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Pandora's Box and the Perceptions of a
Probation Order: from the perspective of the
offender

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Pandora's Box and the Perceptions of a Probation Order: from the perspective of the offender

This thesis examines a probation order from the perspective of the offender.

A probation order is a sentence of the court built around rehabilitation. However, over the last decade the philosophy of the probation service has changed from 'advise, assist and befriend', to one based around the principles of enforcement and control. Changes which have brought with them a conflict for officers between care and control, between welfare and law enforcement. Such changes have had an impact on how an order is enforced, the supervision of the order and the control of the offender.

Whilst the philosophy of the probation service may have changed those whom they deal with has not. It is a central argument of this study that rehabilitation would be better served by addressing the reasons for offending behaviour (criminogenic factors) rather than by strict enforcement. Within this thesis it was found that National Standards could be at odds with 'effective practice' and that one could detract from the other. Throughout this study it was found that officers failed to achieve 'effective practice' and as a consequence failed not only the offender, but the community at large. The argument is that only by addressing offending behaviour centred around criminogenic factors within the principles of 'what works' and motivated involvement through the 'sensible' use of national standards, would a probation order achieve its aim of rehabilitation.

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Preface

A probation order is a sentence of the court in which a person over the age of 16 may be ordered to be under the supervision of a probation officer for a period of between six and 36 months. This thesis examines the impact of such an order from the perspective of the offender.

As an instrument to reduce reoffending, a probation order relies principally on rehabilitation (Bottoms et al, 2001). Ideally, rehabilitation should lead to a reduction in offending behaviour, and thus to the protection of the public. This thesis discusses whether or not the reality of a probation order reflects its theoretical concepts. It will take into account the principles of 'effective practice' and the reality of 'what works'. In contrast to what 'should' happen, the central argument of this thesis is that 'effective practice' based on the principle of 'what works' is not being achieved and therefore has little impact on the rehabilitation of the offender. It further argues that for rehabilitation to be a central focus within a probation order, the service needs to return to its original philosophy of 'advise assist and befriend' and supported by the 'sensible' use of national standards. The criminogenic factors of the offender were found to be under recorded, little account was taken of the risk of reoffending and as a consequence the two did not seem to have any impact on the input of the probation service. In contrast to what was found to be the 'reality' of the situation, the offenders hoped that a probation order would help them with their social and economic problems, and many offenders expressed concern that their expectations were not matched by the action of the officers.

It was found that the offender had difficult social and lifestyle characteristics compared to the population as a whole. The majority were drug users, many had

mental health issues, and more than a third had been in care as children. Almost all had no qualifications and no legitimate work, with little or no legal income. These findings were supported by other research findings (Bottoms, 2001; Rex, 2001; Raynor 2000). The study found that almost all offenders on probation were from a background of poverty and disadvantage which seemed to be the primary qualifications for problem behaviour. Furthermore, writers such as Bowles and Gintis (1976) and Wootton (1959) have made the point that problem or criminal behaviour, under the 'right' conditions, has been shown to be capable of being passed from one individual to the next like a 'disease'. However, as theorists such as Sutherland (1947) and Glueck (1962) have argued, conditions need to be 'right'. Such a concept has been confirmed in this study, where 'poor' and often dysfunctional families and 'friends' not only introduce individuals to substance abuse, but also to crime. Therefore it may not be surprising that inequality, social disparity and poverty are clear indications, or a prelude to, criminal behaviour. Inequalities such as these form the foundations for the lives of many of those before probation officers. It is these individuals with a background of social exclusion and relative poverty that the probation officer is expected to motivate and reform.

Chapter 1 provides the background to the study, and discusses the development of the probation service and its changing role chronologically within a number of themes. The main theme of chapter 1 is the transition of the probation service from its conception based on reform to rehabilitation by addressing the criminogenic needs of the offender under the concept 'what works'. The transition of rehabilitation is from one-to-one supervision to group behavioural therapy. It is in this context that the role of the officer has been officially changed from police court missionary to law enforcement officer. However, throughout the last 120 years two themes have

been consistent, that of increasing government control, and the attempt to use community sentences to reduce the prison population.

Chapter 2 examines the relevant literature and together with chapter 1, sets the scene for the research. It covers the concept of punishment, where it has been made clear that the rationale behind sentences varies and identifies that most sentences contain a variety of objectives. In a probation order the predominant objective is one of rehabilitation. However, if the sentence does not address the 'just deserts' of the offence, the needs of the offender, their previous convictions and any mitigation, it can be said to be an inappropriate sentence at that time for that offender. In addition to examining the area surrounding sentencing, the background of the offender is discussed.

Chapter 3 details the research methodology. It discusses the methods used and the theoretical concepts of the study. Chapter 4 examines and discusses the supervision of offenders. Where supervision plans were found, they were found to be inadequate as a tool of 'effective practice'. The overall offender supervision discussed in this chapter identifies the inbuilt conflict for the officer, between control and care. Chapter 5 discusses the needs of offenders identified through interviews and from the case records. Generally the needs in the case files were found to be under identified in comparison to the interviews, and played little part in the objectives of supervision set by the officer. The failure of the officer to record the needs of the offender and thereby set appropriate objectives based on criminogenic factors was found to reinforce the central argument of the thesis, that, 'effective practice was not being achieved, nor was it likely to be achieved under such circumstances. Chapter 6 seeks

to examine risk and demonstrates how recorded risk should be used within 'effective practice', leading to the relevant level of rehabilitation. Risk is shown to be a difficult and controversial concept and seemed to play little part in any organised reduction of reoffending. Sex offenders were found to be an exception. Their risk assessment reflected their danger and resulted in greater probation input. Chapter 7 looks at the issues surrounding compliance and whether or not offenders were motivated by officers to reduce their offending behaviour.

Chapter 8 brings the thesis to a close, with a summary of the findings based on four themes. These four themes centre around the change in philosophy of the probation service, from a welfare organisation to one of control based on National Standards and 'effectiveness'. They include awareness that those for whom the probation service mainly deal with were predominantly from those claiming benefit and that many had enormous social and psychological problems. It was within social problems that the social causes of crime were found and, as such, it is by addressing social causes that offending behaviour may be reduced. In addition, the final chapter examines offending behaviour in the light of the criminogenic factors and how the findings may assist the officer in the reduction of offending behaviour. It is hoped that the findings and conclusions of this research will help to facilitate further debate on the subject of the probation order and thereby help to readdress the inequality which has been identified by this study. It is argued that by addressing the overall needs of the offender supported by national standards that the principal aims of the probation service to reduce offending behaviour and protect the public can have a greater chance of success and readdress the inbuilt conflict between control and care

Chapter 1

The Origins of Probation and the Development of its Role

Introduction

This chapter seeks to describe the origins of probation and the development of its role as a community penalty. The chapter identifies the background, philosophy and transition of the service within today's 'modern' criminal justice system. It describes how the role of probation officer was created and how it was transformed from police court missionary to law enforcement officer. As law enforcement officers the emphasis seems to be directed at control, rather than the original concept of 'advise, assist and befriend'. However, community penalties can be a difficult concept, as Raynor (2002) points out, especially so when the terms 'treatment', reform and rehabilitation seem to come into and out of favour at varying points in its development.

In the later part of the nineteenth century, the development of the probation service had its background in a draconian and unfair judiciary. The judicial system at this time was overwhelmingly based on punishment and the use of prison (Worrall, 1997). Furthermore, it was generally believed that to educate or reform the innately criminal was a waste of time (May, 1991). However, some enlightened individuals believed that the situation should change. The change from a system based on punishment, to one with a degree of reform, began with the removal of the public execution in 1868.¹ The transition continued towards the end of the nineteenth century with the introduction of the 'probation service' by the formation of the police court missionaries. The background to the reform followed the Victorian notion of dignity and decorum (Emsley, 1987), although others described the Victorians as

¹ The last public execution took place at Newgate in 1868.

self-righteous and given to pompous moralising (Schama, 2002). Schama (2002a) cites George Bernard Shaw who wrote: 'Your slaves breed like rabbits, their poverty breeds filth, ugliness, dishonesty, disease, obscenity, drunkenness and murder'. Warned Shaw, unless something is done to help the poor, they would rise up and the day of reckoning would come (Schama, 2002a). Even though there was some progressive argument by enlightened liberal individuals to obtain a change in the way offenders lived and were treated by the judiciary, behind the closed doors of prison, the severity of sentences, often including the use of the crank, meant that cruelty still existed (McConville, 1995).

The unacceptable treatment of the offender, both in their living conditions and the cruelty they had to endure within the criminal justice system, led to a number of changes which lead to the creation of the probation service (McConville, 1995). The concept of reform and everyday work of the police court missionaries was based on the offender's consumption of alcohol, where its misuse and 'criminogenic' influence had to be overcome (May, 1991). The transition of the probation service from the police court missionaries came following the introduction of the Probation of Offenders Act 1907. The Act established probation on a statutory footing with 'officers' becoming paid officials of the court (Brownlee, 1998). The creation, usefulness and transition of the probation service through the years will now be discussed and will set the foundation for this study.

The formation and transition of the probation service

In this section we shall discuss the transition of the probation service from a voluntary organisation to an organisation recognised in statute and approved by government. It is generally agreed that the probation service as an organisation

started in Massachusetts (USA), where a Boston cobbler called John Augustus took offenders on bail from as early as the 1840s and reported on their behaviour to the courts. John Augustus was widely believed to be the first probation officer and after his death in 1859, voluntary workers carried on his work which was later put on a statutory footing by the Massachusetts Act of 1878 (May, 1994). However, in Britain as early as 1820 Warwickshire magistrates used a form of probation, where a prison sentence of one day could be passed on a young offender on condition that they return to the care of the parent or master who had the task to supervise them with greater care in the future (Skyrme, 1991: 262).

The police court missionaries were founded in 1876 by the Church of England Temperance Society, whose aim was to reform the offender by working with them and show reasons to the court why 'mercy' should be shown (Worrall, 1997). England was the first county to introduce a probation system nationally, where the reformation of the offender started in earnest following introduction of the Summary Jurisdiction Act of 1879 and is regarded as the beginning of the probation service in this country (May 1991; Skyrme, 1991; McWilliams, 1983; Leeson, 1914). The 1879 Act allowed the young or petty offender (including both adult male and female offenders) to be conditionally released without sentence under the direction of a police court missionary as a direct alternative to a custodial sentence.

The work undertaken by the police court missionaries was not a sentence in its own right, but an alternative to a sentence and on condition that the offender was thought to be a suitable person to reform and agreed to be of good behaviour. At the end of the 'probationary' period the court would review the case. If the offender had responded to the opportunity to reform, there would be no penalty (Leeson, 1914).

This is very similar to today's deferred sentence with reform being the objective and the outcome a discharge. For both the offender and judicial system, the offender being put on probation was a great step forward. It could be used to divert offenders from custody and allow a proactive attempt at reform to be made.

After the introduction of the 1879 Act, local initiatives sprang up and formed the basis for an expansion of the police court missions. They and other likeminded people believed that many criminal acts were too minor in nature for a custodial sentence and were caused by a combination of alcohol and moral weakness (May, 1991). At first there was some controversy about the role of the missionaries, some saw those who believed in reform and not punishment as 'sentimentalists', while others saw them as the 'modern' way forward (May, 1991). The seemingly magnanimous gesture and opportunity for 'mercy' was not accepted totally for its philanthropic gesture (Brownlee, 1998). The practical problem of the rising prison population was equally important, as one anonymous correspondent in *The Times* dated the 2nd September 1879 argued. The argument was that the 1879 Act was mainly a method for the government to reduce prison numbers and therefore reduce prison costs rather than to rehabilitate (McWilliams, 1983), a theme which is as relevant today as it was in the past.

By the time the Probation of First Offenders Act 1887 was passed, police court missionaries were already carrying out social enquires about offenders on behalf of the courts (Brownlee, 1998). The 1887 Act was the first official recognition for the police court missionaries and was the first British statute to refer specifically to probation. The 1887 Act gave the court the power to release an offender on probation, instead of imposing any punishment (Skyrme, 1991). However, the 1887

Act 'did not include the systematic supervision of offenders by an "authority", despite attempts to introduce such clause' (May, 1991: 5). It did however, confirm that offenders were to be released 'on probation' to the police court missionaries.

By the early part of the 1900s the police court missionaries had changed their name to probation officers. However, in spite of the name change and legislation such as the Probation of First Offenders Act 1887, the transition for the probation officer to become accepted by magistrates was a slow process (Leeson, 1914). This was even though probation had two strong arguments over custody, it was a humanitarian form of reform and had a clear cost advantage (Leeson, 1914).

The 1900s was a period of change, both for social reformers and the country as a whole. This change was brought to a head in a change of government from Conservative to Liberal in 1906 (Brownlee, 1998). The importance of such change was that it highlighted the changing attitudes to the treatment of offenders and impacted on how a 'bench' of magistrates was made up (Skyrme, 1991). In their first year of office (1906), the Liberal party pressed for the political balance of benches to be adjusted by the appointment of large numbers of Liberal justices. However, the Lord Chancellor, Lord Loreburn refused to 'pack the benches' with Liberals, he did however, appoint a certain number, although they fell short of the numbers demanded by the Liberal party (Skyrme, 1991).

At the same time there was a change in theoretical criminological thought, from one of Classicism, through Neo-Classicism to Positivism which is the basis of our punishment system. Classicism is based on the principle of freewill, where an individual when deciding whether or not to commit an offence makes a rational

choice on the available information and reflects the principles of pain versus pleasure. In contrast, Positivism is deterministic, crime is caused by factors external to the individual, which if dealt with will lower offending levels. However, such a concept was not without its critics, especially as the use of prison was based on the offender being free to choose whether or not they engaged in criminal behaviour (May, 1991). Therefore the logic used by criminologists at the time, seemed to conflict with the penal practice (May, 1991). In contrast, 'treatment' was increasingly becoming an accepted method of 'rehabilitating' offenders (Brownlee, 1998).

Positivism is the founding concept of the treatment philosophy of rehabilitation. It reflects the work of writers such as Cesare Lombroso (1836–1909), who with colleagues Enrico Ferri (1856-1929) and Raffaele Garofalo (1852-1934) adopted a new and scientific approach, where criminals were claimed to be throwbacks to a primitive state. Such writers argued that criminality could be reduced if the offender underwent 'treatment' rather than punishment. Positivism has one main consideration for the probation service, that offending behaviour can be 'treated' by assessing the 'causes' of criminal behaviour and that social and personal circumstances have an influence on offending behaviour. This point was made by Quetelet and Guerry in the 1830s and 1840s who argued that crime was due to social causes (May, 1991).

The argument of Quetelet and Guerry reinforced the work of Durkheim who had stated that 'social facts' should be treated as 'social things', and that society and not the individual had the greatest influence (Thompson, 1982). Such argument led to the perception of social positivism. Rex (1997) makes a similar point when she argued

that crime must be recognised as a social problem, but may require solutions which are beyond the scope of the probation system. Such an understanding of external factors or social needs was seen as a way of relating offenders to their social and environmental conditions and as a method of explaining offending behaviour based on those conditions (Garland, 1985). There still however remained a conflict between the classicism notion of 'freewill' and the impact of external factors which required 'treatment'.

The treatment model of criminology is linked to positivism and grounded in sociology. This is the basis for probation intervention and the argument that correct 'treatment' reduces crime. 'It follows that since people cannot help what is wrong with them and have limited choice for action, the scope for blame is also limited' (Crow, 2001: 6). The solution was to rectify that part of the person and/or influence them through treatment. Bertrand Russell (1925) suggested that criminality was like a disease and as such the offender needed treatment and not punishment. He suggested that prisons were less successful in curing criminality than hospitals were at curing disease (Russell, 1925). The way forward was through the claims of professionalism by the members of the probation service, the use of diagnostic methods of offender assessment and the necessity to address reasons for offending behaviour (Garland, 1985). The age of 'treatment' leading to rehabilitation had begun (Brownlee, 1998; May, 1991).

From 1895 to 1914 inspired by the zeal of the police court missionaries, the number of criminal sanctions available to the courts increased markedly (May, 1991). The impact of this led to the introduction of the borstal system for young offenders (aged 15-21) and the concept that imprisonment should be used to reform the offender

rather than purely punish as it had in the past (Skyrme, 1991).² The changes included new legislation which meant that courts were to be held in public and allow the defendant to give evidence on his/her own behalf (Skyrme, 1991).³ This was clearly a time of change, both in attitude of those in power and the middle classes who were gaining in influence (Schama, 2002a). Together they created the background for the expansion and formalisation of the Probation Service. The important legislation for the probation service at this time was the Probation of Offenders Act of 1907

The Probation of Offenders Act 1907 enabled sentencers to adopt one of three non-custodial options. The first was to discharge the offender without any punishment, although costs and/or compensation may have to be paid. Second, a type of conditional discharge based on the bind over, where the offender agreed to be of good behaviour for a specific length of time. If they reoffended within this time period, they would be sentenced for the current offence(s), together with those for which the bind over had been given. The final option was to place the offender on probation. 'The Act therefore allowed three options; discharge, binding over and probation' (Skyrme, 1991: 263/4). Custody also remained as a sentencing option.

The 1907 Act allowed (although it was not compulsory) magistrates courts to officially appoint probation officers whose roles were defined as "to advise, assist and befriend" [the person under supervision] and, find him [sic] suitable employment' (Brownlee, 1998: 65). At almost the same time in the USA, the Probation Committee Commission of Massachusetts in its report of 1909 (cited in Leeson, 1914: 85) defined a probation officer as an individual who should possess the insight, sympathy and power of leadership which would allow them the

² See the Gladstone Committee (1895) – re: youth justice.

³ Criminal Evidence Act 1898.

understanding of those placed on probation. This understanding included the social reasons for offending behaviour and was to be a constant theme for the next 50 years.

These changes continued with the introduction of the Prevention of Crime Act 1908, which allowed probation officers to develop the after-care of prisoners in an effort to stem and/or treat the reasons for criminal activities (Crow, 2001). It has so far been shown that there were positive reasons for the courts to use probation as an alternative to custody and the offender 'treated', rather than 'punished'. If their aim had been to produce a more humanitarian course of action that was cheaper than custody, it could be seen as successful. However, if the aim were to 'treat' and thereby rehabilitate the offender and so reduce offending behaviour, that aim would prove to be more complex (Brownlee, 1998).

Treatment within the probation service as a rehabilitative measure had been seen as an alternative to custody and, as a consequence, the work of the probation service increased enormously from 1907 to 1925. As a sign of its success, its work in the youth courts alone had doubled (Skyrme, 1991), although today the work of the probation service in the youth courts is principally carried out by a mixture of organisations under the heading YOT.⁴ The increase in workload was aided by the Criminal Justice Act 1925, subsequently amended by the Criminal Justice (Amendment) Act 1926, which made it mandatory for each petty session to employ at least one probation officer. The Criminal Justice Act 1925 was a further milestone for the probation service when one considers that in 1922, 215 courts had not appointed any probation officers, although the 1907 Act suggested that they should do so.

⁴ Youth Offending Teams (YOT) were brought in following the Crime and Disorder Act 1998.

In addition to the task of enforcing the employment of probation officers, the 1925 Act increased the power of the Home Secretary to ensure the provision of an efficient probation service (Brownlee, 1998). The Act brought with it central government funding and initiated for the first time a degree of control by the government. The Act also instigated the formation of Probation Committees who had the task of fixing the salaries of probation officers and organising their training. However, probation officers were often appointed by magistrates or probation committees only because they were obliged to do so. The wages offered were poor, making recruitment difficult. Skyrme makes the point 'as late as 1934 there were eighty-three officers with salaries of £5 a year or less and 213 with £20 a year or less' (1991: 265). In comparison, an agricultural worker under the Agricultural Wages (Regulation) Act 1924, received an annual wage of around £82 for a 50 hour week (Department of Trade and Industry, 1981).

The dates 1907 and 1925 were clearly significant for the emerging probation service, so much so that the 1907 Act was cited by the United Nations (1951) as having a far reaching influence on the development of probation in many parts of the world (Skyrme, 1991). The intervention of the government through these Acts had achieved its objectives. It had formalised the probation service and helped to standardise and expand the service provision across the country. The use of the probation service was not just for first time offenders, and it could be equally valuable for adults as well as the young (Crow, 2001). Although this had been the case from the beginning, the Home Office (1928) believed that the use of probation as a method of reducing the prison population could be improved and to that end a circular reminded those involved. Unfortunately the probation service was less successful than some people

had hoped, the prison population rose from around 11,000 in 1927 to 15,000 in 1945 (McConville, 1995: 155). The impact of this led to an even greater push to increase the use of probation and paved the way to the introduction of the Criminal Justice Act 1948.

The Criminal Justice Act 1948 was the first legislation to be brought in by the new Labour Government after the 1947 election. The 1948 Act continued the aim of reducing prison numbers and extended the possibility of early release on licence for various prisoners. It also established the probation service as an organisation with its own legal and administrative framework (Brownlee, 1998). Overall the 1948 Act placed probation officers on a more professional basis and made considerable changes to the system (Skyrme, 1991). One of the main changes was that for probation to be used as a 'sentencing option', a formal conviction was needed.⁵ In other words the offender had to either been found guilty, or had pleaded guilty to a criminal offence.

After the imposition of the 1948 Act, the probation service was still to be managed by local committees of magistrates. However, the government took increased control through the Home Office and organised inspectors to oversee probation officers, the Exchequer providing a grant of up to 50 percent of the cost of running the probation service. 'By 1959 there were eleven inspectors from the Home Office Probation Division, with each newly appointed officer receiving a visit from an inspector' (May, 1991: 14). The organisational structure confirmed by the 1948 Act would continue for the next 50 years as a local service that was controlled, trained and recruited by a locally appointed committee. During this period the probation officers

⁵ A probation order was still not a sentence in the legal sense; it was an alternative to a sentence.

were seen as officers of the court and their employers were the members of the probation committees (Nellis, 2001).

The transition of the probation service within ‘treatment’ and rehabilitation

We have discussed the time period from the end of the nineteenth century to the beginning of the 1950s. It has been shown that the probation service came into being in response to what some saw as harsh sentences and the continuing effort by government to reduce the prison population. Leeson summarised the situation as: ‘We are content to turn into gaol-birds men [sic] who, under firm but friendly direction, might be restored to permanent habits of industry and normal family life’ (1914: 37). The benefit of probation would be reduced costs for the government and an alternative disposal to custody for the judiciary and for the offender it would mean a sentence based on humanitarian values, such as to ‘advise, assist and befriend’. However, the background was an increase in crime rates, numbers in custody and the increasing costs of imprisonment (May, 1991). Therefore, the principle need of rehabilitation for offenders by the probation service continued in ever greater numbers. We shall now follow the transition of the service and discuss its role in rehabilitation.

Following the Second World War which Garland (1996) called the ‘warfare’ state, came the welfare state of the 1950s and 60s (Brownlee, 1998). The welfare state was brought in following the election of the Labour party in 1947. It was at this time that welfare became the overriding concept, government policy and ran parallel to the probation services principle of ‘advise, assist and befriend’ (Garland, 1996).

The reform of the offender continued to have a number of advantages regardless of which sentencing principle was used in the determination of sentence. These included the cost to the government and probation as a humanitarian form of crime control by addressing the 'criminogenic' needs in the offender through the use of 'treatment'. At this time (1950s – 1960s) alcohol was still seen as the overriding factor in the lives of offenders, as it had been at the end of the nineteenth century (South, 1994, 2002).

Treatment during the 1950s was through 'casework' which became a common term in the probation service. Raynor describes casework as a 'process of therapeutic work in which the offender's needs and motivations, characteristically hidden behind a "presenting problem", could be revealed through a process of insight facilitated by a relationship with a probation officer' (2002: 1173). It was through such insight that the probation officer diagnosed 'the problem' and formed the core of treatment. Treatment remained at the centre of reform, treatment for social problems, personal problems or combinations of both, principally through casework on a one-to-one basis. The concept and practice of treatment through casework based on social and/or personal rehabilitation, led to the development of the social worker who was motivated by the evidence obtained through the social sciences. Treatment through casework is still carried out in the probation service of the 21st century, but increasingly through counselling, group work and skill enhancement –such as cognitive and social skill therapy, parenting orders and work dealing with anger management and many other specialist inputs.

It has been shown that the concept of rehabilitation through the use of 'treatment' is not new. The principles of positivism, influences having a deterministic effect on

offending behaviour are at its core. It was understanding that such influences led to offending behaviour and could be addressed by reducing the criminogenic factors surrounding the offender. These factors were those which fitted into the philosophy of the welfare state of the 1950s and 60s, although the use of the term criminogenic did not generally appear until later with 'what works' and 'effective practice' (Brownlee, 1998). Radzinowicz argued: 'For the first time in the history of human thought, crime came to be viewed as a social fact primarily moulded by that very social environment of which it is an integral part' (1966: 35). It was by now becoming clear that social environment and personal circumstance would have to be addressed for offending behaviour to be modified within an aspect of 'treatment'.

The diagnostic method of offender assessment based on criminogenic factors was consolidated during the 1950s and 60s. There was an increasing belief that 'services to the community' should not only be based on diagnosis through 'scientific' assessment such as identifying the needs of the offender, but that the probation service should be amalgamated with other agencies. These included the probation service, the local children's department, social services, and mental health organisations (Webb, 2001). Although in practice such agencies did not amalgamate, the widening training undertaken by probation officers did allow them to see the 'whole person' and take an holistic view, rather than a variety of different problems serviced by different agencies or individuals (Webb, 2001). The reason suggested for such amalgamation was to integrate into one organisation the specialties from many (Webb, 2001). It was principles like these and the widening of probation service tasks that demanded a holistic approach to the offender be taken. However, the overriding philosophy in social work based rehabilitation as the probation service

still was, remained to 'advise, assist and befriend' the 'client' in an effort to promote reform through rehabilitation (McWilliams, 1985).

The 1950s for the probation service was one of consolidation and emphasis on 'treatment', the climate in the country had moved from a 'Warfare' state to a 'welfare' one. Raynor (2002: 1174) summed it up as the probation service taking its place 'alongside other useful but paternalistic agencies as a small but significant part of the post-war Welfare State'.

In the 1960s following public worry over increasing crime rates, there was a growing concern that a probation order may be seen as a 'soft option' (Brownlee, 1998). The Morison Committee (Home Office, 1962: 23) found that the probation service continued to be regarded as a welfare-organisation, sharing common goals with other forms of social work. Although the report endorsed rehabilitative casework, it noted that the relative use of probation by sentencers had fallen since the war (Worrall, 1997). It laid the foundation for a shift in focus which would only exacerbate any conflict between control and care (Haxby, 1978). The report recommended that probation officers should have a clear duty to protect society and to ensure the good conduct of those on probation (May, 1994). This recommendation was put on a legislative footing by the Criminal Justice Act 1967 which incorporated elements of 'public protection' in the community. Public protection was becoming an increasingly important theme for the probation service to undertake, a point made clear in the Morison report when it concluded that the officer 'is also the agent of a system concerned with the protection of society ... and during the course of supervision, [should] seek to regulate the probationer's behaviour ... the probation

officer cannot cease to be conscious ... [that they are] a representative of “authority”...’ (Home Officer, 1962: 23).

Control was further extended with the monitoring of parolees by probation officers, to whom they were required to report to on a regular basis. The early release enjoyed by prisoners had been commonly available since 1940, however, parole from 1967 onwards led to an almost routine release for prisoners after two-thirds of their sentence had been served (Morgan, 2002).⁶⁷ Parole meant that offenders would be released on licence and supervised in the community by the probation service during the period of their licence, i.e. the remainder of their sentence (Wasik and Taylor, 1994). It was becoming clear by the end of the 1960s that the government was widening the scope of the probation service and public protection was becoming the objective, leading to the task of offender control. It was becoming clear in retrospect, that officers were starting on the road to become ‘law enforcement officers’, even if that point had not already been reached.

Probation officer values and training

The 1960s saw further changes for the probation service in its transition from social work to law enforcement. The Morison report (1962) reinforced the status of the probation officer as a professional caseworker developed around the skills of the social worker, where criminal behaviour is seen as a reflection of personal and social problems (Haxby, 1978). As a consequence, the training given to probation officers reflected their social work background, rather than their growing position of law enforcement officer. The officer’s background in ‘social work’ demanded that they

⁶ In the 1840s there was a ‘ticket to leave’ scheme that laid the path for the use of parole (see McConville, 1995).

⁷ After 1987 all prisoners serving 12 months or less were automatically released after serving half their sentence (Morgan, 2002).

reduce the offender's offending behaviour by assisting them to address any social, personal and environmental factors responsible for criminal behaviour. The probation service although being firmly entrenched within the criminal justice system, retained its original social work values. Consequently, the punitive and controlling aspects of the criminal justice system made it difficult for some probation officers with social work values to reconcile the concept of control. In contrast, others saw the increasing use of control as a tool of reform and not in place of it (May, 1991). This conflict was no more evident than when attempting to develop the potential and confidence of those whom they now had not only to reform but to control (Haxby, 1978).

The training given to probation officers had to change in line with the changing role of the probation service and their widening workload. In 1971 the government transferred most of its probation training to the Central Council for Education and Training in Social Work (CCETSW). However, a general concern was that the training by CCETSW was still based predominantly on social work and not aimed directly at the ever changing role of probation practice (Brownlee, 1998). There was also criticism that the individuals who came into probation work were very left-wing students in their early 20s (Walker and Beaumont, 1981). Bibby (1976) suggested that people came from such training courses with not only their heads in the clouds, but unfortunately without their feet being on the ground. Simply, they were too academic with not enough life experience for the increasing tasks undertaken by the service. To bridge the gap between the 'academic' probation officer and those who they had to deal with, the Home Office in 1971 introduced the ancillary grade of officer called Probation Service Assistant (PSA). The PSA was later to be known as Probation Service Officer (PSO). The PSA was intended to be the link between

probation officer and clerical assistant in the work undertaken, but in reality carried out most of the tasks of the probation officer. The PSA worked under the direction of a probation officer who became the case manager. The benefit for the service was that they were cheaper, filled a shortfall in officers and required less training. The salary for a PSO in 2002 was £15,500 - £17,400 and for a Probation Officer, £17,000 - £23,000 (Home Office, 2002).

From 'nothing works' to 'effectiveness' and the actuarial process

We have seen the probation service change from a voluntary organisation in the late 1890s and early 1900s to a professional one officially recognised in statute and by government; starting principally with the Probation of Offenders Act 1907. Between that period and the 1960s 'treatment' seemed to be the accepted method of rehabilitation (Brownlee, 1998) However, that was about to change, during the 1970s and even into the 1980s there was considerable doubt and uncertainty surrounding the activities of the probation service and whether or not it actually did what it set out to do and bring about a reduction in reoffending (Raynor et al, 1994). The process of rehabilitation was increasingly being challenged in two, sometimes contradictory ways (May, 1994). The first centred around the work of Martinson (1974) and the statement 'nothing works', where Martinson (1974) described 'treatment' as failing to achieve effective and efficient change within the offender (Brody, 1976). The second and conflicting view, brought about by a change in the political climate which 'brought 'law and order' to the forefront of public debate, challenged not only the effectiveness of alternatives to custody, but also the 'legitimacy of the associated working methods: therapy had "failed", now punishment was "demanded"' (May, 1994: 867).

The 'official' position in the 70s was for increased punishment and control within community penalties and for other methods of diverting offenders from custody. The principle method at this time for addressing criminal behaviour remained 'treatment' and not a punishment based sentence. With a background of prison numbers rising and probation orders being increasingly seen as a soft option, there was a move to move from welfare into a punishment based sentence. The principle from an 'exclusionist' form of social control (custody) to an 'inclusionist' form, where the offender is punished and controlled within the community remained (Garland, 1985). As a consequence there was an ever increasing call for increased punishment within community penalties.

The Wootton Committee reported in 1970 and confirmed the need for a new community sentence as a further alternative to one of custody (May, 1994). The reasons for this were that a probation order had lost some credibility, sentencers were using a probation order less and the prison numbers were rising. In 1972 the Criminal Justice Act introduced the Community Service Order (CSO) with punishment and retribution as its central core. It was piloted and introduced nationally in 1975. However, the CSO was introduced before its effect on reoffending, impact on offenders and their behaviour had been assessed and consequently little had been gained from the initial pilot (Raynor, 2002). Before the introduction of the CSO, a probation order was the main community sanction. With the introduction of the Community Service Order by the Criminal Justice Act 1972, punishment and control of the offender was increased and firmly presented to the probation service. Punishment centred on the loss of leisure time and control was through being supervised for that time and under the threat of being returned back to court if the offender failed to comply.

The CSO was introduced as an alternative to a short custodial sentence. It was based on indirect reparation and punishment and so was a contentious issue for many probation officers. (Brownlee, 1998). Worrall (1997: 90) called the order 'a fine on time'. Raynor (2002) suggested that community service was brought in to satisfy the requirements of sentencers rather rehabilitate offenders and, if this were its prime objective, one can only agree that it was at least partly successful. This point was made by Skyrme who wrote: 'Community service was the success story of this period and it was extended to offenders aged 16 by the Criminal Justice Act 1982' (1991: 365). The use of CSO was so popular with the sentencers that in 2001, 52,500 orders were made (Probation Statistics, 2001); in 1990, 37,500 and in 1974, 928 (May, 1994). Therefore if an increase in its use was the sign of success, then one can appreciate that it had been successful. However, Brownlee points out that there is considerable doubt over the success of the community service order as an order to replace custody. He cites 1975 when 16 percent of sentenced adult offenders received a custodial sentence and in 1985 the figure had increased to 21 percent (Brownlee, 1998: 11).

The use and effectiveness of CSO is a complex issue. As a sentence it is based on indirect reparation, where the offender is ordered to carry out up to 240 hours of unpaid work in the community within 12 months of the order being made. Both Cohen (1985) and Raynor et al (1994) argue that as an alternative to custody, it was a method of control being dispersed to the community. Principally control of the offender is through the community service supervisor enforcing the work ethic on the offender, having to be punctual, to report any change of address and generally having a duty to recompense the community whom they have offended against (Brownlee,

1998). The work ethic demands that the offender turn up on time, carries out the work diligently and accepts some responsibility for the time involved. In return the offender can repay a part of his/her debt to society and gain some pride from the work undertaken. However, the introduction of increased punishment within community penalties did little to stem the argument that 'nothing works' to reduce offending behaviour within a probation order.

The phrase 'nothing works' was a statement attributed to Robert Martinson (1974) after his review of 231 studies between 1945 and 1967. His views had a greater impact here than they did in his native USA (Raynor, 2002). Within his review Martinson concluded that nothing works to stop offenders offending. Unfortunately his comment only added to the despondency already present amongst probation staff in this country (Bottoms et al, 2001). In contrast to Martinson (1974), Gendreau and Ross (1987) stated that it was nonsense to say that 'nothing works' in rehabilitative programmes. They argued that what did not work, was the way potential experimental programmes were introduced into service. However, some could argue that the end result was the same and such programmes, for whatever reason, did not work. Others including Lipsey (1995), Gendreau (1981) and Gottfredson (1979) have all also criticised the 'nothing works' statement by Martinson (1974). They argued that it was impossible to draw any firm conclusions from the research, because the methodologies of those studies examined by Martinson were so inadequate. Johnson (1981) suggested that programme drift caused the problem, where the focus of the programme had shifted over time. Schlichter and Horan (1981) highlighted programmes being run from more than one direction, which the offenders found confusing and counterproductive. Vanstone (2000) argued along similar lines, that it was the poor implementation of programmes and not necessarily the programmes



themselves that often failed. McGuire and Priestley (1995) and Raynor, et al, (1994), made the same point and agreed that well planned, consistent and well executed programmes can help some offenders, some of the time to reduce reoffending behaviour .

In response to the widespread criticism of Martinson's choice of research sample and their poor methodologies, Brownlee (1998) suggested that the statistical analysis used by Martinson was flawed in the light of more powerful analytical techniques available from the 1980s onwards. It was the criticism of the methodologies used in the studies examined by Martinson by writers such as Gendreau and Ross (1987) that led Roberts to argue: 'However good are the programmes you are using, or planning to use with offenders, they will have little chance of success unless particular attention is given to all aspects of the delivery and organisation of such programmes ...' (1995: 221). This point is confirmed by Rex (2001) who states that poor implementation of programmes can result in the eradication of positive outcomes.

The matter was further complicated when Martinson (1979: 224) later wrote 'Contrary to my previous position, some 'treatment' proponents do have an appreciable effect on recidivism.' Similarly Palmer (1975) argued that some programmes can work for some offenders and that Martinson in 1974 had overlooked these. Unfortunately at that stage the damage was already done and rehabilitation was 'dead in the water' (Brownlee, 1998; Bottoms et al, 2001). Raynor argued that there were some positive outcomes from the despondency after Martinson, where 'practitioners had to find their own sources of optimism and belief in what they were doing. As a consequence the "nothing works" era actually became a period of creativity and enthusiasm in the development of new methods and

approaches (2002: 1182). Unfortunately these local practices were not evaluated, but could be said to be the beginning of 'modern day' evidence-based practices, and those which led to 'what works' (Vanstone, 2000)

The confusion over whether or not 'treatment' programmes worked and the way forward was not improved by the government's own research. Around the same time as the review of Martinson (1974), the Home Office Research Unit's Intensive Matched Probation After-Care and Treatment (IMPACT) study was becoming available. The Home Office study examined 'practical intervention in the family, work and leisure situation of "high risk" probationers' (Crow, 2001: 28). The study found that the efforts of probation officers to assist offenders with their social and environmental difficulties seemed to result in little change in the reconviction rates. Raynor suggests that 'anxieties were emerging about the fit between the treatment provided and the actual needs' (2002: 1174). The findings of the IMPACT study were consistent with those of Martinson (1974) and reaffirmed the conclusion that treatment did not seem to work and the necessity of finding methods which did. Raynor seemed to make the same point when he said: 'the overall conclusion had to be seen as a negative verdict on probation as a general-purpose "treatment" for crime' (2002: 1175). Brody (1976) concluded that one type of sentence does not reduce reconvictions more than any other. However, Crow adds that this should not be confused with establishing 'nothing works', 'for one thing sentences fulfil functions other than treatment and rehabilitation, including restriction of liberty and retribution' (2001: 29).

The use of probation orders by the courts decreased throughout the 1970s, by the end of that period the 'treatment model' was being criticised from all angles on both

empirical and ethical grounds which left to some extent a vacuum (Raynor, 2002; Crow, 2001). The confusion over rehabilitation methods was not confined to those at the sharp end of service delivery. In 1978 the head of the Home Office Research Unit asked the probation service whether the methods paraded so forcefully 20 years before as the way forward, were simply to be abandoned solely on the basis of 'evidence' (Rex, 1997). However, it took until 1998 for the government to officially recognise the ending of 'nothing works', with the publication of its review of criminal justice policy (Crow, 2001).

The political background and concern over law and order was reinforced at the end of the 1970s with the election of a right wing Conservative administration in 1979. The new government introduced a 'radical' new agenda which had implications for the structure of the probation service and the way it was to be run. The Conservatives seemed to make 'a positive virtue out of the necessity to rein in public spending and downgrade the "social" aspects of government policy' (Brownlee, 1998: 84). Under the Conservative government, welfare interventionism on a local level seemed to have lost its priority and a vacuum existed where increased central government control took precedence. The change in government led to the Criminal Justice Act 1982 and its twin-track policy of 'bifurcation' (Bottoms, 1983). The policy of bifurcation had the effect of diverting some less serious offenders from custody by the use of community penalties and allowed the extended use of custody for those categorised as 'dangerous'.

As the emphasis for 'law and order' grew, many differing theories formed the basis of probation practice and attempted to fill the gap caused by the 'nothing works' argument. Harris (1977) advocated that officers should distance themselves from the

courts and concentrate on the disadvantaged in society, using punishment and control as the primary deterrent factor. In contrast, McGuire and Priestley (1995: 10) argued that punitive measures had a 'net destructive effect, in that they served primarily to worsen rates of recidivism. They quote figures showing an increase in reoffending rates of 25% for those on intensive surveillance and/or similar intensive methods, in contrast to those found in the control groups. When one considers that offenders on intensive probation orders were generally those classed as high risk offenders, and given their intensive surveillance, it should not be surprising that they are found to have reoffended at a higher rate than those without the intensive surveillance.

During the late 1970s and into the 1980s confusion over rehabilitation methods remained. The vacuum caused by the decline of treatment and concern over 'nothing works' had a considerable impact on criminal justice policy and demanded alternatives be found. Raynor suggested that 'if the emphasis of the 1970s had been on doing good, without much success in demonstrating that good was being done, the 1980s were to be about avoiding harm, in particular by reducing unnecessary incarceration' (2002: 1176). It was from the political viewpoint of a right wing Conservative government that the probation service in the 1980s was expected to provide alternatives to custody, rather than be a service which reformed the offender. 'However, this view was not fully appreciated until shortly after the 1987 General Election when a reappraisal of penal policy was confronted with the increasing cost of a rising prison population' (Crow, 2001: 31). A probation order was clearly not just about the offender being 'treated' for criminality. It was also about control and punishment of the offender being transferred to the probation officer through the use of community penalties and as a method of reducing prison numbers (May, 1994).

Control and punishment were being increased through community penalties and such action was not without its critics who argued that increased control and punishment did not take into account the social environment of the offender (May, 1994). Young (1986) suggests that these changes led to an 'administrative' approach to crime control, in contrast to social positivism and the 'causes' of crime. Alongside probation changes and despondency by officers over those changes, probation budgets were being reduced. This followed the Conservative government's Financial Management Initiative and the work of the Audit Commission (1989). As a consequence, cash limits and stringent controls were being increasingly applied throughout government departments (Crow, 2001). One senior civil servant told an audience of chief probation officers that there was no evidence that a reduction in expenditure would do any harm or contribute to an increase in offending rates (Raynor et al, 1994). The results of this in the probation service were increased pessimism and even lower officer morale.

Low officer morale, budget cuts and the changing emphasis of the probation service did little to persuade officers to accept the failure of 'treatment' and increase offender control. Probation officers were split by the argument of increased control versus rehabilitation, some thought that they were wasting their time, others that they were oppressing the poor and disadvantaged (Raynor, 1994).

The trend towards a more punitive probation service continued throughout the late 1980s as the government introduced intensive probation (IP) in eight trial areas. Intensive probation was primarily designed for high risk offenders and grew out of concern over the high level of crime being carried out by 17 – 20 year olds. As a consequence, early in 1989 selective probation areas were invited by the Home

Office to establish IP programmes. However, 'there was little commonality between the schemes and not all followed Home Office guidelines' (Mair et al, 1994: ix). For many officers, IP programmes were a further step away from their social work roots and their motto of 'advise, assist and befriend', others saw it as a step forward (Mair, et al, 1994). For sentencers intensive supervision was intended to be close to the top of the sentencing tariff, where they may divert at least some offenders from custody (Brownlee, 1998).

The philosophy behind the IP programmes fitted into the twin track philosophy of bifurcation covering the reductionist and punitive elements of sentencing and coincided with the sentencing framework established in the Criminal Justice Act 1991 (Brownlee, 1998). However, IP programmes were not seen as successful and the eight probation areas where the programmes were piloted, accounted for fewer than 800 young offenders over the two year trial period (Mair et al, 1994). Indeed, IP or those orders 'strengthened' with additional conditions seemed to fare worse than similar offenders who had been given a custodial sentence, when reoffending rates after two years were taken into account (Mair et al, 1994).

Intensive probation seemed to have failed when comparisons were made to custodial sentences. This and the murder of James Bulger, together with media construction of high profile young burglars such as 'rat boy' led to a 'complete political U-turn. No longer would public opinion tolerate any blurring of the boundary between freedom and confinement. If you commit a crime, you deserve to be excluded from the law-abiding community' (Worrall, 1997: 39) This led Michael Howard in 1993 to use the explicative - 'prison works', when describing the effectiveness and deterrent effect of prison (Brownlee, 1998). 'Before long he was proposing a series of changes to the

Probation Service which were intended to constitute a definitive break with its former “social work” identity’ (Raynor, 2002: 1181).

The probation service was in an accelerated process of reform which was confirmed to some degree by the Home Office a little earlier in 1990 with the publication of its White Paper: *Crime, Justice and Protecting the Public*. The White Paper set out the government’s policy covering criminal justice based on the principles of ‘just deserts’. With the White Paper came two Green Papers: ‘one on the organisation of the probation service and the other on partnership with voluntary agencies’ (Worrall, 1997: 71). Within the Green Paper, *Supervision and Punishment in the Community* was the suggestion that the probation service should be restructured into larger units with greater central government control (Home Office, 1990b). Such change was to reinforce the probation service as a criminal justice agency, rather than one of social work. However, it took until 2001 for this to be achieved and a National Probation Service formed, until then it remained a ‘local’ organisation.

It was within the context of community penalties replacing custody that the flagship legislation, the Criminal Justice Act 1991 came into being. The Criminal Justice Act 1991 was based to a large extent on the principle of ‘Just Desert’ and gave the expectation of an increase in ‘punishment’ which reinforced the ‘new’ thinking in community penalties (Worrall, 1997). Just Desert sentencing is at the centre of the 1991 Act, it is based on proportionality and demands that the sentence reflects and denounces the offence. No more – no less. Worrall suggests that ‘Just Deserts implies that the main purpose of sentencing is to denounce the crime and “visit retribution” on the criminal, to the extent that he [sic] deserves it’ (1997: 11).⁸ Rather

⁸ ‘Just Deserts’ will be discussed in greater detail in chapter 2.

than reflecting the causes of crime, the Act has a greater affinity to classicism, to this end the Act toughened up community sentences. 'Much of the Act is concerned with restructuring and "toughening up" the community sanctions to make them more suited to their new role' (May, 1994: 876). The 'new' role covered by the Act included the government's expansion to prescription, formalism and control within the criminal justice system (Brownlee, 1998). The 1991 Act widened the scope of 'Just Desert' when it made a probation order a sentence in its own right.

As a sentence in its own right, a probation order has specific aims. These include public protection, offender rehabilitation and a reduction in reoffending (Nellis, 2001). Its philosophy embraces the sentencing principles of both punishment and rehabilitation. The main aspect of punishment is the deprivation of the offender's time and the control exerted by the probation officer over the offender throughout the order. Before the 1991 Act the wording of a probation order confirmed that the order was 'not' a punishment and could not be given with any punitive sentences. It centred on the philosophy of 'advise, assist and befriend'. Wasik and Taylor (1994) highlight a secondary implication of probation being a sentence in its own right, in that the 'clients' of the service were no longer known as probationers but as offenders. A 'standard' probation order requires that the offender be under the supervision of a probation officer, keep in touch with the probation officer and receive home visits as required. Offenders have to inform the probation officer of any change in address, and be of good behaviour (National Standards, 1995). Although conditions could be lawfully applied to probation orders from 1982, as a sentence in its own right following the 1991 Act, courts could attach conditions such

as requirements of residence in a hostel or at an address specified by the authority.⁹ Furthermore they could include attendance at a drug or alcohol dependency clinic or other specific rehabilitation program (Osler, 1995).

A probation order was a sentence in its own right and as a consequence many in the probation service felt that their tradition of 'advise, assist and befriend' was being further eroded, and doubted that tougher community penalties would have the net effect of reducing the prison population or reoffending (Nellis, 2001). The probation service was changing from a social work agency to one firmly based in the criminal justice sector. The change was nowhere more obvious than when it came to the training given to probation officers. In an effort to disassociate the probation service completely from its social work background and its motto of 'advise, assist and befriend', the Home Secretary in 1995 repealed the legal requirement for all probation officers to hold a university Diploma in Social Work (Worrall, 1997). However, it took a further two years (1997) for probation to complete the separation from its background, by the creation of a university Diploma in Probation Studies (DipPS). The new qualification is in contrast to the earlier social work qualification in social work and is currently only available to those appointed as trainee probation officers by probation services in England and Wales (www.cjnto.org.uk, 2003). Since its introduction, the Diploma in Probation Studies has been the qualification for probation officers in England and Wales and is delivered by 9 Regional Training and Assessment Consortia. 'The Diploma is an "integrated award", combining the level 4 Community Justice NVQ with a Degree in Probation Studies' (www.cjnto.org.uk/qualifications).

⁹ The Criminal Justice Act 1972 allowed a special condition requiring an unemployed offender to attend a Day Training Centre during working hours for up to 60 days. Other conditions may have been included but were in fact unlawful (Worrall, 1997: 12).

The Community Justice National Training Organisation (CJNTO) came into being following the introduction of the DipPS in 1997 and is one of a network of organisations established by the DfEE. CJNTO works with other organisations in the community justice sector which includes organisations such as those working with offending behaviour, victims, survivors and witnesses of crime, crime reduction and community safety, youth justice and those involved in the treatment of substance misuse (www.cjnto.org.uk, 2003).

