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~~JUNKIE~~  
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HOW ABOUT:

**HUMAN**

*Special Edition*

# Recovery in Prison

# The use of Rehabilitative Adjudications for those in Recovery

*Dr Helen Wakeling is a research psychologist working in the Evidence-Based Practice Team in HM Prison and Probation Service*

*Flora Fitzalan Howard is a forensic psychologist and researcher working in the Evidence-Based Practice Team in HM Prison and Probation Service*

**Recovery, as a means of supporting people out of drug dependency, has emerged as the leading practice within addictions treatment and community engagement and transformation. This recovery movement has reaped clear benefits in jurisdictions where it has been implemented.<sup>1</sup> These benefits include improvement of the treatment systems, and greater provision of aftercare; increased attention on families and environments that are supportive of positive change; greater focus on a strengths-based model, centred on the values of CHIME<sup>2</sup> (connectedness, hope, identity, meaning and empowerment); and having an inclusive approach, where the focus for staff and clients is on improving wellbeing.**

The recovery journey for those with substance use issues can be long and challenging. Within the context of prisons, where people are kept away from their family and friends, and often have to spend long hours on their own in their cell, this journey can feel even more arduous. An additional challenge within the prison context is the juxtaposition often at play between the way misconduct is typically managed and the provision of treatment and support services. Whilst on the one hand individuals in prison who abuse substances need to understand that this is not acceptable, and that there are consequences for this behaviour, if this process is conducted completely separately from the treatment and support services,

then it is unlikely to successfully change substance use behaviour, or help people on their recovery journey. This article introduces the concept of rehabilitative adjudications generally, and discusses how the management of rule breaking in a prison context might be used to better support the recovery process for the men and women in our care.

## Drug Use in Prisons and the Recovery Process

Drug use and addiction is a major issue for people residing in prisons across England and Wales. Recent estimates from Public Health England suggest that over half of adults residing in secure settings were in contact with drug and alcohol treatment services during 2016-17.<sup>3</sup> More recently in prisons there has been a significant rise in the use of psychoactive substances,<sup>4</sup> which has had a negative impact on the safety of prisons. Boredom and lack of purposeful activity have been cited as key reasons for the use of these substances in a prison context.<sup>5</sup> We also know that there is a strong relationship between drug use and crime,<sup>6</sup> as well as drug use and reoffending.<sup>7</sup> Substance use is certainly an issue with relevance to those of us working within the Criminal Justice System (CJS).

In recent times there has been a shift from regarding addiction recovery as solely gaining control over substance use, to having a broader aim of global health and active participation in communities.<sup>8</sup> This

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2. Leamy, M., Bird, V., Le Boutillier, C., Williams, J., & Slade, M. (2011). A conceptual framework for personal recovery in mental health: Systematic review and narrative synthesis. *British Journal of Psychiatry*, 199, 445-452.
3. Public Health England and Department of Health and Social Care. (2018). Secure setting statistics from the National Drug Treatment Monitoring System (NDTMS). 1 April 2016 to 31 March 2017.
4. HM Inspectorate of Prisons (2016). HM Chief Inspector of Prisons for England and Wales: Annual report 2015-16.
5. Ralphs, R., Williams, L., Askew, R., & Norton, A. (2017). Adding Spice to the Porridge: The development of a synthetic cannabinoid marker in an English Prison. *International Journal Drug Policy*, 40, 57-69.
6. National Treatment Agency for Substance Misuse (2012). *Estimating the crime reduction benefits of drug treatment and recovery*. Downloaded from [www.nta.nhs.uk](http://www.nta.nhs.uk)
7. May, Sharma & Stewart (2008). Factors linked to reoffending: a one-year follow-up of prisoners who took part in the Resettlement Surveys 2001, 2003 and 2004. Ministry of Justice Research Summary.
8. UK Drug Policy Commission, U.D.P. (2008). The UK Drug Policy Commission Recovery Group: A vision of Recovery. UK Drug Policy Commission. HM Government, London. Available at <https://goo.gl/a6nWXq>

includes incorporation of 'recovery capital',<sup>9</sup> which can be defined as the resources that an individual has to support their recovery pathway. There are three domains for recovery capital;<sup>10</sup> personal capital (personal qualities such as resilience and hope), social capital (based on the support an individual has), and community capital (based on the support from the local community, including housing, training and employment). People who have more of these three forms of recovery capital are more likely to be successful on their recovery journey. The extent to which the prison context can develop recovery capital will vary by prison, but there are ways in which we can conduct processes in prison, that may better support the provision of recovery capital, to generate community recovery capital and therefore increase the likelihood of individual recovery.

