ARTIKELEN

What Works in Probation?*

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Introduction

It is, of course, not possible to answer questions about what works in probation without thinking first about the purposes of probation. To determine 'what works?' we need to first define what ends we are pursuing.[1] Historically, probation services in most jurisdictions have been preoccupied with the pursuit of rehabilitation – although the forms and functions of rehabilitation have changed in probation's different eras and in the different places where it has developed.[2] One important and helpful analytical distinction that we can make about rehabilitation concerns whether we think of it as an end in itself or as a means. The French expression 'rétablir dans ses droits' well captures the notion of rehabilitation as moral end that we should pursue – the full restoration to the formerly errant citizen of all of his rights (and responsibilities).[3] By contrast, contemporary penologists argue that in recent decades rehabilitation has been recast not as an end but as a means or a mechanism for reducing crime.[4] One purpose of this paper is to argue that to pursue rehabilitation solely as a means of protecting the public is, paradoxically perhaps, counter-productive; to achieve safer communities we need better integrated citizens.

Moreover, although clearly it can be argued that it is *necessary* for probation services to ask and answer the question of what works in reducing reoffending, it is not *sufficient*. Probation services are not merely crime reduction agencies; they are justice agencies. In view of this, I will argue that although our haste to control crime can sometimes lead to the neglect of questions of justice, due process and legitimacy, ultimately the pursuit of justice – social as well as criminal – is the only sure path to safer communities. In this respect it is important to recognise the vital role that probation services play both in enabling constructive reparation by offenders – enabling them to pay back for their crimes – and in advocating for offenders so that

* Dit artikel is onder een andere titel gepubliceerd in F. McNeill, What Works and What's Just? *European Journal of Probation* 2009, 1(1), p. 21-40.

1 P. Raynor, Effectiveness Now: A personal and selective overview, in: G. McIvor (red.), *Working with offenders,* London and Bristol: Jessica Kingsley 1996.

2 F. McNeill, D. Bracken & A. Clarke, Social Work and Criminal Justice, in: K. Briar-Lawson e.a. (red.), *The Sage Handbook of Social Work Research*, London and New York: Sage (nog niet gepubliceerd).

3 Zie W. McWilliams & K. Pease, Probation practice and an end to punishment, *Howard Journal of Criminal Justice* 1990, 29(1), p. 14-24; S. Lewis, Rehabilitation: Headline or footnote in the new penal policy, *Probation Journal* 2005, 52(2), p. 119-35.

4 Zie bijvoorbeeld D. Garland, *The culture of control: Crime and social order in contemporary society,* Oxford: Oxford University Press 2001; G. Robinson & F. McNeill, Purposes Matters: The ends of probation, in: G. Mair (red.), *What matters in probation work,* Cullompton: Willan 2004.

they can access the social goods and resources which so often they have been denied. Of course, it is inequality (and the social *injustice* that it represents) that so often underlies not just crime and offending but a host of other social problems.[5]

What Works: Public protection or community safety?

Although public protection has become a key priority and even a 'meta-narrative' for probation in some European jurisdictions,[6] there are good reasons for having reservations about the term. To talk of public protection seems to make sense during times when people are insecure about the pace and scale of change in western societies. The contemporary preoccupation with risks – and, in some places at least, the obsession with finding someone to blame when risks materialise – might suggest that probation's political position can be secured by promising to manage and reduce risks and thus to protect. Certainly at a time when offenders are increasingly vilified, this might seem a safer pitch for probation that its traditional sympathy for and commitment to the offender. However, there is a paradox at the heart of protection and there are risks with risk. Whenever we promise to protect, we confirm the existence of a threat; we legitimise and reinforce fear.[7] Similarly, when probation commits itself to the assessment and management of risks, it exposes itself not to the likelihood of failure, but to its inevitability. Not all risks are predictable and not all harms are preventable. Even being excellent at assessing and managing risks most of the time (assuming that this could be achieved) would not protect probation from occasional, spectacular failures and the political costs that they carry.[8]

Another related problem with public protection is that it tends to dichotomise the interests of offenders and the interests of victims and communities in a zero-sum game.[9] It becomes not just a case of protecting 'us' from 'them', but a case of setting our safeties and liberties against theirs. For probation that leads to another problem. It leads to a public and political pressure for more secure – for which we might read incapacitating – forms of control that serve, at least in the short term, to re-assure. But probation's traditional mechanisms of protection – for want of a better expression – are to be found in the support of long-term change processes which provide relatively little security and reassurance in the short-term. Thus although changed ex-offenders who have internalised and committed to the responsibilities of citizenship offer a better prospect for a safer society in the long term, change programmes and services look somewhat feeble when set against the increasingly threatening offender that communities are taught to fear.

By way of contrast, the concept of 'community safety' stresses that we are all part of communities – offenders too – and that it is in our collective interests to respond intelligently and rationally to our crime problems. Moreover, in some jurisdictions

5 R.G. Wilkinson, *The impact of inequality: How to make sick societies healthier*, London: Routledge 2005.
6 Robinson & McNeill, Purposes matters: The ends of probation.
7 M. Douglas, *Risk and blame: Essays in cultural theory,* London: Routledge 1992.
8 Robinson & McNeill, Purposes matters: The ends of probation.
9 T. McCulloch & F. McNeill, Consumer society, commodification and offender management, *Criminology and Criminal Justice* 2007, 7(3), p. 223-242.

at least, the recognition that tackling crime requires that we nurture the collective efficacy of communities recognises that we are also all part of the solution. In order for communities to be safer, they need to be stronger – together. In order to be stronger communities also need to be fairer – as we learn (or fail to learn) from international affairs – without justice there is no peace.

