

**Criminal  
Justice  
Alliance**



# **Prospects for a Desistance Agenda**

*Stephen Moffatt*

# About the Criminal Justice Alliance

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The Criminal Justice Alliance is a coalition of 74 organisations-including campaigning charities, voluntary sector service providers, research institutions, staff associations and trade unions-involved in policy and practice across the criminal justice system.

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# Executive summary

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Developed by American academics in the 1930s, desistance has grown within this jurisdiction over the past two decades to become an important concept in rehabilitative thought. Several elements of this theory have made their way into national policies and frontline practice. In this research, senior civil servants, politicians, commissioners and academics were interviewed and government policy and statements analysed, to determine the factors propelling the concept forward and the barriers limiting its application. In addition, we hoped to identify which areas are still neglected, and the opportunities and challenges afforded by the Transforming Rehabilitation reforms.

The initial reasons for the growth of desistance theories are difficult to pinpoint, but a desistance perspective has made its way directly and indirectly into national policy and services without explicitly appearing in any political rhetoric.

Respondents were primarily drawn to the fact that desistance theories make common sense. This is perhaps its greatest strength combined with developing relationships between practitioners and offenders, acknowledging the need for offenders to design their own rehabilitative plans and improving motivation. Freeing up discretion and reducing unnecessary bureaucracy were also very attractive. Interviewees also felt it fitted with the government's priority of reducing reoffending.

However, despite this, there were seen to be a number of barriers holding back a desistance perspective. Senior policy makers are not familiar with the qualitative evidence behind desistance work. The priority placed on reducing risk through performance targets was viewed as at odds with a desistance approach.

A culture based on processing individuals through programmes to meet targets, is not conducive to a system that does not lend itself easily to measurement. Individuals were concerned about how to actually put desistance into practice. Some concepts were thought to be rather intangible, a view aggravated by the multiple theories of desistance. Finally, penal populism has hampered the adoption of a desistance perspective.

Throughout the interviews there was some misunderstanding about certain elements of desistance. Very little mention was made of offenders' strengths and the positive use of their assets. Similarly, discussions about building social capital were almost non-existent. The importance of involving families was recognised but not enough was currently being done in this area. Respondents also tended to feel that the process of desistance was limited to prisons and probation. A greater focus could be placed on involving other agencies, such as the judiciary, and securing their buy in.

There is opportunity for real change over the next few years and the process of desistance does certainly call and allow for innovation. However, there is a risk that the concept could be co-opted and seen as a catch all, and there was a general concern that organisations could try to take ownership of the term or mislabel an intervention as desistance. Keeping the desistance momentum going will be hugely important under Transforming Rehabilitation and NOMS have expressed their desire that the National Probation Service do so. The newly formed Probation Institute and HM Inspectorate of Probation have a part to play too. Most important will be the Community Rehabilitation Companies (CRCs) who could create a new framework with desistance at its heart.

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## Introduction

Over the last few years the term desistance has become a buzz word within criminal justice circles. This report intends to determine the extent and degree to which desistance has made its way substantively and meaningfully into the minds of policy makers, policy and political rhetoric. It also attempts to identify the reasons for recent successes and past barriers to advancement. In addition, we will explore whether desistance is viewed in a consistent and complementary manner by key players within the criminal justice system.

As the Transforming Rehabilitation reforms come into operation, it is time to take stock of desistance and establish the importance of new providers adopting desistance research and theories when developing their services. It is also possible to identify the risks and opportunities presented for desistance in the future criminal justice landscape.

## Methodology

Over 20 in-depth interviews were carried out with civil servants, politicians, academics and senior public and voluntary sector representatives from across the country. These interviews were semi-structured and varied in length from approximately 30 – 90 minutes. In addition government policy from the past four years was analysed, which included Ministry of Justice (MoJ), National Offender Management Services (NOMS), Home Office and Cabinet Office documents as well as speeches from senior politicians relating to crime and offending. Official national programmes<sup>1</sup> were also reviewed.

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<sup>1</sup> We appreciate the range of desistance activities being adopted at a local level but this was beyond the scope of this project.

## Background to desistance

Desistance theories and research have been around since the 1930s. Initially developed in the United States, these ideas seek to understand and explain how and why individuals stop offending – and remain stopped. Around 2000, UK academics began to produce home based research starting most prominently with Stephen Farrall and Shadd Maruna<sup>2</sup>. Sue Rex<sup>3</sup> also conducted an extremely influential study.

Multiple theories of desistance have been developed by different academics, and over the years, several shared elements and approaches have been identified. These focus on the process of change through relationships rather than on simple interventions or programmes. However interventions are still important to meet practical needs, reduce risks and develop strengths but they are secondary to the more broadly conceived role of establishing how, on an individual basis, the desistance process might best be supported.

Developing and maintaining motivation and hope are key tasks for practitioners and offenders. There is a particular focus on demonstrating to individuals that they can achieve something positive as opposed to concentrating on their weaknesses and previous negative behaviour. Desistance is based on strengths and identifying ways to explore these through relationships. The practitioner working with the offender is seen as an advocate providing *“a conduit to social capital as well as a ‘treatment’ provider building human*

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<sup>2</sup> Rethinking What Works with Offenders: Probation, Social Context and Desistance from Crime (Farrall 2002) and Making Good: How Ex-Convicts Reform and Rebuild their Lives (Maruna, 2001)

<sup>3</sup> Sue Rex. (1999) Desistance from Offending: Experiences of Probation. The Howard Journal of Criminal Justice Volume 38, Issue 4, pages 366–383, November 1999. Much of this work was grounded in the research of Ros Burnett

capital"<sup>4</sup>. Instead of managing programmes, workers would look for a degree of collaboration from offenders, assisting in discovering personal agency, supporting change and attempting to broker access to wider services to address practical needs<sup>5</sup>.