Drug policy in prisons often adopts a threat-based approach to encourage drug users to enter treatment, and punishment is the usual route taken when people fail a drug test, or are found in possession or under the influence of drugs. In line with other researchers,<sup>11</sup> we argue that a different approach may offer a better way to enhance the motivation of drug users, increase recovery capital, and promote better long-term outcomes. This alternative includes focusing on rehabilitation rather than punishment, and a greater emphasis on the values of CHIME. To recap, CHIME stands for Connectedness, Hope, a positive sense of Identity, Meaning and Empowerment. The CHIME acronym was developed to encapsulate the positive or essential elements of recovery. The framework postulates that recovery is more likely to be successful when people have good relationships and feel connected to others in positive ways; when people have hope and optimism that recovery is possible; when there is a positive sense of self and identity; when people are living a meaningful and purposeful life; and when people have control over their life, and are able to focus on their strengths.

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## The Disciplinary Adjudication Process

Within prisons in England and Wales most misconduct is dealt with informally. Disciplinary adjudications are a formal process used in response to more serious rule breaking, including substance use.<sup>12</sup> After someone is charged for breaking a prison rule, court-like adjudication hearings allow for inquiry into the charge, the presentation of evidence, the right to a defence and legal advice. If found guilty, prisoners can be issued with punitive sanctions (punishments), which range in severity. Punishments can be activated immediately or suspended, typically when the adjudicator offers the prisoner a chance to change their behaviour, and if they are successful for a set period of time they may avoid the issued sanction.

Disciplinary adjudications occur often daily and at high frequencies across English and Welsh prisons.

However, little attention has been paid to whether the outcomes of adjudications promote compliance or reduce subsequent rule breaking. There is also little evidence around the use of adjudications specifically with those charged with using substances. Does the typical use of adjudications support the recovery process or help people to change their behaviour? Despite the dearth of research in this area, we can look to the wider psychological and correctional evidence to consider how and when adjudications might effectively facilitate behaviour change and promote the recovery journey, and in doing so contribute to better outcomes.

## Punishment

Punishment is important for society; in prisons specifically, punishment is used to send clear signals about what is and is not acceptable behaviour, and punishment for misbehaviour supports notions of fairness that there are consequences for anti-social behaviour. However, the wider literature on the effects of punishment strongly indicates that punishment is not very successful at discouraging a person from repeating

9. Granfield, R., & Cloud, W. (2001). Social context and natural recovery: the role of social capital in the resolution of drug associated problems. *Substance Use Misuse*, 36, 1543-1570.

10. Best, D., & Laudet, A. B. (2010). *The Potential of Recovery Capital*. Royal Society for the Arts, London.

11. McKay, J. R. (2016). Making the hard work of recovery more attractive for those with substance use disorders. *Addiction*, 112, 751-7.

12. National Offender Management Service (2013). *Prison Service Instruction 47/2011: Prisoner Discipline Procedures*. London: NOMS.

criminal acts, or at helping them to change their behaviour. Research shows that imprisonment (as opposed to non-custodial sanctions),<sup>13</sup> longer sentences,<sup>14</sup> harsher prison conditions<sup>15</sup> and punitive interventions based primarily on surveillance, control, or deterrence and discipline<sup>16</sup> have all largely been found ineffective at changing behaviour (or reducing reoffending). Similarly, behavioural management schemes that emphasise punishment or loss of incentives, over reward, have been found to be less effective strategies in changing institutional adjustment, educational performance, work-related behaviour or other non-substance use related outcomes,<sup>17</sup> and to even potentially backfire through negatively affecting relationships between staff and prisoners.<sup>18</sup>

