 PBNI is accountable to the Northern Ireland Executive and Assembly. Local ministers who live and work in Northern Ireland, and who are elected by local people, now hold the organization to account. The Northern Ireland Assembly Committee for Justice is in place to consider and advise on departmental budgets and consider relevant legislation. While the relationship between the 'direct rule' minister and PBNI was always good, access to local ministers who are aware of and alert to local issues is extremely important.

The future of the Board

Our criminal justice system in Northern Ireland has undergone fundamental change over the past 10 years. The Criminal Justice Review, which was published in 2000, made 294 recommendations including the establishment of the Northern Ireland Judicial Appointments Commission, Criminal Justice Inspection Northern Ireland and the Public Prosecution Service. It also looked at the development of a new partnership-based approach to community safety. The aim of the reforms was to ensure that the Criminal Justice System was responsive, transparent and fully accountable.

Part of the Review looked specifically at Probation and the service it provided, and noted that:

Staff of the Probation Board have worked with individuals and communities in circumstances where tensions and strife have created a most difficult climate in which to operate. Yet they have a reputation for commitment and innovation which has engendered confidence in them and their work from within all sections of the community. With the changing environment in Northern Ireland … probation services are entering upon a new period of challenge and opportunity. (Criminal Justice System Review Group, 2000)

The Review looked at the reasons why a Board was established and its make-up. While noting that the reasons were sound, it recommended that on devolution of criminal justice matters, probation be reconstituted as a 'next-steps' agency. This would effectively mean that responsibility for probation services would lie directly with the relevant minister, on the same basis as the Prison Service. Probation staff would become civil servants.

Six years later, a discussion paper published by the Northern Ireland Office set out the implications for criminal justice organisations following devolution. It stated that:

Probation would be devolved and responsibility for the PBNI would be transferred to the Department of Justice. The Board and its members would be appointed by and accountable to the Northern Ireland Minister for Justice. Following from Recommendation 222 of the Criminal Justice Review, the Assembly could legislate to change the status of the PBNI if it decided that Agency status would be a more appropriate means of delivering Probation services. (Northern Ireland Office, 2006)

To date there is no indication as to whether it is likely or imminent that the Probation Board's status will change from a non-departmental body to a next-steps agency. However, there is a need for very careful consideration about implementing such change. The Board's input and strategic direction in shaping probation services in Northern Ireland has been critical. Having a Board that is representative of the community and that brings different life experiences to the table is invaluable. Reconviction data show how effective PBNI has been in preventing reoffending: it is important that all that has been achieved be built upon and not jettisoned.

Conclusion

Probation believes that it has a responsibility, and can indeed make a real difference, in terms of making communities safer and preventing offending. We now have an opportunity to ensure that we work more effectively with other agencies to prevent reoffending, and to explain to public representatives and communities what it is we do and how it makes a difference. We must not waste that opportunity.

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Uncertain Futures: Men on the Margins in Limerick City

Margaret Griffin and Patricia Kelleher★

Summary: The authors give a voice to young men from disadvantaged communities in Limerick city who participated in two exploratory research studies, *Uncertain Futures: An Exploratory Study of Men on the Margins* and *Hidden Fathers: Supporting Young Single Fathers at the Margins.* Consideration is given to what the men told us about different aspects of their lives; their school days and work opportunities; their experiences of everyday life in their communities; what it means to be a father.

The issues that emerge in the studies are reviewed and, using the lessons from desistance research, key messages for probation practice in particular and for social policy in general are extrapolated. The necessity of considering the social contexts of probationers when designing interventions is stressed, as is the importance of creating effective partnerships in applying solutions to social exclusion.

Keywords: Social exclusion, employment, fatherhood, masculinity, community safety, desistance, community partnerships, crime, Probation, criminal justice.

Introduction

Observe and listen to people whom you work with and they will teach you everything you need to know. (Bertolino and O'Hanlon, 1999, as cited in Parton and O'Byrne, 2000, p. 81)

Those most at risk of getting involved in crime are young men who experience social exclusion (O'Mahony, 1997). More importantly, offending is linked to geographical areas where disadvantage is strongly embedded (Bacik and O'Connell, 1998).

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The 26 young men who contributed to the studies live in some of the most disadvantaged areas in Ireland and are involved in, or are at risk of becoming involved in, crime. These young men tell us of the deep lack of respect that they experience; they portray lives blighted by exclusion and characterised by underachievement at school, inability to find work, boredom, lack of safe access to public spaces, fears for their own safety and that of their families, and exposure to trauma.

The men also articulate what is important to them: their localities and communities; their families, particularly their children; access to training and employment; opportunities to engage in sporting and other leisure activities. They voice hopes and aspirations that reflect the dominant cultural definitions of being a man, without having access to the opportunities to fulfil their expectations to achieve breadwinner status and to enact the provider role.[1]

The studies on which this paper is based were conducted to elicit the views of a cohort of the population who are rarely asked about how they see the world and what's important to them. It was also recognised that they were a group who did not usually engage with services in the city unless compelled to do so by the courts. They were perceived and described by agencies across the community/statutory services as 'hard to reach'.

Ascertaining their views and needs was considered to be an important step in having their needs identified and met. In addition, the stories of these young men were considered to be a significant part of the story of the city as it embarked on a regeneration process.[2]

While some of the picture that is painted may be specific to Limerick city, the voices that emerge in this paper will have a strong resonance for probation practitioners who are familiar with the challenges that face young men in their efforts to desist from offending and achieve social inclusion. In presenting social marginalisation as experienced by the young men, this study represents one of the rare opportunities, in an Irish context, for these voices to be heard.

[1] While the authors appreciate that this representation of hegemonic masculinity is not unproblematic, it is beyond the scope of this article to examine it further.
[2] See www.limerickregeneration.ie for more information.

Background

This paper is based on two exploratory studies, *Uncertain Futures* (Kelleher Associates and O'Connor, 2007) and *Hidden Fathers* (Kelleher Associates and O'Connor, 2008). Eighteen men participated in *Uncertain Futures*; key themes explored included:

- school days
- work opportunities
- everyday life in their communities
- what it means to be a father.

The second study, *Hidden Fathers*, which interviewed 12 non-resident fathers, builds on the findings of the first and explores in a more in-depth way the experiences of young men as single fathers. Four of the men had been interviewed for the first study, thus giving an overall number of 26 young men between the two.

Men were selected for the research on the basis of age and location. All were between 18 and 33 years and they all come from, or reside in, some of the most socio-economically disadvantaged local authority housing estates in the State:

> Limerick city is by far the most disadvantaged local authority area in the region and the second most disadvantaged county in Ireland as a whole. The relative deprivation of Limerick city has steadily increased over the past fifteen years from a score of –2.4 in 1991 to –7.9 in 2006. (PAUL Partnership, 2006)[3]

The statistics for the areas in the study tell their own story: unemployment is five times the national average (Fitzgerald, 2007, p. 5); between 46.7% and 55.1% of the adult population has only primary education (the national average is 18.9%); the proportion of lone-parent families[4] ranges from 57% to 64% compared to a national figure of 21%; social welfare dependency is high, with large numbers of households in

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[3] PAUL Partnership is an organisation made up of communities, state agencies, social partners, voluntary groups and elected representatives working with local communities that have benefited least from economic and social development. It aims to promote social inclusion and improve the quality of life of the people. PAUL stands for People against Unemployment in Limerick. www.paulpartnership.ie

[4] Lone-parent families are defined as family units headed by a single parent where there is at least one dependent child under the age of 15 years.

the areas being welfare-dependent[5] (PAUL Partnership, 2006). These areas are also the focus of the Limerick Regeneration Project, which was established to address the chronic and concentrated disadvantage identified in the Fitzgerald Report (Fitzgerald, 2007).

In addition to the above dismal picture of disadvantage and deprivation, the city has come to national attention because of the level of criminal and inter-family feuding that has taken place in recent years, resulting in a serious level of violence, intimidation and fear, particularly for the communities mentioned above.

In designing the research project care was taken to ensure that it was ethical and non-exploitative and that it did not further stigmatise or label the young men involved. Prior to engaging in semi-structured interviews the men were given a letter outlining the purpose of the research and they each signed a consent form. Interviews were conducted by two researchers and were about 45 minutes in duration. The participation of the interviewees was voluntary, no inducements were offered and the men were made aware that they could terminate the interview at any stage. The interviewees have all been given aliases to protect their identity, and all identifying information has been removed.

School days

Almost all of the men interviewed for Uncertain Futures recounted difficulties in managing the school environment. Critically, 13 of the 18 men interviewed left school without educational qualifications,[6] thus making what O'Donnell and Sharpe (2000) refer to as 'careerless transitions', with access only to low-paid insecure employment opportunities.

The men described three broad areas where they experienced difficulty in the school environment:

1. **Special needs not being identified**: Declan, now 20 years old, left school at 18 without passing his Junior Certificate[7] and he feels

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[5] The exact figure for social welfare dependency is difficult to calculate as it includes numbers on the live register, lone parents in receipt of state allowances, people with disabilities, those unable to work due to illness and others.

[6] This is in keeping with other studies which indicate that males from lower socio-economic groupings are the least successful educationally (Smyth and Hannon, 2000)

[7] The Junior Certificate examination is held at the end of the Junior Cycle in post-primary schools. Students normally sit for it at the age of 14 or 15, after three years of post-primary education. www.examinations.ie/index.php?l=en&mc=ca&sc=sc

aggrieved that his learning disability was not detected until after he left school:

I was not diagnosed until after I left school … I knew that I had difficulties. I got bullied and harassed at school because of my learning difficulties. There is a lack of services for a person with a learning disability. There is no centre in Limerick.

2. **Experience of childhood trauma:** Niall, who left school at 13, recounts his experience:
   My father had a mental illness and committed suicide. Having no father and the environment I grew up in led me astray. I was hanging around the streets and got into trouble with the law and left school. I was too busy wanting to be one of the men.

3. **Inability to make the transition from primary to secondary school:** Vince (23 years old) makes the following observation:
   Primary school was OK. Secondary school was boring. We had all different teachers. I left school at 14 and went to a special school.

Some men identified how they coped with the school environment by being rebellious and refusing to accept the teacher's authority:

We were all messers. I was thrown out of school. I had got suspended a few times. They said that they would take me back if I signed a form for good behaviour. I wouldn't sign it. (Joe)

This statement, as well as others where men described themselves as 'blaggards', is in keeping with research that indicates that 'boys are more likely to externalise their difficulties and this will impact on the classroom' (Kolvin et al., 1990, as cited in Cleary, Corbett, Galvin and Wall, 2004, p. 33).

Some of the young men, having left mainstream education prematurely, transferred to special schools or community training workshops where they fared somewhat better. They identified *small groups and individual attention* as important factors that facilitated their learning. Davy also talks about the subject choice on offer:

I went to a community training workshop for three years and did woodwork and mechanics and English, computers and life skills. It was brilliant. I learned to read and write.

While the men developed basic skills in both the special schools and the community training workshops, they did not attain the necessary educational qualifications to get an apprenticeship or a 'decent job'.

Some of the men, particularly the younger ones, were attempting to rebuild their careers by attending community-based projects specifically designed to enable them to attain educational qualifications.[8] The comments of the young men who attended these projects were both positive and future-focused.

Joe, who is 19, left school at 15 and he is now attending a community-based programme where he is studying for his Leaving Certificate Applied[9] (LCA); he hopes to get a trade, preferably as a plumber. Dylan also hopes to study for the LCA. He states:

> *I left school at 15. I thought that I would be better off working. I soon found out that there are few well-paid jobs open to young men. For a job in security you need education and the Junior Cert. I want to do the Leaving Cert. If this project was not here I would be in trouble.*

These projects foster a person-centred, relational approach to learning and adopt models that are participatory and that affirm the self-esteem of the young people. Joe makes the following observations:

> *The project is very different from school where you were just sitting in a classroom. Here it is relaxed. You call the teacher by the first name. They are your friends. You know that they care about you. There is a need for a lot more projects like this. A lot of people are waiting to get in.*

These community-based projects were also significant in terms of building productive alliances outside of the communities, whether this involved linking with colleges or prospective employers.[10] Jason's contribution makes this point very succinctly:

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[8] A good example of this type of project is Ceim ar Cheim in Moyross, funded by the Probation Service, which places a big emphasis on identifying progression routes for its participants.

[9] See http://lca.slss.ie/faq.html for more information on this qualification.

[10] The ability to reach beyond your immediate sphere of influence to have your needs identified and met is referred to in the literature as 'bridging social capital': for a very accessible explanation see DeCleir (2003).

It is hard to get anything or to get anywhere. You need the outside contact – that is where the project is important.

Employment

The American sociologist S.M. Miller said that we live in what he called the 'credential' society (Miller, 1967; as cited in Miller and Savoie, 2002), where access to employment and social and economic security are strongly correlated with educational credentials.[11] It is argued that the opportunity to perform the 'breadwinner' role is key to a man's sense of identity within his family and community, particularly for working-class men (Hearn, 1998, as cited in Cleary et al., 2004).

Labour-force participation is also a significant determinant of other life opportunities, such as setting up an independent home and committing to a long-term relationship and having children (Webster, 1997a, as cited in Cleary et al., 2004). The men who participated in this study espoused the same values as the wider culture in wanting a 'decent job' to support a family. The fact that they were unequivocal about the importance of paid employment is particularly poignant when one considers the obstacles they face in accessing work:

It emotionally affects a man that he cannot support a family. Men value themselves in work. Without work many feel useless. It is an emptiness feeling. (Declan)

When my kids are asked 'what does your father do?' I would like them to be able to say that I do something. I would not be able to work full-time due to depression but I would like to get on a CE[12] scheme. (Niall, 29 years old)

Everyone needs work. You need money coming in. You get lazy and depressed when you are stuck in the house. (Chris, 25 years old)

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[11] Access to apprenticeships has been a traditional route for working-class men to progress from low-paid, insecure employment to skilled employment. Educational credentials are now needed to enter an apprenticeship programme, thus making this route no longer available to many working-class men.

[12] Community Employment is an employment and training programme that helps long-term unemployed people to re-enter the active workforce by breaking their experience of unemployment through a return to work routine. CE schemes operate on the basis of a 20-hour working week. See www.fas.ie/en/communities/community+employment/default.htm for further information.

In addition to the problems gaining employment because of their lack of educational qualifications, almost all of the men believed that discrimination based on where they lived was a barrier:

> *You will never get a job if you are from here. They don't like people from here.*
> *They find it hard to trust you. It is unfair. (Davy)*

Some of the men had given up hope of getting work and spent their time 'hanging around all day' with little to do.

Everyday life in disadvantaged communities

Many of the men interviewed for the study indicated that they feel a strong sense of connection to their local area, with only two stating that they would like to move. The majority had siblings, aunts, uncles and other extended family living nearby and they were highly integrated into their communities.

Some of the men recounted happy childhood memories:

> *My father used to take me fishing and camping. (Philip)*

> *I was brought up in Moyross. I enjoyed it. Moyross has an all-weather indoor*
> *soccer pitch, snooker, boxing club. I love soccer and hurling. (William)*

> *It was a great place to grow up in. I always had something to do. I loved*
> *handball and hurling. I used to hang around at the shop. (Dave)*

> *St Mary's was a great place to grow up. There were regattas on the river. You*
> *could hang around for hours. (Niall)*

Twelve of the men interviewed expressed a keen interest in sport, particularly soccer and Gaelic games, and a number had participated in various sports at a high level.

Some men explained the importance of keeping and caring for horses:

> *I love horses. I love just sitting there watching them. I love watching them*
> *trotting or racing. (Jason)*

But this activity was not without difficulties:[13]

> *Everyone loves horses. I love horses. All I wanted was horses. The Gardaí[14]*
> *and the pound took them. They brought them to Cork. (Paddy)*

Everyday activity for many interviewed, if they were not involved in community projects, consisted of 'hanging around, doing nothing in particular'. Vince said:

> *There is f*** all to do here now. It is a dive.*

Several of the men described staying in bed until midday and spending the afternoon watching television at a friend's house. The weekends consist of getting a 'few cans' and playing the Playstation with friends.

Perhaps not surprisingly, in the context of Limerick, the predominant focus of attention for the young men interviewed in this study was the impact of the feuds on life in the communities. There is historical evidence that inter-family feuds have been a feature of Limerick for decades and they precede the emergence of illicit drugs on the streets of the city. However, the level and extent of the violence associated with the feuds has escalated since local families became involved in the drugs trade in the 1990s. The pervasiveness of the feuds and the effects of an illicit drug trade were encapsulated in Paddy's comment:

> *Drugs have broken us. Drugs changed everything in our community.*
> *Through greed and power the whole town is torn apart.*

High-profile events, such as murders and shootings, bring the attention of the national media, but it is the ongoing, relentless anti-social behaviour, violence and intimidation that impacts so negatively on people's lives and creates fear and anxiety. Many studies point to the importance of the street (Whyte, 1943) and the pub (Willott and Griffin,

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[13] The keeping of horses has been rendered very difficult, if not impossible, in urban areas since the introduction of the Control of Horses Act 1996. This Act gives local authorities the power to issue licences to horse owners under certain conditions in their 'control areas'. The fact that some people have persisted in keeping horses despite not being able to meet the conditions stipulated has resulted in tensions between horse owners and the authorities.

[14] An Garda Síochána is the national police service, colloquially referred to as the Gardaí or Guards.

1996) for working-class and unemployed men. One of the less obvious effects of the feuds is the curtailment of access to public spaces for the men who recounted their experiences:

I do not go to the pub. I am paranoid about fights. (Niall)

You can't walk around the road without looking to see who is behind you; it got very bad two to four years ago. (Jason)

You cannot salute people. You cannot talk to people. You don't know who you are talking to. (Joe)

For many men, not having a direct involvement in the feud does not provide any protection, and it can be dangerous to visit other working-class areas of the city:

You cannot go into town. You cannot go into another community, even if you are neutral and not involved. It is too dangerous. If you are seen moving around, someone would think that you are dealing in drugs. (Dave)

A friend of mine was stabbed in the lungs, because his nephew was involved in the feud. (Niall)

The comment by Niall points to a particularly sinister aspect of the feuds in Limerick: it is not necessary to be involved oneself to become a target and the victim of violence. Criminal elements within the city, if unable to gain access to their intended target, will pick on a vulnerable associate; an uncle, brother, nephew, friend or even neighbour will suffice. The effects of the feud go out in concentric circles from those centrally involved and impact on whole communities in the city.

This is not confined to adults, as the men also identify the impact on children:

When kids come home from school, families do not let them play out on the roads. They could get caught up in an argument with a child from a feuding family. Next thing you would know is that you would have your windows blown in. (Colm)

What would help kids is to end the feuding and let them have their childhood.

The position of some women, who are in relationships with the drug dealers, is described:

> *Women are 'trophies'. The women cannot walk away or they would be killed. They want the women as trophies and to give them children. They own this one and that one. Most women live as single parents. They [the men] are scumbags. (Mark)*

It was also acknowledged that some women are enticed into relationships with these men because of the promise of material gains:

> *The women are bought off by the men. They can pawn off [placate] the women with a new car and a holiday. (Niall)*

For some the only chance of keeping yourself and your family safe is to relocate out of the area:

> *If your family is involved in the feud, the only way to protect the family is to get the family out. It is very hard to stop the feud. It has gone on for too long. Too many have been killed. You cannot protect them from guns. (Dylan)*

This sense of hopelessness was shared by others:

> *You cannot lead an ordinary life. There are too many people looking for revenge. There is no end to the feuds. There are too many people dead. (Dave)*

Fatherhood[15]

Although 10 of the 12 men interviewed for Hidden Fathers acknowledged that they had not planned to become a father, all of them expressed a desire to retain an involvement in the care and rearing of their children:

> *It is the one thing you can have that no one can take away. It is important to carry on the bloodstream.*

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[15] This section is based almost exclusively on the study Hidden Fathers, which interviewed 12 men who were non-resident fathers. The men who contributed to Hidden Fathers were not given aliases in the final report and so no name appears beside their statements in this paper.

They acknowledged the positive impact becoming a father had on them, and the potential positive impact of becoming a father on desisting from offending:

> *Before, I was a crook. I have now stayed out of trouble. The child 'copped' me on. What is the point of going to prison and leaving her crying while I am banged up?*

For a number of the men, their hopes for their children revolved around the children having more opportunities than they themselves had had:

> *I would like to see them going to college and getting a good job. I would hope that the kids make something of their life and do better than me. (Tom)*

They recognised that being a good father meant 'being there for the child', 'taking responsibility for the child' and 'being a good role model for the child'. However, they also identified a number of obstacles to achieving their stated ambition of being the 'good parent'. These include some issues that were intrinsic to the men: they cited not taking responsibility, skills deficits and lack of knowledge and confidence. Other barriers were more structural and included inadequate accommodation and insufficient income.

Some of the men interviewed did not take responsibility for having sex and they displayed what McDowell (2003) refers to as 'macho lad masculinity' (with obvious implications for sexual health and for their relationships with women) when describing how they expressed their sexuality:

> *Most men would not wear a condom, unless they were told they had to. When you are young, a condom is the last thing on your mind. You don't give a s**t.*

In some instances this lack of responsibility is extended to their engagement with their children:

> *If the father has a match at 7 o'clock they don't think about the child. They are much less likely to take responsibility if it is a one-night stand.*

However, many of the men did take responsibility for contributing financially to their child(ren). While they did not have formal maintenance arrangements in place they bought food and clothes and paid for special occasions:[16]

> I don't pay maintenance as such. I put money aside each week. If she needed money for the kids I would give it to her

Other men acknowledged significant deficits in their skills base when it came to caring for their child(ren), in performing household tasks and in relation to emotional competence:

> When I am stressed out and the child is crying I cannot handle it. I give her money to stop her crying.

> I would be too frightened to have the child overnight on my own when she is so young [1 year old]. I am no good at changing nappies. I would not bath her.

Women relatives, particularly mothers, were identified as important sources of support when it came to practical help:

> My mother is a legend. When I have access, the children are dropped around to the house at 12 in the morning. I would be in bed and she would look after them.

Six of the 12 young men described having satisfactory access to their children, four experienced their access arrangements as unsatisfactory and two had no access. Five of the six fathers who had satisfactory access in place had good relationships with the mother of their child and they had arrived at an access agreement themselves, without recourse to the courts. In all four cases where the access arrangement is considered by the fathers to be unsatisfactory, relationships between the mother and father are 'hostile' and trust between the parties has broken down.

The fathers in this study also cited accommodation difficulties and financial constraints as obstacles to quality access:

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[16] These informal financial arrangements are seen as a way of circumventing the regulations relating to possible deductions from the one-parent family payment.

I would like to have my daughter overnight but I have no proper accommodation. You have nowhere to go, nowhere to bring the child. I walk by the lake feeding the ducks.

Many of the men did not know what their legal rights were in relation to access or joint custody and others lacked information on whether they have a right to have their names on the birth certificate and what the consequence of doing so might be.

Implications for probation practice and supporting desistance

The men who contributed to these studies articulate clearly what is important to them and they also give clues as to how to develop services that best suit their needs. What makes this clearly the business of probation practitioners is the strong correlation between what the men say about what is important to them and the key messages from research into when and how offenders desist from offending.

Desistance[17] is defined in the literature as ceasing to offend or 'going straight' (Maruna, Porter and Carvalho, 2004); it is considered to be a stop–start process, characterised by ambivalence and vacillation, rather than a single event (McNeill and Whyte, 2007). Evidence is emerging in the research literature that desistance is linked with certain life events associated with maturational processes, such as family formation and becoming a parent or securing employment (Sampson and Laub, 1993, as cited in Gadd & Farrall, 2004; Farrall, 2002; Lipsey, 1995, as cited in McCulloch, 2005). However, the subjective meaning attached to these significant life events is also considered to be an important determinant of their usefulness in supporting desistance from offending (Farrall, 2002).

Farrall (2002) alerts us to the need for probation practice to target the social contexts in which probationers find themselves, and McCulloch (2005) sees the need for practitioners to make a 'more active commitment towards altering these contexts as a means of supporting change' (p. 17).

It is a challenge for probation practitioners to be alert to, and recognise, the opportunities presented by life events to promote and

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[17] Some of the literature makes interesting distinctions between primary desistance and secondary desistance but it is beyond the scope of this article to explore this further. See Farrall and Calverly (2006) and Healy and O'Donnell (2006).

support desistance. However, it is insufficient simply to wait for opportunities to present themselves; there is also a need to work actively to create opportunities.

As mentioned above, life events have subjective meaning for the individuals involved; practice must be underpinned by the viewpoint of the probationer. In order to commit more actively to working to alter the social contexts of the men, it is important to understand their frame of reference and world view and to bring into play their own informal theory of change (Duncan, Hubble and Miller, 1997).

Participatory Probation supervision

The men who contributed to these studies give clear direction about what is important to them and they give clues as to how to develop services that best suit their needs. They were able to recognise and articulate the obstacles and challenges they faced on a daily basis in their struggle for relevance, dignity and survival, and they consistently presented themselves as 'knowledgeable human agents' (Giddens, 1984, as cited in Rex, 1999) who can contribute to finding solutions that work for them.

Studies of effective probation practice point to the value of active and participatory supervisory experiences for probationers, where there is some effort at joint planning (Rex, 1999). This theme is also identified by McCulloch (2005), who advocates that Probation Officers adopt an active commitment to working collaboratively with probationers. It is imperative for Probation to link with the expertise of probationers, who can define both the difficulties they face and the solutions most likely to be effective for them.

Participatory Probation supervision plays an important role inspiring hope, building on the strengths of individuals and linking individuals to life-enhancing supports and services. There is also evidence that this approach is valued by probationers, particularly those that attribute changes in their behaviour to their experience of probation supervision (Rex, 1999).

Access to employment

The men were clear and unequivocal about the importance to them of attaining 'decent jobs'. Getting stable employment assists in the

formation of 'adult social bonds' and is a significant factor in supporting desistance from offending (Rex, 1999; Farrall, 2002). The men also recognised that, without education or vocational credentials, with criminal histories and coming from certain locations, getting work was going to be a huge challenge for them. Some of the younger men, who had access to training through local community-based projects, were more optimistic than those in the over-23 age group, who had all but lost hope.

The Probation Service, by having regular and sustained contact with this older group, is ideally situated to facilitate access to appropriate training towards employment by forging strong partnerships with educational and training providers *and* with the private sector to provide locally based education projects linked to progression routes to apprenticeships, further education or meaningful employment.

In terms of designing locally based education projects, the observations of the men were again instructive. They advocated small groups with a respectful, relational approach to teaching and also a curriculum with more emphasis on practical skills. While this approach to service provision is resource-intensive and therefore expensive to deliver, the costs must be offset against the long-term costs to individuals, families and communities of not providing these services.

Use of leisure time

There is a strong relationship between unstructured use of time and the risk of reoffending. The men described boredom as a regular feature of their lives. While they identified a keen interest in sport, what became obvious in discussion with them was the uneven spread of sporting and recreational facilities in the neighbourhoods. This point was made very succinctly by the existence of a soccer academy in one area that did not have a soccer pitch.

Involvement in sport, and all that this entails, could act as a protective factor in desisting from offending. Moreover, sport represents an activity the men feel passionately about and it therefore provides an opportunity to the Probation Service and other services to engage positively with them. This may involve advocating for them to gain access to facilities but could also include, for example, a men's health programme delivered through the medium of sport.

Care of horses is another activity some of the men are very exercised about, and the significance of the relationship between the men and their

horses, and the consequent impact on their physical, emotional and mental health, is not to be underestimated. Horse projects, which would enable men living in urban areas to keep horses without the risk of being in breach of the Control of Horses Act 1996,[18] need to be developed. The potential to create training and employment through well-designed and well-managed horse projects is enormous, and would provide an opportunity to engage positively with men around an issue they are passionate about.

Generativity

Generativity is described as 'the ability to transcend the immediate self-related interests of the person in favour of a view of generations to come' and is also thought to be linked to desistance from offending (Monte, 1995, as cited in Healy and O'Donnell, 2008, p. 27). There were clear statements in the narratives of the men of concern for their children. However, the men also identified significant skills deficits in meeting their ambition to be good parents, and particularly in their capacity to care for their children and to perform household tasks.

In the Hidden Fathers study, the Probation Service was the only organisation identified that specifically elicits and records information on whether or not young single men are fathers. This information, particularly in the light of its potential significance in supporting desistance, needs to inform how probation plans its work and interventions with this cohort of probationers in partnership with locally based services, community development projects and family resource projects. Family resource projects are ideally placed to be involved in providing information to, and skills training for, young fathers.