It was clear that probation practice was changing and the use of community penalties set to increase. In an effort to reinforce an increase in the use of community penalties, non-custodial options were being 'sold' to both the courts and public alike. The future 'success' depended on two premises, the perception of increased effectiveness of the probation service and yet again, the need to justify a community penalty as a sentence to replace custody.

The impact of National Standards

We have seen that the background to National Standards has been increased concern that probation orders were a soft option, inconsistent and 'nothing works'. Consequently there was a fall in the use of probation orders by sentencers (Brownlee, 1998). For the situation to change, the confidence in probation orders by all involved would have to be increased. At the same time it was clear that for that to happen, community penalties would have to be 'strengthened' through increased consistency, control and the threat and implementation of breach proceeding when necessary. The strengthening of community penalties came with the introduction of the Statement of National Objectives and Priorities (SNOP) in 1988 for community service orders.

SNOP set out new priorities for the probation service which saw a move from assisting minor offenders to working with higher risk offenders (Brownlee, 1998). In an expanded form these objectives and priorities became National Standards for the Supervision of Offenders in 1992, they were revised in 1995 and yet again in 2000.¹⁰ During the 1990s and into the 21st century, control of the offender by the officer continued to increase, as did the influence of central government through the formalisation and increased consistency of programmes. The formalisation and increased consistency of programmes is the main issue in National Standards and programme effectiveness.

Therefore, to ensure that a probation order was seen as an 'effective' and consistent reformatory 'punishment', with each successive standard came increased control for the officer by both local and government 'management' and on the offender by the officer. Each National Standard was found to be more restrictive than the previous one. There was no evidence that stricter enforcement and added control in a probation order lowered reconviction rates or made the order more efficient (Hedderman and Hearnden, 2000). It could be said that the orders were more consistent and provided a clear set of rules designed to overcome any disparity between not only parts of the country, but between individual probation officers (Brownlee, 1998; Worrall, 1997). In contrast to effectiveness, stricter enforcement could be seen as addressing the longstanding criticism that a probation order was a 'soft' and therefore 'low' option. To that extent, increased control and the use of tougher community penalties can be seen as a success by making them seem more restrictive.

¹⁰ National Standards will be discussed in greater detail in chapter 4 – 'Offender Supervision'.

The increase in the restrictions, formalisation and administrative controls brought about by National Standards also brought the problem of conflict towards officers from offenders if officers were perceived as being too strict and applying the standards literally. Such action could result in the increased use of the breach (Hedderman and Hearnden, 2000). In contrast is the argument that if probation officers were seen in a positive light by offenders, it may not please those who want probation to be seen as more punitive. The officers were in a 'catch 22' position and a no win situation:

Offenders who see probation in a positive light are more likely to turn up for meetings with their probation officers, more willing to listen, and more likely to try to put into practice what is suggested to them. If probation were to be seen negatively, offenders would be more likely to fail to appear for supervision. This would lead to increased breach action and ultimately increases in the custodial population (Mair and May, 1997: 65).

It is clear that the imposition of tough standards can have a negative influence on both the offender and officer (Mair and May, 1997). National Standards also required the assessment of offender 'risk', which was first embodied in National Standards (1992), with increasing emphasis in National Standards (1995) and National Standards (2000) (Raynor, 2002).¹¹

In addition to being more punitive, National Standards had resource implications. Each successive National Standards demanded more time and resources from the officer. However, during the period of revising National Standards (1995), the number of probation officers had reduced from 7800 in 1994 to 7200 in 1998 (Home Office, 1998) and the courts had started to make more and more probation orders, rising from 158,313 offenders in 1994 to 204,699 in 1998, a rise of almost 30

¹¹ The assessment of risk is at the centre of offender supervision and will therefore be covered in greater detail later in this study. Chapter 6 is principally about risk.

percent. The caseload per main grade officer had risen from approximately 22 in 1994 to almost 35 in 1998. These caseload figures however, give only a rough indication of workload, which is dependant on the number and length of orders, their complexity and the amount of supervision needed (Home Office, 1998). It does not take into account the time taken to attend court, home visits and writing of Pre-Sentence Reports (PSRs). Radzinowicz and King identified a similar problem 20 years earlier:

How can you expect an officer, with other duties to attend to and with something like fifty people under his [sic] supervision, seeing them perhaps once a week to start with, once a fortnight or less thereafter, to have time to get to know and influence more than a handful of them, or to make much of a real impact on their outlook or circumstances? Must not 'supervision', in the sense of knowing what people are doing, keeping them out of trouble, be largely fiction (1979: 330).

Haxby makes a similar point: 'Probation officers have argued that the pressures from high caseloads and large numbers of social enquire have made it impossible for them to develop the full potential of casework methods' (1978: 218). Walker and Beaumont argue that being a probation officer is a task with no apparent solution. 'Your day is spent worrying how to balance demands on your time and choosing between equally unpalatable alternatives (1981: 65). However, if the objective of National Standards was to encourage sentencers to increase their use, it has been somewhat successful (Home Office, 1998).

It was against the background of high caseloads and less than 30 percent of orders complying with National Standards (1995) that the revised National Standards (2000) were introduced (Calvert, 2000). One of the greatest changes in the 2000 standard was the requirement to breach on the second unauthorised absence, rather than the third as was previously the case. As a national standard it was designed to strengthen control and had the effect of requiring the officer to have even greater

control over the offender than under the 1995 standard. It would not be unreasonable to speculate that the impact would have the effect of a greater number of offenders being breached (Hedderman and Hearnden, 2000). If that were to be the case, any rehabilitative work planned or partially carried out would come to an end, to that 'extent National Standards may already be said to be at odds with effective practice' (Hedderman and Hearnden, 2000: 128).

We have seen a change in probation orders from what some may see as a soft option, to a sentence with increased control. Such increased control can have a negative effect on the effective use of the order, especially if those in breach receive a custodial sentence. However, even after National Standards were implemented, there was considerable variation throughout the country in the amount of control exerted through the use of breach proceedings (Worrall, 1997). This in itself suggests disparity between not only parts of the country, but between individual probation officers (Worrall, 1997). A great number of studies have shown that officers often fail to take enforcement action against their 'clients' (Ellis et al, 1996). Some writers have said that this is due to an instinctive need to care for, rather than control (Ellis et al, 1996; Worrall, 1997; Hedderman and Hearnden, 2000). This suggests a conflict for the probation officer, on one hand they believe that the offender is in need of social work assistance and on the other they understand the governmental pressure on them to use their controlling influence and power on the offender. Vanstone (1985) suggests that many officers thought that the increased use of community penalties, although welcomed as a method of diverting the offender from custody, also meant that their humanitarian traditions were being further eroded.

The probation service was being thrust into the hands of the actuarial process through National Standards, where figures and statistics seem to be the most important factor rather than addressing the needs of the offender (Rex, 1997). The impact was to finally break the link between probation and its social work background, making officers more accountable and reducing their discretion (Worrall, 1997). The change was further demonstrated by new tasks being undertaken by the probation service and resulted in an increase in the number of officers of all grades. Similarly, managerialism, as it was to be known, reflected the earlier increase in administrative hierarchy from a ratio of 1:6 to 1:3 (Haxby, 1978: 34). In other words the service had changed from one 'administrator' to six officers, to one 'administrator' to every three officers. Managerialism was not new, McWilliams (1987) had identified the beginning of the demise of local customs and tradition in probation practice as early as 1961. He argued that the seeds of change to a 'bureaucratic/managerial' model seemed to happen without a great deal of debate or careful planning (Brownlee, 1998; McWilliams, 1987).

The age of managerialism had begun to take hold, its emphasis increased by each successive National Standards and brought to a peak with National Standards (2000) and intensified with enhanced standards, targets, performance indicators and other managerial concepts (Nellis, 2001). Nellis (2001) argued that it had taken over from free expression and that a probation order had lost flexibility. Human qualities such as kindness and empathy were replaced with the tendency to minimise the input from staff and allow the 'treatment' of offenders as objects to be statistically analysed. At the same time, National Standards increased pressure for both offender and officer. It laid down the amount of contact time, breach circumstances and attempted to standardise nationally the methods used within an order, focusing on management

rather than supervision. This was at a time when resources were being increasingly restricted. The government seemed persistent in its introduction of new measures and cost cutting, even if these conflicted with tried and tested methods of rehabilitation (Thomas and Truddenham, 2002; Worrall, 1997). In contrast to writers who have criticised managerialism, Nash (1999) argues that it has been crucial to the protection of the public, as it has reinforced the concept of risk assessment in the everyday practices of the probation service which had to be both cost effective and reflect the 'new' expectations of the criminal justice system. We will now discuss 'what works' in offender rehabilitation.

'Effective' rehabilitation programmes and 'what works'

We have so far seen a change of emphasis for the probation service, with 'treatment' still being questioned, control being increased, service provision across the country standardised and a 'new' community penalty introduced. It is from the background of 'nothing works' attributed to Martinson (1974) and the seeming failure of 'treatment' that the 'what works' movement was based. The concept of 'what works' came in an attempt to create an effective working method of rehabilitation within a probation order. However, what should be avoided was the repackaging and reinterpreted of previously ineffective systems (Raynor, 2002). In the case of Martinson (1974) much of the criticism of his review had been directed at the methodologies of the programmes studied and the method of analysis (Martinson, 1979). Raynor (2002) argues that findings which in the past were not clear cut are likely to receive the interpretation which fits the culture of the time. 'Studies once read as evidence that 'nothing worked' can be reinterpreted as evidence that 'some things do work' as readers' expectations and background assumptions change' (Raynor, 2002: 1181). Therefore one cannot say that because it did not once work, with changing attitude

'nothing works' can be modified to some things can work for some people some of the time (Raynor, 2002; Raynor et al, 1995; McGuire and Priestley, 1995; Raynor, et al, 1994). 'When the right programmes are offered in the right way to the right people, some things can work' (Raynor et al, 1994: 92). A similar point was made by McGuire and Priestley (1995) who concluded that some well planned, executed and consistent programmes can work. In contrast to this and in response to the influence of 'nothing works', the overall impression at the beginning of the 1990s was still that probation was a soft option and often achieved little (Brownlee, 1998). However, the situation was to change with the introduction of 'effective practice'.

It is clear that the area surrounding 'what works' and effective practice is a complex and controversial issue, 'what works' is not a question but a statement of 'effective practice', part of a crime reduction strategy launched by the Home Secretary in 1998 (Bottoms et al, 2001). Bottoms et al (2001: 7) describe the 'what works' initiative as having the greatest impact on probation practice and that it is practice concentrating on managerialism, technological innovation and management of risk. The technological innovation they cite is based on the use of IT systems to monitor risk, calculate risk and monitor risk-need scores. There are of course other uses of technological innovation centred around the monitoring of offenders, but it is sufficient in this thesis to simply mention it and leave it to other writers to expand on. However, all these factors are designed to increase the 'effectiveness' of offender reform and instigate effective practice at the point of delivery. Raynor (2002: 1183-1185) describes three elements or 'strands' that encouraged the introduction of 'what works'. The first was the role of social learning or cognition in the development and maintenance of offending. The second was a series of reviews which brought together lessons learned regarding what had been effective. The final strand was 'a

small group of studies which provided reasonably convincing evidence for reductions in reconviction among fairly high-risk probationers ...' (Raynor, 2002: 1185).

From the period 'nothing works', programme design and reviews of their methodology has been a continuous process. Raynor (2002) points out these were difficult times, but also times of optimism and innovation. The STOP (Straight Thinking On Probation) programme was one of the first 'new' programmes which heralded a change in direction within the probation service and followed the principles that would later become the norm within 'what works'. The STOP programme was instigated by the probation service in Mid-Glamorgan during 1991 and was a rehabilitative form of probation, designed for persistent offenders. It reinforced a concept of effectiveness on the local service, and was evaluated by Raynor and Vanstone (1997) who indicated a favourable reduction in the reconviction rate for those who completed the programme, in comparison to those who were dealt with by the courts in some other way (Worrall, 1997). The STOP programme confirmed the importance of 'assessment, targeting, and overall case management' (Raynor, 2002: 1190). Although some of the results in the programme were reported to be tentative, it was argued that the officers involved seemed to go that 'extra mile' to make the programme work, though whether this had an influence on the results is not made clear (see Worrall 1997: 115). What the programme did make clear was that to be successful in reducing offending behaviour, a programme should be consistent, the officers should be trained in its use, and all participants should be aware of the results being monitored. Despite its limitations, the STOP experiment was one of the first in Britain to yield evaluative data about persistent offenders, and showed a pattern of 'ineffective thinking and unsuccessful problem-

solving [by the offender] in interpersonal and social situations' (Raynor, et al, 1994: 94). It was by now becoming clear that programmes had to be based on the principles of effective practice.

'What works' through effective practice as we know today followed the example set by the STOP programme and its introduction to mainstream probation practice could probably be attributed to period around 1995 and the work of McGuire and Priestley amongst others. Much of this work was featured in the review: 'Reviewing 'What Works': Past, Present and Future' (1995). 'What works' is described by the National Probation Service as programmes based on evidence of effectiveness, delivered to a consistent standard and accessible to all groups of offenders (NPS, 2003). The amount of work undertaken by the offender depends on the recorded risk and the content of the programme should balance the risk to criminogenic needs (Chapman and Hough, 1998). We shall now discuss whether or not rehabilitation programmes can be effective and expand the area surrounding 'what works'. At the core of such programmes is intervention integrity.

The term intervention integrity means carrying out the work in practice as it was designed to be carried out in theory and design (Hollin, 1995). The failure of practitioners to carry out the programme requirements according to programme design has had negative consequences in the past. Nowhere was that more obvious than in the 'nothing works' review of Martinson (1974), where poor programme design and/or programme integrity or consistency caused a great deal of problems which largely lasted for the following 20 years. In addition to the lack of programme integrity, writers such as Bruggen and Pettle (1993: 89) found that good practice did not occur when the 'therapist' was a trainee, or if the team were rushed. For

‘treatment’ to be consistent, the programme needs to follow a consistent format, using skilled practitioners with similar ways to measure outcome. As Hollin makes clear: ‘This whole procedure is made much easier when programmes are guided by a treatment manual’ (1995: 199). Such programmes should be seen in the background and context of increasing prison numbers and concern over whether or not ‘rehabilitative ideals’ actually worked.

The concept and philosophy behind rehabilitation programmes based on ‘effective practice’, whilst laudable, is dependant on the input from both the officer and offender based on the motivation of both. The National Probation Service themselves suggest that there are three principles to ‘what works’: Risk - where the intensity of the programme should reflect the ‘risk’ of the offender, Need – the programme changes the offender’s reason(s) for offending, and Responsivity – the offenders response to the programme (NPS, 2003). In contrast to the claim of success made by the probation service of the ‘what works’ programmes (NPS, 2003), Ellis (2000) argued that many concepts of effective practice lacked theoretical underpinning and did not offer any real evidence of being an effective method of reducing offending.

What cannot be argued against was that rehabilitation through the concept of ‘effective’ practice and ‘what works’ had reinstated rehabilitation on the policy agenda of the probation service (Bottoms et al, 2001). It was also firmly fixed within the framework of control and managerialism, mainly, but not exclusively through National Standards.

Cognitive behavioural methods are central to ‘what works’ in the probation service of the 21st Century. They have been increasingly used in an effort to positively increase the impact of probation on reoffending rates, and are based on the

assumption that offending is a failure to think through actions and that the offender is unaware or does not care about the impact of their actions on the victim. 'An element of social learning theory is the suggestion that offenders are deficient in cognitive skills and reasoning, and in particular that they have poorer social skills than non-delinquents ... and that much offending is compulsive and ill considered (Crow, 2001: 68). Cognitive behaviour therapy covers many interesting concepts and includes various alternatives to offending behaviour, such as violence, alcohol and other particular aspects of criminogenic needs. Matching the needs of the offender to a particular form of cognitive therapy has been one method of reform, as has been matching the style of officers to particular offenders. This point was made by McGuire and Priestley, 'programmes work best when there is systematic matching between styles of workers and styles of client' (1995: 15). However, it is in contrast to the findings of Project Match which examined alcohol 'rehabilitation' and found that matching a specific programme to a specific individual had little consequence, and where motivation was found to be the key (Ashton, 1999).¹² Motivation is the demonstration of willingness, attitude and behaviour to initiate change and is the key to reform within constructive programmes (Underdown, 2001).

It is generally accepted that for programmes to have a positive impact on offending behaviour, offenders require active, participatory methods of working, rather than unstructured supervision (McGuire and Priestley, 1995). However, this involves greater officer time and organisation. Similarly many offenders may not be motivated to increase their participation and would prefer supervision for as short a time as possible, unless they have a problem they wish the officer to remedy. In addition officers are over worked with high caseloads which affects officer morale

¹² Project Match will be discussed in greater detail later.

and motivation. Therefore any lack of offender or officer motivation, of probation organisation and/or input from either the officer or offender may lead to the failure of 'effective practice'. Furthermore, for a great deal of supervision, officer/offender participation may not be a priority for either party, whether or not it was due to a lack of time or it being of low priority.

'What works' and effectiveness is not limited to group activities, but should also be active within all individual casework. McGuire and Priestley (1995) argued that the 'traditional' method of individual casework counselling (one-to-one supervision) had little evidence of success, unless it took a structured motivational approach, with all participants actively being involved. This was confirmed in the findings of Project Match.

Project Match was a \$28 million dollar project and the largest scientifically rigorous alcohol 'treatment' trial ever seen in the USA (Ashton, 1999). The underlying concept of Project Match was matching the specific programme to individual offenders. Within the study different theories concerned with the reduction of alcohol use were tested over a quarter of a century. However, rather than confirming the previously accepted thought that specific treatments worked better for specific types of drinkers, it demonstrated that it did not matter what treatments were offered. Therefore, 'some characteristics may promote recovery, *whatever* the treatment' (Ashton, 1999: 16). Ashton (1999) argued that it was not the treatment that worked, but the characteristics and motivation of the user. Project Match concluded that if a drinker wanted to change, they did so with help.¹³ Andrews (1995) made a similar

¹³ It has been suggested that the findings of Project Match were flawed because there was no control group (Ashton, 1999).

point and argued that poor motivation should be an important target for change. The key to change seems to be motivation, where one-to-one motivational interviewing techniques within a structured environment have been shown to be consistently good at promoting reform and are skills which the probation officer has employed for many years (Ashton, 1999; McGuire and Priestley, 1995)

Although motivation is an important aspect of 'what works', Crow (2001) argues that we are still a long way off from being able to say what, if anything does work. 'Indeed, it seems more likely that nothing works in a universal sense' (Crow, 2001: 78). This is what other writers suggested almost a decade earlier (see Raynor et al, 1994; Knott, 1995; McGuire and Priestley, 1995; Roberts, 1995). The facts seem to suggest that if an offender really wants to change, they can do so with help. In the absence of motivation, change rarely happened, whatever the 'treatment' (Ashton, 1999: 18).

Today one-to-one supervision seems to be giving way to accredited programmes such as 'Think First'. 'Think First' is an accredited and intensive group programme, designed by James McGuire based on offence focused problem solving. It addresses cognitive behavioural changes in the offender and is an attempt to modify the way the offender thinks and consequently solves problems. The consequence of this change is increased intensity of programme and even further control within the order. One may ask if these changes are intended to reduce offending behaviour, or make the sentence a more acceptable alternative to custody. However, there is little evidence that addressing 'thinking skills' reduces offending behaviour (Mathews and Pitts, 2000).

Many writers including Matthews and Pitts (2000), McGuire and Priestley (1995) and Raynor (1994) have found that the most effective programmes are those which undertook a holistic approach to solve a variety of the offender's problems. Under such an approach, offenders were taught how to cope with their difficulties using a variety of methods which today would include cognitive behavioural techniques without resorting to crime. However, not all offenders consider the effects and implication of their offending behaviour before they act.¹⁴ This point was made by Matthews and Pitts (2000) who argued that cognitive behavioural therapy has erroneously been based on the premise that law-abiding and straight thinking are associated with going straight. Raynor et al (1994) argued that it is wrong to assume crime is caused by defects in thinking skills, although improved social and thinking skills can help the individual cope with poor social and economic conditions. Even if that were the case it may not impact upon offending behaviour (Matthews and Pitts, 2000).

For a probation order to work effectively, a rehabilitation regime should encompass a multitasked motivational approach to address offending behaviour (McGuire and Priestley, 1995). Burnett (1996) argued that it is important that the various forms of intervention are matched to individual offenders and there is not one programme for all types of offender. Roberts (1995) accepts that not all programmes work for all offenders and argues, 'the evidence that we already have, [is] that offenders with differing histories and behaviour tend to respond differently to various forms of rehabilitation programmes ...' (Roberts, 1995: 233). The statement by Roberts reflects the earlier comment by Raynor (2001) who said, 'some things work for some

¹⁴ Chapter 2 discusses the impact of deterrence in greater detail.

people some of the time. However, care is not always taken by officers in identifying the reasons for offending and as McGuire and Priestley (1995) point out, assessments of risk and needs should lead to programme allocation, which they found was not the case. Similarly Raynor (2002) identifies a number of factors which make up effective programmes. High risk offenders should be targeted, the programme should focus on criminogenic needs and be structured, participants should be fully aware of what is happening and it should have effective management with fully trained staff and adequate resources (Chapman and Hough, 1998). Unless the risk of the offender is matched to their criminogenic needs and their supervision reflects this, there is little chance of success (Chapman and Hough, 1998).

In addition to problem solving, programmes like 'Think First' are more demanding in their expectation, require intensive attendance by the offender and therefore may not be seen by sentencers as such a 'soft option' and more as a credible alternative to a custodial sentence. The increased control exerted by such intensive programmes is due to the increased time the offender has to spend on the programme. The offender is expected to attend for a total of 64 hours, 32 two-hour sessions. Programmes such as 'Think First' are what Barkley and Collett (2000) would describe as getting tough on crime through a more demanding programme. The term 'programme' in this context refers to meetings in a group setting, with a formalised sequence of activities using a mixture of methods (Burnett, 1996). Walker and Beaumont argued that group work was just another form of 'treatment' and 'new developments further the same fundamental aims as traditional tasks and methods' (1981: 82). Burnett (1996) argues that if group work, including that based around cognitive behaviouralism, is not developed around the traditional one-to-one supervision, there could be a danger of 'throwing the baby out with the bath water'. As Rex argues: 'There is at least an

equally pressing need to pay attention to offenders' social environments, and the normative processes that support non-offending choices' (Rex, 2001: 67). Therefore the general opinion seems to indicate the necessity for a holistic approach to offender reform, with motivation and needs assessment to be enforced with control. However, what is clear, is that programmes such as 'Think First' are more demanding.

Concern as to whether or not cognitive behavioural therapy works and whether or not it has a positive impact in a probation order was expressed at the AGM of the National Association of Probation Officers (NAPO) in 2001. A motion was passed which found Accredited Programmes totally unacceptable, calling them 'flawed, outdated, conservative philosophy ...' (NAPO, 2001a: 13: Cited in Raynor, 2002: 1193). Some officers found Accredited Programmes a denial of any social and environmental contribution to offending behaviour (Raynor, 2002). Confusion over how offending behaviour was to be addressed remained in the probation service and some would argue that the 'nothing works' scenario was still evident, in a more complex and controlling way than previously. However, writers such as McGuire and Priestley (1995) and Raynor (2001) have emphasised the principle that some things can work for some offenders some of the time, and on that basis, can be successful.

Despite the obvious disillusionment by some officers, the Home Office is actively pursuing accredited programmes and reconfirms the change in emphasis from local initiatives, to national programmes with increased central government control (Ellis, 2000). In the past, intensive meant more social work. Today intensive means a more rigorous and demanding approach to working with offenders. Opponents would

argue that this means no social work and all control, rather than control being enriched by social work. This has changed the whole foundation of probation work and the attitude that officers 'should' employ. The problem with many of these programmes is that they ignore the very reasons why offenders offend. That point was made by Hannah-Moffat and Shaw when they stated:

The cognitive skills approach ignores social and economic constraints in offenders' lives, the poverty and disruption in their families and communities. ... To give priority to such programmes over job skill training or low cost housing, for example, implies that the attitudes and thinking patterns of individuals are the root of reoffending (2000b: 9).

Furthermore, it is generally accepted that group work is notorious for its high drop out rate and unsurprisingly, research suggests those who do drop out, do worse than those who do not (Calvert, 2000). Such an argument questions the use of intensive programmes and increased control, when the end result is programme failure, where re-sentencing leads to custody. What needs to be changed are particular pieces of unacceptable behaviour – no more and no less' (Worrall, 1997: 101). However, Walker and Beaumont (1981) argued that as a probation officer only spends on average 2.1 hours a month with each offender, that aim may be unachievable and for most offenders, 2.1 hours per month may be optimistic. A point made by Donohoe when she wrote:

Whilst officials make elaborate claims that we can do our jobs, the reality is that we cannot. High case loads, lack of staff, excessive sick leave, no administrative support and an increasing variety of tasks prevent this. Offenders don't actually see a probation officer, they are 'farmed out ...' (2000: 33).

Finally

It has been made very clear by numerous writers that 'progressive' governments, both Labour and Conservative, have attempted to increase the use of community

penalties as a method of reducing the prison population by making them more punitive. In fact the prison population has increased at an alarming rate. In 1946 when community based sanctions were first used nationally as an alternative to custody (May, 1994), 15,000 prisoners in England and Wales were serving a custodial sentence (Morgan, 1994). By May 2003 the prison population in England and Wales had increased to 72,908, an increase of 2,256 from the previous year (www.hmprisonservice.gov.uk/statistics). The question of whether or not community penalties have been successful in reducing the prison population is difficult to answer. One could argue that if alternative sentences to custody did not exist the prison population would be that much greater. However, the prison population is increasing year on year and if the success of community penalties was to be judged solely by a fall in prison numbers, then it would clearly have failed. Community penalties and their use is complex and the success and effectiveness of 'what works' still has to be quantified. This is made even more difficult when even the evaluation of the 'pathfinder' pilot schemes will not be completed until later this year (2003) (Raynor, 2002).¹⁵

Over the last few years the probation service has changed, a point made by Paul Boateng, when Minister for Prisons and Probation in the first page of National Standards 2000, when he described the probation service not principally as an agency of rehabilitation or reform, but as a law enforcement agency: 'It's what we are. It's what we do'. Without doubt the traditional view of the probation service had changed and in April 2001 it became a national service through the introduction of the Criminal Justice and Court Services Act 2000. The Act allowed the creation of 42 probation areas which were coterminous with police force boundaries. The National

¹⁵ Pathfinder schemes are programmes that are being piloted in an attempt to be awarded accreditation under evidence based practice.

Probation Service has a national director who is under the 'control' of the Home Secretary, from whom the funding comes. Chief Probation Officers report directly to the national director instead of being answerable to the local probation committee, thereby strengthening governmental control and reducing both local input and local control. At the same time local Probation/Magistrates Liaison Committees ceased to have statutory standing. Mair suggests that the National Probation Service 'will lead to greater consistency and systemisation in community penalties' (2001: 180). The Home Secretary has the power not only to direct and determine national policy, but to prioritise the work of the service (Home Office, 2000).

Managerialism continued to be prioritised and strengthened in the 'new' probation service with the implementation of assessment systems such as OASys. OASys stands for Offender Assessment System and is a new system developed jointly with the prison service and probation to help practitioners assess how likely an offender is to reoffend and assess the seriousness of the offence. It will assess the risk of harm an offender poses to themselves and others (National Probation Service briefing, issue 2: 2002).¹⁶ Such systems as OASys are designed to reduce reoffending and increase the protection for the public (NPS, 2002). The Criminal Justice and Court Services Act 2000 also allowed the renaming of a Probation Order to a Community Rehabilitation Order, a Community Service Order to a Community Punishment Order and a Combination Order to a Community Punishment and Rehabilitation Order. In reality they remain a probation order, a community service order and a combination order in everything but name.

¹⁶ OASys will be discussed later in this thesis.

A complex and sometimes turbulent history: A summary

The Probation Service started as police court missionaries diverting those less fortunate from a custodial sentence. Their guiding principles were 'advise, assist and befriend' and through such help and assistance the probation service attempted to reform offenders. Reform at that time was by the officer working with the offender on the reasons for their offending behaviour. As a consequence it was anticipated that reoffending could be reduced. For many offenders those guiding principles are as necessary today as they were over a hundred years ago. However, in the 1970s practices that had seemed acceptable throughout the previous history of the probation service came into question in the work of Martinson (1974) and 'nothing works'. The term 'nothing works' was taken by many to be a literal translation of the rehabilitative situation of the probation service at that time (Brownlee, 1998). However, writers were quick to criticise Martinson's (1974) work, where much of it was put down to poor methodologies and inconsistent programmes. The damage was done and for many, rehabilitation was dead in the water, therefore new community penalties would have to be found (Brownlee, 1998; Bottoms et al, 2001). In 1975 after being piloted, the Community Service Order (CSO) was introduced and was based on punishment. For a probation order to remain a viable sentencing option, they would have to become based less on welfare and more on control. However, this would bring into conflict the principle of care, in contrast to control for an organisation that until then had been based on social issues and humanitarian values (Worrall, 1997).

For the probation service, change led to National Standards for community sentences being introduced, first for CSO in 1988 and for probation in 1992. These attempted to bring national standardisation to a probation order and make them more acceptable

to the public and sentencers alike (Raynor, 2002). At the same time rehabilitation methods were changing within the probation order, thoughts were on effective practice, evidence-based programmes and 'what works' (Chapman and Hough, 1998; Underdown, 1998). These changes were to breathe new life into a probation order which culminated in a change of name in April 2001 to a Community Rehabilitation Order. The scene is therefore set for programmes which have been accredited for their effectiveness under the concept 'what works' to be used throughout the probation service and the threat of breach proceedings for those who do not conform to such programmes. These changes reflect the intense pressure created by managerialism where standards, statistics and targets seem to have replaced welfare and principles contained in the probation services original motto of 'advise, assist and befriend' (Rex, 2001). However, as Hedderman and Hearnden (2000: 128) point out: 'National Standards may already be said to be at odds with effective practice'.

It is clear that the transition of the probation service over its history had been complex and at times confusing. However, if a probation order does not address the reasons for offending behaviour, the probation service fails not only the offender, but the community at large (Nellis, 2001). That is not to suggest that control within evidence-based programmes is inconsistent with addressing any reasons for offending behaviour, but that it should not be to the exclusion of welfare. They should run in parallel and compliment each other. It was within this historical background that the aim and objectives of the research were carried out.

The following chapter contains a review of the literature surrounding a probation order as a sentence of the court. It is argued that the reasons for sentence are relevant

to this study and help to expand the background of the research. We will now discuss sentencing, fairness and inequality.

Chapter 2: Sentencing, Fairness and Inequality

Introduction

This chapter examines the concepts of sentencing based on and around a probation order. As a sentence of the court, a probation order should have a number of aims. These include a degree of retribution, deterrence and rehabilitative action designed to reduce offending behaviour. In terms of its position within the sentencing framework, a probation order is a community penalty that lies between a fine and custody (Bottoms et al, 2001). In personal terms a probation order is somewhat restrictive in two distinctive ways. The offender is required to report to a supervising officer at regular prearranged intervals, and offenders are required to inform the officer of any change in address. Some argue that such restrictions, which impinge on the everyday activities of the offenders can help to deter offending behaviour by depriving offenders of time and restricting their lifestyle (Brownlee, 1998). However, a probation order can also have benefits for the offender, where personal problems and environmental issues may be addressed (Worrall, 1997).

A number of arguments made in chapter 1 'set the scene' for this chapter, including the debate about whether or not a probation order is a soft option and has any deterrent effect. It has also been suggested that the scope of a probation order to instigate offender reform may be limited and is highly dependant upon the motivation of the offender (Underdown, 1998). In an effort to justify the 're-launch' of rehabilitation into probation work, chapter 1 also discussed the work of a number of writers including McGuire and Priestley (1995), Raynor et al (1995), Chapman and Hough (1998), and Underdown (1998), who have all been instrumental in promoting 'what works' and the use for 'effective practice'. Within the principles of

‘what works’ and ‘effective practice’, it is generally acknowledged that some ‘well run’ and well constructed rehabilitative programmes, can help to reduce offending behaviour, for some offenders, some of the time (Raynor et al, 1995; Raynor, 2002).

It is also suggested that the background of the offender is often disadvantaged and their lifestyle problematic, both factors having been shown in the past to have had a detrimental influence on offending behaviour (Rex, 1997, 2001). Therefore, inequality will be discussed in a separate section in this chapter. It is argued that by reviewing aspects of social and personal issues such as unemployment, education, homelessness, and ‘poverty’ surrounding the offender, the reader will have a greater understanding of factors which may increase the likelihood of offending and/or impact upon rehabilitation. It is anticipated that such discussion will complete the background to a probation order and allow the findings chapters (chapters 4 – 8) to be viewed in context. In order to simplify the discussion of deterrence and rehabilitation, it is necessary to clarify the difference between punishment and retribution, reform and rehabilitation.

The philosophical background to these four aspects of criminology can be complex, within this thesis a simplistic definition will be used where possible. Punishment is defined as the social denunciation through the infliction of pain on those who break socially accepted values (see Durkheim’s work on social theory and anomie and Foucault’s *Discipline and Punish*) (McLaughlin and Muncie, 2001). However, Walker (1991) argued that punishment need not necessarily inflict pain on the offender. Legal punishment may be in the form of a loss of money as in a fine, or require a positive obligation by the offender as in a conditional discharge, or bind over (Walker, 1991). In contrast to the wider term punishment, retribution is a ‘just

punishment' inflicted upon the offender as a consequence of their wrong-doing and because they deserve it (McLaughlin and Muncie, 2001). In other words, it is the repayment of a debt, where the punishment fits the crime (Walker, 1991). In simple terms, punishment can be seen as the act and retribution the 'judicial' reason. Therefore, Retributivism demands the punishment of the offender because they deserve it and that the punishment be 'just' (McLaughlin and Muncie, 2001). However, retribution must be distinguished from revenge. Revenge is disproportionate punishment and consequently has no place in the modern criminal justice system (Worrall, 1997). This is especially so when the current principles of sentence are based on 'just deserts' and relies on proportionality (Worrall, 1997).

The concept of deterrence, punishment and retribution are based on classicism. In contrast, rehabilitation within a probation order is mainly based on determinism. Offending behaviour is caused by outside influences and therefore beyond the control of the offender (Brownlee, 1998). The word itself means 'return to competence' (see Oxford English Dictionary). In the context of the criminal justice system, rehabilitation attempts to reform the offender by returning them to socially accepted law-abiding behaviour (McLaughlin and Muncie, 2001). In contrast, reform is defined as 'altering for the better', in its purely literal sense, it means 'to re form' (Oxford English Dictionary). Rehabilitation is only one of the methods that can be used to reform the offender, deterrence and punishment have the option to reform, but are not rehabilitation.

An overview of a community sentence

There are two main community penalties, a Probation Order (Community Rehabilitation Order) and a Community Service Order (Community Punishment Order), both are served in the community, rather than in prison. A probation order is based on rehabilitation and has an aspect of retribution, although some may argue that it has little deterrence (Bottoms et al, 2001). In contrast to a probation order, a community service order (CSO) is grounded in punishment and has an element of both deterrence and retribution. Rehabilitation is expected to follow. In her study on community service orders in Scotland, McIvor (1992) cited Duguid (1982) who argued that there were five attractions of CSO; punishment, rehabilitation through increasing the self esteem of the offender, indirect reparation through carrying out unpaid work in the community, non-interference with any current employment and finally, it was cheaper than custody. Therefore, whilst a probation order and community service order are both penalties served in the community, the difference between them is that a probation order is designed principally to rehabilitate and a community service order to reform through punishment and reparation (Bottoms et al, 2001). We shall now briefly discuss the characteristics of those given community sentences and the possible reason for them.

Offenders on community sentences

Individuals appear before the courts, not theoretical concepts and sentencing principles. As individuals, not only will states of mind vary, but also the reasons for offending behaviour (Walker, 1985). As a consequence, the courts tend to think of sentencing in personal, rather than abstract terms, they prefer to understand individual cases rather than have a common, precise, consistent and wholly enforced judicial system (Hay, 1994). Therefore it is important that the background of the

offender is clearly stated. Those given probation orders have individual problems, characteristics, expectations and methods of coping with reality. Some are aggressive, submissive, communicative, non-communicative or exhibit other individualised responses, depending on many interrelated factors (Brownlee, 1998). For rehabilitation to make a positive contribution to a probation order, a plan of action (Supervision Plan) needs to be individualised and tailored to the specific and personal reasons for the offender's offending behaviour (Chapman and Hough, 1998).¹⁷ Furthermore, a plan of action should reflect the recorded risk of the offender and the principles of 'effective practice' (Chapman and Hough, 1998).¹⁸ Sentences also should be tailored to the individual. For the sentence and plan of action to be 'correct' it is clear that the reasons for offending behaviour need to be identified and recorded from the very beginning; this will then allow the criminal justice system to take advantage of such information. Therefore, the identification of the offender's background is critical for both the probation service and sentencers alike.

Offender background

The background of the offender is clearly important. Research shows that it is primarily one of disadvantage (Rex, 1997). Blumberg (1979) argued that those given probation orders were overwhelmingly drawn from individuals claiming state benefit and their social and financial inequality meant that they were less likely to meet bail requirements and more likely to plead guilty.

¹⁷ A Supervision Plan is a plan of action specifically designed for the individual offender, reflecting their criminogenic and personal needs. It is a plan of who is to do what and when.

¹⁸ Risk will be discussed fully in chapter 6.

It is therefore clear that the background of the offender has, or should have, a deterministic impact on both the sentence and on probation input. For the sentencer the first documented 'evidence' of the offender's social position is often the Pre-Sentence Report (PSR) which brings the past experiences and lifestyle of the individual to the attention of the sentencer. Although the personal circumstances of the offender can be used to mitigate the sentence, they should never be used to increase it (Thomas, 1979). It is the task of the probation officer to assess the reasons for offending behaviour both in the PSR and within the running time of a probation order (Chapman and Hough, 1998). Davis (1969) points out that the practicalities and theoretical concepts of probation work suggest that probation officers work at the crossroads between criminology and casework. Therefore as will be apparent throughout this thesis, offending behaviour along with the 'appropriate' sentence and 'treatment' is grounded in the past history and social circumstances of the offender (Hogarth, 1971). It is argued that by addressing the causes of criminality within probation practice, the aim of reducing offending behaviour can be successfully carried out (Rex, 2001).

Whilst this thesis is not intended to be a study on the theory of sentencing, it does need to discuss the reasoning behind a probation order as a sentence of the court and clearly state the sentencing framework. The principle objective of a probation order is to help rehabilitate the offender. The use of deterrence, whilst more obvious within a community service order, is also present to a limited degree within a probation order. The offender has to keep in contact with the officer so using up free time and any change of address has to be notified (Brownlee, 1998). We shall now examine whether or not deterrence is an active ingredient in community penalties.

Deterrence

Deterrence is based on Classicism and involves two areas; the effect of deterrence on the offender and on others in society. The individual is deterred by the threat of pain for their action. The threat of punishment also convinces law abiding individuals and those not actively engaged in crime, to remain that way. Deterrence has been described by Zimring and Hawkins as the 'potent, ubiquitous, seemingly irrefutable thesis that attaching unpleasant consequences to behaviour will reduce the tendency of people to engage in that behaviour' (1973: 3). However, Sutherland and Cressey (1960) argued that many offenders, such as those classed as 'psychopathic or feeble-minded or those acting under stress or great emotion' do not think of the consequences of their actions (Sutherland and Cressey, 1960: 288). In a number of ways the argument against deterrence is similar to that against cognitive behavioural therapy as described in chapter 1, that offenders do not consider the impact of their crime and much of it is impulsive (Mathews and Pitts, 2000). Therefore for desperate offenders there is always a temptation to commit crime to satisfy a need, hence the necessity to address the needs of the offender to reduce offending behaviour (Chapman and Hough, 1998).

Deterrence as a penal aim is a broad and complex subject. It includes whether or not the individual is deterred by the threat of sanctions, by increased control, by the impact of the criminal justice system, by the perception of being caught and the certainty of punishment (von Hirsch et al, 1999). When reviewing the Farrington studies, Von Hirsch et al (1999) showed a correlation between certainty of punishment and crime trends, whilst accepting that the studies reviewed were not specifically designed to determine deterrence. They concluded that there was a negative relationship between certainty of punishment and crime rates and there was

little evidence that heavier sentences reduce crime rates (Home Office, 1999; von Hirsch et al, 1999). What they did find was that the threat of sanctions and the impact of the criminal justice system can sometimes deter some people, some of the time. They state: 'crime would be much more prevalent than it is today were almost all offences to go undetected and unpunished' (von Hirsch et al, 1999: 1). A typical example is motorists keeping to the 70 mile per hour speed limit under the threat of losing their driving licence. However, as the courts will attest to, there are many others who are not deterred. When the question: 'does punishment deter crime', was put to Zimring and Hawkins (1973), they stated that the question was unanswerable in categorical terms. If penalties have a deterrent effect in one situation, the same deterrent may not have the same effect in a different situation. Even in the unlikely event of deterrence being effective, we should ask if we are morally justified in using greater severity on the offender merely to deter others (Uglow, 1997).

Whether or not deterrence works is not only complex but fraught with controversy, where many of the findings are dependant upon the methodology used within the research (von Hirsch et al, 1999). Von Hirsch et al (1999) cite the Charles Murray Report (1997) in which it was argued that as prison rates were rising in the USA, crime rates were falling, whereas the reverse was happening in England. Therefore it was argued that by increasing the severity of the sentence, the crime rate would fall. However, von Hirsch et al (1999) argued that in the report by Murray, the statistical link was too simple and 'the report seems largely committed to the fallacy that a negative statistical association between punishment and crime suffices to prove causation' (von Hirsch et al, 1999: 25).

The court appearance itself can for some offenders have some deterrent effect, although for the 'experienced' offender this may not be as great as for the 'inexperienced' one (Davis, 1969). In fact Davis (1969) makes a very important point when he describes an offender being under the 'direction/control' of a probation officer for between one and three years, without having to appear before the courts again. Therefore the deterrent aspect of a court appearance may very well impact only on those who are not accustomed to the process, and may not reoffend anyway. For others it has limited value.

The maximum input from officers in a probation order is during the first three months of the order where offenders report weekly. Contact is reduced in the second three months, they report fortnightly and contact is reduced even further for the remainder of the order (National Standards (1995). Therefore if any control within a probation order had any deterrent effect, one could argue that it may weaken as the order progresses. However, for those classed as high risk, National Standards (1995) allows reporting to be increased and in exceptional circumstances can be weekly throughout the order. Therefore, the evidence is that the greatest impact of a probation order is during the first three months of the order being made (Worrall, 1997).

In contrast to many findings, deterrence has been a justification for punishment over many years. Following the Criminal Justice Act 1991, all sentences should be based on the seriousness and prevalence of the offence, with deterrence being only one factor (Cunningham, 1993; Uglow, 1997). Deterrence presupposes forethought and in most crimes there is little forethought (Mathews and Pitts, 2000; von Hirsch et al,

1999). Therefore the severity of the sentence seems to have little consequence on levels of offending, nor it seems has any form of deterrence for those offenders who carry out unpremeditated crimes, or have overwhelming needs such as substance abuse (Brownsberger, 2001; Haymann, 2001). The Home Office made a similar point when it stated: 'It is hard to show any effect that one type of sentence is more likely than any other to reduce the likelihood of re-offending' (Home Office, 1999: 8). Furthermore, within a probation order the offender may receive help and assistance designed to overcome the reasons for their offending behaviour and therefore in contrast to being a deterrent, there may be personal advantages in being given a probation order.

Sentencing cannot be based solely on deterrence or under the guise that the 'offender will be "cured" or that others need to be discouraged from similar crimes' (Home Office, 1999: 8). It is within the personal and social environment of the offender (and these will be discussed later in this chapter), that the aims of any sentence are carried out. Principally the central aim of a probation order is the reform of the offender through rehabilitation and to deter them from reoffending by changing their attitude to offending behaviour, not necessarily by the punishment being greater than the benefit gained through crime. However, for some offenders the deterrent aspect and control within a probation order can assist in their rehabilitation. We will now discuss rehabilitation in greater detail.

Rehabilitation

Whether or not rehabilitation reforms has been a longstanding argument. Ewing (1929) argued that there are two main ways in which being sentenced in the courts

can reform the offender. The first is where other agencies such as the probation service and drug rehabilitation organisations become involved. The second is where the pain of the judicial system can in itself be reformatory and deter the offender. Some have argued that crime is a disease caught by being close to those who have also been subject to offending behaviour (Rex, 1997). Similarly Wootton argues that crime is a disease caught by being close to others, where immunity or susceptibility varies from individual to individual.

We certainly do not think it is a mark of abnormality if a child in whose school there is an epidemic of measles develops the disease himself [sic]; and there is no reason to think differently about those who commit offences in crime-infested areas (Wootton, 1959: 67).

Rehabilitation, reform, and deterrence are complex and interrelated issues. In the previous section we have discounted deterrence as a reformatory or preventative act for a large proportion of those on a probation order. Similarly rehabilitation has in itself many doubters and were brought to a head in the 'nothing works' argument of Martinson (1974). The message of Martinson (1974) was that treatment did not seem to work and indicated the necessity of finding methods which did. In contrast, Raynor et al (1995) argued that some rehabilitative programmes can work for some offenders some of the time, but not for all offenders all of the time. Brody (1976) argued that one type of sentence does not reduce offending behaviour more than any other and Perry during his presentation to the Criminal Justice Conference (2001) questioned the probation service as a general method of reducing offending behaviour (2001: 1).¹⁹

¹⁹ Head of Offending Behaviour Programmes, National Probation Directorate

It is clear that the use of sentences to rehabilitate is a complex and controversial matter. For those at the operational end of a probation order, it proposes to reform the offender through the use of rehabilitation in two ways. First, by addressing the criminogenic needs of the offender and second, that rehabilitation may accompany punishment through any increase in control of the offender (Underdown, 1998, 2001). However, for the probation service to tackle offending behaviour, they first need to identify the criminogenic needs of the offender and later to use them to inform those actively engaged in any rehabilitation process (Chapman and Hough, 1998). Monger (1964) made a similar point when he related the relevance of casework to the practical issues of offender needs created by the family, society and the offender themselves. This was reinforced by Rex (1997) who argued that to ignore social issues was to the detriment of offender reform.

Methods of rehabilitation should therefore include the probation officer being proactive in addressing the offender's needs, or encouraging the offender to address their needs themselves by supplying details of willing individuals/organisations. Such help and assistance can lead to accusations of unfairness to other members of the public who do not commit crime and as a consequence do not always receive the same proactive help (Worrall, 1997). To overcome such accusations (although whether or not that was an objective is not clear) the probation order has become much stricter with less emphasis on help and assistance and more concentration on seeking alternatives to offending behaviour (Raynor, 2002). The help which may be available to the offender includes drug rehabilitation, the use of counsellors, housing and social services, and advice on the most appropriate methods of claiming benefits (Worrall, 1997). In contrast to the positive help the officer can organise, the concept of rehabilitation or offender reform raises the question of ethics, similar to that which

arose during our discussion of deterrence. Given the assumption that reform is a possibility, one could argue that we are not justified in reshaping the life of an individual, based solely on society's concept of 'a good and useful life'. Bentham (1791) suggested that to be punished for the purpose of reform is to be treated like a dog that is whipped until the master is obeyed.

There are a number of additional problematic areas regardless of whether or not rehabilitation can be beneficial, ethical and/or reduce offending behaviour. Many rehabilitation programmes assume that criminal activity is predominantly a conscious decision and not primarily a consequence of social interaction and response to environment conditions (Rex, 2001). Secondly, it is discriminatory in that it deals mainly with the poor and those already disadvantaged (Bottoms and McWilliams, 1979). However, even though a probation order may have limitations, Chapman and Hough (1998) conclude that the best of probation practice can reduce reconviction rates, rehabilitate and therefore reform the offender and that the best probation practice targets high risk offenders within the framework of 'what works' and 'effective practice'.

'Effective practice' has at its core, the targeting of probation input to the recorded risk of the offender (Chapman and Hough, 1998). The higher the recorded risk, the greater the probation input should be. Central to such premise is that the risk of the offender is 'correctly' recorded and that risk reflects the risk of reoffending as well as dangerousness. In contrast to high risk offenders receiving the greatest probation input, Perry (2001) suggests that when finances are taken into account, those recorded as high risk offenders are so persistent and take up so much of the officers'

time that the probation service's finances would be better spent concentrating on the medium risk offenders. In contrast to high risk offenders, work on 'effective practice' shows that some low risk offenders increase their offending by high probation input, therefore, input should be closely related to risk (Chapman and Hough, 1998; Underdown, 1998; McGuire and Priestley, 1995). What is clear is that for a probation order to be accepted, 'effective practice' would have to be backed up with 'evidence' based research.

