Control or Change? Developing dialogues between desistance research and the community management of sex offenders: Summary of slides

Beth Weaver

This presentation aims to scope out some implications of desistance research for the community management of sex offenders. Acknowledging the scant theoretical and empirical research on this subject, I draw on the extant literature on desistance and sketch out the landscape of current practice approaches within the community/public protection model within which MAPPA can be located. Then, in this context, I explore the potential implications and opportunities that desistance presents for MAPPA.

Slide 3: Understanding Desistance (source Weaver and McNeill 2007).

Some theories of desistance focus on the significance of ageing and maturation, arguing that it is physical, mental and developmental changes that explain this phenomenon. Other theories focus on the role of life events, transitions or turning points and social bonds in triggering change - suggesting that gaining employment or getting married support change by rendering offending incompatible with the change in lifestyle, routines and roles that these bring. Others explain desistance in relation to subjective or internal changes in the offender and his or her sense of self or identity (see following). Most people accept that it is the relationship between all these three that accounts for desistance, what these kinds of developments mean to individuals themselves and whether they represent compelling enough reasons for and opportunities to change the pattern of their life (see Weaver and McNeill 2007; McNeill and Weaver 2010 for review of literature).

Slide 4: Three models of the desistance process (source: Weaver and McNeill 2010a)

These three models of the desistance process illuminate some of the processes involved in desistance. Capturing the first stages of desistance, Giordano (2002) suggests that people must have an 'openness to change' which Vaughan (2007) described as a period of 'discernment' - where the person reviews the possible alternative lifestyle choices available to them, in contrast to their current lifestyle. Here the person is at least willing to consider different options. The SpooCS (ongoing) study also confirmed that new and strengthening social bonds appeared to be linked to successful desistance, but with the *desire to change – and therefore motivation* - being critical and central to this. This mirrors Giordano's 2nd stage which is about being exposed to an opportunity for change. The exposure itself is not sufficient; what matters is how the person receives and responds to that opportunity. In Vaughan's 2nd stage of *deliberation* - a person reviews the pros and cons of potential courses of action against sticking with what they know. What ultimately emerges is a reflexive comparison of selves—who one is and who one wishes to be or as Giordano puts it the envisioning of 'an appealing and conventional replacement self'. Vaughan, like the SpooCS team, emphasizes the emotional component to this comparative process involving thinking about the reactions and feelings of others, developing empathy and envisaging how one's current self or identity is perceived by others. Stage 5 of the SpooCS model suggests that failure to maintain desistance in the face of obstacles may lead to relapse and a return to the beginning of the cycle. This is because giving up crime, like any process of change, is often very difficult; it can mean - for some - changing their lifestyles and friendship groups – as well as their values and beliefs. In addition, people often have to navigate around particular structural and social obstacles that stand in the path of change; the marginalised, stigmatised status that many sex offenders inhabit can prove particularly difficult to overcome. Yet, in many accounts of desistance, the person experiences a shift in their identity which is where Vaughan's third and final stage of 'dedication' comes in. He argues that individuals must regard their commitment to their new identity as incompatible with ongoing criminality, and regard criminality as morally incompatible with who they want to be. Here then the individual experiences at this point the fourth stage in Giordano's formulation: a transformation in the way the actor views offending itself.