Leaving these questions aside for a moment, it is also necessary to think about who or what probation aims to protect. This might seem like an odd question given that it is obvious that probation must aim to reduce victimisation and protect communities. But here again there is an important difference between protecting potential *future* victims in communities through rehabilitation and risk management and providing services (including protection and support) for those who have *already been* victimised. In an analogous way, it might be asked whether policy-makers and practitioners are becoming too preoccupied with the offender that someone may become rather than with repairing the harms that they have already done, with the person that they are now and with their positive potential. Similarly, one can ask to what extent probation really works with communities in the present, as opposed to working with offenders on behalf of the future wellbeing of imagined communities. This tension between working with real victims, offenders and communities *now* – as opposed to working for merely imagined victims, working on offenders as bearers of imagined risks and working towards merely imagined communities – distorts discourses and practices because focusing too much on the imaginary and the anticipated permits neglect of the present and the real.[10]

Developing some of these themes in a recent book, Hazel Kemshall analyses two strategies for the management of high risk offenders.[11] The protection strategy aims to protect through the control of risk. The reintegration strategy aims to reduce risk and thus protect through integration. This mirrors the distinction between more secure short-term incapacitation based approaches and less secure, but ultimately more effective, long-term change based approaches. Kemshall's conclusion is that, although these two approaches are underpinned by different discourses of risk, conceptions of the offender and conceptions of justice, they can and should be blended. The approach to 'blended' protective integration that she advances combines strategies which aim at:

- situational crime reduction within the environment which aim to reduce opportunities to commit crime;
- public education to enhance awareness about risks and how to manage them;
- support and integration of offenders to help them and thus reduce risks (as in the Circles of Support and Accountability that are now used with sex offenders in Canada and in England and Wales);
- pro-social supervision with an emphasis on the Good Lives Model (more of which below);
- appropriate and balanced restrictions on offenders, consistent with their rights and with European standards;

10 Zie P. Carlen (ed.), *Imaginary penality,* Cullompton: Willan 2008.

11 H. Kemshall, *Understanding the community management of high risk offenders,* Maidenhead: Open University Press 2008.

– combining vigilance within communities with vigilance by statutory agencies; and
– effective partnership working.[12]

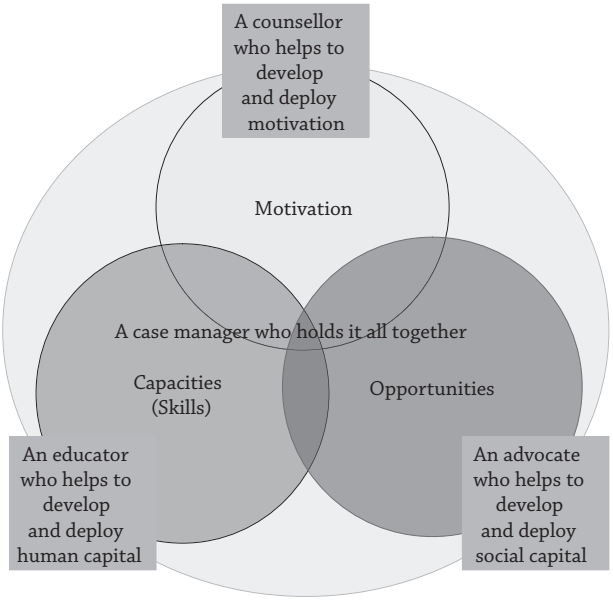
In line with the argument above about pursuing community safety as opposed to public protection, Kemshall stresses the need for communities to be *active participants in* rather than *passive recipients of* protection.
In the remainder of this paper, the focus will be on what Kemshall calls pro-social supervision and the role that it can and should play in the integrative approach that she commends. In so doing, this analysis deliberately privileges change-based approaches to public protection rather than restrictive approaches. This is not just because this is the traditional territory of probation practice (and of 'what works?' research) but also because there are compelling moral and empirical grounds for believing that it is the better path to safer societies.

Towards Effective Offender Supervision

Most of the analysis that follows is drawn from a literature review commissioned by the Scottish Government entitled 'Towards Effective Practice in Offender Supervision'.[13] This review explores the problem of reoffending and its roots, the nature of the process of desistance (by which people cease and refrain from offending) and two contemporary models of rehabilitation. It then goes on to develop the notion of an 'Offender Supervision Spine'; meaning a clearly articulated process of supervision based on an explicit and evidence-based logic; one which can be 'fleshed-out' with the necessary interventions and supports required by the individual. Two key aspects of this 'fleshing-out' are the development of the human capital and of the social capital of the offender.
Figure 1 presents the three necessary and sufficient pre-conditions for change, at least as argued in social casework theory over four decades ago.[14] The person doing the changing needs to be motivated. They need to have the capacity to change – meaning in this context the requisite set of skills. Human capital is another term for these personal resources that inhere within individuals. But people who want to change also need to have access to opportunities. The term social capital refers to the resources that inhere within social networks and relationships. In terms of the practice of supervision, these three preconditions entail three roles or tasks for probation staff; they need to be counsellors who can develop and deploy motivation; they need to be educators who can develop and deploy human capital; they also need to be advocates who develop and deploy social capital. Or at least, if they cannot be all of these things themselves, they need to be able to help the offender access all of these things. By way of illustration, think of the diagram as a cross

12 Kemshall, *Understanding the community management of high risk offenders*, p. 133.
13 F. McNeill, *Towards effective practice in offender supervision,* Glasgow: Scottish Centre for Crime and Justice Research 2008, te downloaden op <http://www.sccjr.ac.uk>.
14 L. Ripple, E. Alexander & B.W. Polemis, *Motivation, capacity and opportunity: Studies in casework theory and practice,* Chicago: School of Social Service Administration, University of Chicago 1964.