'Evidence' began during the 1980s and the 1990s with the STOP (Straight Thinking On Probation) programme. When writing about the STOP programme Knott argued, 'we had difficulty agreeing on what was "good supervision". Everyone appeared to know what it meant, but everyone had a different view' (1995: 116). In an effort to address this problem Knott refers to work carried out by the Ontario probation service and writers such as Ross and Fabiano (1985). These writers linked offending behaviour to the inability of offenders to think through their actions, to find alternatives to offending and to consider the effect of their offending on others. This 'new' approach is based on cognitive thinking and led to the development of programmes designed to readdress any deficit in thinking skills and centred on the offender finding alternatives to offending behaviour (Chapman and Hough, 1998; McGuire, 2000; Vanstone, 2000). Think First is one such programme and is argued to be 'the way forward' under the accredited programme scheme (McGuire, 2000). However, as previously discussed, there is a great deal of discussion over whether or not cognitive behavioural therapy works and the logic behind it (Matthews and Pitts, 2000). Programmes like Think First are demanding, having an intensive commitment of 64 hours and so bring with them an increase in punishment by absorbing extra 'leisure' time. In addition they demand increased participation to a 'standard'

probation order and could therefore have some additional deterrent effect for some offenders (Barkley and Collett, 2000).

The question of whether or not rehabilitative measures work is on going, central to the effectiveness and implementation of a probation order and is the major focus of this study. In contrast, retribution does not at first glance appear to play such an important part in a probation order. However, it does in fact play a substantial part in sentencing philosophy, from which the offender was given a probation order. We shall now examine retribution and how it is reflected in the Criminal Justice Act 1991.

Retribution and the Criminal Justice Act 1991

Retribution has a long history based on the classical concept of 'free choice' and reflects the notion of 'an eye for an eye and a tooth for a tooth' (McLaughlin and Muncie, 2001: 249). It has three main concepts: first that there is a moral right to punish, second, that the person being punished is the correct person and finally, that the punishment is proportionate to the crime (Brownlee, 1997). What this means is that it is 'natural' to punish somebody who has broken the law, but one must be sure that they are guilty of the crime and the punishment should only be that which the offence deserves.

In practical terms, retribution has two main effects, that of education and what has become known as the 'Sargeant effect'. The effect of education means that the sentence is to have an impact upon the 'moral evaluation' of the offence by society. The 'Sargeant effect' is based upon the findings of the Court of Appeal in Sargeant ((1974) 60 Cr App Rep 74), where it was argued that there was another aspect of

retribution, in which society through the courts show its abhorrence for particular types of crime. Ewing (1929) and others such as Walker (1991) and Honderich (1998), have all argued that retributive theory is not based on argument but on 'intuition' and it is our duty to forgive as well as to punish. 'Nevertheless, the conviction on which retributive theory is based is strong, genuine, and almost universal, so it would be very rash to ignore it as mere fallacy' (Ewing, 1929: 44). Insofar as a probation order is concerned, retribution seems at first glance to play little part. However, both the effect of 'education' and the penalty reflecting the abhorrence of a crime by society, do in fact fit into the probation order scenario under the concept of cognitive behavioural therapy and general casework (Worrall, 1997). Proportionality is therefore the key to retribution, as it is to desert theory, which we will now discuss.

The just desert approach of the 1970s is commensurate with retribution which was accelerated by the alleged excesses and failures of rehabilitative ideals (Ashworth, 1994: 819). The impact of retribution as a philosophy led to 'just deserts' principles being enshrined in the Criminal Justice Act 1991 and forms the basis for today's sentencing framework. Newburn (1995) makes the point that of all the competing sentencing principles during the 1970s and 1980s it was desert theory which prevailed. Both retribution and desert sentencing are based on the premise that punishment should only be that which the offence deserves. Desert theory has as its core the belief that there is an innate concept of moral guilt rather than intent, and that the overriding principle is that the sentence should fit the crime.

It is therefore important that whilst the sentencer need not believe in the principles of 'just deserts', the sentence should satisfy those who do (Walker, 1985). However, the just desert of the offence when reflected in any sentence is complicated when sentences are not always carried out in full, fines are not always paid and prison sentences are rarely served to their 'full term'. Acres (1987) concludes that the principle action of the magistrates' court is in fact one of denunciation. Walker (1985) offers the 'ritual' version of the denunciatory approach as an alternative to 'just deserts'. 'Its point is merely the satisfaction which people get from a sufficiently dramatic ceremony' (Walker, 1985: 114). As a denunciatory experience it is important that a sentence should neither be too lenient nor severe, either will discredit the ritual or ceremony of the court and the sentence should in totality not exceed the principle of deserts.

Desert sentencing has its critics who argue that it is at both ends of the range of sentencing options allowed by the 1991 Act, which break the rule of desert sentencing and introduces bifurcation (Worrall, 1997). Bifurcation (Bottoms, 1983) is a relatively simple idea, where different categories of offenders are selected for different 'treatment' (Nash, 1999). Two policies run in parallel: low risk offenders who would have received a short custodial sentence, under bifurcation would receive a community penalty. Those classed as high risk would receive an extended custodial sentence (Brownlee, 1998; Worrall, 1997; Newburn, 1995). Other critics of desert sentencing include Fox (1987) who argued that the constituents of a probation order demanded by 'effective practice', which includes the prediction of 'dangerousness' and rehabilitative needs are not to be found in desert sentencing. Wilkie (1993) found that there was little evidence of 'just deserts' in cases involving multiple offences, where if that were to be the case, the overall sentence would in totality seem

excessive. In addition to the points made by Fox and Wilkie, Rex (1997) suggests that one of the main reasons for a probation order was that it benefited and supported an offender rather than punish them and again this tends to conflict with desert theory by reflecting the personal and social circumstances of the offender, rather than the offence. Similarly Worrall (1997) argued that 'desert theory' does not take into account the effect of any punishment on the offender and their family.

Within 12 months of the implementation of the 1991 Act, the Criminal Justice Act 1993 reversed many of the changes in the 1991 Act. In fact the 1993 Act represents a substantial return to the time before the 1991 Act was introduced (Brownlee, 1998). The changes included taking into account the past convictions of the offender and their response to previous sentences. It also allowed fines to be increased as well as decreased - depending on the income of the offender (Brownlee, 1998). However, despite the changes brought about by the Criminal Justice Act 1993 and concerns such as those expressed by Fox (1987) and Wilkie (1993), the principle of 'just deserts' remains as the principle sentencing concept (Worrall, 1997). In contrast to doubts over desert sentencing, Andrews and Bonta (1998: 256) described 'just deserts' as 'punishment with dignity' as apposed to the 'tyranny of treatment' which they suggest may have been the case before.

It is clear that the beginning of the 1990s was a time when the criminal justice system had undergone a number of changes which had a clear impact on the judicial system and demonstrates a changing role for the probation service from a 'social-work' agency to one with increased responsibility for offender control (Worrall,

1997). However, the individuals dealt with by the probation service have not changed and many have a background in inequality. We shall now discuss inequality.

Inequality

From the beginning of popular newspapers in the Victorian period, to today's 'enlightened' society, the poor and disadvantaged have been described as deviants and responsible for much of the violent crime, street robberies and the like (Emsley, 2002). 'Those labelled as the "criminal class" were generally the poorest sections of the working class who eked out their existence in the uncertain casual labour market' (Emsley, 2002: 208). However, this argument was thrown into some confusion when Short and Nye (1958) suggested that middle-class boys were involved in as much delinquency as lower-class ones. Maguire (2002) makes the point that social class may not refer to whether or not the perpetrator of a crime is low or middle-class, it does however, refer to the type of crime. Therefore, business fraud is predominantly a middle-class crime, whereas burglary and street robbery are generally carried out by those loosely termed the lower-classes (Maguire, 2002). However, that may not be so surprising when most middle-class individuals are in employment and most long-term unemployed are from the 'working-classes' (Emsley, 2002; Nelken, 2002). One method of escaping the confines of being termed 'working' class was through education. However, the school system has been unable to support the concept of equal opportunity and often fails to allow students to achieve full personal development, this is especially so when there is little prospect of employment for them (Bowles and Gintis, 1976).

Inequality extends to the everyday life of offenders. Generally those on a probation order live in rented accommodation, the majority in poor areas of the city; many live

in temporary housing, many have been in care and almost all were in receipt of state benefit (Fitzgerald et al, 1994). It is under such circumstances that their background was found to have played an important part, either in, or leading to their offending behaviour. A discussion of inequality and the offender will consider any differences for men and women within a probation order and where relevant will be extended to include community service orders etc.

Men and women: the differences

It is a central argument of this thesis that offenders suffer inequality which to a varying degree has a deterministic consequence for all levels of offending behaviour and society. Some would argue that inequality has an even greater consequence for women, especially when childcare and social responsibilities are taken into account (Fitzgerald et al, 1994; Carlen, 1988). The differences between men and women in the criminal justice system become obvious when the figures are examined.

Men and women generally do not commit the same type of crime, they offend differently and women commit less crime (Worrall, 1997). To put it simply, offending seems almost 'normal' for men and unusual for women (Dowds and Hedderman, 1997). The difference between the sexes is made much clearer when one considers that almost all burglars are men, nine out of ten violent offenders are men and nine out of ten motoring offences are committed by men (Worrall, 1997). It is therefore clear that the offences women commit are generally different to those of men. Similarly the sentences that women receive from the courts are often different to those received by men, community sentences being no exception. This point was made by Worrall (1997) when she pointed out that one in five offenders fined or placed on probation are women, only one in fifteen are given community service

orders or combination orders. Therefore one could deduce that community service orders are not seen as such acceptable penalties for women. 'The chivalrous view is that it isn't quite nice for ladies to be doing such hard work and that probation is much better for all but the most hardened of them' (Worrall, 1997: 95). Downes (1998) argues that the difference between the offending rates of men and women and the penalties they receive, stem from the perception of stereotypes created in childhood. He argues that this is due to girls being more carefully watched by parents than boys, and by girls being deflected from risk-taking and offending behaviour.²⁰

Women seemed to be victimised by the stereotypes society has placed on them. 'Women convicted of property offences were much more likely to receive a negative appraisal than were men, and their conduct was much less likely to be located in their past experiences ...' (Wilkie, 1993: Preface). The appearance and demeanour, remorse, the perception of 'troubled' or 'troublesome', the status of the offender and their 'credibility' play an important part in whether or not an offender is given a probation order by the courts and impacts on the action of the officer once they are on the order (Worrall, 1997). A point confirmed by the Home Office when they wrote:

Such factors cut across simple sex differences, but we can surmise that the relative inexperience of female defendants and their concomitant 'nervousness' might lead magistrates to view them as more 'believable' than others. ... Additionally, women's relative inexperience in offending might be reflected in their behaviour in court - showing difference and remorse ... (Home Office, 1997: 43-4).

When comparing the differences between men and women, it is important to treat like with like. However, women are more likely to be first time offenders and rarely

²⁰ For further information on Control Theory and the family situation, see Nye (1958) and Hirschi (1969).

do the sexes appear under the same social and/or personal circumstances (Eaton, 1986). In an effort to show the differences between the sexes within a probation order, Wilkie (1993) described probation officers characterising women on probation as 'women-offenders-not-women' on the one hand, and 'women-offenders-not-offenders' on the other, depending on their offence and/or attitude they exhibited.

It has been made clear that men and women appear at the probation service for vastly different criminal activities and/or from different social experiences. Overall, men outnumber women on probation by four to one (Probation statistics, 1998). To treat them as the same would be to ignore the very differences which separate the lives of women from that of men (Eaton, 1986).

In a similar way as offending differs between men and women, so too does the concept that we have of ourselves (Eaton, 1986). Generally offending behaviour and our belief in ourselves is formed from our background and social and/or personal circumstances, where women are not only disadvantaged by the criminal justice system, but by the family and society as a whole (Kendall, 1998). Such circumstances are often reflected in the criminogenic needs of the offender (Worrall, 1997).

The criminogenic needs of women have been described as mental health concerns, substance abuse, poor education, employment and experiences of sexual and/or physical abuse (Gelsthorpe, 2001). Mair and May (1996) and Carlen (1988) include poverty and deprivation. Sattar (2001) emphasises mental health issues. As a consequence these and other writers argue that a community penalty can be more traumatic for women than for men (Carlen, 1976; Heidensohn, 1996). One example

is the physical presence of men in the waiting rooms which some women can find intimidating, especially for those who have been victims of physical and/or sexual abuse. For some women the 'macho atmosphere' of the waiting room can increase their feelings of worthlessness and extend any 'punishment' effect of a probation order (Rex: 1997). However, it should be made clear that all the needs identified by Kendall (1998), Gelsthorpe (2001) and others, will also be found to a greater or lesser extent in men (Rex, 1997; Mair and May, 1996; May, 1994). We shall now discuss the wider aspects of inequality.

General aspects of inequality

It is important to qualify the terms poverty and inequality. Poverty can be described as the lack of a fixed level of material goods necessary for survival and minimum well being, this will change over time and situation (O'Connor, 2003). Inequality refers to a comparison between the material level of those who have the least in a society and the material level of other groups in that society (O'Connor, 2003). Karl Marx (1818-1883) in 'Wage, Labour and Capital' (1849) explained inequality by the quotation: 'A house may be large or small; as long as the surrounding houses are equally small it satisfies all social demands for a dwelling. But let a palace arise beside the little house, and it shrinks from a little house to a hut'. However, not all who suffer inequality resort to crime. 'Some become entrepreneurs, others get involved in political action and still others direct the feelings of anger and frustration towards themselves' (O'Connor, 2003). Other writers such as James Q. Wilson (1975) attacked the concept of inequality leading to crime and suggested that crime was explained by 'human nature'. However, Downes writes: 'All in all, inequality and crime remain strongly linked ...' (1998: 4).

Whether or not inequality leads directly to crime, it certainly seems to play a decisive role. Therefore, it is important to clarify aspects of it. Hamilton and Hirszowicz (1993) described three predominant aspects of inequality, these are differentiation, ordering and evaluation. Differentiation refers to the fact that the individual is different - physically, psychologically or socially. Ordering is a comparison of the individual with another on a scale of differences, for there to be inequality, there must be a scale of comparison. This is generally one of social standing or acceptability which may vary within differing societies. Evaluation relates to ranking and is a method of comparison in two areas, desirability such as wealth or income and how the individual is seen by others. This covers social and personal characteristics, actions and the perceived worthiness of the individual which may be admirable, but not always desirable (Hamilton and Hirszowicz, 1993). Offenders are generally accepted to have low ranking and anti-social actions, therefore, their desirability will be low (O'Connor, 2003).

To these three aspects of inequality, we can add the lack of privilege, prestige and power. Privilege is the enjoyment of desirable things, whilst prestige refers to characteristics and charisma of the individual. Power has been described as 'a social relationship in which one person gets others to do what they would not otherwise do' (Hamilton and Hirszowicz, 1993: 2). The practical influence of power on the offender can be the relationship between anti-social associates and the offender and/or peer pressure. These three aspects of inequality; privilege, prestige, and power are to a great extent interrelated. Many offenders do not see themselves as having such characteristics and were brought up during the 1980's and 1990's, at a time where the gap between the have and the have not's had increased significantly (Goodman et al, 1997). Goodman et al (1997) went on to argue that the dramatic

increase in income inequality at that time represented the biggest social and economic change to have affected the UK in the preceding 20 years. The Department of Social Security (England and Wales) in their statistical statement, 'Households below Average Income' for a similar period (1979 – 1992/3) highlight a doubling of individuals living in poverty. However, not all those living in 'poverty' commit crime, even though many have environmental and/or personal problems.

What is universally accepted is that environmental problems such as accommodation, employment and other personal and/or social problems are complex issues. Monger (1964) argued that many offenders have overwhelming environmental problems, although objective evidence on this is almost wholly lacking. Davis (1969) makes such a point when he argued that offenders may manufacture their environmental problems, whether consciously or unconsciously.

In an effort to explain why all offenders who have social, environmental and/or personal problems do not commit crime, Glueck (1962) used the term 'differential contamination' when addressing the impact of these factors. He argued that it was 'differential contamination' and not 'differential association' that had the greatest influence of the two.²¹ Sutherland's (1947) concept of 'differential association' centres on criminal behaviour being a learned process from others with anti-social or criminal intents. Glueck argued that contamination depends not only on association, but on individual susceptibility, where some seem to have immunity whilst others may not. This point was made by Worrall (1997) when she argued that susceptibility played a large part in differentiating between those who commit crime and those who

²¹ Differential association was first introduced as a criminogenic factor by Sutherland in his work 'Criminology' (1934, 1939, 1947).

do not. Glueck goes further and states: 'certain socio-cultural circumstances operate as catalytic agents in the delinquency of children possessing certain character traits' (1962: 112).

The argument of Glueck (1962) differs principally to the work of Sutherland with the premise that for association to be a factor, the offender needs a degree of susceptibility. This can be social, personal or environmental (Vold and Bernard, 1986). Sutherland's theory has two main elements.²² The first is the content of what is learned, principally from those around, and second, it is the process by which such learning takes place. The process includes the meanings given to the acts, their frequency, duration, priority and intensity. 'This was an attempt to explain why some associations were more important and others less important for the learning of [criminal activities]' (Vold and Bernard, 1986: 212). The theories of Sutherland and Glueck give reason to why some within a family become criminals and others do not and why many offenders seem to 'learn' offending behaviour from others in their group. 'To cite an old and common example, two brothers may grow up in identical terrible conditions, but one may become a gangster while the other becomes a priest' (Vold and Bernard, 1986: 212).

In what some could see as a controversial comment, although it follows the work of both Sutherland and Glueck, Davis (1969) identified youths from dirty and disorganised homes, with weak or disturbed personalities having a high failure rate with regard to rehabilitation. A similar point was made by Rungay (2001) when she suggested that exposure to disruptive households and neighbourhoods can lead to

²² Both elements of Sutherland's theory are derived from Mead's symbolic interactionist theory (Vold and Bernard).

drug and alcohol misuse and under these circumstances rehabilitation is made much more difficult.

Households, families and the local community seem to have an influence on offending behaviour and the motivation to rehabilitate. Certainly poverty seems to be passed from one generation to the next, where poverty is a subjective term for the lack of purchasing power by the individual (Oppenheim and Harker, 1996). They define poverty as living on or less than half of the average income after housing costs and highlight the statement of Lord Joseph in 1976 when Secretary of State for Social Services as stating: 'a family is poor if it cannot afford to eat ... By any absolute standards there is little poverty in Britain today' (ibid, 1996: 8). Whilst it is not suggested that offenders live in absolute poverty, it is generally accepted that many do live in relative poverty which has a consequence on offending behaviour (Worrall, 1997). For those living on the streets or in inadequate or poor housing, or with the feelings of hunger as benefit day approaches, the argument over whether their poverty is relative or absolute may seem as immaterial as the reasons for not committing crime.

Whatever the definition, poverty breeds poverty; expectations of poverty transcend generations and may have a negative influence on the individual's or communities environmental conditions (Murray, 1990). Such conditions may then have an impact on the offender's offending behaviour and effect the 'well being' of the community. Concerns such as crime and the effects of crime have led the government to set up projects such as the Safer Cities Programme in 1988 which attempted to tackle the fear of crime in such communities (Liddle, 2001).

It is clear that for many communities inequality, poverty and unemployment are interrelated and are not a random occurrence. Poverty is 'shaped by class, occupation, race and gender. A construction worker is ten times more likely to be made redundant than a lawyer' (Oppenheim and Harker, 1996: 2). It is argued that factors caused by inequality result in needs which can be criminogenic and therefore may need addressing within a probation order in an attempt to reduce offending behaviour (Rex, 1997). These include personal and social problems such as the lack of decently paid employment, low income, poor housing, having a child under difficult social circumstances or being disabled. Poverty is particularly acute when these factors combine (Oppenheim and Harker, 1996).

Poverty is a constituent of inequality and leads to the term 'underclass', an emotive issue for many. Murray (1990) defines the 'underclass' as those living on the streets or in temporary hostel type accommodation, where obtaining work is difficult, and, when work is forthcoming, tends to be low paid, unskilled, temporary, and without additional benefits and security. Murray argued that the term 'underclass' is an ugly word which is used to describe those who are 'not just poor, but especially poor'. The term refers to both the degree and type of poverty. Field (1990) argued that it is accepted that Britain has an 'underclass' as a description of social position. However as Oppenheim and Harker (1996) point out, being unemployed is only part of their social problem. 'The poor are different, but the difference appears mainly to be a matter of degree rather than of kind' (Rossi and Blum, 1969: 39).

In general terms offenders on probation come from specific sections of the community (Worrall, 1997). The greater the poverty, the greater the incidence of

family disorganisation or illegitimacy, lack of achievement or success, lack of socialisation of the child, and, what is very relevant to this study - higher crime and delinquency rates (Oppenheim and Harker, 1996). A similar point was made by Downes when he stated 'when times are good, people buy from departmental stores; when they are bad, from car boot sales and backs of lorries. For a growing number, times are always bad' (1998: 2).

Without question, poor unemployed people exist and a section of them are responsible for much of the crime in our courts, although it is just as clear that not all poor people commit crime (Worrall, 1997). In a nationwide study carried out by Mair and May (1997), two-thirds of offenders were claiming state benefit. However, the concept of an underclass is strongly contested by a number of writers such as Abercrombie and Ward (1988), Dahrendorf (1987), Macnicol (1987), and others such as Jencks and Peterson (1991). What is not contested is that:

Deindustrialisation has fractured the links between steady manual work and the stable communities which it once sustained. Further, the official statistics attest to the fact that the least wealthy half of the population now holds a lower proportion of overall wealth than it did a decade ago and that income differentials between households have grown. The rich have become richer, the poor poorer (Downes and Morgan 1994: 201).

Poverty and inequality impact on the individual and as a consequence on offending behaviour. Breaking the cycle of offending behaviour for such individuals is an important aspect of probation casework (Rex, 2001). Leonard (1962), (cited in Davis, 1969: 6) suggested that casework practice should consider the offender in their family and social environment rather than in isolation. Monger (1964) adds that not to do so would allow a distorted view of the individual, where the offender should not be seen as an island, but an individual influenced by others such as the family,

school, work and leisure. Hollis (1964: 10) describes it as 'the person-in-his-situation' and central to this should be casework. However, Davis (1969) suggests that by concentrating on one particular aspect of casework – the social environment, there is at least a risk that undue emphasis might be attached to it. Other writers argue that whilst the social situation may be important in diagnosis, on the treatment level, it is the individual who is important, although it is recognised that their social environment may be entered on an individual level (Hollis, 1964: Monger, 1964). Rex (1997) reaffirmed the point when she argued that the rejection of social issues ran contrary to constructive acts of rehabilitation. In fact the Streatfield Report as early as 1961 (Interdepartmental Committee on the Business of the Criminal Courts) reinforced the importance of taking into account the social environment of the offender. The social environment includes the offender's family and their interaction, their school, history and response to previous forms of treatment. In addition they include physical and/or mental conditions, together with an assessment of personality and character (Cited in Davis, 1969: 8; also see Chapman and Hough, 1998).

There is a clear argument that families and their environment play an important part in whether or not individuals offend. A typical offender often comes from a 'broken family' and/or where others have also offended (Rex, 2001). When parental responsibility was taken into account, Davis (1969) found that less than 10% had firm but kindly discipline by two parents. Almost half of fathers had the worst possible relationship with their sons, with almost 40% having a very serious breakdown in father son relationships. In contrast to this, less than 18% of mothers described it that way. Therefore, within the mother-son relationship there was less likelihood of such serious breakdown. During Davis's (1969) examination of whether or not a 'girl friend' exercised an influence over the offender, it was found

that the officer thought that any influence was generally for the better. However, the relationship seemed to have little impact on reconviction rates. For those who were married (7%), marriage had only added to their problems. Within many of these problematic family backgrounds, it is clear that poverty, unrest and inequality are the primary qualifications for 'problem status', where through their action there is a direct link to offending behaviour (Devlin and Turney, 1999).

It is clear that families play a large role in whether or not individuals offend. There is also a theory that 'the poor are poor because they are intellectually incompetent; their incompetence is particularly intractable because it is inherited from their poor, and also intellectually deficient, parents' (Bowles and Gintis, 1976: 6/7). Whether or not that is the case remains to be confirmed, what is certain is that many offenders have been excluded from school by the education authorities, therefore extending their inequality by those in power (Mair and May, 1997). Furthermore, whilst not at school, time is freely available for criminal activities and other anti-social pursuits (Mair and May, 1997).

It is within the educational and social system that class patterns are reinforced, racial and sexual differences identified and social standing within the environment confirmed (Bowles and Gintis, 1976). Children who conform and work within the school rules tend to be rewarded with higher grades and teacher approval (Bowles and Gintis, 1976). Those who do not conform are punished, and may achieve lower grades. As a final sanction the pupil may be excluded or if within the probation environment, the offender may be breached and a custodial sentence could follow (see Hedderman and Hearnden, 2000). This would then be reflected in their expectations and future motivation. Inequality is well illustrated by the 'jug and mug'

metaphor of Bowles and Gintis (1976) where the teacher pours and the children fill their mugs with as much as they can catch. However there are various size mugs and the teacher pours in different directions and some are not allowed a mug at all. It is within this atmosphere of inequality that the offender appears before a probation officer for the often controversial mixture of rehabilitation and control.

A Probation Order (Community Rehabilitation Order)

We have discussed the different philosophies behind a sentence, identified the background to 'just deserts', the impact of the Criminal Justice Act 1991 and identified the probable social circumstances of the offender. This section continues with a discussion of the probation order and methods used to reduce offending behaviour.

In contrast to a community service order (Community Punishment Order) whose aims are reparation and punishment, the aim of probation orders is rehabilitation. In comparison to a fine which is an act of punishment and such punishment has in a limited way an element of reform. Custody also attempts to reform the offender through punishment but also has the additional factor of containment.

A probation order became a sentence in its own right under the Criminal Justice Act 1991, rather than a disposal in lieu of a sentence. During a probation order the probation service seek to rehabilitate the offender by addressing offending behaviour, thereby protecting the public from harm (Brownlee, 1998). Probation orders are generally given in response to the identified needs of the offender in order to rehabilitate (Brownlee, 1998). In practice a probation order means keeping regular

contact with the supervising officer and being motivated enough to work on addressing those identified needs and complete the objectives of the order.

According to National Standards the aims of a probation order should be agreed between the offender and the officer. They should be implemented by encouraging offenders to address the aims which the officer has identified initially in the PSR and confirmed in interview after conviction (Brownlee, 1998). Those aims should then be reflected in the objectives of the Supervision Plan (National Standards, 1995). The Supervision Plan should follow the conditions set by National Standards, which are: that it should be produced within ten working days of the probation order being made and include the following, the officer should not be too ambitious with their expectations, it should be realistic, each objective should be time limited and specify who is doing what and when (Chapman and Hough, 1998).

In contrast to officer dominated casework through the use of supervision planning, Hollins (1964) argued that for a very large part of the time, it is possible for offenders to bring about environmental changes themselves and for many offenders this is the preferred form of 'treatment'. A similar point was made in the Morison Report (1962) when it was suggested that the probation officer's aim was to encourage offenders to help themselves. Davis argues that 'this theme recurs time and again throughout casework literature' (1969: 9). Over the past 30 years little seems to have changed at the practical level of casework management for the vast majority of offenders (Rex, 1997). Osler confirmed the point with the statement:

From the start offenders should be encouraged to do as much as possible for themselves and to take responsibility for their own lives. Helping an offender to increase self-worth by exposing hidden talents or encouraging tangible achievements is very much part of probation work and directly connected to the reduction of offending (Osler, 1995: 76).

In addition to any proactive work by the officer which is aimed at addressing the needs of the offender, either through casework, group 'therapy' or by the offenders themselves, some writers felt that it was necessary to address any 'faulty functioning' within the offender's life by working closely with them in anticipation that any benefits of 'pro-social modelling' may prevail (Trotter, 1999; Rex, 2001).

Pro-social modelling is based on Trotter's (1993, 1996, 1999) work in Australia. He defines 'pro-social' as 'values or actions which are non-criminal' (1999: 19). Pro-social modelling is principally where an individual follows the lead of a person of good character and replicates their behaviour. It is about workers such as probation officers being open about the values they wish to promote and by encouraging the take up of those values through praise and other rewards. It also involves 'challenging anti-social or pro-criminal expressions and actions' (Trotter, 1999: 19). However, offenders spend such little time with their officer that pro-social modelling may be difficult and it is only when they have something to lose, such as a home, family, and economic stability that they 'go straight' (Rex, 2001; Devlin and Turney, 1999). The action/or inaction of pro-social modelling will be discussed further in the appropriate findings chapters in this study.

Whilst it is clear that pro-social modelling may not always be possible in the time allowed within the one to one session, it is just as clear that the officer should have several long-term agreed goals for the offender (National Standards, 1995). These include a change in attitude, an awareness of what others feel about the offender's offending behaviour, a truthful exchange of information with respect to feelings and expectations and the establishment of the correct balance of power (Fielding, 1984).

Any input should reflect the long-term goals or objectives recorded by the officer, where those with the higher risk assessment should get the greatest probation input and by doing so, reflect the principles of 'effective practice' (Chapman and Hough, 1998; Underdown, 1998).

Within a probation order the relationship between offender and officer, the personal circumstances of the offender and the interrelation of the objectives of the order and their relationship to risk are complex. It is within this complex relationship that much of an offender's lifestyle may be seen as providing aggravating or mitigating features of the offence(s), leading to the identification of the offender's criminogenic needs and thereby to the practical objectives of an order. By addressing such needs it is anticipated that offending behaviour will be reduced (McGuire and Priestley, 1995).

It has been discussed in the first chapter that rehabilitation within a probation order under the concept of 'what works' and 'effective practice' is primarily achieved through addressing the criminogenic needs of the offender, which often seem numerous. Specific offender related needs which may lead to offending behaviour will be addressed fully within the forthcoming chapters, but it is important to briefly mention criminogenic factors in this section to illustrate the necessity of addressing such needs in an attempt to reduce offending behaviour. McGuire and Priestley (1995) have argued that it is essential to distinguish between criminogenic and non-criminogenic needs. However, it is generally accepted that needs per se make a contribution to the offender's life and therefore an holistic approach may be necessary for a probation order to have an overall influence on offending behaviour.

The concept of needs and the methods of addressing them can be complicated. Andrews (1995: 37) described needs as major or minor. Major needs are anti-social attitudes and values, pro-criminal associates, personality factors conducive to criminal activity, a history of anti-social behaviour, family background, lack of education and/or poor employment record. Minor needs are described as lower class origins, and mental and/or physical health issues. In fact these needs are a reflection of those which were discussed in the earlier section on inequality. There is however, some disagreement and/or confusion over specific factors and their individual effect on offending behaviour. Davis (1969) in his research found only little evidence that physical illness played a part in offending behaviour. 'Successive Conservative governments resisted the view that crime, and in particular, unemployment were all connected' (Downes, 1998: 2). Similarly Dennis and Erdos (1993) referred to the 'anomie of fatherlessness' rather than unemployment and poured scorn on unemployment being responsible for crime (cited in Downes, 1998: 2). Currie (1985) argued that it was unreal to compare the effect of unemployment versus employment as a criminogenic factor, in reality it was the social circumstances and/or type of employment that had a deterministic effect.

The overall concept of external factors affecting criminal behaviour which the probation service need to overcome is complex and full of controversy, such has been emphasised by many writers including Rex (2001), Underdown (2001), Radzinowicz and King (1979) and Radzinowicz (1966) who have all argued that attention should be paid to social issues, especially employment and unstable accommodation. Davis (1969) investigated the link between social factors and compared social issues to offending behaviour and whilst his work is thirty years old, it remains as relevant today as it did in 1969. In his study, 507 offenders, aged 17-20

participated over a nine and a half month period (for a full discussion of the methodology see Davis, 1969). The criminogenic factors identified by officers in his study were unemployment (12.2%), eviction (4.9%), problems at home (4.1%), personal problems (3.7%), the death of a relative or close friend (2.2%), work problems (0.6%) and miscellaneous (7.1%). The greatest number of offenders in Davis's study were those who had no factors recorded and accounted for 65 percent of the total sample. When Davis took unemployment into account, 'almost 70% of the entire sample presented their probation officer with occupational problems which were at best an unknown quantity, whilst some men had proved themselves virtually unemployable' (1969: 118) For many, unemployment and crime is linked (Downes, 1998), for some it is a major influence, for others a minor one (Rex, 2001). What is clear is that a reduction in criminogenic needs is important for any planned rehabilitation to be classed as effective and the probation order successful (Chapman and Hough, 1998). This is confirmed by McGuire and Priestley when they state: 'If the purpose of a programme is to reduce reoffending, there should be a focus within it on criminogenic needs as goals of intervention' (1995: 15).

One of the major criminogenic influences to overcome is substance abuse. There is a great deal of literature concerning substance abuse, for example Brownsberger (2001), Haymann (2001), Plant (1990) and Inciardi (1986) amongst many. May (1991) describes illegal drug use as particularly influential in offending behaviour. South (1994, 2002) describes crime through illegal drug use as typically non-violent and acquisitive, such crimes include theft and shoplifting, in contrast, South argues that alcohol misuse can lead to crimes of violence. Therefore for criminal activity

associated with substance use to be reduced, rehabilitation for that substance should be a priority (Kleiman, 2001).

A major obstacle in drug rehabilitation as with any form of rehabilitation is motivation (Chapman and Hough, 1998). Little can be done unless a substance abuser, or those who are the subject of reform of any kind are motivated to address their reason for offending and thereby reduce their criminal activity. This point was made clear by Project Match (1999) when investigating alcohol misuse and South (1994, 2002) reiterated the importance of motivation when discussing drug users. Davis (1969) makes it clear that ‘bad social circumstances related to bad personality characteristics, both of which are linked with bad treatment relationship [probation intervention], all in turn [are] associated with a greater likelihood of failure’ (1969: 121). Overall the higher the stress at the start of the probation order, the higher the incidence of failure and the lower the motivation to become involved in rehabilitative action. Stress was suggested by Davis (1969) as a composite of living in a disorderly, dirty, or overcrowded home, with a single parent or hostile parents, being unemployed and/or in ill health. Andrews and Bonta (1998) suggested that the stress caused by a weak family bond, especially when the family has been destroyed or disrupted by divorce or death, can lead to delinquency. They found a high correlation between coming from a broken home and crime rates. In addition Davis (1967) found that for some offenders the relationship between the officer and offender itself created conflict and as a number of writers have argued, stress can lead to reconviction and makes rehabilitation that much harder (Andrews and Bonta, 1998; Gottfredson and Hirschi, 1990). Davis (1969: 121) describes this as the ‘vicious circle’.

It is generally argued that the reasons for criminogenic factors are firmly grounded in both the past and current conditions relating to the offender and whilst motivation is critical, so too is the method used to address them. Raynor and Vanstone concluded that a holistic approach was necessary to address offending behaviour and that such an approach should include addressing 'problems that they [the offender] encounter in their everyday lives in the community' (1997: 39). When leisure activities were recorded, Davis (1969) found that they were predominately passive and less than a quarter were involved in youth type clubs. Burnett (1994) suggested that those involved in persistent crime were less likely to have proactive positive leisure activities, employment, satisfactory accommodation, stable relationships and were more likely to be using hard drugs. Rex (2001) argued that unless work was carried out to address such underlying problems, they would be more likely to return to crime.

Homelessness and/or lack of permanent housing was found to be a common and reoccurring problem for offenders. Davis found that circumstances such as poor accommodation, or the lack of it, had a decisive impact on reconviction rates, over a half were reconvicted within one year, as compared to just over a third of his overall sample. He found that 5% of offenders in his study were homeless and a further 8.3% lived in hostels or temporary accommodation. Willis (1986) in his research also found the problems of offenders often centred on difficulties such as accommodation. To address concerns around accommodation, the probation service has facilities for introducing offenders to those who are willing to provide temporary shelter, such as the church, philanthropists, the Salvation Army and the local council housing department. However, for a longer-term solution, a wider approach to

addressing the social and personal needs of the offender would have to be undertaken (Rex, 1997).

It is accepted that the official philosophy of the probation service has changed, although writers such as Rex (1997) found that the reality of 'rehabilitation' still centred on the original principles of 'advise, assist and befriend', at least at grass roots level. What has not changed is who the probation service engage with and their problems. Offenders and officers alike see offenders' problems almost exclusively in terms of everyday domestic, financial and employment difficulties. These and not crime are the sole focus of actual intervention; and such social work assistance is something offenders both want and require (Rex, 1997; Worrall, 1997; Willis, 1986). That is not to say that some control within the probation order would not enhance the prospect of rehabilitation only that too much may displace it (Raynor et al, 2000). Similarly almost all offenders see their reasons for offending behaviour primarily in terms of past and current personal experiences which they found difficult to cope with. However, whether or not it is the province of the probation service to right the wrongs of society is another argument. Raynor suggests that, 'it is not feasible for criminal justice policies or practices to try to correct general inequalities in society which may require a much broader approach, ...' (2001: 190).

Chapters 1 and 2 have placed this study firmly in the context of the history of the probation service, discussed the philosophy behind sentencing and identified the complex social position of the offender. Chapter 3 describes the methodology used to examine the 'realities' of the probation order from the perspective of the offender.

Chapter 3

The methodology of the research

Introduction

The background and development of the probation service, together with the reasoning behind a probation order as a sentence of the court have already been discussed in this thesis. This chapter describes the methodology used to obtain the views of the participants and how that information was recorded. It describes how the case files were selected and how the information was used. It looks at the differing data collection methods, the reasoning behind the methodology and its impact on how the research was finally carried out. The research was based on the principles contained in Grounded Theory by Glaser and Strauss (1967) where the research is data led.

Aim and objectives of the research

The aim of the study is to examine the impact of a probation order from the perspective of the offender. There were five major objectives within that aim. These were to assess whether or not:

1. Probation orders reduced offending and thereby protected the public.
2. Probation orders complied with National Standards (1995).
3. The criminogenic factors, needs and risk of the offender had been identified by the officer and acted upon within the concept of 'what works'.
4. The order was perceived by the offender to be a punishment.
5. The offender's sex had any influence on their offending behaviour, and/or on the impact of the order.

Research design

Three methods of collecting data were used. The first method involved the collection of data from the offenders' probation records, by means of a pre-prepared data collection tool (appendix 1) stored within the researcher's laptop computer. The second set of research data was obtained by interviewing offenders by means of a semi-structured schedule (appendix 2). Finally a research diary was kept and used to highlight relevant points. The diary ensured that the research was not produced in a vacuum and was a constant reminder of the context of the study. It was a reminder of quotes and conversation from officers, events and day-to-day happenings. These were then used in the process of writing up when necessary.

For several reasons it was decided not to formally interview the officers. The primary reason for this was to ensure that the research focused on the offender and that the probation order was recorded from their perspective. It was important that the study sought to examine the 'realities' of the probation order from the offender's point of view. The research encouraged discussion of the order, its success and/or failure in an attempt to widen the knowledge base surrounding a probation order. Secondly, as most offenders had more than one officer during their order, either because of illness, time constraints or transfers of officers, the case files were accepted by this research to be a consistent record of the order. As such they should reflect the overall picture. However, it is accepted that the overall picture may vary from what is recorded, and it was anticipated that this would become obvious when the case files were compared with the offender interviews. In reality it was found that the case files contained a number of inconsistencies and highlighted differences to what the offender disclosed in interview. What this tells us about self report studies is that care must be taken over their content and the researcher should make all efforts to cross-validate

answers and any discrepancies noted. A point made by Robson (1993) when he suggested that there was often little check on the honesty or seriousness of responses when self reporting was used. These differences could have happened for a number of reasons, including poor record keeping by the officer and/or inaccuracies in the information given by the offender. Even though inconsistencies were found in the case files, they were taken to be a consistent way of following the progress of the order from the recorded view of the officer. In addition, the relevant points from a number of casual conversations with the officers throughout the four months of data collection were recorded in the research diary.

Access to the participants in the research was anticipated as being problematic because of the disorganised lifestyle and personal problems of many offenders. The officers were willing to supply case files, but it was also made clear by them that they had little time to spare for interview for a number of reasons. These included officers being away from work on long term sick leave and others having to cover their case load. Furthermore, there was uncertainty and extra work for officers as three offices in different parts of the city were being amalgamated into one. To make the matter that much worse, industrial action was being canvassed over the payment of monies due when officers used their own cars for work related journeys, such as home visits. In spite of all these problems, the duty officer, although very busy, was prepared to spend the time to talk as we tended to share the main reception area. The advantage in sharing this space was that he could be kept fully aware of how important the interviews were and motivated to introduce me to the necessary number of offenders. In retrospect interviewing the officers might have added depth to the study, but that was not a viable option at the time.

Access to the participants was not the only problem. As a self-funding researcher, the cost of carrying out the research had to be borne by myself. This included daily travel at around £70 per week and the payment of around £250 that was paid to the offenders to cover their 'travelling' expenses, in total about £1100. This meant that it was important that the research was carried out efficiently and thoroughly and within the four month allocation allowed for data collection. (The four month allocation and the payment to offenders will be referred to again, a little later in this chapter, as will problems of access.)

A mixture of research methods known as triangulation, were used in an effort to reduce any drawbacks that may be found when using a single method or source for data collection and as a way of verifying the offenders account given in interview (Robson, 1995; Silverman, 1993; Jupp (1989; Denzin, 1988). The advantage in using triangulation is that any ambiguity or uncertainty may be reduced by obtaining a fix on an objective from two or more viewpoints (Jupp, 1989; Maynard and Purvis 1994). This was achieved by comparing the information obtained in the interviews, to that gained in the case records. However, for the reasons previously mentioned the case records were prepared by a number of different probation officers and many were found to be poorly constructed. Pages were missing, dates did not coincide and a number were so sparse that they were of little use as a supervision document, other than to identify that a supervision problem existed. In reality it was not a matter of pulling out a file and working on it. Half the file may be where it was supposed to be in the filing cabinet and the other half could be anywhere, from the officer's desk, personal folder or in a different file. Whilst the organisation of the files was a problem for this research, it would also have been a problem for the service when another officer took over the case, as regularly happened. Not only would missing

files have had a possible impact on the continuity of the offenders supervision or order objectives, but may as a consequence have an impact on the efficient running of the order. However, that was not the case when the sex offenders' files were examined. Their case files were always in the correct place, which made reviewing them much easier and they contained a great deal of additional information such as psychological reports.

The underlying theoretical concept

The research was based on the underlying principles of Grounded Theory which has been described by Glaser and Strauss (1967) as the determination of truths using the discovery of a theory that enables predictions of future behaviour to be made. Robson (1995) describes it as research being data led. An emerging theory extends the sample in the direction indicated by the initial sample. Thirty years on from the work by Glaser and Strauss (1967), grounded theory methodology and methods are widely regarded as some of the most influential and widely used methods of carrying out quantitative and qualitative research (Strauss and Corbin, 1997). It is not a new concept, Weber, Durkheim, Mannheim and many other researchers have used similar methods in their own work.

Grounded Theory uses concepts where data is grouped together and given conceptual labels, categorisation and linkage relate these concepts. This is in contrast to description which demands that the data be organised according to themes where there is little, if any interpretation (Strauss and Corbin, 1990). The analysis of a word, phrase, or sentence is especially valuable as it teaches how and when to ask questions, what those questions will be and gives information for the next meeting or observation. During these observations or meetings it is important not to have any

pre-conceived ideas or stereotypical assumptions of what may or may not happen, of the individual, or any other aspect of the research. 'The minute that you do, you foreclose on many possibilities that may be the key to uncovering the answer to one of your research problems' (Strauss and Corbin, 1990: 93).

Grounded Theory is based on a practical philosophy, where findings are reproducible, consistent and clearly drawn from data. Four main conditions need to be satisfied by the research. These are fit, understanding, generality and control. This research aimed to comply with each of those conditions, where the research data fitted smoothly into the categories used and these categories led to a theory. It is important that the results of the research can be easily understood by those who work in or around the probation service. The results of the research should lead to a theory generated by the data produced. That theory should be considered sufficiently fluid to predict future events if the situation changes.

It was found that by utilising the offenders' probation case records, together with the interviews, that the research was provided with the appropriate data to satisfy the aims and objectives of the study. However, according to purist Grounded Theory, the research analysis proceeds at the same time as data collection. As the data is collected, categories or properties are formed which should produce a framework and direction for the research to take. It is through the complex interaction of many saturated categories and sub-categories that an integrated theory can then be formed. Only when categories are saturated can the researcher complete that category and move on in a different direction.

In this study it was not possible to carry out the research precisely according to Grounded Theory. This was due to the timescale for the data collection being four months. As a consequence much of the data had to be collected prior to analysis. To remain within the overall concept of grounded theory, patterns were emerging as the interviews progressed and these patterns were found to be covered by the pre-prepared semi-structured questions (appendix 2). This was not the case with the case files. In contrast to the interviews, new avenues suggested by the interview data could be undertaken and the case files revisited.

Within the principles of Grounded Theory questions arose from the data which were answered, leading to a pattern which resulted in a theory. On that basis Grounded Theory was satisfied. However, whilst the theory satisfies a number of questions produced under Grounded Theory, it also leaves unanswered many more questions that can be used for future research. If information does not fit into acceptable categories, which Kirby and McKenna (1989) call 'satellites', they may be used for future research projects. As such they fall outside the current research. We shall now examine how access to the research area was achieved and the research facilitated.

Access

Access to a probation service large enough to be able to supply the required mix of male and female offenders was required in order to have a representative pool of respondents. The first application for research facilities was made to the Research and Development Officer at a probation service in the north of England.²³ This included a formal application and a research proposal. On receipt an interview was

²³ It was decided from the beginning not to name the research probation areas.

arranged where many constructive points such as piloting were raised. However, researchers such as Rex (1997) and Clark and Causer (1991) point out, research does not always proceed as planned and although that officer was enthusiastic, the senior probation officers were not so cooperative.²⁴ A second application was made to an alternative probation service, also in the north of England. This second application included a more comprehensive and detailed research proposal, a clear statement of the aim, objectives and sub-objectives of the research. Due to such detail, the application gained their co-operation in all respects.

The main reason for choosing a large research area was to access as many females as possible, and as such would enable the sex of the offender to be a viable factor in the final analysis. The city chosen had half a million inhabitants and consequently an adequate catchment area of suitable offenders on probation. The number of females on probation in the research area in 1999 was just over 24 percent of the total (The Probation Service in the research area, 2000), which was slightly greater than the national average for 1998 at 21 percent (Home Office, 1998).

Selection of interviewees and case files

It was anticipated that 50 offenders would be interviewed, half male and half female, to allow a comprehensive picture to be built up and the research objectives to be achieved. The initial target figure of 50 offenders was intended as a guide which could be modified towards the end of the data collection if necessary. Under the principles of Grounded Theory, this did not become necessary as the categories used

²⁴ A senior probation officer is the immediate senior line officer to a probation officer. Senior in this context is not meant to imply a senior manager in the service i.e. a chief or assistant chief probation officer.

became saturated and patterns formed, therefore rendering further interviewing unnecessary.

It has already been mentioned that a four month window for data collection existed. After that period it was expected that the probation service in the research area would carry out a pre-planned reorganisation of its three probation offices into one main reporting office. It was pointed out that if I were still there during reorganisation, files may be even more difficult to find and interviews that much harder. As a consequence the data collection had to be finished before it could be fully analysed, and the time limit for data collection was therefore reinforced at four months. It was necessary to collect the data before analysis could begin, and so patterns were looked for as the data was collected and notes made of categories to ensure that these groups were being saturated. Following Grounded Theory when repeated patterns could be heard in the interviews and the interviews were consistent with each other, the data gathering was brought to a close.

It was accepted that obtaining the required numbers of offenders to be interviewed would be fraught with difficulties, especially as 50% of the research sample was expected to be female and nationally only 21% offenders on probation were women (Home Office, 1998). At an initial meeting it was decided to print out the caseload of each officer and an attempt to interview every third offender be made. This turned out to be problematic as of those female offenders chosen, one was in hospital, one was looking after a sick mother and one was only having home visits; a further one was in rehabilitation and two were in breach - one of whom had absconded. On the original basis of selection no females were left to be interviewed. It was therefore agreed, in consultation with the senior officers in the research area, that all available

women would be interviewed. At the same time a concern was flagged up that the men willing to be interviewed would most likely be first time offenders and as such would create an unrepresentative sample and so be unacceptable.

Similarly the research and development officer in the research area proposed that each officer would ask two offenders if they would be willing to be interviewed. This was similar to research carried out by Sainsbury et al (1982). In that research three cases per officer were used. However, it was decided that by allowing the officers to 'pick' the offenders, accusations could be made that only the 'best' offenders were being chosen for the study. This was seen as being unacceptable. As a result only four names in total were received from officers and these were invited by letter for interview. Not unsurprisingly, this group consisted only of offenders recorded as low risk and who thought highly of their officer. One regularly asked the officer to save money for him, and the officer took him to football matches. One appreciated the flexibility offered by the officer with regard to appointment times. The only female in the group felt that she had found an officer whom she could really talk to. This group accounted for only just over 7 percent of the total interviews, and so it is argued to be within acceptable limits.