Slide 5: Bringing it all together

Hope plays a key part in the process of change – particularly in the early stages- and can give people an increased sense of confidence that they can exercise choice and control over their lives and overcome the challenges they face. Yet, the reality is that many people experience adverse social circumstances and these can undermine any hope they have (Burnett and Maruna, 2004). Ex-offenders often encounter particular challenges when trying to go straight i.e. a criminal record can make it difficult to obtain work. Registered sex offenders may face additional barriers including personal shame, stigma, damaged personal and social networks, community hostility and distrust and not least exclusionary public protection strategies and CJ policies that actively inhibit such process, which in turn send message that high risk offenders are never going to be rehabilitated. Perhaps because of experiences of adversity, we know from research and practice experience that persistent offenders are often fatalistic – they do not feel they can control the direction of their own lives (Maruna 2001), whereas desisters somehow manage to acquire this sense of 'agency' – a sense of being able to make choices and exert control over their own lives. Significantly desistance is not just about internal or subjective changes or an enhanced sense of agency, it also requires social capital (Barry, 2006; 2010; Farrall, 2002; McNeill and Weaver, 2010)**.** This means we should focus on maintaining, protecting and developing the ties that matter to the individual and enhance their capacities to sustain positive roles and relationships or support them to build networks and contexts in which shifts in identities can be embedded, nurtured and sustained. This might involve supporting people to think differently about themselves and their relationships. This would suggest that the relational and structural contexts in which obstacles to desistance are both constructed and overcome are <u>as</u> important as the subjective or internal elements of the process. To support desistance, we have to understand that 'objective', 'subjective' and 'inter-subjective' aspects interact in complex ways (McNeill and Weaver 2010; Weaver forthcoming).

Slide 6: Offenders' perspectives (source: Kemshall and Wood 2007)

Essentially, to date, the forensic psychological and criminological research supports that sex offenders experience similar pathways to desistance as other offenders (see Laws and Ward 2011 for a review). Similarly, the aspects of supervision that offenders under MAPPA value correlate with the findings of evaluations of community supervision undertaken with the general offending population. Kemshall and Wood (2007) undertook in-depth interviews with offender subject to MAPPA as part of a wider MAPPA evaluation study. Those subject to MAPPA valued and benefited from attention to their personal and social problems, and to their personal goals, needs and desires; they also saw a balance between internal and external controls as key to their effective risk management. Offenders were able to articulate the techniques helpful in changing behaviours and these included: strategies promoting self risk management, clear articulation of victim issues and the use of distraction techniques. This emphasises the importance of work oriented to enhancing self-efficacy and internal loci of control; to the development of agency and to methods maximising people's participation in process of change (see also Farmer et al 2011). While some offenders apprehended external controls as intrusive, where they could perceive a link between such controls and the management of their behaviour they were more likely to accept and comply with them. Correlative with similar findings emerging from desistance, legitimacy, compliance and effectiveness studies this means communicating, engaging and working with offenders, not on them.

Slide 7: Current Practice under MAPPA

The management of sex offenders has increasingly been characterised by the use of restrictive conditions to enforce controlling risk management plans (RMPs) as part of an overall community protection approach to risk management (Kemshall 2008). This approach is characterised by compulsory conditions, surveillance and monitoring, enforcement, compulsory engagement in treatment and the prioritisation of victim and community rights over offenders (Kemshall 2008), and which essentially control where a sex offender can/not go / live, what they can/not do, whom they can approach, contact or otherwise. Such measures can reinforce or communicate to offenders a sense of being different, an outsider, someone to be kept away from other people. The offender then becomes subject to an ever growing awareness of what they can't do but has limited opportunity to develop a more positive alternative, leaving little incentive to change. It betrays a perception of the offender as someone permanently at risk of re-offending, who can't change and who must be managed (Laws and Ward 2011). People subject to restrictive conditions may struggle with social isolation and exclusion precisely *because of* the restrictive condition in place which enforce distance from families and social networks and other social opportunities (Levenson and Cotter 2005). Given the emphasis on agency, responsibility, hope, identity, and social capital in people's accounts of giving up crime, this is concerning – not least because these short term measures pose a threat to people's longer term rehabilitation,

but may even exacerbate their risk of offending. Essentially, public protection or risk-focussed discourses seem likely to frustrate their own purposes if it identifies offenders with the worst aspects of themselves, or if it leads practitioners to neglect strengths, goals and aspirations and reinforces a social climate that creates practical and attitudinal barriers to exoffenders prospects of social integration and of living differently (Weaver and McNeill 2010b).

