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Reviews

Book Review

***The Dynamics of Desistance:
Charting Pathways through
change***

By Deidre Healy

Publisher: Willan Publishing (2010)

ISBN: 978-1-84392-783-9

(hardback)

Price: £40.00 (hardback)

The Dynamics of Desistance is part of a series of publications being led by Sheffield University's Stephen Farrall, examining issues connected with desistance and rehabilitation. The source material for the book is based on a Phd study of 73 male probationers in Dublin, making the book very much a genuine piece of research rather than a reference book. Potential readers may be put off by the fact that this is, in effect, an international study, by a relatively unknown academic but this would not do the study or the author justice. This is a very well written piece both in terms of its erudite review of surrounding literature and the learning and discussion that Healy draws from her work. If you want to find out about desistance theory read the opening chapters; if you want to expand your knowledge in this rapidly developing area of work read the whole book.

Desistance theory is now starting to emerge as a new method of inquiry into the discovery of reasons why offenders cease to commit crime, and brings a new dimension to the current emphasis on what has become the 'what works paradigm'. The book uses phenomenological accounts of the psychosocial processes involved in desistance from crime. The study group is tracked over a four year period and research methods use in depth interviews with participants and those working with them. This approach compliments some of the early work in this area by authors

such as Shadd Maruna and Fergus McNeill.

Healy uses a combination of quantitative and qualitative methods to explore and describe the attitudes, motivations and behaviours of participants to track the transition to crime free life.

Desistance theory breaks away from the more traditional (and often black and white) description of change that characterises the 'what works' approach, adding greater depth to our understanding of emotional experiences and motivation for change. This approach allows us to put into context some of the ambiguities associated with study in this area, including the transient or even turbulent nature of giving up crime.

I particularly enjoyed the sharp insight that Healy has, the way that she attempts to reconcile competing approaches and track the history and often complex issues that arise in desistance theory. The book begins with a very constructive and well written overview of the current literature which is skilfully set in context and sets the scene for some very detailed enquiry into individual client experiences. This narrative approach to studying behaviour and outcomes, very much championed by Maruna in his now seminal piece set in Liverpool, is to some extent challenging what has become an over simplified approach to service delivery for resettlement and rehabilitation of offenders built around what is commonly described as the 7 pathways. Conventional wisdom suggests that offenders will not give up crime, or at least be vulnerable to re-offending, whilst there are 'unmet needs' within one or more of the pathways, not least in terms of attitudes to crime. Desistance theory starts to broaden out this thinking by examining the real experiences of offenders as they

give up crime, and often concluding that Desisters will find their own path to crime free lives. This is not to say that the core social issues such as access to secure housing, a source of legitimate income and family support are not important, it is the way that these issues affect the lives of offenders is important, it is this narrative that desistance theorists seek to draw out.

Healy, in common with McNeill and champions of this new approach suggest that we need to spend more time looking at social engagement and develop greater understanding of the concept of 'human capital' and how it is exercised. New concepts emerge like the extent to which 'self belief' and 'acceptance' play a major part in reform. This approach helps to give alternative explanations of why some approaches which do appear to deliver results may do so for entirely different reasons:

Ian, who got out of prison early on review [early release], described his experience when he had to talk about his offence in a group based cognitive-behavioural programme for the first time. For him, it was not just a matter of dealing with his feelings about the offence, but also the acceptance he received from both staff and fellow participants after revealing his crime. (p. 141)

Desistance theory places significant emphasis on 'personal connection' and relationships, offenders become 'ex-offenders' when they label themselves differently. In this way Healy is able to draw out how identity is often more important than other factors which lead to being able to live crime free.

Because the study group are probationers, she also provides an account of the relationship and issues that arise in relation to supervision. She gives factors that

indicate success and failure in this relationship; including those that remained crime free because of their fear of custody and those that said they returned to crime because of the failure of the system to provide the help they needed when they needed it.