In order to obtain the target of 50 offenders over the anticipated four months of data collection it was agreed that the duty officer would approach each offender to ascertain their willingness to be interviewed. For this, each offender would be paid £5, the ethics of which will be discussed later in this chapter. The interviewees were only partially self selecting as all relevant offenders who came into the office were asked. However, not all agreed and therefore there was a degree of self selection. Because the duty officer was asking offenders if they would be willing to be

interviewed, it was difficult to assess how many actually refused, the estimate was fifteen to twenty percent. Self selection in itself could have the effect of creating a biased sample containing only those wishing to discuss the probation service and had the spare time to be interviewed. However, the £5 paid seemed to be a great incentive and very few refused as most had the spare time because they had allowed the time to visit the probation office.

The simple sampling strategy used had only one condition, which was that the offender had to have been on a probation order for a minimum of three months, or had previously been on a probation order. The qualifying three month period was to accommodate the three monthly review as laid down by National Standard (1995). It was felt that after that time the offenders would have enough experience of the order to have formed an opinion and so could contribute to the research. It was accepted that this provided an acceptable and 'random' selection of interviewees for the research to be of value.

Despite the duty officer asking all offenders who qualified, the sample only included those who reported to the probation office. This could introduce a bias into the sample by not including those who were being breached, not available through illness, working away or reporting outside the normal officer hours. However, as the sample was later to show, the sample did include those who were recorded by the officer as disruptive, those who had received breach letters and as a consequence was thought to be a acceptable sample when all circumstances were taken into account. The method adopted did not take into account those who did not turn up at the probation office and would not therefore comply with the basic condition of reporting. This could have been overcome by interviewing the offender at home.

This was discounted for two reasons. Primarily the need for interviewer safety, and secondly the fact that a number of those being breached for non-reporting were living on the streets or were in temporary hostel type accommodation and so were not easily reached.

Overall, a range of methods was used to obtain the required numbers to be interviewed. The target of four to six interviews daily was met on most days. However, occasionally none of those invited back for a prearranged interview turned up and the duty officer had to quickly find replacements which on most days he accomplished. This cooperation made the research much easier; without it, it would have been almost impossible.

The data gathering was brought to a close after 54 interviews and 52 case records had been reviewed. In only four instances did the records not correspond to those interviewed. The total number of offenders examined in some part was 58. The numbers and diversity of interviewees/case files allowed comparisons to be made between what the offenders believed to be the case and what the officer had recorded. Case records were not available for the four remaining interviewees, either because they had recently arrived in the probation area and were awaiting the transfer of their records, or they were between probation areas. In one case the records had gone astray. The numbers proved sufficient to saturate the categories produced by the data and for the offenders' comments to form a consistent pattern with one another in interview. This was in line with Grounded Theory methodology.

Data collection

Before the data could be collected, collection tools had to be piloted.

Piloting

Piloting was carried out in a different area to that of the research. The pilot study helped to refine the interviews and to gain experience in the review of the case files, it allowed valuable experience and confidence in the use of the assessment tools. As a result of piloting, reassurance was given to the probation service in the research area that there would be minimum disruption. However, many of the records regarding offenders in the pilot area were slightly different in content to those in the research area. This difference required modification of the tool used for recording the probation case records. The modification was carried out whilst reviewing the first four case files in the main body of the research and consisted of simplifying the recording tool, removing unnecessary boxes and only having questions that could be answered from the available data in the files. An additional section at the back of the recording tool was added which allowed any 'relevant' comment in the case files to be noted. Later this included the Part C's.²⁵ The interview schedule was not changed by the pilot study but experience was gained in using it. The amended pro-forma allowed the case records to be reviewed speedily and effectively and so caused minimum disruption to both the local service and to the research project as a whole.

The first method of collecting research data was the examination of the offenders' probation records.

²⁵ A Part C is a diary of events, action and reporting details, kept by the probation officer on the offender.

Probation case records

Data was collected from the probation records for a number of reasons. These include to gain an insight into the background of the offender from the officer's viewpoint and illustrate the action taken by the officer to fulfil the stated objectives of the probation service - that of reducing offending and protecting the public. This would enable an assessment to be made as to whether or not the order was within National Standards and whether or not the files contained details from any outside agencies. It also enabled comparisons to be made between what the officer recorded and what the offender said in interview and would therefore be a method of verifying the account given by offenders in the study.

The assessment tool for recording the information contained in the offender's case records was developed around the Probation Inspectorate's own Supervision Plan Quality Checklist (May 1998) (appendix 3). This had been used for the national inspection into the quality of supervision plans (1998). The checklist was extended by the use of additional questions, designed to gain further information and enable the objectives of the research to be achieved.

Case records generally contained the offender's previous convictions, Pre-Sentence Report (PSR), Supervision Plan, supervision plan review, Part C, and other miscellaneous documents. A Supervision Plan, as the name suggests, is a plan of supervision outlining the objectives of the order and the method of fulfilling those objectives. A Part C is a 'diary' of events used for recording the comments and relevant opinion of the officer, and the action, motivation and responsibility of the offender. A large part of the case records contained what could be classed as

quantitative data, such as the offender's personal details. There was also information about the offence as detailed in the PSR, the previous convictions from the police, the suggested sentence in the PSR, the actual sentence and statistical information supplied by outside agencies. The information from outside agencies included psychiatric and medical reports, and letters from the social services and housing associations.

In addition to that already described, the case files contained information which could be classed as qualitative data. The quality and quantity of this information varied and came from a range of sources. It included the officers' views and opinion gained from interviews with offenders and subjective information supplied by outside agencies such as welfare reports by the social services. Little consistency or pattern in the content of the files was generally found. The exceptions were those of the sex offenders. Their files were complex and contained information from many valuable sources, including psychiatric reports and reports from the sex offenders' programme, which all sex offenders attend.

The interview

The semi-structured interviews with the offenders were taped. The point of the interview being semi-structured was to ensure consistency in the questions covered in each interview. The questions were designed to extract information about the probation order and their reason for offending. It was anticipated, and later confirmed by the data collected, that using the semi-structured interview would allow the offender the freedom to talk openly about their experiences of their probation

order. The data collected within the interview allowed the information collected in the case records to be validated and compared.

At the outset a senior probation officer suggested that the interviewees should be paid expenses. It was decided that the most appropriate action would be to pay each interviewee £5, although some officers thought that this was unethical, the principal concern being that the money might be spent on drugs.

Paying an interviewee for their time is a complex issue. Buchanan et al (1988) suggests that a tangible and realistic product should be offered in exchange for cooperation. Lee (1995) identifies 'sponsors' being paid to introduce the researcher and to vouch for them to drug users. This is not new. A similar method was used by Johnson et al (1985), Williams et al (1992) and Power (1989). An extreme method of payment was used to gain credibility by Polsky (1971). Polsky agreed to hide a gun in his home for a criminal who was expecting a visit from the police. Whilst giving the interviewee £5 may not be quite the same, it did solve the problem of providing an incentive to be interviewed. However, it was not always as simple as it sounds.

On one occasion an interview had to be discarded after it came to light that the offender was no longer on a probation order, he had previously completed the order six months before being interviewed. It seems that he was in the office with his friend and 'grabbed' the opportunity to earn £5. Care was increased after that. However, there was also concern about altering the balance of power in the interview and whether or not the offender would alter their answers to please the interviewer. This point was made by Robson (1995) when he argued that the interview process should be a partnership between the interviewer and those being interviewed.

However, Bell (1987) makes it clear that the interviewer – especially one paying out money, is in a position of advantage. It is within the interview as a partnership that Gilbert (1993) makes the point that the interviewer should be aware when certain situations occur. These include the over politeness of the respondent, whether or not their being shy or overanxious can distort a response and of respondents giving an answer that the interviewer wants to hear. Similarly, McNeill (1990) suggested that the interviewer should strike a balance and not be over friendly to avoid the respondent giving their answers just to please the interviewer. These problems Gilbert (1993) argues can be largely overcome by a very careful initial explanation of the focus of the interview and the reasoning behind it. Sudman and Bradburn (1974) point out that the image of the interviewer held by the respondent can have a decisive effect on the interview, with race, age, sex and social class playing a large part. In this research the interaction between the respondent and interviewer did not seem to be problem and the payment of £5 per interview passed without further concern being expressed.

Some of those being interviewed were not used to putting their feelings into words. They may fear describing behaviour or attitudes that may be inconsistent with 'acceptable' social behaviour (Gilbert, 1993). To overcome this, researchers such as Becker (1963) have suggested that to draw out questions from the respondent the interviewer should sometimes 'play dumb'. Similarly, Gilbert (1993) believed that it is the manner of the interviewer that is important to getting the best out of the respondent, where both parties should be as relaxed as possible. It is the job of the interviewer to put the respondent at ease in an attempt to find 'truth'.

One of the issues with relying on data gained in interview is the reliability of that data and whether or not the answers have been truthfully given. For a study to be acceptable there needs to be some confidence that the answers to the questions asked are truthful. This is especially the case when talking about activities that some would find offensive or when the individual had not been convicted of that offence(s). Within the interview situation offenders can neutralise their offending behaviour, play down culpability and thereby justify their criminal behaviour. Similarly Matthews wrote:

At the time, we took most of these responses at face value. But looking back and analysing the data it became increasingly apparent that many of the responses were “learned” and that the attitudes of remorse and regret that were frequently expressed were part of a repertoire of responses that had been developed in prison. It was significant, ... that the vast majority of respondents played down the benefits or attractiveness of [their offence] ... (2002: 7).

However, as Wright (2003) suggested when reviewing the work of Matthews (2002), interviews with offenders that have been seen to be punished for their crime(s), may produce more truthful data than those who have not been caught and punished as they have less to lose. ‘On the outside, very successful armed robbers have a strong incentive to remain anonymous that probably transcends whatever potential rewards might accompany participation in a social science research project’ (Wright, 2003: 442). Therefore, interviewing convicted offenders allows the unique opportunity to study offending behaviour and examine reason(s) for such offending.

Although interviewing offenders allows opportunity, care must be taken. In the past, language was presumed to be an accurate reflection of attitudes and thought. Gilbert argues that today, ‘such assumptions would make a social psychologist cringe ... it is not hard to compile reasons to doubt what people say to us in interviews’ (1993: 148). Jupp describes offenders misrepresenting the true figure of their offending and

expresses doubts over whether or not they will tell the truth. 'It is extremely likely that admissions to certain crimes are overrepresented and that admissions to other crimes are underrepresented' (1989: 102). What offenders report can be dependant on the perception by the offender on what is criminal and/or important and therefore worth reporting. Robson (1993) demonstrates respondents describing the same phenomenon from different points of view. Jupp (1989) expands that argument and suggests that perceptions relate to sub-cultural norms and values held by those being interviewed. Others may be ashamed, proud, untrusting or plain forgetful. With 'truth' and neutralising inappropriate behaviour being an issue, Bennett and Wright (1984) asked about strategies offenders used for burglaries, rather than the burglaries themselves. Gilbert (1993) suggests that to overcome 'neutralisation', multiple methods of data collection can help to compare what people say to what they do. In this study the interviews were compared to the case records and other information in the files, such as past convictions and reports from other agencies in an effort to gain the 'truth'.

It has been shown that the interviewee's perception of the interviewer and the 'required' response is important. It has been argued that interviewers should 'not be drawn from either extremes of the social scale, that their demeanour should be neither condescending, nor deferential, and that they should display interest without appearing intrusive' (Gilbert, 1993: 139). There did not appear to be any obvious differences between the manner in which both men and women spoke in the interviews. At times both were emotional, but none showed any aggression. Often the conversation was light-hearted and it was clear that the interviewee was enjoying having someone show an interest in their opinion. The overriding concern nevertheless was whether or not they were telling the truth. As we have discussed,

truth is a complex subject, when the interviews were compared to the case files, they were mainly consistent with one another and most questions had other questions designed to confirm the answers given. As both Wright (2003) and Matthews (2002) have argued, what did they have to lose by telling the truth, they had already been convicted of the offence(s) we were discussing. Furthermore, it seemed that my northern working class accent and middle age only served to reduce any possible antagonism or need to impress, or for confrontation. As Stanley and Wise (1983: 162) argued: 'since personhood [...] cannot be left out of the research process, [...] it must be capitalised upon' (cited in Rex, 1997: 75). Similarly Hobbs (1989) used his own working class background and accent to his advantage when studying east end 'life'.

The place of the interview is also considered to be important. It should not allow undue pressure or create an atmosphere where any bias, control, or power is inflicted on, or taken away from the interviewee. For the convenience and safety of both the researcher and interviewee, the meeting took place in an office provided by the local probation service. The use of a non-neutral location could have affected the balance of the interview and allowed the impression that the probation service was involved in the research, that the comments made may be passed onto the officers or that it was not an independent study. As a consequence the interviewee may be reluctant to answer openly and honestly to the questions when put. However, at all stages confidentiality and the independent nature of the research were made a priority. It was impressed on the interviewee before the research started that the only reason for using the offices of the probation service was convenience. The interviewees at no stage expressed any concern about being interviewed in the office made available by

the probation service. Their confidence and willingness to talk spontaneously led to the conclusion that the location did not compromise the validity of the data collected.

Care was taken during interviews that any inbuilt power of the interviewer was reduced to a minimum. The interviewee was able to speak freely during the interview and was not put under any pressure to answer, or to please the interviewer. This was helped by explaining a little about the research, which had the effect of breaking the ice with the interviewee and helped to create a relaxed atmosphere. Although some interviewees seemed distant, they also seemed to enjoy the experience and became more confident as the interview progressed.

It was important that the interviewer did not have any pre-conceived ideas or stereotypical assumptions of what may or may not happen, of the individual, or any other aspect (Strauss and Corbin, 1990). Furthermore the interviews should not seem to be rushed and the interviewee should be made to feel a full and active participant in the process. The interviews were allowed to run their natural course and were not of a predetermined length, taking between 45 minutes and one hour. Answers to the questions flowed without much prompting. In order to cross validate the answers and determine 'truth', a number of questions were posed in different ways. The answers were compared with each other as the interview proceeded and any variation was discussed for clarification. As May (1993) suggests, restating the question has a number of positive aspects. In addition to confirming the answer, it can readdress a blank expression and clarify a difficult question. However, care should be taken not to reword the question to the extent of forming a new question. Plain speaking and simple words help in the understanding of the initial question, which should always be phrased to the level of those for whom it is designed.

In 90 percent of cases the offenders would talk openly about their offences, even some they had not been charged with. A minority seemed reticent. This could create an ethical problem where the researcher would be aware of specific crimes that the offender had not been charged with. To avoid this situation occurring, it was made clear at the beginning of the interviews that no uncharged or unreported case would be discussed in detail and that they would only be required to talk about unspecific cases, themselves, their life and their convictions. No specifics was the rule when they talked about offences that they had not been charged with. The issues here were those of confidentiality and the interviewer being seen as an accessory to that crime. The 'no specifics' rule was to safeguard the researcher as much as the interviewee and to keep the research within the limits set by ethical research practice (Gilbert, 1993). Punch (1986) suggests that as researchers we need to exercise a degree of commonsense and moral responsibility.

It is important that ethics and confidentiality are always at the forefront of research of this type, not just to satisfy the ethics of power or control, but also honesty. During the research the interviewees were told a little about the research and why their help was needed. It was made clear that their consent was a necessary condition of the interview and could be withdrawn at any stage. In addition it was made clear that if they were uncomfortable with any question, they could refrain from answering. The confidentiality of the interview was stressed.

Jupp (1989) makes it clear that there are serious objections to the use of individuals as subjects, without them having a clear understanding of what is to happen and why. This is particularly important when confidential information is gained from previous

convictions and case files of the individual. In the event of consent being withdrawn, any collected information on or about the offender would either be destroyed or handed over to that person, according to their wish. However, this was never asked for and no contributor expressed a concern after their anonymity was guaranteed and the reasoning behind the research explained. All names used within the writing up process are fictitious, although the descriptions remain accurate.

It should always be remembered that interviewees are individuals with their own thoughts, problems, weaknesses and strengths. These can lead to problems within the interview scenario. In the study over a third (n=22) of interviewees admitted that they were regularly taking heroin. Consequently a number (n=9) of the conversations were slow, stilted and in some cases interviewees mumbled so badly that a number of the tapes were difficult to transcribe (n=6). Two tapes were unusable. For some, the replies had to be drawn patiently from them as at times their concentration seemed to lapse. If it was realised during the interview that sound quality would be poor, the answer was repeated to ensure that it was recorded. Sam, a single man in his early thirties, who was born partially deaf, was given a 12 month probation order for the possession and supply of heroin. When learning to speak Sam had only heard the beginnings of words and had to second-guess the endings. In interview when asked if he was on drugs, he replied that he was on herrings.

Transcribing many of the interviews was difficult, because of poor sound quality and the element of 'translation'. To ensure that they had been transcribed correctly each tape was compared to the transcript, to check that they were typed verbatim. Analysis began when all the data had been collected.

The analysis

To aid the research, SPSS was used in the analysis of both the case records and the semi-structured interviews. Interviews do not always lend themselves to structured analysis as used by systems like SPSS, where coding can be problematic. As a consequence, software packages like NUD*IST have been developed to help the researcher code and group data. However, because the questions used in interview were semi-structured, they were already in clearly defined groups that could be used in analysis (see appendix 2). Whilst the responses to many of the questions were more than one word answers, they could and were reconstructed by the researcher to form simple groups, without infringing on the overall meaning. Robson (1993) makes a similar point when he describes combining detailed information into smaller categories, which allow a simple description of the data. For example, when the interviewee was asked 'why is taking to your probation officer useful', the answers could be simplified into: because their helpful, sympathetic, they listen or their not helpful etc. Other questions such as 'when you went to court were you expecting to get probation', gave simple yes or no answers. From such questions an overall statement could be made. In addition, quotes would be used to enhance and illustrate the statistical content.

The data produced was examined for differences, themes, and the categories collated and compared. It was by comparing the categories within the analysis, that the impact of probation orders were identified, allowing a theory to emerge. It was by using constant comparison and maintaining both an analytical and sensitive approach to the area researched, that allowed the findings to be understood and overall should allow future predictions to be made.

Sample

The sample of those who were interviewed and who had their case files examined was made up of 11 women and 41 men. This was a ratio of 4:1 and although it clearly was not the 50/50 ratio as was initially 'expected', it was consistent with the national average for those on a probation order (Home Office, 1998). The ages of the men ranged from 19 to 62 years, with the largest male age group (n=12) in the 26 to 30 years range. The ages of the women were from 18 to 48 years and again the largest group (n=3) was in the 26 to 30 year age group. The sample interviewed was random and coincidentally only one non-white person was interviewed. Almost half (n=5) of the women offenders in this research had no previous convictions, compared to only one in ten (n=4) men.

The majority of offenders were poorly educated, over three in five (n=32) having left school without any basic qualifications. In interview many found communication difficult and a number tended not to be able to focus, giving the impression that they wanted to sleep. Of those interviewed almost a half (43%, n=22) were recorded as drug users by the probation service, and a similar number (n=21) had recorded alcohol problems. Just less than a third (n=16) had identified mental health concerns, three of which (6%) had drug, alcohol and mental health concerns.

In the research sample almost two thirds (n=33) of the offenders were on a 12 month order or less which is similar to the national figure (61%). Just over one third (n=18) were on orders of between 24 months and 12 months, again similar to the national figure. Three year orders accounted for only one offender (2%) as compared to three percent nationally (Home Office, 1998). Although being on a 12 month or less order could suggest that that sample contained those who were seen or classed as low risk,

it did again reflect the national probation figure. Consequently it makes up an acceptable sample of the probation population, to do otherwise would have required the research using an unrepresentative sample. As a representation of the community any sample of offenders could be classed as unrepresentative. In the study by Davis and the same could apply to this study, he freely admits that his sample is not representative of offenders in general.

Apart from the usual limitation that it refers only to criminals caught by the police, brought before the courts, and found guilty (most other studies have the same problem), it must be remembered that ours is an even more restricted sample: it contains only probationers (Davis, 1969: 4).

However, Davis's sample was made up of 17 to 20 year olds and many in this study had in the past been given a range of sentencing options, from fines to custody. Therefore, whether or not the argument of Davis remains relevant to this study is open to discussion.

Similarly the offenders in the sample had committed a cross section of offences, ranging from burglary to sexual offences. Table 3.1 below shows that the largest offending group at over a third (n=20), were those convicted of theft or the related offence of handling stolen goods. This group was higher than the national average, which was just over a quarter, but the group reflects the national trend. Generally the offence groups follow the national profile and can therefore be shown to be a cross section of offenders and reflect those nationally. In table 3.1, those marked * were not shown separately in the national probation figures (1998).

Table 3.1: The research offence group as compared to the national average

Offence group	Research figures		National figures ²⁶
	Numbers (n)	Percentage	Percentage
Theft or handling	20	39	26
Violence against the person	8	15	10
Burglary	7	14	8
Motoring	5	10	*
Criminal damage	4	8	2
Sexual offences	4	8	2
Drug offences	1	2	*
Fraud	1	2	5
Robbery	1	2	*
Total	51	100	*

Within this chapter the methodology of the study has been described. The findings of the research based on this methodology will now be discussed in the following chapters.

²⁶ Home Office, 1998.

Chapter 4

Offender Supervision

Introduction

The main aim of this chapter is to introduce and explore the supervision of offenders. The Powers of Criminal Courts Act 1973, s2 (1), as amended by the Criminal Justice Act 1991, s8 (1) created the statutory purpose of supervision within a probation order. Supervision is central to the stated purpose of a probation order which is to secure the rehabilitation of the offender, protect the public from harm and prevent the offender from committing further offences. In the context of supervision we will examine reporting by the offender, offender/officer interaction, intensive supervision of sex offenders, substance misuse, partner agencies and the issues surrounding home visits. Where relevant to the description of supervision, the needs and risk of the offender will be examined. They will also be discussed further in the following two chapters.

Supervision has always been a contentious issue. Mair (2001) describes a 'futuristic' concept of probation supervision through the use of technology such as mobile phones and CCTV. He suggests that this has the potential to be both a cost effective and efficient method of supervising offenders within a punitive probation service. In earlier chapters we have discussed the transition of the probation service from an organisation based on welfare rather than control. Worrall (1997) expresses concern over the impact of any change on offender supervision and on contested values held by officers on casework. Similarly, May (1991) argued that through political pressure via the Home Office, the concept of welfare as a rehabilitative measure was being replaced by the principle of punishment and any such change may impact on offender supervision. He highlights both the White and Green Papers (Home Office

1990a, 1990b) as having the aim to reduce the discretionary components of probation work. This transition from a welfare based organisation to one of control was clearly stated by Paul Boateng when expressing the government's position as Minister for Prisons and Probation. He wrote: "*we are a law enforcement agency. It's what we are. It's what we do*" (National Standards, 2000: cover sheet).²⁷

Simply put, the probation service is an organisation centred around the principles of punishment and rehabilitation. The community service order is predominantly one of punishment - through the loss of leisure time by carrying out unpaid work in the community, and a probation order one of rehabilitation. That is not to suggest that a community service order does not have an element of rehabilitation and a probation order an element of punishment. Within a probation order the element of rehabilitation is through supervision under the concept of 'what works'. Punishment is through the deprivation of the offenders' time, which is taken up by reporting to an officer and attending programmes.

Introduction to Supervision

Within the changing role of the probation service, the principle aims of a probation order are those of reducing offending behaviour and public protection. It is anticipated that these goals may be achieved by the officer supervising the offender according to National Standards, where both the officer and the offender work together to achieve agreed objectives.²⁸ The objectives should be designed to address the offending behaviour of the offender and thereby reform. The method of reform through rehabilitation is based on what is known as a Supervision Plan.

²⁷ Capitals in the original.

²⁸ When the term probation officer is used, it refers to all probation employees who supervise offenders. This includes the PSO.

The Supervision Plan sets out the initial format of the order, the objectives, management and contact. It addresses the identified criminogenic factors and personal needs of the offender and their motivation. It should reflect the impact of the crime(s) on the victim. It is a document which should be designed with rehabilitation in mind (National Standards 2000: C10) and should be constructed around SMART action. SMART action dictates that supervision is Specific, Measurable, Achievable, Realistic and Time scale attached and should reflect the principles of 'effective practice' (Chapman and Hough, 1998: 82).

'Effective practice' is described as practice which produces the intended results, i.e. a person who does not offend and makes a positive contribution to the community (Chapman and Hough, 1998: 5). Best practice is not the same as 'effective practice', but leads to 'effective practice'. However, 'best practice' is not specifically defined by Chapman and Hough, although they do state that 'the best of probation practice can substantially reduce reconviction rates but currently the average probation intervention yields no better results than custodial sentences' (1998: 2). Research suggests that less than 30 per cent of probation orders are enforced to National Standards (Calvert, 2000). This and other examples of poor probation practice will be discussed within this study and lead to the central argument of this thesis, which is that 'effective practice' is not only not being carried out, but in practice there is little evidence of an attempt to do so. A similar concern was expressed by Hedderman and Hough who when asked, does the probation service need to tighten up its standards, replied: 'throughout the 1990s the answer to this was "yes"; and despite improvements, the answer is probably still "yes"' (Hedderman and Hough, 2000: 5).

The necessity for tightening local standards was confirmed by this study. It was found that of the 31 offenders with a Supervision Plan, less than a third (n=9) had Supervision Plans which complied with National Standards. If partial compliance, due to the Supervision Plan being undated or dated outside the time allowed, was taken into account, the figure rose by a further nine to just over a third (n=18) of all (n=52) offenders in the study. Therefore it was concluded that even if these were taken into account, National Standards (1995) would not have been achieved by the majority (n=34). The lack of compliance was not confined to any offence group and it is this lack of compliance with National Standards which suggests that the initial supervision planning was not a priority for officers.

National Standards (1995) were implemented to allow a consistent and uniform standard of supervision throughout the country. They set out what is required of the probation staff and as such provide a framework for good practice and a basis for accountability and achievement (National Standards, 1995: 1). Within the standards, the construction and implementation of a Supervision Plan is clearly stated. It is by using information gained in the initial interviews with offenders, that outcomes relevant to offenders should be created. The plans should take into account the offenders' past record, the type of offence(s) and impact of the offence(s) on the victim (National Standards, 1995, 2000). The objectives should be measurable and enable an assessment to be made of the programme's usefulness. The intensity and method of input should be capable of variation, if and when necessary. According to National Standards, the Supervision Plan should be a flexible and dynamic document, realistic in its approach and achievable in its outcome. Clear goals should be set out that are understandable and agreed by all parties. The relevance of

constructing such a document is that it will be an individualised plan of rehabilitation, agreed and signed by the offender who should have taken an active part in its construction and be motivated in its use.

National Standards (1995: 20) state that each goal in the Supervision Plan should have a planned time scale and reflect this in its implementation. The plan should not only be a written projection of proposed probation supervision, but should also reflect the risks as recorded in the risk assessment. It should address any pattern of offending and any conditions imposed, including the likelihood of reoffending, criminogenic factors and offender needs. It should also refer to any motivation for change (National Standards, 1995, 2000). Overall the Supervision Plan should focus on issues identified in the PSR and the initial supervision interview. It should introduce the offender to other colleagues who may work on the case and be a constant reminder to all parties of what the order hopes to achieve. Finally, it should be written by the supervising officer within 10 working days of the order being made. However, many of these tasks were not met. The rest of the chapter will discuss these tasks in the context of this study.

The Supervision Plan should be written in the first 10 working days of the order being made. However, for eight offenders that was a practical impossibility when they reported to the duty officer rather than a supervising officer for the first three weeks, one offender saw the duty officer for the first two months and one for the first four. This demonstrates that six offenders were almost a third of the way through the most intensive part of their orders before being attached to a supervising officer, one was almost at the end of this period and one had his reporting reduced to fortnightly

before being assigned a supervising officer.²⁹ This reinforces the argument of the thesis, which is that from the very beginning some orders were not being managed according to the principles of 'effective practice'. During their time with the duty officer, none of the eight offenders could remember being involved in the creation of a Supervision Plan. This was confirmed when no Supervision Plan was found in the case files of these offenders.

A number of assessment tools or instruments are used by the probation service to ascertain the risk and so impact on the supervision of the offender. Two tools were used predominantly at the time of the research. These were, LSI-R (Level of Service Inventory – Revised), and ACE (Assessment, Case recording and Evaluation system). A further system has been piloted by the Home Office recently called OASys (Offender Assessment System). However, it is not the intention of this research to discuss the differences in assessment tools, suffice to say that assessment tools have a number of benefits and a number of drawbacks (for a comparison see Home Office Research Findings no. 143, Probation Circular 88/1999).

The use of ACE was in the process of being introduced within the research area and had been in use for three months before this research started. However, its use was not widespread and only four of the cases reviewed had ACE attached. The use of ACE provides 'estimates of the risk of reconviction, produces information about needs and can evaluate the impact of rehabilitative work undertaken by probation services' (HORS 143: 4). As a consequence, ACE may assist in the production of 'effective practice', and in the assessment of the risk of the offender. It contains a plan of supervision (Gibbs and Roberts, 1998). However, for 'effective practice' to

²⁹ The minimum reporting is weekly for the first three months of the order, it then reduces to fortnightly for three months and is monthly thereafter (National Standards (1995).

take place and National Standards to be achieved, sections of ACE need to be completed within 10 working days of the order being made (National Standards, 1995: 19) and should obviously be completed 'correctly'.

In an effort to simplify the introduction of ACE, the general office staff in the research area printed ACE with the offender's personal details as a matter of routine. Of the four cases in the study which had ACE in the files, one was filled in appropriately, one was partially complete and two were blank save for the personal details of the offender. This generates three concerns. The first is that there may be a lack of enthusiasm or commitment to ACE by the officers involved. Second, that there may not be time to complete the document - a concern confirmed in a pilot study carried out at Humberside Probation Service by Gibbs and Roberts (1998). Finally, that there was a lack of management follow up. It is clear that ACE was only as effective as the officer whose duty it was to fill in the details and had the time to do so.

In addition to ACE, four case files contained assessments from other agencies which could be used in the construction of a risk assessment. These included three reports relating to sex offenders and one from the social services. The important point is that well over three quarters (n=44) of the 52 case files reviewed did not contain a comprehensive offender risk assessment. Almost a quarter (n=12) did not even contain a basic risk assessment.³⁰

In the first two chapters it has been discussed that the risk of the offender is an important aspect of 'effective' practice. Throughout this thesis it will be

³⁰ A basic risk assessment is one where the officer has to estimate or evaluate the likelihood of the offender reoffending and the 'dangerousness' of the offender, often made from very limited information.

demonstrated that the principle of 'effective practice' was not shown to be an active aspect of supervision within the research area. We shall now discuss the findings of the study within offender supervision.

Supervision

One of the principle aims of the probation service is the reduction of reoffending. Under the concept of 'what works', a reduction in reoffending is achieved through the reduction of risk. This is accomplished by reducing the criminogenic factors of the offender. A reduction in criminogenic factors is achieved by recognising those factors and devising objectives which will address them. These tasks are carried out within the Supervision Plan and where there is no plan, or that plan is not implemented appropriately, the principle aim of the probation service will be flawed from the beginning. When the 52 case files were examined, it was found that three out of five (n=31) did not have a Supervision Plan which contained clearly stated objectives. Just over one third of cases (38%, n=20) had objectives which were measurable, two were without clearly stated objectives. Therefore only one third of cases (n=18) had clearly stated Supervision Plans with measurable objectives, regardless of whether or not the plans were within National Standards.

Almost two thirds of case files examined did not contain a Supervision Plan with clearly stated and practical objectives. For example, 'to separate from partner', is a statement not a professionally constructed and workable objective. Others recorded as unclear included statements such as help with children, group work (without specifying the type of group), and to report according to National Standards. This basic flaw in supervision applied just as much to the high risk group as to the others. John did not have a Supervision Plan and was recorded as high risk. ACE was in his

file, although it was blank save for his personal details. Neil the other offender recorded as high risk had a Supervision Plan dated, but not signed. It could only therefore be classed as partially acceptable.

It is clear that many probation orders in this study were not being prepared for supervision according to National Standards or within the concept of 'what works'. Effective supervision also requires motivation and co-operation by the offender who should be aware of the aims of the plan and be involved in its construction (National Standards (1995: 19). The plan should contain clear targets which the offender understands and agrees with. It is by involving the offender that the motivational response to the plan and the responsibility to change will be much greater than that achieved by pure coercion (Rumgay, 2001). Both the officer and the offender should sign the plan to ensure direction and joint commitment. Whilst this is not a requirement of National Standards (1995), it was a recommendation and is a clear indication of expected future co-operation between both parties.

The offender being involved in how their offending behaviour is to be addressed is an important aspect in their rehabilitative process. This study found that only around half (n=16) of Supervision Plans had been signed by offenders. If offenders had refused to sign the plan, it might suggest little commitment to the order. Alternatively, offenders may simply not have been asked to sign. This study can only speculate which was the case, and suggests that there is a mixture of a lack of care on the part of the officer, the late writing of the plan, and/or a too high caseload for the officer. However, the offenders gave the impression that they would sign anything, especially at the beginning of the order, and therefore it would follow if that were the case, signing the plan would be meaningless.

Signing the Supervision Plan and being actively involved in its preparation is an indication of willingness to the principle of reform. This co-operation is just as valid for officers as for offenders. When case files were examined, it was found that some of them contained information which made the concept of a Supervision Plan meaningless. For example, in the case file of Rupert, it was recorded that the officer had been through the Supervision Plan with him, although the file did not contain any such plan. When this was pointed out to one of the officers they did not express surprise, one jokingly said 'what's a Supervision Plan'. However, a supervision review had been carried out at the appropriate three month stage and could act as the Supervision Plan.

National Standards lays down rules and regulations and is an important aspect in supervision planning. However, within the case files there was an indication that the dates which the officers use for their Supervision Plans, may not always be 'correct'. Billy's Supervision Plan, had not been signed by him, and the Part C recorded that it had been written 10 weeks after the order had started, as opposed to the 10 days allowed by National Standards (1995). However, the plan was dated eight weeks before the date in the Part C and was, as a consequence, in line with National Standards (1995). Similarly for Judith, the date on the Supervision Plan was within National Standards; however, the date on the Part C stated that the Supervision Plan had been written two weeks later outside National Standards. These cases suggest that the officers were aware of what should happen, but in reality it did not happen. One explanation may be that the pressure to achieve National Standards results in documents being 'adjusted' to show compliance. One may speculate if this type of action has a consequence for and within National Inspections.

Regardless of whether the Supervision Plans complied with the time period laid down by National Standards or not, over two thirds (n=22) of the 32 offenders who answered, said in interview that they did not remember being involved in the creation of their Supervision Plan and/or its objectives. One offender, Neville had been on numerous probation orders in the past but was not sure what any of his current objectives were. When asked if he remembered talking about them he answered: 'Yes, I'd say. No, I'd say no'. He then explained: 'Like I do me probation order and after that one, next one comes in' (interview 7: 16). Neville could not really remember the start of one order and the end of another. Zak was in a similar position and when asked if he could remember putting the objectives of the order together with his officer, he said: 'Sort of, I would have done at the start, but my probation order finished and I went to court that week and it just carried on. I didn't start again' (interview 29: 11).

The lack of clear objectives can lead to an unstructured plan without direction. Consequently, the offender may be restricted to each reporting session being independent, as opposed to being part of an integrated and planned programme. This could lead to an order that is weak and not conducive to responsivity and one that lacks any organised and constructive rehabilitation (Rumgay, 2001). The significance of this is reflected in this study, where supervision was found to be faulty throughout. It reinforces the central argument of the thesis that 'effective practice' is not being achieved.

'Effective practice' demands that the reason(s) for offending behaviour are identified and addressed. These aims are achieved by working with the offender on the

objectives within the Supervision Plan. Therefore the objectives need to be clearly understood by both parties. Rex (2001) suggests that one approach by the officer is to address those needs which are the simplest to work with, rather than those which are criminogenic. This is confirmed to a degree in this study by Roger who thought that his objective was to address his drug addiction, whereas his recorded objectives were to address his housing problems and arrange bereavement counselling. Alfred had told the probation officer that he was having 'odd' dreams through his use of heroin. He complained that the officer only wanted to talk about his dreams and not his drug use. He said: 'She was more interested in the psychology than trying to fix me out' (interview 17: 14). When Davy was asked about the objectives of the order, he said that he just had to turn up and this he does. 'In and out and bus fare, that was it' (interview 9: 14).

A Supervision Plan should be written within ten working days of the order being made and reviewed at three monthly intervals (National Standards, 1995). A supervision review, as the name suggests, is a review of the aims and objectives contained in the initial Supervision Plan. It should reflect any change in, or by the offender, any new objectives plus a review of any timescale. It should be a plan of action for the forthcoming three months, or four under National Standards 2000. The supervision review is in effect the current Supervision Plan and should extend the aims of the initial plan. Supervision reviews were carried out in over a half (55%, n=29) of the total cases (n=52) in the study. However, only one of the offenders who had a supervision review also had a Supervision Plan to National Standards.

It was clear that far more offenders had supervision reviews than had Supervision Plans. The difference could lead one to the argument that if more time were allowed,

more offenders would have Supervision Plans. However, it is in the first three months of the order that reporting is at its highest and therefore, objectives should be agreed as early as possible. This should not be taken to suggest that the time allowed for Supervision Plans is too restrictive, only that for 'effective practice' to be achieved they should be completed earlier as they form the foundation for the content of the order. When partially acceptable Supervision Plans were taken into account, still very few (n=4) had both plan and review.

As with the Supervision Plans, the reviews were in most cases without clear objectives. Where there were objectives, almost all had not been developed from the initial Supervision Plan. The fact that in twelve cases the reviews were identical to the original Supervision Plan may indicate that no change had taken place and the initial objectives had not, as yet, been achieved. However, that reasoning was not stated in those reviews. In fact one of the reviews stated that the offender did not want any help from the officer. The remainder of the reviews (n=17) - those without a Supervision Plan, contained imprecise comments such as 'alcohol needs attention' or 'family conflict'. Questions such as those identifying problems and how objectives were going to be achieved, were missing in almost one half (n=14) of the reviews. Inconsistency and lack of 'effective practice' were obvious throughout, leading to a conclusion that within this limited study, there was little professional care and what supervision planning there was, could rarely be called best practice.

It is argued that not just a lack of commitment to National Standards, but also the lack of a constructive effort by the officer to implement the order in a structured way were problems which led to the conclusion that 'effective practice' was lacking. In addition, the realities of the supervision planning process seemed to suggest that

there was a lack of theoretical understanding and management control in the action and method of local supervision planning.

The lack of effective planning within supervision and its contrast to National Standards, serves to reinforce any inconsistency within the order. This study will demonstrate that many offenders lead chaotic lives and have poor social planning, and so do not have the lifestyle that makes them best placed to take advantage of a structured, specific and clearly defined order. This was made clear by Paul when he explained the structure of his day.

I go to a centre for drop out people, people that are on the streets and go and have a cup of tea for a couple of hours each morning and you get cheese sandwiches and what not. Go down there through the week. Occasionally on a Thursday I go to drop in centre near here which probation own. And I go down there for same purpose, to have a talk and a drink and whatever (Interview 20: 2).

Other problems were raised by loneliness, Wilf explained:

It didn't do me much good when I were out on the streets in the middle of winter. I was 17, I were vulnerable and I were up to trying anything. Well I got friendly with a bloke who put me up and from there I went to bedsits and things like that (Interview 31: 6).

Working within a Supervision Plan was a daunting task for some offenders and one that seemed to be as much a problem for the officer as for the offender. This was demonstrated when offenders were allowed to report to the duty officer at will and where reporting times were seen by some offenders as discretionary. Over one third (n=17) of offenders in the study were reporting only to the duty officer, a further third (n=18) were seeing both their own officer and the duty officer. The smallest group of offenders at one quarter (n=14) were primarily only seeing their supervising

officer.³¹ This situation obviously makes a nonsense of National Standards (1995), which states

The initial appointment between the supervising officer and the offender should, whenever possible, be made before the offender leaves court. It should in all cases take place within *five working days* of the making of the order (p18).

Reporting to the duty officer occurs when the offender's supervising officer is unavailable or the offender has not been allocated a supervising officer. It therefore should not happen on a regular basis or too often, but in this study it was found not to be an unusual occurrence. Reporting to the duty officer is an obvious convenience - the offender is seen without a great deal of delay and the service can record that reporting conditions have been fulfilled. In fact without the use of the duty officer, many offenders would not comply with the reporting conditions stipulated by National Standards.

The position of the duty officer can be a permanent position, or one that is changed daily. In this study the same officer normally filled the position. However, the duty officer tends only to deal with emergencies, disorganised reporting and when colleagues are unavailable. Therefore rather than being part of an organised rehabilitative programme, it is more in the nature of marking the 'register'. As a consequence the duty officer helps to fulfil a requirement of National Standards and not any rehabilitation programme based on 'effective practice'. Steven who had transferred from the North East said:

³¹ The duty officer is on duty during opening hours and sees those offenders who either do not have a supervising officer, or their own officer is unavailable. Often the duty officer is a Probation Service Officer (PSO), as opposed to a fully qualified Probation Officer. In this research the duty officer was a PSO who in addition to being the permanent duty officer, had a case load in excess of 20 offenders to supervise.

When I first come down here they didn't have a probation officer for me and they put me with [the duty officer] for the first four or five months while all the papers come down (interview 40: 2).

Martin added: 'I see me own probation officer but she's mostly on holiday so I see a duty' [more than you see your own?] 'I'd say so (interview 27: 15).

The use of the duty officer can be informal and in many cases it is instigated by the offender. Under those circumstances the principles of National Standards have not been fulfilled even though the requirements of reporting may have been. William summed up what reporting meant for him. 'I came yesterday and it were the duty officer and it were absolutely packed and I said I'll come back tomorrow - they said that's fine' (interview 28: 12).

In contrast to what may be termed best practice, reporting to the duty officer interrupts the structure of an order and reduces the control and input of the supervising officer. It is by reporting regularly to one officer that a close association between the offender and their own officer may be formed. Diane generally only saw her own officer and had put a lot of faith in her. Sam was regularly taken to football matches and Annette used to write long and intensive letters to her officer. It is by having such a close relationship with the officer that they were motivated to keep to the terms of the order. A related point was made by Rex (1997) who confirmed that some offenders felt obligated to their officers and would not like to 'let them down'. When Diane was asked how she would feel if her officer had to be changed, she replied: 'Let down. I would think that for me personally it would set me back. I understand her, she understands me and she knows the problems' (interview 2: 12-3).

When Diane was asked why she preferred her 'own' officer, she said:

I feel more relaxed with her. I trust her, I've built a lot of trust with her and she's very very supportive. She has given me back some self esteem, some self-respect, making me feel stronger about myself. I feel more the old person I used to be. I mean when I first saw her she said, in layman's terms, 'You look like a basket case'. She said oh god, there's no hope for this one. I was trembling, I was shaking, very tearful, very insecure. I used to get panic attacks on a regular basis, sometimes a couple of times a day. I just couldn't see a way out of anything. I was very timid, I was very down trodden by my partner; well he was then an ex-partner because we lived together for four years as partners. Whereas now, I feel like a different person (interview 2: 12-3).

This study suggests that diluting the contact of the supervising officer by the use of the duty officer and interrupting the continuity of any productive relationship or rehabilitation can only be a negative option within the concept of 'effective practice'. However some offenders have a better relationship with the duty officer than they do with their supervising officer. That point was made by Jim who had a supervising officer but was quite happy seeing the duty officer. He explained: 'I only came in for a chat the other day and he had all the time in the world for me and that was the duty officer. And he had a list as long as your arm to see other people' (interview 19: 17). It is undeniable that the use of the duty officer scheme is convenient for all parties, especially in emergencies. However, for supervision to be continuous there need to be fully documented plans and records available for easy use of the duty officer and ideally accessed by a computerised system. This was not found to be the case. At the time of the research CRAMS was the software package in use and there was doubt whether or not the version installed in the research area would even run in the year 2000 (the data collection was finished in December 1999).³² This seeming lack of continuous supervision has an obvious impact for the principles of 'effective practice'

³² Case Records and Administration Management System (CRAMS).

When the offender has decided to use the duty officer for their own convenience, it may indicate their lack of commitment to the order, a personality clash with the supervising officer or even a further disruption in their lifestyle. When this is allowed to continue, or is instigated by the officers, it may well suggest that the order had lost its focus, aim and adherence to ‘effective practice’, even though National Standards may well still be fulfilled.³³ This is significant in that it destroys the relationship between National Standards and ‘effective’ practice. Jayne was asked about her time keeping, she explained: ‘Sometimes I’m late but I always see [my officer] when I’m not supposed to anyway. If I’m in town, I’ll pop in and see her’ (interview 21, 12). National Standards will have been achieved, but not ‘effective practice’.

Reporting is central to National Standards and ‘effective practice’. The time offenders spend with officers and who they see is important. It was found in this study that the average time spent with the duty officer was around five minutes, compared to 30 minutes with the supervising officer. This should be seen in the context of ‘effective practice’ which dictates that those with the highest risk receive the greatest probation input. Table 4.1 below shows that those who reported that they mainly saw their supervising officer were not those in the high risk group. However, they did include over half (n=4) of the medium risk group and just less than half (n=11) of the low risk group.

Table 4.1: The reporting officer compared to the recorded risk

Primarily reporting to:	Risk of the offender				Total
	No risk assessment	Low	Medium	High	
Duty officer	8	6	3	0	17
Supervising officer	4	11	4	0	19
Both the duty and own officer	3	6	0	2	11
Total	15	23	7	2	47

³³ Effective Practice throughout this thesis is as described by Chapman and Hough (1998) – practice which reduces reoffending and/or protects the public.

Table 4.1 also shows that those who mainly saw the duty officer, included almost half of the medium risk group (n=3), over a quarter (n=6) of the low risk group and over a half (n=8) of those without a risk assessment. This confirms that the recorded risk of the offender plays little part in who offenders report to and is in direct conflict with the principles of 'what works'. It does not reflect the aim of 'effective practice', that the higher the risk, the greater should be the probation input and officer control. Neither is it explained by the offenders reporting in excess of that required by National Standards. Although a few of them did, the majority of those who reported to the duty officer were on 'normal' reporting conditions. It seemed to be a difference between 'quality and quantity'.

It is argued by this study that the duty officer is used to fulfil a requirement of National Standards, rather than to satisfy 'effective practice', and that the offender spends almost as much time with the duty officer as they do with their supervising officer. This will be shown to have an impact on the relationship between the officer and the offender and reinforces the central argument of this thesis that 'effective' practice is not being achieved and under the prevailing conditions, will not be achieved.

Officer/offender relationships

It has been demonstrated in this study that some offenders report to the duty officer more often than their supervising officer. It is clear that for the officer to encourage a change in the offender's behaviour there should be positive communication between the offender and officer. This is made more difficult when reporting to the duty officer. Nash (1999: 67) states: 'The good probation officer who develops a close relationship with an offender may well be in a better position to spot the trigger signs

of potential danger than a colleague whose task has a different emphasis'. Trotter (1999) described such a relationship as a positive pro-social interaction and anti-criminal modelling which aims to reinforce socially acceptable behaviour. Rex (2001) described it as a pro-social interaction which is a constructive and positive method, rather than a threatening one - pro-social encouragement as opposed to enforced deterrence. However, most offenders are looking for practical help from the officer and in this respect Rex has argued that officers tend to 'confine their attentions to the problems which clients are prepared to work on' (1997: 37). A similar point has been made earlier when it was argued that officers often concentrate perhaps understandably on those needs or factors which are perceived to be the easiest to solve.

Successfully addressing the reasons for offending may depend on a positive relationship between the offender and the officer and so be at the centre of rehabilitation programmes and 'what works'. However, when criminogenic factors are not addressed and/or there is no positive influence by the officer, the whole scenario can have a negative impact on offending behaviour. Two thirds (n=28) of offenders (n=42) who in interview expressed an opinion, said that their officer had made no impact on their offending behaviour. Rather than being a positive influence, some offenders found that they had a conflict of personalities with the officer. Mark who was on probation for sex offences said:

Well [the duty officer] is a good back-up system cos I can talk to him. I can tell him anything. Me first probation officer I couldn't cos she was a woman and I can't name her. I think she had a thing against men; she just did not like what they did. I didn't like the way she questioned me. The women on this [sex offenders] course are great, they are doing a job but you weren't threatened in any way but the way she was doing it, I didn't like it at all (Interview 46: 10).