Figure 1: The preconditions for change



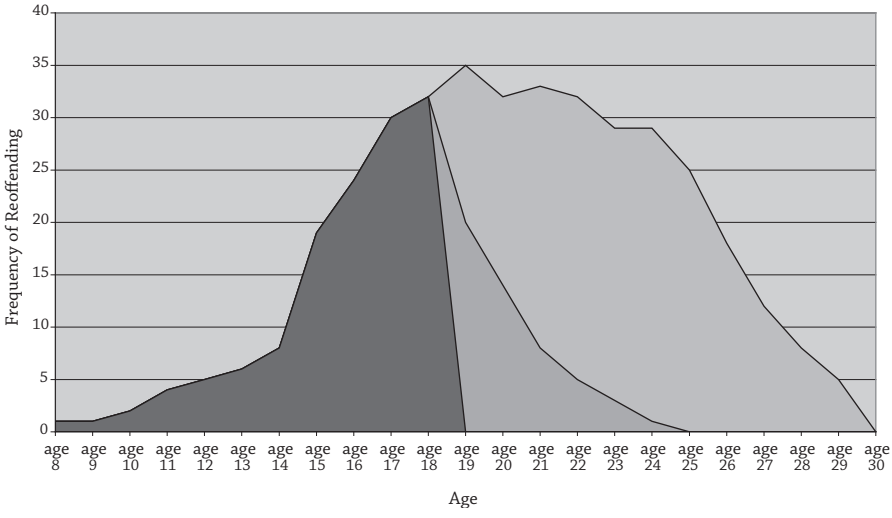
section of a rope. The rope won't be strong enough to pull the person towards change unless the strands are woven together. Someone needs to do the weaving and keep hold of the rope – especially when there is a strain in the process or an obstacle that the person needs to be pulled over.[15]

Desistance and Interventions

But before thinking further about these three preconditions and the roles they imply for staff, it makes sense to think about the change process they exist to support; the process of desistance from offending.
Figure 2 represents the fictional criminal career of a very persistent offender. The person in question commits his or her first crime at the age of 8, the offending escalates during adolescence; it peaks at 18 and plateaus until 25 after which it tails off, eventually ending at age 30. The area under the curve represents the volume of offending for which this person is responsible. Obviously, there are only two ways that criminal justice interventions can, in theory, reduce this volume. They can push the curve towards the horizontal axis, thus reducing the volume of crimes committed in each year; or, they can push the curve towards the vertical axis, thus reducing the length of the criminal career. Better still, they can do both.

15 F. McNeill e.a., *21st Century social work. Reducing re-offending: key practice skills,* Edinburgh: Scottish Executive 2005.

Figure 2: The criminal career of a very persistent offender



In an ideal world, the effect of a perfect probation intervention – and with it perfect public protection – is represented by the red area under the curve. The offender gets probation at age 18 and by age 19 his or her rate of offending has reduced to 0. In the real world however, protection through change looks more like the amber area under the curve. The offender stays active until 25, but the volume of offending tails off much more rapidly than it would have without intervention – the volume of offending without any intervention is represented in the green area under the curve. Even in this less perfect midway scenario, the green area shows the significant volume of offending that can be produced by interventions which support change and slow down an offending career.

So, what do we know from those studies that have explored the ending of criminal careers, the process of desistance which we are trying to accelerate? In this paper, only the briefest of summaries can be offered.[16]

First of all, some have suggested that there is a difference between primary desistance, meaning a lull or crime-free gap in a criminal career, and secondary desistance, meaning a change in the way that an ex-offender seems him or herself.[17] Essentially, secondary desistance is about ceasing to see yourself as an offender and finding a more positive identity; it is about successfully peeling off the criminal label that criminal justice systems are so effective at applying. Though not all researchers concur that this kind of reconstruction of identity is a necessary aspect of

16 Zie S. Farrall & A. Calverley, *Understanding desistance from crime: Theoretical directions in rehabilitation and resettlement,* Maidenhead: Open University Press 2006; McNeill, *Towards effective practice in offender supervision;* S. Maruna, *Making Good,* Washington, DC: American Psychological Association 2001.

17 S. Maruna & S. Farrall, Desistance from crime: A theoretical reformulation, *Kölner Zeitschrift für Soziologie und Sozialpsychologie* 2004, 43, p. 171-194.

desistance,[18] it is at least more likely to be necessary for those whose offending has been persistent and who have deeply entrenched criminal identities, but not for those whose engagements with crime and justice have been more transitory. With respect to persistent offenders, it can be argued that secondary desistance should be the holy grail of probation services because secondary desistance is about the internalisation of change and the fundamental redirection of the ex-offender's life. As such it also represents the most secure basis of public protection because the ex-offender has changed in a lasting way, a way that will endure long after short-term controls and constraints have been removed.

Getting there, however, is very difficult. Taken together, the research suggests that the process of desistance, again focusing on those who have developed persistent offending patterns, is typically characterised by ambivalence and vacillation.[19] It is not an event, it is a process; a process of 'to-ing' and 'fro-ing', of progress and setback, of hope and despair.

Theories of desistance tend to focus on the significance of aging, on related live events and social bonds, or on related narrative changes in the offender and his or her sense of self.[20] Most scholars now tend to stress the interplay between these three factors;[21] it is not just getting older, getting married or getting a job, it is about what these kinds of developments mean and signify to offenders themselves and whether they represent compelling enough reasons for and opportunities to change the pattern of one's life.

Given the significance of these subjectivities, it is interesting, but perhaps not surprising, that hope plays a key part in these processes.[22] Desistance can, it seems, be provoked by someone believing in the offender; someone who perhaps carries hope and keeps it alive when the offender cannot do so for him or herself. Of course, the brutal reality is that the social circumstances of the lives of many repeat offenders suffocate hope.