Desistance is a difficult and complex process that is likely to involve several relapses. One-size-fits-all interventions are unlikely to be successful and should be replaced by individual holistic approaches<sup>6</sup>.

## Where does the concept of desistance stand at present?

### a) Policy Documents

The Green Paper, *Breaking the Cycle*<sup>7</sup>, released at the beginning of the Coalition's term tacitly acknowledged certain elements of a desistance approach. It appreciated that *"the offender's motivation to change is critical and lapses are quite typical as the offender begins to change their life and starts to desist from offending"*. It sets out a progressive basis upon which a desistance perspective could grow despite not explicitly mentioning the term itself. The paper articulated the need to draw a balance between rehabilitation and risk, *"managing offenders means striking the right balance between controlling them to protect communities and requiring them to take actions needed to change their criminal lifestyle"*.

4 On this see Farrall, S. (2004) *Social Capital and Offender Reintegration: Making Probation Desistance Focused*. In Maruna, S. and Immarigeon, R. (eds) *After Crime and Punishment: Ex-Offender Reintegration and Desistance From Crime*, 57-82, Willan Publishing, Cullompton, Devon.

5 For a more extensive reading of this see McNeill, F. and Weaver, B. (2010) *Changing Lives? Desistance Research and Offender Management*. Glasgow: Scottish Centre for Crime and Justice Research. Available online at: [http://www.sccjr.ac.uk/documents/Report%202010\\_03%20-%20Changing%20Lives.pdf](http://www.sccjr.ac.uk/documents/Report%202010_03%20-%20Changing%20Lives.pdf). <http://www.clinks.org/sites/default/files/null/Introducing%20Desistance%20-%20August%202013.pdf>

6 The work of Farrall and colleagues (Farrall, 2002 and Farrall and Calverley, 2006) demonstrates this.

7 <http://webarchive.nationalarchives.gov.uk/20120119200607/http://www.justice.gov.uk/consultations/docs/breaking-the-cycle.pdf>

Government documents preceding this adopted a more holistic approach on how to address the rehabilitation needs of offenders, stressing the importance *"one to one relationships are to turning offenders away from crime"*. This commitment was further supported by the Transforming Rehabilitation consultation<sup>8</sup>. For offenders, who are willing to engage immediately a carrot and stick approach was expounded, which may not be so complementary to desistance<sup>9</sup>. This consultation acknowledged the need to *"strike a balance between enabling rehabilitation to continue and ensuring that non-compliance is addressed"*.

There have been several MoJ proposals that, whilst not emphasising the need for a desistance approach, do facilitate the potential for its application and further introduction, e.g. the need to reduce bureaucracy and encourage front line discretion<sup>10</sup>. NOMS documents consistently state the importance of desistance, particularly their Commissioning Intentions. Building trust with offender managers, the importance of improving reintegration into social and family groups and that desistance is not achieved through one singular intervention are all acknowledged: *"it is expected that desistance is achieved not through just one activity but through a combination of activities, services and social circumstances"*.

Desistance and the crucial role it could play is recognised by senior civil servants. Throughout the interviews several individuals stated that some of the most senior members of NOMS had a particular passion for desistance. Policy documents in recent years have tentatively allowed for a

8 <https://consult.justice.gov.uk/digital-communications/transforming-rehabilitation>

9 See Farrall, S. (2002) *Long-term Absences From Probation: Officers' and Probationers' Accounts*. *Howard Journal of Criminal Justice* 41(3):263-78 for an account of some of the reasons why some probationers are unable to maintain contact with probation, and the lengths to which probationers went to try to maintain and re-engage with supervision.

10 Similarly the Legal Aid, Sentencing and Punishment of Offenders Act seemed to assist with a desistance paradigm, focusing to a degree on reducing the number of individuals within prison, something that arguably cost Ken Clarke his position as Minister for Justice.

more desistance oriented approach, however, they have also included several policies in conflict with it.

## **b) Rhetoric**

It is important to explore the rhetoric used by politicians to see if they support desistance. On several occasions, David Cameron has spoken about criminal justice and emphasised the need to turn offenders' lives around by addressing the issues behind their criminal behaviour. He views cutting bureaucracy and "*unleashing innovation*", the replacing of unnecessary and unhelpful targets with broader objectives and greater discretion as fundamental to this.

Both Chris Grayling and his predecessor Ken Clark have failed to discuss desistance explicitly. Interviewees believed they had both expressed consistent support for a holistic approach and greater respect for front line practitioners' discretion. However, they felt there is an almost "*apathetic feeling towards how reduced reoffending is achieved so long as it is achieved*", exemplified by Chris Grayling's determination to continue with new initiatives without waiting for pilot results.