Motivation of the offender by the officer can either be a positive or a negative experience. A positive experience between the officer and offender can generate a positive attitude towards the order and a negative one the opposite. However, positive interaction between the two takes time. Lily admitted to being a regular shoplifter. She had earlier said that she only sees the duty officer and then for five minutes. When asked what had to change for her order to work, she replied 'the probation officers. I don't feel like I'm on probation do I! I just call in when I'm in town. I don't think they know my surname' (interview 24: 18). Another offender Vicky was asked about the officer and said 'I don't know what they're supposed to do. No I've not been that crazy about this probation officer' (Interview 45: 16).

Often the response of the offender to the officer is a positive one. Judith had said that she was never going to let the officer into her inner thoughts. However, due to the personality of the officer she did. Consequently she classed her officer as a friend and confidant: 'She's sympathetic, if you've got problems she will go out of her way to work it out (interview 8: 2). Diane, a 48 year old women on probation for driving over the prescribed alcohol limit, found being on probation a positive experience. She described her relationship with the officer as 'giving me back some self esteem, some self-respect, making me feel stronger about myself ... just giving me the support, knowing that she's there for me' (interview 2: 13).

Del described his officer as 'a good friend, really been a good friend' (interview 3: 9). Similarly, Mike saw his officer as a friend and was proud that he had taken him to football matches. He explained: 'they don't take everybody else, they just take me' Interview 6: 29). Sam also saw his officer as a friend and often asked him to save money for him. When he received his benefit he would ask his officer to hold onto

half of it for him and return it at the beginning of the second week.³⁴ We have demonstrated that the opinion of the officer by the offender has an impact on how the offender interacts to the officer. In contrast, officers and offenders often have differing views about friendship and the offender may be disappointed if the officer is forced to take action against them (Trotter, 1999). This differing approach to friendship needs a professional approach to supervision. We will now examine how ‘professionally’ officers supervise offenders.

Professional analysis of offending behaviour.

The relationship between supervision planning and risk assessment is a core requirement for a ‘professional’ approach to be adopted and utilised (Chapman and Hough, 1998; Kendall, 1998; Underdown, 1998; May, 1999; Raynor et al, 2000). The sex offenders were the only group where offending behaviour had been ‘professionally’ assessed and who were reviewed at the appropriate time. This is possibly due to their high profile, resulting in an increased level of supervision and/or the requirements imposed by the courts. Within the study almost all sex offenders were on weekly reporting for most of their order and the increase in officer input resulted in more control. The supervision of sex offenders will be referred to in more detail later in this chapter.

In contrast to the more intensive involvement of officers with the sex offenders, dated but otherwise blank review forms were found in two of the other offender’s files. These were dated for some future date, which may suggest that the supervision review was predated to ensure that it is completed at the right time – a perfectly valid reason for doing so. However, it may be predated to show the correct date, regardless

³⁴ Sam received his benefit fortnightly.

of when it was filled in – which is unacceptable according to the principle of National Standards. Whether post-dating was to ensure that the time scale as stipulated by National Standards was fulfilled, or that compliance with National Standards was to be fabricated, is not clear. However, there did seem to be enough evidence at this point in the process to indicate a lack of commitment to ‘effective practice’.

It is important to this study to consider how many of the standards imposed on officers may be perceived by them as being inappropriate and/or inconsequential. That point was made by Gelsthorpe (2001) when she suggested that a commitment by the officer towards the offender may seem more important than a commitment to National Standards and such a comment highlights a conflict between care and control. For example within this study Allan was recorded as having mental health problems and to be suffering from depression. As a consequence he found reporting particularly difficult. In response to advice from his officer, the senior officer agreed that reporting conditions could be relaxed. This action was within National Standards (1995: 1). A further example of the officer being more committed to the offender rather than to National Standards is where offenders are not breached in line with the appropriate standard (Calvert, 2000; Brownlee, 1998). This may be because once returned to court, the officer loses control of the order and there is always the possibility that the offender will receive a custodial sentence (Hedderman and Hough, 2000). This course of action has been confirmed in this study, out of 13 offenders whose case files record that they were not reporting according to National Standards, only three warning letters were in fact recorded as having been sent and in interview only those three offenders admitted to have received a breach warning letter. Vass (1996) made a similar point when it was shown that officers shield

offenders from penal sanctions. Thomas and Truddenham highlight an overwhelming concern by officers. They argue that the government seems 'obligated to introduce endless new measures and guidelines, even if these conflict with professional and research-based opinion on the subject' (2002: 10).

Previously we have examined the principles of supervision and the professionalism needed to fulfil the expectations not only of National Standards, but 'effective practice'. It has been shown that at times, National Standards and 'effective practice' do not necessarily reflect each other and complying with the principles of one, is not always dependant upon complying with the principles of the other. However, the probation service is not the only service provider that needs to have commitment to an order. Partner agencies are increasingly being used as service providers, where there has been a clear growth in their use (Liddle, 2001). We shall now discuss the use of partner agencies.

Partner agencies

Throughout their long history probation officers have been called upon to carry out many diverse tasks. Under their guiding principles of 'advise, assist and befriend', they were social worker, financial advisor, confidante and friend. The past 15 years or so has seen a great deal of change in the workings of the probation service. Partnership or multi-agency approaches have become more popular and the probation service has been instructed by the Home Office to develop relationships with such external agencies (Brownlee, 1998).

There are two main advantages for the government to extend partnership working. Cost effectiveness is said to be greater due to competitive tendering and,

controversially, potential industrial relation difficulties were avoided which may have been incurred had all the increased control functions been imposed on the service (Brownlee, 1998: 16).³⁵ This meant that the core traditions of the probation service had to some degree remained intact. However, the decision to use partner agencies has led to a changing role for the probation service, where the officer can principally be a case manager. Liddle (2001) suggests that by using these agencies the probation service can itself become more efficient and effective.

The change to using partner agencies as specialists came about not only because of legislation but because of a reduction in qualified staff in the probation service, due to a lack of staff training during the late nineteen nineties (Worral, 1997). Initially, the service was required to spend around five percent of its budget on partnerships, later this figure rose to a target of seven percent (Probation Circular PC 77/2000). Probation Circular PC 77/2000 made it clear that from 1st April 2001, probation services would not be subject to the seven percent target, because retaining the target was thought inconsistent with business effectiveness models. The circular went on to make it clear that whilst the target had been removed, the probation services commitment to partner agencies must not be reduced.

In the study area at the time of the research (1999/2000) 7% of the total probation budget was spent on partner agencies. Despite this amount, the majority of work with the offender was carried out by the probation service itself in the one-to-one session, supplemented by in-house group work. A total of seven offenders out of the 52 interviewed said that they had been involved with partner agencies. This figure

³⁵ Increased control functions include the electronic monitoring of curfew orders and other offenders who have been 'tagged'.

which was confirmed in the case files excludes accommodation agencies, for which there were no recorded figures.

The use of partner agencies is now well established and it is clear that partner agencies can be helpful to some offenders, e.g. those requiring financial advice, help with employment and/or accommodation. However, for a partner agency to be successful, the offender needs to be motivated to attend appointments. For some offenders their lack of enthusiasm and/or deep rooted problems renders any partner agency input difficult, and at times useless. This was found especially so for offenders like Darren who had literacy problems and refused to attend sessions with the partner agency. Similarly Annette who admitted that she had financial problems, but would not accept help from the Citizens Advice Bureau. Frank was offered a course with 'New Directions' which would have helped him prepare for employment. However, he said that it was a bad time due to being ill from using drugs, and wanted to get his 'head sorted out first' (interview 52: 5).³⁶ The case files recorded that seven offenders had been introduced to partner agencies. These included a driver rehabilitation course (n=2), 'New Directions' (n=2), Citizens Advice Bureau (n=2) and the Local Alcohol Advice Centre (n=1). All sex offenders attended a comprehensive sex offenders' programme. However, this was not strictly through a partner agency, as it was principally organised by probation officers, with outside expertise being brought in when required.

³⁶ New Directions is an agency who help offenders prepare for employment.

Sex offenders

Sex offenders are generally seen as dangerous individuals and their offences serious (Worrall, 1997). Therefore the probation service has a duty to monitor such individuals to a higher degree than would otherwise be the case (Probation Circular 44/1997). The Sex Offenders Act 1997 was brought in, in response to the increase in such pressure and had the effect of reinforcing the control of the sex offender. Specific sex offenders are required to keep the police informed of their current address. In this study, sex offenders were treated with a higher degree of officer input, none were recorded as being low risk and the majority reported in excess of the minimum stipulated by National Standards (1995).

To aid supervision, a comprehensive report was produced at the end of the sex offenders' programme and where possible incorporated into the supervision review. The combination of the Supervision Plan and/or review and the sex offenders' programme report helped to identify a pattern of offending in three out of four sex offenders in the study. This is in contrast to the larger study which contained a pattern of offending in only one in eight (n=6) cases. Of all offence groups, only the sex offender programme included victim awareness as routine.

Remorse is difficult to substantiate, but can be an indication of positive awareness of harm caused to the victim. None of the four convicted of sex offences described any remorse in interview. All said that it was either the victim's fault, or that the victim enjoyed the experience. We shall now return to the overall sample and examine anti-social associates.

Offender supervision and anti-social associates

The relationship between the officer and the offender has been shown to be important in supervision. It is within circumstances such as these that 'pro-social modelling' can have a positive effect. However, this was shown, within this study, to be a minor influence when compared to the greater influence of friends or relatives. This is not surprising when the officer sees the offender for a relatively short time, compared to the time spent by the offender with other individuals.

Pressure from friends, associates and family can have either a positive or negative influence, depending upon the situation. However, many offenders in this study were not only introduced to substance abuse and crime by friends and family, but often they had an influence in extending criminal behaviour. However, the impact of anti-social associates or peer pressure was recorded in the case files as a criminogenic factor in only two cases, those of Joan and Roger. Only in the case of Roger (interview 29), had the officer had an influence on changing the offenders peer group. The majority of offenders who changed peer group did it themselves, without the involvement of the officer. One in ten (n=5) offenders said that changing peer group had been their own decision and little to do with the officer.

Alfred changed his friends when he thought his offending had got out of hand. Frank had tried to 'escape' the influence of his associates by moving to a new area. However, he soon met others of a similar 'type' and started offending again. Davy moved towns but his associates followed him and tried to persuade him to reoffend.

Personal relationships, age and the lifestyle of the offender are closely connected to reoffending behaviour and consequently rehabilitation. 'One cannot challenge

offending choices in isolation from the social worlds in which they arise' (Rumgay, 2001: 136). Social and personal relationships were shown within this study as having an influence on offending behaviour. Hardy changed his associates due to a personal relationship developing. 'Everything's changed but its like I always said, having a wife and kids would like calm me down and that's what done it' (interview 14: 16). Kes said that he wanted to be like his brother. When asked if his brother was still offending he said: 'Not now he's got his wife and his daughter' (interview 16: 12).

We have discussed relationships as having either a positive or negative influence on offending behaviour. A negative influence possibly leads to offending behaviour, a positive one to the creation of a pro-social environment (Trotter, 1999). Wright et al (2001) describes anti-social behaviour as being responsible not only for criminal behaviour, but for disrupting later relationships which in themselves could have a long term impact on criminality. Under these conditions criminal behaviour breaks out of a pro-social environment. Mark described how his offence came about: 'I think I was going through a rocky part with the wife. We weren't getting on at all' (interview 46: 9). Joseph said: 'my marriage had practically gone down' (interview 26: 3). Alfred described his wife being heavily in debt and both of them with a heavy heroin habit. As a consequence his environment had a negative effect and money had to be earned through crime.

Friends and family can also have a positive influence. Kes stopped offending because his friends did. 'My mates have calmed down a lot now, that's why I've calmed down. They're getting that bit older and getting more upstairs' (interview 16: 11).

Tony added:

Well I was in a vicious circle, two to three friends, just like myself drinking constantly and I broke away from them and the person that I knock about

with now sups coke which is a great help [and] he won't accept me when I'm drunk or when I am merry so it does help (interview 1: 2).

However, rather than having pro-social friends and/or associates, it was found in this study that offenders were over five times more likely to have anti-social associates. However, moving away from associates has been shown not to be enough to stop offending, the social circumstances and reasoning behind offending behaviour also need to change. It is therefore a central argument of this study that for offending behaviour to be addressed the probation service needs to return to their original philosophy of 'advise, assist and befriend'. However, today's probation officers are not social workers and the original motto of the probation service is no longer the stated position. In contrast, the reasons for offending behaviour remain those which they have always been, and are grounded in social causes. Nowhere was this more obvious than when dealing with substance abuse.

Substance abuse and supervision

There are many reasons why people take drugs, and just as many possibilities for agency input (Vaillant, 2001). Before the probation service can be involved it needs to be aware of the problem, and can only work with information that it receives and records. The consistent argument throughout this study has been that the officer has not achieved 'effective practice'. For that to happen, the officer needs to understand the individual before them. However, before offenders reveal their life history they generally need to trust their officer. This means there should be some form of positive relationship between the officer and offender. It has been shown in this chapter that a positive relationship was not always present; neither did the officer spend much time with the offender. These factors can have a negative influence on the identification of substance use. Vernon a 25 year old drug addict, given a probation order for dangerous driving and possession of cannabis, did not trust his

officer. He was asked in interview why he hadn't told the officer about his drug habit, he said:

They asked me once or twice but I just denied it, because he's told me from day one that whatever I tell him, it gets told to court if ever I go back to court, so I don't tell him. I'd love to tell him, but no way. If it gets took back to court, I don't want the law or whatever to know about my problems (interview 18: 10).

His reply is significant as it confirms the clash between care and control, where control is the predominant factor and as a consequence, diminishes the identification of the criminogenic factors and as such is in contrast to the principle of 'what works'.

The contrast between control and rehabilitation and their impact on 'what works', through the identification and removal of criminogenic factors was demonstrated by Jayne. When Jayne, aged 26 years and on probation for robbery, was asked why she did not trust her probation officer, she replied: 'Cos I were telling her I were on drugs and dope and then next day she were knocking on my door with a f***ing social worker' (interview 21: 9).

The involvement of the social worker created obvious problems between the officer and Jayne, the results of which were alienation and hostility. This highlights a problem for the officer, where their choice may be between wider social issues, control and care; law enforcement or welfare. The clash between control and care was further demonstrated when 28 offenders in interview said that they took illegal drugs on a regular basis. Nine said that they had not discussed their drug use with the probation officer. Of these nine, four could not be confirmed as no case files were available. Of the remaining five, three files did not refer to drug use. However, two offenders who said that the service was not aware of their drug use, did have their drug usage identified and recorded by the officer.

Six of those who said that they had talked to the probation officers about their drug use had no drug use recorded on their case files. When Davy (interview 9: 8) was asked if probation had discussed drug use he replied, 'just asked if I was on it, if it were a problem' – this was not recorded by the officer. Mike (interview 6: 14) said 'I told her I used to take them. She says are you on them now, I said no' – that was not recorded by the officer. When Leo was asked in interview about his heroin addiction (which he said was three bags a day (£30)) and what probation knew about his habit he said:

Er, about having to try and get off? Erm, well I've seen this probation I've already been off it. I've been off it, well I've been taking medication and they just told me to keep it up and try and get something to do with my time (interview 32: 8).

This was not recorded by the officer.

The identification of needs is at the heart of any successful rehabilitation process (Chapman and Hough, 1998). However, it was clear that the probation service failed in its recording of drug users. This was probably due to drug use being under disclosed by the offender - which is more likely, and/or the lack of care by the officer in identifying and/or recording the offenders' drug use. The reasons for the discrepancy are wide and varied, many of which have been covered. These include a lack of trust by the offender, the officers conflicting role between control and care resulting in a lack of a positive relationship between the offender and officer. This was confirmed when over a half (n=14) of offenders who were asked, said that they did not look up to their officer.

In contrast to the drug users, it was found that the officers had recorded most of those who admitted to having a problem with alcohol. However, three who stated in

interview that alcohol was a factor in their lives, were not recorded by the officer as being heavily influenced by alcohol. The three included Annie, who by her own admittance had multiple needs. She was both an alcoholic and heroin user. The others were Sam who said that the officer had told him that his drinking was appalling and Frank who was shown to be heavily into heroin and admitted that booze made him aggressive. Whilst these three did not have alcohol recorded by the officer as a factor, heroin was recorded and therefore their case files should have confirmed their multiple needs. In other words, there was great inconsistency in the recording of any criminogenic factor or personal need for substance abuse, whether illegal drugs or alcohol.

As with drug use, probation intervention for alcohol abuse was difficult to find. Wilf was not happy with the input from his officer: 'I thought I'd be here and they'd help me out with drinking and stuff like that, not what it is. ... But I've done that myself, it's not down to them' (interview 31: 15). However, offenders can have a misguided concept of their alcohol use and may not assist in probation input. Peter in interview said that his alcohol intake had been the equivalent of 120 units per week and was the only offender in the sample to have attached to his order a condition to attend alcohol counselling. However, in interview Peter said that he was not keen on the idea and he never went. In contrast to both control and care, counselling was not enforced by the officer. Peter explains:

[The probation service] wanted me to see alcohol advisors but I'm not. It's not when I've had a drink it makes me nasty, I don't drink you know what I mean I'm not an alcoholic or anything like that. It's when I've had a drink, that's when I'm nasty but like I'm only drunk. But like every so often it's probably like 2 times a week when I've had a drink I get really aggressive and nasty but now I'm not really bothered you know what I mean. I had a couple of pints last night and I had some money left and I usually carry on and on (interview 12: 7/8).

In contrast to Peter, Mike once went to alcohol counselling but said that he was not impressed by what he saw.

They just talking about don't drink, don't drink. I got in my car, he got in his car. I followed him, he pulls into a pub car park, gets out. I get out cos I'd got me wage packet on me. I got into pub, I see him drink 2 double whiskies and about 4 pints. I went to him, you know what I mean. You're counsellor and I'm an idiot (interview 6: 14).

When Mike was asked if drinking affected his behaviour, he replied: 'It did do yes. I used to get aggressive when I used to be drunk'. When asked how drugs affected his behaviour, he replied 'used to calm me down - chill out' (interview 6: 14). It was clear that drug and/or alcohol use had a negative effect for offending behaviour. However, a number of individuals not only had problems with substance abuse, but also had mental health issues. This reinforced the argument that offenders have multiple needs which are often interrelated. The interrelation of needs will be examined further in the next chapter. We shall now discuss supervision and mental health issues.

Supervision and mental health issues

Mental health issues are not an uncommon feature in probation supervision (Nellis, 2001) and will be discussed in greater depth in the following chapter. For supervision to be carried out with offenders demonstrating mental health concerns, there would need to be clear, planned and specialised input from the probation service if their needs were to be addressed and their offending behaviour changed. This returns us to the argument that there is a fundamental clash between control and care, and that the probation service needs to return to their original principles of 'advise, assist and befriend'. It is argued that by returning to their original concept, the probation service would have a greater opportunity to address the needs of the offender, in line with 'effective practice'. In contrast, Rex (1997) found that officers believed that

offenders should solve their own problems and seek their own assistance from other agencies. However, with such factors as mental health, that may not always be possible and was not the way that some offenders in this study believed that their problems should be addressed. Of those who expressed an opinion, seven said that the officers could do more and 19 did not believe the officers could do any more to stop them reoffending. That is not to suggest that they thought the officers were doing a good job, only that they had little confidence that they could help. Of the 24 offenders who had been identified in interview with mental health concerns, eight thought that the officer had helped – often by increasing their self esteem and confidence. However, none of the offenders recorded by the officers as having mental health concerns had Supervision Plans which contained any method of addressing those concerns. In fact seven offenders recorded in the overall case files as having mental health concerns did not have a Supervision Plan.

Judith had been recorded by her officer as having mental health concerns. In interview she said that her officer had arranged counselling to help with her problems, she thought it would be useful. However, the Supervision Plan did not reflect this, it did record that she had had psychiatric assessments - arranged by her solicitor for the court. The plan did not contain any method of addressing this criminogenic factor. However, she did believe that she had benefited from the one-to-one sessions with her officer. Judith had developed a close bond in these sessions with her officer and said that she would be devastated if her officer were changed. 'I was a broken record both financially and emotionally and am now getting a grip' (interview 8: 13).

It's helped me in a million ways. Erm, it's helped me to get rid of some ghosts from the past and it's sort of saying okay you've got a criminal record but it's not the end of the world. And it's been somewhere to come and hide (interview 8: 16).

Similarly, Diane described herself as a 'couch potato' with anxiety attacks, claustrophobic tendencies and lacking self-motivation. Having been on probation for seven months she said that she still felt a degree of worthlessness, although not as much as before. When asked what her officer had said about her problems she replied:

She's not really talked to me in detail ... [however] I feel that there's someone there that cares, someone to support me. I went through a terrible time, erm, trying to get my ex-partner out of the house. I felt very vulnerable, not very strong, and very worthless when I first came. I mean, I have some good friends that help me, they gave me a little bit of self-importance back but [the officer] also had a lot to do with that. She made me feel I was worth something again. She's very good (interview 2: 1-2).

It was clear that for many offenders, mental health issues were a problem, and as such had an influence on their offending behaviour. However, it was also clear that it played little part in their supervision planning and recorded input. We shall now briefly discuss financial matters in the context of supervision.

Supervision and financial matters

The majority of offenders had financial problems. To help these, advisers from the Citizens Advice Bureau (CAB) came into the probation office once a week, the appointments were arranged through their officer. However, most offenders were not motivated enough to attend and nine out of ten appointments with the CAB were not kept. One third (n=13) of offenders said that the officer had talked to them about finances. This included doing a cash flow analysis with Judith, looking after money for Del and referring Diane to the CAB. Other offenders in this group (n=10) said that they and their officer had talked about debt and money matters, but this resulted in nothing specific. Well over a third (n=17) of the total interviewed admitted to

having fines, almost two thirds (n=10) of these said that they were in arrears. The lack of finances can be a problem for many offenders and home visits can help by reducing the cost of reporting. Home visits may also help when there are other difficulties in attending the probation office.

Home visits

Home visits can be a key element of supervision. National Standards (1995) state that a home visit *should* take place in all cases, without specifying a time period. National Standards (2000) states that there will *normally* be a home visit within the first 12 weeks of the order.³⁷ Both these standards are imprecise and open to interpretation.

Within the study it was found that home visits were carried out in one quarter (n=13) of the cases reviewed. The length of time that the order had been running seemed to have little significance as to whether or not there had been a home visit. However, the length of the order did seem to be significant. It was found that there was a greater chance of a home visit for the longer probation orders. This study involved only one 36 month order and he had had a home visit. In contrast almost a half (n=5) of the 24 month orders, one third (n=2) of the 18 month orders and less than a quarter (n=5) of the 12 month orders had received a home visit. However, the numbers were relatively small and consequently should only be used as a guide, but they do show a clear trend.

When the sex of the offender was taken into account, it was found that over one third (n=4) of women had home visits, in comparison to less than a quarter of men (n=10).

³⁷ Italics in the original.

Child care problems may have had an influence on whether or not the officer had carried out a home visit - particularly for the women. Over a quarter (n=3) of the women had children recorded as living with them and all had had home visits. In contrast, one in ten men (n=4) had children recorded as living with them and only a half (n=2) of these had had home visits. However, the women visited had sole charge of the children whereas the men had partners who had the main childcare responsibility or at least shared it with the men.

When the recorded risk of the offender was taken into account, the largest group recorded as having home visits were the medium risk group. These contained the sex offenders. Half (n=3) of the medium risk group were recorded as having had home visits as compared to just over a third (n=7) of the low risk group. Less than a quarter (n=3) of those without a risk assessment had had home visits. Rather surprisingly none of the high risk group was recorded as having any home visits. However, Neil was living where he could and did not have a permanent address and John said 'she wanted to, but I put her off. Cos I don't think she has a right to see where I'm living' (Interview 38: 10). The case files record little information regarding home visits in addition to what has been discussed.

Concluding comments

The main argument throughout this thesis has been that 'effective practice' has not been achieved and that there was conflict between control and care. This chapter has shown that just under two thirds of the Supervision Plans reviewed did not have clear objectives. A similar number of offenders said that they did not remember being involved in the Supervision Plan, or remember their objectives. Over a half had not

signed their Supervision Plan. Therefore, the majority of offenders did not know what objectives they were trying to achieve by being on the order.

This was confirmed to a degree by the apparent lack of commitment to National Standards. Much of National Standards appear to be thought of as being inappropriate and/or unimportant by the officer. Throughout the research, standards and theoretical concepts such as 'what works' were continually disregarded, leading to the failure of 'effective practice'. It was within this context that the transition from an organisation with principles of 'advise, assist and befriend' to a more punitive service seemed to have a negative impact on the lack of responsivity to the standards by officers. Similarly the order seemed to have little element of punishment for most offenders, although some saw it as an inconvenience. The overall impression was that the officer seemed to be dealing with neither enforcement nor welfare; they seemed to be balancing the will of government to the care of the offender and seemed not to be achieving either. However, supervision was clearly not improved when eight offenders saw the duty officer for at least the first three weeks before even being allocated a supervising officer.

There seemed in some cases to be a lack of trust between the offender and officer, which led to offenders not disclosing all their needs. Within the case files factors which have a direct influence on offending behaviour such as peer pressure and/or anti-social associates were only recorded in one case. Those convicted of sex offences seemed to have the greatest level of officer supervision and planned rehabilitation, with increased reporting and specific programmes.

Before the offender can be supervised effectively and any rehabilitation planned, the officer needs to have identified the factors involved in the offender's life that contribute to their offending behaviour. Whilst these have been shown in this chapter not to have always been the case, they will now be examined in greater depth.

Chapter 5

Offender needs and their impact

Introduction

The previous chapter has shown that a great deal of offender supervision did not fulfil National Standards and achieve the requirements of 'effective' practice. The purpose of this chapter is to identify the reasons offenders gave for their offending behaviour. Comparisons will be made with the reasons for offending as recorded by officers. The identification of needs starts with the PSR, where the background and past experiences are often used in mitigation. Within these circumstances the PSR forms the basis on which objectives for supervision are set and as such are the underlying foundation for 'effective' practice. Unless the foundations are correct, orders will fail to achieve their aim of rehabilitation and their potential to reduce reoffending. In short it will have little chance of achieving 'best practice' (Chapman and Hough, 1998; Kendall, 1998; May, 1999; Raynor et al, 2000). However, little is known about whether or not officers identify the needs of offenders as part of supervision. Raynor et al confirms such a point. 'Whilst there is a steady accumulation of research about the service's ability to reduce reoffending. ... There is an almost total absence of information about the mechanisms by which these reductions are achieved' (2000: 2).

The needs of the offender are generally divided into two; personal and offending related, or criminogenic. Bottoms et al (2001) describe criminogenic needs as those which focus on aspects of offenders' lives which support offending behaviour. Personal and criminogenic factors may vary over time and become interchangeable. In this chapter they will be examined as a single entity, unless it is relevant to

separate them. The successful identification of the total needs of the offender cannot be overstated, a point made by Raynor et al.

Two central principles of probation practice are that offending is often rooted in the social and personal problems of offenders, and that addressing these problems can effectively reduce offending. ... Identifying the nature of offender's problems or needs and assessing whether these are related to the offending are pivotal tasks in probation supervision (Raynor et al, 2000: 1).

This thesis suggests that offending behaviour has its roots in social causes and it is these social causes which should be addressed in contrast to offender control. Control is an important aspect of rehabilitation, but should not supersede addressing the criminogenic factors and personal needs of offenders. Within social causes it is argued that certain characteristics of the offender's lifestyle predominate. Whilst it is accepted that many offenders do not plan their offending, it is not accepted that they suddenly decide to fill their day by shoplifting or commit some other form of crime without reason. During interview a reason behind the commission of offences was identified in all cases, and a number of common themes emerged. Jack Straw when Home Secretary identified a number of them.

This group [offenders] looks very different to the population as a whole. ... Nearly two-thirds are drug users. More than a third were in care as children. Half have no qualifications at all. And three-quarters have no work and little or no legal income (quoted in Bottoms et al, 2001: 236).

McIvor (1992) in her five year study of community service in Scotland found that offenders were mainly young, male, single and unemployed. Such a description was confirmed by Worrall (1997). To these factors Morris and Tonry (1990) add drugs, alcohol and mental health issues. Mair and May (1997) include the lack of money, unemployment, boredom and/or problems at home. Calvert (2000) adds homelessness and unemployment and Rex (2001) social and personal problems. It is suggested that offending behaviour may be reduced by the probation service addressing these problems, and returning to the original guiding principles of the

service, which was to 'advise, assist and befriend'. That is not to say that more 'modern' methods such as cognitive behaviour therapy do not have a role, only that it should not be to the exclusion of other methods of reducing the reasons for offending behaviour (Burnett, 1996).

Offenders with all or some of the factors identified above are a common feature in community penalties and will be confirmed throughout this study. Chapman and Hough (1998) and Underdown (1998) suggest that the offender lacks decision-making and problem solving skills, interpersonal skills and self-control. It is the lack of such skills that lead to the inability to deal with risky situations in a way that is acceptable to a law abiding society. This is reflected in crimes of violence and those of substance abuse, which in themselves may lead to crimes of acquisition. Social needs have been described as unemployment, inadequate accommodation, the lack of legitimate income and social isolation. Poor family relationships, the lack of a support network, and the experience of mental health issues requiring additional community support are all included as factors which may need probation support in order to address offending behaviour.

Rumgay (2001) makes the point that whilst drug and alcohol use are commonly believed to lead to offending behaviour, being an onlooker in criminal families and living in neighbourhoods where crime seems common place are also factors. She suggests that the lifestyle of the individual can precede and/or fuel substance abuse and that a dysfunctional lifestyle in which acceptable social goals are not a priority, can itself lead to offending behaviour.

Offending behaviour rarely has one cause and effect. The interconnected influences leading to offending behaviour which will be discussed include mental and physical health concerns, accommodation, unemployment, finances, peer pressure, anti-social associates and family background. These may all be interrelated in some cases. Unemployment can lead to the lack of finances and the lack of accommodation. Mental health issues to substance abuse. The list of possibilities is enormous and highlights the problem the probation service has to overcome. However, it is suggested that by addressing such social issues, offending behaviour may be reduced. In contrast, it does not seem practical to increase control to such an extent that those who require issues to be addressed are excluded from rehabilitation. Whilst a number of factors leading to offending behaviour have been shown, it is not suggested that there may not be others.

The identification of needs

When case files of the offenders were examined, it was found that those needs which were recorded as having a direct link to offending behaviour (criminogenic) had been identified in less than three quarters (n=37) of offenders. Ten of the remaining fourteen who did not have their criminogenic factors recorded, also had no social or personal needs recorded. This suggests that almost a quarter of cases (n=10) had neither criminogenic nor social needs recorded by officers. It will be shown later in this study that the number of both criminogenic and social needs was in 'reality' much higher than that recorded by officers. The lack of recorded needs would seem to suggest a lack of 'best practice' and reinforces the central argument of the thesis that there is a lack of 'effective practice'. This supports the belief that in those cases within this study, the officer had not developed the order following the principles set out by Chapman and Hough (1998), Underdown (1998), May (1999) or Raynor et al

(2000). These are that for a probation order to be carried out ‘effectively’, the needs of the offender should not only be identified and recorded, but objectives should be implemented in an attempt to rehabilitate the offender.

The criminogenic factors are first identified in the PSR and then in the initial interview after sentence by the supervising officer. However, we have previously discussed the delay in being assigned a supervising officer and the lack of supervision planning for some offenders. The criminogenic factors that were recorded by officers as belonging to offenders in this study are shown in table 5.1 below.

Table 5.1: Identified criminogenic influences

Criminogenic factors	No. of case files recorded (n=37)
Drugs	22
Alcohol	21
Mental health issues	16
Relationships	8
Lack of money	6
Accommodation	5
Peer pressure	1
Total factors	52

Table 5.1 shows criminogenic factors recorded by the officers as drug, alcohol and mental health issues, followed by social issues. Morris and Tonry argue that ‘alcohol, drugs, and mental health illness are intimately related to crime’ (1990: 187). Six offenders in this study had both drug and alcohol recorded and three had a combination of drug, alcohol and mental health issues. This simple and basic identification of criminogenic factors by officers clearly demonstrate the complex action needed for rehabilitation and how important such action is.

In addition to the criminogenic factors recorded by officers were personal and social needs of offenders. These are needs which officers believe would be useful to

offenders in order to ‘correct’ problems identified in the initial interviews. However, we have previously demonstrated that offenders do not always trust officers and therefore the ‘full’ needs of offenders may not always reflect the recorded needs. Table 5.2 shows the recorded needs of the offender and includes counselling as a need, although it is accepted that it could be viewed as a suggestion of what might help. The officers in this study included it as a need.

Table 5.2: The recorded needs of the offender

Type of help needed	No. of case files recorded
None recorded (out of 52 cases)	21
Counselling	13
Accommodation	7
Employment and training	5
Financial	5
Stability of home life	5
Others	11
Total needs recorded	46

The needs of offenders were recorded by officers in almost two thirds (n=31) of the total cases. These 31 cases contained a selection of 46 sets of needs. The largest group of offenders, at just over a quarter, had the need for counselling recorded; this group was followed by accommodation, employment, financial matters and instability in the home life of the offender. In a similar way to the criminogenic factors recorded, the needs confirmed an interrelation which would benefit from a holistic approach. It was found that three offenders had three needs recorded by the officer, nine offenders had two and 19 offenders had only one need recorded. The ‘others’ (n=11) in the table refers to such diverse needs as: To attend the Prince’s Trust scheme, basic welfare needs, anger management, to see GP, and to help with benefit claim.

It has earlier been stated that this study suggests that criminogenic influences and offender needs are so interrelated that they should be treated as one group. If the

officer recorded needs were added to the officer recorded criminogenic influences the average for each offender was just over three 'needs'. This was only half that which became obvious in offender interviews, where an average of six needs or factors were identified.

Within the interviews with offenders all factors described by them were found to be interrelated and suggest numerous deep rooted problems. The reported needs and/or influences are shown in table 5.3 below.

Table 5.3: Offender reported needs and factors

Offender described factors	Number	Percent
Lack of money	29	62
Illegal drugs	28	58
Anti social associates or peer group	27	56
Mental health concerns including depression	24	50
Alcohol	22	46
Family breakdown	22	46
Abuse as a child	14	29
Boredom	14	29
Criminal or anti-social background of family	12	25
Thrill from offending	12	25
Bullied at school	11	23
Lack of accommodation	10	21
Low self esteem	10	21
Influence of a community with anti-social values	9	19
Lack of respect for the criminal justice process	8	17
Violent background	8	17
Feeling of loneliness	6	13
Lack of self control	6	13
Lifestyle	6	13
As a direct result of being in care or fostered	5	10
Lack of control over the situation	4	8

In contrast to the criminogenic factors and personal needs identified by officers, financial matters were suggested by offenders as being the main factor in their offending behaviour. Rex (2001) found that many offenders used offences such as shoplifting as an easy method of funding. Brownlee (1998) demonstrated that when debts – including fines, are heaped onto the impoverished, payment is ignored,

making their position much worse. It was noted within the interviews that peer pressure or the influence of anti-social associates was reported by offenders in over a half (n=27) of cases. In contrast to this Mair and May (1997: 58) show in their research a figure of almost a third (32%). Whilst their figure was lower than in this study, it does suggest that anti-social associates are an important factor in offending. In contrast to both studies, officers had recorded this in only one case. The association of illegal drugs and alcohol as being a factor in offending behaviour is well documented and will be discussed in greater depth later in this chapter, as will mental health concerns and other predominant points within table 5.3.

Mental health concerns encountered in this study and identified in the offender interviews, centre around depression and attempted suicide. Associated with these were low self-esteem and loneliness. The term depression is described by Prentice as feelings of sadness which 'may arise from a lack of love and care, support or safety or from child abuse' (Prentice, 1996: 244).

Table 5.4 below shows a comparison of the main criminogenic factors recorded by officers and those identified in interview. All figures within this table are shown as a percentage of all offenders.

Table 5.4: Comparison of the main criminogenic factors

Criminogenic factors	No. of case files recorded	
	Officer (%)	Interview (%)
Drugs	42	56
Alcohol	40	44
Mental health issues	31	48
Lack of finances	12	58
Accommodation	10	20
Peer pressure or anti-social associates	2	54

Table 5.4 demonstrates that officers under recorded many of the criminogenic factors belonging to offenders. It reconfirms the previous tables in this chapter in which drug, alcohol and mental health issues were primary factors in offending behaviour.

In addition, table 5.4 highlights a failure of the officers to record both the lack of finances identified in interview and the influence of anti-social associates which seems to have been totally unreported by officers. They recorded only one offender as having anti-social associates as a factor in comparison to 28 offenders in the interviews. There may be a number of reasons for this. The officers may be unaware of that factor influencing offending behaviour, or felt that it was not an aspect of the offender's pattern of offending that they could deal with. Alternatively it may have highlighted an inconsistency in the method of recording. For example, a lack of finance or anti-social associates could be thought by officers to be covered by the recording of drug use. However, all factors in this study have been reported by offenders as influencing their offending behaviour. Therefore action should be taken, or at least the factor noted by the officer, if its influence is to be addressed within the order and reflected in any objectives. The lack of recording of the criminogenic factors by officers suggests that 'effective practice' may have been flawed from the outset, an argument made in the previous chapter under supervision planning.

Throughout this chapter an attempt will be made to show why differences in the number of factors exist in those identified in interview and those recorded by officers and an explanation made of any impact on the order. We will now examine each identified factor in greater detail.

Illegal drugs

It is generally accepted that there is a relationship between illegal drug use and crime (Heymann, 2001; Rungay, 2001). However, the factors surrounding and leading to drug use can be complex and very difficult to address. Rex (2001) confirms the suggestion that the rehabilitation of those who misuse drugs is not as easy to undertake as the identification of the problem in the first place. There were 22 offenders where drugs were identified by officers as being a criminogenic factor. Five of these did not have a Supervision Plan and eleven did not have any objectives specified. Only six offenders in this group had specified objectives. Only one offender had as an objective the referral to a specialised agency for a drug assessment.

Dealing with drug use is difficult, the understanding required by probation officers for addressing its use may conflict with the principle of law enforcement. For example drug use is illegal and for 'treatment' to be tailored to the appropriate level, full and realistic disclosure of the users 'dependency' is required. As a consequence the enforcement and strict adherence to the rules such as National Standards can in themselves become at odds with rehabilitation. Enforcement can cause conflict for officers between the need to care and to take measures that may lead to the removal of offenders from 'treatment' (Hedderman and Hearnden, 2000). This may be one explanation of why officers do not always breach in line with National Standards as has been discussed earlier. Therefore, the change in emphasis within the probation service and officers 'sticking' to the rules, may have the effect of reducing the effective use of probation orders (Rungay, 2001). A point suggested by Hedderman and Hearnden, (2000) when they argued that National Standards may already be at odds with effective practice and by Hedderman and Hough (2000) when they suggested that National Standards (2000) may be a step too far.

It was under this type of pressure, where officers may be balancing the principles of care and control to that of rehabilitation, that almost half (43%, n=22) of the offenders in this study were recorded by officers as being drug users. This figure increased to over a half (55%, n=28) in the offender interviews, demonstrating that officers had under recorded the drug problem by over a quarter (n=6). Of the 28 offenders who admitted in interview to be heroin users, two thirds (n=19) admitted to being poly drug users.³⁸ Due to Cannabis being reduced from a class B to a class C drug, it was not included as an illegal drug within this study unless specifically mentioned. However, two thirds (n=32) of offenders reported that they regularly used cannabis. These findings reflect the work of Bennett et al (2001), who included cannabis and who found that two thirds of the offenders in his study tested positive for one or more illegal drugs and a third were found to be poly drug users.

Drug use is a complicated issue; the necessity to fund drug use is obvious and has been shown by research to be a link to acquisitive crime (Heymann, 2001). In this study almost half (n=12) of those who admitted that they took drugs openly admitted that they regularly offended to fund their habit. A point confirmed by Kleiman (2001) who argued that heroin users consist largely of frequent offenders. The other half in this study financed their drug use by different means. When their usage was in the region of £20 per week, they could fund it by using their benefit. Others funded their drug habit by tapping, or it was given to them by others, one collected scrap metal and worked for his money.³⁹

³⁸ A poly drug user used more than one illegal drug. These included the opiates, amphetamines and others such as LSD.

³⁹ Tapping is asking passers by to make up a deficit in train or bus fare home – normally carried out by women.

When the sex of offenders were taken into account, those recorded by officers as being drug users were found to be almost a fifty-fifty split between the men (n=17) in the study and the women (n=5). However, in interview the figure increased to almost two thirds (n=7) women and just over half (n=21) men. This demonstrated that officers had not only under recorded those using drugs, as has already been discussed, but specifically under recorded the use of drugs by women. The difference between the numbers of women and men as drug users was confirmed by Singleton et al who stated, 'a larger proportion of women than men were dependant on opiates' (1998: 21).

The under identification of drug use by officers led to a quarter of offenders in the study not having their full needs recorded. There may be a number of reasons for this, including the lack of trust between officers and offenders, officers not wishing to record a limited use - reinforcing the suggestion of conflict between enforcement and care, and a lack of care and efficiency. Whatever the reason, the under recording of drug use alone could have a negative impact on the rehabilitative nature of the probation order according to 'effective practice'.

Offenders and drug taking

The wider debate concerning drug users and offending behaviour identifies substance abuse as a reflection of a problematic background or lifestyle (Boyum and Reuter, 2001). This is reflected in the way some offenders fund their drug habit. Steven was on probation for theft and describes the lifestyle of a 'typical' drug user:

... they are looking for a tenner right. That's how much it costs. So they're looking to score a tenner. Now they don't care how they do it right. They'll go into a shop and do a bit of shoplifting or they go begging right, but they will find that tenner right (interview 40: 15).

Wills explained that he 'earned' his money by tapping passers by for change, but insisted it was not begging – he had to work hard for his money.

I'll have already got some [heroin] for in the morning, so I'll have some in the morning and go out at dinner time ish. Go out tap up a tenner, but if I've had some in the daytime, I'll just get twenty quid but if I haven't, I'll tap a tenner, go home, have it and then go back into town. [And go tapping again?] Yeah (interview 41: 10).

Different offenders used different approaches to fund their drug habits. Melissa was on a probation order for common assault and did not have to commit offences to fund her habit. She insisted that it was her boyfriend who offended to fund both their habits. However, he was in custody and she had to fund her habit in a different way.

Well tell you truth I used to be on drugs and my boyfriend used to feed my habit for me with going out shoplifting and burgling so I never really had to do nowt. It got to a stage where he got locked up and I were on me own and I thought well how am I going to keep my habit, so I had to go out doing some'at to feed me own habit and I don't want to get sent to jail so I went out and I started begging. I don't do it no more. (interview 42: 4).

When Melissa was asked what she meant by begging she explained that it was not begging, but tapping – walking around the city centre asking people for the bus or train fare home. For this she earned approximately 30 to 40 pounds per day.

The relationship between drug use and means was found to be at the centre of offending behaviour for drug users. The amount of money offenders needed for drugs varied from nothing to £5000 per week. For example, Vicky (interview 45) was given drugs by her partner. However, as a couple, they used to spend over £5000 per week on crack cocaine and heroin. The average amount spent by offenders was between £200 and £600 per week. Therefore it would not be unreasonable to assume that because most drug users in this study were on state benefit, crime was involved in the acquisition of funds for their purchase. This was confirmed by Boyum and

Reuter (2001). They found that 20% of drug usage was funded by state benefit and 80% from crime.

Being on long term benefit can be an indication of underlying problems which may lead to drug use. Joan was 25 years old and could be described as a 'typical' female drug user. She had been put on probation after being convicted of handling stolen goods and deception. At the peak of her heroin use, she admitted to spending over £500 per week. In addition to shoplifting, she had worked as a prostitute to fund her habit. She described her reasons for being on heroin:

I went through a phase of what I didn't know what I were doing, me head were totally messed up. I had a nervous breakdown, I were on street, I were cold, I were hungry, I were tired, I had no money. I did five shoplifts and I got caught every time (interview 48: 18).

It was clear that a disadvantaged lifestyle and drug use are interconnected and for that to be different, changes would have to be made. Changes in lifestyle by offenders are factors which the probation service has to deal with every day and for some offenders this meant changing their friends and associates.

Peer pressure and anti-social associates

It will be shown throughout this study that peer pressure and/or anti-social associates play a major part in criminal behaviour, this is especially so when considering drug misuse.

We are constantly being compared to others in any group that we associate with. Cohen referred to those who do not fit into the group as 'foreigners', and to win favour and 'fit' in, habits, values and ambitions of an individual may have to change (Cohen, 1955). According to the data obtained from this study, peer drug usage can

be a major influence when starting to misuse drugs. Pearson (1987: 11) states: 'The role of friendship in helping to spread the heroin habit cannot be over-emphasised'. It was precisely this environment which led many offenders in this study to become drug users. Leo aged 21 and on probation for shoplifting said: 'With me it's just the people I mixed with; I was doing it cos everyone else was doing it' (interview 32: 10). The same happened to Frank, a 25 year old shoplifter. He explained that he had moved into a new area and acquired new friends, 'they said to me try a bit of blow and it went from there' (interview 52: 13). Robin a 21 year old male, who had been given a probation order for burglary of a dwelling, explained:

Well me drug started from there were a girl across road and I started going round to her house, started smoking a spliff. She used to give me speed, Es then after a bit I walked in and there were another friend there and they were up to some'at shady. And I thought what you doing, they said don't say nowt but we're injecting wizz and like she says do you want a go. And like I were going no, no, no but I thought I'll try it for once and then it progressed from there doing that to heroin (interview 15: 10).

It has been demonstrated that friends and associates can have a strong influence in taken drugs and that officers failed to record antisocial associates in the numbers identified in interviews. When this influence is coupled with homelessness, the situation is much worse. Wilf was 22 years old and on probation for handling stolen goods. He described his use of drugs whilst living on the streets. 'The rest of them were doing it and I thought – why not. Like the rest, I started off smoking it and then injecting it' (interview 31: 7). Consistently throughout this study the introduction to drug use was found to be through family, friends and associates. This is clearly put by Annette.

I met somebody and they were taking it [heroin] and because I put myself as compassionate and caring when I met him, I thought I'd be able to help him. I had my own flat and I was going to go to university to study Mental Health Nursing. I'd been accepted and everything and yeah unfortunately I ended up on it like a fool (interview 34: 7).

In addition to 'friends', family and partners can also influence drug taking. Neville was introduced to drugs by his brothers. 'I was on solvents and I went from solvents to glue. From glue to drugs, from drugs to drink. It was more or less a case of the way I was brought up as a child' (interview 7: 12).

Lily, on probation for shoplifting, had been abused for a great deal of her life. She described the influence of her relationships, starting with her father and followed by her partners. The quote demonstrates how interconnected life experiences can lead to offending behaviour and drug use. It also highlights the problem officers have in addressing such problems.

I did hairdressing when I left school and I worked in an insurance brokers and then I left home because my dad was abusive. Er got married, got pregnant, left my husband cos he was abusive and then went with this gentleman and ended up in London. Lived with him for about 8, 9 years and he got more abusive [during this time Lily worked as a prostitute]. He ended up on drugs and got registered as a schizophrenic and tried to kill me. So I left home er and then built me own life up (interview 24: 4).

It was found that not only do social circumstances and the influence of others lead to drug use, but they also can extend the length of time drugs are being used. Chloe, an 18 year old shoplifter living with her boyfriend, wanted nothing more than to be 'normal'. However, her boyfriend, Mark aged 19 and on probation for the possession of heroin, was quite happy with his lifestyle and wanted it to continue. This created a conflict for Chloe who stated:

I want to come off it and that, but when you've has some you've not got a care in the world have you? Nowt else gives you that feeling. Like people come off it themselves and some people don't. You love it too much. Yes I do want to get off it, I really do [tears started to flow]. I'm sick of wanting to be somebody else, looking at a nice house and wanting it all. Too short in't it life. I'm gonna have them things before I die (interview 23: 12).

The relationship between drug use and offending behaviour is a complex issue. People are motivated to get out of crime and/or drug use because they have something they do not want to lose which is more important than either the rewards of crime or their use of drugs. This can be a home, family, relationship, self-respect or something else they value (Rex, 2001). It is action such as this that officers should reinforce and expand in an attempt to rehabilitate. Any change in attitude can be assisted by pro-social modelling and/or changing friends or associates. Four of those interviewed reported that they had changed friends in an effort to rehabilitate themselves from drugs. Two were self motivated and the other two said that the suggestion came from the probation officer. However in all four cases their drug use continued.

Peer pressure is not always a negative influence, it can act to deter drug use. Frank (interview 52) made it clear that whilst he was still on drugs, his girlfriend would not let him see his daughter. Roger (interview 29) said that his partner made it obvious that it was either drugs or his son. Vicky (interview 45) had a new partner who was anti drugs; she was ashamed of her habit and hid it from him. All these three either had or wanted a positive change in lifestyle. Any such change can be assisted by the conduct of officers and any action they design to promote or influence pro-social behaviour.