There are a number of possible explanations for the fact that punishment appears ineffective at helping people to change behaviour. The idea that punishment will change behaviour rests on the assumption that misbehaviour is a rational choice, and so if we increase the cost (over the benefits) of the behaviour, then people will make different decisions. If we specifically take substance use, the choice to continue to engage in drug use is typically not rational. When people are addicted to substances, experiencing cravings, having withdrawal symptoms, or are under the influence of drugs, they become less capable of making considered decisions. Indeed, recent research supports the notion that addiction causes a 'narrowing' of the brain which also parallels a 'narrowing' of the person's environment.<sup>19</sup> The result of this, is that alternative sources of relief and choice become less and less accessible. Additionally, we know that the pre-frontal cortex of the brain, which is the part responsible for planning, impulse control, understanding others

and weighing consequences, does not finish developing until the mid to late twenties,<sup>20</sup> which has implications for the behaviour of younger people, who may also be more likely to engage in substance use behaviours. The experience of traumatic brain injury is also thought to be prevalent in prison populations, which may affect thinking, behaviour and effective responses to this,<sup>21</sup> and additionally it has been suggested that spending time in prison may slow the development of maturity.<sup>22</sup> This raises important implications for how we help people to obey rules in prison, and why punishment-focussed schemes may not be effective.

Research has also identified a number of necessary conditions for punishment to successfully suppress behaviour.<sup>23</sup> These include, amongst others, that punishment is severe, immediate and certain. Within the CJS these conditions can be very difficult to meet, which is also the case when using adjudications in response to rule breaking in prison. Substance use can go unreported or undetected (so it is not certain that punishment will follow), adjudications can often be delayed for procedural reasons (so punishment is not immediate) and punishments are issued proportionately to the misconduct (and are therefore unlikely to be most severe, although the severity of a punishment is partly subjective).

Together this evidence suggests that a scheme in prison that is premised on punishment, and delivers punishment in the way that adjudications do, is unlikely to be an effective method of helping people to desist from rule breaking and learn to behave differently. This evidence also fits with the transition to a strengths-based model in supporting individuals' change process. Adjudications are perhaps even less likely to be effective with individuals placed on report for substance use.

13. Villettaz, P., Gillieron, G., & Killias, M. (2015). The effects on re-offending of custodial vs. non-custodial sanctions: An updated systematic review of the state of knowledge. The Campbell Collaboration, 1. Retrieved from: [https://www.campbellcollaboration.org/media/k2/attachments/Killias\\_Custodial\\_Update.pdf](https://www.campbellcollaboration.org/media/k2/attachments/Killias_Custodial_Update.pdf)
14. Smith, P., Goggin, C., & Gendreau, P. (2002). *The effects of prison sentences and intermediate sanctions on recidivism: general effects and individual differences (User Report 2002-01)*. Ottawa: Public Safety and Emergency Preparedness Canada.
15. Bieri, D. M. (2012). Is tougher better? The impact of physical prison conditions on inmate violence. *International Journal of Offender Therapy and Comparative Criminology*, 56(3), 338–355. <https://doi.org/10.1177%2F0306624X11405157>
16. Barnett, G., & Fitzalan Howard, F. (2018). What doesn't work to reduce reoffending? A review of reviews of ineffective interventions for adults convicted of crimes. *European Psychologist*, 23, 111-129. <https://doi.org/10.1027/1016-9040/a000323>; Mackenzie, D. L., & Farrington, D. P. (2015). Preventing future offending of delinquents and offenders: what have we learned from experiments and meta-analyses? *Journal of Experimental Criminology*, 11, 565-595. <https://doi.org/10.1007/s11292-015-9244-9>.
17. Gendreau, P., Listwan, S.J., Kuhns, J.B. & Exum, M.L. (2014). Making prisoners accountable: Are contingency management programmes the answer? *Criminal Justice and Behavior*, 41(9), 1079-1102. <https://doi.org/10.1177%2F0093854814540288>
18. Liebling, A. (2008). Incentives and Earned Privileges revisited: Fairness, discretion and the quality of prison life. *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 9(1), 25-41. <https://doi.org/10.1080/14043850802450773>.
19. Lewis, M. (2018). Brain Change in Addiction as Learning, Not Disease. *New England Journal of Medicine*, 379, 1551-1560.
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21. Durand, E., Chevignard, M., Ruet, A., Dereix, A., Jourdan, C., & Pradat-Diehl, P. (2017). History of traumatic brain injury in prison populations: A systematic review. *Annals of Physical and Rehabilitation Medicine*, 60(2), 95-101. <https://doi.org/10.1016/j.rehab.2017.02.003>
22. Dmitrieva, J., Monahan, K. C., Cauffman, E., & Steinberg, L. (2012). Arrested development: The effects of incarceration on the development of psychosocial maturity. *Development and Psychopathology*, 24(3), 1073-1090. <https://doi.org/10.1017/S0954579412000545>
23. Andrews, D. A., & Bonta, J. (2010). *The psychology of criminal conduct* (5th ed). London: Routledge.