Despite numerous supportive comments for desistance, it is impossible to ignore the equally harmful statements by senior ministers<sup>11</sup> which were thought to influence criminal justice staff: "*I think that when ministers were banging on about work in prisons that's what they tried to do. When ministers now start to bang on about it's too soft, toughen things up, prisons should be more austere but decent or whatever the phrase of the month is, I think that gets internalised as it doesn't matter if the place is dirty or people are treated unfairly or whatever it might be*".

It was accepted that political statements were manipulated by some to endorse what they are doing and almost ignored by others: "*Certain practitioners and members of staff will pick up on the rhetoric because it might suit their own*

<sup>11</sup> Recent examples of this punitive rhetoric were seen under the new Criminal Courts and Justice Bill along with planned changes to ROTL.

*positions so they might use the rhetoric as cover for the approach that they want to take anyway. But there will be others who will understand that the rhetoric has to be there or serves a purpose but doesn't necessarily negate the work that they are doing*".

Political rhetoric was seen as playing an important part in assisting the roll out of a desistance agenda due to its influence over the general public. It was considered to have a significant impact on communities' willingness to accept offenders back into society, and indirect effects such as the willingness of employers to hire offenders and offenders' self image<sup>12</sup>.

## **c) Pilots and Programmes**

It is not within the scope of this piece to examine in detail what each prison and probation trust is doing individually<sup>13</sup>, rather NOMS and Ministry of Justice practice were considered at a national level. Current and former civil servants stated that desistance was of interest to senior staff leading programmes, and pilots were being created which would enhance current knowledge and practice within probation.

The most notable of these is the Offender Engagement Programme (OEP). This project investigated the effectiveness of one-to-one supervision drawing on desistance literature. Central to the programme are practitioner professional development and support, a mechanism to get probation officers more engaged with those they were working with and to generally improve relationships<sup>14</sup>.

NOMS has examined what desistance meant to them as an organisation, commissioned work

<sup>12</sup> One or two individuals also felt that rhetoric matters because it has an impact on sentencing. As much as sentencers believe themselves to be immune from politicians these individuals felt this is not the case.

<sup>13</sup> Some probation trusts are advanced in their commitment to desistance, due in part to progressive chief executives, for example Kent and Avon & Somerset have talked to senior members of staff about how they succeeded in taking steps forward.

<sup>14</sup> SEED (Skills for Effective Engagement and Development) is one of the key projects internal to the programme and has proven to be greatly appreciated by staff.

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from academics and held several internal seminars on the concept. In the future, NOMS will still be managing the National Probation Service and according to respondents their commitment to *"offender engagement and all of that kind of stuff will continue and I think we will see it increasing"*.

Over the last few years, there has been a national agenda to promote decency. Through this, staff were said to have become more willing to behave in a *"way that would encourage you to give up and inspire you to think you might be able to do it, putting in an atmosphere in which this could happen"*. Combined with the efforts to increase work in prisons, these were seen as very supportive of desistance. There has also been a growth in service user engagement, and the Ministry of Justice funding User Voice to establish councils within prisons and probation is an example of this, as well as being a national programme promoting desistance.

## What have been the barriers to desistance being more widely adopted?

### a) Evidence and Research

Until the 1990s, other than U.S. longitudinal studies, there was a shortage of high quality academic research on desistance. However, over the last decade there has been a growing body of evidence emanating from academics based in the UK<sup>15</sup>.

Several individuals from NOMS and the Ministry of Justice, including politicians, felt that the evidence supporting desistance was still not sufficiently robust, because of the limited size of the cohorts involved. Large scale quantitative research, were seen as more reliable and they were not familiar with the in-depth qualitative desistance studies, - *"because even with Tony*

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<sup>15</sup> Certain academics have suggested that some research may have been overlooked to begin with as those publishing it were in relatively junior roles and as their seniority has increased; it has become more prominent and respected.

*Bottom stuff it's fairly small scale actually...and it's interesting, it's good, but it's not as heavy weight as you might like, ideally"*.

This attitude may have softened recently, as some civil servants want to understand why something has been successful as opposed to being only interested in outcomes. This is precisely what academics felt was the advantage of qualitative desistance research, it tends *"to be explanatory, exploratory and descriptive"*. It investigates the understanding of how the process of human development in a social context takes place whereas some of the other data out there is *"aggregating aggregation, levels and levels of aggregation, it gets so far away from what do I do with this client that is in front of me which is why I think qualitative research speaks more to practitioners"*.

Advocates could do more to disseminate the advantages of desistance research beyond the practitioner audience and explain why and how programmes are working well and creating successful outcomes<sup>16</sup>. It was felt that desistance does not easily lend itself to research, especially in comparison to previous what works programmes, and thus it may not be seen as so valid by senior managers.

### b) Practical Implementation: Operationalising Desistance

Desistance was not regarded as easy to put into practice on a large scale. This is acknowledged by academics<sup>17</sup>, *"we have to move a little bit further into, well, what does this mean for what we are doing"*. This is exacerbated by the multiple theories and models of desistance. This concern was expressed by those developing and commissioning services. They recounted their frustration with those in favour of desistance, when they were asked where they should invest resources, it is difficult *"for them to give tangible real operational things that we can do"*.

Certain elements of the desistance approach such as improving personal agency and identity were

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<sup>16</sup> Of course this is not something restricted to desistance evidence.

<sup>17</sup> For example see McNeill and Weaver (2010).