In contrast to the influence of anti-social associates, the officer is expected to generate pro-social attitudes by pro-social modelling (see Trotter, 1993, 1996, 1999). Of those who in interview expressed an opinion of their officer, over a half (n=7) made positive comments regarding their officer. Almost two thirds (n=26) of the

offenders reported that their associates also offended, very few (n=5) said that their associates were law abiding and not into crime. They were over five times more likely to have anti-social associates, than pro-social ones. Furthermore it has been established that in contrast to their 'friends' they spend very little time with their officers.

Life experiences and the use of drugs

Life experiences, friends and associates may have a positive or negative influence on behaviour. It has previously been shown that Robin was first introduced to drugs by the girl who lived opposite him. However, he was adamant that his family breakdown and his personal circumstances created the atmosphere which made drugs seem so acceptable.

I'll put it this way, me mum and dad split up when I were 11. Me dad hit me mum erm I moved in with me auntie, put me in school then she decided she didn't want me. Moved from me auntie's to me other auntie then back here. Have been knocked from pillar to post. Know what I mean and I've had a pretty hectic lifestyle. ... I met this girl called Tracy it really upset me that, she left me. We were only young and I were having the best time of me life, working and everything and er I started crying all time I couldn't cope with me emotions. I know it sounds daft, I don't know what ages you have nervous breakdowns but (interview 15: 14).

Robin was asked if he had ever had any 'treatment' for his depression, he replied:

'No and that's why I started taking heroin, it took it all away' (interview 15: 14).

There was no single reason why Robin started to take illegal drugs, but a complex interconnected set of circumstances and personal disappointments.

Personal disappointments and adverse social circumstances had a clear negative influence for many drug users in this study. Jayne (interview 21) blamed her drug addiction on the loss of her mother when she was 15 years old and pregnant with her

first child. Wilf (interview 31) also blamed the death of his mother, made worse when his father began a relationship with his mother's best friend. Wills (interview 41) attributed his drug addiction to insecurity due to his mother having different partners and one in particular with whom he did not get on with. At the same time his only confidante – his grandfather, died. Personal circumstances and disappointment seemed to be passed from one generation to the next. Chloe (interview 23: 8) blamed her background for her drug addiction and said of her mother, 'she had a heroin problem and like she's got a brain tumour and blood clots in her head and body and like she's dying and has to have dimorphine now'. Vernon explained:

It's a release; it's to get away, instead of facing the problem and talking about it and getting on with me life. It's just blocks them all out and basically it makes me forget about all the big pile of shit that I'm in (interview 18: 9).

It is within such complex and difficult situations that the probation service are expected to work to reduce the offending of the drug user. When objectives were set by officers for this group, only six had clear objectives. These objectives were to find accommodation (n=2), to attend alcohol counselling (n=2), drug rehab (n=1) and employment and/or training. It was not surprising that officers included alcohol counselling as that was readily available, in contrast to a lack of funding and spaces for drug rehabilitation. The two offenders in question also had alcohol problems.

Situations can change however and offenders can have a decisive role in that change. Vernon had a change in circumstances. He explains how relationships can not only get you on drugs, but also get you off them – until the next problem arises. Although the quote is quite long the description is worth its inclusion as a whole.

I'd got a pretty good relationship with a nice looking girl. She'd put up with me taking the drugs for about a year but she was really unhappy about it. It got to point where she said she were moving out and everything were over, so I

got me mountain bike and I got this er guide book on Coast to Coast bike rides, 210 miles from St Bees in Cumbria to Whitby. So I, got me tent together and had me dose of drugs that morning. Me mate drove me 200 mile and dumped me with the bike and camping equipment. So I spent 4 days biking and camping out overnight and what have you. And the first 2 days were shocking. The third day I started coming down then on fourth day I felt absolutely on top of world, like a new man. So I phoned my mate up, got him to pick me up, I come home and I were really full of confidence and really felt good about mysen. There were no way I were ever gonna take heroin and I just totally looked down on it. It disgusted me, I never wanted to be in that state again. But my girlfriend were adamant she were going to leave. I'd got it into my head that this point where this could knock me back and get me back on drugs but I'm not going to let it knock me back and she can leave, she can fuck off and do what she wants. I'm gonna go out there and get mysen another bird and keep me life going. So that went on for a couple of week and then me girlfriend started coming round. She must have seen that I was quite strong. But this time I was more stubborn that owt else and she sort of hurt me by saying she wanted to leave in first place, so then I were adamant that no you're going, get lost, I want you to move back to your mum and dad. I'd been off drugs for 14 months and it come to initial day when she were moving out and her and her aunty were in front room moving her stuff out and they were laughing and giggling and all of a sudden I just started that real stabbing pain that you get in your heart and what have you when, you know what I mean when you've had a really bad split up with somebody. And I suppose then it just dawned on me that I didn't want to lose her and I were losing her and that. I went out front door, went up to drug dealer and he's got a big smile on his face, oh welcome back. Wham bam there you were I were back on drugs again (Interview 18: 16).

The physical dependency of drug addiction can be overcome in a relatively short space of time, but the case of Vernon illustrates that unless there is stability and contentment in the user's life, keeping off drugs can be difficult. It is often the psychological and/or sociological reasons for drug addiction which can last longer for the drug user than the physical ones. Whilst that may be a simplistic view, this study hopes to show that drug use is anything but simplistic. It is under personal and social circumstances such as those described that the user not only needs to have something to lose, but needs to have something to gain.

Drug rehabilitation

Reducing drug dependency is difficult. The methods used by the probation service to overcome drug use and so reduce reoffending were not made clear in the case files reviewed.

It is one thing to identify and assess the personal and social problems that may have contributed to someone's offending, and make them more likely to offend in the future. It is quite another to identify how that individual can be helped to surmount formidable social obstacles, such as a lack of employment skills or the resources to overcome addiction (Rex, 2001: 72).

Vaillant (2001) argues that the way forward is to use methods which avoid blame, but at the same time use coercion. He identifies four programmes: parole, employee assistance programmes, methadone maintenance and self-help groups.

They all require that the addict experience the consequences of his [sic] behaviour, but in a way that permits him to change. None has much faith in freewill; all have faith in submission to involuntary behaviour modification. All are coercive – but only with the addict's permission (Vaillant, 2001: 146).

Five offenders in the study reported that they had at one time been on a methadone script.⁴⁰ Four had obtained it themselves through their doctor and one bought it on the streets. None of this group said the probation service had helped them to obtain a methadone script, or introduce them to those who could. The case files of Darren acknowledged his drug use and that he was making his own arrangements for drug 'treatment' through methadone maintenance. Of those five taking methadone, all of them still took heroin and carried on with heroin after the methadone had finished. Kleiman (2001) confirmed that the use of methadone is a wasted resource when not included in a wider programme of rehabilitation. Again this suggests that drug rehabilitation is a complex operation and unless a wide and long term rehabilitative approach is taken, any attempt may be futile.

⁴⁰ A script is a term used for a prescription issued by a doctor or clinic.

In contrast to the two offenders who had alcohol counselling arranged by officers, the two offenders who had attended drug counselling sessions had organised it themselves without the help of the probation service. The first of these two was Zach. When asked if he found counselling useful, he said that it was a little 'hit and miss'. 'There were one lady, she were great, she'd been there and had come off 'em, she knew the score. The other woman didn't' (interview 10: 11). Vernon was the second offender who had had counselling, he explained:

I went to see a counsellor once but she were absolutely useless. She telled me to cut down and that, what she were basically telling me a load of rubbish. She obviously [had] not had any experience in it (interview 18:11).

In addition to external counselling, being 'counselled' by their officer in the one-to-one session was seen as useful by some offenders. Del who was on probation for the supply and possession of heroin, said:

I'm here a couple of days a week that's what's keeping me straight. Just seeing [the officer] for an hour twice a week, that makes me keep straight. You know what I mean. I come out of here feeling good in myself, you know what I mean? It's this what's keeping me clean, seeing probation (interview 3: 9).

Chloe also found her visits to the officer useful.

They just talked to me and sorted out some of my problems and why. Why I do it and everything. They said that they're bad [drugs] and everything but I know that anyway. I do find it useful cos I han't got anybody to talk to cos I'm on drugs. You have to come anyway and like it's good, cos people have to come and I think it does them good. It sort of gives you the chance instead of going in prison, to get your life sorted out and for them to help you as well (interview 23: 6).

Offenders often came to the probation service with preformed ideas of what would happen, some believed it would help them whilst others found it an inconvenience. Darren had high hopes for his probation order even though he reported to the duty officer for the first two weeks before being assigned a supervising officer. The first interview with his supervising officer went well. The officer had asked what help he

wanted, and who he wanted to see. They had discussed drug rehabilitation and how they would address his heroin use. However, the help envisaged was slow to materialise, he rarely saw his own officer for more than ten minutes and generally reported to the duty officer. He explained:

And like a duty officer you just come in and sign your name and that and go. That's only because I've to write a letter to Norfolk House the drugs unit to get off drugs and that so I'm just waiting for that to come through. But when all that comes in I'll be spending more time with [my supervising officer]. I might have to fill a few forms in and like he'll fill it in, I'll sign it, it might be 10 or 15 minutes. I'm just waiting for some paperwork and phone calls and that. Once all them lot have come in then, I'll more or likely be here for half an hour (interview 33: 2).

The probation service and its partner agencies have the task of rehabilitating the drug user, where such input centres around cognitive behavioural issues, leisure time activities, alternative therapy – such as acupuncture, counselling and the introduction to prescribing clinics. However, the reality for most drug users was found to be quite different and any action came from themselves. Even when drug rehabilitation is instigated, drug policies do not have any great hope of substantially reducing drug consumption (Kleimann, 2001). That argument was supported by Jayne who had a £300 per day habit which she financed through prostitution and thieving. After eleven months on probation, the social services agreed to fund six months rehabilitation – at a cost of almost £300 per week per person, for herself and partner. At that time she was on a methadone script, supplemented by heroin.

Well I went in June and I come out end of July [Jayne and her partner walked out over a disagreement]. Back here for a few weeks and then probation got us back in. First time I was in, it were all right but when I hit that 3 month mark it were just pure boredom. Same thing, day in - day out. All right, helping me sort out a lot of things - know what I mean (interviews, 21: 13).

After Jayne had been in rehabilitation for the second time she left and returned home. The rehabilitation clinic made it clear that they would not accommodate her again

and she returned to heroin use. In contrast to the findings suggested by this study, and supported by writers such as Kleiman (2001), the drugs minister - Bob Ainsworth, is reported as saying that for every pound spent on drug 'treatment' programmes, £3 is saved in criminal justice costs. Therefore, 'treatment' works" (Guardian, 13th February 2002). However, the situation would possibly improve if there were increased funding and places made available for a wider selection of offenders.

In summary

Drug use has been shown to be often financed by crime and is generally carried out by single, unemployed individuals (Brownsberger, 2001). In this study, drug using offenders generally had a complex and disorganised lifestyle, their priorities were obtaining drugs rather than attaining positive social goals. It is accepted that rehabilitation for drug users is problematic and fraught with difficulties. Within this environment probation officers are given the unenviable task of rehabilitation. However, little can be achieved if there is a lack of awareness of the problems of the offender by the officer. The probation service has been shown to under record the use of drugs, especially for women. The reasons for any under recording seem to be a lack of trust between officers and offenders, officers not wishing to record a limited use - reinforcing the suggestion of conflict between enforcement and care. Whatever the reason, the under recording of drug use alone could have a negative impact on the rehabilitative nature of the probation order according to 'effective practice'.

'Effective practice' as described by Chapman and Hough (1998) is based on the identification of the needs of the offender. Overall, the probation service did not initiate 'best' practice with these offenders and in general the organisation of

rehabilitation for drug users was arranged principally by the drug user themselves. Similarly Rex (1997) found that officers believed, that offenders should solve their own problems and seek their own assistance from other agencies.

It is acknowledged that great improvements would be difficult with this group of offenders without increased resources.⁴¹ It takes a complex and intensive rehabilitation programme by many agencies and the willingness of the offender to work with such agencies for rehabilitation to be successful. However, even under the most perfect of conditions, the rehabilitation of drug users cannot be a simple proposition where most 'treatment' plans result in failure (Kleimann, 2001). This may be a reason why the probation service does not seem to address drug rehabilitation with as much effort as they do other factors, which may be seen as easier to deal with. A point confirmed by Rex (1997; 2001) when discussing general probation input.

In addition to the use of illegal drugs, addiction to the legal drug alcohol may also be a criminogenic factor and will now be discussed.

Alcohol addiction

The main difference between the use of alcohol and drugs is that the possession of alcohol is legal and the possession of drugs such as opiates, none prescribed methadone, amphetamines and LSD are not. In general offenders commit offences to fund a drug habit but commit crime whilst under the influence of alcohol (Hull and Bond, 1986).

⁴¹ Since this research, Drug Testing and Training Orders (DTTO) have been introduced, specifically to address the persistent drug user using inquisitional crime to fund their habit.

It is universally accepted that the impact of alcohol on behaviour is due to its interference with normal cognitive functioning (Taylor and Sears 1988). Furthermore, alcohol played an important part in this study in a number of specific offence groups. For example, all of the offences of criminal damage (n=4), three quarters of the motoring offences (n=4) and over a half of common assaults (n=3) were reported by the offender as being committed whilst under the influence of alcohol.

Offenders and alcohol

Offenders seemed more willing to discuss their alcohol use rather than their drug use with officers, probably because of the illegality of drug use and the perceived consequences of disclosure. It is accepted that there is a difference between alcoholism and misuse. However, within this study offenders who misused alcohol were reticent to use the word alcoholic, but accepted the term alcohol misuse. Alcohol was recorded by officers as being a factor in offending for almost a half (n=21) of offenders. In interviews the figure rose by only one to 22. Alcohol featured as a factor in offending in just under one in five women (n=2), and a half of the men (n=20). This suggests that men were twice as likely as women to have alcohol as a factor in offending. Over a quarter (n=11) of men and only one woman described taking both drugs and alcohol to excess.

It is generally accepted that alcohol has the effect of increasing aggression (Hull and Bond, 1986). Billy had been given a probation order for an assault on a pub landlord after previously serving a custodial sentence for actual bodily harm (ABH). He explained that he used to drink every day, from morning to night, and it was not unusual for him to wake up in a police cell for acts of violence and/or disorderly

behaviour. Annie (interview 51) had a heroin habit in addition to being an alcoholic. She had decided that her all day drinking would have to stop as it was now affecting her moods and making her aggressive. Jim who was on probation for arson, explained the part alcohol played in his offence.

My partner and I was going through a rough patch yeah. I phoned her mother up, I'd been working, I'd been working that day. I didn't get no answer cos I want to see the children when I wanted to see them. But all she wants to do is take them to her mother you know. I went to the off shop and got a few beers. That time it made me. It turned me that particular occasion. I suppose to be quite honest it turned me quite nasty [he then set fire to the house] (interview 19: 9)

The reasons given for taking drugs and those for taking alcohol were very similar. When those who admitted that they had a problem with drinking were asked why they drank to excess, over two thirds (n=11) said 'to shut out their problems'. It was clear that many offenders had problems in their lives and consequently alcohol was important to them. Diane who was on probation for driving over the prescribed limit, explained:

I did have a drink problem because of, well, partly because of the depression and different stresses. I drank to make me sleep better initially, erm, to shut off the problems of every day life and some of the problems at the time were very bad. If I've got something, a great upset that comes, the stupidest thing is going for the bottle and that's what I always used to do (interview 2: 5).

Wilf was clear about the reason for his offending. 'When I get pissed off I have a drink and then I go out and do it' (interview 31: 9).

The amount of alcohol offenders drank varied. However, almost one third (n=16) admitting to drinking in excess of 30 units per week. Two offenders claimed to have stopped drinking at this level and had taken their own steps to reduce alcohol. In addition to the two offenders who had reduced their alcohol intake was Paul. He had

changed his type of drink for one with lower alcohol, but the quantity remained the same. He explained:

I've changed my habits now cos I was drinking strong lager and lager makes me more aggressive. Since I've been back from Manchester, I've been drinking bitter which is £1.10 and erm I'm averaging between 8 and 10 pints when I go out. And I'm out for 11 o'clock in a morning till about 9 o'clock in the evening (interview 20: 7).

It was clear that alcohol consumption could be a problem for some offenders. However, clear objectives were recorded in only five of the 21 cases where alcohol had been recorded by officers as being a criminogenic factor. The objectives included alcohol counselling for two offenders, general help and assistance - such as help with accommodation for two offenders, and a driving rehabilitation course for one. Ten offenders did not have a Supervision Plan and six did not have clear objectives. One additional offender was recorded in the part C as attending an alcohol awareness scheme, however, whether that was with an outside agency or in-house was not clear. The final offender in this group was advised to see his doctor - again the reason for that was unclear. The only action taken by officers specifically designed to address alcohol were the two offenders who had counselling arranged and the single individual on an alcohol awareness scheme. In a similar way to drug misuse, alcohol use can be complex and interrelated to other factors. In ten cases not only was alcohol identified as an issue, but mental health concerns had also been recorded.

Mental health concerns

This section examines mental health concerns which have been recorded by officers, or expressed by offenders in interview. Whilst mental health concerns do not necessarily lead directly to offending behaviour, it will be shown that they can lead

to the action or conditions that lead to offending behaviour – such as substance abuse (Morris and Tonry, 1990). This demonstrates mental health issues as a criminogenic factor, a point identified by Nellis (2001); Rungay (2001) or Nash (1999). It has been demonstrated within this study that almost half (n=24) the offenders had some form of mental health issue. This will now be discussed.

Offenders and mental health concerns

A definition of depression has been given earlier by Prentice (1996). However, Peay argues that definitions of mental disorder ‘act like a concertina, expanding and contracting in order to accommodate different client groups ...’ (1994: 1124). The problem of definition is that both the legal and the medical systems have different interpretations of mental disorder, and ‘within each system there is little agreement on the meaning of such terms as “insanity” and “mental illness”’ (Andrews and Bonta, 1998: 292). Andrews and Bonta (1998) suggested that mental health issues could be found within criminal behaviour in between 58 and a 100 percent of offenders (1998: 293). In a file review of offenders on probation, Wormith and McKeague (1996) identified almost 20 percent of cases in their study as having a recorded mental disorder. However, their results did not include offenders with depression and as such, care should be taken in accepting their figures at face value. In contrast, Peay (1994: 1128) suggests that over a third of sentenced prisoners suffered from some type of mental disorder, a figure consistent with this study, where almost a third of the offenders (n=16) were recorded by the officer as having mental health issues/concerns. However, that figure rose to almost a half (n=24) in offender interviews. Therefore in comparison to the interviews, officers under recorded the mental health issues of offenders by 50% (n=8). The number of offenders who demonstrated mental health issues represented almost a half of all

offenders in this study and compared unfavourably to the national average at 16% (Singleton, 2001: 1) The under recording of mental health issues by officers reinforces the overall argument that a failure to record offender needs leads to ineffective practice.

The identification of mental health issues can be a subjective process built on experience and commonsense (Morris and Tonry (1990). Within this study mental health issues included the self diagnosis by offenders of depression that required a visit to their own doctor, suicide attempts, and being on medication for mental health. Fourteen of the 24 cases identified in interviews were also identified by officers, and there were two cases from the case studies which were recorded by officers but not identified in interview. A quarter of the 14 cases which were recorded by both officers and interviews were women (n=4). When these figures are compared to the men (n=41) and women (n=11) in the overall sample, over a third of the women and a quarter of the men had mental health issues recorded by officers. These figures are consistent with those of the drug misuse findings and show that women were over represented in mental health issues, mirroring work such as Hague and Malos who write:

In general, women are overrepresented in psychiatric hospitals, more likely than men to be assessed under the Mental Health Act, more likely to be compulsorily admitted, and more likely to be prescribed tranquillisers and anti-depressants (1993: 147 - 8).

Furthermore women in prison are twice as likely to suffer from mental health issues as men in prison. A government publication by Singleton et al states:

In the 12 months before entering prison, about 20% of male prisoners, both remand and sentenced had received help or 'treatment' for a mental or emotional problem. The proportions among female prisoners was double: 40% (1998. 9).

The findings of Singleton et al (1998) follow a similar pattern to that found in this study, where a third of women and a quarter of men were shown to have mental health issues, women were therefore over represented.

The impact of mental health issues

A number of cases studies will now be used to illustrate the background and possible reasons for mental health concerns described in interview or recorded in the case files.

Judith was 30 years of age and on probation for theft and obtaining goods by deception. She had no previous convictions and had not misused alcohol or illegal drugs. She was recorded by the officer as having concerns over her mental health. Judith reported that she suffered from depression caused by being abused by her mother. She reports that her abuse started when she was four years of age. 'My mum being an alcoholic was a very traditional alcoholic. She abused me verbally, physically and sexually' (interview 8: 10). When Joan was asked what brought on her bouts of depression, she described her father as a psychopath and rapist. Miles also blamed his depression on his violent background

Jack suffered from depression, for which he constantly received treatment. He said his depression was made much worse when he remembered his early years spent in a childrens' home. He described being sexually, physically and mentally abused over a long period in what he called: 'The Orphanage'. It was in the 'Orphanage' that he recalls being put into a strait jacket to stop him scratching.

Attempted suicide

Depression leading to substance abuse was a common feature of this study. However, depression may also lead to suicide. An attempted suicide is an indication of the depths of depression that a number of offenders had reached. In 1997 the death rate from suicide for male offenders on a community sentence was 109.6, per 100,000, in contrast to 13.4 in the general population (Sattar, 2001: 3). This suggests that men serving a community sentence were over eight times more likely to commit suicide than the national male population (no figures were available in the study by Sattar for woman). No national figures were available for attempted suicide. However, Singleton et al shows that:

Women, both sentenced and remand, reported higher rates of suicidal thoughts and suicide attempts than their male counterparts. For example, just over a quarter of the female remand respondents had tried to kill themselves in the year before interview, twice the proportion of male prisoners on remand (1998: 17).

Attempted suicide is an indication of the level of depression some offenders may have reached. Over one in ten (n=6) offenders in this research study were identified by the officers as being a suicide risk. In interview, two of these six offenders and one other admitted attempting to commit suicide. Two had taken an overdose of Paracetamol and the third would not discuss the matter in detail. The officers were only aware of two of these three suicide attempts, those of Peter and Judith. Peter made his point when he said: 'I don't want to hurt anyone. All I want to hurt is myself' (interview 12: .15). The officer recorded that Judith was a suicide risk and had been referred to the Community Psychiatric Nursing Services by her GP. However, other than recording the fact, the file does not follow it further. Peter's suicide attempt had been recognised in the PSR, but not in the main case file by the supervising officer. The PSR stated that he tried to commit suicide in the previous year and when he phoned his mother from the hospital, he said she did not care. The

officer through the PSR had identified multiple needs for Peter. It acknowledged that Peter had started drinking at the age of 14. It also noted that he carried an illogical guilt over his childhood with regard to why he was not adopted along with his sisters.

Grant (interview 39) had not told the officer about his suicide attempt. He had tried to commit suicide because he could not face the possibility of going to prison. Whilst these incidents may not directly lead to offending behaviour in the widest sense, they do suggest a complex multi-needs situation which is open to other forms of misuse – such as drug and alcohol use. It is this complexity that the probation service has to deal with, in an attempt to reduce offending behaviour.

In addition to Peter, Judith and Grant, there were four offenders who did not disclose or discuss their suicide attempts in the interviews. One of them, Miles, had attempted suicide and was having counselling which had been organised by his solicitors, not the probation service. This was mentioned in the PSR, but again not in the main body of the case file and no supportive action by the officer was recorded. Wilf (interview 31) was identified in the PSR as spending six and a half months in a psychiatric unit following several suicide attempts. This again had not been recorded or referred to in the case files. In the PSR for Hardy (interview 14), his multiple needs were made clear. He was brought up by his mother and stepfather, his sister had died at the age of 13 from cystic fibrosis; he was bullied in a serious way at secondary school and in his fourth year withdrew completely from school. He was recorded in the PSR as being moody, confused, withdrawn and as having tried to commit suicide on more than one occasion. In contrast to the others, the Part C carried a comment on his suicidal tendencies, that his partner had phoned the officer to say that he may try to commit suicide by hanging himself with his belt and that as a consequence his

medication had been doubled. Other than recording the call, there was no mention of counselling, psychiatric reports or any other action being taken by the officer to reduce his risk.

Jeff was the fourth offender who had not discussed his suicide attempt in interview. He had been living rough for sometime and was recorded in the case file as being rushed into hospital after drinking six litres of cider and taking an overdose of tablets which included 15 Valium and 10 Diazepam. Although the case files record the suicide attempt, once again there was no record of any action taken. It was purely a record of the event and could not have any recorded influence on the objectives of his order as he did not have a Supervision Plan or any stated objectives. These again point to orders that are not examples of 'effective' supervision and as failing in the requirements of 'best' practice.

Concluding comments

In this study more women than men on probation were recorded as having mental health issues. These findings are supported by the work of Singleton et al (2001) and follow similar lines to those of drug misuse. This is not surprising when together with alcohol misuse, all these interrelated factors often have a similar background and demonstrate the correlation between complex situations. For those within this study, counselling seemed to be a hit and miss affair. Some offenders were offered counselling and others were not. It seemed irrelevant to the recorded objectives and supervision of the order, whether or not the offender had tried to commit suicide. In addition to the interrelated needs previously discussed, accommodation seemed to fit a similar pattern.

Accommodation

Introduction

The majority of offenders live in some of the poorest and most crime ridden communities in the country (Feeley and Simon, 1994). Research has shown that it is within these areas that unstable or unsuitable accommodation can lead to a higher than expected drop out rate in community sentences (Underdown, 2001). This section demonstrates that crime is common place within the areas where many offenders live and the constant presence of such behaviour can make rehabilitation difficult. Downes and Morgan (1994) showed that many of these inner city type estates contain a disproportionate number of single parents, unemployed, and never been employed youths. Accommodation as a criminogenic factor was identified by officers in five cases. However, one did not have a Supervision Plan, one did not have any objectives specified, one had as an objective to address offending behaviour – without specifying how this was to be achieved, one had to report according to National Standards and only the offender classed as homeless had accommodation recorded as an objective.

Not having suitable accommodation is clearly a problem for those living on the streets, their crimes are not only more frequent, but more serious than those not living under those conditions (Hagan and McCarthy, 1997). The study by Hagan and McCarthy (1997) showed that almost a half of their homeless respondents were selling drugs, a half stole goods and over a quarter carried out burglaries, illustrating a direct link between homelessness and crime.

To help in the welfare of those they supervise and attempt to reduce offending behaviour, probation officers have contacts with accommodation ‘agencies’ such as

the Salvation Army. However, probation did not help Joan with her housing, she was living with a friend on a temporary basis and was still hopeful that probation could help her. She explained: 'they've got the powers to push things, like haven't they' (interview 48: 15). In the study almost one in seven (n=7) said that they had lived on the streets at some time. It was not made clear in the interviews, whether or not they were on a probation order at the time. Four offenders were living rough and one was living in a squat at the time of this study. Over one in ten (n=7) said that they had been helped with accommodation by officers, but not when living on the streets. Only Neil had been helped by probation with accommodation whilst living on the streets. The lack of accommodation was noted in the case files of three offenders, including the PSR of Wilf. This noted that at the end of 1997 he had spent six and a half months in a psychiatric unit following several suicide attempts. Soon after he was sentenced to five months imprisonment and on his release was living rough in London. The lack of accommodation led him to return to his home area where he carried out the offences of handling stolen goods and deception. Hagan and McCarthy argue that 'the homeless youths who live on the streets of our cities confront desperate situations on a daily basis. Often without money, lacking shelter, hungry, and jobless, they are frequently involved in crime as lookers, victims and perpetrators' (1997: 1).

Accommodation as a factor can be divided into two sections: the influence of accommodation or its locality, and the lack of accommodation.

The influence of the accommodation or locality

It is within the area of poor quality housing that drug and an alcohol seem to be more prevalent. Almost two thirds (n=32) of the offenders said that drugs and alcohol were

prevalent in their community, but despite this well over half (n=26) were happy to live where they did. Roger found it difficult not to reoffend because of where he lived. 'I used to sell a bit before [drugs] and I still get people phoning me up on the phone or seeing me in streets, see if I can score for them and what have you' (interview 29:8).

Not only do these areas add to crime through their involvement with drugs and alcohol, but such situations add to mental health issues. Judith said that where she lived increased her depression. 'At night there's joy riding, and people shooting up. People getting drunk and setting fire to the park. Not a nice area to live' (interview 8: 7). Although, probation had talked to her about her accommodation, she said that she was choosy, and did not think that they could help her. She described it as 'my problem' (interview 8: 7).

The accommodation or community in which offenders live has been shown to have an influence on offending behaviour. It is not only the prevalence and/or acceptance of crime in a particular area but the influence of those who also live there. One third (n=14) of offenders in this study thought that where they lived had had a negative impact on their lives and on their offending behaviour. In a similar vein, the 2000 British Crime Survey shows that 37% of respondents thought that disorder in their area had a negative impact on their lives (BCS, 2000). However, living on the streets for many offenders is arguably worse.

Lack of accommodation

For those without accommodation the probation service can help in organising temporary shelter and introduce offenders to accommodation agencies. Martin was

not happy with the hostel accommodation that the probation service had organised for him, about which he continually complained.

They put me in a place where people were taking heroin, drugs. All me stuff were going missing. Don't get me wrong I were smoking cannabis but I think it's completely different to heroin and people were taking this drug and I didn't like it so I moved out of there and I went to Salvation Army, stopped in there for 3 week. That weren't too bad cos you got your own bed (interview 27: 16).

The probation service had only a limited number of contacts for temporary accommodation. However, they could help in a variety of other ways. Jayne described these:

They've helped me. I've been homeless and they've helped me, got me private houses. They've helped me with loans for furniture when I moved flats. They wrote letters to the council for me (interview 21: 7).

Neil (interview 47) who was described as a difficult individual and could 'kick off' at any time, said that the officer had tried to get him accommodation on more than one occasion, but because of his violent temper nobody would have him.

Living on the streets can be a frightening experience and has a direct link to offending behaviour (Rex, 2001). Joan makes the point regarding not only accommodation but other interrelated aspects of her life, including the lack of assistance from the DSS. She described her experience:

I was homeless and social wouldn't pay me. I didn't have no income, I was on the streets and I needed to eat and also feed the heroin I'd got at that time, because I'd had a nervous breakdown cos I'd lost me children, me home, everything. ... It made me think a bit about what the hell am I doing. But I was very angry and resentful as well because nobody would give me any accommodation. Erm the social security won't pay you if you've han't got no accommodation and it's just a vicious circle what you get into and you have to rely on people like the ARTY project and the Cathedral breakfast and Sunday dinners at Carver Street and things like that, I mean it's pretty sad, the system stinks and that is why I was committing crimes. No, well if you have no income and you're on the streets, you can't get accommodation, you've been round everywhere. You can't get social security cos you han't got no accommodation, what would you do (interview 48: 6).

Jeff described his experience of the streets.

When you're living on the streets, all you have is drinking and offending. You've got to know what it's like living on the streets and you've got no money. You've got to sort of sometimes go through that. Well people try and appreciate how I must feel, but until they've actually been in that position, it's not very nice. It's like being in hell to be honest. I've never had it as bad as this. Being in a strange place, not knowing anybody. Forever having to ask people where places are and getting lost. You're hungry, you're lonely, scared, really scary. Just being like a nightmare, nightmare for the last couple of days (interview 35: 11).

When Jeff was asked what, if anything, probation was going to do, he said: 'I've explained all this [to probation] yeah and I've told all this to the council as well.

They sympathise and that you know. [But] I need more than that' (interview 35: 11).

When Jeff was asked what impact his homelessness would have on his offending he replied:

Well I think in this particular situation I'm in, just makes you a little bit crazy. The way I'd look at it at the moment, if I've done some shoplifting or some'at like that, if I get away with it that'll be great, I'm here to see another day. But I think if I got caught I don't think I'd be too bothered actually (interview 35: 12).

The case file for Jeff recorded that he was distraught at the thought of returning to the streets, and in the latter stages of this research it was noted in the file by the officer that he made a further attempt at suicide.

The probation service is not in itself an accommodation agency. However, they do have access to a number of agencies which can offer temporary accommodation and assistance. In this difficult and frustrating task they were found to be partly successful, where help was obtained for six offenders. This help comprised: filling in housing application forms for three, finding accommodation for two and arranging loans for furniture for one. Darren who was made homeless for not paying his rent and being in arrears explained

He did everything he could to get me sorted out [the duty officer]. I must have been here about 4 hours, eventually phoned this place up and they said yeah he could come and stay for a couple of nights. It were Friday and I could stay till Monday, I didn't have to pay nowt (interview 33: 10).

It is under such conditions as homelessness that offending behaviour is made that much worse (Hagan and McCathy, 1997). Therefore, it should not be difficult to accept that the probation officers task of rehabilitating the offender is made much more difficult when unstable accommodation exists. It is such environments that Rex (2001) suggests should be taken into account when designing rehabilitative programmes. Such problems are made that much worse when there is no accommodation. A point confirmed by Underdown (2001) when he commented on the 'Think First' programme having a higher than expected drop out rate for offenders without suitable or stable accommodation.

Concluding comments

In contrast to even poor housing, life on the streets has been shown to be a lonely and frightening experience and obtaining social security payments difficult. It is under these conditions that drug and alcohol use is common place (May 1999 and Rex, 2001). This section has discussed the reality for many in this study, where they believed that it was only by offending could their addictions be financed and as Joan asked, 'what would you do?' This section reinforces the argument of this thesis, that welfare and care by officers would assist in the reduction of offending behaviour, where homelessness and poor quality housing seem to have a link to crime. However, it is accepted that the probation service is not an accommodation agency and that a much wider approach may be necessary.

Unemployment and lack of legitimate income

Introduction

In a study by May (1999) unemployment was shown to be a major factor in offending. For many offenders, the lack of employment opportunities stem from a lack of education and/or learning ability (May, 1999). This study will show that offending behaviour often began with offenders not attending school. Rex (2001) suggested that it was one thing to identify the lack of education, it was quite another to remedy the problem. The offenders case files showed that almost all were 'unemployed' and few (n=6) left school with any formal qualifications. Although almost all offenders were 'unemployed, only four had employment and/or education recorded as a need. There was little obvious officer input for the offenders' lack of education or employment, which is consistent with the argument of Rex (2001), who suggested that education and employment is not seen as a priority for officers input.

The impact of the lack of education

The lack of education may lead to a number of problems in later life. These include numeracy and/or literacy problems which can have an impact on employment and so on crime. It will be shown that the greater free time allowed by truancy or exclusion from school leads to a greater opportunity to offend. However, that argument is not new, 'criminologists have been aware of a peak in juvenile crime rates after school hours for half a century' (Gottfredson et al, 2001). In interviews it was found that two thirds (n=33) of offenders admitted to offending whilst at school - mainly shoplifting. Of these 33 offenders, 28 admitted to have offended whilst truanting.

Singleton et al (1998) found that those who received a custodial sentence were generally below average intelligence and there is no reason to believe that those on probation were any different. The educational standard of those in this study was found to be predominantly poor, with almost all (n=46, 89%) having no formal

qualification recorded by the officer. In contrast very few (14% male, 19% female) in the general population of England and Wales in 1999 were recorded as leaving school without any formal qualifications (DOE, 1999). Therefore in this study offenders seemed to be three times more likely than the general population to leave school without qualifications. Similarly the paper – ‘Misspent Youth 98’, confirms the argument that most young people on community sentences ‘have serious educational or employment difficulties and more than half are regularly missing from school’ (Audit Commission, 98: 4).

A lack of education has wide implications. These include the failure to be able to understand and complete application forms, being limited to employment at the lower end of the employment sector and to lower expectations (Bowles and Gintis, 1976). A lack of schooling can often be associated to factors which have previously been shown as related to offending behaviour, such as peer pressure or anti-social associates, bullying, social or family relationships, and health matters. Joan had time away from school due to health matters. She became agoraphobic whilst at school and consequently stopped attending. Towards the end of her school years she became pregnant and left early. Tim had quite a lot of time off from school due to his mother’s illness and because he had to look after her. His spare time was filled by shoplifting. School was also a problem for Mike. He was bullied at school and one day he retaliated, leading to his expulsion. Hardy was also bullied at school. He dealt with it by staying away without his parents knowing about it. Hardy describes his time away from school:

I used to go to town like, just walking about to keep out of the way. Till me mum catches me. [Hardy then explained why he got expelled from school] I got thrown out, one of the bullies what were like hassling me. Some of me friends found out and ended going up and sorting him out. And then the head teacher threw me out and kept the others in school which I didn’t think were right (interview 14: 3).

At the age of 14 years Hardy started shoplifting. 'It were like when I started hanging about with other people and I saw them do it [truanting and shoplifting] and I were like don't want to be the odd one out' (interview 14: 3).

To assist their schooling, three offenders in the study were taken out of main stream education and attended special boarding schools, away from home. These three were Roger, Kevin and Wills. Roger was expelled for being disruptive which he said was caused by difficult family circumstances.

I ended going to a special school, Thorpewood School it was called and then when I got there I loved it. It were a residential boarding school, I had to like stay for a fortnight, go home at weekends. But with family circumstances me mum split up with me real dad when I were right young. I were living with me step dad and me mum. Me step dad never liked me and me proper brother so like he used to beat us up, everything, whatever went wrong we were to blame but I were glad when I got to that school cos I were away and they used to take us everywhere. Take us canoeing because it's on edge of like we used to go to the Peak District a lot and I enjoyed it (interview 29: 2).

Wills states that he did well at school, unfortunately for him, he was expelled for first hitting a student, and then on another occasion the headmaster. Kevin said he was desperate to fit in, however, he was easy led and as a consequence he used to steal sweets for the other pupils. At the age of 14 years Kevin started assaulting old ladies and his petty thieving turned into sex offending. It was their lack of coping skills which initially led these offenders to crime. When Roger was asked if he thought that the probation service could help him, he replied: 'If they do it right yeah. But at end of day [the duty] sees that many people he don't get me file out, he don't look for it' (interview 29: 13). Wills said: 'I need somebody to talk to. I've got my mum but she don't understand' (interview 41: 17). At the time of the data collection Wills was still waiting to be assigned a supervising officer, although he had been on the order for over a month, it was his second probation order. Over three quarters (n=40) of offenders in interview said they would like more qualifications and over two thirds

(n=33) wished that they could catch up on their poor, or missed education. Almost half of the offenders (n=16) thought that their lack of education had led to their poor employment prospects, and that more training would help them to get a job. However, over three quarters (n=39) of offenders in interview said that the officer had not talked to them about training or education. This was confirmed through examination of the case files, where only four offenders (8%) had training referred to as a need.

Lack of communication skills

A legacy of the lack of education, which becomes a contributing factor to poor employment prospects, is poor communication skills. Both Chapman and Hough (1998) and Underwood (1998) include the lack of communication skills as an important factor in applying for employment. In interview this was expressed as a concern by a number of offenders. Two offenders said that they were referred to New Directions by officers, an organisation which helps with communication skills in respect to employment; although it predominantly helps offenders arrange interviews. Both these introductions were confirmed by the case files. Sam had had a number of employment interviews but felt let down and frustrated by his poor communication skills.

I go to several but sometimes I got frustrated, cos I don't feel I'm that strong and independent of they speak to you and sometimes in questions when I may not relate to it and then you're just stuttering and you think (interview 5: 19).

None of the case records of offenders referred directly to communication skill enhancement, nor did offenders in interview report that officers had referred to improving their communication skills. Clearly the lack of these skills has an impact on any employment prospects, and any lack of officer involvement in assisting offenders to gain this type of skill may suggest that it was not one of the needs that

the probation service could and/or were willing to help offenders improve. A lack of communication skills may reduce employment prospects and as a consequence have an influence on offending behaviour. A point confirmed by Rex 'In these circumstances, the absence of a job or shortage of cash might easily push them back into crime' (2001: 71).

Employment and a lack of legitimate income

It has earlier been reported that two-thirds of all offenders were claiming state benefit, which is in line with the two thirds quoted by Mair and May (1997). Almost all (n=49) the offenders in this study were claiming some form of unemployment benefit as their only legitimate income. Of those unemployed in the sample, over one quarter (n=14) were claiming invalidity benefit, the balance were claiming job seekers allowance (n=35). The reasons for claiming invalidity benefit varied, where substance abuse and lifestyle were clear contributing factors.

Probation records show a number of reasons existed for offenders claiming invalidity benefit. These included drug addiction leading to deep vein thrombosis; depression; physical injuries following being stabbed with a knife, which caused permanent damage; and other injuries that could be associated to their offending behaviour. Zach described the background to his claim for invalidity benefit. He reported that he was caught stealing a Range Rover by the owner.

I used to do car doors and I had me tools by the side on ledge. It were a Range Rover. I bent down, pulled car like that and I looked up. I jumped out of car, he [the owner] grabbed this bar and smashed me right on knee. I got up and got away (interview 10: 16).

In the short term, the incident did not stop Zach from stealing cars. However the knee got progressively worse over the next two years until it almost became an 'industrial' injury, hence the invalidity benefit. Zach said that he is now unable to steal cars, due

to being unable to depress the clutch! It is clear that while those on sickness benefit (n=14) were not at the time of interview in a position to be employed, over two thirds (n=35) of the offenders were 'available' for work. However, employment and/or training had been recorded as a personal need by officers in only four cases.

These four offenders were Frank, Jayne, Robin and Del. Both Del and Frank were on sickness benefit, and admitted to using in excess of £200 per week on heroin. Jayne and Robin were also heroin users, Jayne said that she had stopped using – although the officer had recorded a doubt over whether or not this was the case, Robin admitted that he was still using. Whilst employment is always an option, one could argue that for Frank, Robin and Del it was not a viable one. Jayne was adamant that employment was what she needed, the part C of her case file records that her femoral vein and those in her arms are in a 'mess' through drug use and that she is emaciated and looks ill. Therefore, whether employment is a viable option for Jayne is debatable.

The assistance necessary by officers to help offenders into employment and out of offending may not always be straightforward and may vary according to the individual. Lily who was 38 years old and who had never had a legitimate income said:

I've asked for help. I asked cos I'm doing all this childcare [training] and that and [I am still] going out shoplifting. I was a prostitute years and years ago and I asked am I doing the right thing training to be with children. Would I be able to get a job and they've never even got back to me (interview 24: 3).

Even when help is available to offenders and interviews arranged, problems remain. Tim said that he had applied for 30 jobs in one month. When he was asked why he thought that he had not got any of them, he replied: 'Probably my appearance. I've

tried for grants and that for new clothes, but I've only got one pair of black trousers to me name' (interview 13: 20).

It was the lack of ability to obtain legitimate employment that many offenders such as Jayne and Tim found difficult to cope with. In the study over a quarter (n=14) said that they were actively looking for work. When asked what the probation service could do to help them obtain work, in excess of two thirds (n=29) said 'nothing'. That is not to suggest that has to be the case, the probation service has access to a number of employment agencies, training organisations and can help directly with encouragement. However, the reality was quite different. Alfred (interview 17) said that the officer had told him to 'pull himself together and get a job', but offered no assistance. Most others thought that the help which the probation service could give centred around showing them how to complete application forms. Unrealistically one thought that they could teach him to read and write. The officer had recorded assistance with employment for only two offenders, referring them both to New Directions, the agency mentioned earlier.

Under the concept of integrated supervision, the National Probation Service suggests that national programmes such as those based on cognitive behavioural therapy should be balanced by local initiatives. These local initiatives should emphasis social issues, especially employment, where such integrated policies are central to the 'what works' strategy (Underdown, 2001). This study has demonstrated that this has not been happening. Help designed specifically to encourage the offender into employment was not found in the files, or in interviews, reinforcing the argument that 'effective practice' is not being achieved within this study.

Overall, the probation service has been seen to be lacking in its approach to increasing the employment prospects of offenders, which in its self has a consequence on the finance of the offender. We shall now examine the impact of a lack of finance.

Lack of legitimate finances

Introduction

The lack of finance for offenders have been shown to have an effect on offending behaviour, where offenders like the rest of society have expenses and living costs that require financing, these include the basic needs of food and accommodation. If they have children, disabilities, addictions or special needs, these may require additional finance. We have shown that most offenders are on state benefit and this very limited budget is often supplemented by crime, especially when offenders have a high drug dependency. This is made worse by a lack of employment. Consequently criminal activities often centre around crimes of acquisition. Martin explains:

Money all the time. It's money, I'd say it is but it depends what people are on. If people are on drugs it might be for drugs but for me it's for money cos I were struggling and I used to go in pubs all the time. (interview 27: 12).

Finance and offending behaviour

Offenders often justify their crime by arguing a right to monies, or to fulfil a specific need. Rex (2001) in her chapter about what might stop people committing crime, addresses many of these issues and demonstrates that for many offenders offences such as shoplifting can be seen as an easy method of funding. Grant described himself as the 'breadwinner' and argued that he needed to 'provide' for his family.

He explained:

The reason why I've done this [shoplifting] is like I did this for me kids. You know like me oldest one's she's coming home from school and she's saying oh dad me friend's getting this and me friends getting that and then like when

we're watching telly they say, oh dad will you get us that for Christmas, oh mum will you get us that and get us this. Like me mum always did her best for us when we were young and like them days things weren't as expensive. Like things like doubled, like me mum said they could afford it at time. I've tried to get in and do a job and that but [my wife] don't want me to. She says she won't cope and that's it. Sometimes I feel as though I'm doing well and then if I, like today we think'd we cope a lot better if we got weekly payment but with fortnight payment, I keep me'sen away from all money and like. I'm having no part with Christmas stuff and that's what caused me to commit crime, I wanted to do some'at, me own part. I just want, at end of day I want to do me best for kids (interview 39: 14).

Lack of finance dominated many offenders' lives. Day to day living could often only be sustained by borrowing from those who charged extortionate interest rates and who often collected their monies by unscrupulous methods. Over half (n=24) of offenders asked said they owed money to third parties. In an effort to 'do his best for his kids' Grant borrowed money from 'some heavy handed people'.

I were going out and I were getting things, you know, I were going to dog tracks, I was getting in with wrong crowd. ... [During this period, Grant started borrowing money from these people]. It started off like just hundred quid then it went to like three hundred quid and then it were like doubling it and it just got a bit out of hand (interview 39: 12).

To pay off the debt, Grant was forced to carry out specific burglaries, targeted by those to whom he owed money. 'I paid like they took me to some places to do and I were forced to do 'em' (interview 39:12). Unfortunately Grant was caught during one of these burglaries and received a custodial sentence. Whilst in prison those he owed money to turned on his partner and demanded the balance owed. His mother in law paid the balance of £300.

Wills also helped to finance his family by the use of moneylenders which created further problems leading to crime. He described being in debt to moneylenders which led to him selling a rented video and a TV for cash (theft and deception).

I don't even pay 'em no more [the moneylenders] - I haven't paid 'em for a bit, and I owe Sky. I had a Sky TV which I sold. I sold a video off another

company. *So you've sold it and moved to avoid being caught?* I moved out yeah. *So you did a runner?* Yeah (interview 41: 6).

In addition to being in debt to third parties such as 'moneylenders', three quarters (n=36) had deductions from their benefit for crisis loans, making their plight much worse. Almost all these individuals had a chaotic lifestyle and seemed to move from one financial crisis to the next. In an effort to finance the family's every day living costs, Wills targeted a new source of finance - his drug dealer:

I took a loan out with my drug dealer, he does loans and things like that. On £50 he puts £25 quid on it. I pay him a tenner a fortnight so. Between me and me missus we owe him 55 quid (interview 41: 6).

Only a third (n=13) of offenders thought that officers had talked to them about their finances. When the case files were reviewed only eight cases out of the total sample of 52 had debt or financial matters recorded as needing addressing. The officers had referred two offenders to CAB, and an officer had carried out a financial review of another offender's income and outgoings. However, little progress was possible due to the dire financial condition of the offender. This highlights the problem officers have in addressing such matters. The remaining five offenders who had been identified by officers as having financial problems, did not have any objectives recorded to help overcome their financial problems. Over half (n=27) of offenders in the sample thought that the lack of money had also affected their health, two thirds of them (n=14) thought that their poor financial situation had added to their depression. Judith had no previous convictions but at the age of 29 she stole money she had been collecting for a charity to pay rent arrears over the Christmas period after receiving an eviction notice. Diane believed that her debt problem had caused her depression which led to drink, and in turn led to her conviction for drink driving.

It has been shown that the lack of finances may be simply linked to offending behaviour or it may be a complex set of interconnected factors. Steven explained the position of many.