The birth of a child can be one of the 'life events' mentioned above and it may provide a window of opportunity to engage in a meaningful way with young fathers and, in doing so, support their efforts to establish quality relationships with their children, with the additional benefit of supporting their efforts towards desistance.

Interventions that support the development of these skills need to be delivered within a 'gender-sensitive framework' (Gadd and Farrell, 2004, p. 148), which recognises that, within a patriarchal society, power dynamics within the family may operate in a way that is not equally

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[18] www.irishstatutebook.ie/1996/en/act/pub/0037/index.html

beneficial to all parties. Care needs to be taken, in supporting young men's role in relation to children and women, that there is mutuality and that the women and children are equal beneficiaries of the relationship.

Community safety and the 'feud'

As mentioned above, Limerick city has come to national attention because of the level of criminal and inter-family feuding that has taken place in recent years, resulting in a serious level of violence, intimidation and fear in particular communities. The feuding has serious implications for community safety and there is a need, at a minimum, to enhance the visibility of public services and counter the perception that they are currently retreating from the communities by increasingly requiring local people to travel to the city centre for services.

Probation practice has traditionally linked with families by routinely visiting the homes of offenders, at both the assessment and the supervision stage. In addition to going some way to addressing the issue of community safety, there is evidence that this practice is valued by probationers, who identify the involvement of family members in the supervision process as helpful (McCulloch, 2005).

Home visits enable probation practitioners to know, at first hand, the reality of a probationer's life in their families and communities. This knowledge is an essential ingredient in planning effective interventions; it is strongly recommended that this aspect of probation practice continue and be developed as a frequent and core part of practice. By their continued presence with probationers and their families in their communities, Probation Officers will, in addition to enhancing their own practice, have the opportunity to make a strong general statement of support to communities under threat.

The feuding is thought to be related to conflict that arose between criminal gangs who were competitors in the drugs trade in the city. These gangs are family-based and have strong associations with geographical 'patches' within the city. Anecdotal evidence from probationers who are caught up in the feud also identifies hatred, family pride and loyalty, fear and retribution for perceived wrongs as significant contributing factors to the continued violence.

The criminality associated with the feuds needs, and is getting, a strong criminal justice response, with the activities of the Criminal Assets Bureau having particular support from the communities. However,

because of the embedded nature of the feud, and its ability to spread its tentacles into every aspect of community life, there a need to develop further strategies beyond the criminal justice sphere to combat it.

This work is beyond the scope of any one agency or sector and would need community/voluntary services, statutory services and the community working together with support from national government. It would also need to look to international models where effective strategies were developed and deployed.

While the men linked violence, and the pervading threat of violence, to the impact of the feud, it is worth looking at the figures for unlawful deaths in Limerick over a nine-and-a-half-year period.

From 1 January 2000 to 1 May 2009 there were 60 unlawful killings in Limerick; 14 of these were considered to be directly related to the ongoing feud in the city. Of the total of 60 killings, 12 were manslaughters and 48 were murders. Four of the 60 victims were women and the remaining 56 were male; of the cases where convictions have been recorded all the perpetrators have been male, with the exception of one woman who was convicted of manslaughter.[19] Local Garda Síochána sources estimate that in 75% of these killings both the perpetrators and the victims were young men from disadvantaged areas.

As indicated above, young males from disadvantaged communities are disproportionally both the victims and the perpetrators of violence in the public arena. This pattern is also evident internationally and it is a serious public concern. Strategies across the educational, health and justice sectors need to be developed to address it as a matter of urgency.

Conclusion

The men who contributed to the two studies that form the basis for this paper described a multiplicity of problems and challenges that confront them on a daily basis. To intervene effectively in their lives it is essential both to understand the obstacles they face and to seek pathways towards social inclusion.

Understanding the lives of the men will only be achieved by listening to them and by being aware of what is going on in their families and communities. This requires forging partnerships with the men that

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[19] This information was supplied by local Gardaí and relates to the figures from two city-centre Garda Síochána stations.

recognise their expertise and the unique contribution they can make to create the positive outcomes they aspire to and deserve. The best people to impart their story are the men themselves; they are the experts in their own lives.

The barriers to social inclusion facing these men are enormous, particularly for those in the older age group. They live in residualised housing estates that are socially and economically disadvantaged. They describe leaving school with no educational credentials; exclusion from public spaces; little access to recreational facilities; no opportunities to achieve breadwinner status and enact the provider role.

They also articulated the deep sense of disrespect they experience because of who they are and where they live, and they describe little engagement in the civic life of the city. Providing opportunities for the men to create lives that make sense for them will not be achieved by any one agency working alone. Strong partnerships across the community/voluntary and statutory sectors will need to be developed to enable this work to be done.

The Probation Service, through its regular contact with this group of men, occupies a strategically significant place. However, the Probation Service cannot act in isolation and needs both the expertise and the resources of others to create progressive educational, training and employment opportunities and pathways to social inclusion.

The challenges facing probationers are enormous and may appear overwhelming for them and the practitioners with whom they engage. Maruna et al. (2004) suggest that desistance from offending requires 'its own brand of cognitive distortion' (p. 225) when one considers the challenges and obstacles facing offenders.

Hope, in the face of such adversity, is hard to sustain. However, recognition of the capacity to change is central to Probation practice and is a feature of the day-to-day interaction between Probation Officers and probationers. It is also important that Probation acknowledges its potential to intervene positively in the lives of the people it works with and not to be overwhelmed by the enormity of the task.

However, in addressing offending, the authors contend, it is not sufficient to look only at individual behaviour and pathology, nor is it sufficient to look to the families and communities of offenders to provide solutions. The crimes that Probation Officers deal with are principally perpetrated by members of a single socio-economic group who live in a small number of easily defined geographical locations.

The structural factors that contribute to crime emanate from inequalities created within the social order; these require a much broader political and economic response.

The Probation Service occupies a unique space within the Criminal Justice System and is strategically placed to contribute to the public debate on crime. In the course of this contribution it is imperative that the voices articulated above be heard.

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Secondary Effects of Imprisonment: The New Direction of Prison Research

Jessica Breen[*]

Summary: This paper outlines the features of mass imprisonment and introduces an emerging field of research focusing on the 'unintended' or 'collateral' effects of the over-use of imprisonment. While recognising the differences in the scale of imprisonment between the US and the Republic of Ireland,[1] the paper argues that the questions raised in relation to the secondary effects of mass imprisonment are appropriate for any society in which imprisonment is not evenly distributed among the general population. A brief overview of theoretical approaches and empirical research on the secondary effects of imprisonment is presented, underscoring the dearth of knowledge on the subject area in the Irish case.

Keywords: Mass imprisonment, secondary effects of imprisonment, unintended consequences, prison, families, recidivism.

Introduction

This paper outlines the features of mass imprisonment in the United States as defined by Garland (2001) and introduces an emerging field of research focused on the 'unintended' (Vera Institute of Justice, 1996) or 'collateral' (Mauer and Chesney-Lind, 2002) effects of imprisonment. It argues that this body of work represents a shift in paradigm in prison research, away from focusing primarily on prisoners and towards a more holistic understanding of the way in which punishment operates. A preliminary introduction to some theoretical approaches and empirical studies on the secondary effects of imprisonment is presented, with

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[1] Unless otherwise stated, all references to Ireland or, 'the Irish case', or 'the Irish context' in this paper refer to the Republic of Ireland only.

reference to a growing a body of mainly US- and UK-based literature. While recognising the significant difference in the scale of imprisonment between the US and the Republic of Ireland, this paper argues that the questions that have been raised in relation to mass imprisonment are appropriate for any society in which imprisonment is not evenly distributed among the population.

Mass imprisonment and the new direction of prison research

It has been argued that 'among mainstream politicians and com-mentators in Western Europe, it is a truism that the criminal justice system of the United States is an inexplicable deformity' (Stern, 2002, p. 280). A main element of this 'inexplicable deformity' is mass imprisonment, which is defined as:

> a rate of imprisonment and a size of prison population that is markedly above the historical and comparative norm for societies of this type … The other feature is the social concentration of imprisonment's effects. *Imprisonment becomes mass imprisonment when it ceases to be the incarceration of individual offenders and becomes the systematic imprisonment of whole groups of the population.* (Garland, 2001, pp. 5–6, emphasis added)

Garland has argued that mass imprisonment is an exclusively American phenomenon and 'should be differentiated from imprisonment as it occurs in other comparable nations' (2001, p. 5). America is, without doubt, exceptional in terms of the scale of imprisonment. With a rate of incarceration of 756 per 100,000 population, the US holds the record for imprisoning more people than any other nation in the world (Walmsley, 2009). However, this extreme case has acted as a catalyst, prompting scholars from a range of disciplines to explore how mass imprisonment is shaping the social life of America. These enquiries challenge the abstract atomistic conception of offenders that underpins many criminal justice sanctions in the US and elsewhere (e.g. Ireland). Instead, they recognise that prisoners are often embedded in both family and community networks. By broadening the scope of study beyond the experiences of individual prisoners, they have shown that in addition to the financial burden incarceration places on the state, there are often great social costs associated with imprisonment (Mauer and Chesney-Lind, 2002; Travis and Waul, 2003).

This reflects a paradigm shift in the direction of prison research away from primarily questioning why individuals are sent to prison, or the individual effects that imprisonment may have on those who are incarcerated, and towards a holistic examination of the social and economic consequences of imprisonment. In other words, while criminological investigations into the causes of crime have long looked to factors such as the influence of family structure or community context, the ways in which penal policy impacts on these variables is now being fully acknowledged and examined in a systematic manner.

The secondary effects of imprisonment

Prompted by the phenomenon of mass imprisonment, US academics are producing a growing body of literature exploring the unintended consequences of imprisonment (Mauer and Chesney-Lind, 2002; Travis and Waul, 2003). Such secondary effects range from the more direct emotional and financial effects on prisoners' individual families (Comfort, 2008; Fishman, 1981) to wider social outcomes related to labour market participation (Western, 2002), civic engagement (Uggen and Manza, 2002), and community health (Thomas and Sampson, 2005).

Furthermore, while most of the empirical research on the secondary effects of imprisonment has come from the US, investigations into such collateral consequences are now being explored in a number of other jurisdictions including Australia (Aungles, 1994), England (Codd, 2008; Meek, 2008; Murray, 2007), Jordan (Al Gharaibeh, 2008), New Zealand (Kingi, 2009), Northern Ireland (McEvoy, O'Mahony, Horner and Lyner, 1999), and Portugal (da Cunha, 2008).

What is the economic impact of having a family member incarcerated? How do individual family members experience the imprisonment of a relative and how does this inform their view of the criminal justice system? How does imprisonment influence family life, including roles and relationships? What impact does imprisonment have on children with a parent in prison? How might having a larger than average number of families affected by imprisonment in one geographical area affect that area? These are the types of question that research on the secondary effects of imprisonment is beginning to address. The following sections provide an introduction to two dominant streams of research on the secondary effects of imprisonment.

Effects on families

The field of research that has received the most attention to date focuses on the effects of imprisonment on families. Two assumptions underpin this diverse body of work: firstly, offenders and prisoners are embedded within personal networks such as families and larger kinship groups; and secondly, imprisonment is a dynamic process that occurs over time. This body of work therefore endeavours to understand how different stages of the process are experienced by different family members, including the prisoner themselves, as well as tracking long-term outcomes related to the imprisonment of a family member.

The first point of difficulty arises when attempting to define what is meant by 'family'. Hairston (2003) notes that much 'family'-based research has tended to focus specifically on women in intimate relationships with male prisoners or on the children of female prisoners.

More recently, however, there has been an increasing focus on fatherhood and imprisonment. For example in 2005 the journal *Fathering* published a special issue dedicated to men who are fathers in prison. This touched on a range of relevant issues including contact and visitation of children with their imprisoned fathers and the role that mothers play in gatekeeping within this context (Roy and Dyson, 2005). It also explored the way in which fatherhood is situated within the prison environment (Arditti, Smock and Parkman, 2005) and how the prison experience can interrupt men's identities as fathers (Dyer, 2005).

The focus on promoting a positive fathering identity for men in prison is often discussed with relevance to prison parenting programmes, as it is thought that the fathering role may contribute to both successful desistance from crime and re-entry into society. For many men involved in criminal activity, becoming a father is a significant turning point and *can* act as a catalyst for positive change in their lives.

For those who are *already* fathers, children can also often provide a motivational force to enact personal change. Generally, such individual – and largely internal – transformations need to be accompanied by changes in routines and supported by structural opportunities in order to meet basic needs such as financially supporting oneself and one's family through legal means (Healy and O'Donnell, 2008; Moloney, MacKenzie, Hunt and Joe-Laidler, 2009).

Although there are complex linkages between poverty, imprisonment and diversity of family form, research has generally found that imprisonment has a negative economic impact on families. Early research

by Morris (1965) on prisoners' families in England found that following the imprisonment of their husbands, 63% of wives experienced deterioration in their financial situation. In Washington, DC, Braman (2004) found that the annual cost to families of having a relative imprisoned was $12,680. Despite the different social policy context in the US and the UK, a recent study on poverty and disadvantage among prisoners' families found that they were often forced to depend on welfare benefits and the resultant 'loss of a prisoner's or partner's earnings averaged £6,204 over a six-month period … the average personal cost to the family and relatives was estimated at £1,050 over a six-month period' (Smith, Grimshaw, Romeo and Knapp, 2007, p. 70). Dependence on family members for help during this time of crisis often led to strained network ties and, on occasion, to the severing of those ties and isolation of prisoners' families. This is because remaining caregivers, most often female partners or relatives, are forced either to leave employment to care for children or to take on additional work hours and so burden other family members (such as grandmothers) with childcare responsibilities (Arditti, 2003).

Because it is mostly women that care for both prisoners' children (regardless of the sex of the prisoner) and who are visitors to prisons, a growing body of work focuses on the intersection of the domestic and penal spheres. Comfort (2003) contends that the female partners and wives of prisoners are subjected to 'secondary prisonization, a weakened but still compelling version of the elaborate regulations, concentrated surveillance, and corporeal confinement governing the lives of ensnared felons' (p. 101). This process extends social control beyond the reach of the prison to include the regulation of prisoners' female partners and family members (e.g. children) in terms of time, resources, behaviour and emotions. The influence of the prison extends into the domestic sphere as women struggle to maintain strong bonds between their families and their incarcerated partners. However, these efforts often lead to both an 'institutionalization' of family life as well as the 'penitentiary becom[ing] a *domestic satellite*' in which the acts of private family life, such as meals or celebrations, are played out in the correctional setting (Comfort, 2002, pp. 470–471; emphasis in original).

Merging between sites of formal (the prison) and informal social control (the family) has led some to argue that the increased use of formal social control (i.e. higher incarceration rates) is a contributing factor to the increased inability of families in frequent contact with the

criminal justice system to exercise informal social control. As Fox and Benson (2000) have observed in the American context:

> The justice system is increasingly called upon not simply to act as an agent of social control and social regulation, but as a family institution as well. As a larger proportion of the population spends ever increasing amounts of its life course incarcerated within the justice system, that system inadvertently becomes a substitute for adult family roles and settings for its inmates and a destroyer of the very family relationships that, in the past, have offered the surest pathways away from crime. (p. 19)

The prospect that over-exposure to the criminal justice system might be supplanting the traditional disciplinary and structuring role of families has been noted with reference to its implications for preventing delinquency and crime (and subsequent imprisonment) in the next generation.

One of the most prominent research topics on the secondary effects of imprisonment has been the impact of incarceration on the children of prisoners. However, while this is a topic that is often pushed to the forefront of the research agenda, it is notoriously difficult to conduct such research due to ethical and practical considerations. One reason for this is that many children are not fully aware of where their parents are, having been either partially or completely deceived about their imprisonment (e.g. told they are in the army, hospital, or more generally 'being punished'). Furthermore, such research requires a design focused on change over time, like a prospective longitudinal design. This type of research is expensive and complex and, consequently, most studies on children affected by imprisonment have collected cross-sectional data from their (most often female) carers and avoided engaging with or observing children directly (Parke and Clarke-Stewart, 2003).

While the evidence is still mounting, in general, the negative effects of parental imprisonment have been found to be a consistent risk factor for the poor life chances of children (Hagan and Dinovitzer, 1999). In one of the few prospective longitudinal designs employed to date, Murray and Farrington (2005), in an analysis of longitudinal data from the Cambridge Study in Delinquent Development (CSDD), found that separation due to parental imprisonment during the first 10 years of life predicted all antisocial–delinquent outcomes for boys over and above similar types of separation or other individual risk factors. Their results

were reconfirmed when they replicated the study by comparing data from the CSDD with data from Project Metropolitan (in Sweden) on 15,117 children born in the same year as the English cohort (1953). In England, parental imprisonment predicted criminal behaviour of children when measures of parental criminality were controlled for. In other words, English children who had a parent imprisoned fared worse than their peers who had parents with the same level of criminal involvement or behaviour. For English children, the imprisonment of a parent in and of itself contributed to criminality in the next generation; however, in Sweden the effects of parental incarceration disappeared after the criminality of the parent was statistically controlled for.

One possible explanation for this differential impact put forward by the authors is the different types of sentences and family policies in prisons, as well as differences in general social attitudes towards crime and punishment in the two jurisdictions. Swedish prisons facilitated greater contact between prisoners and their families and imposed shorter sentences than English prisons, while prisoners and their families in England were generally stigmatised to greater degree (Murray and Farrington, 2007). This kind of parental stigmatisation has been identified by Murray (2007) as one of the ways that prisoners' children are socially excluded and can lead to children taking on a deviant self-identification. It would seem that the policy and ethos of institutions such as the prison matter in terms of the welfare of the children affected by imprisonment.

Community-level effects

When incarceration impacts families frequently and in a geographically concentrated manner, it is thought that imprisonment becomes part of the socialisation process for community members, as:

> Every family, every household, every individual in these neighbourhoods has a direct personal knowledge of the prison – through a spouse, a child, a parent, a neighbour, a friend. Imprisonment ceases to be the fate of a few criminal individuals and becomes a shaping institution for whole sectors of the population. (Garland, 2001, p. 6)

In the US, the astronomical rate of imprisonment for black men has meant that African American communities have generally received the most attention in this regard. According to a recent report from the US

Department of Justice, Bureau of Justice Statistics, in 2008 the incarceration rate for black males was 3,161 per 100,000 population, six and a half times the rate for their white counterparts. For black women the incarceration rate was 149 per 100,000 population, three times the rate for white women (Sabol, West and Cooper, 2009). Black women therefore face multiple and compounded challenges as they are disproportionately affected by the imprisonment of men in their families, as well as being over-represented in the criminal justice system themselves (Christian and Thomas, 2009).

Furthermore, imprisonment is not just concentrated socially in the African American community but is also geographically concentrated. For example, in their study of prisoner re-entry in Ohio, Lynch and Sabol (2001), using census block groups to define communities, found that 20% of all the state's prisoners came from only 50 block groups in Cuyahoga County. In other words, a fifth of all Ohio prisoners came from an area that represented a mere 3% of county blocks within a single county in Ohio. More dramatically, 8% to 15% of young African American men (aged 18 to 29) living in blocks with high incarceration rates (defined as a one-day rate of incarceration of 0.75 or more) were in prison on any given day (Lynch and Sabol, 2001, pp. 14–15).

Investigations into the possible secondary effects of having so many individuals and families affected by imprisonment in a single area have tended to examine the effects of incarceration on communities within a systemic framework. The systemic model conceptualizes community as a 'complex system of friendship and kinship networks and formal and informal associational ties rooted in family life and ongoing socialisation processes' (Sampson and Groves, 1989, p. 777). It is a holistic perspective, which recognises that prisoners are embedded in systems such as these (Rose and Clear, 1998).

Clear and colleagues have written extensively on the impact of incarceration on communities, and contend that geographically concentrated incarceration (and eventual re-entry) disrupts social networks such as marriages, families and friendships that are the basis for trust, social support and informal social control in neighbourhoods (see Clear, 2007 for an overview). These community level effects have led Clear to assert that:

Incarceration can operate as a kind of 'coercive mobility,' destabilizing neighbourhoods by increasing levels of disorganization, first when a person is removed to go to prison, then later when that person re-

enters the community. In high-incarceration neighbourhoods, the processes of incarceration and re-entry create an environment where a significant proportion of residents are constantly in flux. (2007, p. 73)

According to this model, high levels of imprisonment foster social disorganisation and negatively influence the capacity of those left in neighbourhoods to address community problems.

For example, qualitative research by Rose and Clear (2003) shows that when individuals affected by incarceration (e.g. family members, neighbours) hold negative views of formal mechanisms of social control (e.g. law enforcement agencies, prisons), they also tend to have a negative perception of informal social control. In other words, in neighbourhoods with a high level of incarceration, imprisonment and subsequent 're-entry can diminish safety by directly reducing informal social control' (Rose and Clear, 2002, p. 331). Parents in such communities thus face raising their children in areas with little informal social control in the presence of crime and, at best, ambivalent attitudes towards law enforcement and public authority. Such communities eventually become stigmatised by and isolated from wider society as incarceration becomes a way of life (Clear, Rose and Ryder, 2001).

Rose and Clear (1998) have explained this phenomenon in terms of a 'tipping point'. They argue that at low levels, incarceration may in fact contribute to reducing levels of crime; however, when the rate and concentration of imprisonment reach a high enough level the impact of incarceration reverses and actually *increases crime*. They connect this to the concept of coercive mobility, postulating that the removal and return of large numbers of individuals to neighbourhoods creates negative, destabilising community-level effects at an aggregate level.

Empirical evidence for the coercive mobility theory's assertion that significantly high levels of incarceration lead to an increase in crime by reducing levels of informal social control is still being gathered. The first two tests of the theory were carried out by Clear and colleagues in Tallahassee, Florida and found a curvilinear[2] relationship between the rate of incarceration and rate of crime (Clear, Rose, Waring and Scully, 2003; Clear, 2007). What this means is that for the Tallahassee

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[2] A curvilinear relationship is one that does not follow a straight line (i.e. is not linear). A good example of a curvilinear relationship is age and health care. They are related, but young children and older people both tend to require higher levels of health care services than teenagers or young adults (Cohen and Cohen, 1983).

neighbourhoods under investigation, crime initially decreased as the rate of imprisonment rose; however, eventually this trend reversed and crime began to *rise* in communities that sent many individuals to prison. Subsequent studies specifically testing the coercive mobility hypothesis on a range of types of crime have all found some degree of support (see Clear 2007, for an overview). For example, Fagan, West and Holland's (2003) research on the impact of imprisonment on New York neighbourhoods found that initially it appeared that crime and imprisonment were related as the prison population rose alongside an increase in crime. However, over time incarceration became independent of crime and merely led to more incarceration. This led the authors to conclude that 'at some tipping point incarceration transitions from an externality in local social networks to become integrated in social networks and an essential part of the dynamics of social control' (2003, p. 1593). Taken together, these studies make a compelling case for the inclusion of imprisonment as an ecological factor in the understanding of social processes at a neighbourhood level.

The social and spatial concentration of imprisonment in the Republic of Ireland

So how does this relate to the Irish context? Simply stated, Ireland does not have a high rate of incarceration. In fact, at 76 per 100,000 population, the imprisonment rate in Ireland is moderate when compared with European countries of a similar size; for example, it is lower than Scotland (152 per 100,000) and higher than Denmark (63 per 100,000 population) (Walmsley, 2009). The US rate of incarceration is almost *10 times* the rate in Ireland.

However, while the rate of imprisonment in Ireland may not be above the comparative norm, the Irish prison population is conspicuously homogeneous and not reflective of Irish society in general. The young urban men[3] who populate Irish prisons are the product of a multi-staged filtering process directed by the decisions of various agents of formal social control such as the Gardaí and the courts (O'Donnell, 1997). Two

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[3] In 2008 women represented only 3.5% of the total daily average population in Irish prisons. This is in line with a general trend from the foundation of the Irish State, in which the number of women imprisoned has decreased and the prison has become an 'increasingly male-dominated institution' (Irish Prison Service, 2008; Breen and O'Sullivan, in press).

main dimensions along which incarceration is concentrated in Irish society are family and geography.[4]

Family

A 1986 survey carried out by O'Mahony in Dublin's Mountjoy prison found that most of the inmates were characterized by concentrated and multiple social disadvantages. Many had left school early and came from families disrupted by desertion or separation of the parents. Furthermore, in 40% of cases, prisoners had at least one first-degree relative who had also been imprisoned, with 7% reporting that their father had been imprisoned (O'Mahony, 1997).

In 1996 O'Mahony replicated the survey conducted in Mountjoy in 1986 and found evidence that the experience of imprisonment had become even more socially concentrated during the intervening 10 years. The proportion of prisoners reporting the imprisonment of at least one first-degree relative had increased to 50%, with 15% now reporting that their father had been imprisoned. Slightly less than half of the sample (44%) reported having had at least one sibling in prison, with 20% reporting the imprisonment of more than one sibling, mostly brothers. Overall, the proportion of prisoners with *more than one* imprisoned first-degree relative had increased from 19% to 28% in a decade (O'Mahony, 1997).

When compared with a contemporaneous survey of state prisoners in the US, this within-family concentration is even more striking. A 1991 survey of state prisoners found that 37% of inmates had an immediate family member who been in prison, with this proportion increasing to 42% for African American prisoners. Overall, 6% of US state prison inmates had a father who had been imprisoned, and 31% had a brother who had done time (Beck et al., 1993). While the data are not directly comparable, it would appear that, at least for prisoners in Mountjoy, the concentration of imprisonment of men within families is even more intense than for their US counterparts.

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[4] A third dimension, which is beyond the scope of this article, is the concentration of imprisonment within certain minority groups in Irish society, such as the Travelling community. This is an issue that requires further exploration in an Irish context (more generally see Carr, 2008).

Geography

The majority of inmates in O'Mahony's previously mentioned research (1997) came from a strikingly small number of geographical areas. In fact, over half (56%) of those held in Mountjoy in 1996 came from just six postal codes in Dublin, with the greatest concentration coming from the north inner city (D1) and the south inner city (D8),[5] 'areas characterized by a high proportion of corporation housing and often by the prevalence of opiate drug abuse and high levels of long-term unemployment' (O'Mahony, 1997, p. 61).

Overall, O'Mahony's research led him to conclude that prisoners in Mountjoy (and the Republic of Ireland more generally) were broadly similar to the prison population of most developed western countries in that 'they tend[ed] to be young, urban, under-educated males from the lower socio-economic classes and the so-called underclass, who have been convicted predominantly for relatively petty crimes against property without violence' (2002, p. 620). He further argued that the Irish prison system is systematically biased, citing the fact that prisoners in Mountjoy were disproportionately more likely to be economically disadvantaged than is the case in England and Wales, with 49% of prisoners in England and Wales unemployed prior to imprisonment compared to 88% of prisoners at Mountjoy. Based on such evidence, he argues that Ireland is more similar in 'the extent to which [it] deploy[s] prison as a means to control a specific underclass and their particular crimes, to the American situation, where the ghetto-dwelling, black man is seven times more likely to end up in prison than his white fellow citizen' (O'Mahony, 2002, p. 627).

More recently, research by O'Donnell and colleagues utilising PRIS[6] records for all prisoners released in 2004 confirmed that the spatial distribution of imprisonment is highly concentrated at a national level, with 1% of electoral divisions (EDs) producing nearly a quarter (24%) of all prisoners in the country, despite containing less than 5% of the overall population (O'Donnell, Teljeur, Hughes, Baumer and Kelly,

[5] The other four areas overrepresented in the survey were Dublin 7, Clondalkin, Coolock and Finglas (O'Mahony, 1997). A similar pattern was found in a survey of female prisoners in Mountjoy women's prison (Carmody and McEvoy, 1996).

[6] In 2000, the Irish Prison Service began phasing in the Prisoner Records Information System. This computerised system assigns a unique identifier (PRIS number) to each prisoner, and allows the recording of some demographic information and criminal background history (O'Donnell et al., 2007).

2007). This research provides the first comprehensive empirical evidence of where prisoners come from in Ireland and has a striking resonance with Lynch and Sabol's (2001) findings in Ohio. Again, one of the most salient conclusions of the research was that the bulk of prisoners in Irish prisons are young, male and from deprived urban areas. At the conclusion of their article, the authors note that 'prisoner re-entry is not just about the number of prisoners returning home. It is also about the impact of those prisoners on the communities to which they return; communities which are already disadvantaged' (O'Donnell et al., 2007, p. 7). This judicious reminder resonates with the growing body of literature on the secondary effects of imprisonment on communities.