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viewed by some as hard to design into services due to the *"intangible nature of the concepts"*. Despite an individualised approach being viewed as an extremely positive aspect of desistance, politicians and those with commissioning experience appreciated the difficulty of incorporating it into services and *"knowing that a particular combination is different for every single individual has an impact on organisation design"*. This is in conflict with creating economies of scale, an issue for Community Rehabilitation Companies who will be under pressure to innovate and improve outcomes whilst spending less money than probation currently does. One respondent summed the issue up by stating *"when you are designing a system, especially when you have to do it for a lot less money and for a lot more people there is pressure to design something that is organisationally convenient, individualisation is not"*.

Several respondents said that efforts to implement desistance could be hampered because the focus is moved away from practical skills. Although desistance recognises the importance of providing practical help some have misinterpreted it as stating the opposite. One interviewee provided an anecdote of being at a meeting with those responsible for rehabilitation within prisons who said they don't do programmes anymore because they do desistance now: *"I remember one of the worst interpretations I've heard of desistance was a prison psychologist actually. And she was saying she is working to get rid of things like music and education out of the prison "because as you know they are not desistance focused and we need a real focus on desistance throughout"*.

There is no toolkit or user guide for implementing desistance, *"it's not giving you a script, it's not saying you do this in this interview at that time"*. Respondents stated that senior managers can therefore find it difficult to try and implement frameworks on the ground and the problem is aggravated by the many different models of desistance available. Improving understanding about different groups of offenders desisting

for different reasons would help practitioners understand the need to have a variety of models.

### **c) Risk and Public Protection**

Public protection has been central to this government's criminal justice policy and is at the heart of all major policy documents. Respondents stated there has been a belief, with which many agreed, that despite crime consistently falling since the mid 1990s the severity of offences has actually increased. For that reason, a greater focus has been placed on reducing risk and increasing public protection as politicians intensify efforts to prevent themselves being seen as soft on crime. This has led to increasingly prescriptive national probation standards and with risk becoming a paramount concern.

Probation officers have focused on keeping offenders secure and probation is said to have become *"preoccupied with managing risk"* and seen almost exclusively as *"just officers of the court, focused almost entirely on enforcement"*. According to interviewees, probation directed the majority of their resources towards assessment and risk, leaving little to deal with the actual information generated. This meant there were few rewards for success or discussion of good rehabilitative practice and serious consequences for failure: *"So there were no prizes in probation for effectively rehabilitating people. But there was, sure as hell, one hell of a kicking if you stuffed up their oversight"*<sup>18</sup>.

This focus on risk made practitioners hesitant in adopting desistance orientated approaches which were seen as more likely to encourage probation officers to take risks, impacting on public protection, especially in high risk cases. One individual stated that desistance *"pretty quickly comes into conflict with a risk focused or precautionary or defensive practice. And of course that sort of practice is most present where practitioners have perfectly legitimate anxieties*

<sup>18</sup> One respondent, a former senior civil servant, used the analogy of a health department spending all its finances on buying a scanner to diagnose people in hospital but once you discovered a patient has cancer all you can do with the remaining resources is prescribe aspirin.

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about their responsibilities for risk management". This sentiment was echoed by several others who thought this tension and how to deal with those who have no interest or motivation to change<sup>19</sup> could be explored further. For many, the fear of failure when taking risks was greater than the rewards of potential success.

Trust was also raised, it was described as "negligible" despite being an important part of desistance. Little thought had been given to "how you deal with breaches of trust" in relation to desistance practice.

Desistance takes a more long term view on risk<sup>20</sup> and, despite the continued emphasis on risk and public protection, certain politicians and former senior civil servants stated there is now more of an opportunity and need to put greater faith in individuals and take risks so long as there are justifiable reasons for doing so.

#### **d) Targets**

The drive for a greater emphasis on managing risk led to a "total appetite for programmes, performance indicators and reaching targets", with one respondent commenting there was a political "fetish for targets". Politicians wanted to create direct lines of accountability within the system so that blame could be apportioned in the case of unfavourable incidents. Accredited programmes were seen as a way of doing both<sup>21</sup>. When funding was increased to probation, having been cut by Michael Howard who disliked the

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19 There is a tentative acceptance by a number of people to try and better harmonise the two, "manage people's risk while supporting them to develop internal self controls and create the sort of networks that can offer informal social controls".

20 One academic said focusing on risk simply "creates an artificial environment within which you can be optimistic that you have put in enough restrictions or sanctions in place so that this person is going to abstain from that behaviour while they are in place".

21 The concept of desistance maintains the need for these programmes but emphasises they are only part of a bigger individual process that is led by the offender and not through a probation officer ticking boxes and meeting targets.

service<sup>22</sup>, the money was said to "come with strings" in the form of targets and national standards.

Offenders were pushed through programmes without any real concern about whether they were appropriate or not. Probation officers were "measured by how many boxes they ticked rather than were they any good at actually engaging people". Whether or not an offender was engaging was seen as irrelevant, the target was had they done the programme, "You say here you go, you must do these offender behaviour programmes, they will start sweeping any old person up with them, because they had to in order to meet targets"<sup>23</sup>.