Well I mean the thing is you know darn well that when you get that money on a Saturday, there's not enough there. You know you can't live on three pound a day, I mean which is what you're basically talking about. You can't live on three or four pound a day because by the time you've taken electricity out of it and you've got to take that out cos you're on a token meter. By the time you've taken that £10 out of the £54 you're left with 44 right. Now you can't do it, it's impossible so you know that from day one from the time you go and cash that cheque you're looking for a way of making a fiver or getting food or one thing and another (interview 40: 9).

The lack of finance can be a very complex and interrelated issue, especially so where some offenders were not receiving any money from the Department of Social Security (DSS) because of the lack of a suitable address. Joan was one such individual who made her money by shoplifting. She stole items like toothpaste and shampoo, which are easy to sell. Joan was asked why she stole toothpaste if she needed food.

Because food is bulkier. I mean you try running out with a chicken you know what I mean up your shirt, you look like you're seven months pregnant. Go in like skinny as hell cos you're starving and then coming out like a great big lump (interview 48: 8).

Whilst getting a job may seem to be the answer, for the low paid the system is not always conducive to encouraging employment and a number of offenders were in what has become known as the poverty trap. Wilf was in such a trap, he had explored the possibility of getting a job from the Job Centre, but said:

We get £210 a fortnight. We get £65 paid a week for our rent and get the council tax paid. We only need to buy shopping out of that. I've been to the job centre and jobs pay about £3.60 an hour [the minimum wage at the time]. So I worked it out, that's like £130 a week. I need £65 for my rent and then to keep me and [my partner] and electric as well, I'm better off on the dole (interview 31: 4).

Wilf went on to explain that if he needed any extra money, stealing cars was his answer.

Never do burglary. The way I see it is people have car insurance and they can get it replaced. *How much can you earn though stealing cars?* Well it depends on what it is and what type. If you've got a Calibra and it has leathers and everything you can do about a thousand pounds (interview 31: 4).

In contrast to Wilf, Darren was trying to go straight. He had his own way of going about it and had to get up at 4am.

I just go round, go up to burns [to collect waste metal] I just go for ally. Ally, steel, copper, brass, gun metal, titanium and things like that. ... then I'll get a Stanley blade, strip it down and just go and weigh it in. Then [I earn] 10 or 15, 20 quid a day or some'at. Just to feed me habit cos before that I were always pinching, buying cars and vans. I've never been caught for most of things I did like burgling. Well I didn't burgle houses but shops and things like that (interview 33: 1).

In summary

It is accepted that financial problems are difficult to deal with, especially when offenders seem to have such a low legitimate income. However, the probation service seemed to have only limited impact on those who expressed financial problems. This supports the main argument of this thesis, that 'effective practice' was not being achieved. We shall now look at the influence of the 'dysfunctional' family.

Criminal or anti-social background of the family

Positive social action is the process of adapting one's behaviour to that of other members of one's group or family which is learned by most of us within the family environment (Harris, 1998). However, if that family, group, or community have anti-social tendencies or fail to instil positive social ideals, criminality may follow. Murray argues that 'families' such as these are a group of individuals who 'live in a different world to other Britons, who are raising their children to live in it and whose

values are now contaminating the life of the entire neighbourhood' (1990: 4). Walker (1990) argued that Murray's analysis is a mixture of stereotypes, prejudice and ill-founded quasi-scientific notions. 'At least half of the children born into a disadvantaged home do not repeat the pattern of disadvantage in the next generation' (Walker, 1990: 52). However, a great many do.

This study demonstrates that the majority (n=35) of offenders in the study either came from fragmented families, or those with criminal convictions. Therefore it is not surprising that Bottoms et al (2001) make the point that the probation service should discount the social and family background of the offender at their peril:

Persistent offenders [as a group] contain a wholly disproportionate share of people who have grown up in troubled families ... [and from] very socially disadvantaged communities or circumstances ... there can be little doubt that concentrated social disadvantage is part of the *causal explanation* of high offending rates (Bottoms et al, 2001: 236).

This is confirmed by Joan when she was asked what she would like to change about her life, explained:

Everything, being born into the family that I were born into. I were battered from the day I come out of the hospital to about 6 week old. I was in intensive care for three months, brain damage. Largest recorded fracture on a baby's skull. All me wrists broken, everything black and blue from head to foot. How could anybody do that to a baby. I've got files that social services and my family kept. What me dad were like and what he did. How many women he raped, how many women he beat up. He were a psychopath and me mum stood by him for another year (interview 48: 22).

When Miles was asked what had to change in his life, he said the past. He went on to explain his relationship with his father:

It were every time you come in, it was get them fags, light it for me. I don't want to smoke it dad, I don't like it. And one day he said we'll play this game and you know stairs have carpets, and he whacked me all round living room with a stair rod. Pan around the ring he called it. I had to run round this furniture. He was there, me there and he come in from pub, mother in kitchen and we had to stand hands behind us backs like that and he'd come round and tap on my shoulders. I used to go to school with like tram lines across me legs and I went home and me dad says come back over here, I want to give you a

good hiding. ... I used to walk round [school] walls not play with anybody and er I used to not talk to kids (interview 53: 8).

The PSR of Joan acknowledged the fact that she was a battered baby and had been in care. This led to a feeling throughout her teenager years of not being wanted and finally to her use of heroin. Her Supervision Plan concentrated on her drug use, that she was easily led and that she was heavily in debt. However, neither the Supervision Plan, nor any other documents created by the supervising officer acknowledged her early years or social circumstances as a teenager. The case notes did not record that she said that she was abused by her adoptive parents and that she was raped at 16 years. However, it could simply be that the officer thought little could be done to remedy such a past and concentrated on more practical matters as those mentioned above. None of her documents referred to her past which led to her lack of self-respect and as a consequence her drug use. She was a poly drug user, admitting in interview to using heroin, methadone, and amphetamines. When asked why she took the drugs she said to block out her past. Joan herself acknowledged that counselling would have been a good idea. She also said that the probation service had done nothing to help her.

The PSR of Miles recorded that he had attempted to commit suicide on at least two occasions. However, no file contained details of his childhood, although three criminogenic factors were recorded. These were the love of cars, poor relationships and in need of employment. In interview when asked about his family, he said that nobody had wanted him and he went into 'care'. When asked what the objectives of the order were, he could not remember. The probation service had not dealt with the

problems of Joan and Miles, nor had they got to the cause of their problems. In their cases at least 'best' practice was not being achieved.

Social and family background and the offender

It is generally accepted that the family and its social circumstance play an important part in influencing the child and its development (Scott, 1977; Brownlee, 1998). Almost two thirds (n=30) of offenders reported that they had not been brought up by their own two parents, they had been brought up either by one parent (because of the death of one parent or other reason), or were placed into care. Only one third (n=11) of the case files of these contained details of their background. When family upbringing was recorded, the supervising officer had referred to only one offender whose family background had an influence on offending behaviour. However, no specific objectives when this single case was examined were recorded. 'Best practice' would suggest that the family background be at least recorded for an overall picture to be formed, as it is clear that it has a clear impact on the foundations for the offender's offending behaviour.

In this study it was found that the reasons why offenders offended was often a complex mixture of interrelated factors which would need a structured and comprehensive approach with both short and long term goals. Often these factors centred around a family break up. Frank was twelve at the time of his family break up, and explained the relationship between offending and his parents' separation. 'I loved me dad being at home and when he weren't there I rebelled against me mum' (interview 52: 10). Miles talked emotionally about his early years, family background and the impact it had on his offending. In the following quote, Miles talks about he and his mother being taken on by another man, as if they were a chore.

This 'new' family compounded his father leaving and reinforced his low self-esteem.

This change in circumstance created the background for his offending behaviour.

From 18 month old, that I don't remember but me mum threw me real dad cos apparently he battered me, but I don't remember, I only heard her side. Er this bloke called Malcolm, he took me mother on but I got the feeling that he didn't want me here so that scared me a little bit. I went back to me real dad but he didn't want me. Then six year old, seven year old I went into care. [It was at that age that Miles started to commit 'offences'] (interview 53: 7).

In a similar way Peter described being passed from one foster parent to the next. In total he had had 31 sets of foster parents. Joan was another case, she was adopted from birth, left home at 17 years and said that she never really got on with her adoptive parents. Wilf described his reason for living rough: 'When me mum died my dad ran off with her friend and I was 17 and vulnerable and I were up to trying anything' (interview 31: 6).

Billy's parents were heavy drinkers and his early years traumatic. During this period, Billy shoplifted to feed his brothers.

When I were younger me parents used to drink a lot, still drink now really. But sometimes I used to have to go out and steal for them you know what I mean. I'm the oldest of seven brothers, the youngest is nine now. Otherwise we'd starve. There's nowt wrong with that is there? Know what I mean, I thought at the time I were doing right at that stage and then you nick some at that stage. When you meet people cos I were most streetwise and when you're younger you mix with older people and that's what got me into that robbery, you know what I mean. And then it got me like seven, eight years locked up. Basically me eighteenth and twenty-first you know what I mean (interview 30: 14).

The family and background of the offender often has a direct effect on offending behaviour. Kes (interview 16) said that all his family had been involved in crime and described his family shooting people. Tim's family had also been involved with firearms, 'me dad's been done for firearms and all sorts (interview 13: 12). It was not only being involved with theft and violence that had an effect on those interviewed. Richard described his father molesting his sister when she was four years old. 'When

I found out about he'd done this I got baseball bat to his leg and bust his leg in bits and I were only ten year old' (interview 43: 12). After this the family split up and Richard stopped going to school, turning to shoplifting.

Neglect comes in many guises and can lead directly or indirectly to offending behaviour. Mike explains how his mother moved in with her partner and left him at home alone with the dog. Mike was 14 years old and although his mother regularly brought him food, he did not know where she had moved to. In an act of defiance and to buy extra food, he sold some antique chairs for £60. He recalls 'I bought dog food, spent ten pound on food and then I went to Skegness for day with dog. Then I come back, on train. When I got back she were waiting for me with the police' (interview 6: 5).

This study has identified a relationship between the family background and offending behaviour. It can guide the individual into crime or away from crime; it can support socially acceptable or unacceptable behaviour. Often the impact of the family seems to be self perpetuating from one generation to the next. Almost all the offenders in the study (90%) came from families which had disintegrated to some degree, and/or had criminal convictions. This confirms the importance of pro-social family life and positive parental guidance.

Concluding comments

Generally the probation service failed in the overall assessment of drug use and in the rehabilitation of the drug and/or alcohol user. However, whether this is a realistic task is open to discussion. Any failure was not only to the detriment of the criminal justice system, but to the community and to the offenders themselves. It was also

found that offenders were over five times more likely to have anti-social associates, than pro-social ones. Furthermore, pro-social modelling from the parents of offenders was found to be lacking, and family background often had a direct influence on offending behaviour. Family background, peer pressure and anti-social associates were found to be the greatest influences on why offenders offend. The factors found for offending behaviour were wide and varied. However, many factors were so interlocked with one another that they were impossible to separate.

Within this study it was found that offenders wanted help with substance abuse, accommodation, employment and financial matters, in other words – welfare. These were similar to the criminogenic factors recorded by officers. When offenders were asked if those factors had been reduced, only six said that they had. Most of them said that it was down to themselves and not officers to address the reasons for their offending, but officers were there to help. Rex (2001) suggests that many underlying problems of the offender are difficult to remedy and therefore officers may concentrate on those that require practical assistance and everyday remedies. That comment was confirmed to a degree in this study, where officers seemed to be simplistic in their approach to supervision and limited in their identification and implementation of the factors surrounding the reasons for offending behaviour. For a wider approach to be taken, agencies such as CAB, drug rehabilitation and specialist counsellors were an option. However, only six offenders, apart from the sex offenders were recorded as being involved with partner agencies.

Probation officers were found to have underestimated the needs of offenders in almost all cases. The officers seemed to take little interest in achieving or producing objectives designed to reduce the limited needs identified. The probation service, by

not implementing the order according to 'Evidenced Based Practice', and by not following the 'what works' principle (see Underdown, 1998), had failed not only the criminal justice system and the community, but also offenders themselves. As a consequence of that failure they have also failed the next victim. This supports the main argument of the thesis which is that 'best practice' based on 'what works' was not being carried out.

Chapter 6 addresses the concept of risk and attempts to relate risk to the offenders' needs and the concept of supervision reflecting those factors.

Chapter 6

Risk and its impact on 'effective' supervision

Introduction

The concept of risk and the perceived 'dangerousness' of the individual has a long history. The Victorians classed whole sections of the population, such as the poor and dispossessed, as the 'dangerous classes' (Thomas, 2000). It is from this background that the 'criminal justice system' seems to have greater concern with classification and management of individuals, than with reform (Brownlee, 1999). Rather than diagnosis, intervention, and treatment, Feeley and Simon (1994) suggested a 'New Penology' which takes deviance for granted and crime as normal. The principle aim under this concept would be one of regulation and management of risk. Similarly the probation service seems to have managerialism and law enforcement as its priority, where managing risk is central to its main task of rehabilitation. Within such a task there is arguably a conflict between reform and control. Such a point has been made in the previous chapters when referring to Hedderman and Hearnden (2000) who suggest the increased control within National Standards (2000) may be at odds with 'effective practice'. 'Effective practice' is at the centre of a probation order, where the level of risk and the totality of criminogenic factors should dictate the level of probation input in an effort to reduce reoffending. On that basis, 'effective practice' through the management of risk is consistent with the concept expressed by Feeley and Simon (1994). However, the definition of risk is a difficult concept, it means different things to different people. The definition and use of risk within this study was found to be confusing and inconsistent.

We shall in this chapter attempt to illustrate the use of the risk assessment and demonstrate its impact upon the 'effective' supervision of the order. We will discuss the use of risk within the concept of the offence group, the overall needs of the offended and finally the impact of risk on 'effective practice'.

Risk, its definition and management

The term risk can have two different meanings, often depending on the offence. These are the risk of dangerousness and the risk of reoffending (National Standards, 1995). This study will demonstrate that an offender may have a high risk of reoffending, as was the case for many shoplifters, but a low risk of dangerousness. Alternatively as with a number of the sex offenders, they may have a high risk of dangerousness, but may have a low risk of reoffending. There may also be such crimes containing overt acts of violence which are not only dangerous, but depending on the past record of the offender, may also indicate a high degree of reoffending. To describe the offender solely as high, medium or low, therefore may lead to confusion. Such conflict in terms was identified by Raynor et al (2000) when they suggested that the term 'risk' was often used to indicate the probability of both reoffending and dangerousness. 'This kind of ambiguity about whether 'risk' primarily indicates the probability of further offences or the danger presented should they occur can lead to confusion ...' (Raynor et al, 2000: 2). Whatever risk the recorded risk suggests, supervision should be tailored to that risk (Chapman and Hough, 1998) and unless risk is clearly defined within supervision, confusion remains.

In an attempt to clarify the process of risk, Bonta (1996) describes three generations, or levels of risk assessment. The first level is described as an individual judgement

by the officer. The second level is where assessments are made by actuarial or mathematical methods based on static and therefore fixed factors which include the past history and age of the offender, and finally, instruments such as ACE which take into account not only static factors, but dynamic and therefore changeable factors including the reasons for offending behaviour (criminogenic).

ACE stands for Assessment, Case Recording and Evaluation System. Amongst other factors, ACE was designed to help officers assess risk. Within ACE one page is divided into two sections for the officer to evaluate the offender's risk of harm (dangerousness) and that of reoffending. However, ACE was found in the case files of only four offenders and of these four, only one was fully completed, one was partially completed and two were blank. If an assessment tool is not completed appropriately, their potential for use may be wasted. A number of other assessment tools have also been designed, including amongst others, OGRS – a risk of reconviction scale.⁴² However, OGRS was not recorded as being used in any of the cases in this study and so will not be discussed further. Both OGRS and ACE have been replaced with OASys.⁴³

The assessment of risk serves two main purpose, first to be a cautionary assessment of any danger posed by the offender and secondly to determine the level of probation input within the order (National Standards, 2000). It is only by assessing the initial risk of the offender that reductions in risk can be assessed. Risk assessments should be carried out at regular intervals to determine change (National Standards, 2000). In this study, only two offenders had more than one risk prediction/assessment

⁴² Offender Group Reconviction Scale (OGRS), a statistical risk score used by the probation service in England and Wales

⁴³ OASys is a joint prison and probation offender assessment system.

conducted, a quarter (n=12) had none. The two offenders who had more than one risk assessments in their files were both female and recorded as low risk.

The majority of offenders within this study will be shown to have been assessed principally on dangerousness and not reoffending. This was illustrated by the fact that all women in the study were classed as low risk, yet reoffended just as much as the men. Whilst it is not suggested that officers should have a crystal ball for use in risk assessment, they should be capable of making a prediction based on concise factors such as past history, criminogenic factors and personal needs. However, these would have to be correctly collected in the first instance.

It is clear that the definition of risk can be an involved, complicated and often confusing process. One experienced officer in the research area - with over ten years experience, when asked about risk said: 'Risk, we can't agree what risk is. Some think that it is the risk of reoffending; others that it is the risk to the public. In fact it probably is a mixture of both. Generally we take risk to be the risk of violence' (Research diary, 1999: 9). However, risk is not a mixture of both, it is two separate assessments. It is surely therefore important that the definition of 'risk' is clarified and until 'risk' is 'correctly' defined and addressed, probation input cannot be effectively tailored to the individual. It has been argued that only by addressing needs based on risk can offending be decreased, resulting in rehabilitation - the primary objective of a probation order (Raynor, 2001).

The definition of risk

The prediction of risk is first made in the Pre-Sentence Report. It is an important process for the officer and is particularly difficult when assessing dangerousness. This point is confirmed by Scott who suggests that ‘predicting dangerousness is particularly difficult because, dangerousness is the resultant of a number of processes ...’ (1977: 128). In an attempt to identify the risk of dangerousness, Scott highlights Robins who states: ‘If aggression appears early and is widely distributed – at home, at school and in the neighbourhood and if it is present also in siblings and father, then it is likely to persist’ (Robins, 1966: cited in Scott, 1977:133).

To simplify the process for the officers, the local probation service had produced a relatively simple one page form, which contained four basic questions to enable the assessment of dangerousness. These questions were: is there a risk of harm to children, to the public, to probation staff, or of self harm. On that basis a score would be given between 0 and 3 which would relate to low medium or high risk. The risk of reoffending generally needs less description than that of dangerousness, where it should take into account the past history and social circumstances of the offender (Brownlee, 1998). This point is confirmed by Scott who stated: ‘the best indication of future behaviour is past behaviour and offenders who offend against property, rather than against the person have the highest tendency to repeat the offence’ (1977: 133). For the risk of reoffending to be assessed, the risk assessment used by the majority of officers in this study contained only one simple section at the end of the section for dangerousness, where the officer would score their prediction of reoffending, again 0 to 3. There were three boxes at the bottom of the form where the officer would tick low, medium or high risk. One box would be ticked for both risk assessments.

A single risk assessment can be confusing. It will be demonstrated that offenders recorded as 'low risk', offended in this study with greater frequency than the 'high risk' offenders, but were not seen as being dangerous - hence their classification as low risk. Theoretically, lower recorded risk would lead to lower probation input, leading to a lower opportunity for rehabilitation. The low risk group contained all the women (n=9) and almost two thirds (n=20) of the men with a risk assessment. Within the low risk group many reported that they regularly reoffended. This reconfirms low risk being the low risk of 'dangerousness' and not of reoffending. This was demonstrated by Lily who by her own admission was a regular shoplifter, when asked when the last time she had shoplifted, answered: 'this morning on the way here' (interview 24: 5). We shall now discuss risk in the context of offence groups. However, as will be shown throughout this chapter, risk is not dependant on one factor, it is generally a mixture of interconnected factors which demand an holistic view is taken in risk assessment.

Offence group and risk related influences

Within this section we shall examine a number of case studies in an attempt to illustrate how the probation officer needs to use professional judgment to arrive at a final risk assessment. This will be shown to have been carried out by examining the offence group, previous convictions, the lifestyle of the offender and the circumstances of the offence. Overall the sex of the offender seemed to have the greatest influence on a risk assessment, where all the women who had a risk assessment were classed as low risk.

The offender's offence was found to be only partially indicative of the recorded risk, where in the main, risk was based on individual characteristics, the seriousness of the offence and the past history of the offender. Sex offenders were found as a group to be classified as more serious than others and as such will be examined separately in greater detail at the end of this section. Table 6.1 below shows the general offence group of offenders, it is divided into male and female and is presented in relation to their recorded risk.

Table 6.1: Offence group/risk

Male Offence group	The recorded level of risk				Total
	No risk assessment	Low	Medium	High	
Burglary	2	2	2		6
Theft and Handling	4	7	2		13
Criminal damage	1	3			4
Violence against the person		1		2	3
Motoring		4			4
Drug offences		1			1
Common assault	1	2	2		5
Sexual offences	1		3		4
Other	1				1
Total men	10	20	9	2	41
Female Offence group					
Burglary		1			1
Theft and Handling	2	5			7
Motoring		1			1
Fraud		1			1
Robbery		1			1
Total Women	2	9			11
Total	12	29	9	2	52

Table 6.1 shows that there were ten men and two women whose case files did not contain a risk assessment. There could be a number of reasons for this, including oversight, that they presented no discernable risk and so a risk assessment was seen as unnecessary, or that the risk assessment could simply have been lost. Those without a risk assessment were found to be consistent throughout the offence groups and represented both sexes. The information contained in their case files and from their interview suggests that they would have been classed as either medium or low

risk. Of these, the two offenders who had been convicted of burglary and the one sex offender were probably medium risk; the remaining nine would be classed as low risk as their offence groups and offence details were similar to others in that classification.

When those with a risk assessment were examined, table 6.1 shows that three men were convicted of crimes of violence against the person, two of whom were classed as high risk and one low risk. In general those recorded as low risk were largely convicted of theft (predominantly shoplifting) and/or handling stolen goods, and accounted for almost two thirds (n=7) of the women and one third (n=13) of the men. It is therefore difficult to separate the offence from the sex of the offender as a reason for their categorisation of risk; however, it did appear to be an indication. When examining offence groups, shoplifting is clearly less dangerous than an offence of violence, two offenders who had been convicted of theft and/or handling were recorded as medium risk. In contrast, the only offender in this study convicted of robbery, was female and had been classed as low risk. Therefore it would not be unreasonable to assume that the sex of the offender played some part in the risk assessment process.

A common factor throughout this study has been the identification of risk being a confusing and often contradictory process, within which the past history of the offender is the most effective indication of risk and future action (Brownlee, 1998; Scott, 1997). Nine out of ten (n=44) offenders had previous convictions, confirming that the past history of the offender had an impact on future offending behaviour. Fourteen offenders had in excess of 20 previous convictions and four in excess of 50. Whilst the offence group in itself may not always be enough to stipulate risk, the

previous convictions and lifestyle do provide an indication of the risk, intensity and frequency of reoffending, and the offence group may be an added indication towards dangerousness.

Individuals who commit violent offences against others, pose a greater risk of danger to the community (including probation staff) than those who shoplift (Andrews and Bonta, 1998). Sex offenders are a clear example of this, where as a group they are classed as dangerous both in practice and law (Sex Offenders Act 1997). However, it has been shown, and will continue to be shown in this study, that those who regularly shoplift offended with greater prevalence than those who commit crimes of violence. This adds weight to the argument that the two elements of risk, i.e. risk of dangerousness and of reoffending, can be very different and should be treated as such throughout supervision. We shall now discuss the three risk categorisations in relation to the offence group and any related factors in an attempt to identify the reasoning behind risk assessment and any impact of those factors on recorded risk. We shall now demonstrate those factors under each offence group.

Violence against the person

We have briefly mentioned the two high risk offenders John and Neil. John aged 43, was given a 24 month probation order after spending six weeks on remand for an offence of harassment. His conviction centred on persistently pestering a female tutor at college, her home and at her second place of work. She reported feeling threatened and frightened for her own safety – so much so that an injunction was taken out in an attempt to deter him from future visits. John's previous convictions included actual bodily harm, arson, harassment, burglary and theft. His convictions suggest that he was a dangerous individual and he not unsurprisingly was classed as high risk.

John's offence of harassment, whilst included as an offence of violence, was treated by the probation service as a sex offence. A completed Thornton Scale of Assessment was found in his case file which led to him being required to report weekly throughout his order and to attend the intensive sex offenders' course.⁴⁴ The reasons for John being classed as high risk seemed to have three elements based on dangerousness. First, the offence group of harassment was to be found within violence against the person, second being recorded as a sex offender and finally, his previous convictions being a further indication of his potential risk of dangerousness. However, he did not have a high number of previous convictions (n=6), when one takes his age (45 years) into account. Therefore, his recorded risk did not seem to reflect reoffending but dangerousness.

Neil aged 26 was recorded as the other high risk offender and had been sentenced to 18 months probation for the offences of actual bodily harm, burglary and handling stolen goods. His past history records that he had been given his first custodial sentence when he was 16 years old and had since completed three probation orders. Neil had over 30 previous convictions and was classed by the probation service as a troublemaker with a violent temper and a 'short fuse'. As a consequence he was recorded as high risk. The risk of Neil seemed to be based upon the risk of dangerousness and with his high number of previous convictions (n=30), one of reoffending. No other offenders in this study were classed as high risk. However, in contrast to John and Neil, one offender, Robbie T, had been convicted of violence against the person and had been recorded as low risk.

⁴⁴ A Thornton Scale of Assessment is a psychological assessment tool - used for sex offenders.

Robbie aged 20, had been convicted of an affray outside a night club where he attacked another person with a snooker cue. He had only one previous conviction recorded. The PSR recorded that he believed he was defending his 'girlfriend' and that it was out of character. As a consequence he was recorded as low risk. These three case studies demonstrate that the risk assessment by the officer was not based solely on offence grouping. The officer seemed to have made a professional judgment based on information gathered from the offender's previous convictions, and circumstances of the offence, which together with the offence group seemed to lead to the offender's recorded risk. We shall now examine the offence of burglary.

Burglary

Five cases from the offence of burglary will be examined in an attempt to illustrate how risk assessments were made within this offence group. A dwelling house burglary is a serious offence, where the offender is inevitably given a custodial sentence (Magistrates' Sentencing Guidelines, 2000). However, the offences of burglary in this study were at the lower end of this offence group and included the burglary of a shed and domestic garage. Within these examples it is suggested that, in a similar way to the violence against the person group, the risk assessment was based on both past convictions and the circumstances surrounding both the offence and offender. The first two cases contain Robin and Rupert who were both identified as medium risk. Those recorded as low risk in this group include Tim, Tom W. and Ellen.

Robin was 21 years old and had two previous convictions for theft. His conviction for burglary came to light three years after the offence had been carried out - he pleaded guilty to the offence at the earliest opportunity after accepting fingerprint

evidence. When the time delay and his low number of previous convictions are taken into account, he received what would normally be described as a lenient sentence for a domestic burglary - a 12 month probation order. In so far as the offence and area surrounding it was concerned, there seemed to be little to justify Robin being classed as a medium risk offender. He had only two previous convictions and his offence was three years old.

In contrast, Rupert was 33 years old and had over 40 previous convictions, five of which were for violence. He had been given his two year probation order for the offence of burglary of a domestic garage. However, his current offence of burglary was committed whilst on a probation order for shoplifting. The assessment of Rupert as medium risk seemed to have little to do with his offence group, due to his burglary being a domestic garage and more to do with his previous convictions, committing his offence whilst on a probation order and the officer's perception of possible violence. It was recorded that at times he carried a CS gas canister around with him; he had a glue sniffing habit and showed little remorse for his offences. These three facets have a greater affinity to dangerousness, than to reoffending. However, his previous convictions do indicate a risk of reoffending and in this instance he seemed to be a medium risk of both dangerousness and reoffending.

We shall now look at Tim who had been classed as low risk and put on a 12 month probation order following a conviction for burglary of a shed, which he carried out with his brother and a friend. There were no previous convictions for Tim in the case files. However, his case files record that he had no income whatsoever and attended a drop in centre for food. He had rent arrears of £1500 and owed £2000 on a Visa card. In interview Tim said that he spent at least £140 per week on cannabis, which was

not recorded in the case file. His assessment as a low risk offender seemed to be due to his lack of convictions and there being no evidence of violence in the case files. However, his high level of debt and cannabis use may well have had an impact on his risk of reoffending, but these were not referred to in the case files.

Tom W. aged 31 years was the second low risk offender convicted of burglary. He had been found asleep in a shop premises after breaking a window to gain entry. He said that he had drunk 12 pints of lager and had fallen asleep - he did not steal anything. There were no aggravating aspects of the offence; however, he did have over 30 previous convictions – mainly for theft. It is suggested by this study that in Tom's case, he was assessed as low risk on the criteria of dangerousness only, his criminal record made him unlikely to be a low risk of reoffending.

The only female convicted of burglary was Ellen, aged 20 years, who had been given a 24 months probation order. She had six convictions for prostitution and nine for failing to surrender to bail, no convictions for dishonesty. The mitigating feature of the offence was that it was carried out with and under the direction of her 'boyfriend'. The case file records that she was a drug user and was prostituting herself. The risk assessment records that she was a low risk to the public; obviously dangerousness being the criteria here, whereas her drug use and lifestyle created the potential for reoffending.

It was clear that in the cases of the five offenders above, their risk classification was one principally of dangerousness, rather than reoffending. However, the reasoning behind Robin's risk classification seemed inconsistent with the others in this group

and did not seem to be justifiable on the grounds of either dangerousness or reoffending.

Common assault

We shall now discuss the offence group Common Assault. Within this group we shall examine the cases of Mike and Billy. Both were recorded as medium risk and convicted of common assault which indicates a degree of dangerousness. In contrast to those recorded as low risk they had a large number of previous convictions, which would indicate reoffending. Therefore for these two offenders, their risk classification would indicate both dangerousness and reoffending.

Mike, aged 24 had been recorded as medium risk and had 30 previous convictions. The majority of these were for acts of violence and for the offence of common assault he had been given a two year probation order. The assault was committed on a 16 year old youth and as a consequence he was classed as a Schedule 1 offender.⁴⁵ In terms of risk, the risk assessment specifically asks if an offender is a schedule one offender and if that is the case, it should be addressed within the Supervision Plan and reflected in the risk categorisation. Therefore, Mike was at medium risk of both dangerousness and reoffending.

Billy, aged 29 was the other offender in this group recorded as medium risk. However, he had almost 70 previous convictions including those for robbery and for burglary. His current probation order was one of 12 months for assaulting a pub landlord. The offence occurred when he and some friends helped themselves to alcohol valued at £21. This happened after the landlord had refused to serve them

⁴⁵ A Schedule 1 offender is an offender who has a conviction under 'The Children and Young Persons Act 1933'.

with more alcohol, because of their already high level of intoxication. Billy's previous convictions included ten for burglary, two for robbery and convictions for violence due to alcohol misuse. It is therefore understandable why he had been classed as a medium risk offender and not low risk. His risk seemed to reflect both dangerousness and reoffending.

The two offenders convicted of common assault and recorded as low risk are Hardy and Joseph. Hardy was aged 22 and had three previous convictions. The assault charge came about during a family argument, when he hit his grandmother (aged 68). The PSR recorded that he was moody, confused, withdrawn, had tried to commit suicide on more than one occasion and was in receipt of regular medication for ongoing mental health problems. The offence of Hardy, whilst unfortunate, turned out to be a family matter and together with his low number of previous convictions, reflected his low risk status.

The second offender recorded as low risk convicted of common assault was Joseph, 48 years of age and with no previous convictions. Joseph's assault was on a 10 year old boy who had been threatening his young daughter. Joseph was not recorded as being a schedule one offender, although his victim was only 10 years of age. There was no explanation for this in the case files, however, he had reached the age of 48 and had not had any previous convictions. The background to the offence was that due to financial difficulties the family had lost their home and had to move into council housing. This had created pressure for him and he lost his temper, the result of which was the assault on the child. His low risk status seemed to reflect both dangerousness and reoffending.

A common factor in this group is that those who had been recorded as medium risk had extensive previous convictions, whilst the two recorded as low risk did not. The next group that will be discussed is criminal damage, which can be a further offence of violence.

Criminal damage

Three offenders will be discussed in this group, Jim, Paul and Andy. Criminal Damage as an offence group is not seen as 'so serious' by the courts (Magistrates' Sentencing Guidelines, 2000), however, a high number of previous convictions may indicate an increased risk of reoffending. All within this group were recorded as low risk.

Jim was 26 years of age and had five previous convictions, all associated with alcohol. The PSR records that he came home from work under the influence of alcohol and was annoyed when his partner and child were not waiting for him. He admitted that in the past he had threatened to set fire to the house, on this occasion he carried out the threat, although he insisted that it was an accident and not therefore arson, even though it caused £1700 worth of damage. Whilst Jim had only five previous convictions, this was a serious offence and could have been life threatening. His alcohol use and aggression towards his partner were recorded criminogenic factors. Therefore, being recorded as low risk may seem to be understating the danger he may in reality have posed.

Paul was 38 years of age. His case file did not contain a copy of his past convictions, although the PSR recorded that he had three previous convictions for violence – the last one over three years before the offence of criminal damage. Paul was recorded as

saying that he cannot remember a great deal about the offence because he was so drunk. It seems that he damaged a shop because he did not like the shop assistant. The Part C recorded that he had threatened to poison his partner, as a consequence of this threat he was put onto the potentially dangerous offenders list. However, it did not state what measures the probation officer had taken in respect of this and it is unclear why his low risk assessment remained in the case file as being relevant.

The final offender in this group is Andy, 41 years of age with eleven previous convictions, including two for violence and two for criminal damage. His offence of criminal damage occurred through the use of alcohol, as did the majority of his offending. It was recorded in the case file that he put his fist through two panes of his ex-partner's front living room window, causing damage to the value of £83.

The assessment of these three as low risk can be confusing. The assessment of Andy as a low risk offender seems inappropriate. In the past he has had convictions for violence, had threatened to set fire to his home and had misused alcohol. Similarly with Jim who was recorded as regularly using alcohol and having mental health issues. Furthermore he was recorded as being aggressive towards his partner, although there was little evidence that the general public were at risk. Paul had also recorded mental health issues and the use of alcohol. He had violence against his partner recorded and that he threatened to poison her. For these offenders an assessment as medium risk would have indicated the necessity for an increased level of probation input, although their violence seemed to be confined to their partners and not to those in the community.

Theft and/or handling stolen goods

In our final offence group in this section, we shall examine the two medium risk offenders convicted of theft and/or handling stolen goods in an attempt to identify the reasoning behind their classification. We shall in addition review those in this group classed as low risk. The two medium risk offenders are Neville and Allan.

Neville was 30 years of age and had almost 70 previous convictions, which included arson, making accommodation difficult to find. As a consequence, at the time of this study he was recorded as living in bed and breakfast accommodation. The case files note his mental health problems, and 15 year substance abuse - including both alcohol and heroin. His offence of theft from a shop was the theft of a vacuum cleaner which he intended to sell and spend the proceeds on his substance of abuse. Neville was a prolific offender and his past convictions demonstrate his potential to be dangerous. Therefore his status as a medium risk offender reflects both dangerousness and reoffending, but seemed to have little to do with the offence group.

Allan was aged 34 years with no previous convictions recorded in the case file, although it was recorded that he had been a prolific offender. The goods he stole in the past were of small value and he was classed as a nuisance offender, i.e. small value goods over a long period of time. In the past he used to steal to fund his drug habit. In the case files he was reported as stealing to buy presents for friends. There was a concern expressed within his files that due to his mental health problems he could at times be suicidal and it was recorded that he may become a risk to his

partner, staff and members of the public. As a consequence he was recorded as medium risk, which reflected both dangerousness and reoffending, and in a similar way to Neville, had little to do with the offence group, but his holistic circumstances.

The majority (n=12) of offenders in this offence group with a risk assessment were recorded as low risk. Whilst their offence may not have been one classed as dangerous, their risk of reoffending was in many cases high. Only two offenders had one or less previous convictions. The majority (n=10) had over ten, three of these had over 40. Therefore not unsurprisingly, the recorded low risk of the offenders in this group, referred to dangerousness and not reoffending. However, for some offenders being classed as low risk did not necessarily refer to low probation input as one may expect. Judith was 30 years of age and had no previous convictions. She did not misuse alcohol or illegal drugs, but was recorded by the officer as having mental health issues to address. Judith spent on average 30 minutes with her officer per visit, had had more than one review and as a consequence believed that she had benefited from the one-to-one sessions. She said in interview that she had developed a close bond with her officer and appreciated the time spent. In contrast to Judith, Lily had almost 60 previous convictions and was reporting on a sign and go regime. When asked about this she said that her face did not fit and that nobody seemed to care.

Whilst many offence groups so far in this study have not played a decisive role in the assessment of risk, our final group was found to play a decisive role in determining the recorded risk. This group is the sex offenders.

Sex offenders

Sex offenders are generally seen as dangerous individuals and their offences serious (Worrall, 1997). Therefore the probation service has a duty to monitor such individuals to a higher degree than would otherwise be the case (Probation Circular 44/1997). This was found generally to be the case where of the four offenders in this group, three were recorded as medium risk. However, the case file for the remaining offender John, did not contain a risk assessment. Those with a risk assessment were Kevin, Richard and Mark.

Kevin, aged 34, had been given a 36 month probation order for the indecent assault of an 80 year old woman. He had assaulted her in her own home, where he had touched her thigh and tried to kiss her. He accepted he tried to kiss her, and thought it would be nice to hold her in his arms. Kevin had seven previous convictions – six for sex offences.

Kevin had been known to the probation service for many years and his case file was extensive. The overall file identified a number of factors which led to Kevin being classified as a medium risk offender. The factors included misuse of alcohol, convictions for sexual offences, convictions for assaulting older ladies, a sexual interest in older ladies, a distorted view about relationships with women and a poor social status. In fact the question can be posed, why he was not classed as a high risk offender? One can only speculate why this was not the case, but it is possible that it was because his offences did not include any overt acts of violence against his victims and in a similar way to the others in this section, their offences could be seen as the lower end of a potentially dangerous offence group.

Richard, aged 30 was the second offender in this group. He had been given a 12 month probation order for the indecent assault on a 16 year old girl whilst travelling on a bus. He admitted that he found her attractive and had touched her two to three times on her thigh. He had no previous convictions, although he had been bound-over for two years after following two young ladies around the city centre. The first impression was that he did not merit being classed as medium risk and that it was only because of his offence group that the assessment was made. However it turned out later that the assessment made was understandable when in interview he admitted that he was still thinking of his last victim in an inappropriate way.

The final offender in this group was Mark aged 42 who had been given a 24 month probation order for two offences of indecent assault on a girl aged 13 years. He had no previous convictions, although he had received a caution eight years earlier for a similar offence. The offences came about when a friend of his daughter came to play on the family's computer. Mark had known the girl for five years and she was seen as being particularly vulnerable as she was in care at the time, living in a local children's home. On two occasions he had touched the victim's breasts under and on top of her clothing. The aggravating features were the vulnerability of the victim and his position of trust. His only mitigation was that at the age of 42 he had never been in front of the courts before, and suggested that it was the offence and not the offender which had determined his risk. One officer maintained that the only reason that Mark was classed as a medium risk offender was because his files had not been received from the North East, and as they did not know of him in any great detail - it was better to be safe than sorry. That comment by the officer seemed to reconfirm the argument that generally risk assessment is principally based on dangerousness rather than reoffending.

John aged 62 years was the only offender in this group without a risk assessment. This was found to be somewhat surprising when it was realised that over a 40 year period he had amassed 42 previous sex offences. As a consequence, any lack of a risk assessment in a file could have far reaching consequences if an officer took over the case without being aware of the background of the offender. There could be a number of reasons for a lack of a risk assessment, such as the file being mislaid, the officer having past dealings with the offender and his risk being assumed without being assessed. However, there is little excuse for such a consistent sex offender not having a risk assessment in the case file. In practice as a sex offender John was treated as a medium risk offender even though a risk assessment was not found in the files and in reality probably made little difference to his overall supervision.

Summary

The assessment of risk appears to be inconsistent and may lead to a degree of confusion. It appears that the offence group, with sex offenders as an exception, did not indicate 'risk', although it may suggest it when associated with the number and type of previous convictions. Overall it was not always clear on which criteria, whether 'dangerousness' or 'reoffending' or a combination of both were used to finalise the recorded risk assessment and so form the basis of supervision. Andrews and Bonta (1998) confirm that the prediction of risk is difficult and cite Floud (1982) who argued that those involved in making predictions of dangerousness have only an even chance, at best, of being right. The impact of a risk assessment being based on dangerousness and not reoffending may have an impact on the amount of rehabilitation offered. Offenders with more convictions within less dangerous offences may be classed as low risk and according to the principle that low risk

equates to less probation input, rehabilitation based on reoffending would suffer. However, when high risk offenders are told to 'go away' and low risk offenders such as Judith are given what seemed like intensive officer input, the confusion is that much greater.

Criminogenic and personal factors

Whilst this section looks at criminogenic factors in relation to risk, it is difficult to separate many of the points made in the previous section, such as past convictions, from this section. However, it remains a central argument of this thesis that offenders offend because of external factors or social needs. Therefore, if such factors were addressed, offending behaviour and risk could be reduced (Garland, 1985). This principle was suggested by Radzinowicz who argued: 'crime came to be viewed as a social fact primarily moulded by that very social environment of which it is an integral part' (1966: 35).

In the previous section we discussed the impact of the offence group, the circumstances of the offence, and any previous convictions on the prediction of recorded risk. In this section we shall discuss criminogenic factors in relation to risk. Such factors will be discussed in two sections. In the first section we will discuss those criminogenic factors which have been recorded in this study by officers and have been recorded in interviews to have had the greatest influence on offending behaviour. Those are drug, alcohol and mental health issues. Finally we will discuss a sample taken by random from each risk group.

Risk in relation to criminogenic factors

It is argued that the needs or factors of the offender have an influence on offending behaviour and consequently on risk. The needs/criminogenic factors identified in chapter 5 were found to exist in a complex environment and were shown to be often interconnected. It has been demonstrated in that chapter that the number of factors/needs of offenders had been under recorded by officers. Any underestimate should, according to Chapman and Hough (1998), have an impact on the reduction of risk, thereby reducing the 'efficient' and often complex activity of 'best practice'. The factors which have been recorded in this study include substance abuse, mental health issues, a lack of education and employment, anti-social associates and family background, accommodation and/or financial problems. It has been demonstrated throughout this thesis that it was under such conditions and lifestyle that offenders were influenced and risk recorded. Thomas develops the relationship of risk to needs and states: 'Risk assessment takes a more detailed look at the same phenomena, but realises that an individual had to be seen, not in isolation, but in the context of their immediate social environment, be that family, household or community' (Thomas, 2000: 13). This point has been made by a number of authors including Radzinowicz (1966), Raynor et al (2000) and Rex (2001) when they argue that social influences impact on offending behaviour and as a consequence risk.

Risk has been shown to be a complex and potentially controversial issue, where many factors may impact on the overall risk of the offender. Table 6.2 demonstrates three needs or factors being predominant when officers determined risk.⁴⁶ These three factors were drug, alcohol and mental health issues. In contrast, financial matters were the most prolific criminogenic factor found in interview. However,

⁴⁶ For more information refer to page 138, table 5.1.

officers did not record financial matters in such high numbers and did not identify them when recording risk. Therefore if officers failed to record and/or react to a major criminogenic factor, the recorded risk may be incorrect and/or rehabilitation may target the wrong need. Table 6.2 below shows the primary risk factors in relation to risk as recorded by officers in the case files, no other risk factor as recorded by the officer was found to be as relevant as the three shown.

Table 6.2: Risk in relation to officer recorded primary factors

Factor	No assessment	Low	Medium	High	Total
Drugs	5	12	4	1	22
Alcohol	6	10	5		21
Mental health	4	9	2	1	16

It will be shown that any inconsistency and potential for confusion demonstrated in the first section of this chapter is just as relevant in comparing risk to needs, where there seemed to be little relationship between the recorded risk and the recorded needs.

Two offenders were recorded in the high risk group. Neil had both drug use and mental health issues recorded as criminogenic factors. However, his risk assessment was predominantly based on his exhibited level of violence which was exacerbated by his two identified criminogenic factors. In combination they led to a lack of accommodation which was Neil's main recorded need. John's criminogenic factors were not as obvious as Neil's, but he showed a lack of remorse and a prediction from the officer that he may rape his next victim. Whilst these assessments which had led to him being recorded as high risk may seemed obvious, either through their past action, previous convictions, concerns of officers or their criminogenic factors, the classification of the medium and low risk groups were often not so obvious. The majority (n=26) of offenders in this study had only one criminogenic factor recorded

by officers in the risk assessment. However, of the nine medium risk offenders, almost half (n=4) had two primary needs recorded, in comparison to only a third (n=8) of those classed as low risk.

When those offenders with two risk factors recorded in the medium and low risk groups were compared, it was found that those with mental health issues and the influence of either illegal drugs or alcohol were evenly found throughout the medium risk category. However, in the low risk category mental health and alcohol were the predominant combination of factors in contrast to illegal drugs by a ratio of 4:1.

When the overall sample, including those with only one criminogenic factor was examined, there was found to be little difference in the recorded drug use between the medium (n=4) and low risk (n=12) groups. However in contrast to drug use, when alcohol was examined as a single factor, over half (n=5) of the medium risk group and only a third (n=10) of the low risk group were recorded with alcohol as a factor. In simple terms there seemed to be little difference in the recorded risk through the impact of drug use. However, alcohol did seem to have a greater impact on the medium risk group than the low risk one, and as Robin said, 'alcohol makes me violent and drugs take my problems away' (interview 15: 6).

Offenders were found to have had a mixture of interrelated needs and predicting risk on the basis of those needs could therefore be a difficult process. It would not only be time consuming, but could have dire consequences if the wrong prediction was made. It is under such conditions that practitioners need to take great care in utilising all of the information available to them (Nash, 1999). It has already been demonstrated that officers underestimated offender needs in comparison to those

identified in interview. As a consequence, the type of needs seemed to play little part in the assessment of risk in this study. In the second section a random sample of offenders will be reviewed in an attempt to obtain an overview of whether or not the number of criminogenic factors recorded by officers could be taken to indicate risk.

Criminogenic numbers and risk

When the two high risk offenders were examined, Neil's officer had recorded only two needs or factors and John's officer had recorded one. Therefore in their case the number of risk factors played little part in risk assessment. Within the medium risk group Kevin's PSR had recorded five criminogenic factors, these included a lack of learning skills, behaviour problems, mental health issues, death of his mother and that he had been abused. It was therefore surprising when the risk assessment had only recorded only two factors. The first was that the offence had been alcohol related - although alcohol had not been mentioned in the PSR, and second that he had inappropriate fantasies of older ladies. Also recorded as medium risk, Neville's case files record that he had been sexually abused by his father, had learning difficulties, mental health problems and a long history of substance abuse. A note was attached that his brother was serving a life sentence. However, the officer had not recorded any risk factors, yet had ticked the medium risk box.

It was not just in the high and medium risk groups that the officer had under recorded the number of criminogenic factors. In the case of Lily the officer had recorded that she was suffering from depression and would benefit from employment and counselling. However, her supervising officer had recorded only one risk factor – depression, and two needs; in interview the number rose to eight. Therefore Lily had almost four times as many needs and those needs were much more complex than

were originally identified by her supervising officer. In contrast to Lily, Judith had no previous convictions and had many more factors recorded by the officer. However, in a similar way to Lily, Judith had many personal problems in her life. The difference was that they had been identified by the officer, whereas Lily's had not, and as a consequence six factors or needs were recorded in her case file. These were, to use the probation order constructively, to be in full time employment, to address her debt problem, to attend counselling, to get advice for her period pain and to monitor her housing situation. Whether those factors were the province of the probation service and effect risk is open to argument, all these were recorded in her risk assessment and although they were many and complex, she was still recorded as low risk. That is not to suggest that the risk assessment was wrong, only that her needs/criminogenic factors had less part to play than other factors, i.e. her perceived low risk of dangerousness.

Risk assessment should be a continuous process and not limited to one assessment. Such a point was made by Chapman and Hough (1998) when they stated that assessment should be a dynamic process which involves reassessing risk throughout the order. With the exception of the sex offenders, the offenders recorded as low risk seemed to have the most complex and interrelated needs recorded by officers. The only two offenders who had more than one risk assessment in their case files, were Judith and Jayne – both recorded as low risk offenders.

Summary

The number of criminogenic or risk factors recorded by officers seemed to play little part in whether or not offenders were classed as low, medium or high risk. This is in

contrast to the overall concept of 'effective practice' as suggested by Chapman and Hough (1998), where needs are related to risk. When single criminogenic factors were recorded by officers, there was little difference between the low and medium risk groups. However, the low risk group had slightly more offenders with mental health issues recorded compared to the overall numbers within that group, and the medium risk group had a slightly greater number where alcohol was recorded. Overall there did not seem to be any pattern to the assessment of risk by officers based on needs, where two of the most comprehensive risk assessments belonged to the low risk offenders.