Against this backdrop, Maruna describes the prognosis for many persistent offenders as 'dire' (precisely because of the criminogenic backgrounds, environments and traits that they experience).[23] Perhaps because of their experience of adversity, we know from research and practice experience that persistent offenders are very often highly fatalistic; or to use psychological terms, they have 'low self-efficacy' and an

18 Zie A. Bottoms e.a., Towards desistance: Theoretical underpinnings for an empirical study, *Howard Journal of Criminal Justice* 2004, 43(4), p. 368-389; J. Laub & R. Sampson, *Shared beginnings, divergent lives: Delinquent boys to age seventy,* Cambridge, MA: Harvard University Press 2003.

19 R. Burnett, *The dynamics of recidivism,* Oxford: University of Oxford Centre for Criminological Research 1992; R. Burnett, Understanding criminal careers through a series of in-depth interviews, *Offender Programs Report* 2000, 4(1), p. 1-16; R. Burnett, 'One-to-one ways of promoting desistance: In search of an evidence base', in: R. Burnett & C. Roberts (red.), *What Works in probation and youth justice,* Cullompton: Willan Publishing 2004.

20 Maruna, *Making good*.

21 S. Farrall & B. Bowling, Structuration, human development and desistance from crime, *British Journal of Criminology* 1999, 17(2), p. 252-267.

22 R. Burnett & S. Maruna, So 'prison works' does it? The criminal careers of 130 men released from prison under Home Secretary, Michael Howard, *Howard Journal* 2004, 43(4), p. 390-404; Farrall & Calverley, *Understanding desistance from crime: Theoretical directions in rehabilitation and resettlement*.

23 Maruna, *Making good*.

'external locus of control'. They don't feel that they determine the direction of their own lives. Rather, life happens to them. Yet Maruna discovered that, despite this background and previous outlook, desisters somehow manage to acquire a sense of 'agency' – of control over their own lives.[24]

But desistance is not just about the acquisition of new personal narrative and a new sense of personal empowerment; far less it is it simply about the acquisition of the new skills that offender programmes typically focus upon. Desistance requires social capital as well as these forms of human capital.[25] Important ongoing studies of desistance in both Sheffield and Tubingen have suggested that for young men involved in persistent offending returning home and rebuilding ties with their parents and families is an important aspect of desisting from crime.[26]

Finally, there is some evidence that for many ex-offenders desistance is about personal redemption, not necessarily in the spiritual or theological sense but rather in the sense of finding a way to 'make good' on a troubled and troubling past by making a positive contribution to families or communities now.[27] Psychologists refer to this as 'generativity'; it takes little imagination to see the generative potential that resides in community penalties and indeed generativity may provide one hypothesis about why reparative community penalties sometimes outperform rehabilitative ones in terms of reducing reoffending.[28]

These findings have wide-ranging implications for probation work, but there are some quite specific central messages. Firstly, if desistance is an inherently individualised and subjective process, then we need to make sure that our approaches can accommodate and exploit issues of identity and diversity. One-size-fits-all interventions will not work. Secondly, the development and maintenance not just of motivation but also of hope become key tasks for probation workers, more of which below. Thirdly, desistance can only be understood within the context of human relationships; not just relationships between workers and offenders (though these matter a great deal) but also between offenders and those who matter to them. Fourth, although we tend to focus on offenders' risk and needs, they also have strengths and resources that they can use to overcome obstacles to desistance – both personal strengths and resources and strengths and resources in their social networks. We need to support and develop these capacities. Fifth, if desistance is about discovering agency, then interventions need to encourage and respect self-determination; this means working with offenders not on them. Finally, interventions based only on human capital – what a Dutch colleague recently described to me as 'between the ears' interventions – will not be enough. Probation needs to work on

24 Maruna, *Making good*.

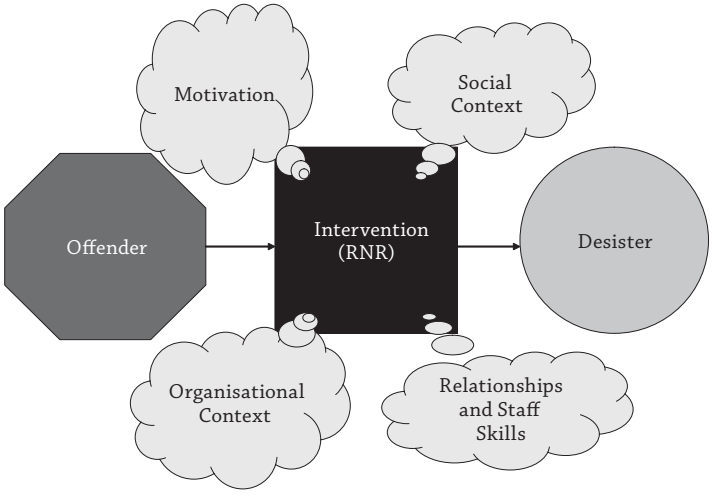
25 S. Farrall, *Rethinking What Works with offenders: Probation, social context and desistance from crime,* Cullompton: Willan Publishing 2002; S. Farrall, Supervision, motivation and social context: What matters most when probationers desist?, in: G. Mair (red.) *What matters in probation.* Cullompton: Willan Publishing 2004.

26 Zie <http://www.scopic.ac.uk/SPOOCS.html>.

27 Maruna, *Making good*.

28 F. McNeill & S. Maruna, Giving up and giving back: Desistance, generativity and social work with offenders, in: G. McIvor & P. Raynor (eds.), *Developments in work with offenders.* London: Routledge 2007.

Figure 3: Offender Interventions



social capital issues with communities and offenders – we need to work 'beyond the ears' if you will.