Men or women who continually fail mandatory drug tests, found to be in possession of substances or suspected of being under the influence of substances, are often caught in a repeated cycle of punishment and having privileges removed, which in turn make it more likely that they will use substances to cope with their situation. Without helping people to address the reasons for their drug use, taking into consideration other factors such as psychosocial maturity and brain injury, and supporting them in their recovery journey, it is unlikely that the focus on punishment will be beneficial. So what other approaches to behaviour change are available that may help people to address their substance use, and change their behaviour?

### Rehabilitation

In the last few years there has been enhanced emphasis on making prisons more rehabilitative, by focusing on the environment, by improving relationships between staff and prisoners, and by ensuring that every opportunity to focus on helping individuals to change is taken. This includes making daily interactions rehabilitative, by using pro-social modelling, reinforcement of new behaviours, skills-building interactions, and open and respectful communication between staff and prisoners.<sup>24</sup> 'Core correctional practices'<sup>25</sup> have been described as the relationship and structuring skills that, when used by prison and probation staff, are associated with reduced recidivism. These include relationships that are respectful, caring, enthusiastic, collaborative, and value personal autonomy, and the active use of pro-social or anti-criminal modelling, effective reinforcement and disapproval, cognitive restructuring, structured skill building, problem-solving, effective use of authority, advocacy/brokerage and motivational interviewing. Evidence for these practices suggests that the quality

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and nature of formal and informal interactions between prisoners and those in authority have the potential to impact positively on rehabilitation, even if the contact lasts for only a short time.

Her Majesty's Prison and Probation Service (HMPPS) Public Sector Prisons Five Minute Intervention (FMI) project was developed from this concept. The FMI project trained custodial staff to respond differently to prisoners during everyday conversations, using these as opportunities to employ some of the skills and practices listed previously, and in doing so contribute to developing a rehabilitative culture in which all people take every opportunity to bring about, or reinforce, rehabilitative change.<sup>26</sup> A rehabilitative culture would also likely impact on promoting recovery; that is, the essential elements of recovery (e.g. CHIME values)

would be more likely to be present within a wider rehabilitative environment. An evaluation of FMI<sup>27</sup> reported that prisoners describe a number of positive changes that they believed had occurred through FMI conversations, including changes to their thinking skills and self-efficacy. Such conversations are likely to be beneficial for people in recovery because the literature is clear that this group fare better with positive relationships, and the availability of meaningful activities and connections.<sup>28</sup> Rehabilitative contact with these individuals would also emphasise

the CHIME values; ensuring people have positive connections, that they have hope, that they are able to have a positive identity and have meaning in their lives, can all be supported by effective and positive relationships. Positive social connections can also aid the development of hope and empowerment.