Irish research on the secondary effects of imprisonment

Criminology is often referred to as Ireland's 'absentee discipline' (O'Donnell, 2005). The lack of a criminological research tradition has meant that little research has been done on the topic of crime and punishment in Ireland in general, with this neglect extending to research on its secondary effects. Consequently, we know very little about the ripple effects of imprisonment on prisoners' families (Breen, 2008) or the ways in which imprisonment impacts on communities that experience above-average rates of incarceration and re-entry.

In the 1990s a small number of studies were carried out that tended to focus specifically on Irish politically motivated prisoners and their families; for example, portraying the family ties of politically motivated prisoners in England as being stronger than those of non-politically motivated or 'ordinary' prisoners (Borland, King and McDermott, 1995). McEvoy et al.'s (1999) research in Northern Ireland found that although the strength of family ties of politically motivated prisoners was stronger than that of non-politically motivated prisoners, their overall experiences were more similar to 'normal' prisoners than previously thought. They concluded that political ideology 'does not insulate such families from the practical, emotional and financial consequences of imprisonment' (McEvoy et al., 1999, p. 193).

Even less research has been devoted to examining the impact of imprisonment on the families of non-politically motivated prisoners in the Republic of Ireland. One small-scale survey carried out at the visitors' centre at Mountjoy Prison found that, similarly to the US and UK, extended families were the main source of support for primary

caregivers of prisoners' children. Respondents reported challenges relating to single parenting, financial hardship, difficulties with visiting, and stigma (Centre for Social and Educational Research (CSER), 2002).

More recently the Bedford Row Family Project, an organisation established in 1999 to respond to the needs of families affected by imprisonment in Limerick, published a report entitled *Voices of Families Affected by Imprisonment* (Kelleher Associates, 2008). The report documents the findings of 52 semi-structured interviews with family members, including 11 ex-prisoners, and provides an insight into the everyday impact of imprisonment on families in the mid-western region of Ireland. The research echoed the findings of the survey carried out at the Mountjoy visitors' centre (CSER, 2002), but several new themes also emerged including the difficulty of arranging visits over long distances and fear and intimidation caused by feuding gangs or families. Interviewees expressed concerns about the lack of after-care for imprisoned relatives and the burden this creates for them, as they felt that they are left with the responsibility of trying to reintegrate prisoners back into both families and communities.

Little is known about the unintended impacts on communities of having a significantly high number of individuals going in and out of prison. This is despite the fact that the prison has largely been unsuccessful in meeting one of its major objectives, decreasing crime. In an econometric analysis of imprisonment and crime rates in Ireland, O'Sullivan and O'Donnell (2003) found that a dramatic rise in the Irish prison population[7] was not the reason behind the drop in crime that began in 1996. Although the increased use of imprisonment did have some incapacitative and deterrent effects, they were rather marginal. By comparing the actual rate of imprisonment against three projected elasticities, O'Sullivan and O'Donnell were able to calculate estimations of the effect of non-prison factors on the crime rate. The results of this analysis led the authors to conclude that non-prison factors such as improvements in the general economy and methadone treatment services were largely behind the drop in crime, and that 'crime rates would have fallen steeply around this time even if the prison population had not gone up. If not a single pound had been spent on prison building the crime rate would have fallen steeply' (O'Sullivan and O'Donnell, 2003, p. 57).

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[7] Between 1982 and 1985 and again between 1995 and 2000 the daily average number of prisoners increased by over 40% (O'Sullivan and O'Donnell, 2003).

This raises the question: If the increase in the prison population did not have the intended effect of reducing crime, what *unintended* effects, if any, did it have?

Conclusion

Generally, discussions surrounding the phenomenon of mass incarceration portray the American situation as beyond compare. This seems to be the case whether it is in reference to the scale of imprisonment, the harshness of the punishment meted out, or the concentration of its effects. The US is an extreme case; however, designating America as incomparable to other western nations discourages meaningful comparative exercises important to criminological enquiry. While the extreme scale of mass imprisonment is not found elsewhere, in countries where the distribution of punishment via imprisonment is highly concentrated both geographically and socially, some of its consequences may be. The questions raised in relation to the social effects of mass imprisonment are therefore of a wider relevance than first impressions may convey.

International literature indicates that the effects of imprisonment often reach far beyond their impact on the individual prisoner. However, little is known about these secondary effects in an Irish context. Research is needed that considers the specific historical and cultural influences that have shaped the experiences of families and communities most affected by imprisonment. This is a largely unexplored subject area calling out for more investigation.

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Reintegration of Prisoners in Ireland: New Research Findings*

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Summary: This article presents selected findings of a study of the provision of reintegration support for prisoners leaving custody in Ireland undertaken by the authors for the Irish Penal Reform Trust. It argues that provision of certain support such as accommodation has improved significantly in recent years, but some important difficulties remain. Considering the sharp increase in the number of people in custody in Ireland, the authors argue that investment in post-release support should form the central part of the State's response to the rise in prison population.

Keywords: Custody, management of offenders, prison, prison policy, rehabilitation, reintegration, reintegration services, resettlement.

Introduction

Return to life outside prison walls can be a traumatic experience. Provision of support, where required and welcomed by those leaving custody, is crucial to the successful transition from prison back into the community and return to independent living. Individual motivation plays a central role in reintegration. Initial support such as provision of information about accommodation, welfare entitlements, and assistance in gaining access to healthcare, however, has the potential to preclude the frustration and sense of rejection by society that may be felt when the basic needs of prisoners are not addressed.

Between September 2009 and April 2010, the Irish Penal Reform Trust conducted a research study to evaluate the provision of reintegra-

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tion services to prisoners in custody and upon release. The purpose of the research was to assess (where possible) the extent of service provision in Ireland, to assess the impact of post-release support currently provided on reoffending and reimprisonment, and to identify and assess existing barriers to reintegration *vis-à-vis* provision of services. Its purpose was also to enable the Irish Penal Reform Trust to assess the implementation of recommendations made in an earlier report, *Re-integration of Prisoners*, published by the National Economic and Social Forum in 2002 (NESF, 2002).

This paper presents the context of the study, as well as some selected findings.

The context

Prison imposes limitations on the rights of prisoners quite apart from the deprivation of liberty; it has a profound negative social impact on the prisoner, the prisoner's family and his or her community (Irish Penal Reform Trust, 2009). Often the consequences of even short periods of imprisonment are permanent or long-lasting for both the prisoner and those close to him or her (Liebling and Maruna, 2005).

On an individual level, experience of imprisonment may lead to institutionalisation and damage 'is done to prisoners' social functioning and their ties to the lawful community, making them vulnerable to a rapid return to crime when they leave' (Coyle, 2005). Research has also shown that the communities to which prisoners return on their release are characterized by high levels of deprivation and least able to cope successfully with their re-entry (O'Donnell, Teljeur, Hughes, Baumer and Kelly, 2007). Reintegration support should therefore be one of the most vital elements of penal and wider social policy to stem reoffending, the increase in prison population and multiple returns to custody.

Imprisonment in Ireland

The daily prison population in Ireland has more than doubled in the past 20 years, from 2,100 prisoners in 1990 to over 4,300 in June 2010. It increased by over 400 prisoners between June 2009 and June 2010 alone, bringing the rate of imprisonment up to 97 per 100,000.[1] Additionally,

[1] The daily population figure for 25 June 2010 was 4,317 (information supplied to the Irish Penal Reform Trust by the Irish Prison Service on request). On the same day, the number of people on temporary release from prison was 941. The last recorded figure for the estimated population of Ireland was 4,459,300 in April 2009.

nearly 950 people were on temporary release (TR) in the community in June 2010.[2] This adds up to over 5,200 people who were subject to custodial sanctions in mid-2010.

Ireland also continues to have a very high rate of committals to prison. Over 13,500 people were committed to prison in 2008 (Irish Prison Service, 2009), up from 11,934 in 2007 (Irish Prison Service, 2008). Nearly 80% of committals are for sentences less than 12 months, with 60% for less than six months (Martynowicz and Quigley, 2010).

Cost of imprisonment and reimprisonment rates
Ireland experiences high reoffending rates, with nearly 50% being reimprisoned within four years (O'Donnell, Palmer and Hughes, 2008). An analysis conducted by O'Donnell et al. (2008) of available information relating to over 19,000 prisoners showed that 27.4% of those who leave prisons are back in custody within the first year, increasing to just over 45% within three years.

Imprisonment in Ireland is also very expensive. One prison place costs on average €92,717 per year (Irish Prison Service, 2009).

This cost does not necessarily translate into high-quality facilities with high-quality provision of rehabilitative services. In many of the prisons the opposite is true. The Irish prison system is chronically overcrowded and the prisons, as well as service providers from outside agencies in the statutory and voluntary sector, struggle to engage with the vast majority of prisoners in a meaningful way despite marked improvements in service provision in recent years (Martynowicz and Quigley, 2010). Provision of support is also made more difficult by the physical conditions prevailing in many of the facilities.

The importance of reintegration support
The increasing number of prisoners in the State translates into an increasing number of people leaving custody each year. The prison environment itself is not conducive to rehabilitation or to preparation for release due to the inherent nature of imprisonment, as the isolation and disempowerment during a prison sentence can increase one's sense of lack of control (Maruna, 2001). Dependence on the structures in place in prison is often internalised by prisoners over the period of incarceration (Haney, 2001). The constant presence of external controls

[2] '938 prisoners on release as jail population hits record level', *The Irish Times*, 21 June 2010.

and their role in regulating prisoners' behaviour can result in the individual's self-regulation becoming muted and, for younger prisoners, underdeveloped (Haney, 2001).

In Ireland, the problem was well illustrated in a research report on the experience of prisoners and their families following release from custody in Limerick Prison (Bedford Row, 2007). Family members were deeply concerned by the level of institutionalisation experienced by prisoners, stating that following release from prison even simple things could be difficult. Prisoners were not, for example, used to eating with other people, having been accustomed to eating alone in a cell (Bedford Row, 2007). The long periods of time prisoners spent in the cells and the negative impact of long periods of lock-up on the prisoners' functioning were among the concerns raised – an issue of utmost importance in Ireland, where 20% of the prison population at any given time is placed in protective custody often requiring 23-hour lock-up (Inspector of Prisons, 2009). It is therefore clear that support is often needed to counter the effects of imprisonment if prisoners are to be successful in their return to their families and communities.

The 'burden of resettlement' in Ireland

A study undertaken by O'Donnell et al. (2007) demonstrated that areas characterized by deprivation, particularly if they are located in a city, experience by far the greatest challenge in term of accommodating released prisoners. Most importantly, the study looked not only at the number of prisoners being released from prison every year, but also at where they were going following release from custody. In doing so, it considered the potential *burden of resettlement* on communities that are dually and disproportionately affected by deprivation and the task of facilitating the re-entry of community members coming out of prison.

The mapping exercise by O'Donnell et al. (2007) showed that a total of 2,335 (68%) of the 3,422 electoral divisions (EDs) in the country had no released prisoners associated with them during 2004. The study reveals that nearly 24% of all prisoners came from 1% of EDs, while less than 5% of the overall population of Ireland came from the same 1% of EDs.[3] When looking at the number of prisoners from certain areas, the study found that there were 145.9 prisoners per 10,000 in the most

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[3] The 1% of EDs were in the cities of Dublin, Cork and Limerick and the towns of Dundalk, Tralee, Tullamore, Navan, Clonmel, Dungarvan and Mullingar.

deprived areas. This compared with a rate of just 6.3 prisoners in the least deprived areas. The authors go on to state that:

> this difference is startling and demonstrates unequivocally that it is the areas already marked by serious disadvantage that must bear the brunt of the social problems that accompany released prisoners. (O'Donnell et al., 2007)

In terms of policy implications, the allocation of resources for reintegration support should be targeted equally at areas that have the highest numbers of returning prisoners, and

> The challenge of connecting ex-prisoners with relevant services, supports and treatment options is of critical importance from a penal planning perspective. (O'Donnell et al., 2007)

While understanding the rate of and reasons for reoffending and reimprisonment is important, post-release integration must also be measured on more than simply rates of recidivism. Underneath the figures of repeat offending lie a multitude of needs, events, experiences, processes and progression routes. If reintegration is to be a core aim, or even a duty of the Prison Service and other agencies working with prisoners and ex-prisoners, then co-ordinated and appropriate services are required that both address the complex needs with which prisoners present and support desistance from crime in the long term. The next section outlines some of the information available regarding such needs in the prison population in Ireland and internationally.

Service provision *vis-à-vis* need

Often the issues that form barriers to reintegration following a period in custody are the very issues that may have contributed to offending and resulted in incarceration in the first place. It is therefore important to understand some key characteristics of the Irish prison population, and the difficulties faced on an individual level by those who come into contact with the criminal justice system in custody and on release.

Mental health

The rates of mental ill-health observed among prisoners are significantly higher than rates in the population as a whole. Research by Kennedy et

al. (2005) found that 27% of sentenced men and 60% of sentenced women in Ireland suffered from mental illness. The same study found that 2% of sentenced men and 5.4% of sentenced women suffered from psychosis while 5% of male sentenced prisoners and 16% of female sentenced prisoners suffered from a major depressive disorder.

In the same year, it was estimated that such high rates of mental illness in the prison population would require approximately 376 additional transfers from prison to hospital per annum, and between 122 and 157 extra secure psychiatric beds, in addition to extra mental health in-reach clinics providing services directly in the prison setting. The most recent *Annual Report* of the Irish Prison Service (Irish Prison Service, 2009) notes that, following discussions with the Central Mental Hospital (CMH) in 2008,[4] 10 additional beds were opened for transfers from prisons by the CMH, reducing the number of individuals on the waiting list. Unfortunately, the *Report* doesn't note the size of this reduction.

Addictions

The issue of drug use among the prison population has long been a recognised feature of the Irish prison system. In the past, statistics showed that prisoners with a history of drug use greatly outnumbered those with no such history (O'Mahony, 1997). It has also been observed in the Irish context that rates of drug use remain high while individuals are in prison.

Seymour and Costello (2005) found that of prisoners who had been homeless prior to imprisonment, two-thirds used illicit drugs while in prison. In 2008, Longe provided an analysis showing that more than 20,000 voluntary tests were carried out each year to monitor drug use and responses to treatment in all prisons (Longe, 2008). The tests included those carried out on committal to prison (new entries) as well as on prisoners already in the establishments. The study therefore assumed that some of the positive test results related to drugs or alcohol consumed outside the prison. Between one-third and half of those screened tested positive for at least one drug. Cocaine and alcohol were detected in a small number of tests (Longe, 2008).

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[4] The CMH provides the National Forensic Mental Health Service in Ireland. The Service takes referrals from courts and prisons to provide active assessment, treatment and rehabilitation of all service users admitted to the CMH. Specialists from the CMH also provide a range of in-reach sessions in the prisons. For more information, see www.centralmentalhospital.ie/en/AboutUs

Homelessness

The connection between crime, custody and homelessness is of particular importance, as prisoners released without a place to stay are more likely to reoffend (Social Exclusion Unit, 2002). In re-entering a life of homelessness on release individuals are exposed to higher risk in the same situation that may have contributed to their imprisonment in the first place. Even those wishing to desist from crime may find themselves with a perceived limited set of opportunities to change. The reality of homelessness as a problem facing those leaving prison should not be underestimated. Seymour and Costello (2005) found that one in four prisoners in Dublin had been homeless on committal, and that over half of prisoners had experienced homelessness at some stage in their lives.

Barriers to employment experienced by ex-prisoners

Ex-prisoners encounter numerous barriers in accessing and staying in work. A report by the National Economic and Social Forum on *Creating a More Inclusive Labour Market* (NESF, 2006) identified these obstacles as including 'low self-esteem, lack of educational qualifications and training, insecure housing, lack of recent job experience, difficulty in setting up a bank account and discrimination in trying to get a job.' Having a criminal record was also identified as a barrier to accessing employment. This is important, as unemployed ex-prisoners are twice as likely to reoffend as those in full-time or even part-time employment (Law Reform Commission, 2007).

Furthermore, a 2005 study highlighted that only 41% of prisoners in Dublin were in full-time employment prior to imprisonment (Seymour and Costello, 2005). In the same year the annual average unemployment rate was 4.4%.[5]

The Council of Europe recommends that criminal policy be aimed at prevention and social integration, and has identified having a criminal record as a feature that may jeopardise the convicted person's chance of social integration (Council of Europe, 1984). In Ireland, section 258 of the Children Act 2001 provides that where an offence is committed under the age of 18, and following a three-year conviction-free period, the person shall be treated as not having committed the offence and is

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[5] Central Statistics Office, *Seasonally Adjusted Standarised Unemployment Rates.* Available at www.cso.ie/statistics/sasunemprates.htm

not obliged to disclose their convictions. Unfortunately, while control and access to criminal records can 'critically' affect the chances of social integration (Redmond, 1997) with research showing that employers are less likely to hire an ex-offender (NESF, 2002), no such provision yet exists in Irish law for adult offenders.

Education

Employment options for former prisoners are further impacted on by educational disadvantage. In line with academic studies (for example, Seymour and Costello, 2005), a research paper published by the Irish Prison Service found that 'a significant number of prisoners have virtually no literacy skills' (Morgan and Kett, 2003). The study found that rather than there being a directly causal link between low educational attainment and engagement in crime, there is a relationship whereby sometimes 'poor literacy skills restrict a range of life-choices (particularly employment), and thus become a pre-disposing factor in criminal activities'.

Research by the authors very clearly shows that prisoners often present with multiple needs, and service providers are more often than not required to address complex issues in their support for individuals leaving prisons (Martynowicz and Quigley, 2010).

The next two sections focus on some selected findings relating to service provision currently available in Ireland at a systemic level as well as provision by selected areas of need.

Research findings: Some systemic issues

In 2002, the NESF report noted a number of key issues that needed to be addressed if the reintegration of offenders in Ireland was to improve their chances of desisting from crime in the long term and lower the potential for reimprisonment (NESF, 2002). The report stated (p. 30) that:

1. after-care services for ex-prisoners were patchy and lacked a national framework
2. available initiatives covered only a small number of ex-prisoners
3. there was a need for greater linkages between prison-based and community initiatives.

While the research by the authors (Martynowicz and Quigley, 2010) found evidence of improved co-operation between prison-based programmes and agencies and those based in the community – particularly in those prisons that are piloting Integrated Sentence Management (ISM) as described in the following sections of this article – serious concerns remain as to the provision of after-care services and the number of prisoners whom such provision effectively covers.

'Post-code lottery' and the need for co-ordinated national framework
Despite important developments in the reorganisation of the Irish Prison Service, and the establishment of the Regimes Directorate in 2002 with responsibility for creating a more integrated approach to reintegration, the provision of after-care services for prisoners and ex-prisoners on a practical level remains patchy (Martynowicz and Quigley, 2010). There still appears to be no uniform approach to provision of reintegration services in individual prisons. Access to a variety of support mechanisms – including homelessness advice and drug and mental health services – is dependent on the facility in which a prisoner finds himself or herself on sentence, or even on remand. Provision of services such as homelessness and welfare advice, or drug addiction support in the community, also varies between areas of the country, often limiting access to reintegration support when required (Martynowicz and Quigley, 2010).

There are many reasons for such a situation, according to those interviewed for the authors' study (Martynowicz and Quigley, 2010). These include:

1. differences in the nature and characteristics of the prison population in various prisons (for instance, reintegration work and case management were seen as more effective in addressing needs in those prisons with a large proportion of long-term prisoners)
2. the geographical location of the prison and the post-release location of ex-prisoners (for example, it was seen as easier and more effective to work with prisoners in the Dublin area who were released from prisons in Dublin, and much less possible to plan the release of prisoners at Portlaoise and Midlands Prisons as very few ex-prisoners would reside in the immediate vicinity of those prisons post-release)

3. the rural versus urban divide in relation to availability of and access to dedicated post-release support services in rural communities, with most services concentrated mainly in cities and larger towns (Dublin and Cork in particular).

While these reasons are clearly valid, interviewees also expressed the view that some of the services should be provided regardless of the location of the prison or the nature of its population, and the Irish Prison Service should take overall responsibility for equality of service across all of the prisons (Martynowicz and Quigley, 2010). According to the findings of the authors' research, differences persist in:

1. access to mental health support and treatment, including psychiatric and psychological support
2. access to appropriate therapeutic environment, including appropriate facilities to meet with counsellors and psychologists in the prisons
3. access to drug treatment, including availability of drug-free facilities in the prisons
4. access to education, work and training
5. access to programmes addressing offending behaviour
6. access to appropriate information about the range of services available to prisoners while in prison and on release.

Focus on high-risk offenders
Currently, the Probation Service in prisons prioritises work with: prisoners who are subject to post-release supervision orders; sex offenders (who may also fall within the previous category); and life-sentenced prisoners who are released on licence/supervised temporary release. Yet even with those priorities, the practice of engagement with prisoners appears from the authors' findings to differ across individual prisons, with the Probation Service in some establishments making contact with all prisoners committed on sentence (at least initially) while in others, contact is only made with those who fall into the categories outlined above (Martynowicz and Quigley, 2010).

   This prioritisation of resources by level of risk leads to a lower level of resources being made available to those who pose little or no risk of committing serious crimes but who could still benefit from increased support.

A number of the interviewees commented that this focus often leaves prisoners who do not pose high risk on their release with very limited access to support while their needs in relation to accommodation, training and employment, addiction services and other support are often equal to, if not higher than, those of high-risk offenders (Martynowicz and Quigley, 2010). While resources are directed into the supervision of high-risk offenders and their management in the community, they may not be available to those in equal or even greater need of support on release who do not fall in that category.

Limited reach of the Integrated Sentence Management model
In the course of this study, the researchers had the opportunity to familiarise themselves with the model of Integrated Sentence Management (ISM) currently operational, at various stages of development, in four prisons, including Arbour Hill and Wheatfield prisons in Dublin.

ISM provides a case management structure to co-ordinate service provision, sentence planning and management as well as release planning for prisoners who are committed to prisons on sentences of 12 months or more.[6] Engagement by a prisoner in the ISM process is voluntary. Following an initial assessment, referrals are made to services within the prison (such as Education or Work and Training) and outside agencies providing in-reach services (such as homeless advice). The ISM system includes a development of a Community Integration Plan in preparation for release.

Initial indications are that, where provided, ISM is working well, providing a co-operation tool for the Irish Prison Service, the Probation Service and providers of other services, such as drug counselling, accommodation and health care. Any assessment of its effectiveness in terms of improved integration back into the community, however, is so far very limited. The ISM system is new and it has not been running for long enough for the first sample of prisoners to be released and its impact assessed. Such an assessment of effectiveness should be conducted before ISM is introduced nationally.

An analysis of all committals on sentence to Irish prisons between 2005 and 2008 (Table 1 below) indicates that under the current design of the ISM model, it will only be available to around 20% of all sentenced prisoners. While this may be significant in terms of the number of

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[6] For more information on ISM see www.irishprisons.ie/ISM.htm

prisoners on ISM at any given time in the prisons (in relation to the resources that are needed to operate the system with long-term prisoners), it will not offer support to the vast majority of those who are leaving prison following completion of short-term sentences.

This is the most significant shortcoming of the current ISM system, as those on short sentences are often more likely to reoffend (National Audit Office, 2010; O'Donnell, et al., 2008). Moreover, the ISM system will not 'catch' those who are coming back to prison on a regular basis for consecutive short-term sentences and who may present with a high level of unaddressed needs.

Table 1. Committals on sentence by sentence length, 2005–2008

Year	Total no. of sentenced committals	Under 12 months (%)	Under 6 months (%)	Under 3 months (%)
2005	5088	3944 (77.5)	2982 (58.6)	1962 (38.6)
2006	5802	4607 (79.4)	3473 (59.9)	2253 (38.8)
2007	6455	4952 (76.7)	3667 (56.8)	2293 (35.5)
2008	8043	6424 (79.9)	5020 (62.4)	3526 (43.8)

Source: Irish Prison Service (2006, 2007, 2008, 2009).

While the introduction of ISM is welcome, the authors submit that with its limited reach, there is a need for the introduction of additional systems that would ensure that an assessment of the needs of all prisoners is undertaken and support provided where needed. Reliance on the ISM as the main tool supporting reintegration runs the risk of falling short of meeting the needs of prisoners, and also of not meeting the requirements of international standards in this area.

In particular, it runs the risk of not meeting the obligations of the prison authorities under the European Prison Rules (Council of Europe, 2006) which require that:

1. as soon as possible after admission (committal on sentence), a report should be drawn up about the individual situation of *each* prisoner, together with a proposed sentence plan and the strategy for preparation for their release (Rule 103.2) (emphasis added)

2. individual prisoners should be encouraged to participate in drawing up their sentence plans (Rule 103.3)
3. such plans should, as far as practicable, include work, education, other activities during the sentence, and a plan of preparation for release (Rule 103.4)
4. where applicable and necessary, social work and medical and psychological care may also be included in the regime for individual prisoners (Rule 103.5)
5. particular attention is to be paid to providing appropriate sentence plans and regimes for life-sentenced and other long-term prisoners (Rule 103.8).

A note on the use of temporary release
The use of structured release on a temporary basis is considered of utmost importance in preparation for transition from life in prison to life back in the community. The 1982 Council of Europe Recommendation on Prison Leave (Council of Europe, 1982) considers temporary release a means of facilitating the social reintegration of prisoners and urges national authorities to grant prisoners leave to the greatest possible extent, 'not only on medical, family and social grounds but also for educational and occupational purposes' (van Zyl Smit and Snacken, 2009). In van Zyl Smit and Snacken's view,

> Procedures for early release are of particular importance because of their role in limiting the overall use of imprisonment … and assisting with reintegration of prisoners.

As stated in the data above, in June 2010 almost 1,000 prisoners were on TR in the community. The main concern with the use of TR in Ireland has been that it is mainly used as a 'safety valve' to release pressure on prison places rather than to support reintegration in any meaningful way. While there are obvious advantages to the use of TR as a measure that in effect improves conditions in prisons through preventing even higher levels of overcrowding, the overall balance appears to be tilted towards such narrow use. Opportunities may therefore be missed in relation to its use as a preparatory resource in planning for eventual release.

In the course of the study, the authors found that the lack of planning for release, and the continuing use of TR to relieve pressure on prison spaces rather than using it as a structured tool to support post-release

integration back into the community, impact negatively on ex-prisoners' access to post-release support (Martynowicz and Quigley, 2010). One of the ex-prisoners, in interview, stated about his experience that:

> you are told at 6.20 pm that you are supposed to pack because you are coming out; couple of hours later you are out.

This experience is in line with the findings of the Brown, Evans and Payne (2009) report which states that:

> Many current and ex-prisoners interviewed noted that, prior to release, there was little preparation for release, bar ensuring that prisoners had provided a release address. Current and ex-prisoners and practitioners noted that the short notice periods often given to prisoners of their release can affect the co-ordination that can take place. Those serving short sentences or released on Temporary Release (TR) are often only given, at most, a few days' notice. Some ex-prisoners reported they were only told on the day of their release and given a few minutes to pack their bags.

The authors' research confirms that prisoners are often given only short notice of their release, and that many are still released at times when accessing support is particularly difficult – on Friday evenings and on Saturdays (Martynowicz and Quigley, 2010). This appears to be particularly true for prisons experiencing overcrowding, where there is need to free-up places at short notice to take in prisoners committed by the Courts. It mostly applies to prisoners on short sentences or those who have already been assessed as suitable for early release. Short notice of release may undermine the work being done with a prisoner prior to release. Some of the service providers noted that this can lead to prisoners being 'lost' by their organisations on release, or the vital support needed in the first few days post-release is not provided at all (Martynowicz and Quigley, 2010).

Provision of information regarding available services and access
Of great concern to the authors in this study was the fact that even where services are available in prison and in the community, information about what is available is not always provided on committal to prison, during the sentence or in preparation for release (Martynowicz and Quigley,

2010). Former prisoners interviewed for the study stated that they were often left to their own devices in relation to finding out what services were available during the sentence and how to access them. Often such information was gained only through their contacts with other prisoners and not from those charged with providing custody or services.

Additionally, during the course of the research the authors found that prison culture has a significant impact on the ability and willingness of prisoners to access services available to them in prisons – a situation that has a knock-on effect on their willingness and ability to access services on release (Martynowicz and Quigley, 2010). This is of particular concern.