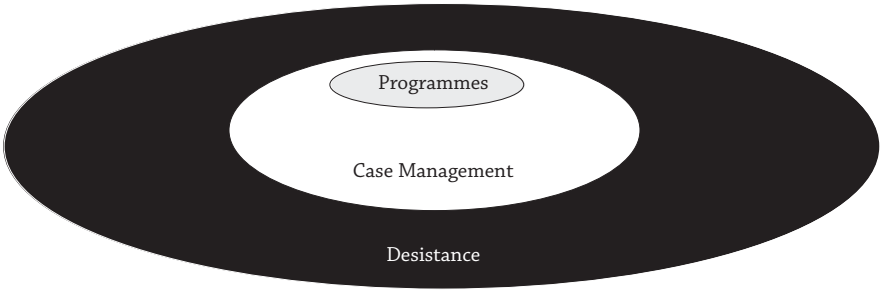
Putting Interventions in Their Place

But there is a more revolutionary implication of the desistance perspective that we need to confront and consider. Figure 3 represents – admittedly somewhat harshly – the type of approach to offender intervention programmes that has come to the fore in the UK of late.

In simple terms, the idea is that the offender is put through a programme which conforms to the principles of effective practice (more of which below) and emerges as a desister; the rough edges get smoothed off in the process. It is the offender who is changed by the intervention – and much of the focus has been on how to make the intervention or programme more effective. A number of complicating factors have emerged in the practical experiences of this general approach and in the evaluation research which has sought to account for the sometimes limited impact of such programmes. First of all, researchers have learned – not only through desistance research but from programmes research too – that more attention needs to be paid to the offender's motivation and to the impact of his or her social context on the outcomes of the intervention.[29] Secondly, it is now well understood that there is more to effective programmes than designing them well; they need to be run well; that requires the right organisational arrangements, the right staff skills and the

29 Farrall, *Rethinking What Works with offenders: Probation, social context and desistance from crime.*

Figure 4: Programmes in context



qualities of relationships between offenders and probation staff – both within programmes and beyond them.[30]

Arguably, the delay in recognising the significance of these sorts of additional ingredients in the recipe for effective practice is a result of thinking too much about interventions or programmes and too little about the change processes that they exist to support. Desistance research, if taken seriously, would invert our priorities – recognising the change process as our central concern and considering offender programmes as but one aspect of the many means of supporting the process:

> 'Treatment was birthed as an adjunct to recovery, but, as treatment grew in size and status, it defined recovery as an adjunct of itself. The original perspective needs to be recaptured. Treatment institutions need to once again become servants of the larger recovery process and the community in which that recovery is nested and sustained.'[31]

To use education as an analogy, one might ask the question whether it is more important that teachers understand how children learn and develop and how they can support these processes or to know what currently seems to be the best way to teach them? While we may want the answer to this question to be 'Both!', the former seems to be more of a priority that the latter.

Figure 4 seeks to simply convey the relationships between desistance, case management and programmes. Services, systems and practitioners need to begin by

30 P. Raynor, Rehabilitative and reintegrative approaches, in: A. Bottoms, S. Rex & G. Robinson (eds.), *Alternatives to prison: Options for an insecure society,* Cullompton: Willan Publishing 2004; P. Raynor, Opportunity, motivation and change: Some findings from research on resettlement, in: R. Burnett & C. Roberts (eds.), *What Works in probation and youth justice,* Cullompton: Willan Publishing 2004; P. Raynor, Community penalties and Home Office research: On the way back to 'nothing works'?, *Criminology and Criminal Justice* 2008, 8, p. 73-87.

31 W. White, *Toward a new recovery movement: Historical reflections on recovery, treatment and advocacy,* paper presented at the Center for Substance Abuse Treatment, Recovery Community Support Program Conference, Alexandria, Virginia, April 2000; Maruna & Farrall, Desistance from crime: A theoretical reformulation.

understanding the desistance process and how best to support it, and then embed the overall intervention or case management process in this understanding, and then embed within case management the role that specific programmes may play. As a member of an accreditation panel for such programmes, I am often troubled to find programme designers making submissions on the basis that the programme *is* the change process. It is not; it is merely one aspect of the service required to support the change process.

Developing Human Capital

That said, if there was once a risk of ignoring the importance of change processes and supports beyond programmes,[32] then there is perhaps now a risk of rejecting or dismissing the role that programmes *can* play. As has already been suggested in elaborating the three preconditions for change, offender programmes represent a key mechanism for developing offenders' capacities for change by building their human capital. There is by now a considerable body of evidence about the types of programmes that seem to work best. Most probation managers will be, by now, very well aware of the principles of risk, need and responsivity; the principles that make up the RNR model[33] that continues to dominate approaches to offender rehabilitation in the English-speaking world. Ensuring that these principles (and to some extent other research evidence) are increasingly designed into programmes is the task of accreditation systems in many northern European jurisdictions. These accreditation processes and systems typically stipulate criteria around requirements that programmes have evidence-based models of change, that they have clear procedures for the selection of appropriate offenders, that they target 'criminogenic' (or crime-generating) needs, that they use effective methods oriented towards the acquisition of skills, that they specify appropriate sequencing, intensity and duration of the programme, that they attend to the need to engage and motivate offenders, that they have procedures in place to ensure continuity within programmes and between programmes and other activities, and that they have measures in place to ensure that they are delivered as designed (with integrity) and are properly evaluated. Despite these efforts to design-in quality, the results to date of attempts to roll-out programmes within probation have been somewhat disappointing, in England and Wales at least.[34]

This may be explained in part by the fact that in practice this list represents a very challenging menu not just for programme designers but also, more to the point, for those delivering the interventions. As medical researchers know well, an efficacious treatment in the laboratory is not necessarily effective in the real world. If the 'cure'

32 R. Burnett & F. McNeill, The place of the officer-offender relationship in assisting offenders to desist from crime, *Probation Journal* 2005, 52(3), p. 247-268.