Slide 8: New Directions?
What might an inclusive collective non-pathologising, individualised response which addresses not only the social contexts of offenders but victims and communities entail? Kemshall (2008) analyses two strategies for the management of high risk offenders – the protection strategy which aims to protect through control of risks – and the reintegration strategy which aims to reduce risk and protect through integration. This mirrors the distinction between short term incapacitation-based approaches and less secure but ultimately more effective long-term change-based approaches and - in that - official discourses in contemporary penal polices for high risk offenders and the general offending population (Weaver and McNeill 2010b). Kemshall contends that although different discourses of risks, conceptions of the offender and justice underpin the protection and reintegration strategies, they can and should be blended – in a blended protective integration strategy: a strategy providing both safety for victims and offenders and greater long term efficacy of interventions and self-regulation. Essentially, then, *in addition to* the imposition of external, restrictive measures of control, RMPs and interventions need to take account of offenders' capacities to exercise or acquire internal controls that focus on developing the people's ability to avoid and manage risk situations. Self risk management is promoted through programmes of intervention that seek to address people's readiness to change and help develop skills and strategies for avoidance; diversionary activities and cognitive skill development. Treatment can be effective and those based on RNR are generally considered to be more effective than others -but the results are modest. Moreover, while treated sex offenders recidivate at lower rate than untreated sex offenders, it's not always clear what mechanisms are operating to facilitate successful reintegration (Laws and Ward 2011). Nevertheless, it is increasingly recognised that interventions for sex offenders should aim to strengthen and develop strengths-based or protective factors alongside other measures to promote external and internal controls. Protective factors can be categorised under individual, family and community. Individual factors include education, employment, constructive leisure time, prosocial friends, a sense of self-efficacy (agency), identification and realisation of goals and ambitions, resilience, opportunities for turning points, openness about problems and engagement in interventions. There are certain points of convergence between these protective factors, desistance research findings and the more recent GLM (on which see Laws and Ward 2011). Family protective factors include developing and maintaining positive and stable relationships with family members who model pro-social behaviours. Community protective factors include receiving professional help/support, developing and sustaining strong stable relationships with prosocial others and involvement in community activities. This means looking at how processes and practices are co-constructed in relationships between practitioners, offenders and those significant others that matter to offenders, as much as building constructive and collaborative relationships between justice services, voluntary and faith based organisations and communities (see McNeill and Weaver 2010; Weaver 2011; Weaver forthcoming). These organisations have particular contributions to make in supporting an offender to achieve social redemption and in promoting citizenship. Of course COSA[1] might be an example of this.

Slide 9: A constructive approach to practice
By building positive ties to and roles within communities, public protection agencies can create channels for reintegration into the community and in so doing, enhance community safety by bolstering formal social controls with informal social controls, alongside strategies to promote internal self control. In particular, this can support the identity transformations central to the desistance process and can help people to see themselves as assets, as positive contributors to communities rather than risks or threats to them, and therefore liabilities to be controlled and managed.

Slide 10 Implications and opportunities for supporting desistance in practice.
Much of the focus of research on practice with RSOs has been on how to change or improve risk assessment and management strategies or programmes. Perhaps we have spent too much time thinking about these

---

[1] Circles of Support and Accountability

mechanisms and not enough thinking about change processes and how change can be supported. Ultimately, and in light of the foregoing, supporting desistance should be our central concern and we should consider these mechanisms as one aspect of the many means of supporting the process. This means, then, focusing on building motivation, hope and capitalising on strengths; being more respectful of the offender's active role in and ownership of the change process; and being helpful in tackling practical problems that are not only perceived by the supervisor as problematic, but the offender too. This implies an individualised but not an individualistic approach to practice.