As in the Brown et al. (2009) research, interviewees stated that not only can their relationships with other prisoners negatively impact on access to services (for instance, when a prisoner experiences bullying due to their willingness to engage with Community Welfare Officers or with Probation Officers) but – more worryingly – their relationship with some prison staff can have the same effect, with access made harder as informal 'punishment' for breaches of discipline (Martynowicz and Quigley, 2010). This finding is of particular concern, as prevention of access to services and information as a disciplinary measure is wholly inappropriate and should, if it is practised, cease.

Selected research findings – Areas of need

A list of priorities

All those who participated in the study (Martynowicz and Quigley, 2010) were asked to provide their 'wish list' – a list of services or other provisions that would make their work on reintegration easier and more effective or, in the case of ex-prisoners, would contribute to an easier transition to life in the community following a period in custody.

Respondents pointed to the need for extensive improvements in many areas, including provision of mental health services; increased provision of addiction counselling and other addiction services; provision of accommodation on release, including transitional and supported housing; provision of 'sheltered employment'; provision of programmes in the prisons dealing with offending behaviours; and provision of more structured activity in the prisons, including easier access to education and vocational training.

The next two sections present the findings of the study in relation to mental health provision and access to accommodation as two examples of issues where further improvements are most urgently needed.

Mental health provision
The 2006 report of the Expert Group on Mental Health Policy, *A Vision for Change*, asserted that:

> every person with serious mental health problems coming into contact with the forensic system should be afforded the right of mental healthcare in the non-forensic mental health services. (Department of Health and Children, 2006)

In keeping with these recommendations, the Irish Prison Service has seen the introduction of the mental health Prison In-Reach and Court Liaison Service (PICLS) in Cloverhill remand prison provided by specialists from the Central Mental Hospital.[7] This service offers mental health screening and one of its core aims is to divert those with serious mental health problems away from the criminal justice system. In 2008 the service diverted 91 individuals to community-based mental health services, up from 19 such referrals in 2005.[8]

Despite some progress in the area of diversion to appropriate community-based mental health services, large numbers of individuals experiencing mental health difficulties continue to be imprisoned. While praising the work of projects such as the Prison In-Reach and Court Liaison project operating in Cloverhill Prison in Dublin, service providers commented on the ongoing inadequacy of mental health provision across the prison system, and the often-experienced difficulties of linking ex-prisoners with services on release (Martynowicz and Quigley, 2010).

Accommodation and homelessness
Homelessness and the provision of suitable accommodation was by far the most frequently mentioned difficulty facing prisoners and the service providers supporting them on release (all findings in this section are from Martynowicz and Quigley, 2010). It is clear from our research that improvements have been made in provision of assistance to address homelessness on release, in particular through initiatives such as the in-reach service provided by Focus Ireland in Dublin, Cork and Limerick,

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[7] For more information on the Prison In-Reach and Court Liaison Service see www.nda.ie/cntmgmtnew.nsf/0/8B71583417C5138080257444003F95FC/$File/paper03_conor_oneill.htm
[8] 'Project diverted 91 mentally ill prisoners', *The Irish Times*, 17 October 2009.

as well as in-reach provided in 10 prisons by the Community Welfare Officers of the Health Service Executive's Homeless Persons' Unit.[9] It is important to note that services such as Focus Ireland's in-reach are co-funded by the Irish Prison Service, increasing the capacity of community-based providers in prisons.

On the other hand, it is important to note that former prisoners reported that on release they were often provided only with a free-phone number that they could contact to arrange short-term, emergency accommodation, often of a very low standard. Service providers reported facing additional problems in securing accommodation for particular groups of ex-prisoners: foreign national prisoners not entitled to State assistance; ex-prisoners with mental health needs and/or drug addictions; sex-offenders and those who had been convicted for arson.

Of particular concern was what appears to be a complete lack of appropriate accommodation for ex-prisoners presenting with dual diagnosis of mental health difficulties and drug addiction. This, combined with virtually non-existent provision of other services required by this particular group, leads to significant gaps in support for this high-need population.

Service providers offering assistance in the area of homelessness are concerned that local councils are not keen on placing prisoners and ex-prisoners on their housing lists, and expressed a view that a history of imprisonment can seriously hinder the individual's chances of obtaining council-owned accommodation. One of the interviewees commented that if prisoners 'ring from within the prison, the chances [of getting on the housing list] are nil'.

Lack of fixed release dates also appears to prevent a number of prisoners from registering on housing lists, and makes it difficult for community-based service providers to offer support on this. Interviewees stated that all local authorities should be required to treat ex-prisoners in housing need as a priority group and should not be able to refuse assessment or refuse to place someone on their housing list because of criminal convictions.

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[9] Figures for 2009 indicate that 759 prisoners accessed assistance provided by the Community Welfare Officers alone (additional information supplied by the Irish Prison Service in correspondence with IPRT researcher, April 2010).

Conclusions

Not all ex-prisoners will engage with reintegration services; not all prisoners require such engagement or are willing or ready to avail of the support available. For those who choose to engage, such provision is vital if they are to be successful in staying out of prison. The former prisoners interviewed for our research were determined to improve their lives and were highly motivated. At the same time they acknowledged that it was the support offered by community-based projects that helped them to overcome the initial shock of coming out of prison (Martynowicz and Quigley, 2010).

The needs of prisoners returning to their communities following release are vast (Bedford Row, 2007; Brown et al., 2009). This has been confirmed by the authors' study in which practitioners as well as former prisoners identified the need for extensive improvements in areas such as mental health support, addiction counselling, homelessness, education and provision of information (Martynowicz and Quigley, 2010).

It is therefore of concern that recent budget cuts are resulting in increasing caseloads for professionals working in the field and often threaten the very existence of services, particularly those led by voluntary and community organisations (Martynowicz and Quigley, 2010). This is happening against the backdrop of ever-increasing numbers of people imprisoned in Ireland, and an ever-increasing number of people who are likely to be in need of support following release from prisons.

Some important initiatives in service provision have been developed in recent years. It is clear from the authors' study that organisations in both the statutory and voluntary sectors provide high-quality services that support significant numbers of ex-prisoners on release. It remains true, however, that equivalence of provision is yet to be achieved across the Irish Prison Service, the Probation Service and in the support offered to and by community-based projects. It needs to kept in mind that effective reintegration of prisoners is central not only to their individual progress and moving away from crime (desistance from crime), and to prevention of continuous returns to prison, but also to a reduction in overall number of people imprisoned in Ireland.

Considering the high cost of providing prison places, it is clearly in the interest of the State to invest in post-release support and it is in the interest of society to support such investment.

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The Public Protection Arrangements in Northern Ireland

William J. McAuley★

Summary: New Public Protection Arrangements were implemented in Northern Ireland on 6 October 2008. These Arrangements, which replace the previous Multi-Agency Sex offender Risk Assessment and Management arrangements (MASRAM), aim to protect the public from the risks of serious harm that are presented by sex offenders and violent offenders. This paper seeks to provide the history to the development of the Arrangements, to explain their aims and objectives and to provide some explanation of how they operate in practice.

Keywords: Public Protection, Sex Offending, Multi-agency, Risk Assessment, Risk Management.

Introduction

The development of public policy is often driven by tragedy, controversy and fear. The Government response to the increasing public demand for protection across all of the United Kingdom has been fuelled by such controversies and fear and by widespread criticism of statutory agencies, including the Probation Service, following what is often perceived as their failure to provide adequate protection. The issue of sexual offending has, since the late 1970s, become one of the major criminal and social issues not only in Ireland North and South, but across most of the western world (West, 1996).

The Northern Ireland Historical Context

Northern Ireland has had its share of high-profile 'sex crime' cases. At the time of the emergence of this new public issue Northern Ireland was

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caught up in the conflict that is widely described as 'the Troubles', on which much of the local and national media reporting concentrated. The Royal Ulster Constabulary, the police service in Northern Ireland at that time, was the primary agency responsible for law enforcement and security, and was heavily committed to dealing with major conflict and social disorder. However, sexual offending and sexual offenders, particularly offending against children, became issues of significant media attention (Greer, 2003) in 1979 due to alleged sexual abuse at a children's home in Belfast. Reporting of the 'Kincora' case brought increased public awareness of sexual crime and drew attention to the fact that persons who had been convicted of sexual offences were living and working back in the community (Moore, 1996). Pandora's Box was open, as it were, and the risk to society from sexual offending became a growing public concern. Although not really new for the Northern Ireland agencies, the issue was one to which the police along with the other statutory agencies needed to respond effectively.

There followed a number of high-profile sexual abuse scandals in the 1980s and the 1990s, all of which exacerbated public concern. The case that attracted most public attention was that involving a Catholic priest, Father Brendan Smyth (Moore, 1995). In order to address the growing concerns, the Northern Ireland Office – in conjunction with what was then the Irish Branch of the National Organisation for the Treatment of Abusers (NOTA), now NOTA Northern Ireland – held a two-day multi-agency conference entitled 'No Hiding Place' in 1997 with the objective of starting the process of developing multi-agency arrangements that would address at least some of the public concerns. The conference not only identified the work that needed to be done but also the agencies that would carry it out. The Probation Board for Northern Ireland was identified as one of the lead agencies.

Addressing the problem

Professionals representing Probation, police, prisons and social services began the work of creating a set of procedures aimed at addressing the issues relating specifically to those who presented a risk to the public through their propensity to commit sexual offences. New multi-agency arrangements were introduced in pilot form in September 2001 and formally launched in May 2002. The operational delivery of the new Multi-Agency Sex Offender Risk Assessment and Risk Management

(MASRAM) arrangements was to be overseen by high-level representatives from each of the agencies. This new Northern Ireland Sex Offender Strategic Management Committee was made up of representatives from Probation, police, prisons, social services and housing, with representation from the NSPCC and the Nexus Institute.

From the outset it was clear that most, if not all, public opinion about sex offenders in Northern Ireland was based on what can only be described as stereotypical images. All the agency representatives shared concern that public perceptions were seldom based on fact. It seemed that most people, even professionals within the criminal justice agencies, viewed all those who had sexual offence convictions as dangerous predators. Few made any distinction between those whose offending had been committed in domestic and family circumstances (the majority) and those whose victims had been strangers.

Research evidence had already shown that these misguided perceptions could in fact increase risk rather than assisting in the reduction of risk or the prevention of the serious harm caused by sexual offending (Kitzinger, 1999). As the CARE Co-ordinator (Lead Officer for Child Protection) in 2002, the author made the following observation to journalists: "Most people think that a sex offender is going to jump out and grab the first child that walks past their gate. They don't know about the grooming process, the process where sex offenders work on parents and groom parents as well as the child." Olwyn Lyner, Chief Executive of the Northern Ireland Association for the Care and Resettlement of Offenders, and Oliver Brannigan, the former Director of the Probation Board for Northern Ireland, had made similar observations on numerous occasions. It was as a result of this that MASRAM sought to deliver protection against reoffending while at the same time making an effort to dispel these stereotypes.

Agreed principles

MASRAM was founded on two principles: first, the development of better understanding of sexual offending using the range of statistical information available, and second, requirement for practice that had a sound evidential basis. These principles were adopted and incorporated into the four core functions of MASRAM:

1. the identification of those who presented a risk of serious harm to the public

2. the sharing of information to enable assessment of risk
3. multi-agency assessment of the risk of serious harm
4. management of identified risks.

Government had implemented a range of legislative tools to help address the problem. These measures included sex offender 'registration', court-granted restraining and prohibitive orders and restrictions on working with children and vulnerable people (Cobley, 2003).

Hazel Kemshall defines the desirable outcome of multi-agency interventions as:

> effective risk management. However this should not be understood as a "zero risk" as this position can never be achieved … Risk management should be understood as harm reduction either through the reduction of the likelihood of a risk occurring or the reduction of its impact should it occur. (Kemshall, 2003)

As the Arrangements were rolled out it quickly became apparent that the problem of serious sexual offending would continue to have an impact, both in Northern Ireland and in the rest of the United Kingdom. In August 2000 public attention was drawn to the abduction and murder of Jessica Chapman and Holly Wells in Soham, England, and in December 2003 a young man who had been convicted of a number of serious sexual assaults and who had recently been released from prison abducted and murdered 65-year-old Attracta Harron in Strabane, Northern Ireland.

The Criminal Justice Inspection (NI) 2005

The Northern Ireland Minister for Justice commissioned the Criminal Justice Inspection Northern Ireland (CJINI) to conduct a thematic inspection of MASRAM and to identify what, if anything could be done to ensure it could meet the challenge. The inspection was carried out and a report was issued in 2005 (Chivers, 2005). The inspection had three main aims:

1. to examine the effectiveness of Northern Ireland's inter-agency offender management procedure (known as MASRAM)
2. to compare MASRAM with the Multi-agency Public Protection Arrangements (MAPPA) that apply in England and Wales
3. to consider the potential for placing MASRAM on a statutory footing and for extending it to incorporate violent offenders.

The inspection team found many positive features in MASRAM, such as the following.

1. The agencies attach high priority to their sex offender work, despite it being a small proportion of caseloads. Public protection is unambiguously identified as the central purpose.
2. All the agencies work hard at MASRAM, and they work well together. Both the PSNI and the Probation Service have dedicated MASRAM staff, who are highly skilled and motivated.
3. Inspectors saw some excellent examples of collaborative working, especially with high-risk offenders in crisis situations.

They made a number of recommendations for improvement, the key ones being as follows.

1. MASRAM should be placed on a statutory footing. The Criminal Justice Act 2003 and the English MAPPA guidance should be used as a basis for this. (Para 2.17)
2. The remit of MASRAM should extend to include violent offenders. This will require clear criteria, and a supervised parole system should be introduced to fulfil this purpose. (Paras 2.5; 3.19)
3. To create more capacity the MASRAM agencies should manage cases at the lowest possible level consistent with providing a defensible risk-management plan. (Para 1.13)
4. The agencies should establish a co-located Public Protection Team, drawing on best practice elsewhere. (Paras 3.20-3.22)

Kit Chivers, Chief Inspector of Criminal Justice in Northern Ireland, commented:

> In carrying out this inspection, we were conscious of the level of public concern about the risk that sex offenders pose. Apart from England and Wales, Northern Ireland is the only country to have such sophisticated inter-agency arrangements for protecting the public. The report recognises the excellent work being done, but identifies a range of areas for future development. I hope it will be of value in informing and reassuring the public, and helpful to the managers and staff who are involved in this challenging area of work.

Implementation

Both Government and the agencies agreed with the recommendations, and in May 2008 the Criminal Justice (Northern Ireland) Order 2008 placed a requirement on the agencies to deliver the new Public Protection Arrangements in Northern Ireland as set out in statutory guidance. The new Arrangements were implemented on a three-year roll-out basis on 6 October 2008.

The stated primary purpose of the Arrangements was to help protect the public, particularly children and vulnerable persons, from *serious harm* by reducing known sexual and violent offenders' opportunity and where possible their inclination to reoffend. From the date of implementation the Arrangements applied to persons convicted or in the process of being reported for prosecution for sexual offences and violent offences against children and vulnerable adults. On 1 April 2010 they were extended to those convicted or in the process of being reported for prosecution for violent offences in domestic circumstances; they will be further extended to persons convicted or being reported for prosecution for violent offences involving 'hate' in April 2011.

Risk assessment

In practice when a person fitting a strict criterion is charged or reported for prosecution by the police, when a relevant offender is convicted, or when a person previously convicted and about whom clear concerns have arisen is brought to the attention of the police PPANI Administration Unit, they will carry out a static/actuarial risk assessment of reoffending using an instrument known as the Risk Matrix 2000 (Thornton, 2007). Offenders will then be identified as: Level 1(Low), Level 2 (Medium) and Level 3 (High) risk.

Level 1 is defined as "Someone whose previous offending (or current alleged offending in the case of potentially dangerous persons), current behaviour and current circumstances present little evidence that they will cause serious harm through carrying out a contact sexual or violent offence."

Level 2 is defined as: "Someone whose previous offending (or current alleged offending in the case of potentially dangerous persons), current behaviour and current circumstances present clear and identifiable evidence that they could cause serious harm through carrying out a contact sexual or violent offence."

Level 3 is defined as: "Someone whose previous offending (or current alleged offending in the case of potentially dangerous persons), current behaviour and current circumstances present compelling evidence that they are highly likely to cause serious harm through carrying out a contact sexual or violent offence."

The case will be referred to what has been entitled a Local Area Public Protection Panel (LAPPP). The panel is chaired by an experienced manager from the Probation Board. Each representative is expected to bring whatever relevant information their respective agency has about the individual to the meeting and under a strict confidentiality agreement share that information for the purpose of assessing the risk.

The panel will then carry out a full dynamic risk assessment using the information input from all the relevant agencies. This process, which is evidence-based, will identify those offenders whose risk of causing serious harm to the public requires multi-agency management of risk (Grubin, 2004). The risk assessment should also identify exactly what factors need to be addressed to reduce or manage the risks. This then enables the meeting to develop specific, targeted risk management plans. The Local Area Public Protection Panels focus on managing the highest risks.

The majority of cases will not involve persons who present compelling evidence of a high likelihood or clear evidence of a likelihood of their causing serious harm to the public. Cases where the risks posed by the offender can be managed by one agency without actively or significantly involving other agencies will be referred for single-agency risk management.

Risk management

A Multi-agency Risk Management Plan will be developed for all those who, through the evidence available, are assessed as presenting a real risk of causing serious harm to the public, and a Designated Risk Manager will be appointed to oversee the delivery of the management plan. The risk management plan will include visits from the Risk Manager, visits from police and a number of other actions deemed relevant. The case will be subject to regular scheduled reviews by the LAPPP, which will also give consideration to the issue of disclosure. The aim of this risk-management structure is to make it easier to deploy and manage resources in the most efficient and effective way. The level at which a case is managed depends on the nature of the risk and how it can be managed.

Sharing information between organisations is of critical importance for public protection arrangements to be effective. Agencies must accept responsibility for the information that they share and be accountable for how responsibly they use information shared with them. Agencies are expected to act in accordance with an Information Sharing Protocol protocol which has been designed to adhere to the provisions of the Data Protection Act 1998. In a nutshell, the sharing of information must have lawful authority, be necessary, be proportionate and occur in a way that ensures the safety and security of the information shared.

The Public Protection Arrangements aim to ensure that relevant information is available in good time to help those making risk assessments and drawing up risk management plans. The protection of the public depends on the effectiveness of those plans. The plans are in turn dependent on the quality of the risk identification and the assessment process. They and the quality of both the risk assessment and risk management plan are heavily determined by the effectiveness of information-sharing arrangements. Police and Probation have since December 2008 formed a co-located public protection team. The team consists of experienced staff from both police and probation and takes responsibility for those who are assessed as presenting the greatest risk of causing serious harm. Plans are in place to increase the staff in the PPT with a professional from social services being seconded.

The Criminal Justice Inspectorate will carry out a further review of the Arrangements later this year.

Addressing the Wider Problem

What has become abundantly clear through both the development and the operational delivery of the Public Protection Arrangements is that police, Probation, prisons and social services or indeed the whole of the Criminal Justice System *alone* cannot provide the solution to the problem of sexual offending within our society. This has led to the bigger question being asked in Northern Ireland, "How do the government and the statutory agencies then plan to address this area of crime?"

The response to this has been the launch of an interdepartmental strategy, 'Tackling Sexual Violence and Abuse Strategy (July 2008)'. The new Public Protection Arrangements form part of that strategy, through seeking to assess and put in place plans to manage the risk of serious harm that identified criteria of people pose to the public.

Among the many false perceptions about sexual offending and sexual offenders is the belief that all such persons pose a high risk of reoffending and that long term removal from society is the only solution. In fact recidivism among sex offenders generally has been estimated to be in the region of 15%, and in Northern Ireland as low as 7% or 8%. It is clear that from a public protection perspective what is needed is a system or a process that will help identify those who pose the real risk of committing further offences and thereby causing serious harm, while at the same time providing the public with education on what steps can be taken to prevent sexual offending. The agencies in Northern Ireland are convinced that the new Public Protection Arrangements can provide that process.

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Therapeutic Jurisprudence and its Application to Criminal Justice Research and Development*

David B. Wexler†

Summary: This essay, based on the 3rd Annual Martin Tansey Memorial Lecture, delivered 26 May 2010 at the Criminal Courts of Justice in Dublin, and sponsored by the Association of Criminal Justice Research and Development, introduces the perspective of therapeutic jurisprudence (TJ) and applies the perspective to several criminal justice issues, such as sentencing, probation, and parole. It calls for an academic–practitioner interdisciplinary and international partnership to enable the field to grow and flourish.

Keywords: Therapeutic jurisprudence, criminal justice, criminal law and procedure, sentencing, probation, parole.

Introduction

On 26 May 2010, I was honoured to present, at the Criminal Courts of Justice in Dublin, the 3rd Annual Martin Tansey Memorial Lecture. I am grateful to Maura Butler and the Association of Criminal Justice Research and Development (ACJRD) for the invitation, and to Kieran McGrath for recognizing the relevance of therapeutic jurisprudence (TJ) to the mission of the ACJRD and for serving as matchmaker.

The present paper is not identical to the lecture, but it does capture its essential substance and is presented, I hope, in a form – and with

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references – to enable the interested reader to grasp the notion of therapeutic jurisprudence and to use the perspective and its literature to contribute to the areas of interest of the ACJRD. Indeed, from a mere glance at the ACJRD website, one can see the overlap of TJ with the focus of several of the Association's existing working groups, such as those of Mental Health, Reintegration, and Restorative Justice.

Let me begin, then, by defining TJ, putting it in a conceptual framework, and tracing its development *from* a new twist on mental health law *to* a broad mental health approach to the law in general. I will conclude by discussing TJ's interest in issues specific to criminal justice research and development.

Defining TJ

Therapeutic jurisprudence is the "study of the role of the law as a therapeutic agent" (Wexler and Winick, 1996). It focuses on the law's impact on emotional life and on psychological well-being. Clearly, these are areas that have not received very much attention in the law until recently. TJ turns the spotlight on this previously underappreciated aspect, humanizing the law and concerning itself with the human, emotional, and psychological side of law, legal process, and legal practice.

Basically, therapeutic jurisprudence is a perspective that regards the law as a social force that produces behaviours and consequences. Sometimes these consequences fall within the realm of what we call therapeutic; other times antitherapeutic consequences are produced. Therapeutic jurisprudence urges us to be aware of this and asks whether the law can be made or applied in a more therapeutic way so long as other values, such as justice and due process, can be fully respected (Wexler and Winick, 1996).

It is important to recognize that therapeutic jurisprudence does not itself suggest that therapeutic goals should trump other ones. It does not support paternalism, coercion, and the like. It is merely a way of looking at the law in a richer way, and then bringing to the table some of these areas and issues that previously have gone unnoticed. Therapeutic jurisprudence simply suggests that we think about these issues and see if they can be factored into our law-making, lawyering, or judging (Wexler and Winick, 1996).

TJ, then, is the study of therapeutic and antitherapeutic consequences of the law. When we speak of the law, we mean the law *in action*, not

simply the law on the books. Conceptually, it is helpful to think of "the law" as consisting of the following three categories: (1) *legal rules*, such as the again newsworthy "Don't Ask, Don't Tell" provision regarding gays in the US military (Kavanagh, 1995); (2) *legal procedures*, such as hearings and trials (see Weinstein, 1999a, which provides a detailed analysis of legal procedures, hearings, and trials involving the custody of children); and (3) the *roles* of legal actors such as the behaviour of judges, lawyers, and therapists acting in a legal context (Wexler, 1996). Much of what legal actors do has an impact on the psychological well-being or emotional life of persons affected by the law (Silver, 1999). I refer here, for example, to matters such as the dialogue that judges have with defendants or that lawyers have with clients.

An example of a *legal rule* that could be examined from a therapeutic jurisprudence perspective is the "Don't Ask, Don't Tell" provision that bars military service for one who acknowledges being gay or bisexual (Kavanagh, 1995). The government is not permitted to ask about it, and so long as a recruit does not talk about it, there is supposedly no problem.

One of the things that therapeutic jurisprudence does, however, is to tease out some of the more subtle, more unintended consequences of legal rules that may be antitherapeutic. An interesting study of the "Don't Ask, Don't Tell" rule suggested that if someone is gay in the military and cannot talk about that, then that person may also be afraid to talk about many other things because those other things are likely to raise the question of the legally prohibited topic. So where you went on vacation and with whom may be things you're not comfortable talking about because this topic could raise the question of whether you're gay, and that is the prohibited conversational topic (Kavanagh, 1995).

Therefore, Kavanagh suggested that the law, in practice, may cause great isolation, marginality, and superficiality in social relations for a gay person in the military, perhaps above and beyond what was anticipated when this provision was drafted. Perhaps it was drafted with the thought that one's sexual life is personal and doesn't spill over into other aspects of social life, and that it makes sense, therefore, for us simply not to ask about it and for people not to talk about it. Kavanagh's (1995) piece suggests, and I think with very good reason, that it *does* spill over into other areas; therefore, this is a richer look at that law and its implications.

Therapeutic jurisprudence is a framework for asking questions and for raising certain questions that might otherwise go unaddressed. The

answers to those questions are often empirical. Is Kavanagh right in suggesting that the rule has this chilling effect on other conversational topics?

Secondly, even if true empirically, there remains the normative question: what, if anything, should we *do* about that rule? Therapeutic jurisprudence sharpens and focuses the debate; it does not really provide answers here, but it does bring these questions out into the open.

"Don't Ask, Don't Tell" is an example, then, of a *legal rule* and how it might be looked at from a therapeutic jurisprudence perspective. Next, let's look at a *legal procedure*.

An example of a legal procedure looked at through the lens of therapeutic jurisprudence is an article by Professor Janet Weinstein (1999) regarding child custody disputes. Weinstein wrote about how the adversary process in a child custody context can be both traumatic for the child and damaging to the relationship of the parents, who may, despite their divorce, need to have some kind of relationship in the future merely for the sake of the child.

Weinstein's analysis is very interesting because it exposes how the adversary process encourages us to find and portray the *worst* thing about the other party – to bring it out in the open and to talk about just how terrible that other parent is. This is traumatic to children and, of course, damaging to the relationship of the parents. TJ asks whether there are other, less damaging ways of resolving these issues, such as through mediation or rather new mechanisms such as collaborative divorce.

Therapeutic jurisprudence focuses on these creative explorations (Wexler, 1999a), as did Kieran McGrath (2005) in an important analysis of the Irish childcare system. Like Weinstein, McGrath found the adversary system – in his case the Irish adversary adjudication of childcare questions – problematic. His proposal? To consider moving, in this legal context, towards the continental inquisitorial system, such as the one in place in The Netherlands. Under that procedural model the judge plays a more active role, and the lawyers are more passive, perhaps tempering some of the stress and contentiousness that pervade adversarial hearings.

Finally, we turn to the third category – that of *legal roles*. This category examines the *behaviour* of lawyers, judges, and other actors in the legal system (Wexler, 1996, pp. 167–168). For instance, the way the judge behaves at a sentencing hearing can actually, in and of itself, affect how someone who has been given probation complies with the conditions of that probation.

In the simplest example, if a judge is not entirely clear in formulating a condition of probation, someone may not comply with the probationary terms because he or she never quite understood what it is that he or she was told to do or not to do (Wexler, 1996, pp. 167–168). How a judge behaves at a hearing can affect whether someone complies (Meichenbaum and Turk, 1987). Later I will come back to that issue and examine it in a much more complex context.

The substantive scope of TJ

Therapeutic jurisprudence grew out of mental health law. It cut its teeth on civil commitment, the insanity defence, and incompetency to stand trial (Wexler, 1990). It looked at the way in which a system that is designed to help people recover or achieve mental health often backfires and causes just the opposite (Wexler et al., 1991; an early example that started me thinking along lines that culminated in the development of the therapeutic jurisprudence perspective was encountering an Arizona statute that paid the transportation costs to the state hospital only for court-committed patients, not for voluntary ones, thus legislatively creating an incentive for involuntary hospitalization).

Therefore, a perspective developed recognizing that the law *itself*, know it or not, like it or not, often functions as a therapeutic or an antitherapeutic agent (Wexler and Winick, 1996, p. xvii).[1] This is, of course, highly relevant to mental health law. The therapeutic jurisprudence perspective, however, now applies to other legal areas – probably to all legal areas – and especially to mental health law, criminal law, juvenile law, and family law. Personal injury law has also received attention (Shuman, 1996, p. 438). We think of compensation in personal injury law as a clumsy way of trying with money to make someone whole; to put injured persons in a position that they would have been in if they hadn't been subjected to this accident (Shuman, 1996).