Alongside the combined package of day-to-day rehabilitation skills and effective treatment intervention, we also need an effective primary response to

24. Smith, P. & Schweitzer, M. (2012). The therapeutic prison. *Journal of Contemporary Criminal Justice*, 28(1), 7-22. <https://doi.org/10.1177%2F1043986211432201>
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26. Webster, S.D. and Kenny, T. (2015). *Experiences of prison officers delivering Five Minute Interventions at HMPI/YOI Portland*. London: National Offender Management Service. Retrieved from: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/448854/portland-fmi.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/448854/portland-fmi.pdf)
27. Tate, H., Bladgen, N., Mann, R. M. (2017). *Prisoners' perceptions of care and rehabilitation from prison officers trained as Five Minute Interventionists*. HMPPS: London. Retrieved from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/662699/prisoners-perception-of-care-from-prisoner-officers-trained-5-minute-interventionists.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/662699/prisoners-perception-of-care-from-prisoner-officers-trained-5-minute-interventionists.pdf)
28. Best, D., Bird, K., & Hutton, L. (2015). Recovery as a social phenomenon: What is the role of the community in supporting and enabling recovery? In N. Ronel & D. Segev (Eds.), *Positive Criminology* (pp. 194-207). Abingdon: Routledge.

substance use misconduct. Whilst this evidence paints a convincing picture for a rehabilitative response to substance use in custody, there remains a societal argument that rule breaking should be met with consequences and clear messages about acceptability (via punishment) sent. The question therefore becomes, if we accept that punishment is necessary but unlikely to be effective on its own, how can we do this in a way that is most likely to bring about better outcomes, and support recovery?

### Rehabilitative Adjudications

The concept of rehabilitative adjudications was borne out of the work mentioned above on FMI and core correctional practices. Research into the rehabilitative potential of adjudications<sup>29</sup> showed that adjudicators can, and some already do, use skills that facilitate or support rehabilitative change, despite adjudications being a traditionally investigative and punishment-focussed process. The rehabilitative skills observed that appeared to be associated with engagement, reflection and change were: Socratic questioning, active listening, using praise and reinforcement, using a respectful treatment and tone, demonstrating empathy, warmth and humour, giving choices and fostering hope, and being collaborative and transparent.

The use of these skills was not found to be consistent across adjudicators, with some using rehabilitative skills more frequently than others, and some necessary skills being used infrequently by all participants. Similarly, prisoner behaviour varied, and responses to rehabilitative attempts were not always successful. Many missed opportunities for using rehabilitative skills to improve insight and support change were identified. Whilst a causal relationship between adjudicator and prisoner behaviours was not

tested, associations between them were identified. The research concluded that taking a rehabilitative approach to adjudications is certainly possible and does not need to detract from the primary purpose of adjudications: investigating charges and (if proved) conveying punishment. Rather, these aims can be complementary, with rehabilitative skills being used throughout the process, whilst investigating charges, considering and giving sanctions, and in looking to the future by facilitating learning and behaviour change. How legal procedures are conducted matters as much as what the legal procedures are.

Rehabilitative adjudications also need to have the principles of procedural justice at their core. Procedural justice theory argues that experiencing fair and just procedures (how people make decisions and apply policies, rather than what the outcome is) leads people

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to view the law and authority figures as more legitimate, and to greater compliance with, and commitment to obey, rules and law.<sup>30</sup> Procedural justice involves four principles: neutrality, respect, trustworthiness and voice.<sup>31</sup> People need to see authority figures as neutral and principled decision-makers, who apply rules consistently and are not swayed by personal opinion or bias. People need to feel respected, believe that their rights are considered equal to those of others and that their issues will be taken seriously. People need

to see authority figures as having trustworthy motives, who care and try to do what is right for everyone involved. Finally, people need to have the chance to tell their side of the story and to feel that authority figures will sincerely consider this before making a decision. A large body of research on procedural justice supports the relationship between justice perceptions and compliance with the law and orders. The research in prisons has found links between procedural injustice and misconduct, violence, non-violent rule-breaking, adjustment, compliance, prisoner health and even reoffending outcomes.<sup>32</sup> The implication of this research is that if

29. Fitzalan Howard, F. (2018). *Investigating disciplinary adjudications as potential rehabilitative opportunities*. London: HMPPS. Retrieved from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/661909/investigating-disciplinary-adjudications.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/661909/investigating-disciplinary-adjudications.pdf)

30. Tyler, T. R. (1990). *Why people obey the law*. New Haven: Yale University Press.

31. Tyler, T. R. (2008). Procedural justice and the courts. *Court Review*, 44(1-2), 26-31. Retrieved from: <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1254&context=ajacourtreview>