One interesting outcome to the research was an unusually long follow up on re-offending using criminal office records. This follow up produced surprising results. Only 9.6 per cent of the study group received their first new conviction within the first year, however this rose to about one third by year two and continued to rise to 65.8 per cent by the end of 4 years. This challenges the conventional assumptions around both rates of re-offending and desistance. In this sample group it took an average of two years to first conviction (for those that offended) or three years of being crime free for the group as a whole. Other studies have shown that the highest rates of recidivism occur immediately (i.e. within the first 6 months following probation orders). Healy speculates that this may be as a result of a sudden change in the economic climate in Ireland, although this may equally raise issues about a relatively uncharted area of relapse and temporary desistance. However the author then went on to examine the nature of the re-offending to find that this was composed of relatively minor offences compared with the index offence, suggesting that a shift had in fact taken place that was hidden by the fact that reconviction rates account for all crime and make no distinction for seriousness.

Desistance theory uses this type of information to add greater depth to the understanding, separating primary desistance who are on the path to true desistance, from secondary desisters who we're experiencing a lull in offending.

Another area which was striking was the finding that there was no significant relationship between criminal cognitions and offending behaviour, also picked up by other authors and thus challenging our obsession with tackling criminal thinking through cognitive based programmes. Again she found that it was not that criminal thinking was not important but the style of thinking. Desisters are more likely to externalise blame and not take responsibility as this enables them to maintain a positive self image, whereas persisters were more likely to blame external factors and personal circumstances including the victim for their crime and lack of availability of personal resources.

Overall the book was well written, accessible and should certainly be of interest to practitioners and students alike.

Steve Hall is a prison manager currently working for SERCO.

Book Review

Release from Prison. European policy and practice

Edited by Nicola Padfield, Dirk van Zyl Smith and Frieder Dunkel.

Publisher: Willan Publishing (2010)
ISBN: 978-1-84392-741-9

(hardback)

Price: £55.00 (hardback)

Parole and the opportunity to be released from prison is an important aspect for the vast majority of prisoners incarcerated throughout Europe; with different countries having different legal systems and thus rules. Despite this variation there has been little comparative research published on the rules of release across Europe. 'Release from Prison. European

policy and practice' is therefore a much needed encyclopaedia on the rules of release of sentenced prisoners across 13 different EU Countries. The rationale for the book is therefore to fill this gap in the literature and in addition to look at other surrounding key themes and issues.

To put the anthology in context, the book opens with an introductory chapter which sets out layout and contents; but more importantly is chapter two, which explains the European dimension to the release of sentenced prisoners. Looking at institutions such as the Council of Europe and the Committee for the Prevention of Torture, in addition to judgments of the European Court of Human Rights and Council of Europe Conventions¹, chapter two explains why we now need to look at parole from a European perspective. Not only do all prisoners under the European Convention on Human Rights (Article 5.1) have the right to be released at the appropriate time, there is also the more complicated situation where a prisoner in one European Country is required or requests to serve his sentence in another European Country. Bearing in mind, the huge variance between some countries, when such circumstances arise, under which rules of release should the prisoner be subject? Brussels has issued a number of Framework Directives to try and address such issues, with some of these affecting parole and release. Of greatest importance is Council Framework Decision of November 2008, which looks at: 'mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union'. In

1. These include the European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders; the European Convention on the International Validity of Criminal Judgments; and, the Convention on the Transfer of Sentenced Persons.

essence, parole and release can no longer be assessed in just a UK context.

The following 13 chapters therefore provide an invaluable survey of the situation regarding the rules of release for a number of European countries. The countries included in this analysis are: Austria, Belgium, England and Wales, Finland, France, Germany, Greece, Ireland, Italy, The Netherlands, Scotland, Slovenia and Spain. Each chapter therefore provides a summary of the current law, historical influences and an evaluation of existing research and statistical data; all written by leading academics and commentators.

Finally, in part three, is a concluding chapter which not only tries to bring everything together but also, additionally, includes information from other countries not listed above. In easy to read tabular form, early release from determinate sentences of imprisonment is catalogued and compared; with additions including Croatia, Czech Republic, Denmark, Estonia, Hungary, Lithuania, Poland, Romania, Russia, Sweden and Switzerland. This brings the total analysis to 24 European Countries. The final chapter also considers the extent to which a 'coherent and fair policy on release from prison is developing within the EU' and analyses the challenges to this endeavour.

Release from Prison. European policy and practice is therefore a much needed and important addition to the literature on parole and release. Not only does it have an impressive array of contributors it is on its own in respect of the breadth and depth of subject matter it offers. If you are interested in comparative research in this area, this is a definite 'must have'.

Dr. Karen Harrison is a Lecturer in Law at the University of Hull.