Targets were used as a form of accountability and to make comparisons between different areas. Some of this was thought necessary but the vast majority stated it went too far, in some instances making targets "utterly meaningless"<sup>24</sup>. Outcome measurements led to simplistic evaluations and a lack of knowledge as to whether the programmes were appropriate or not. Desistance measurement is complex, "It's very hard to measure desistance because it's something that doesn't happen. You can't say it happened, you can just say it hasn't yet not happened". Also, for most desistance advocates what "you ought to measure isn't necessarily what can be measured". Thus, revision of the target agenda and national standards is welcomed.

#### **e) Management Culture**

The demand to reach targets affected the working culture within probation. A new level of managers was recruited to deal with the influx of accredited programmes, many of whom

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22 One respondent said that civil servants almost used to play a game amongst themselves by trying to get him to mention probation within his speeches but they nearly always failed.

23 An example given was of offenders with histories involving serious organised crimes and bank robberies being put on problem solving programmes when "they could clearly already solve very difficult problems".

24 E.g. Jack Straw wanted to draw up a comparison list of prisons, a league table, as he felt this would be useful, despite prisons dealing with completely different types of offenders and there being years between inspections.

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did not deal directly with offenders. They were seen as *"inordinately obsessed"* with meeting targets and practice becoming secondary as *"it wasn't their concern"*. Little thought was given to improvements and understanding what constituted good probation supervision. Respondents felt that *"skills were marginalised"* as a culture of self defence became the norm, *"the constructive side of probation began to play second fiddle to the oversight side"*.

Frontline practitioners, especially those new to the service, were encouraged to believe if an offender completed a programme they would change. Probation officers stopped home visits and talking to families and in the eyes of some *"actually didn't help people"*. Practice was about becoming computer literate and therefore began to attract a different type of professional<sup>25</sup>. Staff, encouraged by new managers, prioritised assessment and programmes such as OASys<sup>26</sup>. No consideration was given to the effect this would have on resources and the consequent reduction of practitioner/ offender interaction.

Probation lost the desire and motivation to work with offenders leading to a loss of core values, and case management became *"an administrative function rather than a therapeutic or change focused one"*. Service users viewed probation as *"an organisation that trips you up and wants to catch you out rather than wanting to help you"*. Desistance places the offender's own motivation and decision making at the centre of things. However probation, and others involved in rehabilitation, were operating in a culture of pushing offenders through programmes in order to achieve change.

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25 I was told that in particular female university graduates were attracted to the role, very different to the clients they were trying to work with.

26 One respondent recounted going to a particular probation area in the mid 2000s where he witnessed every single offender being assessed though OASys even though there was no requirement to do so. For some *"dealing with people on parole or probation was simply a matter of updating OASys"*.

## **f) Penal Populism<sup>27</sup>**

It was impossible to avoid penal populism when discussing what respondents felt were the barriers to desistance. Each one raised the current obsession with prisons and punishment as being unhelpful to reforming rehabilitation and promoting desistance.

Those interviewed, with a good understanding of desistance, articulated specific elements of penal populism that hindered it. Surprisingly those with a less firm grasp of the theory shared similar sentiments. The *"fetish for imprisonment"* was universally acknowledged as not supporting desistance<sup>28</sup>, prisons *"aren't sites of maturation, they are not places of strong social ties, and certainly not ideal for positive identity transformation"*. Removing offenders from their families and jobs does not support change.

Prison fails to prepare prisoners for their return to the community, it *"teaches you not to do anything on your own initiative, it teaches you not to use your social skills, and it doesn't reward you in any way for turning up on time and all that sort of stuff"*. Prison prevented *"things that might be going on in your head that might often be the things that are important to you like staying out of trouble when you leave"*. At best, it was seen as stalling the desistance process and at worst regressing it.

Prison culture was described as geared towards safety, with anything beyond seen as *"radical"*. Only when there is *"good grasp of the day to day grind and operating at an even keel can you even contemplate doing something"*, such as implementing cultures that support desistance. Politicians believed that there needed to be more rehabilitation within prisons, and that staff should

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27 One respondent said that the most important message from desistance research is that most of what we do in the name of punishment or rehabilitation is counter-productive. The biggest contribution we can make is to do less of it, especially imprisonment. Unfortunately in the last few decades this message has not been heeded.

28 Although more could be done in prison to support desistance, there is concern that making prison a better option will increase the rate of imprisonment.

be interested in offenders' futures. Currently, budget cuts make this very difficult and prison officers have to "chase their tails".

### **g) Political Restrictions**

There are fundamental elements common to all desistance approaches despite the multiple models. Most respondents understood this but disregarded it when making policy. For example, under desistance, relapses and temporary failures are acceptable and the majority of respondents believed the public appreciate this. However, politicians said they could not support this and others sympathised with the predicament, *"The problem with the desistance literature in some respects is that it says this is a long term process that will have lots of false starts and stops and will unfold over time... and that's hard, especially and understandably if they are still committing burglaries"*.

There was a similar finding in relation to taking an offender centred approach towards rehabilitation. The need for offenders to take responsibility for their own actions thus improving their engagement was viewed as common sense. However, politicians did not believe they could talk publically about offenders' strengths and similarly respondents said politicians were concerned with being accused of pandering to offenders.

### **h) Economy**

Despite desistance being financially attractive, it promotes ideas that are more difficult to achieve in a recession for example, there are less employment opportunities. A few respondents mentioned that in hard economic times the principle of reduced eligibility moves to the fore, meaning offenders are further squeezed as they are seen as less deserving, *"I think there is always a concern if you are seen to be devoting resources to offenders the contrast is made with people who have lived virtuous lives and who are not getting the same from the state"*.