33 D. Andrews & J. Bonta, *The psychology of criminal conduct*, Cincinnati, OH: Anderson Publishing 2003.

34 Zie voor een kritisch overzicht S. Merrington & S. Stanley, What works? Revisiting the evidence in England and Wales, *Probation Journal* 2004, 51(1), p. 7-20.

is more painful or inconvenient than the 'condition', the fact that it works will not persuade many patients to undergo it.

This problem of 'treatment adherence' manifests itself in offender programmes as the problem of 'programme attrition', meaning the numbers of 'drop-outs' who start but don't complete programmes.[35] In England and Wales, this has been a major problem, not least because there is much evidence that those who drop out fare worse in terms of reconviction than those who never start programmes.[36] That neither drop-outs nor non-starters do as well as programme completers offers limited comfort to practitioners and researchers alike, since the better outcomes for completers can too readily be attributed to a selection bias; those with the motivation to complete programmes may well have been motivated enough to change without the help of the programme. And indeed some of the evidence from some of the programmes suggests that the completers may have been lower risk offenders in the first place.[37] Some commentators in England and Wales attribute these and other disappointing findings to organisational issues and implementation problems, not least problems with the tensions between, on the one hand, the political need to meet targets for getting large numbers of offenders through programmes and, on the other hand, making sure that the programmes are effectively targeted.[38] With hindsight we might summarise one of the key lessons of the experience of programmes in England and Wales in the English phrase: 'too much haste, too little speed'. In other words, implementing programmes (or perhaps any organisational change process) too hastily will ultimately delay the delivery of the desired outcomes.

The discussion above has already alluded to some of the other lessons to be learned from this experiment. Firstly, much more attention needs to be paid to the organisational contexts of professional cultures in and through which interventions are delivered – to borrow from a biblical parable, it is as much the condition of the soil that determines to yield as the quality of the seed. Secondly, to another English expression, we need to be careful not to place all our eggs in one basket: it is unwise to rely too heavily on programmes themselves as the main mechanisms to deliver reductions in reoffending; rather we need to draw on a wider body of evidence (including desistance research) to make sure that our routine practices of case man-

35 H. Kemshall e.a., *The effective management of programme attrition: A report for the National Probation Service (Welsh Region),* Leicester: De Montfort University 2002; C. Roberts, Offending behaviour programmes: Emerging evidence and implications for practice, in: R. Burnett & C. Roberts (eds.), *What Works in probation and youth justice,* Cullompton: Willan 2004.

36 C. Hollin, J. McGuire & E. Palmer, *Pathfinder programmes in the probation service: A retrospective analysis*, London: Home Office Research ESD 2004.

37 R. Burnett & C. Roberts (eds.), *What Works in probation and youth justice,* Cullompton: Willan Publishing 2004.

38 Hollin, McGuire & Palmer, *Pathfinder programmes in the probation service: A retrospective analysis;* Raynor, Rehabilitative and reintegrative approaches; Raynor, Opportunity, motivation and change: Some findings from research on resettlement; Raynor, Community penalties and Home Office research: On the way back to 'nothing works'?.

agement and casework – and the key relationships between probation staff and offenders – are as effective as they can be in supporting change.[39]

Developing Motivation

In looking briefly at the second precondition of change, some critics have suggested that the RNR model is, in practice, somewhat weak in respect of the issue of offender motivation and that, as such, the principle of responsivity – which involves using methods that effectively engage offenders – is as yet underdeveloped. Ward and Maruna have recently argued convincingly that the Good Lives Model of Offender Rehabilitation (GLM) may address this weakness in existing approaches.[40]

The GLM represents a relatively recent development in the field.[41] It draws on the developing field of 'positive psychology' to offer a strengths-based approach to rehabilitation. In setting out the general principles of the model, Ward and Maruna articulate several basic assumptions.[42] Essentially, the GLM assumes that people (including offenders) are predisposed to seek certain goals or primary human goods including, for example, life, knowledge, excellence in play and work, agency or autonomy, inner peace, friendship, community, spirituality, happiness and creativity. Secondary goods, such as certain types of work or relationships, provide particular ways and means for us to pursue and achieve primary goods. Because primary human goods are plural, there are many possible sources of motivation for human behaviour.

The GLM rests on the assumption that interventions should aim to promote an individual's goods as well as to manage or reduce risk. A major aim of rehabilitative work is to enable an individual to develop a life plan that involves ways of effectively securing primary human goods without harming others. However, this is not just about tackling risk factors; it is about the holistic reconstruction of the self that requires practitioners to consider and address individual, relational and contextual factors; attending to both characteristics and environments. Similarly, risk must be understood not as an attribute of offenders but in a multifaceted and contextualised way. Finally, the approach requires an explicit focus on conceptualising a good life; taking account of strengths, primary goods and relevant environments, and encouraging and respecting individual's capacities to make choices for themselves.

39 Raynor, Rehabilitative and reintegrative approaches; Raynor, Opportunity, motivation and change: Some findings from research on resettlement; Raynor, Community penalties and Home Office research: On the way back to 'nothing works'?.

40 T. Ward & S. Maruna, *Rehabilitation: beyond the risk paradigm,* London: Routledge 2007.

41 T. Ward & M. Brown, The good lives model and conceptual issues in offender rehabilitation, *Psychology, Crime and Law* 2004, 10(3), p. 243-257; T. Ward, & W. Marshall, Good lives, aetiology and the rehabilitation of sex offenders: a bridging theory, *Journal of Sexual Aggression* 2004, 10(2), p. 153-169; T. Ward & T.A. Gannon, Rehabilitation, etiology, and self-regulation: The comprehensive good lives model of treatment for sexual offenders, *Aggression and Violent Behavior: A Review Journal* 2006, 11, p. 77-94; T. Ward, R.E. Mann & T.A. Gannon, The comprehensive good lives model of treatment for sexual offenders: Clinical implications, *Aggression and Violent Behavior: A Review Journal* 2007, 12, p. 87-107.