Book Review

Managing High-Risk Sex Offenders in the Community

Edited by Karen Harrison

Publisher: Willan Publishing

ISBN: 978-1-84392-526-2

(paperback) 978-1-84392-525-5

(hardback)

Price: £26.00 (paperback) £62.00

(hardback)

For somebody who has worked with sex offenders for over 15 years, this book brought home to me the considerable developments we have experienced within that period in terms of our working practices with this group of offenders. With an aim to identify methods for preventing further sexual victimisation, the editor Karen Hudson who lectures in Law at Hull University has managed to assemble a wide range of writings from experts within their fields that both chart this development and review most if not all of the measures that are now available to treat and manage sex offenders in the community, particularly those that present a high level of risk.

The cover note describes this book as essential reading for policy makers, professionals working in the field of sexual abuse and interested academics. However for the wider audience it struck me how valuable some of the messages were in terms of their potential for providing an informed view of what works in the management of sex offenders and a possible antidote to the moral panic that the popular press seems to be able to generate around this subject, a theme which its contributors regularly comment upon throughout this book.

Assembled within five distinct sections the reader is first introduced to a discussion on 'paedophilia' and the differences in the definition of the term, before moving onto consider from a NOMS perspective, under the

guidance of Ruth Mann and Mark Farmer the policy issues facing those within offender management who deal with this group of offenders.

Risk Management measures and their effectiveness, such as MAPPA procedures and Registration/Notification requirements are reviewed in the second section, before section three introduces the reader to the main provisions for treatment and risk reduction, including treatment programmes, pharmacotherapy (drug and medical based interventions) and finally restorative justice initiatives such as Circles of Support and Accountability.

The fourth section of the book reminds us that sex offenders are not a homogenous group and provides some detailed writings in specific areas. The opening chapter by Franca Cortini focuses on female sex offenders and the need for a better understanding of their risk assessment, management and treatment needs. Sexually abusive behaviour by youths mentally disordered and intellectually disabled individuals are also put under the spotlight in subsequent chapters with interesting practice perspective being provided from places such as the Netherlands and USA to name just a few.

The concluding section reviews the emergence of on-line offending by examining patterns, prevention and protection, before Keiran McCartan then leads the reader through a discussion on the media and the way it has shaped attitudes opinion and ultimately Government strategy. Finally and most appropriately the last chapter addresses the premise that the rights of the individual sex offender we work with must be balanced against the need for community protection.

Managing High Risk Sex Offenders in the Community is both informing and balanced in its presentation of the methods we

deploy with sex offenders, and will become part of my recommended reading list for those considering entering this field of work.

Phil Jarvis is Sex Offender Programme Manager for Hertfordshire, Bedfordshire, Cambridgeshire and Peterborough Probation Trusts.

Book Review

Sex offenders and preventative detention: Politics, policy and practice

By Bernadette McSherry and Patrick Keyzer

Publisher: Federation press (2009)

ISBN: 978-1-8628-7763-4

(paperback)

Price: £24.99 (paperback)

This concise book compares laws enacted in Australia, the United States of America and in Scotland to manage high risk sex offenders. The book is authored by two Australian Law professors who specialise in social and public policy. Despite its short length, this book manages to pack a significant punch.

The book opens by illustrating how signal cases in each of the three countries led to calls for the introduction of new measures to manage the risk presented by serious sex offenders. In the American and Australian cases, the legislation allowed for indefinite detention to be ordered post-sentence whilst in Scotland the new orders were for lifelong supervision in the community following release and this was imposed at the time of the original sentence.

The second chapter discusses the practice of risk assessment. The discussion shows how a range of factors and different approaches can be used in order to assess the likelihood of an individual

committing a serious offence in the future, however this also exposes the limitations of the techniques which are far from infallible. The authors take this discussion further: they explore the ethical choices faced by professionals carrying out risk assessments in these circumstances; and how such decisions are essentially political rather than clinical as they enact coercive state directed action against identified groups.

The third and fourth chapters provide a detailed examination of, respectively, the policy and practical issues raised by the three different schemes. This includes the human rights risks posed by the different approaches, their effectiveness and their organisational efficiency. The book draws together these threads and concludes that the Scottish policy provides the more positive approach. The authors argue that this is better in human rights terms because it takes place at the time of sentencing and involves appropriate professional input. They also conclude that it is better organised and has a more therapeutic approach, attempting to reintegrate and support those who present a risk to live safely in the community after their sentence.