What therapeutic jurisprudence adds to this mix is that compensation may *itself* affect the course of recovery (Shuman, 1996, p. 433).

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[1] I wrote the first paper on therapeutic jurisprudence, explicating and naming the perspective, for a 1987 National Institute of Mental Health law–mental health workshop. I was asked to write within the general area of law and therapy, and decided to sharpen my focus by concentrating not on law *and* therapy but rather on law *as* therapy – as therapy *through* law, thereby offering a conceptual framework for therapeutic jurisprudence as a discrete field of inquiry. For a historical account, see Wexler (1999b).

Sometimes time simply does not heal (Shuman, 2000). Sometimes we see that people do not recover until a case is settled, for example, and sometimes they consciously or unconsciously exaggerate or accentuate the injury. Thus, compensation can independently affect a person's healing process above and beyond its theoretical purpose. Therapeutic jurisprudence encourages people to think about that and study it to see if there are certain ways that we can lessen that impact (Lippel, 1999). In summary, then, therapeutic jurisprudence started as a new twist on mental health law and has now become a mental health twist on law *in general*, and in virtually all legal areas.

One of the things therapeutic jurisprudence tries to do is to look carefully at promising literature from psychology, psychiatry, criminology, and social work to see whether those insights can be imported into the legal system (Wexler and Winick, 1996). In this respect therapeutic jurisprudence is very different from the early days of mental health law, where the effort was really just to see what was *wrong* with this sort of literature or testimony (Wexler, 1996). Again, there were good reasons for that early emphasis; however, an exclusive focus on what is wrong, rather than also looking at what might be *right* and how we might *use* some of this material, is seriously shortsighted.

The interdisciplinary element

Current therapeutic jurisprudence thinking encourages us to look very hard for promising developments, even if the behavioural science literature itself has nothing directly to do with the law. It also encourages people to think creatively about how these promising developments might be brought into the legal system (Wexler, 1996, p. 167). An example links back to the earlier discussion of the judge's role in setting probation conditions or conditions on someone being conditionally released from a mental hospital after a judgment of not guilty by reason of insanity (Meichenbaum and Turk, 1987, pp. 159–160).

Facilitating Treatment Adherence (Meichenbaum and Turk, 1987) is a book written by psychologists on psychological principles that could help doctors and other healthcare providers to have their patients adhere better to medical advice. It is not specifically about psychiatry, although it could include that medical specialty, and it has nothing at all to do with law. But the words "facilitating treatment adherence" (Meichenbaum

and Turk, 1987), approached from a therapeutic jurisprudence angle, were exciting to me. I wondered whether the *law* could use any of this to facilitate a probationer's compliance with conditions of probation, and to facilitate an insanity acquittee's compliance with conditions of release from an institution.

Those principles dealt first with some very commonsensical things, such as speaking in simple terms (Meichenbaum and Turk, 1987, pp. 81, 116). Patients sometimes may not comply with medical advice because they just never really quite got the message. They were not told in simple terms what the doctor was suggesting they do, or they were not asked before they left, "Now, let's make sure you've got this straight. Tell me what you intend to do, how often you're going to take these pills? Do you take them with meals or without meals? How often do you take them?" (Meichenbaum and Turk, 1987, p. 122). Thus, noncompliance sometimes results from insufficient clarity in giving instructions (Meichenbaum and Turk, 1987, p. 113).

Another principle that Meichenbaum and Turk (pp. 164–173) dealt with was signing a behavioural contract. When people sign behavioural contracts, they are more likely to comply with medical advice than if they do not. Also, if they made a public commitment to comply, to persons above and beyond the healthcare provider, they were more likely to comply (Meichenbaum and Turk, 1987, pp. 124–125). Relatedly, if family members were informed of what patients were to do, those patients were more likely to comply.

It is interesting to think about how these principles might operate in a legal setting (Meichenbaum and Turk, 1987, p. 164). For example, if a judge is looking at a proposal for an acquitted insanity patient to be conditionally released from a hospital or when a judge is deciding whether to grant probation in a sentencing hearing, the court could conceptualize the conditional release as a type of behavioural contract: I will agree to give you probation if you will agree to abide by these conditions.

One can also envision a hearing as a forum in which an insanity acquittee or criminal defendant makes a public commitment to comply (Wexler, 1996, pp. 167–168). You might also see whether agreed-upon family members could be present at that hearing.

These are ways of trying to bring these psychological healthcare compliance principles into a legal setting. Now, will they work the same

way in that setting? That is the kind of empirical question that therapeutic jurisprudence suggests or raises but does not answer.

Should we do it? Is it going to be too time-consuming? Do judges have the time to do this? Those are the normative questions that get raised by all of this. But I suggest that we're now asking questions that otherwise we might not be asking at all.

Another way in which therapeutic jurisprudence has tried to use information from behavioural science relates to cognitive distortions of offenders, especially sex offenders (Wexler, 1996, p. 159). Many therapists suggest that in order to take a first step in the treatment of offenders, one needs to tackle offender denial or minimization. The offenders also need to take responsibility and to be accountable (Wexler, 1996, pp. 159, 161–2). They need to overcome the cognitive distortions of denial and minimization, such as "I didn't do it," or "I did it but it wasn't my idea," or "I did it and it was my idea but it wasn't for sexual gratification" (Wexler, 1996, p. 159).

A question therapeutic jurisprudence would ask is whether the law in practice operates to foster cognitive restructuring or whether it actually perpetuates cognitive distortions. One area we might examine is the plea process. When judges take guilty pleas – and most people do plead guilty – there is a requirement that the court find that the plea is voluntary and that there is a factual basis for the plea. There are different ways that judges behave in accepting pleas from offenders, and some legal anthropologists who have actually gone into the courtrooms have categorized and classified these judicial behaviours (Wexler, 1996, pp. 159–164).

Some judges are very "record-oriented". They try to avoid dealing with the defendant because he could "muck up" the record. Instead, they look to statements of the prosecutor, the defence counsel, or something in the file that will establish the factual basis for the plea. Those courts involve the defendants minimally (Wexler, 1996, pp. 162–163).

Other judges have an open colloquy with the defendant, such as: "Okay, you realize this is the offence that you're pleading to. Please tell me in your own words what happened, when, and so on." The second type of judicial behaviour might be a bit better than the first because it takes that first step of confronting denial, minimization, and encouraging an offender to take responsibility (Wexler, 1996; see also Eastman, 1999, and Kadan, 1998).

Current criminal justice applications

Another important TJ project in the criminal law area, one that seems to tie in closely with the goals of the ACJRD, relates to relapse prevention planning principles and how they may be brought into the law. This is a very welcome development because, for years, there was a real pessimism in rehabilitation and about rehabilitative efforts (see Martinson, 1974, stating that the evidence did not suggest that rehabilitation worked). Starting in the 1970s, when Martinson suggested that nothing really worked, there was a long period of time when people were giving up on rehabilitation.

More recently, as James McGuire's excellent anthology documents, it looks like there are certain kinds of rehabilitative programmes and packages, particularly the cognitive/behavioural variety, that seem rather promising (McGuire, 1995). One type of cognitive behavioural treatment encourages offenders to think through the chain of events that lead to criminality and then tries to get them to stop and think in advance (Bush, 1994, pp. 139, 141). This will enable an offender to figure out two things: (1) What are the high-risk situations, in my case, for criminality or juvenile delinquency? (2) How can the high-risk situations be avoided, or how can the situations be coped with if they arise? (Bush, 1994).

These situations may be things such as realizing you are very much at risk on Friday nights after having partied with such and such a person. The offender may decide that he or she shouldn't go out Friday nights. This determination is a way of avoiding high-risk behaviours (Bush, 1994). Instead of going out on Friday night with Joe and getting into trouble, the offender may choose to stay home or go to a movie. But what happens the next night when Joe calls or knocks on the offender's door?

Therapists have developed approaches to working with these issues, and of having offenders prepare relapse prevention plans (Knott, 1995). There are also certain programmes, such as "reasoning and rehabilitation" type programmes, that teach offenders cognitive self-change, to stop and think and figure out the consequences, to anticipate high-risk situations, and to learn to avoid and cope with them (Knott, 1995).

These programmes seem to be reasonably successful (Knott, 1995), and, as Janet McClinton noted just last year (McClinton, 2009), the "Think First" programme – itself developed by James McGuire – is now being piloted in Northern Ireland.

One of the issues that I am interested in now, from a therapeutic jurisprudence standpoint, is just how these important developments might be brought into the law. In one obvious sense, these problem-solving, reasoning and rehabilitation types of programs can be made widely available in correctional and community settings. A way of linking them even more to the law, of course, would be to say that as a condition of probation or parole, one might have to attend or complete one of these courses.

A more subtle and nuanced way of thinking about this in TJ terms, however, is to ask how reasoning and rehabilitation can be made part of the legal process *itself* (Wexler, 1997). The suggestion here is that if a judge (or parole board) becomes familiar with these techniques and is about to consider someone for probation, the judge might say, "I'm going to consider you but I want you to come up with a type of preliminary plan that we will use as a basis of discussion. I want you to figure out why I should grant you probation and why I should be comfortable that you're going to succeed. In order for me to feel comfortable, I need to know what you regard as high-risk situations and how you're going to avoid them or cope with them" (Wexler, 1997, pp. 367–368).

If that approach is followed, courts will be promoting cognitive self-charge as part and parcel of the sentencing process *itself*. The process might operate this way: "I realize I mess up on Friday nights; therefore, I propose that I will stay home Friday nights." Suddenly, it is not a judge imposing something on you. It's something you are coming up with so you have a voice in it, should understand it, and should think it fair. Accordingly, your compliance with this condition should also be enhanced (Wexler, 1997).

Efforts are now under way to augment cognitive/behavioural techniques with approaches less focused on mere risk reduction and "deficiencies". This healthy and respectful trend seeks to combine cognitive/behavioural approaches with ones that seek the active participation of the client, that look to locate and build on client strengths, and that allow clients to envision leading "good lives" (Ward and Stewart, 2003). Some of these programmes and approaches were the subject of Fergus McNeill's Martin Tansey Memorial Lecture last year (McNeill, 2009).

Recent TJ scholarship is surely in line with the attempt to infuse rehabilitative efforts with active client involvement and choice. The superb recently-released TJ-oriented bench book for judges, authored by

Western Australia magistrate Michael King, for example, eschews the designation of "problem-solving courts" because of that term's connotation of putting the court, instead of the client, in the role of the problem-solver. King (2009) opted for the term "solution-focused" courts, implying that it is clients themselves that, with the facilitative efforts and atmosphere of the court, do the essential work. His *tour de force*, easily accessible online, should be required reading for judges. So should the earlier – and much shorter – judicial TJ manual produced by the Canadian National Judicial Institute (Goldberg, 2005; see also Wexler and Winick, 1996).

In a similar attempt to blend cognitive/behavioural with strength-based and restorative approaches, I have proposed a "practice court" procedure for incarcerated persons about to face the parole process. The idea of this "re-entry moot court" (Wexler, 2010a) would be for the prospective parolee to do a "dry run" of his or her parole board interview or appearance before a group of incarcerated peers and a trained facilitator or two. The hope is that the moot court would help the prospective parolee think through important points regarding reentry, and that participation in the process would also be helpful to the peers who would themselves soon be eligible for a similar personal appearance.

The criminal court has certainly been a fertile field for TJ writing. That writing extends to the role of the criminal lawyer as well. My 2008 volume entitled *Rehabilitating Lawyers: Principles of Therapeutic Jurisprudence for Criminal Law Practice* was designed to be a work of practical interdisciplinary scholarship for day-to-day use by the criminal law practitioner. A number of contributions to the book, in fact, are authored by criminal lawyers, public defenders, and faculty working in law school criminal law and juvenile law clinical programmes.

Conclusion

Important contributions involving creative TJ "practices and techniques"[2] convince me that the future development of therapeutic

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[2] In the criminal law area, TJ has used a "tripartite framework" for looking at needed TJ knowledge and competencies. This includes (1) the applicable legal landscape, (2) the relevant available treatments and services, and (3) the practices and techniques employed by legal actors. The impressive development of the "practices and techniques" category shows the importance of the study of legal and judicial *roles* to effective reform. The study and development of such techniques as a part of interdisciplinary legal scholarship may be TJ's most important contribution and break from traditional legal scholarship.

jurisprudence will depend as much on the activity and involvement of practitioners – legal, judicial, mental health, social work – as on the work of academics. That, in fact, was the thrust of a plenary address I recently gave at the Nonadversarial Justice Conference in Melbourne, Australia, which I entitled *From Theory to Practice and Back Again in Therapeutic Jurisprudence: Now Comes the Hard Part* (Wexler, 2010b).

For this important international, interdisciplinary academic–professional partnership to succeed, active participation in the therapeutic jurisprudence project by groups such as the ACJRD is essential. In that connection, I urge you to make use of the International Network on Therapeutic Jurisprudence (INTJ) website and bibliography at www.therapeuticjurisprudence.org and, more than that, invite you to join the TJ listserv, where you can remain up to date and also ensure that your own contributions are shared with the international community. The listserv may be joined by a few clicks on the relevant links on the TJ website. Moreover, as Director of the INTJ, I invite you to contact me for needed information or hard-to-find references. You may do so most easily by email (address on first page of paper). I very much look forward to continued contact with Ireland and the ACJRD.

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Differing Conceptions of Risk and Need in Irish Probation Officers

Denis C. Bracken*

Summary: Developments in work with offenders have been guided over the past two decades by an approach that relies on assessment of risk as a primary guide to allocation of resources and development of case management strategies to reduce reoffending. Risk-based case management is perceived to be both more effective in preventing reoffending and better able than previous methods to enhance community safety. This paper explores these issues using data from focus group discussions held with Irish Probation Officers in the spring of 2007. The discussions were part of a larger project examining education and training for probation practice. Views were expressed in the focus groups concerning the need to balance probation practice between community safety and addressing offender needs (criminogenic and/or more traditional welfare needs), and an understanding of risk assessment and its relationship to case management within a context perceived by some as emphasising community safety over rehabilitative considerations.

Keywords: Risk, need, risk assessment, Probation, Probation Officers, supervision, offender management, rehabilitation, welfare, attitudes, roles.

The history of the introduction and adoption of a risk needs assessment framework for management of offenders in custody and the community across the English-speaking world has been well documented (Bonta and Wormith, 2008; Mair, 2004). Its adoption into criminal justice systems has meant that actuarially based risk assessment has become the primary logic for allocation of resources, the method to determine levels and types of intervention, the extent of surveillance monitoring of offenders, and the release from prison for those with custodial sentences. Two schools of thought have emerged to explain the rise of risk-based correctional practice: it parallels a rise in punitiveness represented by an

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increase in surveillance as part of transition to a 'risk society' (Feeley and Simon, 1992); it offers hope for a return to a form of rehabilitation that presents an effective way of reducing reoffending and therefore making society safer (Andrews and Bonta, 2010).

As the importance of risk assessment has grown, research on its use by Probation Officers has become the subject of study. The connection between risk assessment and other areas of work with offenders was addressed in Kemshall's major study of 1998. She located risk assessment within the larger parameters of practice complete with the various value imperatives that exist in working with offenders. Her work suggested that the use of risk assessment takes place within a context where people are required to make decisions every day about managing caseloads, and allocating time and other resources. Some of the data from her study led to the following observation:

> Technical risk assessment instruments appear to resolve the issue of desirable practice … by obscuring value choices behind checklists and weighting systems. The choices and weightings become self-evident, i.e. generated by the 'objective' application of the instrument itself, thereby reducing the reasoning of workers and the scope for moral debate. (Kemshall, 1998, p. 142)

What much of the research has shown is that Probation Officers and others involved in the management of offenders are inclined to see risk assessment as a factor, but certainly not the only factor, in the development of a case management/supervision plan. Robinson's findings from her research (2002) in two English probation areas summarize the issue this way:

> While LSI-R [the Level of Service Inventory – Revised] was on the whole seen as a useful tool, scores derived from it were thought to be of limited value in making decisions about either the level or content of supervision in relation to individual offenders. That is, scores were universally viewed as a supplement to rather than a substitute for professional judgement and the consensus among practitioners was summarized by one officer's comment, that 'it's not always as simple as a figure'. (p. 16)

Research comparing Probation Officers in Leicestershire and Manitoba found similar sentiments in the two locations (Bracken, 2003). There was

a reluctance on the part of some Probation Officers in both services to see an actuarially based assessment score as all that was needed to make judgements about how to supervise an offender in the community. It should be noted that their respective services had not suggested this either.

Fitzgibbon's more recent research (2007) on probation officers' use of the OASys risk assessment instrument in England and Wales found that the practice context was particularly relevant to how well the instrument was used. In situations of 'increasing resource and manpower constraints' there was concern about possible over-prediction of risk and dangerousness. However, 'far better risk assessments were undertaken when a consistent and sustained relationship had been built up' (p. 95) with the Probation Officer doing the assessment.

The emphasis on risk assessment as a foundation to contemporary probation practice is thought by some to be a reflection of a more focused approach to surveillance and control. A 'new punitiveness' has arisen in the past 25 years or more, which means that contemporary penal practices are 'obeying a different set of values and cultural expectations from those that had previously provided the frame of reference under conditions of welfare state/penal modernity' (Pratt, Brown, Brown, Hallsworth and Morrison, 2005, pp. xv–xvi). Garland's contention (2000) is that this has grown out of 'high crime societies' wherein 'high crime rates became a normal social fact [and] penal welfare solutions fell into disrepute' (p. 348) while the response to crime included 'more expressive and intensive modes of policing and punishment that purports to convey public sentiment and the full force of state authority' (p. 349). Irish researchers have suggested that a combination of media interest and political adoption of phrases like 'war on crime' and 'zero tolerance' (O'Donnell and O'Sullivan, 2001, 2003) were representative of this new punitiveness, although it seems that Ireland has managed to avoid much of both the inflated rhetoric and punitive policy developments more common in the USA and England and Wales (Kilcommins, O'Donnell, O'Sullivan and Vaughan, 2004).

For Probation Officers, a more punitive approach may play out in the way in which a community sanction is perceived in relation to the findings of a risk assessment. In a Canadian study by Bonta, Rugge, Sedo and Coles (2004), the mandate of the court as reflected for example in the conditions imposed as part of a probation order took precedence in the eyes of Probation Officers over the direction a risk assessment might

provide for a supervision plan. Irrespective of what an actuarial assessment determined about the likelihood of reoffending, and therefore possibly the level and intensity of supervision and intervention, Probation Officers were more likely to pay attention to a court order in terms of supervision of an offender. The authors found that 'this "mandate driven" case management restricts the probation officer's own assessment of the offender's needs and could potentially interfere with effective case management' (Bonta et al., 2004, p. 28; see also Bonta, Rugge, Scott, Bourgon and Yessine, 2008). Research with Probation Officers' supervision of conditional sentences (a form of house arrest) (Bracken, 2007) supported Bonta et al.'s findings of a few years earlier with respect to the imperative of a court-mandated level and intensity of supervision/surveillance as the major focus of case management. In that research, Probation Officers interviewed made it clear that irrespective of their own finding of the risk of reoffending, the sentence of the court dictated restrictions on movement, frequency of reporting and ability to participate in community-based programmes. Addressing criminogenic needs (and other needs for that matter) was clearly secondary.

The research on which this paper is based was part of a larger study on educational preparation and training for working with offenders. It was comparative in nature, and examined criminal justice social work in Scotland and Ireland and to a lesser extent in Canada.

Four focus groups were held, two in Dublin and two in Cork, in February 2007. Probation Officers from the Dublin North and South regions participated in the two Dublin sessions. The Cork sessions included participants from offices in the southwest, southeast and midlands regions of the Probation Service. A total of 30 Probation Officers participated in the four focus groups. Of those, 23 had a social work qualification either at the diploma level (NQSW, CQSW, etc.) or the Master's level. Four of these were from Scotland or England, and two were from Northern Ireland. The rest had taken their social work training and/or Master's degree at UCD, UCC or Trinity College. The seven without a social work qualification all had degrees in social science, sociology, psychology or criminology. Experience prior to coming into the service was extensive, and included child care, hospital work, working with youth, with addictions, etc.

As part of the focus group discussions, questions were asked about the impact of a priority on community safety in the Service and also in society generally, on establishing a relationship with the offender under

supervision, on undertaking what might be termed 'welfare work' (non-criminogenic need issues) with offenders, and the use of risk assessment as it relates to practice generally and in particular the development of a supervision plan.

Several themes emerged in the analysis of the data of the four groups on questions related to establishing a relationship and dealing with rehabilitative work. The major ones were: the change in societal attitudes about working with offenders, often reflected in a change in the language used in corrections work (community safety/public protection agenda) as part of a push for more punishment and less rehabilitation; the fear that developments in probation practice were being driven by changes elsewhere, especially the UK and Canada; the fear that a strong community safety agenda could imply a de-skilling in the sense that establishing a good relationship with the offender as a foundation to more rehabilitative or 'welfare' work would be devalued, and finally the need to find the balance between the control (compliance, supervision of risk, etc.) and the care elements (building the relationship, including the family and environmental factors, etc.).

If we assume a community safety/public protection agenda to refer to 'public order, the management of fear and insecurity, inter-ethnic violence, routine violent and pecuniary crimes against the person, personal and public property, women, children and elderly' (Stenson, 2005, p. 265, quoted in Croall, 2009, p. 166) and it guided public policy with respect to management of offenders, then assessing the risk of reoffending or risk of dangerousness would be a priority. The comments below do not reflect a particularly negative attitude towards the direction in which society had apparently moved, but rather are a commentary on what has happened, and resonate more with a public perception (often as portrayed in the media), and the implications this had on how the Service was responding rather than an explicit criticism of the service itself.

> But I think it affects the broader shift in society as well in that, you know, the communities that probation clients typically but not always come from, are increasingly marginalised.

> And definitely the service is going towards looking at sort of the issue of community safety and sort of our whole assessment process is going more towards looking at, like is this person, does this person pose a risk to the

community? And that is the basis of which our work is now being based on, so definitely.

The literature on effective use of risk assessment points to the need for a structured approach through an actuarially based risk assessment process, which could ideally lead to effective case management (Harris, 2006; Gottfredson and Moriarty, 2006). Some in the groups, however, saw a 'structured approach' in terms of a highly standardized process and on a path that for some devalued professional skills in working with offenders but for others was a positive approach.

> *But that is what we were talking about in terms of in practice how useful is that? Is that meant to be a very useful thing in terms of really reducing risk, or are we ticking boxes here? That is the question we have to ask ourselves … I like the fact that the risk assessment is based on that tool rather than on our own intuition and our own feelings.*

> *But now it's almost like, you write a report and you do the risk assessment, and it will be then where else will you shove that person off to, you know … The one bit we have held on to is that we still are the people who write reports for judges. But really anybody else can do everything else.*

Others, while worried that the perceived de-skilling processes in England and Wales could come to Ireland if people do not remain vigilant, at least recognized that they were not, as of 2007, in Ireland yet.

> *I think it's a concern that we have in this jurisdiction that we might go the way they have gone across the water, a worry of this tick-boxing.*

> *I think everyone here has been in a situation where a client has come in and there has been a crisis, you know, and we still have that scope, that freedom [to make decisions on how to manage the case], like I'd say in England that's been … That's been eroded quite a bit, you know.*

Several themes emerged from the discussions on risk as part of practice. Risk as an organizing principle in practice was juxtaposed with the concept of identified need – in terms not of criminogenic need, but rather of needs within a welfare context. It was clear that the emphasis

on risk in practice, to some practitioners in the focus groups, meant there was a danger that welfare needs an offender had could be at best minimized and at worst abandoned. To others, as seen in the third person quoted below, there should be a direct connection between criminogenic and other needs in order for these other needs to be addressed within a criminal justice context.

> *An LSI acknowledges that somebody lives in a high-crime neighbourhood. An LSI acknowledges that somebody has poor education. It acknowledges all the aspects of marginalisation that you are talking about, but it acknowledges them in a very kind of dry way, it's kind of detached from a social justice agenda, but they are there as part of the evidence base.*

> *Perhaps a person, while they may be low risk, they have a lot of needs, now that does not mean to say that you drag them into criminal justice system, but you don't just send them on their merry way.*

> *I think I'd only work on those welfare issues if I felt that they would contribute to or for criminal offending, as opposed to just working with them because they are welfare issues.*

The discussion on risk as a key component in developing supervision plans and just generally guiding intervention brought out two contrasting views. One view saw risk assessment in a positive light, as a major factor in developing a clear focus of intervention and supervision. The other view saw the technology of risk assessment, and in particular the completion of an assessment form, as part of a process that reduced the role of professional judgement. Supporters of the two views were not necessarily in open conflict, and in many cases people expressed both views. The consensus was not inconsistent with the literature in that those in the groups saw risk assessment as a significant tool with which to develop a strategy of management and intervention, but for many it was not the only available method. The mix of 'gut instinct' and broader view of practice experience, social context, etc. gave examples of how practitioners try to integrate risk scores with other factors in developing an approach to managing a case.

I think that's where your, sort of gut or your instincts says, I'm not so sure about this, a person, you add up all their score, and if the score says low

risk, but your instinct says there's something here I can't quite put my finger on, and I reckon this person is, if there is no intervention they will be back.

> *I sort of fall back on my own broader assessment … make it in a sort of comprehensive assessment, of strengths as well as problems, and who the person has on their social network and what they aspire for themselves, and the whole thing of where I work and social control and society, and all those bits have to come into the picture.*

The quotes below take the integration one or two steps further, showing how the use of a risk score may assist in developing an intervention plan, and in a practical way as providing support for decisions taken in a pre-sentence report.

> *Now the next stage is actually saying well that same framework [risk assessment] that helps you to have better clarity around your recommendation and the way forward with the client can be used to guide your intervention plan.*

> *Now as I say, you'd know what areas to focus on instinctively, so it's in addition to that way, it [the LSI-R] isn't the be-all and end-all but it's quite a useful additional tool, and again it makes our pre-sentence reports more defensible in court if we're ever challenged by solicitors. Now to date, I've never been challenged on an LSI-R in court, but it's a good back-up to have, I think.*

The final two quotes below reflect the differences between two positions: the risk assessment as a replacement for human judgement with its potential for bias, and risk assessment as an aid to human judgement.

> *I think it's very useful to use it with the client and it's very focused … I personally find it very good. I like the fact that the risk assessment is based on that tool rather than on our own intuition and our own feelings.*

> *I think the use of the LSI-R, I mean I feel very strongly that we should look on it as a tool, as part of our, it is our clinical judgement, you know, because really even to fill it out properly, you're not going to be able to fill it out properly unless you have the skills to engage with somebody and to get the information … But in the end, I decide what the risk is. The piece of paper doesn't.*

Conclusion

> Risk decision making is a 'situated activity,' that is located in a
> particular social setting and embedded in the sense making practices
> that risk assessors use to navigate the indeterminate nature of their
> assessments, and subject to many 'it depends' … Risk is not self-
> evident but is arrived at through a complex process of reasoning.
> (Kemshall, 1998, p. 141)

The comments of the Probation Officers in the four focus groups would
suggest that Kemshall's finding about risk assessment being a 'situated
activity' is true for Irish Probation Officers as well. The concern about
the impact of a publicly expressed punitive approach to community
safety on the work of the Service provided an important context to
Probation practice in general, and risk assessment as an integral part of
that practice in particular.

Another piece of the particular social setting and the sense-making
practices of the Probation Officers who participated in the focus groups
was the tension between dealing with needs in the more traditional sense
of requirements of survival and opportunities for a good life, and the
sense of needs as criminogenic and therefore a major focus of work with
an offender.

Traditional welfare needs are often considered within a framework of
social structural issues that are significant obstacles to these needs being
met, and demand both individual and societal change. Criminogenic
needs, on the other hand, are most frequently cast in terms of individual
deficiencies, disconnecting the offender from her/his social context. For
many the LSI-R is capable of identifying the individual needs that arise
from, for example, social deprivation. However, individualized risk
assessment was seen by many in the groups as being divorced from a
'social justice' context. This led some to ask where the influence of the
offender's social context fits in professional practice situations.

In terms of everyday practice, it would seem that most Probation
Officers in the focus groups would agree with Robinson's conclusion
from her examination of the use of risk assessment in two English
probation areas. For them, 'while risk assessment has a valid and useful
contribution to make, it is best regarded as a starting point, or as one of
a number of factors to be considered in the decision-making process'
(Robinson, 2003) This would seem to go somewhat beyond the

recognition of the need for clinical skills expressed by Harris (2006) and Gottfredson and Moriarty (2006). For them, clinical skills are necessary to gather the right information so as to get a more accurate actuarial risk score. But the data here would suggest that Probation Officers would prefer to go one step further in the sense that their experience and analysis of other factors provide them with a more varied 'set of tools' than simply the LSI-R.