Conclusion

The inward looking approaches of ever increasing regulation and defensive / defensible processes should be *balanced* by a more outward looking and long term approach both in terms of management of offender and community engagement (Kemshall 2008). Engaging offenders and communities is key to effective risk management. However, even if we wished that there was a practice model that could be prescribed there is not because RSOs are as diverse as the general population; their needs are complex and their pathways to desistance are individualised. It follows that effective public protection practice can only really emerge from practitioners' reflective engagement and continual dialogue with those individuals with whom they work, and with the research that should inform how they work. While, cautiously, we may be witnessing something of an increased blending of community protection and community reintegration approaches i.e. in the emergence of COSA, GLM, pro-social supervision, community awareness and education – we still have a long way to go to achieve a balance rooted in Kemshall's 'protective integrative' approach. Indeed the dialogues between desistance research and MAPPA practice have not really been explored in any great depth. Already, however, we can see that this presents unique opportunities and challenges for those tasked with promoting public protection.

References:

Barry, M. (2006) *Youth Offending in Transition: The Search for Social Recognition*, Abingdon: Routledge.

Barry, M (2010) 'Youth Transitions: From offending to desistance', *Journal of Youth Studies*, 13: 1, 121 – 136.

Burnett, R. and Maruna, S. (2004) So 'Prison Works', Does It? The Criminal Careers of 130 Men Released from Prison Under Home Secretary Michael Howard, *Howard Journal of Criminal Justice*, 43(4): 390-404.

Farmer, M, Beech A R., and Ward, T (2011) Assessing Desistance in Child molesters: A Qualitative Analysis. *Journal of Interpersonal Violence*. DOI: 10.1177/0886260511423255

Farrall S (2002) *Rethinking What Works with Offenders: Probation, Social Context and Desistance from Crime.* Willan Publishing, Cullompton, Devon.

Giordano P.C, Cernokovich S.A and Rudolph J.L (2002) 'Gender, Crime and Desistance: Toward a Theory of Cognitive Transformation' *American Journal of Sociology* 107: 990-1064.

Kemshall, H. and Wood, J. (2007) 'Beyond Public Protection: An examination of the community protection and public health approaches to public protection' *Criminology and Criminal Justice*, 7 [3]: 203-322

Kemshall, H. (2008) *Understanding the Community Management of High Risk Offenders.* Maidenhead, Open University Press.

Laws, D. R. & Ward, T. (2011). Desistance from sexual offending: Alternatives to throwing away the keys. New York, NY: Guilford Press.

Levenson J S and Cotter L P (2005) The effect of Megan's Law on sex offender registration. *Journal of Contemporary Criminal Justice.* 21(1) 49-66

McNeill, F., and Weaver, B., (2010) *Changing Lives? Desistance Research and Offender Management.* Scottish Centre for Crime and Justice Research Report No. 3/2010 available online at: http://www.sccjr.ac.uk/documents/Report%202010_03%20%20Changing%20Lives.pdf

Maruna S (2001) *Making Good: How Ex-Convicts Reform and Rebuild their Lives* American Psychological Association Books, Washington DC.

Vaughan, B. (2007) 'The Internal Narrative of Desistance', *British Journal of Criminology.* 47: 390–404

Weaver, B., and McNeill, F. (2007) *Giving Up Crime: Directions for Policy.* Edinburgh: Scottish Consortium on Crime and Criminal Justice.

Weaver, B., and McNeill, F (2010a) Travelling hopefully: desistance research and probation practice. In: Brayford, Jo, Cowe, Francis and Deering, John (eds.) *What Else Works?: Creative Work with Offenders.* Willan, Cullompton

Weaver, B., and McNeill, N (2010b) 'Public Protection in Scotland: A Way Forward?' in Nash M, and Williams A (Eds) *Handbook of Public Protection (pp 272-294).* Willan Publishing.

Weaver, B. (2011) Co-Producing Community Justice: The Transformative Potential of Personalisation for Penal Sanctions. *British Journal of Social Work* 1–20 doi:10.1093/bjsw/bcr011

Weaver, B. (forthcoming) The Relational Context of Desistance: Some Implications and Opportunities for Social Policy. *Social Policy and Administration.*