32. Reisig, M. D., & Mesko, G. (2009). Procedural justice, legitimacy, and prisoner misconduct. *Psychology, Crime & Law*, 15(1), 41-59. <https://doi.org/10.1080/10683160802089768>; Day, J. C., Brauer, J. R., & Butler, H. D. (2015). Coercion and social support behind bars. Testing an integrated theory of misconduct and resistance in US prisons. *Criminal Justice and Behavior*, 42(2), 133-155. <https://doi.org/10.1177%2F0093854814546352>; Steiner, B., & Wooldredge, J. (2018). Prison officer legitimacy, their exercise of power, and inmate rule breaking. *Criminology*, 1-30. <https://doi.org/10.1111/1745-9125.12191>; Bierie, D. M. (2013). Procedural justice and prison violence: examining complaints among federal inmates (2000-2007). *Psychology, Public Policy, and Law*, 19(1), 15-29. <http://psycnet.apa.org/doi/10.1037/a0028427>; Beijersbergen, K. A., Dirkzwager, A. J. E., Eichelsheim, V. I., & Van der Lann, P. H. (2015). Procedural justice, anger, and prisoners' misconduct. *Criminal Justice and Behavior*, 42(2), 196-218. <https://doi.org/10.1177%2F0093854814550710>

adjudications (and any other uses of authority) are conducted in a way that is perceived to be procedurally just, then even in the face of a punitive or unfavourable outcome, this could lead to greater respect for rules and authority, acceptance of adjudication decisions, and better subsequent rule compliance.

### Using Rehabilitative Adjudications to support the Recovery Process

Pulling together all of this evidence, we would suggest that there are ways in which we can conduct adjudications that hopefully give them the best chance of effectively changing prisoners' substance-related behaviour and supporting recovery. The extensive research on punishment suggests that reliance on adjudications sanctions is unlikely to successfully reduce or prevent misconduct. However, conducting the adjudication process in a way that is perceived to be procedurally just and using evidence-based rehabilitative skills (or core correctional practices) to help people to think and behave differently may help achieve the desired outcomes. For procedural justice, adjudications and adjudicators are more likely to be respected, trusted and cooperated with if, for example, prisoners have the chance to tell their story, are sincerely listened to and not interrupted, if how and why decisions are made is clear and consistent from case to case, if the intended purpose and value of adjudications are trustworthy and sincere, and if people are treated with courtesy and respect.

The way questions are phrased can affect how much people learn; Socratic questions help people to think more deeply about an issue, to help them to analyse it and learn something new. These questions can be used during adjudications, for example, to develop perspective taking, consequential thinking, challenge anti-social beliefs or prompt consideration about how else the person could behave. Using praise and reinforcement helps people to know what behaviours are valued, helps teach people what to do (rather than focussing what not to do) and motivates them to repeat those behaviours. No-one's behaviour is entirely negative, and so despite adjudications focussing primarily on rule breaking, there may be opportunities to reinforce other positive or valued behaviours (such as engagement in activities, or new

insight gained during the discussion). With substance use, it is necessary to recognize and reinforce progress towards responsible, abstinent behaviour. So any break in substance use can be positive and should be reinforced and rewarded. Likewise, engagement with psychosocial support or substance use treatment should be praised, as should engagement in other supportive activities, such as mutual aid.

Research<sup>33</sup> has suggested that conducting adjudications in a collaborative way may help prisoners to engage and understand better, and believe that staff are treating them fairly. This can help adjudications to feel 'done with' rather than 'done to' prisoners, which may facilitate cooperation and respect. Offering choices, communicating hope and fostering autonomy, may help people to take control of their behaviour and see change as possible. Giving people hope is probably one of the critical skills needed when conducting adjudications with this group. Recovery is holistic, and involves a personal recognition of the need for change and transformation. However giving people hope for their future can help people work towards this. Helping people to reason things out for themselves and make their own choices can be far more powerful than telling people what to do, even if this is done with the best of intentions. Helping people to understand the choices available to them, and supporting them to develop pro-abstinent and supportive social networks can be really beneficial for people with substance use issues.