The issue may be to work on, 'the next stage', as one group member said, which is to use the information gathered, with the risk assessment helping to structure that gathering and analysis 'to guide your intervention plan'. The balance one develops between what actuarial assessment provides – based in part on the skill of the person completing the assessment – in terms of identifying individual needs, and the contextual information one gathers in other ways about an offender, to use in developing a supervision/case management plan, may be one of the keys to effective practice.

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Making the Case for an Asset-Based Community Development (ABCD) Approach to Probation: From Reformation to Transformation

Cormac Russell*

Summary: This paper, in exploring the relevance of strengths-based approaches to probation, argues that in moving towards a strengths-based methodology and away from a deficiency approach that problematises offenders, Probation Services can expect to maximise potential for promoting pro-social behaviours. This approach situates the offender in the position of 'co-producer' and active citizen working towards just outcomes, and asserts that Probation Services through their professional support staff are key partners in this co-production, and play a critical catalytic role in supporting offenders to move towards active citizenship. The work of thought leaders in the field of strengths-based work with marginalised cohorts – such as John McKnight – suggests that activating such active citizenship and co-production must ultimately involve connecting offenders with the very communities against whom they have committed an offence. This paper explores this restorative process, and how it can be applied alongside a strengths-based practice framework. Additionally the means by which probation work can extend beyond one-to-one client-oriented service to include community-building/social inclusion work is discussed.

Keywords: Offenders, strengths-based approach, learning conversations, asset mapping, motivation, social inclusion, community.

Strengths-based approach

A strengths-based approach to probation operates on the assumption that people, regardless of their offending behaviour, their families and their communities have valid and valuable resources for their own empowerment, and, further, that all professional interventions should

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aim to activate those resources purposefully (Weick, Rapp, Sullivan and Kisthardt, 1989).

Hence the strengths perspective invites a different way of looking at offending individuals than would be the norm within society generally. In contrast to a deficit perspective that sees offenders as problematic and deviant, it argues that people, regardless of their crime, must also be seen in the light of their talents, competencies, possibilities, visions, values and dreams, activated or otherwise – however grim or oppressive their circumstances may be – if sustained rehabilitation is to be achieved (Clark, 1997). In fact the more difficult the circumstances are, the more important it is that professional intervention be oriented towards investing in the capacities of such individuals, their families and communities, so as to empower them to be their own primary investors in workable and sustainable solutions and life choices (Lee,1994).

Table 1 gives an iteration of a strength-based perspective, expressed in what is termed a bill of rights for youth in the juvenile justice system. It offers a useful comparator for existing rights-based thinking in the field and, among other things, reminds us that offenders, as well as having a right to receive services, also have a right to contribute to their own care and reform.

As Table 1's Bill of Rights suggests, a strengths-based practitioner is invested from the outset in indentifying, connecting and mobilising the strengths of the individual offender, and indeed the community around them. The relationship that is nurtured is not based on external control and compliance, but on finding out what the person (beyond the label 'offender') cares about enough to act upon (Green, Moore and O'Brien, 2007). The primary occupation of this relationship-building phase is to discern what the person receiving professional probationary help is motivated towards, and will therefore use their own agency and strengths to attain (Saleebey, 1997). What will they produce? What will they co-produce?

Probation and justice professionals play a vital role in supporting offenders to unpack such questions, and indeed in bridge-building between marginalised 'offenders' (Sullivan and Rapp, 1994) and their communities.

Learning Conversations: The Key to Unlocking Motivation

Uncovering what people care about enough to contribute to the probation process is not easily done, and certainly not likely to be

Table 1. Strengths-based bill of rights for youth in the juvenile justice system

1. I have the right to be viewed as a person capable of changing, growing and becoming positively connected to my community no matter what types of delinquent behaviour I have committed.
2. I have a right to participation in the selection of services that build on my strengths.
3. I have a right to contribute things I am good at and other strengths in all assessment and diagnostic processes.
4. I have a right to have my resistance viewed as a message that the wrong approach may be being used with me.
5. I have the right to learn from my mistakes and to have support to learn that mistakes don't mean failure. I have the right to view past maladaptive or anti-social behaviours as a lack of skills that I can acquire to change my life for the better.
6. I have the right to experience success and to have support connecting previous successes to future goals.
7. I have the right to have my culture included as a strength and services that honour and respect my cultural beliefs.
8. I have the right to have my gender issues recognised as a source of strength in my identity.
9. I have the right to be assured that all written and oral, formal and informal communications about me include my strengths as well as needs.
10. I have a right to surpass any treatment goals that have been set too low for me, or to have treatment goals that are different to those generally applied to all youth in the juvenile justice system.
11. I have a right to be served by professionals who view youth positively, and understand that motivating me is related to successfully accessing my strengths.
12. I have a right to have my family involved in my experience in the juvenile justice system in a way that acknowledges and supports our strengths as well as needs. I have a right to stay connected to my family no matter what types of challenges we face.
13. I have the right to be viewed and treated as more than a statistic, stereotype, risk score, diagnosis, label or pathology unit.
14. I have a right to a future free of institutional or systems involvement and to services that most centrally and positively focus on my successful transition from institutions.
15. I have the right to service providers who co-ordinate their efforts and who share a united philosophy that the key to my success is through my strengths.
16. I have the right to exercise my developmental tasks as an adolescent; to try out new identities; to learn to be accountable and say I'm sorry for the harm I've caused others – all of which is made even more difficult if I'm labelled a 'bad kid'.
17. I have the right to be viewed and treated as a redeemable resource and a potential leader and success of the future.

Source: Based on a perspective developed by Laura Burney Nissen, 1998, www.reclaimingfutures.org/solution_sbr

achieved by conducting an inventory of all that is wrong in the person's life. Common sense alone would caution against such a starting point, especially if the primary purpose of the probationary process is to motivate the person on probation to change; hence the importance of starting with strengths. Moving from theory to practice, this section of the paper explores some tools for conducting a strengths-based learning conversation.

When people have been mapped by their deficiencies, it is often difficult to pinpoint what they care about enough to act upon (Kretzmann and McKnight, 1993). The purpose of a learning conversation is therefore to intentionally work with the individual to discover their implicit motivations. There are three key questions within any effective learning conversation which move in that direction (Green et al., 2007), as follows.

- What do you care about enough to act on?
- What do you have to offer?
- What will it take for you to join in action with others who share your interests?

Suffice it to say that how these questions are framed will vary depending on the interaction, the local situation and what the broad objective of the conversation is at any given time. The more open the questions are, the better (Clark, 1997); it is easier to start by finding out what an offender cares about in their lives generally, and then to home in on what they care about within the probation context; reversing this sequence rarely proves fruitful.

One of the key features of a strengths-based learning conversation is its emphasis on motivation. In this regard a distinction is drawn between an interviewee's opinion about what someone else should act upon on their behalf, and what they themselves are prepared to act upon.

Such conversations recognise that there are three key motivators to action:

1. what we want to see happen (our dreams for the future) and are prepared to move towards
2. what we do not want to see happen (our concerns for the future) and are prepared to move away from
3. what we are willing to contribute (our strengths/capacities) to move towards our dreams and in addressing our concerns.

These motivators are universal and based on the realisation that everyone cares about something enough to act on it, regardless of their criminal records. Engaging someone within a probation context with such questions serves to shift the power dynamic away from the client/professional dependent relationship (Mathie and Cunningham, 2002) and towards a relationship where both parties are engaged in co-producing a positive probationary experience. Underpinning strength-based learning conversations is an innate recognition of the limits of professionals and institutions in effecting sustainable reform; a recognition that change of this kind can occur only from the inside, out (McKnight, 1995).

The work of the Resilience Research Centre[1] offers an interesting perspective on conducting strengths-based learning conversations in their broadest context. It documents the complexity of young people's lives when growing up in adverse circumstances. The Centre has designed what it refers to as nine 'catalyst' questions aimed at prompting the development of resiliency and engagement in such young people, and understanding positive deviance.[2] The nine catalyst questions are as follows.

1. What would I need to know to grow up well here?
2. How do you describe people who grow up well here despite the many problems they face?
3. What does it mean to you, to your family, and to your community, when bad things happen?
4. What kinds of things are most challenging for you growing up here?
5. What do you do when you face difficulties in your life?
6. What does being healthy mean to you and others in your family and community?

[1] The Resilience Research Centre (RRC) brings together leaders in the field of resilience research from different disciplines and cultural backgrounds. Partners across six continents employ methodologically diverse approaches to the study of how children, youth and families cope with many different kinds of adversity. The RRC's focus is the study of the social and physical ecologies that make resilience more likely to occur.

[2] Positive Deviance (PD) is an approach to personal, organisational and cultural change based on the idea that every community or group of people performing a similar function has certain individuals (the 'Positive Deviants') whose special attitudes, practices/strategies/behaviors enable them to function more effectively than others with exactly the same resources and conditions, often in spite of significant adversity.

7. What do you do, and others you know do, to keep healthy, mentally, physically, emotionally, spiritually?

8. Can you share with me a story about another child who grew up well in this community despite facing many challenges?

9. Can you share a story about how you have managed to overcome challenges you face personally, in your family, or outside your home in your community?

These questions offer a rich framework within which the interviewer and interviewee can begin to understand how resiliency operates – often as an invisible asset – in communities and within individuals. Inquiring in an appreciative[3] way can reveal this and in turn provide the interviewee with very valuable information about how to contend more productively with adversity (Fraser and Galinsky, 1997).

At a more interpersonal level, learning conversations can often simply focus on the capacities of the offender. Not surprisingly, many offenders are radically disconnected from their capacities (gifts and talents) and therefore find it extremely difficult to identify their strengths. Nevertheless, assisting an offender to identify their strengths is an important building block in the move towards identifying what they can and want to contribute to society. Interestingly, this approach has the potential to supersede the imposition of community service as a punishment, since it liberates latent desires within offenders to contribute to their community (based on what they care about), as against compelling them to do so.

The Assets-Based Approach

The strengths-based approach, in its call for a reform of professional intervention at both policy and practice levels by shifting the focus away from deficits and towards strengths, provides us with a positive starting point in working with individual offenders. However, it falls short in offering useful comment on how professionals can mobilise communities to take on their responsibility in co-creating an enabling and accountable environment within which probation can be a 'life-giving' experience.

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[3] Appreciative Inquiry (AI) provides practitioners with a comprehensive process-oriented set of tools for conducting learning conversations that result in positive self-motivated action. For a detailed account of the AI approach visit: http://appreciativeinquiry.case.edu

Here is where the Asset-Based Critique takes over, in that it goes further in criticising the consumerist society where professionalisation (producers of solutions) often unintentionally prohibits communities (consumers of professional solutions) from believing they have anything to contribute to the production of more just communities. For many the current probation experience is a one-to-one affair, solely between the offender and the professional, despite the fact that offences largely occur within a community, perpetrated by a disaffected member of a community, onto a community, and in turn more often than not result in offenders being further distanced by that community (Wolin and Wolin, 1993).

Here the lessons of restorative practice come centre-stage. Fundamental among them is that the production of justice is everyone's business; it is a community affair, and its restoration requires contribution from all stakeholders, including but not only the 'offender' and the 'victim'.

Evidence abounds that 'recommunitisation' is central to rehabilitation (Kretzmann and McKnight, 1993; Block, 2008). The journey from the margins of community life into the centre as a contributing active member will not be achieved solely by building bridges between offenders and probation professionals, regardless of how skilled those professionals may be. The bridge-building must be primarily between offenders and their families and communities. Key to starting this process is the intentional liberation of the self-efficacy of offenders: the agency to make self-motivated pro-community contributions that build up their sense of belonging – but here too, communities and families have a key role to play.

An often cited African proverb holds that it takes an entire village to raise a child, which prompts the question: what role does the village have when the child or young person transgresses? Currently in most jurisdictions it seems we rely heavily on the intervention of professionals acting on behalf of the state in such circumstances. Against this prevailing trend, Asset-Based Community Development approaches contend that two tools are required to build just and safe communities (McKnight, 1995). One tool is the agency of the criminal justice system; the other is the agency of just, community-led responses.

The *Report on Restorative Justice* (2007), produced by the Joint Committee on Justice, Equality, Defence and Women's Rights, cites figures from the UCD Institute of Criminology, noting that 25% of the

Irish prison population will reoffend within one year and approximately 50% will reoffend within four years. Based on these figures and the other findings presented in the report, it goes on to assert:

> as a result, there is a growing need for new and innovative methods that will improve the Irish criminal justice system's ability to administer justice to victims, offenders and communities in as fair and effective a manner as possible.

The language in the above quote reveals a dynamic that can unintentionally restrict efforts at constructing genuine partnerships between the criminal justice system and communities, in that it places the state in the position of 'administrator' – i.e. the producer of justice – and the victims, communities and even 'offenders' in the role of passive recipients. Yet the act of restoring justice is one that calls on all parties to contribute towards a solution; to become co-producers of justice where the shared commitment to restore justice is more compelling than the seeking of retribution.

This concept of co-production is of central importance, in that it posits that justice, as well as health, economic well-being, public safety and education are not solely 'products' or services produced well or badly by the state, but in both their presence and absence are complex social, economic, environmental and health-related phenomena that require genuine partnership between citizens and government (McKnight, 1995).

Indeed, central to McKnight's argument is the assertion that systems cannot provide 'care'. That is not to say that they do not employ caring people, who care deeply about their jobs and the people they serve; his point is that systems (or institutions) by design cannot care in the same way that a family member, a loved one, or even a neighbour can.

The primary role of a system is to provide a service that addresses needs that citizens/communities cannot address themselves, and wherever possible to support and where appropriate to catalyse communities to become strong, inclusive and hospitable places. A system will therefore never be able to create the sense of belonging or community that can provide the essential nutrients for offenders to grow towards active citizenship: only citizens within communities can provide that.

Offenders, like all human beings have three levels of need:

1. needs they can meet themselves, or have met within a family, friendship or community context: e.g. a sense of belonging, often met when one is actively involved and included in a local club or association
2. needs that can be met within a partnership between civic contribution (inclusive of their own) and state/professional support: e.g. back to education within a community context where formal learning is linked to productive community activities, where for example workshops are not isolated from the neighbourhoods they operate in but actively pursue opportunities to contribute, wherein for instance a woodwork class becomes the place where an offender learns to build and design a community playground
3. needs that can only be meet by professionals: e.g. medical intervention.

It would be naïve in the extreme to suggest that offenders do not require specialist professional intervention in a range of areas, from, for example, dental to psychiatric care; such interventions are an important part of recovery and restoration (Benard, 1994). The point here is not to denigrate professional intervention, but rather to highlight the fact that it is not a cure-all for the ills of society (Watson, 2002); that individuals, families and communities also have a valid and vital role to play. The question then is: how can we as professionals activate such a partnership so as to ensure that where it is appropriate for the tool of community response to be employed, we support communities to step up to the challenge?

The first step in doing so is simply to place a value on community-building work. Currently it would appear that there is a disproportionate investment of time and resources in one-to-one and group work (where in some instances offenders are aggregated with other offenders in workshop formats) (Green et al., 2007), with little invested in intentionally broadening the circle of such an individual's participation in community life, inclusive of the local economy (Putnam and Feldstein, 2003).

Asset Mapping: The Missing Link?

Assuming that is accepted that reconnecting offenders with their communities is a worthwhile undertaking under the aegis of probation,

the previous section of the paper argues that building such a bridge must start with the identifying, connecting and mobilising of assets. How, then, can we identify, connect and mobilise the untapped reservoirs of assets such as care that exist in communities and harness them towards a more productive probation experience?

ABCD asserts that there are at least five core assets within every community, regardless of its demography and socio-economic status (Kretzmann and McKnight, 1993). As they relate to probation, they can be articulated as follows:

- individual local residents with skills, abilities and assets (gifts) who believed that they could make a difference with regard to the probation issue, and/or in the life of someone within the probation system
- small groups of individuals (citizen-led clubs, groups) getting together (associations) to pool their gifts for a common cause (unpaid), who when asked are often prepared to go beyond their stated mission – especially when appropriate support is provided – to support someone within the probation system
- agencies and other formal organisations (government, non-government organisations (NGOs) and businesses) with paid staff, and a defined mandate –technically referred to as institutions that may have nothing to do with probation *per se*, but that either institutionally see it as part of their corporate social responsibility or, through interested staff, wish to make a non-financial contribution
- physical assets and resources such as buildings, land and other infrastructure, such as a community garden. Connecting the assets of offenders with physical assets, especially ones that have not been fully realised, can provide a context for power probationary experiences (see the Seattle Artworks below by way of example)
- economic exchange, both formal (purchase of goods and services) and informal (bartering, timeshare, swapping). Supporting an offender to make a contribution at the economic level that both meets their needs and connects them into productive and reciprocal relationships at community level provides a powerful context for social as well as economic inclusion.

All success stories relating to just outcomes of which I am aware are about unconnected assets becoming connected. Each of the five assets

outlined above provides an essential but often untapped resource towards a positive probationary experience; how that looks in practice will naturally vary. In reality it may even be missed, because it unfolds in such an organic fashion; often beyond the normal scope of agency oversight, as typified by the following hypothetical example.

> Luigi is the owner of a local takeaway and has employed Pat (offender) on a part-time basis. Recognising that Pat is isolated and stigmatised, Luigi links him in to a number of social opportunities, including playing five-a-side football on Saturday mornings with a number of his life-long friends, many of whom coach for a local football club. In turn Luigi's friends influence the club to include Pat – a gifted football player – to assist alongside an experienced coach. Pat becomes connected to the community, in a safe way, based on his skills and talents.

Of course many such arrangements are already in place and in the main are working well, but rarely appear as measures of success in our key performance indicators (KPIs).

What ABCD offers is a way of more systematically and consistently engaging offenders and communities in these kinds of relationships. The tool of asset mapping used in ABCD – a detailed description of which falls outside the scope of this paper – provides an evidence-based framework that effectively allows us to build a bridge between marginalised 'offenders' and their communities, despite their past wrongdoing, and misgivings on the part of the community. The asset-based approach when applied in general practice results in a broadening of the circle of participation for labelled individuals, and the building of a solid path towards active citizenship at the centre of community life.

One example of community assets being brought together to build a bridge with 'offenders' into the centre of community life comes from the South Downtown (SODO) neighbourhood of Seattle. In response to growing concern about the negative appearance of the gateway into the city of Seattle as a result of graffiti, Mike Peringer – who at the time worked in a local factory on 5th Avenue South – wanted to create an urban art corridor with the backs of the warehouses that faced onto the railway tracks as his canvas.

What distinguished Peringer's response to graffiti and anti-social behaviour from standard mural programmes that have become

commonplace was his commitment to including those who previously were labelled as offenders in the process of restoring the appearance of the neighbourhood. From this commitment, the ArtWorks programme was born in 1995. Working closely with King County Court judges, the programme provided an alternative sentence.

The ArtWorks programme offers young offenders a chance to produce real project outcomes that significantly enhance participant and community wellbeing. Participants are mentored by community members and, as well as developing occupational skills, they are learning important life skills. Aside from the low incidence of repeat offending, three features are worthy of particular mention. Firstly, young people do not have to offend to become part of the programme, which means that the programme has a mix of offenders and non-offenders. Secondly, the programme has a primary focus on social enterprise: a significant number of murals are painted on hoarding boards and are sold to local building contractors who erect them on their building sites, hence making the programme self-financing and sustainable over time. Thirdly, Peringer is a citizen; he is not a professional social worker or youth worker.

The scope of this work has expanded far beyond the SODO Urban Art Corridor, and today ArtWorks creates murals for schools, businesses and parks throughout Seattle; over 2,000 young people have benefited from the programme (Peringer, 2007).

Conclusion

One of the primary positions adopted in this paper may be presented as the truism that you cannot know what an offender needs until you first know what they have. Yet with people who are labelled as 'offenders' we start – and all too often end – with their deficiencies, on which it is impossible to build anything, especially pro-social behaviours; hence the need for professionals to start their interventions with the strengths/ assets of the person.

The second position is that all change happens from inside out, and not from outside in. Therefore we need to start with the offender, not in a passive position as a client, but in an active position as a co-producer – with the professional in a catalytic role – in restoring justice by building on the strengths of the individual.

The third position presented in this paper revolves around the importance of connecting offenders back into the centre of community life. Hence the need to complement person-centred work and restorative practice (which focuses on the offender and the victim) with community-building work that intentionally breaks down marginalisation and stigmatisation of offenders by supporting them to build productive reciprocal relationships, which open up real possibilities for sustainable reform.

In concluding, it is important to make explicit a point that has been implied throughout, i.e. the need for all professionals, including those in Probation and Justice, to guard against the inherent danger of operating within a 'silo' that obscures from vision the resources required to bring about lasting transformative change. These resources include the latent strengths of offenders, the untapped reservoirs of care within the communities with whom offenders belong, and skilled professionals who can identify, connect and activate such assets. Given that Probation services cannot hope to achieve their objectives unilaterally, but only in partnership with offenders, communities and other institutions, these assets offer an alternative path in place of reformation, towards transformation, and present real hope for a just society for all.

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Probation Board for Northern Ireland Service Users Survey

Paul Doran, Laura Duncan, Louise Gault and Ruth Hewitt[*]

Summary: The Probation Board for Northern Ireland (PBNI) recognises the importance of seeking the views of offenders under supervision as part of the continuous development of services designed to reduce reoffending and effectively integrate offenders back into society. In 1996 and 2005 PBNI commissioned independent surveys of offenders under supervision.[1] With the introduction of new legislation (the Criminal Justice Order 2008) and significant changes in criminal justice, PBNI felt it was timely to conduct a new survey of offenders. This survey was carried out at the end of 2009 and reported on during 2010. This paper provides a summary of key findings from this survey and highlights some interesting views of offenders under supervision.

Keywords: Offenders, supervision, customer, survey, satisfaction.

Introduction

PBNI staff operate within the framework of Northern Ireland Standards and Service Requirements, which set out how reports will be prepared and court orders supervised (www.pbni.org.uk). In recent years there have been significant changes within the Criminal Justice System in Northern Ireland as a result of new legislation, in particular the Criminal Justice Order (NI) 2008. This has resulted in developments within the organisation in relation to both responsibilities and structure. Due to these changes and PBNI's vision 'to be an excellent organisation delivering best practice probation services', it was deemed appropriate to obtain views on PBNI from those who receive PBNI services.

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[1] Reported in *Irish Probation Journal*, 2005, vol. 2.

PBNI completed surveys of offenders under supervision in 1996 and again in 2005, which provided valuable feedback in relation to service delivery. As part of the 2005 survey, conducted by PricewaterhouseCoopers (PwC), a research model was created to enable replication of the research at timely intervals by PBNI. This survey was reported in Volume 2 of the *Irish Probation Journal* (2005) and the methodological detail is available from the authors.

Summary of methodology

Sample
On a daily basis PBNI supervises over 4,200 offenders, approximately 80% of whom reside within the community. This survey concentrated on those under PBNI supervision within the community who were aged 18 and over. The sample was further restricted to all those who had been on community supervision for at least three months, giving them sufficient time to have gained experience of PBNI. In total a sample of 277 offenders was selected at random from a population of approximately 2,500 offenders.

On completion of seven weeks of fieldwork, a total of 193 interviews were completed (8% of the targeted population). Although this was a smaller sample than anticipated, analysis showed that the offenders included in the survey were representative of the PBNI population in terms of location, type of court sentence received and gender.

Approach
The PwC research model was adopted for this survey primarily to enable comparison between the 2005 and 2009 research findings. The structured face-to-face interviews employed in this model allowed for in-depth information to be obtained and additional comments to be made, and explored and avoided any literacy problems experienced by offenders. An important part of engaging with offenders through the interview process was to reassure them that the information they shared would be kept confidential. This allowed offenders to speak freely, enhancing the reliability of the results obtained.

The fieldwork took place between October and December 2009; each offender was interviewed in private for approximately 30 minutes by two independent interviewers. Although these interviews were conducted on PBNI premises, operational staff members were not present.

Results

The following is a brief summary of some of the key findings from this report.

Contact
In terms of frequency of contact, as with the 2005 survey, 94% said they had supervision with their Probation Officer at least once per week when they started their order. More details on levels of contact at different stages of supervision can be found in the main report. Overall 92% were either satisfied or very satisfied with the frequency of their planned contacts throughout their supervision. The majority of offenders (77%) saw their Probation Officer for between 30 minutes and one hour, and 98% of offenders were satisfied with the length of their session. Three-quarters of offenders indicated that they had contact with other programmes and treatment services as part of their community order, and 89% stated these were either quite useful or very useful, an increase from 33% and 76% respectively found in the 2005 survey.

PBNI Standards require offenders to be visited, when appropriate, at home; 95% of offenders confirmed this had taken place. Although the majority of offenders had no preference or did not object to home visits, 18% preferred that their supervision take place at their local PBNI office. There was an increase in offenders stating that it was very easy to contact their Probation Officer (from 75% to 88%), which could reflect advances in technology such as mobile phones, with which Probation Officers are now issued as part of their employment.

Contact with significant others
It is recognised within PBNI as good practice to have, where applicable, contact with family members and other significant people within offenders' communities. Thirty-one per cent of respondents stated that their Probation Officer had contact with their family, and 5% stated that their Probation Officer had contact with others in their local area – down from 44% and 9% respectively in the 2005 survey.

Changes in contact
Detailed information was obtained on people who experienced a change in their supervising Probation Officer and their attitudes towards this. In comparison to the 2005 survey, there was an increase in the number of

offenders reporting the change in Probation Officer as negative, although reasons given in the two years are similar. Eighty per cent of those who experienced a negative impact stated that having to build a new relationship caused the negativity. The two other reasons, both stated by 10%, related to the age difference between the offender and the Probation Officer and the fact that the offender found it inconvenient at the time. Recent research has highlighted the importance of engagement with offenders as part of the desistance paradigm (McNeill, 2009). Increases in both the rate and the perceived negative impact of changes in Probation Officers are relevant factors when decisions about future service provision, particularly in relation to the provision of specialist services and urban and rural areas, are made.

Order requirements

Ninety-seven per cent of offenders stated that they were informed about the requirements of their order, including the importance of keeping appointments and behaving appropriately. One interesting change has been the increase in the number of offenders who recalled requirements regarding personal behaviours – taking drugs, drinking, etc. (up from 49% to 89%). This could be seen as a reflection of a greater emphasis on criminogenic needs during the supervision of offenders. This view would be supported by findings noting an increase in use of offending behaviour programmes (16% in 2005 to 50% in 2009), drug and alcohol counsellors (19% to 45%) and other agencies, such as the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO; 20% to 53%), with the specific design to target such needs.

Assessment of likelihood of reoffending

The survey noted that there was a slight reduction in the number of offenders who recalled that a risk assessment had been completed by their Probation Officer (from 84% to 80%). This does not mean that such an assessment was not completed; it simply reflects offender awareness of this process. However, this highlights a target area for change and an increased need to involve the offender fully in the risk assessment process.

Views on Probation Officers

Information is also available on the offenders' view of which characteristics best describe their Probation Officer; one interesting outcome was the reduction in the number of offenders who saw their Probation Officer as a friend (from 16% in 2005 to 6% in 2009). While some may argue that this

is a result of an increasing move away from the "advise, assist and befriend" approach, others would state that it is a more realistic assessment of the relationship between the offender and the Probation Officer. Further questions explored this relationship in more detail; a summary is given in Table 1. Interestingly although there has been a drop in the number of offenders who would regard a Probation Officer as a 'friend', more offenders in 2009 felt that their Probation Officer helped them come to terms with things and fewer felt that their Probation Officer didn't really care about them.

Table 1. Offender views on Probation Officer

Statement	% Strongly agree/agree 2005 (N = 142)	% Strongly agree/agree 2009 (N = 193)
Whatever sort of problem you have your Probation Officer will help you sort it out	90	88
If you ever think of getting into trouble, your Probation Officer is always there to help you	89	81
Your Probation Officer helps you come to terms with things	72	77
He/she tries to push you into things you do not want to	6	6
He/she doesn't really care what happens to you	10	1

Desistance from offending behaviours
Offenders were also asked about desistance from further offending. For 76% of offenders, being on probation helped them to desist from offending; 73% felt it would help them to avoid offending in the future. Offenders were also asked what factors were most important in making them think twice about reoffending. Table 2 provides a breakdown of these responses, highlighting the important influence of the family and reinforcing the importance of home visiting and involving others in the supervision plan for desistance from offending.