Applying a desistance agenda to rehabilitation

was viewed as expensive in the short term. It requires investment in staff and family relationships, and an individualised approach. Government cuts have had an impact on the support available to offenders both in prisons and the community, e.g. NOMS most recent Commissioning Intentions state that anything beyond the minimum statutory requirements needs significant justification. One senior politician openly admitted that a desistance approach would be expensive due to the extra staffing needed, and therefore would not be provided by government at present.

## **What has been attractive about the concept of desistance?**

### **a) Reducing Reoffending**

Nearly every respondent said the Coalition's priority had been to reduce reoffending and most of those interviewed believed that desistance was complementary to this, *"At the end of the day it's what it's all about reducing reoffending, and desistance helps that"*. The political will shown towards reducing reoffending has helped the desistance cause, *"that has allowed people within the system to take desistance as the most promising approach for delivering a political ambition to tackle reoffending"*. Many felt this had not been the situation in the past<sup>29</sup> and represented a real opportunity that should be taken.

However, there were those who did not believe that the two ideas were as similar as they might appear and considered there was a need to openly acknowledge their differences: *"with the reducing reoffending approach you see the practitioner as the person who brings about change whereas with a desistance approach you see the offender as the person who brings about*

<sup>29</sup> New Labour was said to have been primarily focused on prevention and early intervention. Members of the Labour party nonetheless felt that even if they had retained power they would have adopted a similar position to the Coalition regarding prioritising reducing reoffending, it could no longer simply be ignored.

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change". One summarised the difference as *"Reducing reoffending just looks at the individual and their behaviour and desistance looks at the individual within the context of their lives and the context of their communities"*. Desistance is more than a variety of methods to reduce reoffending and it risks being judged on short term results if viewed in this way.

### **b) Common Sense**

Undoubtedly the most attractive aspect of desistance to those involved in the research is that it makes common sense. This view extended beyond practitioners to senior politicians and other policy makers, *"It is a theory that translates easily into something that makes intuitive sense. It chimes in with the instinct of most people who choose to work in the system"*.

Even though some did not believe there was sufficient evidence supporting desistance they were still drawn to it because of its straightforward logical grounding. For those working in frontline services the concept is very accessible. It advocates for what they used to do and in many ways it legitimises it, *"As a theory and a concept it has the potential to say to people this actually is what you are doing anyway, this legitimises all of the constructive positive things that you think and instinctively will do"*.

### **i. Returning to relationships**

Those interviewed believed that much of desistance is based on relationships, which were neglected during the 1990s and 2000s. This needed rectifying, *"we need to get back to something that concentrates on the relationships which look to me as very important"*. A number of respondents felt that practitioners had become exasperated with the new working methods, *"there was a disenchantment with a target driven approach"*. Desistance provided a mechanism to reinvigorate these staff by allowing them to *"reconnect with some of the skills and approaches we had lost"*. Instead of processing individuals through programmes it broke their work into *"real life experiences and it unpacks it through*

*a lot of common sense"*. It forces staff to think more about the offender's experience and the importance of the community in which they live. Relationships, as central to change, and social context became credible ideas again. There was an acknowledgement that the retrenchment in home visits and involving families could be reversed by desistance.

However a few respondents stated some practitioners, considering themselves vindicated by the evidence, look back with rose tinted glasses and thus fail to appreciate some of the more nuanced aspects of the theory.

### **ii. Endorsing personal responsibility through reduced bureaucracy**

Policy makers and politicians were drawn to aspects of desistance which place offenders at the centre of their own rehabilitation. This endorses personal responsibility and reduces expensive bureaucracy. Putting the offender's experience first and keeping them central made sense to interviewees. Policy makers understood that *"ultimately it is the offender's choice that they hold responsibility for turning around their lives and our job is to enable them and give them the circumstances as best we can and I think that is all fine"*.

Desistance was interpreted as encouraging individuals to engage and drive their own rehabilitation. It was seen as self evident that this was the right way to proceed, *"If you didn't actually look at this from the point of view of the offender, what are you trying to do with them, that needs to be central. We can provide you with the practicalities but actually the decision to stop has to come from you"*.

A personalised approach to each offender was described as fitting well with the government's empowerment of front line staff and the decision to reduce national standards, *"lifting performance controls off of probation officers, making them free to do their jobs, encouraging them to make judgements and take risks"*. Some

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respondents stated that politicians were happy to have the offender at the centre to create personal responsibility but not to develop personal agency or promote strengths.

### iii. Process

Desistance acknowledges that refraining from crime is a process requiring time and patience. The majority of those interviewed appreciated this and identified success as improvement and not just cessation of offending. Several used the analogy of drug misuse, *"If you've got a drug user who uses 8 units of drugs a day or something, if they go down to 5 units a day that is an achievement. It's not a tremendous thing but it's a sign that it's on the way"*. The public were seen as in tune with this and realised offenders do not stop offending immediately, *"I think the public are there. You would have a job persuading the public that anybody is capable of rehabilitation so saying to them it's not like flicking a switch, I don't think that would be news to anybody"*. This gives politicians more room to manoeuvre on reoffending rates.