Discussing the management of sex offenders is always intensely emotive and for many, this provides a benchmark for the kind of criminal justice system that should exist in a country. As the authors of this book point out, what might start as an 'exceptional' measure quickly becomes the norm and sets the tone for the system as a whole. Given the challenges of discussing the management of high risk sex offenders, this book makes an important contribution by concisely and rationally evaluating different international approaches to this problem.

Jamie Bennett is Governor of HMP Morton Hall.

Book Review

Anti-social behaviour orders: A culture of control?

By Jane Donoghue

Publisher: Palgrave Macmillan (2010)

ISBN: 978-0-230-59444-9 (hardback)

Price: £50.00 (hardback)

Anti-social behaviour orders were one of the flagship New Labour policies, providing a means through which courts could issue orders requiring individuals to desist from anti-social, but not necessarily criminal behaviour. Although there has been negative media coverage of some extreme examples of how the orders have been used and the academic community has been generally hostile, the orders have met with popular public approval. In this book Jane Donoghue, a lecturer in law at the University of Reading reports the findings of a study based on surveys and interviews with local authority officials and judges involved in anti-social behaviour cases. Her essential case is that she sets herself apart from the majority of the academic community and presents a positive argument in support of the use of ASBOs.

The book starts from the premise that most academic criticism has described ASBOs as part of what David Garland has described as a 'culture of control'¹, in other words punitive strategies, domination strategies and techniques of surveillance have been increasingly used to replace more liberal welfare approaches to crime and deviance that sought to address the underlying social problems. Donoghue challenges this perception and argues that those at the margins of society are not only those most likely to receive ASBOs but are also those most likely to suffer the effects of anti-social behaviour. She therefore makes the case that this is an approach that can benefit the marginalised and socially excluded and can form part of a strategy to address the underlying

1. Garland, D. (2001) *The culture of control: Crime and social order in contemporary society* Oxford: Oxford University Press.

social problems. She argues that the criticisms of ASBOs are individually focussed and do not take account of the wider benefits, including those for the victims of anti-social behaviour. She also ties this view in to recent discussions which have sought to link rights with responsibilities and move away from individual rights towards a more collective perspective.

This work is perhaps best viewed as an important corrective to the dominant academic debate on ASBOs and an intellectual justification of the New Labour policy. Given the methodology, focussing on the powerful figures involved in managing the policy, it is perhaps not surprising that such complimentary conclusions have been drawn. It does raise the question of whether a study based in communities where ASBOs are used may have led to more nuanced and challenging conclusions.

There are also several important areas that are left unexplored in this study. For example, the

appropriateness of the use of ASBOs could be further questioned. There is a concern, revealed in the media and academic coverage, about how the introduction of this measure has led to the labelling of the behaviour of certain groups such as young people and a reduction in tolerance. Although in this book the judges and magistrates interviewed suggested that their role is to act as a buffer against this the reality exposed is that they seem to exercise a light touch with 97 per cent of applications for ASBOs being upheld. In addition, the use of criminal justice measures to deal with the social problems of marginalised and excluded communities has been widely criticised. In part because this diverts resources away from dealing with those issues and in such straightened financial times this does raise questions about what is the best use of resources. Would it, for example, be better to use the money spent on ASBOs, or at least a proportion of it,

improving services such as education, health and youth facilities in those communities? This is the central argument of those who support Justice Reinvestment strategies². There is also a concern about how the high profile use of such measures creates a wider perception about poorer communities. It deflects attention from concern over issues such as inequality and poverty, but instead creates an image of a feral population undeserving of welfare support, and so undermines and reduces support for attempts to address the underlying causes of social exclusion³.

Overall, this book is of value in providing a corrective and an intellectual articulation of the official case for ASBOs however the gaps in the coverage mean that it cannot be considered a definitive examination of anti-social behaviour policy.

Jamie Bennett is Governor of HMP Morton Hall.



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2. Allen, R. and Stern, V. (eds) (2007) *Justice reinvestment – A new approach to crime and justice* London: International Centre for Prison Studies.
3. Bennett, J. (2008) *The social costs of dangerousness: Prisons and the dangerous classes* London: Centre for crime and justice studies.