Summary

Overall the results of this survey reflect the fact that offenders' experience of PBNI is generally positive in terms of both balance and scope of contact, including a focus on addressing the criminogenic needs of offenders.

Table 2. Factors influencing desistance from crime

Factor	% Offenders 2005 (N = 142)	% Offenders 2009 (N = 193)
Family	73	87
Fear of going to jail	72	78
Your Probation Officer	24	53
Being put on probation again	21	41
Your friends	25	37
Fear of losing your job	12	27
Other	6	9

While this is encouraging, the report also highlights areas for further consideration by PBNI that will be useful for the development of services. For instance, office location in Northern Ireland (as in the Republic of Ireland) is critical, particularly in rural areas. Results from this survey will therefore help to inform developments within PBNI's estates strategy. The increase in ease of contact with Probation Officers could reflect advances in the use of technology within the service, such as the availability of mobile phones, electronic monitoring and video conferencing. Finding new ways to have contact with offenders is particularly important in the light of economic pressures and for future service delivery strategies.

Given the commitment of PBNI to work with families and communities to address crime and the harm it does, it is of concern that there has been a reduction in reported contact with family members or others in the local areas. While this may reflect an increased focus on criminogenic need, such a focus should not be seen as a competing alternative, although it is encouraging that there has been an increase in the use of offending behaviour programmes and drugs/alcohol interventions as well as links to voluntary agencies.

The findings of the research reinforce the importance of the relationship between the offender and the Probation Officer as a factor in changing behaviour. This would support findings reported by McNeill (2009) that in order to reduce reoffending, positive change must be made in all aspects of an offender's life, which can most effectively be achieved through constructive offender/Probation Officer engagement. The survey has provided reassurance for PBNI that offenders have a realistic view of what is expected of them and what they can expect of PBNI; this provides a firm foundation

as the organisation enters into consultation for the development of its corporate plan 2011–2014.

Reference

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Cultural Diversity and the Probation Service

Ursula Fernée and Ita Burke★

Summary: The changed and changing face of the population of Ireland is a key challenge to delivering an effective service within any public sector organisation. An effective response to this cultural diversity is crucial for moral, legislative and business reasons. As part of its ongoing commitment to inclusive practice, the Probation Service identified cultural diversity as one of its strategic goals for 2009 ('we will positively embrace cultural diversity and promote the development of cultural awareness and good practice throughout the Service' – Probation Service Strategy/ Work Plan 2009, unpublished). This paper reviews the background against which this strategic goal was developed, describes the process that informed the road map for action, tracks the development and outcomes of particular key actions, summarises the learning, and considers the key messages at a time when society and communities are being further challenged to respond to ever more complex social, political and economic changes.

Keywords: Diversity, intercultural, anti-racism, Probation Service, criminal justice, minorities, training.

Introduction

Ireland's population has changed from being mainly homogeneous to become a richer and more diverse society. A significant trend in recent years has been the increase in the number of migrants coming to Ireland from the rest of the world. As cultural and ethnic diversity in Ireland continues to broaden, particularly as a consequence of inward migration – albeit at a slower pace – there are challenges to ensure that such significant change is negotiated successfully.

In this paper, 'ethnic minorities' and 'foreign nationals' are used interchangeably to describe: migrants from EU countries; migrants from

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non-EU countries who have work permits, 'illegals' who do not have a valid work permit, and asylum seekers who are pursuing refugee status.

Political and demographic context

An interdepartmental committee established in 1998 published a number of recommendations in relation to immigration, asylum and related matters. In order to progress these recommendations, the National Consultative Committee on Racism and Interculturalism (NCCRI)[1] was requested to carry out a full evaluation of how public opinion and debate could be better informed.

The proposals produced by the NCCRI formed a framework for the implementation of a three-year public awareness programme. In 2001 a high-level steering group was established to implement the National Anti-Racism Awareness Programme (K **NO** W Racism).

This energetic and very visible campaign, which ran from 2001 until 2004, developed a real momentum for addressing issues that were becoming increasingly relevant as the number of ethnic minorities expanded within a booming economy. The significance and relevance of the campaign were reinforced by census figures that revealed that between 2002 and 2006 the number of non-Irish nationals had increased from 224,000 to 420,000. Over the same period the number of Muslims, whose history of migration to Ireland dates back to the 1950s, had increased from 19,100 to 32,500. Figures from the Office of the Refugee Appeals Commission (ORAC) in relation to asylum seekers track the growth of applications from 3,883 in 1997 to 7,724 in 1999, to 11,634 in 2002.

The launch of the National Action Plan against Racism (NAPR) 2005–2008 represented the fulfilment of a commitment given by the government at the UN World Conference against Racism in Durban, 2001. This plan was designed 'to provide strategic direction to combat racism and to develop a more inclusive, intercultural society in Ireland'.

[1] The National Consultative Committee on Racism and Interculturalism (NCCRI) was established in July 1998 by the Minister for Justice, Equality and Law Reform. The overall role of the Committee was to act in a policy advisory role and to contribute to the overall development of public policy in relation to racism and interculturalism, and to encourage integrated action towards acknowledging, understanding and celebrating cultural diversity in Ireland. NCCRI closed at the end of December 2008. Information and resources are available at www.nccri.ie

The Probation context

The Probation Service, an agency within the Department of Justice and Law Reform, has been sensitive to changes in the external environment when planning and delivering its frontline services on a national basis.

As the range of diversity increases, Probation Service personnel are meeting people from ethnic minorities as witnesses, victims or defendants in the criminal justice system. Referrals for pre-sanction reports, with the possibility of supervision following assessment, necessitate early responses and learning. The initial responses were practical in essence and focused on service delivery such as the provision of interpretation services and the translation of documentation.

In common with other public service bodies, the Probation Service recognised the need to address issues and set about delivering the actions identified in the NAPR. A working group[2] was established as part of the Service partnership programme for 2008 to consider the implications of multiculturalism for the Service.

The working group produced a report (unpublished) that identified the milestones to be achieved on the journey towards a model of service delivery that was inclusive of ethnic minorities. An Intercultural Steering Committee was established to oversee the implementation of the 13 recommendations contained in the report. This paper will focus on two key recommendations identified as central to informing and progressing the overall strategy.

It was reasonable to surmise, both from observation and from census data, that an increasing number of service users would be from different ethnic backgrounds. Figures from the 2006 census record that 63,276 Poles were living in Ireland, 90% of whom had arrived after 2004. The figure for Lithuanians had increased from 2,104 in 2002 to 24,628 in 2006. In the same period the number of Nigerians had almost doubled, as had the figure for Chinese people. What we did not know, other than anecdotally, was how these changing demographics applied, if at all, within the Probation context.

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[2] The partnership group established in 2008 to consider the issue of multiculturalism in the Probation Service was subsequently replaced by the Service Intercultural Steering Committee, established in 2009. This group was tasked with leading the Service in meeting its commitments under the NAPR and in driving the relevant strategies.

The *first key* recommendation from the Partnership Report was that the Service collate relevant demographic data on service users from ethnic minority groups in order to inform decisions around service provision. This was prioritised for action by the Corporate Services Directorate.

The *second key* recommendation was that the Service should ensure that there was sufficient awareness among staff of the importance of promoting and embracing a best practice approach to cultural diversity in the workplace. The development and delivery of a customised training programme were prioritised for action by the Research, Training and Development Directorate.

Probation Service Snapshot Survey

It was agreed that the data should be gathered by conducting a 'snapshot survey' to be completed by all community-based teams on a particular day. In line with commitments given in the all Ireland Public Protection Advisory Group (PPAG),[3] it was decided to conduct the survey in Northern Ireland and in the Republic using a common template on the agreed date.

The key objectives of the survey were:[4]

- to identify the number of foreign national offenders on Probation Service caseloads in the community
- to identify the main ethnic groups with a view to increasing Service awareness of the relevant issues that could impact on service delivery
- to clarify the geographical spread of these service users
- to identify the key languages required for interpretation services and other relevant materials (e.g. printed media) for service users.

[3] The Public Protection Advisory Group (PPAG) is a subgroup of the Intergovernmental Agreement Working Group.
[4] Findings of the Probation Board for Northern Ireland: 4,487 offenders (3,675 community-based and 812 in custody) were surveyed by the PBNI on 1 May 2009. Of these, 71 (1.6%) were foreign nationals. Cited in Appendix 3 of the Survey of Foreign National Offenders on Probation Service Caseload, 1 May 2009 (unpublished). Of those surveyed, most are from Lithuania at 28%, followed by Poland at 20%, then Portugal 17%, China 7% and Latvia 6%. 52% of foreign national offenders considered their level of fluency in English to be a barrier to engaging with the Probation Service.

For the purpose of the survey a 'Foreign National' was deemed to be any offender on a Probation Officer's caseload in the community whose nationality and ethnic/cultural background was not of the Republic of Ireland or United Kingdom. Importantly, the survey was designed to elicit the responses of service users rather than those of the Probation Service staff. It was undertaken at 7 a.m. on Friday, 1 May 2009. This snapshot approach reduced uncertainty over inclusion of offenders who might come on to the caseloads later that day. Survey questions included those on nationality, ethnicity and first language.

The Traveller Community was not included in this survey because Travellers are included in Irish nationality.

Probation Service survey

The survey was paper-based and organised through the Probation Service regional structure. Probation Officers completed returns on all relevant offenders and these returns were submitted through the line management structure. Regional executive officers entered data on to a spreadsheet for statistical analysis centrally. This method of collation worked extremely efficiently and there was a 100% response rate within the required timeframe.

There were 8,246 offenders on Probation Service caseloads in the community[5] on 1 May 2009, of whom 268 (3.26%) were foreign nationals. Of a total of 939 young offenders (under 18 years), 22 (2.34%) were foreign nationals.

More detailed analysis produced the following *key findings*.

- 42 countries are represented among the foreign nationals on the Probation Service caseloads.
- Of these, most are from Romania at 20%, closely followed by Poland at 19%, then Latvia 9%, Lithuania 8%, and Nigeria 5%.
- Most foreign national offenders are concentrated in the Dublin area,[6] followed by the Midlands/South East region.[7]

[5] This included the five adult community-based regions and Young Persons' Probation (YPP).
[6] Dublin North & North East includes Dublin North, Dublin West, Dublin North Central, Louth, Meath, and Intensive Probation Bridge. Dublin South and Wicklow includes Dublin South, Dublin South Central, Wicklow, Homeless Offenders Team and Court Liaison Team.
[7] Midlands & South East includes Waterford, Wexford, Laois/Offaly, Carlow/Kilkenny, Tipperary and Kildare. South West includes Cork, Limerick, Clare and Kerry. West, North West and Westmeath includes Sligo/Mayo, Donegal, Cavan/Monaghan/Leitrim, Galway, Longford/Westmeath and Roscommon. YPP represents Young Persons' Probation nationwide.

- Polish nationals make up a significant proportion of the foreign national caseload in the South West region.
- Romanians represent the highest percentage of foreign nationals in dedicated youth offender caseloads.
- The gender breakdown of the overall adult population reveals 90% male and 10% female. In the case of youth offenders the breakdown is 59% male and 41% female.
- Consistent with the nationality breakdown, the majority of these offenders are white European.
- Polish and Romanian are the first languages of the highest percentage of foreign national offenders, with 23% speaking Polish as their first language and 22% speaking Romanian.
- 36% of foreign national offenders considered their level of fluency in English to be a barrier in engaging with the Probation Service.
- A total of 44% of the overall Probation Service workload was subject to assessment for reports on 1 May. This was broken down into the following categories: 30% for pre-sanction report; 13% for community service report; 1% for other reports. 56% were on Probation supervision in the community. Of these, 33% were on Probation-type supervision orders; 22% on community service orders; 1% on supervision following release from custody.

Organisational ethos

The baseline information obtained from this survey was critical to both informing and validating a strategy for the development of a 'whole organisation' approach that values and embraces cultural diversity. Clearly a focus on service delivery is integral to the 'whole organisation' approach but underpinning that is another key element, the ethos of the organisation. The organisational ethos may be defined as 'the dominant value system that underpins the way an organisation works, the way staff relate to each other within the organisation and the way the organisation relates to its customers and service users' (NCCRI, 2003).

Awareness and anti-racism training is an important tool in promoting an inclusive organisational ethos that takes account of the cultural diversity of staff in the workplace and of service users. The NCCRI (2003) identifies anti-racism and intercultural training as having three key purposes:

- to challenge and change racist attitudes, beliefs and behaviour
- to contribute to a broader range of policies and strategies to address racism and/or promote equality in the whole organisation
- to promote the positive inclusion of minority ethnic groups and inter-cultural interaction between ethnic groups based on the principles of equality, cultural awareness and respect.

It was important that the organisation put in place a training programme that would challenge participants to reflect on their values and attitudes but would also translate into action at levels of practice and behaviour.

Preparation for training

The Service had previously given some consideration to contracting external trainers to provide a programme of cultural diversity training for staff. The need to revisit this approach stemmed partly from budgetary constraints but also from the need to develop a level of confidence and competence within our Research, Training and Development Directorate. This would underpin not only this initiative but future programmes, which would be delivered in an incremental and targeted way.

The NCCRI had, as part of its remit, provided direct training to a wide range of statutory bodies. In addition it had developed a 'Train the Trainers' programme that could be delivered effectively to groups of up to 10 potential trainers. Four members of staff from the Probation Service Training and Development team were identified to deliver this programme.

A joint application with the Office of the Refugee Appeals Commission (ORAC) was made for the delivery of a 'Train the Trainers' programme to a total of 10 staff. The programme provided a range of resource materials that would be customised to meet the needs of all staff: administrative, Community Service Supervisors and Probation Officers.

The training plan

A number of approaches have been used by cultural diversity trainers, including the didactic/information and the confrontational/drama type approaches. While both of these have advantages, experience has shown that learning will be inhibited if there is either an over- or an under-focus on the individual within the training arena. The use of an 'experiential'

approach was promoted by the NCCRI, and fitted well with the trainers' own ethos and practice base.

The experiential approach balances the didactic inputs with exercises that promote self-interrogation in order to:

- provide participants with knowledge around ethnic-related issues
- create scenarios that allow participants to discuss the issues
- relate the issues to the organisation and the job it does
- facilitate the shift from learning to behavioural change.

The training programme

The programme was facilitated by two co-trainers working to the following objectives:

- raise awareness of issues relating to cultural diversity and racism
- provide a forum for open, professional discussion
- develop critical knowledge, dialogue, thinking in this area.

The target group was all Probation Service staff, from frontline staff to administrative staff and managers. Given that this training was a foundation measure in an overall package of measures to promote the inclusion of ethnic minorities, it was crucial that the training groups be mixed to include all grades. The dialogue within these groupings was to be open to all views and concerns, respectful but not unquestioning. The training was to take place over one day, using a structure that contained four distinct but related modules.

The programme commenced with an overview of the background to the training. It located the Service goals within the wider context of national and international initiatives. This didactic piece was followed by an exercise to reveal the diversity of origins within a seemingly homogeneous group. Building on this concept of difference, a slide show illustrated the 'changes' that have taken place in Ireland over the past 20 years. That module was completed with a statistical input on the demographic changes over the past 10 years.

The second module, through the use of small group exercises, highlighted the challenge of recognising and managing prejudice and discrimination and facilitated participants to reflect on their own experiences. These concepts were then linked to 'power' and the responsibilities and choices that come with the exercise of power.

Racism and ethnicity provided the focus for the third module. The material outlined the moral, political, legal and economic imperatives to address this issue. A number of scripted scenarios from a DVD, focused on intercultural issues in the European workplace, were used to inform and stimulate debate.

The final module provided a legislative and historic perspective on approaches that have been adopted to respond to the issue of managing diversity. Before closing there was a review of the topics covered and the learning outcomes for the day.

Evaluation of training

Twenty-three training events were provided, across four locations, over a six-month period; 361 staff participated, with an average attendance of 15 per group.

The principal findings from evaluation were as follows.

1. *Expectations of training:* In response to a direct question, approximately 80% of respondents felt that their expectations had been met. Narrative feedback included:
   • 'Foundation day very good, this needs to be rolled out in training I think every 12 months'
   • 'I recognise that this was an awareness course but I would hope that it will be followed up by practical workshops for working with ethnic minorities'
   • 'Lots of information to cover in one day training – but got there'.
2. *Delivery and content:* Respondents gave this an average of 7 out of 10.
3. *Most/least useful aspects of training:* It was interesting but not entirely unexpected that what was identified by some as most useful was described by others as least useful. This was true particularly in relation to the inputs on the background to the training, legislation, exercises on prejudice and discrimination, DVD scenarios and the more didactic section on models for managing diversity. Feedback from respondents included:
   • 'It was useful when I was required to look honestly at myself and my own incidents of discrimination/ prejudice.'
   • 'Given the depth of the issue I became somewhat unfocused – may have been useful to keep relating back to the issue in the Probation Service.'

4. *Subjects to be covered in further training:* There was a comprehensive response to this question in all sessions. The feedback ranged from participants' acknowledgement of the need for more self-directed learning on the subject to requests for further training that had a very specific knowledge and skills focus. Requests included:
   • 'Specific training on ethnic groups and beliefs; practical workshops with ethnic minorities; more on causes of racism and how it can be tackled and challenged; understanding foreign national clients' value systems; working with interpreters in the assessment and supervision of our work; working with the client with entrenched and violent racist views.'
5. *How the Probation Service needs to change:* There was a real recognition of the significance of the actions undertaken to date and this was balanced with the expectation that the Service would further develop its capacity to work within an intercultural context.

The evaluation process was important not just in ascertaining whether the training had delivered on its objectives but also in providing a timely opportunity to harness the views of staff in relation to future developments.

The learning

The National Action Plan Against Racism provided a framework that public services could adopt in order to systematise and improve their engagement with minority ethnic groups. Within the Probation Service, partnership between management and staff played a key role in adopting and implementing this approach. The principle of working through existing structures and harnessing the skills of staff from all grades was established from the outset in the form of the Intercultural Steering Committee, in the collation of data and in the delivery of training. The benefits were twofold: a wide variety of experience to inform the actions and an early 'buy in' across the organisation to promote and publicise those actions.

Any organisation that aims to develop and maintain an inclusive organisational ethos recognises the role of leadership in accelerating this process. The inclusion of an Intercultural Strategic Goal in the 2009 Service work plan signalled commitment and introduced inter-culturalism into the 'currency' of the Probation Service. Related strategic

objectives provided clarity and coherence about the work to be undertaken.

Staff responded promptly to the 'snapshot survey' and this positive momentum was reinforced by the prompt collation and publication of the survey findings. The exercise demonstrated the importance of generating relevant and timely data to underpin the rationale for action.

Accurate statistical data and an awareness and understanding of intercultural issues among staff provide the foundation to inform and guide the development of tailored and targeted service provision for ethnic minority groups.

The timing of the awareness training, which was delivered shortly after the completion of the survey, provided staff with the opportunity to reflect on the findings and discuss their implications for probation practice at a local and national level.

The training evaluation underlined the importance of 'awareness' training as an ongoing process central to professional competence and not just a 'once off' event. Further knowledge- and skills-based workshops are required to increase staff confidence and competence in addressing criminogenic need and risk with offenders from ethnic minority backgrounds.

Key messages/questions

The ongoing collation of data is central to developing and sustaining best practice. A further snapshot survey will be conducted to identify the numbers of foreign national offenders on Service community caseloads on an agreed date in early 2011.

The data gathered should identify the need for local targeted initiatives. Such programmes, responding to areas of particular criminogenic need such as addiction or social skills deficits, will be developed in a culturally sensitive manner and in partnership with key ethnic minority support/expert groups.

When data are generated, the analysis of this data will provide answers but invariably raises further questions. What are the messages from a finding that, of a population of 8,246 offenders engaged with the Service, 268 are foreign nationals? Do these apparently low figures accurately reflect the level of criminality, or is it that fewer foreign nationals are considered for probation (either by the judiciary or by the Service itself?) And, if so, why? Is there an over-reliance on fines, suspended sentences

or custody? Or is there a lack of confidence or understanding on the part of the Judiciary about the Probation Service's capacity to intervene effectively with this group?

The ongoing collection of data will answer questions about ethnic minorities, but what of the need for data on attitudes, values and ethnic representation within the Service itself?

It is important that the organisation, through leadership, modelling and training, continues to promote a climate and ethos that challenge discriminatory or racist attitudes and practice. To quote Daniel Holder, 'It is highly problematic that when discussing barriers to public services there is often denial that racism is a problem. Policy makers can feel more comfortable discussing areas such as the language barrier and leave racism undiscussed.'

Organisations must decide whether cultural diversity is to be embedded within a wider diversity strategy that builds on a continuous improvement cycle. 'Similar to some other concepts … such as empowerment, *diversity can gain acceptance without understanding, and in doing so the real power of the concept can pass people by*' (MacPherson, 1999; emphasis added).

A whole-organisation approach is a common-sense approach to addressing racism and supporting inclusive intercultural strategies within an organisation. It seeks to take account of organisational values, cultural diversity in the workplace and interaction between staff, and cultural diversity among the customer base/service users of an organisation.

To be successful in this approach, organisations need to answer the fundamental question. Is cultural diversity about ensuring people are treated the same or is it about celebrating difference?

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Tackling Graffiti in South County Dublin: The Community Service Response to a Community Problem

Mary Trainor*

Summary: Community Service is a sentencing alternative to custody under the Criminal Justice (Community Service) Act 1983. It provides unpaid work by the offender of benefit to the community. The Probation Service, in seeking innovative ways for Community Service to add value to communities, has developed the Graffiti Removal Project. This article traces the evolution and development of this Project and evaluates the experience and learning to inform similar Community Serfvice initiatives.

Keywords: Community Service, Courts, criminal justice, imprisonment, sanctions, offenders, alternatives to custody, graffiti, partnership, community, Probation Service.

Introduction

For many years graffiti has been a vexatious issue for urban communities across Ireland. Pervasive graffiti demoralises neighbourhoods. Local communities can feel powerless against this encroachment as the high costs of effective clean-up militate against a timely response. There is an ongoing need for graffiti removal work in communities across the country. This need presents an opportunity for Community Service to make a practical and valued contribution.

Community Service, a programme managed by the Probation Service, is a visible and effective form of direct recompense by offenders to communities and indirectly to victims for the harm and damage caused by their offending. A Community Service Order under the Criminal

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Justice (Community Service) Act 1983 provides for the performance of a specified number of hours of unpaid work (up to 240 hours) of a practical nature, of benefit to the community, in lieu of a custodial sentence.

The (Community Service) Act 1983 outlines a clear pathway for the implementation of such orders.

- At the request of the Court a Probation Officer assesses the offender's suitability to perform such work and task availability.
- The Court confirms the offender's consent before making a Community Service Order.
- The Probation Service is responsible for work placement arrangements and supervision to complete the Court Order.
- Should the offender not complete the required number of hours, the Probation Service returns the case to Court for judicial decision, which may result in the imposition of the original custodial sentence.

In 2008, 1,385 persons, nationally, were made subject to Community Service Orders, providing for a total of 210,326 hours of Community Service work for the benefit of communities.

Work carried out by offenders on Community Service Orders included maintenance, landscaping and restoration of community facilities such as public areas, graveyards and youth club premises, and other work with community groups.

Graffiti removal in Tallaght

Over many years the Tallaght Probation office in South County Dublin had an established working relationship with the local authority and local communities. As in other areas, the success of this work depended on local arrangements. With equipment that was sometimes hired, sometimes borrowed, the Community Service team had managed some small-scale graffiti removal, painting and site clearance projects as part of the programmes for offenders under supervision.

Despite limitations of scale and resources, this Community Service community clean-up work was well received by residents and local communities. It was recognised as a valuable resource, a real benefit to communities and neighbourhoods with reparation by offenders. It also provided a platform for the development of a new and expanded

Community Service graffiti removal project to address these unmet needs in communities.

In this way, the cornerstones were laid for the identification of graffiti removal as an important and strategic opportunity to

- develop Community Service work on a larger and better equipped scale
- deliver visible and real added value in and to communities.

This vision was initiated on a small scale in 2004–2005 and received particular endorsement and support in the Programme for Government in 2007.

The *Programme for Government 2007–2012* (Department of the Taoiseach, 2007) outlined a commitment to

build on the community service order regime by introducing a … [s]cheme that will require offenders who are not subject to automatic long prison terms to provide real services for the communities they have damaged. These would include cleaning streets, painting over graffiti, repairing public facilities, etc.

The setting up of the Community Service Graffiti Removal Project in South Dublin

In late 2006 the Probation Service had proposed the development, on a pilot basis, of a dedicated Graffiti Removal Service project working in partnership with the local authority, South Dublin County Council, and communities in South Dublin. It was envisaged that it would involve:

- a fully resourced unit
- trained Community Service Supervisors
- suitable offenders on Community Service Orders
- the support and co-operation of local authorities, statutory agencies and community interests in the South Dublin County Council area.

Following the publication of the *Programme for Government* a working group comprising Probation and Community Service personnel was established in 2007 to scope and plan for a pilot Community Service Graffiti Removal Project in South Dublin, a large suburban area with a significant graffiti problem. The terms of reference for the working group

included examination of Service experience, review of international best practice, and development of an inter-agency approach in Community Service. This led to a review of the Community Service Graffiti removal project in the Tallaght area, which ran from 2000 to 2002. This was followed by a visit to the London Probation Service graffiti removal and site clearance programme, part of its community pay-back schemes in the Harrow/Brent area. These programmes are widely recognised as examples of best practice with good results for Courts, communities and offenders.

While these background preparations were progressing, the working group linked into the Crime Division of the Department of Justice and Law Reform to build on its experience in pilot community anti-graffiti programmes in Dublin City, Bray and Galway in 2006–2007. In addition, wide consultation was undertaken with stakeholders in the criminal justice system, other Government Departments, local authorities and communities, together with a review of available published information and commentary on Community Service in operation.

Development of the pilot

Based on the working group's findings and discussion with South Dublin County Council, a specification for the works to be undertaken in a pilot Community Service Graffiti Removal Project was developed:

1. graffiti removal by power washing of surfaces
2. paint removal where feasible
3. site clearance and painting over graffiti where appropriate.

A Probation Service mini-bus was assigned to the Graffiti Project and modified with high-specification power washer equipment to carry out the tasks involved in graffiti removal.

Material and equipment requirements were identified. Health and Safety guidance and protocols were developed.

It was of critical importance that all members of the pilot team had the required training and competencies to carry out the tasks required. Two dedicated Community Service Supervisors were assigned responsibility for the day-to-day operations including the management and monitoring of Health and Safety issues. Protective clothing was sourced and made

available to all working on the sites. Training was provided to the Supervisors on all aspects of graffiti removal. A Probation Officer was assigned as operations project manager for the pilot, overseeing and co-ordinating the work of the pilot team in consultation with the Senior Probation Officer.

South Dublin County Council used its network of litter wardens and contacts in local communities to manage the identification and communication of tasks to be completed. It also managed the issue of permission where necessary and the monitoring of works completed. The consistent availability of suitable offenders on Community Service Orders to the pilot project was an important requirement to maximise the output, value and effectiveness of the project. The Senior Probation Officers undertook to manage referrals in the area to maintain the flow of offender referrals.

A full Health and Safety assessment of the project plan, staffing, management and operational arrangements and of the vehicle, equip-ment and materials was completed prior to start-up.

The pilot Community Service Graffiti Removal Project in action

South Dublin County Council provided a weekly update of work sites requiring the removal of graffiti to the team administration office in a spreadsheet format outlining the location, the date of referral, the source of referral, nature of the task and date for completion of work. Each work site was photographed before and after the visit of the Community Service Graffiti Removal team. The pictures were provided as required to South Dublin County Council and the Service to illustrate the work of the pilot. Examples can be accessed on the Probation Service website at www.probation.ie.

Special arrangements were agreed so that emergency tasks – for example, the removal of new highly offensive graffiti – could be done at short notice and take priority in the work programme.

Cleaning materials (specialised chemicals), paint and storage facilities were provided by South Dublin County Council, which also provided access to water hydrants to ensure necessary water supplies through the working day. Equipment, supervision of Community Service workers and work on site was managed by the Probation Service Community Service Supervisors.

The pilot began with a maximum of six offenders working on site. For an initial period two Community Service Supervisors worked together to develop expertise and experience and minimise risks.