42 Ward & Maruna, *Rehabilitation: beyond the risk paradigm.*

In understanding the aetiology of offending, the GLM draws on strain theory[43] to suggest that there are two basic routes to offending – direct and indirect. The direct route refers to situations where the individual seeks certain types of good through criminal activity. The indirect route refers to situations where the pursuit of a certain good has consequences that increase the pressure to offend; for example, where the use of alcohol to relieve emotional pressure leads to a loss of control in particular circumstances. In the GLM criminogenic needs are best understood as internal or external obstacles to the acquisition of primary human goods.

In the practice model that develops from these principles and assumptions, the practitioner must balance the promotion of personal goods (for the offender) with the reduction of risk (for society). Too strong a focus on personal goods may produce a happy but dangerous offender; but equally too strong a focus on risk may produce a dangerously defiant or disengaged offender. The practitioner has to create a human relationship in which the individual offender is valued and respected and through which interventions can be properly tailored in line with particular life plans and their associated risk factors. So, although, as with RNR, interventions should be structured and systematic, they should also be shaped to suit the person in question. The language used by the practitioner and their agency should be 'future-oriented, optimistic and approach goal focused'[44] in order to foster motivation.

In the processes of engagement and assessment, Ward and Maruna suggest that as well as addressing risk, needs and responsivity, practitioners should also assess the individual's *priorities* – their own goals, life priorities and their aims for the intervention.[45] This requires analysing the kinds of priorities implicit in their patterns of offending and also asking the person directly about what s/he values and where s/he places her efforts and energies. A more comprehensive assessment of an individual's potential for achieving a good life involves exploring:

1 Whether there is restricted scope for meeting some primary goods perhaps because of an undue focus on others.
2 Whether some goods are being pursued through inappropriate means.
3 Whether there is conflict between the individual's goals.
4 Whether the person has the capacity or capabilities to enact their life plan and achieve their goals.

Individual case formulation then proceeds by exploring presenting problems and criminogenic needs and then by establishing the function of the offending – that is, the primary human goods to which it directly or indirectly relates. Once the reasons for offending, the level of risk and the flaws in the individual's life plan have been understood, the practitioner should identify their strengths, positive experiences and expertise. Next, the effort shifts to exploring primary and secondary goods and how they might be better met. There should then follow some consideration of the individual's environment and its likely impact on their life plan, before

43 R.K. Merton, Social structure and anomie, *American Sociological Review* 1938, 3, p. 672-682.
44 Ward & Maruna, *Rehabilitation: beyond the risk paradigm*, p. 127.
45 Ward & Maruna, *Rehabilitation: beyond the risk paradigm*.

in the final phase of assessment the practitioner constructs an intervention plan based on all of the above considerations:

> 'Thus, taking into account the kind of life that would be fulfilling and meaningful to the individual... [the practitioner] notes the kinds of capabilities or competencies he or she requires to have a chance of putting that plan into action. A treatment plan is then developed.'[46]

Ward and Maruna's evaluation of the GLM[47] presents a wealth of empirical evidence to support the theoretical frameworks, aetiological assumptions and practice focuses of the model and points to positive evaluations of a number of correctional treatment programmes based on or analogous to the GLM. However, their candid conclusion is that:

> 'the GLM appears to function well as an integrative framework, but so far there is a paucity of specific correctional programs that have been explicitly developed with GLM in mind. Thus there is a lack of direct, compelling research evidence for GLM-inspired programs. However, this is changing rapidly and, as we write, several correctional GLM programmes are being constructed and empirically evaluated.'[48]

Beyond this issue about the existing evidence base, there are a number of questions that might be asked about the GLM. Are the primary human goods as universally pursued as the model suggests? How can practitioners manage the deep tensions that exist in contemporary societies around diverse views of what constitutes the good life and the conflicts that arise in the pursuit of very different versions of that life within communities? Do all of those offenders with whom social workers engage require the holistic reconstruction of the self that the thoroughgoing revision of a good lives plan seems to suggest? Might less intensive interventions suffice in many cases? That said, there is no reason why the GLM would not allow for varying degrees of reconstruction and revision and indeed its emphasis on tailored intervention might require this. Does the GLM perhaps underplay the extent to which criminogenic social contexts (and limited life opportunities) might make a 'criminal' good lives plan logical and functional from the offender's point of view. Finally, might a sharper focus on the importance of interventions around the familial and social contexts of offending and desistance, and on work to develop legitimate opportunities (or licit social capital – see below) also be required?

It may be that the emphasis in both the RNR model and, to a lesser extent, in the GLM model on *within-individual* analyses of and responses to offending is a consequence of the psychological orientation towards offender rehabilitation that they share. That said, the GLM's values and principles seem highly consistent both with probation's humanistic traditions. Moreover, to the extent that one can still see

46 Ward & Maruna, *Rehabilitation: beyond the risk paradigm*, p. 136.
47 Ward & Maruna, *Rehabilitation: beyond the risk paradigm.*
48 Ward & Maruna, *Rehabilitation: beyond the risk paradigm*, p. 171.

probation as a form of social work,[49] the GLM seems congruent with social work's broader history of engaging with ecological perspectives, with its contemporary stress on the personalisation of care and with strengths-based approaches.