There is strong evidence that people attempting to recover from alcohol and drug dependency do better when integrated in positive social networks, and when they have opportunities for developing the right skills and social capital that this integration allows.<sup>34</sup> The adjudication context provides an opportunity to support this process. We know that people get stuck in cycles of drug use that can be hard to exit. Encouraging people to engage in purposeful activity, supporting a harm reduction approach, and encouraging people to access psychosocial support and/or mutual aid, can all be helpful. In this way, rehabilitative adjudications could be considered both an intervention in and of themselves, as well as a pathway to improved social and community capital. Adjudications can be used as a forum for helping people, finding out what the issues are and helping them

... procedural justice supports the relationship between justice perceptions and compliance with the law and orders.

33. Fitzalan Howard, F. (2018). *Investigating disciplinary adjudications as potential rehabilitative opportunities*. London: HMPPS. Retrieved from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/661909/investigating-disciplinary-adjudications.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/661909/investigating-disciplinary-adjudications.pdf)

34. Cano, I., Best, D., Edwards, M., & Lehman, J. (2017). Recovery capital pathways: Modelling the components of recovery wellbeing. *Drug and Alcohol Dependence*, 181, 11-19.

see other potential avenues. People need the capability, the opportunity as well as the motivation<sup>35</sup> to change their behaviour. The adjudication context certainly gives some scope for helping develop all of these. Being warm and using humour can help put people at ease, build rapport and diffuse difficult or emotional interactions that might otherwise lead to conflict or the person disengaging from the adjudication process. Demonstrating care and concern for the person's well-being, and being understanding and empathic about their circumstances (without necessarily condoning their behaviour or decisions) can help make interactions more human and compassionate, whilst still remaining professional. We can also learn valuable lessons from the literature on desistance, particularly that identity change is critical for both desisting from offending and for the recovery process<sup>36</sup>. This identity change process is social, and can begin inside the prison gates. How people are treated, labelled and stigmatised can have a significant impact on how they see themselves, and their future. Therefore ensuring that individuals are respected, are not stigmatised for their drug use, and are given the chance to change their identity and are supported in this, can all be supported within the adjudication process.

Though there is an argument that changing the outcomes for those charged with offences related to substance use may be helpful (delaying punishments, or helping people access support instead), the concept of rehabilitative adjudications is not about changing the outcome of the process. It is about supporting people, providing or guiding people to develop the skills to change, and to provide part of the recovery capital for individuals with dependency and addiction issues. This concept may work well alongside a wider array of consequences or referrals for additional support that may specifically target substance use needs.

The impact of adjudications conducted in a rehabilitative and procedurally just way is likely to be greater and more durable if they form one component of a broader focus of rehabilitation and provision of recovery

capital, throughout a prison. HMPPS is promoting and actively working to develop the rehabilitative culture of prisons, including training staff in FMI. Rehabilitative and procedurally just adjudications are entirely consistent with this cultural initiative. We believe that this can also be bought into the support of people in recovery. Rehabilitative adjudications offer one way of ensuring that people's recovery journey is supported in the wider prison context. This is not about allowing people to get away with inappropriate behaviour. Rather, the concern is about enabling change through positive relationships, and guiding people to access the support they need to make this change. This approach should fit within a wider prison rehabilitative approach which emphasises positive relationships, social capital, meaningful connections, and purposeful activity. When rehabilitation and recovery are intertwined in this way, everyone benefits.

We suggest that the steps we need to take to develop this approach include:

- ❑ Developing policy that prioritises rehabilitative change as much as the technical aspects of the adjudication process itself. The focus should be on helping people to change, rather than solely punishment.
- ❑ Helping other people to recognise the potential value of rehabilitative adjudications for all those in prison, including those involved in substance use. In order to make this happen, we need staff buy in.
- ❑ Conducting a large scale impact evaluation of rehabilitative adjudications, specifically with people involved in substance use, in order to develop the evidence base.

Whilst the recovery journey is challenging, we must remember that each challenge comes with a learning experience and a chance to grow and develop. By ensuring that adjudications are rehabilitative, we can ensure that individuals are given the best possible chance to develop, grow and manage their behaviour, and that the whole prison supports them in their journey to recovery.

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