

Chasing the 'reoffending' rainbow

Becky Clarke critiques the 'simplistic' measures used to define success

While considering the recent 'I would give up' call from the Centre for Crime and Justice Studies, I was inspired by the contributions of others to pull together my thoughts on an issue which increasingly challenges researchers and providers in criminal justice – chasing the rainbow of reductions in 'reoffending'. The significance of this measure is currently being reinforced through its status as the pot of gold in criminal justice payment by results (PbR) contracting.

With 'reoffending' operating as a measure of success for individual offenders, particular interventions or projects, both public and private sector organisations and institutions, and even the Ministry of Justice as a government department. Through the failure to appreciate complexity, these simplistic measures contribute to the social harms being reproduced by the very systems claiming to reduce them.

Defining 'success' in criminal justice

The notion of measuring 'reoffending' is couched within the oft cited illusion of the best predictor of future behaviour being past behaviour, emerging alongside tools such as the Offender Group Reconviction Score (OGRS). Interestingly at that time, nearly two decades ago now, such debate attracted a significant and negative media response, with press comments such as 'justice by computer' and '... the chances of reconviction ... do not depend on square roots and algebra' (Copas and Marshall, 1998). It is remarkable then how such terms have now become unquestioned parlance in

the context of an 'effective' criminal justice system.

Even the word, 'reoffending' misrepresents what is actually being measured. This is not a measure of further offending following receipt or completion of a court-imposed sanction, but of *reconviction*. Reconviction being a measure of the process of an individual being (re) detected and (re)convicted of an offence within a particular time frame. Reconviction rates superficially reflect the practice of targeting the 'usual suspects' characterised by their powerlessness, who perpetrate generally low level/ less serious crimes. That the vast majority of offending behaviour and social harms go undetected, unreported and unrecorded further demonstrates the fallibility of the metric.

As a local researcher and policy maker within the criminal justice system, I have spent a significant amount of time trying to be creative about how such measures could capture what is being achieved through some of the more innovative interventions I have been involved in designing and evaluating. And still I draw a blank. Reconviction rates present human life and social interaction as linear – viewing desistance (the process of stopping offending) as a simple decision-action process captured within the punitive (off the shelf) programmes and interventions (Maruna, 2001). Clearly, reoffending measures do not and cannot quantify the 'critical moments' that signal change, those improvements in the 'quality of life', improved social and economic conditions of the lived realities endured by the (approximately) 330,000 people subjected to criminal justice supervision and

management in England and Wales at any particular time (Ministry of Justice, 2013a). The 'reoffending' measure is so far removed from the reality of what is being achieved by innovative projects – those which respond to the complexities of the victim/offender nexus, and the wider context of family, community and society. For example, community-based projects for women affected by the criminal justice system as both victim and offender, or those which recognise the care leaver who transitions from a secure children's home to prison.

'Reoffending'...the PbR pot of gold

Clearly, it is extremely disconcerting then that a binary measure of reoffending is about to underpin the PbR approach for future community-based criminal justice contracting (Ministry of Justice, 2013b). This approach offers an absolute, and importantly an easily measurable, outcome for the state – enabling the current government to demonstrate they are in control of the problem of crime. What it does not offer is any incentive to improve the circumstances or experiences of individuals or communities affected by the problem of 'crime' or wider social harms.

The recent Ministry of Justice data for the Intensive Alternative to Custody (IAC) orders offers a perfect illustration of the problems inherent in using 'reoffending' measures to demonstrate success (Ministry of Justice, 2014). The Ministry of Justice analysis demonstrates that the project (or as is actually the case an aggregate calculation of impact across a diverse range of projects) is not effective at reducing 'reoffending' (reconviction) against this binary measure. The analysis demonstrates that there are (statistically significant!) reductions in the frequency of reconvictions, no mean feat given the level of surveillance focused on these individuals, particularly in comparison to the 'control group' in the study – those on a standard probation order or leaving prison with no statutory supervision.

More importantly though, the project has demonstrated its ability

to engage young men, creating a successful diversion strategy for those who (often as a result of not complying with other community orders) would end up in the more harmful environment of prison. Moreover the intervention has demonstrated success in securing employment, often the first experience for many of the young men who engaged with the project. The order has also been designed to facilitate access to a wide range of co-located services, including support for the families of those on the orders, responsive community based mental health services, personal support and legal advice for care leavers, to name but a few. Arguably it is problematic that such services should only be able to 'reach' these individuals and their families through the channel of the criminal justice system (CJS). However, it is perhaps only through recognition of the positive impact of these wider services that a dialogue regarding how such services are funded and accessed can be engaged with.

However, ultimately the IAC orders lack of 'success' in establishing the absolute measure of no further convictions, or 'binary reoffending' means the project has little (financial) value for providers in the new world. It is naïve to think that the use of binary reoffending as the initial hurdle in a PbR contract will not lead to the 'parking' of individuals, disengagement by services from those whose social characteristics or personal motivation are viewed as so challenging (read expensive) that they are not 'worth' the investment of services. It is likely those so identified, will be young people from disadvantaged communities, whose opportunities for housing and employment are severely restricted.

Such a strategy can also set up smaller (often voluntary sector) organisations doing valuable work to fail. How do they establish their value within a project like the IAC that needs to tie its services back to this measure? There are worrying signs that in order to remain viable they are being driven to change what they're doing in order to try to

capture and demonstrate impact in such narrow definitions. Inevitably then utilising such flawed measures in a PbR context will stifle innovation and create a barrier to effective partnership work.

A 'reducing harm' measure

Instead we should invest the resources (and they are significant!) currently deployed chasing the end of the rainbow that is 'reoffending' to explore other ways of both defining and responding to 'crime'. As others have argued convincingly, the most sensible discourse to facilitate this would be that of ameliorating 'harm' (Dorling et al., 2008). This should focus on understanding the ways in which the criminal justice system reproduces personal and social harms which often form the pathways into 'crime'.

In this context an approach measuring the effectiveness of the criminal justice system would examine the harm prevented by its policies and practices. This may include reductions in harms caused by individuals upon victims and communities, but equally important would be capturing evidence of the prevention of the harm experienced by individuals, families and communities who find themselves the target of the CJS. For example practices such as 'stop and search'; processes that sustain the woeful conviction rates of the more serious harms of sexual violence such as rape; practices which hide from view the institutional processes that result in an over representation of 'looked after' young people within the CJS; harms created by sentencing practice which sees those experiencing addiction and/or mental distress housed in prisons with no access to treatment; and the alarming rates of bullying, self-harm and ultimately deaths in custody.

An excellent illustration of the potential for this alternative discourse which focuses on harm is the government commissioned review of women in the CJS (Corston, 2007). In her report Baroness Corston couched much of the discussion and recommendations around a discourse of 'harm', exploring the harms which result in women's

pathways into crime and occur as a consequence of their criminalisation. The (then) government's failure to engage in both the harm discourse, and implementation of many of the recommendations is being perpetuated by the current coalition government.

It is time then to recognise that the reoffending 'metric' is a façade, primarily employed to feign that the criminal justice system has a semblance of understanding or control over the 'crime' problem. Derived from a positivist, individualised theory base, this pseudo measure perpetuates the populist belief that 'crime' can be measured, controlled and reduced through criminal justice interventions. ■

The 'I would give up...' contributions mentioned in this article are available to download from:
www.crimeandjustice.org.uk/comment

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