Developing Social Capital

But since capacities and motivation are not sufficient for change, and given the criticism that both the RNR and the GLM models are too focussed on the individual level of analysis, it is necessary to turn to the last of the three preconditions of change; the development of opportunities and of social capital. We have already noted that the latter term refers to the resources that inhere in social relationships and networks characterised by shared norms and reciprocal bonds.[50] Social capital theorists have delineated three types of social capital, two of which are most relevant here; bonding social capital refers to close ties with family and friends, bridging social capital refers to more distant ties, for example with a wider network of acquaintances and colleagues (REFS). Unsurprisingly, research indicates not just that high crime communities have low social capital but also that persistent offenders tend to have very little social capital – or at least very little licit social capital. Their damaged ties even to kith and kin – friends and family – force them to rely on illicit and criminal networks, damaging their prospects for desistance.[51] It follows that supporting desistance requires probation services to help offenders and ex-offenders, where appropriate, to repair the bonding social capital represented in family ties and to prepare for and develop ties with the new families that they form as they establish intimate relationships and become parents. However, this social capital building should also extend to the development of bridging social capital, meaning wider community ties forged with and through employers, NGOs, faith communities and so on. Both by developing their positive contributions to families and by building positive ties with communities, probation services can create channels for the generative activities that seem to be important to those desisting from crime in helping them to see themselves as positive contributors to communities rather than risks or threats to them.[52]

Of course, developing the social capital of a vilified, marginalised and excluded group like offenders is far from easy in the insecure, late-modern societies in which most of us work. Indeed in some European jurisdictions we seem hell-bent on squandering our diminishing fiscal resources by imprisoning more and more offenders despite the evidence not just of the futility of such an approach but also of its high social costs, not least in terms of reconviction rates and ruined lives.

49 McNeill, Bracken & Clarke, Social work and criminal justice.

50 R.D. Putnam, *Bowling alone: The collapse and revival of american community,* New York: Simon and Schuster 2000; F. McNeill & B. Whyte, *Reducing reoffending: Social work and community justice in Scotland,* Cullompton: Willan 2007.

51 C. Webster, T. MacDonald & M. Simpson, Predicting criminality? Risk factors, neighbourhood influence and desistance, *Youth Justice* 2006, 6(1), p. 7-22.

52 McNeill & Whyte, *Reducing reoffending: Social work and community justice in Scotland.*

Once again, research can provide a measure of hope here. A recent study of public attitudes to punishment in two high crime communities in Sheffield, for example, led its authors to suggest that the contrasts in punitiveness between the two communities may have been accounted for by different feelings about community within them.[53] While the more punitive community felt abandoned to disorder and decay, residents in the less punitive community – despite having a similar crime rate – felt that their neighbourhood was on the up. In part, this was accounted for by differences in the policing of the communities. The researchers link their findings to the literature on reassurance policing which encourages the use of 'control signals' to tackle those 'signal crimes' around which anxieties about crime and disorder tend to coalesce.[54] In a recent paper, Professor Sir Tony Bottoms has suggested that, like the police, probation services need to consider the signals they send to communities and neighbourhoods.[55] These signals might include control and protection signals, but they might also include restitution or reparation signals and reformation or redemption signals. Other important research on public attitudes to punishment suggests that we should not neglect but rather attend closely to the emotive aspects of punishment. However, rather than surrendering to the negative feelings that underlie punitiveness, we should try to tap into the long-cherished and still strong cultural heritage of belief in redeemability which asserts the capacity of human beings to grow and change for the better.[56] It may be that the ultimate fate of probation services – perhaps even of humanity in our approaches to punishment – may depend much more on our success or failure in developing and sending restitution, reparation and redemption signals than in delivering effective public protection.

Conclusion

This paper aimed to suggest that on moral and empirical grounds rehabilitation should be pursued as an end and not just as a means, and that in order to think about 'what works?' in controlling or reducing crime, we also need to think about 'what is just?'. It was argued that, in stressing our collective interests and building our collective efficacy, the concept of community safety might be more productive than the concept of public protection which tends to construct offenders as external threats to communities. I have also tried to explain why change-focussed, integrative approaches to public protection must be sustained and developed as a necessary counter-balance to restrictive approaches, though this is not to say that restrictive approaches have no place.

53 A. Bottoms & A. Wilson, Attitudes to punishment in two high-crime communities, in: A. Bottoms, S. Rex & G. Robinson (eds.), *Alternatives to prison: Options for an insecure society,* Cullompton: Willan Publishing 2004.

54 M. Innes, Reinventing tradition? Reassurance, neighbourhood security and policing, *Criminal Justice* 2004, 4(2), p. 151-171.

55 A. Bottoms, The community dimension of community penalties, *Howard Journal of Criminal Justice* 2008, 47(2), p. 146-169.

56 S. Maruna & A. King, Selling the public on probation: Beyond the bib, *Probation Journal* 2008, 55(4), p. 337-352.

My preference for discourses of community, integration and change is not just a product of my own origins in social work practice – it is not just a matter of the heart. Rather my engagement with criminological research suggests clearly to me that, particularly in neo-liberal regimes, the dominance of a 'risk' or 'protection' discourse is very likely to frustrate its own purposes if it identifies offenders with the worst aspects of themselves, if it leads practitioners to neglect of offenders' needs, strengths, goals and aspirations and if it reinforces a social climate that creates practical and attitudinal barriers to ex-offenders' prospects of social mobility and of living differently.

'What works?' sounds like a technical question, but it is a question that ultimately drives us back to question nor just about the kinds of probation services we want to develop and deliver but about the kinds of communities and societies to which we want to belong. My conviction, both as a citizen and an academic, is that we will be safer in a society where ex-offenders are supported to move towards better lives, than in one where the risks that they present are merely managed and surveilled, and where those risks are continually fixed and reinforced by their stigmatisation and exclusion as risk bearers.