A second vehicle driven by the second Community Service Supervisor was introduced during the pilot to provide additional worker capacity and to trial alternative power washing equipment (two smaller and more mobile units carried in the vehicle). This vehicle can work separately or jointly with the first as work tasks demand.

Costs and benefits

With one supervisor and a team of six offenders working an eight-hour day, a total of 48 hours' Community Service work can be provided daily. On a six-day working week with full teams there is capacity for 288 hours of graffiti removal through unpaid Community Service work.

In full operation during the pilot the Community Service graffiti removal team with one vehicle could clear up to 700 square metres of graffiti each week. Chemical costs, on the pilot and other graffiti removal work, have been met by the beneficiaries – in this case, South Dublin County Council.

Operational costs, including fuel, vehicle and equipment maintenance, safety and work equipment, staff and personnel training, health and safety, equipment renewal and miscellaneous costs, are estimated at less than €16,000. If the equivalent work capacity of the workers on Community Service is computed using the minimum wage (€8.65 in 2009) as a basis, the cost/benefit ratio of the offender contribution and the Community Service graffiti removal team is evident and substantial. This project represents a cost-effective and economic graffiti removal service, a value-for-money Community Service sanction for the Probation Service and the Courts and a significant benefit to communities.

Review of the pilot Community Service Graffiti Removal Project

The review at the end of 2009 showed that the project has been an overwhelming success, with potential for extension as part of Community Service in larger urban areas across the country. The review indicated that the project:

- is cost-effective
- offers significant savings and visible benefits for communities using the service
- increases Probation Service capacity to complete Community Service Orders promptly and efficiently
- engages the offender in a disciplined and structured routine similar to regular employment, improving their readiness for employment.

Community Service Supervisors and offenders have provided positive feedback on the project, referring to it as innovative, stimulating, and giving a job perspective and a sense of active contribution. Communities have applauded the work of the Community Service Project team and appreciated the value of the work to their environment. In equipment terms the chemicals used, the power washer units and the work processes proved to be effective, reliable and safe in use.

In cleared areas, repeat graffiti was, in general, significantly less than expected, and where repeat visits were needed local interests took an increased role in discouraging further disfigurement. As a result the Community Service Graffiti Removal Project achieved a much faster clearance rate across the South Dublin area than anticipated, and facilitated capacity to expand to additional areas.

For the offenders there was a sense of job satisfaction and making a difference in communities in working as part of the Community Service Graffiti Removal Project. The appreciation of communities and neighbourhoods for the work done strengthened the commitment of the offenders involved, and there were clear benefits in terms of consistent attendance, good working and reduced warnings.

Key learning

The ongoing availability of appropriate sites combined with the timely completion of work is essential in maintaining morale, momentum and high-quality results. Without a good flow of Community Service Order referrals, consistency of the work done can be disrupted and credibility and reliability undermined. Ongoing training for Community Service Supervisors, particularly in relation to Health and Safety matters and offender management, is important to maintain standards.

Thorough planning, research and consultation with all stakeholders are essential to achieve an effective project and good results. Clear allocation of project management and operation monitoring tasks in a transparent structure must be in place from the beginning. Development of partnerships with all stakeholders, with detailed records of undertakings and ongoing clear lines of communication, is a prerequisite.

Conclusion

In terms of the benefit to the environment, the Community Service Graffiti Removal Project effectively removed eyesores from neighbourhoods and communities and had a visible positive effect. It is reported to have contributed to community wellbeing and satisfaction by addressing unmet needs promptly, efficiently and without fuss. While many people are incensed and offended by the presence of graffiti and angry with the perpetrators, there was also satisfaction that offenders were working to remedy the problem.

Offenders on Community Service have made reparation to their communities in a way that was clearly welcomed, valued and appreciated. There was often positive feedback from the the public to offenders, which for some may have never occurred before, thereby improving levels of self-esteem and job satisfaction.

Neighbourhoods and community groups have been quick to acknowledge the benefit of the work done and for the offenders it is visible reparation to the community. Local and national media attention has been positive in endorsing the value and contribution of Community Service, and the graffiti removal project in particular, in neighbourhoods and communities.

For Courts and the Criminal Justice System in general, graffiti removal is a visible and effective sanction with clear reparation and benefits to the community. In reducing committals to custody, it reduces costs to the community as a whole.

The review of the pilot Graffiti Removal Project has shown that it is a success as a quality service provider to communities. It yields valuable lessons for the expanded use of Community Service across Ireland.

Acknowledgements

Reference

Department of the Taoiseach (2007), *Programme for Government 2007–2012* (p. 68). Available at www.taoiseach.gov.ie

Ballyrunners

Rachel Lillis★

Summary: This paper describes the author's experience of the development of an initiative in the Ballymun area[1] that began as a simple idea of engaging young people in structured activities over the summer months and grew into a 10-week accredited health and fitness programme called 'Ballyrunners'. The programme was facilitated by existing interagency networks.

Keywords: Young Persons Probation, Equal Youth, Ballyrunners, Probation, Interagency, Activity.

Introduction

Professionals working in the youth justice system are highly aware of the need for young people to engage actively in structured activities that not only alleviate boredom but also teach life skills and promote pro-social activity. During the summer months in particular, marginalized young people are more vulnerable to getting involved in anti-social/criminal activity.

In an effort to tackle this issue in the summer of 2009, the author had the idea of devising a group work programme focused on health-related fitness, incorporating information sessions on exercise, nutrition, substance misuse and stress management. The plan was that the group would culminate in the participation by the young people in a charity-based fun run. As Young Persons' Probation (YPP) works from an inter-agency ethos and has well-established networks in the area, the merits of

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[1] Ballymun is an area in North Dublin with a significant level of social and economic disadvantage.

engaging other agencies to help make this vision a reality seemed worth while.

Programme development

YPP in the Ballymun area is a member of the local Equal Youth Committee. Equal Youth is an inter-agency initiative comprising the following organisations: YPP, Ballymun Regional Youth Resource Centre, Ballymun Job Centre, Department of Social Welfare, Ballymun Read and Write Scheme, Youthreach, Don Bosco's Residential Unit (HSE) and a Community Training Centre.

The Ballymun Job Centre (BJC) co-ordinates the Equal Youth inter-agency initiative. It brings together a number of agencies in the local area working with young people aged between 16 and 24 years who are disadvantaged in the labour market. The aim of Equal Youth is to encourage agencies to work together to assist this group in accessing the education, training and employment that they might not achieve if the agencies were working independently.

As part of the Equal Youth process, practitioners from various agencies involved in the network meet on a monthly basis to discuss clients' progression and issues arising. A comprehensive client list is discussed and plans are implemented on a needs basis. Many of the young people targeted by this initiative are early school leavers and without training/employment; some would have a criminal and/or drug history.

Equal Youth established the Ballyrunners group in response to the need that had been identified for young people in Ballymun to participate in constructive activity over the summer months. It was designed as a 10-week health and fitness programme to help young people make constructive use of their leisure time, promote healthy lifestyles and eating and positive mental well-being, and reduce substance misuse and anti-social behaviour.

Aim and objective

The primary aim of the Ballyrunners programme was to engage young people in a constructive activity that alleviated boredom and promoted life skills and pro-social activity. Additional benefits were firstly, that their involvement in the programme would help to increase their physical fitness and promote healthy lifestyles including reduced drug and alcohol

intake. Secondly, the programme had the potential to support partici-pants in developing personal skills/attributes (confidence, motivation and self-esteem) to increase opportunities for access to training and employment.

It was agreed that the Ballyrunners programme should align itself with an accredited training programme. The Further Education and Training Awards Council (FETAC) Level 3 Health-Related Fitness was the module selected for the programme.

In strategically planning for the group, the Equal Youth Committee agreed that it was important for the Ballyrunners to have an overarching group goal to work towards. To achieve this, it was agreed that the participants, the Equal Youth Committee and staff from local services and agencies would partake in a five-mile run for the Simon Community. Such an endeavour not only heightened the young people's awareness of homelessness but also promoted their social responsibility.

Funding

The programme was funded by the Probation Service, the Department of Social Welfare, the Ballymun Job Centre and the Ballymun Local Drugs Task Force.

Total funding amounted to €8,000. This covered the cost of tutors' fees, gym fees, room rentals, materials/equipment, race admission and field trips. As staff were released from their own organisations to assist in the facilitation and supervision of the programme, the cost of human resources was kept to a minimum. Where possible the Ballyrunners utilised local facilities, provided at a reduced cost.

It is worth noting that no payment was given to participants: their involvement in the programme was entirely voluntary.

Referral process

Referrals were taken from the existing list of Equal Youth clients as well as direct referral from local agencies and service providers. Some applications were self-referrals, as the programme was widely promoted in the local area.

Given the high level of interest and over-subscription to the programme, interviews were held to assess suitability and commitment.

Prospective candidates were scored with regard to merit and need. The consumption of alcohol and/or drugs did not prohibit/impede eligibility to the programme. Candidates were advised, however, that they would not be allowed to attend the programme under the influence of alcohol and/or drugs.

Many of the participants had been out of education and training, and so their involvement in the Ballyrunners programme marked their re-entry into a group work learning dynamic. Concentration levels and literacy skills were low and required additional assistance.

A total of 12 young people, male and female, commenced the Ballyrunners programme. The mean age was 17.6 years. All were living in the Ballymun area. Three of the participants were under the supervision of the Probation Service.

Programme content

Ballyrunners was a 65-hour programme delivered over 10 weeks aimed at achieving a the FETAC award mentioned above. It included:

- gym workout in the local Dublin City Council gym in Ballymun – two hours per week
- physical fitness training in a variety of locations including Ballymun, the Phoenix Park, Fairview Strand – two hours per week
- information sessions on substance misuse, stress/anger management, diets and health eating, career guidance and first aid, plus motivational talk – two hours per week
- healthy eating – lunch was provided one day a week in the local youth resource centre.

Equal Youth Committee members actively participated in the programme and so could provide a high level of support on a regular, informal and immediate basis. This aided in maximising the potential of the young people and reduced the propensity for drop-out. Throughout the programme there was a weekly review of the functioning and progress of the group. Equal Youth Committee members were required to attend this meeting.

Outcomes
- Nine participants successfully completed the programme and attained the FETAC Level 3 award.

- Feedback from the participants confirmed that they enjoyed and valued the programme and the input from staff. They indicated that the experience had promoted positive changes in their lives.

- Pre- and post-programme psychological assessments demonstrated that participants were more confident in their ability to find a job/course and expressed a commitment to the process. A decrease in the use of cigarettes and alcohol was also reported.

- As a result of participants' success and the high demand for further training from the group, the Equal Youth Committee approached FÁS (Ireland's national training and employment authority) with the proposal of funding and facilitating FETAC Level 4, Health-Related Fitness. This was agreed, and six of the nine participants advanced to and successfully completed that training programme.

- More recently, these six young men have applied for college courses in health/fitness-related fields.

- The three remaining participants are all job-placed in various areas of work.

Of the nine young people that completed the Ballyrunners programme, three were under the supervision of the Probation Service.

Given the age range and poor concentration levels of these young people, one-to-one interventions with a Probation Officer were not always the most effective means of engaging with the young person. Through my direct involvement in the delivery of the programme – in a classroom, over lunch or on the running track – the therapeutic/working relationships were enhanced as the perception of the 'Probation Officer' changed. Meeting clients in a different milieu, out of the office environment leads to more relaxed and open communication. The frequency of the contact – meeting clients three times a week – served to reinforce positive behaviours and provided opportunities to challenge any negative behaviours should they arise.

Feedback from An Garda Síochána indicates that there was some evidence of a reduction in anti-social behaviour from Probation clients during their participation in the programme. This could be attributed to the fact that these young people were provided with constructive activities and were associating with non-offending peers, supported by staff and making a positive contribution to society.

Conclusion/Way forward

Ballyrunners is a universal programme not confined to areas of need/ disadvantage. It endeavours to promote healthy living and mental well-being and to raise social awareness and responsibility. It could be replicated in many settings (schools, youth clubs, sports clubs) as it is low-cost and easy-access.

The success of Ballyrunners could be credited to inter-agency work and commitment. In designing the group, existing services were utilised and the responsibility for the programme was shared.

The Equal Youth Committee believes that the Ballyrunners group could be easily replicated. It is low-cost and, as a result of inter-agency involvement, funding could be divided among different agencies. The focus of Ballyrunners was health and fitness. Running was the chosen activity as it does not require skill or previous training and can be easily facilitated. It is an activity that the young people could practise/advance individually and without personal financial cost.

Following on from the success of the Ballyrunners programme, the Equal Youth Committee is to embark on a second programme in the summer of 2010. Once again, funding has been sourced from a variety of service providers in the Ballymun area including the Probation Service. It has been decided to expand the content of the course to cater for the interests of a wider target group. It is envisaged that they will undertake drama and horticultural modules as well as health and fitness.

The key learning from the programme is located in the principles underpinning effective interventions with young people. In promoting better outcomes for young people, selected programmes must:

- demonstrate that they work
- be located in the local community
- operate on an inter-agency basis
- maintain momentum and meet established expectations.

Book Reviews

The Dynamics of Desistance: Charting Pathways through Change*
Deirdre Healy
Cullompton, UK: Willan Publishing, 2010
ISBN: 978-1-84392-783-9, 240 pages, hardback, £40.00

Deirdre Healy's excellent book (part of the International Series on Desistance and Rehabilitation, edited by Stephen Farrall of Sheffield University) ends with a quote that may be key to appreciating its core. A participant in the study at the centre of the book, identified only as 'KV28', urges offenders who aspire to become fellow desisters to:

> Stop using [drugs, presumably], be open-minded, look for a bit of inner strength or inner wisdom coz everybody has it. Just find a few good friends, decent people that can actually help you and cling onto them. That's what I done. I asked myself, 'What do I fuckin' want?' Even though it's going to be hard but you only feel that if you have fear – 'I can't do that.' Put your mind down to it, nothing's impossible.

Who could disagree with this sound exhortation? Its value is more than a 'common sense' lesson from someone who has walked the talk. It points up some of the issues and research enquiries of central importance in the desistance research literature: do offenders stop offending because of their own inner strengths and changes in their cognitive processes and worldview (*human capital*), or because of external factors and supports

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(*social capital*), or for some other reason? And to what extent can and should professional interventions, such as Probation supervision, influence such change for the better? This book unpicks and unlocks many of the complexities of this discussion, without purporting to set out simplistic 'answers'. In fact it is scholarly, well researched and well written throughout, and maintains a good balance between academic rigour and practicality.

The book does all this from an Irish perspective, using Irish research (which is integrated very well with the relevant international literature), and adds significantly to the relatively small but growing body of criminological research on this island. Healy makes a valuable contribution to the debate on the workings of the so-called 'black box' of desistance – why and how people change – and on the effectiveness of Probation supervision and related interventions in helping with offender rehabilitation and the journey towards establishing long-term desistance. On the age-old 'care versus control' debate, Healy argues (p. 184) that 'genuine change is more powerful than enforced compliance, although it may follow from it.' At the same time, the study points to the potential value of the Probation Officer–probationer professional relationship and highlights core Probation practices in encouraging desistance.

Change, on the path to desistance, is illustrated as a spiral rather than a linear or even a circular process. It is a 'zigzag process … characterised by tenuous motivation, instability and uncertainty' (p. 175). It will be no great surprise to Probation Officers and others that the study (p. 177) found that, 'in general, desisters had higher levels of self-efficacy, better coping skills and better developed support mechanisms.' There are lessons for Probation organisations and practice throughout the study. Healy's research found that 'the vast majority of participants did not regard professional agencies as potential sources of support' (p. 123). She does, however, acknowledge that 'probation may act as a "hook" for change which, if deemed meaningful and accessible by the probationer, can engender desistance' (p. 147).

While positing that Probation practice in Ireland 'has some key elements that constitute the desistance paradigm … explicitly operating within the social work framework' (p. 127), Healy also suggests that 'practitioners may feel uncomfortable with desistance research because of its focus on the processes of self-change, which, on the surface, appears to conflict with the goal of rehabilitation which is to encourage desistance through formal interventions' (p. 126). Towards the end of the

book, one of the participants in the Dublin probation study is quoted as referring to Probation as 'a nosy kind of job' (p. 143). This reviewer, as a Probation practitioner, would not have any difficulty with that epithet.

In situations where 'social context provides a framework for action, individual choices and capacities, otherwise known as agency, then come into play' (p. 170). In this matrix of conditions and factors, Probation can be what Healy refers to as the 'hook for change', working to motivate offenders and mediating the 'tipping points' in the trauma of court appearance or time in custody while harnessing the human and social resources available to support positive change. Such tipping points are described as 'significant life events [that] constitute opportunities for change' (p.186) in the chaos of individual lives. These events can serve to disrupt the linear pattern of offending and often lead to 'massive' or 'landslide' shifts in behaviour and lifestyle, where 'changes tend to be abrupt rather than gradual' (pp. 76–77). And in this context, it is absolutely right that individual offenders and their families and wider social supports should constitute the most significant parts of achieving and maintaining positive life gains. It is likely that the individual and their social network may also already have laid the groundwork for change, ahead of the trigger that eventually catapults or nudges them into the change spiral. The specific value of Probation work is in being the focused, energetic and professional catalyst for positive change in the time available while the offender is under supervision.

Healy's book presents a very good summary of the desistance field of study and is particularly strong in linking desistance research with wider practice implications. It is a significant and welcome new resource for academics, students and practitioners in the Probation and wider criminological and criminal justice fields.

How Offenders Transform Their Lives★
Edited by Bonita M. Veysey, Johanna Christian and Damian J.
Martinez
Cullompton, UK: Willan Publishing, 2009
ISBN: 978-1-84392-508-8, 225 pages, paperback, £25.99

Contributors to this book include Johanna Christian, M. Kay Harris, Bryn Herrschaft, Emma Hughes, Russ Immarigeon, Suzanne Kurth, Thomas P. LeBel, Damian J. Martinez, Shadd Maruna, Nick Mitchell, Merry Morash, Michelle Naples, Barbara Owen, Lois Presser, Heather Tubman-Carbone and Bonita M. Veysey. The focus is on individual identity transformation of formerly incarcerated persons and its role in the promotion of desistance from offending. A range of qualitative studies are presented throughout the volume which examine samples of prisoners and/or former prisoners in the USA and the UK. Some of the analyses consider subjects such as race, gender, age and socio-economic status. Importantly, this volume draws attention to the experiences and perspectives of the men and women who are currently or have formerly been incarcerated.

The concept of identity formation and transformation is explained and defined in the opening chapter by the editors. Current knowledge and practice in this field is highlighted along with a critique of modern criminal justice, correctional and rehabilitative practices. Relevant research is used to set the scene in understanding the oft-neglected importance of individual identity and self-concept in transformative processes. A useful overview of subsequent chapters is also provided.

In the second chapter, Christian, Veysey, Herrschaft and Tubman-Carbone provide an account of their use of qualitative methods to explore change experiences for people with stigmatized experiences. Their research, drawn from a sample of individuals participating in rehabilitation programmes in the USA, examined formerly incarcerated individuals' personal narratives for change. Results and themes are explained clearly and supported with relevant tables. The results suggest that the transformation process is highly individualised in terms of definition and markers of success.

In the third chapter, drawing data from a small sample of an ex-prisoner reintegration programme in New York State, Maruna, LeBel, Naples and Mitchell explore how identity transformation can occur in practice. The researchers offer an insight into how individuals both moderated and affirmed identities in response to interaction within the therapeutic relationship.

Following on from the theme of social interaction in the change process, the fourth chapter by Martinez explores how identity transformation is both mediated and sustained by social support. A small group of former prisoners from an adult prison transition centre in the USA and their key family members were included in the study. A qualitative exploration of their transition from prison to community was performed. The findings highlight two mechanisms in negotiating identity change. Firstly, a positive potential for family support in the transformative process was found. Secondly, the role of perceived self-efficacy within these relationships was found to promote self-perceived identity change.

The fifth chapter follows a similar approach. Using insights gained from the observation of one former prisoner interacting with a small group of university students in the USA, Presser and Kurth argue that identity transformation is shaped by social interaction. Although focusing on the experience of one individual, this study provides a descriptive insight into how the participant negotiated and renegotiated personal identity in response to interaction with the group.

In the sixth chapter Hughes considers the role of prisoner education and the development of identities through the mechanism of distance learning within a British prison. Significantly, she teases out the students' own narratives around identity and change. The participants promoted the transformative potential of education in developing identities that did not revolve around being a 'prisoner'. Also highlighted were the challenges and changing implications of transforming identities within the prison setting.

Similarly to themes in earlier chapters, a symbolic interaction viewpoint is taken by Owen in the seventh chapter. She offers a well-presented and detailed observational study on women prisoners participating in a prison drug treatment programme in the USA. The findings promote the view that the self is created, maintained and changed through looking at and listening to the experience of others. Of particular interest in this study was the conflict between the competing

ethos of the therapeutic setting and that of the prison subculture. Importantly, the chapter points to the role of agencies in providing support post-prison and of assisting female prisoners to develop social capital.

Morash explores the complex needs and transformative processes of women released from prison and under parole/probation supervision in the USA in the eighth chapter. Descriptive analyses of styles of supervision highlight the impact of structure and quality of supervision on outcomes in self-change and desistance over a one-year period. Specifically, the role of personal agency in defining, promoting and/or resisting change is considered. The author compares gender-responsive and gender-neutral practices and suggests that gender-responsive programming may have better outcomes in terms of meeting individual needs and promoting desistance.

In the ninth chapter Harris presents a detailed investigation of a transformative model of identity change designed, developed and facilitated by a group of incarcerated men in the USA. The chapter explores peer intervention as a mechanism for encouraging positive change within those who are or have been involved in street crime. Mainly descriptive in nature, the chapter explains the key underpinning and practical elements of the model as well as the experiences of a sample of those who have participated in it. Notably this exploration highlights the value of peer-led intervention in encouraging positive personal and social changes.

The penultimate chapter builds on the theme of social action. LeBel explores a formerly incarcerated person's use of advocacy and activism in overcoming negative identities associated with criminal activity. With support from relevant literature the author regards advocacy and activism as proactive coping strategies in developing identity change. Given the detailed presentation of methodology and results, this chapter may be of particular value and more easily accessible to readers with an academic and/or research orientation.

In the final chapter Immarigeon draws together the themes of the preceding chapters and suggests implications for future criminal justice policy. The difficulties inherent in influencing policy decisions are discussed. Helpfully, the author proposes that the next step would be to expand research to help to inform future policy-makers about what can be done to develop programming within prisons and community-based settings. Building on the entries in this volume and supported by extant

research, he puts forward a strong argument for the role of families and communities in promoting and supporting positive identity change.

In summary, through careful consideration of qualitative research this volume highlights a range of mechanisms by which individual change can be encouraged and supported within a criminal justice context. Although largely based on research from the USA, important insights and themes are presented that would be relevant to modern correctional and criminal justice practices in a variety of countries.

The use of short-term small-scale qualitative research precludes the generalisation of the findings in the studies. Pertinent gaps in research are highlighted and suggestions are given for ways to fill them. Perhaps most significantly, however, this book provides direct insights into the perspectives of individuals engaging in transformative processes.

Overall the book is well organised and each chapter flows convincingly from the previous. The introductory and concluding chapters are particularly useful in orienting the reader and contextualising the content. This book will be of interest to students, researchers and teachers as well as practitioners in the social sciences, especially in criminal justice and social work/welfare. It will be relevant to providers in the community and voluntary sectors working in partnership with social work and criminal justice agencies.

Youth Justice Handbook: Theory, Policy and Practice★
Edited by Wayne Taylor, Rod Earle and Richard Hester
Cullompton, UK: Willan Publishing, 2009
ISBN: 978-1-84392-716-7, 288 pages, paperback, £22.99

In 2010, the debate over how society treats its delinquent children has raged more than ever. A febrile media terrifies the public with images of hoody-clad bogey-kids who have eschewed apple-scrumping for stabbing and binge-drinking. Recent allegations about Jon Venables, whose trial for the murder of Jamie Bulger in 1993 was a watershed for modern Youth Justice policy, have reignited the discussion.

Hoping to bring a measured perspective into the fray, the *Youth Justice Handbook* presents itself as 'a friendly companion with which to consider some … of the most pressing issues for practitioners in Youth Justice today'. Emanating from a 2007 forum where the key question was, 'What knowledge and skills do you need to practise effectively as a professional within the youth system?', this handbook is a distillation of the latest thinking on how to empower practitioners.

The handbook is divided into five sections, subdivided into brief chapters written by a variety of senior academics. Section 1 deals with the context of childhood and youth, beginning with an exploration of the link between crime and inequality. Joe Yates's illuminating chapter on the history of society's attitudes to youth and crime suggests that our self-appointed moral guardians have always bewailed the loss of an imaginary golden age where wayward children could be kept in line with a clip on the ear from the local bobby. Grover's argument that 'the Criminal Justice agencies basically manage poor people' is given added weight in the light of recent events in Parliament, and reflects a truth that says more about the priorities and targets of these agencies than the morality or inherent criminality of the disadvantaged. Digging deeper into the causes of youth poverty and crime reveals a depressingly familiar line-up of suspects – fractured families, disrupted education, unemployment and substance misuse. Yates concludes that New Labour failed to bridge inequality and that poverty remains 'the single most pernicious influence' that is harming our young people today.

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Section 2 discusses research into effective practice. Goldson's chapter offers five evidence-based principles that he believes should lead to 'youth justice with integrity, namely – addressing poverty and inequality, universality, diversion, deinstitutionalization and depoliticization'. These guidelines reflect sound, concrete policies, but policies that can only truly be applied by a government that turns away from the reactionary rhetoric of a vengeful media. Elsewhere, Case bemoans the marginalization of young people's voices, stating that risk assessment tools are biased towards statistics, ignoring vast tracts of qualitative information that capture the realities of youth experience. Case's recommendation that risk assessment be refocused to include professional judgement in order to promote young people's welfare is a sensible one, and chimes with 'third-generation' risk assessments currently used by Probation areas.

Section 3 examines the political realities of the youth justice system. In her chapter on parenting orders, Holt observes that an emphasis on parenting skills misses an opportunity for these sessions to address the problems of social and economic disadvantage. She shows us a glimpse of the often-neglected experience of parents while on these orders, recording their feelings of injustice, humiliation and anger. While there were some positive experiences, the overall picture seemed to show that the orders created little change in children's ongoing behaviour.

Helen Mahaffey's brief history of restorative justice will be a worthwhile read for practitioners in Northern Ireland. Its origins in New Zealand and Australia, the 'Wagga' model's emphasis on awareness of harm caused and the need to meet responsibility, and Braithwaite's theory of shame as a social control provided this reviewer with a useful primer on restorative justice. Research into outcomes seems generally positive, although Mahaffey notes that the wide variety of restorative justice methods – some related only loosely by the name 'restorative' – means that practitioners should be aware of which type they choose.

Desistance theories aim to explain the decline of criminal activity with age, and these loom large in Section 4, on reflective practice. Similarly to positive psychology's interest in healthy functioning, studies into desistance ask what it is that makes many twenty-somethings grow out of youthful delinquency, and how we can use such information for the benefit of persistent offenders. Family, friends, and employment are some of the protective factors involved. Hine advises practitioners 'to listen to what young people have to say, look for the strengths and build

on them'. This in turn can help both practitioner and client work on a realistic strategy that builds on pro-social relationships and pastimes.

Taylor's chapter on reflective practice is required reading for any conscientious practitioner who wants to apply the highest levels of rigour to their work. With Thompson's mantra of 'reading, questioning, watching, feeling, talking and … thinking', he reminds us of the need to evaluate critically the methods we use when working with young people.

Section 5, on 'Widening Contexts', takes a step back from the preceding arguments to look at the guiding principles in both global and national legal authorities' responses to youth criminality. Readers of this journal will be interested in Kelvin Doherty's concluding chapter on restorative justice (RJ) in Northern Ireland. Criticised initially for their close links to paramilitary organisations, both fledgling RJ schemes in the North have now been accredited by the government, and Doherty cites some positive research that gives evidence of their success in reducing reoffending.

This handbook is a valuable introduction to the complexities of Youth Justice. Practitioners who read it will enhance their knowledge on the theories of why young people choose to break the law and why they choose to stop breaking the law. They will sharpen their critical faculties and be given food for thought when pondering potential interventions.

One significant omission is the dearth of information on offending behaviour programmes, particularly those that use cognitive-behavioural therapy.

Setting this major caveat aside, the *Youth Justice Handbook* is an accessible, wide-ranging and elegantly written text, highly recommended for anyone working with young people in the Criminal Justice System.