### c) Novel Idea.

Although the concept of desistance has been around for some time, its use in policy is relatively new. It is attractive as it breaks with the past and can isolate politicians from what has gone before. Governments often want to *"try new things to be associated with separate from the previous administration"*. This government is encouraging commissioners to commission *"something different not more of the same"*, something that respondents felt fits with desistance.

For some, the fact it frames ideas in a new manner is what makes the concept appealing, *"It wasn't just a new word for an idea, it was actually a new way of framing the things that people think they know about, what might lead to reduced reoffending"*. It demonstrates there is not one answer and never will be, *"it explodes the silver bullet idea"*, something not openly admitted in the past. Despite this, it is very optimistic *"in that it starts from a premise that most people will probably change eventually"*.

### d) Economy

Desistance can appear a relatively cheap option especially when compared to highly bureaucratic, target driven performance programmes. Some considered that as a substantial amount of the theory suggests much desistance happens as a result of maturity, there was a misinterpretation that it was *"something that was happening for free as it were"*. This may be attractive within the current economic climate.

### e) The Work of Advocates

The work of advocates such as Fergus McNeill, Shadd Maruna, Stephen Farrell and others cannot be understated. Their research has been vital in building credible evidence on the potential for desistance within Britain, as have their efforts to disseminate their findings to policymakers and practitioners.

The majority of those interviewed first came across desistance at a lecture or conference where one of these academics were speaking. They were very persuasive in arguing for a more desistance based approach to rehabilitation, and at the very least were responsible for senior civil servants becoming aware of the idea, *"Fergus McNeill came to talk to us in the Inspectorate, I started to think actually we need to shift much more into a desistance focus with our new programme"*. In contrast, most politicians were unaware of these individuals.

## Areas for Development

It was notable, throughout the research, that understanding and knowledge of desistance varied considerably. The following section highlights the fundamental components of desistance which were neglected by the respondents and policy documents but which could be addressed within the new rehabilitation landscape.

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### a) Promoting Strengths

A desistance perspective focuses on individuals developing their personal agency and strengths to help form new positive identities. Most respondents mentioned offenders needing to be central but they did not talk directly about their strengths or positive identities. However, some respondents did mention that offenders' strengths should be utilised to motivate them towards behaviour they could be proud of, they could raise the *"potential for personal achievement and to develop self esteem which can then be used in other directions"*. Currently, offenders are processed with little thought given to what they could positively contribute through their assets and strengths.

One of the obstacles to the promotion of strengths was the failure of frontline workers to appreciate that the offenders themselves are the vehicles for change, *"even people who have a reasonably good understanding of the implications of desistance still describe the practitioner as the agent of change"*<sup>30</sup>. In addition, penal populism makes it *"very difficult to give out messages of the potential of offenders for living good lives"*. This situation needs to change and a couple of respondents thought this could be done with human interest stories and *"redemptive narratives"*. Politicians speaking out on offenders' assets could change public opinion and encourage community reintegration. Seeing offenders purely in terms of their needs keeps them isolated and excluded from society.

### b) Social Capital and Families

Families, social capital and networks are all vital to desistance. This was acknowledged by most of the interviewees, *"What is critical to the theory of desistance is your relationship with your family or your network of friends they are instrumental"*. Their responses strongly suggested not enough was being done in this area, some called it a striking omission in government policy.

<sup>30</sup> An excellent analogy was provided of how lecturers don't make their students more intelligent, they come to them intelligent, it is for lecturers to try and help them shape their minds.

Policy around family relationships was thought to be improving, but not fast enough. Gaps identified included families being ignored on prison visits due to concerns over drugs being smuggled into the prison. Positive gains for families such as prison visitors' centres were heavily reliant on voluntary sector organisations. Respondents endorsed the importance of support networks in the community for prisoners on release, *"the set of structures that give you a place in the world is not sufficiently part of the agenda"*. The general opinion was that probation had lost sight of the importance of social capital.

It is imperative that families and communities are engaged with the supervision process. Linking offenders with those who could positively influence their lives was seen as needing a higher priority. Politicians favoured supporting family relationships but there was little mention of communities, or that social context invariably impacts on the likelihood of success, i.e. how secure is the community economically and socially in which an offender lives<sup>31</sup>. Organisations should use families wherever appropriate, as they are a resource waiting to be exploited and can contribute to offenders leading crime free lives.

### c) Beyond Prison and Probation

Most of those interviewed saw desistance as beginning and ending with prison and probation, and operating only within criminal justice institutions. Those with more knowledge realised the necessity of extending it further but felt this was not yet policy or practice. Several respondents said that to increase the rates of desistance, agencies outside of prison and probation needed to take some responsibility, *"For desistance to work at all effectively probation cannot deliver it in isolation, it has to work with a whole host of organisations that have a degree of buy-in"*. Respondents felt more should be done to encourage this. Even within criminal justice some agencies have been ignored, particularly the judiciary and magistrates. They could play an important role and efforts should be made to

<sup>31</sup> On this see Farrall 2002: 216-220.

encourage them towards desistance. However at least, *"probation was easy, you were pushing at an open door"*.

## Opportunities going forward

### a) Co-option and Catch-All

Desistance has become an increasingly used buzzword, and it is important to examine whether the term is being co-opted or becoming a catch all. Those interviewed, with a good understanding of desistance, felt there was a real risk that many professionals did not appreciate the nuances of desistance and saw it as something it was not. Several respondents stated that everything reducing reoffending is desistance, *"You can say something passes the desistance test if it contributes to motivation to engage with something"*. Many of the respondents were willing to attribute something too quickly to desistance or to admit not knowing its parameters, *"what I'm not very clear about is what isn't desistance and the aspect of what happens in prisons that isn't desistance"*. There was concern that organisations could attempt to counteract this by developing a manual and thus risked it being viewed too narrowly. Having a workforce trained to meet targets and process individuals through programmes compounded this, *"the danger of having a whole generation or two of staff who have learned how to do process well is that what we have seen occasionally is people have turned desistance into a process with a check list"*.

Labelling something as desistance was happening too freely without proper appreciation of what it meant, *"There's a danger that it is kind of a buzz word that people say they kind of are doing desistance and you are like well, not sure it's quite as easy as that."* It runs the risk of being the *"answer to everything"*. Some said that many organisations only pay lip service to desistance.

As there is not one specific model of desistance practice it is vulnerable to being co-opted. It is possible that aspects of desistance, which are

convenient to organisations will be taken up, and other parts that are too difficult to implement will be rejected. Labelling an intervention as desistance needs to be clearly thought through, and providing a service that supports desistance will inevitably only play a part in an offender's journey to desistance. Organisations need to consider this carefully.

### b) Professional Relationships

As already discussed the importance of the relationship between practitioners and offenders across the criminal justice spectrum regressed during the 1990s and 2000s. This frustrated some practitioners which is why they were attracted to desistance. Thus to promote desistance, staff need to be skilled in building relationships, able to structure the time they spend with offenders, provide practical support when necessary and allow offenders to develop agency. However, this was not seen as a simple process.

Some practitioners have spent their entire careers in a target driven atmosphere with little focus on relationships. Programmes such as SEED<sup>32</sup> will be significant and CRCs will need to monitor them closely as they train staff to optimise their resources and the time they spend one-to-one with offenders,<sup>33</sup> *"I think it's going to have to be about the quality of the relationship and the offer. And I think for me it's about retraining the attitude of our staff as much as the offender"*. There is anxiety in the sector that these programmes will not be prioritised or will be rushed.

### c) Innovation

One of the main justifications for Transforming Rehabilitation was the potential it had to innovate in a *"stagnant"* area of practice, to achieve this *"you want to prescribe as little as possible"* and enable organisations to develop their own creative ways of providing services.

<sup>32</sup> [http://shef.ac.uk/polopoly\\_fs/1.293093!/file/probation-staff-views-seed.pdf](http://shef.ac.uk/polopoly_fs/1.293093!/file/probation-staff-views-seed.pdf)

<sup>33</sup> One respondent used the analogy of the difference between providing for a child and parenting. A parent can raise a child by providing food, clothes and somewhere to live but that is not parenting.



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Desistance was seen by many as a method to encourage innovation on both an individual and organisational basis. It sits comfortably with new national standards that allow greater discretion. This approach needs practitioners who can vary their work depending on the offender before them. The planned government reforms could present an opportunity for organisations to create innovative services and staff training based on desistance principles. It also justifies taking the risks necessary to encourage innovation. However, innovation should not be monitored purely on reoffending data but on the reasons change occurs and organisations need to reflect upon this.

#### **d) Who is responsible for driving the desistance agenda forward?**

NOMS and the Ministry of Justice will no longer have the same degree of influence and oversight when the new independent CRCs take over probation. However, they will retain responsibility for the new National Probation Service, which civil servants stated would be *"heavily influenced by desistance literature"*. They will also continue to disseminate research findings on best practice and desistance. However, some viewed NOMS as being tarnished in this function, as they are a prison orientated agency, but felt they could be assisted by other organisations.

The new CRCs are going to be critical in the progression of desistance. Representatives of potential prime providers encouragingly stressed how desistance will be in their model of change. However, they revealed the tension between *"what really works and something that's really cheap"*.

Desistance is important for the Probation Inspectorate because *"their inspection has always focused on offender management as a sort of brokerage role, holding together preparing for interventions, reinforcing and learning"*. They know they could drive desistance based practice by the way they inspect. The newly established Probation Institute will also promote best practice and disseminate desistance research.

Finally, as discussed earlier, one or two

participants felt the government could certainly have an impact in the future by the language they use. Having a progressive attitude of the strengths and potential of offenders' would go a long way to utilising the re-integrative capacity of communities and the general public.

# Conclusions and Recommendations

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Sweeping changes are taking place within the criminal justice system which will dramatically alter the rehabilitative landscape. These present both challenges and opportunities for desistance, and it is important that the advances made in the adoption of desistance into national policy and front line services are not lost in this transition. There should be a focus on overcoming obstacles, promoting areas of growth and a concentration on neglected areas. Political rhetoric which highlights and exploits offenders' strengths, and the provision of services which improve offenders' motivation and reintegration into communities, will both encourage desistance.

Attempts to neatly package desistance into programmes and manuals should be avoided. Instead, training staff to develop appropriate relationships and involving offenders in their own rehabilitation should be a priority with a greater focus on why success is achieved. Looking at the social context in which offenders go through the process of desistance and family involvement are vital. Practitioners and policy makers must appreciate that desistance is a continuous process, in which they play a part, but offenders are at the centre and this should be reflected in policy and service design.

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