Throughout this thesis it has been shown that 'effective practice' had rarely been achieved. The sex offenders were the only offence group which could be classed as being supervised within the principles of 'effective practice' as suggested by Chapman and Hough (1998). However, their status as medium risk seemed to be based on their offence group, rather than on any other factor. We will now discuss 'effective practice' in relation to risk.

Effective practice

Reducing reoffending is the core task of the probation service and central to that task is rehabilitation through 'effective practice' (Chapman and Hough, 1998). For 'effective' practice to be achieved, the risk of both dangerousness and reoffending should be identified, recorded and related to the offender's criminogenic factors. The two very different assessments of risk are both applicable to 'effective' supervision. Within this study almost a third (n=15) of the case files reviewed did not contain a risk assessment. Therefore according to the principles of 'effective practice' as set out by Chapman and Hough (1998), based on the association of risk and needs

determining probation input, a quarter of orders in this study failed to achieve 'effective practice' from their outset. However, that is not to say that a commonsense approach to the determination of risk under the first generation approach as indicated by Bonta (1996), did not allow the categorisation of risk effectively, only that it was not recorded.

Effectiveness relies on balancing risk to needs and to probation input. However, in the previous section it has been demonstrated that needs seemed to play little part in whether or not offenders were classed as low, medium or high risk. In fact some offenders recorded as low risk had a greater number and complexity of factors than were recorded for the two high risk offenders. That is not to say that the high risk offenders did not have a complex lifestyle and offending background, only that it was not recorded as such. In interview Neil explained that he was desperate for help with both accommodation and finances. 'I've begged 'em, I wanted to get on me hands and knees and tell them I need help'. When he was asked what kind of help he required, he replied: 'Every help I could get. I want to sort myself out you know what I mean, money and that. I mean it, at end of day, I've been out on them streets screaming my bollocks off trying to keep warm' (interview 47: 9). However, because of his violence towards the probation staff, his case file concentrated on his level of violence and that he had been banned from most accommodation agencies.

It was the level of violence of Neil that created his risk of dangerousness and it was his risk of dangerousness that led to his order failing 'effective practice' when he constantly made demands of the officer, reinforced by the threats of violence. Such action was made that much worse when he regularly saw the duty officer rather than his supervising officer and due to his threats, they just wanted to get rid of him as

painlessly as possible. This point was made by Neil himself when he argued: 'They get paid for what? They get paid for telling you to go away and that. It's disgusting how they treat people. They don't talk to me and tell me to go. That's before I kick off. They tell me, oh I can't help you, that's when I kick off' (interview 47: 17). His problems, especially with accommodation meant that he came into the probation office sometimes daily, and, as such reporting would be within National Standards. National Standards (1995) states 'the offender should attend a minimum of 12 appointments – normally weekly – with the supervising officer (or a person operating under his or her direction) in the first three months of an order' (1995: 21). It was Neil's lack of accommodation that drove him to attend the probation office on such a regular basis and not as directed by the officer. After a period of sleeping rough, he found accommodation at a Salvation Army Hostel. However, it was not clear whether the officer found the accommodation, or if he found it himself.

In contrast to Neil, John's order seemed to partially fulfil the requirements demanded by 'effective practice' and certainly fulfilled the requirements of National Standards. John, whose offence came within the category 'violence against the person', was included as a sex offender and as such was required to report weekly. However, in contrast to reporting to his supervising officer, he regularly reported to the duty officer. When asked about his order he said:

I were on it for eighteen month but I didn't always see the probation officer cos sometimes she was on her way to prison interviewing convicts. This time the appointment should have been today but she cancelled it so I had to come in and see duty (interview 38: 3).

He was asked what he thought about seeing the duty officer. 'I'm quite happy seeing the duty. Cos he's not asking me a load of questions' (38: 18). And how long did he spend with the duty officer, 'about five, ten minutes' (38: 18). Such a short time allowed for reporting suggests that work on any criminogenic factors would not take

place and that the potential for rehabilitation would be reduced. In contrast to the intensive input from the sex offenders' programme, reporting to the duty officer, even on a weekly basis, would not be in the spirit of 'effective practice'. Therefore reporting to the duty officer, other than in an emergency would not fulfil the spirit of 'effective practice' although it may fulfil National Standards.

Recording a number of criminogenic factors and/or classifying the offender as high risk clearly does not necessarily lead to a higher 'intensity of contact' as suggested by Andrews et al (1995), Underdown (1998) and Chapman and Hough (1998). Being classed as high risk can, as in Neil's case, lead to less constructive contact time with the officer due to his threats of violence. Even the contact of John as a sex offender had been diluted with the duty officer. Therefore any reduced contact, for whatever reason, would reduce the effectiveness and rehabilitative potential of the order. As a consequence, Neil was still violent and John was still showing a lack of respect towards women. For the reasons identified, the probation service's estimate that John and Neil should be classed as high risk is not disputed, what is disputed is whether or not their order was processed in line with the principles of 'effective practice'.

Seven medium risk offenders were both interviewed and had their case files reviewed. Of these seven, all three sex offenders had their orders supervised and risk assessed in line with National Standards. As a consequence of their weekly level of contact and the intensive probation input, 'effective practice' seemed to have been achieved. In contrast, almost half (n=3) of the remaining medium risk offenders were found to have reported mainly to the duty officer and therefore their officer contact under those circumstances was generally limited to five or ten minutes and was therefore without an obvious focus. Under those circumstances 'effective practice'

was not achieved by those offenders. We shall now discuss those recorded as low risk.

Low risk suggests offenders who are not dangerous and have a low risk of reoffending and as a consequence have less officer input than those in the other risk groups. However, if the risk classification is 'wrongly' assessed, the 'correct' level of rehabilitation may not be in place. In the low risk group 23 offenders were interviewed and had their case files examined. Of this group a half of them (n=12) admitted to reoffending in contrast to a third (n=2) of those recorded as medium risk. Therefore, those classed as low risk admitted to having a higher reoffending rate than those recorded as medium risk. However, it is accepted that other risk groups may not be so 'honest' in admitting their reoffending. Lily admitted to being a prolific offender and was one of six offenders within the low risk group who reported mainly to the duty officer. At the time of her interview she was half way through her order and said that no action to rehabilitate her had taken place. When asked what the duty officer had said about how she spent her time, she said that he had not asked her.

Similarly for Steven the first four or five months were spent reporting to the duty officer with whom he had built up a relationship. He was later assigned a supervising officer in a different building, in another part of town. 'I was seeing the duty officer and I built up a relationship with him. My supervising officer is in another office in another part of the city, but if she's busy I come here to see the duty in this office' (interview 40: 3). In the case of Lily and Steven, 'effective practice' seemed not to have been implemented, although the reporting conditions of National Standards probably were. The use of the duty officer seems to have greater impact on control

through reporting, rather than rehabilitation and 'effective practice', where its over use highlights the negative balance between care and control.

For an individual's risk to be reduced, the reasons for their offending should be addressed (Chapman and Hough, 1998). Judith felt a strong bond of friendship for her supervising officer who had helped address many of her needs. As a consequence may have reduced her already low risk level of reoffending. When Diane was asked if her officer had been useful, she replied: 'I feel that there's someone there that cares, someone to support me' (interview 2: 2). However, that did not stop her reoffending, which may be some indication that her needs had not been addressed, even though she had built up a rapport with her officer and fulfilled National Standards.

In a similar way to others in the low risk group, the risk of Vernon could have been higher than that recorded by the officer. In interview he admitted that he had a drug problem that was not recorded and spent almost all his money on heroin. As a consequence he found himself heavily in debt. 'I were working and the drugs were taking up all me money. I stopped paying mortgage, I got into arrears' (interview 18: 2). A little later in interview Vernon's 'true' level of risk started to become more obvious. 'If I were on three grand a week I'd still spend every penny of it on drugs' (interview 18: 6). Vernon then admitted that he had carried out an armed robbery and was waiting for the police to knock on his door. He was arrested a few days later. In Vernon's case, had the probation service known of his 'true' needs then a more 'realistic' risk assessment might have been produced and the probation input might have been much greater. However, whether or not it would have stopped him carrying out his robbery will never be known.

Concluding comments

This chapter confirms risk not generally referring to reoffending, but to dangerousness. There seemed to be only little correlation between the offence type and the officer's perception of the individual and the assessment of risk, although previous convictions, the area surrounding the offence and 'personality' of the offender did seem to have an impact. The predominant differentiation between high, medium and low risk grouping was found to be the sex of the offender. Although the overall sample was relatively small (n=52), all women (n=11) in the study were classed as low risk, including Jayne who was on probation for robbery.

In almost all cases, the risk of reoffending was found to have little impact on the assessment of risk. This was surprising when one of the primary aims of the probation service is to reduce reoffending through the use of 'effective practice', and yet it seemed to hold little obvious importance in this study. The concept which underpins the whole 'what works' philosophy is that as the risk of the offender increases so should the level of probation input (Underdown 1998, Thomas 2000 and Raynor, 2001). However, if the recorded risk is inappropriate or missing as it was in almost a third (n=15) of the cases in this study, 'effective practice' will have little to base officer input on and would therefore not exist within a structured foundation or framework. Probation input should be linked to the needs/risk of the offender, that link and with it 'what works' and 'best practice', has been found to be fundamentally flawed by this study and supports the main argument of the thesis.

In chapter 7, we shall examine in further detail the offenders' commitment to the criminal justice system, their compliance to their order and any impact on further offending.

Chapter 7

Legitimacy? Its impact on reoffending

Introduction

The previous chapters have examined supervision, criminogenic factors, personal needs and the recorded risk of the offender. The overriding conclusion in those chapters has been that 'effective practice' during a probation order has not been achieved. This chapter discusses the issues surrounding compliance with the order and whether or not the impact of the order had an effect on the offender's offending behaviour. For offending behaviour to be reduced, it is generally accepted that the offender needs to comply with the order and to work with, and under the direction of the officer. For that to be a realistic proposition, the offender needs to accept the order as being a legitimate and fair sentence and that the officer has legal authority to deliver any programme (Chapman and Hough, 1998). Bottoms (2001) adds that the offender should be treated by all members of the criminal justice system with respect. It is through their demeanour and the way they portray themselves in their action when dealing with offenders, that those with power within the criminal justice system represent their authority to others. Their action should be one of 'neutrality, honesty, quality, quality of decision, and consistency' (Bottoms, 2001: 102-3).

It is through the imposition of a legitimate and fair sentence that the offender can be persuaded to initiate a change in attitude, be aware of what others feel about their offending behaviour and be both motivated to work with and be responsive to the supervising officer. There should be respect for the feelings and expectations of both the offender and the officer, there should be established a 'correct' balance of power in a two-way relationship (Chapman and Hough, 1998). To this Fielding (1984) adds honest communication and open interaction, with all parties being aware of others

being consulted, for example, partner agencies. We shall now discuss legitimacy, for without legitimacy compliance to the order would be much harder.

Respect for the criminal justice process

Legitimacy of a particular sentence is generally commensurate with a belief in the criminal justice system. The Woolf Inquiry (Woolf, 1991) into disturbances in a number of prisons in 1990 accepted that there was a widespread sense of 'injustice' amongst prisoners (Bottoms, 2001). It is such a concept or belief that contributes to the offender believing whether or not their sentence is legitimate. Legitimacy is a concept held by the offender that they have received 'fair' treatment by the criminal justice system. Such a concept includes the probation officer and their endeavours. It is principally through the belief of legitimacy that compliance with a probation order can be achieved (Tyler, 1990). Legitimacy of authority as a concept has its roots in the background of the offender (Bottoms, 2001). It has been shown throughout chapter 5 that the background of the offender had an influence on offending behaviour. It will be shown within this chapter that such behaviour and background continue to have an influence on the offender's concept of belonging to society and therefore the fairness of their sentence.

The term 'justice' is an ambiguous concept. It is a principle of fairness that is not freely given, it has to be earned. As a judicial act, 'justice' is equated to the concept of legitimacy (Beetham, 1991). Under this concept, the community has the right to withdraw rights from those with differing values or interests to the community, or those not subscribing to the rules (Worrall, 1997; Nash, 1999). In contrast, pro-social modelling, or anti-criminal modelling and positive reinforcement can involve rewards for pro-social behaviour (see Trotter, 1993, 1996, 1999). Both Chapman and

Hough (1998) and Underdown (1998) argue that most offenders have a basic lack of respect for the criminal justice system. Where there is a lack of respect, there is often poor citizenship. Citizenship includes good neighbourliness and a degree of social and moral responsibility (Gelsthorpe, 2001). However, anti-social behaviour can bring stigmatisation, punishment and isolation. We shall now discuss the impact of 'justice'.

'Justice' and the offender

Justice can be a complex and emotive issue. For many the practical implementation of 'justice' through the judicial system can be just as difficult and equally emotive. For many offenders the criminal justice system is an extension of their disadvantaged lifestyle. Neil explains:

I'm not a menace to society, what these magistrates say. I'm not a menace you know what I mean. I can take it from police you know what I mean. By end of day when I touch them, they touch me like shit and when they say if you get on probation we'll help you ... I got 18 month probation and come here, [probation] haven't done anything. Nothing, f**k all (interview 47: 10).

The attitude which the legal authorities take with the offender has a direct influence on their perception of legitimacy (Gelsthorpe, 2001). Paternoster et al (1997) has described legitimacy of procedural justice as representation, consistency, impartiality, accuracy and one that demands that the criminal justice system treat offenders with respect and dignity. However, almost a half (n=24) of the sample said that they did not like and/or trust the police. Roger had his own view of the criminal justice system, starting with the police. Roger described them as:

Bastards because when I got locked up they leathered me, six of them battered me all over for nowt. They leathered me, I'd never ever, never been as scared as I were in that police cell as I were that day. They thought I were being clever and what it were, because I'd been on tablets, I kept blacking out all time, they just thought I were messing about to try and get bail and trying to do their head in but I weren't. And one of the coppers asked me to take me things

off before I went in cell so I took one shoe off and when I took it off I started to wobble with them tablets. So I steadied myself and copper says to me 'get in the cell dickhead', I just turned round to him and said listen I'm not a dickhead, who you calling a dickhead. He pushed me and next minute I've got a big complaint in now and I'm just waiting to hear about it (interview 29: 11).

When offenders were asked about the courts, of the 49 who expressed an opinion almost two thirds (n=31) thought the court system fair. However, almost three quarters (n=29) of the 45 who answered, had been expecting a custodial sentence. Such an expectation may have had some impact on whether or not they thought that the courts were fair, especially when over two thirds (n=27) of the 41 who answered thought that a probation order was a soft option. When asked if he thought the courts were fair, Roger answered:

In a way, but people what they put on benches, they haven't got a clue about what they see when they're sat there. As soon as they know that there's a drug addict in front of them, a smackhead, that's it, buff. Send him away, get him locked up, get him off street which is wrong, it's wrong. It don't get them help locked up, especially like in Doncaster [prison], there's more drugs there than there is out here so they're just sending them round. And I mean fair enough they lock you up and keep you off streets yeah, but not for long and you're coming out and they're worse off (interview 29: 11).

Wilf also thought that the courts were out of touch: 'They don't understand what it's like when you're out there, living on the streets or whatever you're doing. They haven't experienced it and they earn a lot of money so they wouldn't have to do that' (interview 31: 14). Billy added, 'I've applied for probation in the past and they said no, we don't think you're suitable, send you down' (interview 30: 22).

Not only the police and the courts were criticised by offenders. When the offenders (n=49) were asked in interview what they thought of their solicitors, five thought that they had been let down by their solicitors. Of these five, three said that their solicitor had not turned up at the hearing. Davy, aged 30, was on probation for theft and

handling stolen goods. When asked about his solicitor said: 'Solicitor, don't mention that. He shit on me. I'd had him for about 10 years and then when I wanted him to turn up at court he couldn't be arsed' (interview 9: 15). However, in contrast to Davy, three quarters (n=37) thought that their solicitor did a good job and were thankful that they had received a probation order.

The criminal justice system can seem to be unfair and biased against many offenders and it is under such conditions that the probation service has to work with the offender in an attempt to rehabilitate and reduce their offending behaviour. For rehabilitation to be a viable option, the offender needs to comply with the rules. In this study over a half (n=20) of the offenders who offered an opinion had negative comments to make about the probation service and just less than a half (n=18) positive ones. The fairly even split was summed up by Miles who when asked for an opinion of his probation order, said: 'Well I can't say rubbish cos they all say that. It's different. Well I've never been in a position where I've got to talk to someone that I don't even know so it's probably a bit of a challenge to me you know' (interview 53: 14). A probation order being a challenge and/or fair sentence does not answer the question of whether or not the offender complied with the order. What it does suggest is the offender's opinion or belief that the order was worth complying with. The offenders' opinion will be demonstrated throughout this section to have varied. We shall now discuss how the offender complied with the order.

Compliance

Compliance has been described as the willingness of an offender to work alongside the officer and/or partner agency to achieve the objectives set out to National Standards in the Supervision Plan in an attempt to reduce offending behaviour (May,

1991). However compliance may not always be straight forward when one takes into account officer/offender interaction, and the personal, social or financial problems of the offender.

To strengthen the 'effectiveness' of supervision, National Standards (1995) has a number of aims which the officer needs to address. These include, clear supervision requirements, good practice, fair treatment, victim awareness and that the order should be an effective punishment. For compliance to be 'effective', both officer and offender need to comply with such aims. However, the offender may see rules and regulation as a part or continuance of an oppressive system which can deny opportunity, and so may rebel against those rules and regulations (Chapman and Hough, 1998). The officer may see the rules and regulations as unnecessary and as standing in the way of rehabilitation, in other words a conflict may exist for the officer between care and control. Therefore for a number of different reasons, either party might not comply with the requirements of the order. The offender needs to comply with the rules and regulation imposed, in an effort to enable any structured rehabilitation programme to be implemented through the input of the officer and to enable the order to be satisfactorily completed. The officer needs to comply for National Standards to be achieved and a reduction in reoffending to be made. However, as has been demonstrated in the previous chapters, fulfilling National Standards does not necessarily mean working within 'effective practice', nor does it encompass achieving the aims set out in the Supervision Plan.

It is clear that both officer and offender should comply with the principles of the order to enable rehabilitation to be a practical proposition, where a belief in the

legitimacy of the sentence is central to compliance (Bottoms, 2001). Ultimately the effectiveness of the order depends on both offender and officer.

In the final analysis offenders must be prepared to involve themselves sufficiently to benefit from the programme. It is the failure to gain this participation which often accounts for disappointing outcomes and rates of attendance and completion (Chapman and Hough, 1998: 57).

Working successfully with an offender to achieve a positive relationship takes time and effort on the part of an officer. This task is made more difficult if no agreed and viable plan of action or Supervision Plan exists as was the reality in four fifths of the cases in this study. Such a lack of compliance by the officer was confirmed when less than one fifth (n=9) of offenders had Supervision Plans which complied with National Standards. The lack of compliance was increased when a similar number (n=8) of offenders saw the duty officer for the first three weeks before meeting their supervising officer, instead of five working days as laid down by National Standards (1995). The lack of opportunity for establishing a positive relationship with a supervising officer and a lack of compliance were further demonstrated by the high risk offenders. The two high risk offenders were recorded in the case files as being unresponsive and uncooperative towards both the order and the officer. The officers found it hard to communicate rationally with Neil because of his threatening nature, and John would not accept responsibility for his offence, for which he continually blamed his victim and did not believe he should have been punished for the offence.

Compliance has a number of interrelated facets, not only surrounding the concept of legitimacy, but commitment to the order through the offenders' association to their officer. This is what Trotter (1999) would call pro-social association. Within this section we shall look at whether or not the offender thought that it was important to

have a close professional relationship with their officer and whether or not it would bother them if they let their officer down by reoffending.

For the offender to be motivated to change, the officer needs to be aware of the totality of the offenders needs. However, officers tended to underestimate the needs of the offender (see chapter 5) and therefore the officer's concept of the offender may also be found wanting. The ramifications of a lack of integration between the officer and offender may be demonstrated by a lack of compliance to the wishes of the officer. This could lead to a failure of both officer and offender to communicate on a positive level. Such a failure in basic communication has been referred to by Bottoms (2001), who states:

As anyone knows who has ever listened to an inappropriate harangue from an authority figure, people in power frequently misjudge their audiences. (Which of us has not been amused and/or angry in such situations, instead of being respectfully contrite, as the speaker wished?) Indeed, whole criminal justice polices have been based on such subjectivity-related mistakes ... (Bottoms, 2001: 99).

It was found that the offender's ability to comply with the officer's wishes varied depending upon their personal ability, understanding, motivation and responsivity to the order. This was demonstrated by a combination of factors. These included three in five (n=28) offenders using heroin, half (n=24) of the offenders having mental health issues and almost all (n=46) having a poor education record. The officers' approach was often found not to be enough to bring out the 'best' in the offender. It was clear that the use of the duty officer often led to a sign and leave regime, a level of supervision which should not, according to the principles contained within National Standards (1995) and under the concept of 'effective practice', be classed as reporting. Such action does little to draw the officer and the offender together in a

responsive and compliant manner. Vernon when asked about his relationship with the officer suggested:

I think they're generally nice people. I think they do care and they do want to make a change, but I think the way the government sets it up and the way probation runs, they haven't really got an hope of helping people. Well I mean they've just got people. It's like a supermarket, there are just people coming in and out, in and out all day. They've not really got time to really spend to get to know somebody, to really help 'em. They haven't got that time or the resources (interview 18: 17).

It is reasonable to assume that the offender's responsivity is related to their relationship with the officer. That relationship has been described by some as being poor and as such, may have an impact on their attitude towards the order. A half (n=26) of offenders in the total study thought that it was important to have a relationship with their officer, the other half did not. Of the 26 offenders who thought it important to have a relationship with their officer, 15 expressed positive comments of the probation service, one had negative comments and the rest (n=10) were not sure. Tim had negative comments to make about the probation service; in fact he thought it a waste of time. His attitude was demonstrated in a lack of compliance. He had been breached and since his breach he reported on a regular basis. However, even though he had been breached, he still did not always turn up on the right day, although that seemed acceptable to the officer. The 15 offenders who commented positively on the probation service were able to work with their officer in an attempt to comply with their order. That is not to say that those who had a negative comment to make about the probation service and/or officer would not comply with the order. But it seems more likely that those with a greater positive attitude would be more likely to achieve the objectives of the order and have a closer working relationship with the officer.

Pro-social association with the officer may be an incentive to the offender to comply with the order and respond positively to the officer. Just less than one quarter (n=12) looked up to their officer but over three quarters, i.e. the majority, did not. Two thirds (n=22) of those who answered, thought their officer could not stop them reoffending. Mark respected his officer and said: 'I suppose he's there, when you come in to see him, he says like sit down, right he says any problems. So I actually tell him and sort things out which is great, you can come to them and talk to them about things' (interview 46: 11). Del also looked up to his officer. He said 'he's like a role model' (interview 3: 10). In contrast to the positive comments of Mark and Del, Zac was cautious about the officers. 'They have phone conversations like the one earlier today. They were blatantly taking the mick out of this guy on the phone and I don't like nowt like that' (interview 10: 18). Although some offenders did not have a strong bond to their officer, almost two thirds in the overall study did not wish to change their officer. Judith expressed her view: 'I would be seriously unhappy, devastated. I have a huge amount of respect for her' (interview 8: 12).

When the offenders were asked if the officer could do more to help them, of those with an opinion and had expressed positive comments about the probation service (n=18), half (n=9) said that the officer could not do any more for them, two thought that they could do more, the rest (n=7) were unsure. Tony said 'I think that probation could help me by consulting with me doctor so that I can either get a psychiatrist or a psychologist' (interview 1: 7). Hardy thought that they could do more activities. Diane thought that more training on IT would be beneficial. Similarly, Jayne wanted to increase her work based qualifications. Of those who expressed an opinion and had negative comments of the probation service, two thought that the officer could

do no more for them, in contrast, five offenders thought that the officer could offer them further assistance, but were not specific.

Today's probation service is not a welfare agency (Rex, 2001) and as a consequence many offenders may have unrealistic expectations of its officers. Nevertheless, it is an argument of this study that compliance and hence rehabilitation relies on the relationship between officer and offender and their joint input. However, the time the offender spent with the officer seemed to play little part in whether or not the offender respected the officer. Twenty four offenders (20 male, 4 female) expressed both an opinion of their officer and stated how much time they spent with them. Half of the men (n=10) and three quarters of the women (n=3) who spent in excess of 20 minutes with their officer, admitted to looking up to them. However, that still left half the men and a quarter of the women who regarded the officer positively, as spending less than 20 minutes with their officer. Those figures whilst relatively small, fail to support the argument that the longer an officer spends with the offender the more positive is the relationship. That is not of course meant to support the sign and go regime where there is no relationship. Darren made his point over the differences that can occur over the time spent with the officer. 'Usually when we've got things to sort out, I'm in here for half an hour sometimes. Sometimes longer or less, but lately I've just been coming in and signing me name and going' (interview 33: 14). Peter said 'with [my officer] about half an hour sometimes. *With the duty?* About ten minutes' (interview 12:13). Wilf said: 'Usually about 5 minutes. They just says, I'll see you next week on such a such a day and a time' (interview 31: 13-4).

It is clear that for the offender, compliance with an order can be a complex issue based upon many interrelated factors, especially if the offender is misusing

substances such as alcohol or illegal drugs. Such problematic lifestyle can lead to a lack of compliance which in turn can lead to a failure in reporting and as a consequence breach action being taken. National Standards state that 'If an offender's conduct requires it, proceedings should be instigated within *10 working days*' (1995: 22). Of those who answered, three quarters (n=25) claimed that they always turned up at probation on the right day, a quarter did not. These figures confirm those of Underdown (2001: 119) 'absence for probation appointments were in the region of a quarter (22.6%)'.

There were 25 offenders who said that they reported on the correct day, of these, three quarters (n=19) said that they turned up on time. However, that suggests that only a third (n=19) of the total sample (n=52) turned up at the probation service on the right day and on time. Whilst such a statement cannot be verified by the case records, they do show that of the 52 case files reviewed, a quarter (n=13) of these had recorded that the offender had been threatened with breach action. Although it was recorded that a quarter of the offenders had the threat of breach proceedings made, only three had in fact been breached. These three were returned to court, where the order was allowed to continue. The impact of only three offenders being breached out of the 13 who had breach letters sent could have a number of consequences for 'effective practice'. These are that the threat of breach action had enforced the necessity of reporting on the offender and thereby assisted 'effective practice'. Or alternatively, the officer had failed to follow through the threat of being breached with court action and such failure would have negative impact on 'effective practice'. Which was in fact the case was not confirmed by the study.

The use of the breach in National Standards is central to enforcement. Whether or not the offender was breached as required is a fair indication of both the officer and offender's compliance to the order. In line with studies by Mantle (1994) and Rex (1997), almost all (n=42) offenders in the sample knew what being breached meant and three quarters (n=30) said that being breached would bother them, however, the breach is notoriously under used (Ellis et al, 1996; Humphrey and Pease, 1992 and Lawson, 1978). There were many reasons for this, including the previously identified conflict between care and control, the wide discretion of officers (Brownlee, 1998) and that some officers see the breach as a reflection on their own inability to establish a helping relationship with the offender (Worrall, 1997).

The relatively low figure for breach action (n=3) in this study is reflected in the work of many authors including Calvert, (2000); Brownlee, (1998) and Vass, (1996), who generally argue that officers only breach offenders as a last resort. This point was made even more forcefully by Calvert who wrote: 'Probably the two main reasons for the failure generally of community sentences to be successful at preventing offending are faults in the programmes delivered and lax enforcement' (2000: 21). The 'reality' for many offenders in this study was lax enforcement, this was demonstrated when Zac said that he did not turn up for a month and yet nothing happened. Paul was asked about whether or not he had been breached, he said: 'I believe I have yes. *And what happened?* I can't remember to be honest' (interview 20: 17). This suggests that for some offenders being breached or the threat of being breached did not seem to be a memorable event.

Being breached may not always be as simple as just not reporting. Harry B was breached in the early part of his order and the case file suggest that his lack of

compliance was because he did not get on with his officer (case file ni4). This demonstrates that relationships within a probation order make an important contribution to 'effective practice' which can have an additional impact on compliance. A further impact on compliance can be the offender's lifestyle, criminogenic factors and background. These factors may then impact on the probation order itself. Robert A was breached because he failed to attend the men's offending behaviour group. He had attended one session late and missed two completely. The case file states that although he is willing to attend future sessions, the reality was that his lifestyle was so chaotic that his attendance at the group seemed unlikely (Case file 57).

The efficient use of the breach and returning the offender back to court is one indication of low compliance by the offender, but high compliance by the officer. However, being breached may in itself reduce the effective use of a probation order when the offender is re-sentenced in some other way for the offence. This is a further reason why officers may overlook a degree of misreporting (Hedderman and Hearnden, 2000). This was confirmed in the study by Rex who makes the point:

Ten officers expressed or implied some degree of reluctance over instituting breach procedures, which seemed to stem from their seeing it as an admission of failure or as bringing about severance of the relationship. One more experienced officer regretted having to surrender control to the breach court (Rex, 1997: 123).

Whilst it is generally accepted that breaching an offender can reduce the effectiveness of the order by bringing it to a close, the offender may readdress the aims and objectives of the order after being breached and the order allowed to continue. That use of the breach would be a positive use. Similarly the senior probation officer for Harry B took into account his disruptive lifestyle, and gave

approval for the supervising officer not to breach him and his order to continue without the necessity of reporting to National Standards. Therefore his order continued and because of the intervention of the senior officer, was within National Standards (see National Standards 1995: 1). It is obvious that compliance to an order can be difficult for those with a disruptive lifestyle and intense personal problems. For such individuals much of compliance depends on the offender's motivation. We shall now discuss motivation and responsivity.

Motivation and responsivity

It has already been shown that many of the orders in this study were flawed from the beginning by the officers' lack of compliance to National Standards and the admission by a quarter of offenders that they did not turn up on the right day. Chapman and Hough (1998) suggest that low motivation and low responsivity by the offender towards changing offending behaviour indicate an individual who is unresponsive to change. When the offender has been recorded as high risk that situation is made more serious.

Being responsive to the order means accepting direction and working with the officer to initiate change. The change can be determined by the amount of probation input which Chapman and Hough (1998) argue should be based on the recorded risk of the offender. However, it has been shown previously that the officer's interpretation of risk plays little part in the officer's input into the order. When Supervision Plans, were examined for signs of offender motivation to the order, just over a quarter (n=13) of the men and none of the women had been identified by officers as being motivated to change. This does not specifically suggest that they were not motivated to change; only that it was not recorded and hence reflected in any plan or review.

Motivation can depend on the offender's perception of the impact of their crime on the victim (Underdown, 1998). Generally it was found that the offender had little respect for the victim and gave them even less thought. In almost all (n=48) cases, victim awareness was not recorded by officers. In interview only eight offenders out of the 52 in the sample could remember the officer talking to them about the victim. Victim awareness and the acknowledgment of any harm caused is one indication of the offender's motivation to change and a sign of responsivity to the order (Chapman and Hough, 1998). Of the 13 offenders whose motivation was recorded, only four expressed remorse. Martin (interview 27) said that he was sorry after a burglary, but at the time he got a buzz out of it. Wilf (interview 31) regularly stole cars and the officers had tried to make him feel guilty, but it had not worked. John was asked if his officer had talked to him about the victim. He said 'this one does, this one has'. He was then asked if he would like to meet the victim, he replied: 'the last one I most certainly would. I'd ask her why she lied' (interview 38: 20). When William was asked if he would like to meet the victim, he replied: 'No! No definitely not' (Interview 28: 11).

Offenders seemed able to categorise their 'victims' as a method of justification. When Neville was asked if he was concerned about the victim, he replied: 'Well, not really, no. If it's more or less a posh area then no' (interview 7: 17). Sam had carried out a street robbery, but because no violence was used and he did not say anything to the victim, he saw it more like theft. He said:

It were money. ... I hadn't said owt to him so he couldn't class it like a proper street robbery. All the intentions of mine that I had of doing it weren't robbery, it were just theft. He never come to any harm (Interview 5: 18).

The offender's motivation to change depends on many complex and interrelated factors and for reoffending to be reduced there needs to be an holistic approach as suggested in the earlier chapters. We shall now discuss the impact of the probation order on its primary aim, that of reducing offending behaviour.

Reoffending

The primary aim of the probation service is a reduction in reoffending. However, half (n=25) the offenders in the study admitted in interview to reoffending whilst on the order, officers had recorded 18. Of these 18 offenders recorded by officers, the largest group (n=10) were those recorded as having committed offences of dishonesty which include theft, and burglary from sheds or garages. The second largest group (n=4) was that of driving whilst disqualified. The other three offence groups were prostitution, drug offences and harassment. The reasons recorded (criminogenic factors) by officers for the offenders' offending behaviour varied. A half (n=9) of all those recorded by officers as reoffending had drug use identified as a criminogenic factor and over a third (n=7) had alcohol recorded. Three offenders had both drugs and alcohol recorded. One of the most significant findings that became apparent was that of the 25 offenders who in interview admitted to have reoffending, well over a half (n=14) were taking some form of medication for depression. In interview when offenders (n=25) were asked why they had reoffended whilst on their order, over a half (n=13) said that it was their lack of money, either for drugs or everyday living expenses.

The sex of the offender played no part in whether or not they admitted to have reoffended, just over half of both sexes admitted in interview to have reoffended. Those recorded by the officer were made up of half the women (n=5) and almost a

third (n=13) of the men. This indicates that there seems to be a greater likelihood that the officer will record the reoffending of the women in contrast to that of the men, and may indicate a closer relationship between the two. This was confirmed to some degree when eight out of ten (n=8) women said that they told the officer the truth, in contrast to just over half (n=18) of the men. This difference may indicate that women were more willing to discuss their offending behaviour with their probation officer than the men were.

It seems clear that the reasoning behind reoffending can be complex, where the needs and/or criminogenic factors seem to have an influence on offending behaviour. All the data in this study has pointed to a catalogue of inaction and/or lack of 'best practice' by the probation service. It has also been demonstrated that officers failed to record the full underlying 'reasons' for the offender's offending behaviour and as a consequence, had a negative impact on 'effective practice'. It has been argued that by identifying the offender's needs and relating those needs to the risk of reoffending in the supervision of the offender, that the risk of reoffending can be reduced (Underdown, 1998). In the following section it will be shown that the probation service has failed to achieve its task of reducing offending behaviour. However, one could ask if such a task is realistic when one considers the underlying problems of many offenders and the limited time the offender spends with the officer.

When offenders were asked in interview what would stop them reoffending, 44 offenders out of the 52 interviewed were willing to answer. Their answers varied, six were quite adamant that nothing the probation service could do would have any impact on their reoffending. A quarter (n=10) thought having a job would help, almost a quarter (n=9) thought coming off drugs, five hoped that talking to their

officer would help and four wanted help with their alcohol misuse. Robin thought that a job would help. When asked why, he replied: 'summat to do in day, better than sat on me arse. I've got a child to support now' (interview 15: 5). However, Robin seemed to have a poor response to his officers which became obvious when he was asked if the probation service were getting involved in his employment problems. He said that he had not really talked to them about work. In a similar way to Robin, Grant thought having a job would help him to stop offending: 'That's all it nails down to, a job what's going to be able to pay me debts' (interview 39: 15).

In addition to having a job, Robin thought that coming off drugs would help get his life sorted. However, whilst he knew that his reason for offending was the heroin use, he enjoyed his lifestyle and had no intentions of changing, indicating a total lack of motivation to change. In a similar way Chloe said: 'There isn't anything they [the probation service] can do is there when I'm on drugs' (interview 23: 9). Darren was motivated to stop offending and he thought that the only way he could stop offending was to come off drugs and stay off them. Asked why he wanted to come off drugs, he replied: 'Because I've been on it too long. I just have it to feel normal. If I'm having it to feel normal, why not get off it and feel normal. I know its the hardest bit, that's why help's here but sometimes I've not been getting that help' (interview 33: 12).

It was clear that the use of substances such as heroin could have a negative effect on offending behaviour and the user needs to be committed to stop using them. The probation service can have an influence upon that commitment. Help for drug misuse can come from a number of sources, although it is not always easy to access and funding for specialist drug rehabilitation is limited. Darren explained what he called the run about:

I've gone to the doctors, they don't want to know then I'm getting told you're not seeing the right doctor you've got to go down to Norfolk Park, go to that doctor, they're good, they'll give you some help. But I don't want to go to any doctor, I want me proper doctor to do it. Obviously he's me family doctor, why shouldn't I go to him and get seen to when I've got a doctor but he don't want to know. So rather than do that I'd rather go to a proper place [rehab. clinic]. Instead of just going to a doctor and asking for help, I'd rather just go to a proper place. Like I don't know if they're doctors but they deal with the same thing anyway. They're used to people on heroin anyway (interview 33: 12).

He was asked if the officer was helping and he said that he was. Darren's case files acknowledge his addiction to cocaine, crack cocaine, heroin and referred to the rehabilitation clinic. However, it did not elaborate or address funding, nor did it make it clear whether it was a current or future project.

Neville thought that his officer could help him to stop offending by assisting in a change of lifestyle. 'Help towards more or less a better life all together' (interview 7: 17). He then pointed out that it may be difficult because he spent such a short time with his officer. He explained: 'cos its a case of like for instance, they don't give you enough time for you to put over what you want to say' (Interview 7: 15). In contrast, two offenders said that they had stopped offending on their own and three suggested that only a prison sentence would stop them reoffending.

There was no risk assessment in the files of two of the 25 offenders who in interview admitted to have reoffended. That is not to say that they were not assessed only that they were not in the files. Twenty three offenders who admitted to reoffending had risk assessments in the files, 15 were complete, eight were incomplete. The 15 complete risk assessments included half (n=12) of the low risk group, one quarter (n=2) of the medium risk group and one of the two in the high risk group. The fact that half of the low risk group reoffended suggests that recorded risk in this study

relates not to reoffending, but to dangerousness.⁴⁷ The largest group of those who admitted to have reoffended were those with an uncompleted risk assessment in the case files. Over half (n=8) of them claimed to have reoffended. In contrast to the interviews, when the case files of offenders were examined for risk and reoffending, of the 18 offenders recorded by the officers as having reoffended, three quarters (n=14) were recorded as low risk. The remaining quarter were evenly split between the medium risk (n=2) and those without a completed risk assessment (n=2). The officer had not recorded any high risk offender as reoffending. They also seemed to have completely misjudged those without a risk assessment which may be indicated by them not completing the risk assessment. Of the eight offenders without a completed risk assessment and who admitted to have reoffended in interview, six were predominantly reporting to the duty officer, all had been on the order for more than three months.

Again the question of 'best practice' arises. Lily, a 38-year-old single parent of two, had previous convictions covering almost 60 minor convictions, but was classed as a low risk offender. Clearly her risk assessment did not include the risk of reoffending but reflected her classification of 'dangerousness'. However, Lily had not been convicted of any offences whilst on the order and when asked when was the last time she had shoplifted, she answered: 'this morning on the way here' (interview 24: 5). Offending for Lily was a regular part of her life and one which she claimed satisfied a personal need.

It had become obvious in analysis that compliance with and response to the order had an influence on offending behaviour. It was found in the study that there was a

⁴⁷ The numbers were relatively small, especially for the high risk group and therefore may be statistically questionable.

negative connection between the use of the duty officer in contrast to the supervising officer and reoffending. Such a difference is shown in table 7.1.

Table 7.1: The relationship between which officer they see and reoffending

Which officer are they seeing	Have they offended whilst on this order?					
	Yes		No		Total	
	No.	%	No.	%	No.	%
Generally seeing the duty	10	66	5	33	15	100
Supervising officer only	10	45	12	55	22	100
Both the duty and supervising	4	40	6	60	10	100
Total	24	51	23	49	47	100

Two thirds (n=10) of the 15 offenders who were mainly seeing the duty officer reoffended, in contrast to less than a half (n=10) of the 22 offenders who were mainly seeing their supervising officer. Whilst the numbers may be small, it does suggest a difference between reporting to a supervising officer rather than to the duty officer. However, of the ten offenders who reported fairly evenly to both their supervising officer and the duty officer, only four reoffended. The figures indicate the advantage of reporting to a supervising officer rather than the duty officer, although the use of the duty officer in addition to a supervising officer seemed to have an advantage. The advantage seemed to be where the duty officer was in addition to the supervising officer and not replacing it. Judith emphasised the importance of a supervising officer, she said:

[My officer] has made me more positive in myself, because I know if I re-offend I won't only let myself down, I will let [her] down who's supported me through the 18 months and I don't want to let her down. I want to prove to her that I can go out there and get on with my life again (interview 8: 3).

Such a quote illustrates very clearly how the relationship between officer and offender can have a positive effect on reoffending. The figures also suggest that when the duty officer scheme is used in conjunction with regularly reporting to a supervising officer, reoffending was shown to be that much lower. Such an argument

was confirmed to a degree, when 12 offenders who spent 20 minutes or more with their officer had not reoffended in contrast to nine who did.⁴⁸ In contrast, six offenders said that they would not like to upset their officer and reoffended, as opposed to only four who did not. Whilst the sample size (n=47) was relatively small, it does suggest an area for future research, where the impact of the individual officer may make a difference on a reoffending rate.

The largest group who admitted to reoffending in interview were those convicted of motoring offences (n=4) at over three quarters. Similarly three out of four of those convicted of criminal damage admitted that they had reoffended and two thirds of those convicted of theft or handling. The case files suggest similar figures to those which became apparent in interview. The exception was the three offenders who admitted to reoffending after being convicted of criminal damage. None of the case files recorded reoffending for this group. It was interesting to note that none of the sex offenders admitted in interview or had been recorded in the case files to have reoffended, and this group had the highest probation input of all offence groups. The reasons for such a lack of admission could be many, including an unwillingness to admit an offence, being rehabilitated, or that they did not commit offences as often as other offence groups. Overall it is likely that they did not commit offences on such a level as other offence groups. It was found in this study that many of those who commit offences such as theft do so a daily basis, often to fund a drug habit. The sex offenders did not have such a high number of previous convictions as other offence groups. Such a supposition was supported by Jack who at the age of 62, with over 40 previous convictions for sex offences, said that he offended about every 12 months.

⁴⁸ It is accepted that not admitted to have reoffended need not necessarily be the same as not reoffending.

Whilst his previous convictions may seem high, they were consistent with one offence every 12 months.

The principle aim of a probation order is the rehabilitation of the offender. For rehabilitation to be an active part in the reduction of offending behaviour the reasons for offending need to be addressed. Such a statement is in line with the overall concept as suggested by many writers including Chapman and Hough (1998) and Underdown (1998). Table 7.2 below examines the officer recorded criminogenic factors and makes a comparison to the recorded reoffending of 51 offenders. Fourteen had no criminogenic factors recorded by the officer. The reason for this is unclear, although four did not have any Supervision Plan. The remaining 37 offenders had a total of 81 criminogenic factors recorded, an average of just over two per offender. Table 7.2 demonstrates what commonsense may suggest, that those offenders who had no identified needs, reoffended at a lower rate than most of those who did. A 'correct' no needs being identified equating to a low reoffending rate is reliant on the correct identification of needs in the first instance. However, chapter 5 has shown that the needs of the offender have been under identified and as any under identification is probably consistent across the whole needs identification spectrum, the argument still stands. Therefore, low needs equates to low reoffending. If that were to be the case, it would confirm the premise of Chapman and Hough (1998) and the whole argument of this thesis. To reduce offending behaviour the officer needs to lower the criminogenic factors of the offender and the reasoning behind them.

In confirmation of that premise it was found that in the case files (n=4) where the officer had recorded four criminogenic factors (the maximum found to be recorded by an officer), the officer had recorded that half (n=2) of those had reoffended. This

was in comparison to less than a third (n=18) in the officers recording of the overall sample who reoffended. This again reinforces the premise of Chapman and Hough (1998), where the higher the number of criminogenic factors – the greater the likelihood of reoffending. However, it could just be that the officer had not spent enough time with those other offenders to enable their needs to be identified, in which case it would show that less probation input for some offenders, regardless of needs, had little effect on reoffending. Such inaction would confirm the argument that some offenders would do as well if detected, but not sentenced, an argument made by Walker (1985).

Table 7.2: Criminogenic factors compared to any further offences

Officer identified criminogenic factors	Officer recorded offender reconviction or having been charged with any other offence				
	No.	%	No.	%	No.
The love of Cars	2	100	0	0	2
Emotional dysfunction	6	60	4	40	10
Health concerns	3	60	2	40	5
Accommodation	2	40	3	60	5
Unemployment	2	40	3	60	5
Alcohol	4	36	7	64	11
Poor victim awareness	2	33	4	67	6
Drugs	4	29	10	71	14
Personal relationships	2	29	5	71	7
Financial problems	1	17	5	83	6
Education	0	0	2	100	2
Peer pressure	0	0	2	100	2
Sexual fantasies	0	0	2	100	2
Other	2	50	2	50	4
Total number	30	37	51	63	81
None recorded	4	29	10	71	14

It seemed that some needs had a greater influence on reoffending than others. For example where a 'love of cars' was identified for Miles and Tony - both reoffended. Miles had been sentenced to a probation order after being convicted of driving whilst disqualified and other sundry motoring offences. However, he was waiting to go back to court after being charged with the harassment of his former partner, a very

different offence. Yet both offences were related to one of his criminogenic factors which became obvious in interview, but not recorded by the officer – alcohol. Therefore to reduce his offending behaviour his misuse of alcohol would have to be addressed, but first it would have had to be identified. Miles said that he had not talked about his drinking with his officer which is consistent with the case files. Such a comment may seem surprising when one considers that he had had three offences for driving whilst disqualified and the original disqualification was for driving over the prescribed limit.

Miles admitted in interview that he was a heavy drinker and that whilst under the influence of alcohol he regularly drove whilst disqualified. He said that he loved driving but was not ‘addicted’ to it, for him it was more a practicality.

Yeah, it’s nice on weekend on a good day, you get in car, get it washed, get it cleaned out, everything looks nice, and we’ll go to the park or something like this. It’s nice to be able to get in a car. If it’s pissing down with rain and we’ve got a car we can get to school without getting wet (Interview 53: 10).

When asked if probation would stop him reoffending he said ‘I’ve still got to earn me living and I will do a few little fiddles but I’m not a thief’ (interview 53: 12).

Tony was on a probation order for driving whilst disqualified, driving whilst over the prescribed limit and other sundry motoring offences. Whilst on the order he had been charged with driving whilst disqualified, driving over the prescribed limit, of taking without the owner’s consent (TWOC), dangerous driving and other sundry motoring offences. In addition to his love of cars, Tony had financial problems and, similar to Miles, his use of alcohol was identified in interview as a deterministic factor. In contrast to Miles, Tony had alcohol recorded by the officer as a criminogenic factor. He was a self confessed heavy drinker and drank whenever he could afford it, often

in excess of 8 pints a day. The more money he had, the more he drank. 'When I get paralytic I just haven't got a care in the world' (Interview 1: 9). Alcohol had not only an influence on his offending behaviour; it had also affected his health. He explained:

About, about five years ago I was told that if I carried on drinking I'd be dead within ten year so I'm half way there now. I'm in hell a lot of pain wi' me liver due to me getting drunk a lot. It's affecting my relationships and I'm getting to'd stage now where I'm having to stop (Interview 1: 13).

The officer had suggested to Tony that he should attend counselling sessions in an attempt to reduce his drinking. When asked if he found counselling useful, he said:

Yes and no. I would like them to, how can I explain this. I don't believe the counselling is doing me any good whatsoever. Cos I can tell them I hadn't had a drink and go out and sit in boozier. I think that probation could help me by consulting with me doctor so that I can either get a psychiatrist or a psychologist. That's what I'd like (Interview 1: 7).

In addition to counselling Tony had been on a probation organised motor project. When asked what attending the motor project had done for him, he replied: 'It made you realise, made you think about what you're doing when you're driving without insurance, driving over the limit' (Interview 1: 12). When he was asked if it stopped him doing it again, replied: 'No; unfortunately' (interview 1: 12). He was then asked how he felt when he was offending and whether or not the probation service could stop him.

I feel anxious. If I get there without being pulled I feel important. It's a good thing not getting caught but it's a bad thing. I enjoy the driving. I do yeh. I don't want to stop it but I've got to stop it, pure and simple. I don't know what would stop me (Interview 1: 15).

He was then asked if he could stop offending himself: 'When I'm sober yeh, when I've had a drink no' (Interview 1: 15). What would stop him offending in the future, he thought for a moment and said 'a serious sentence' (Interview 1: 16).

Throughout the probation order the offender's motivation to change is an important aspect of rehabilitation or reform. To aid reform, those with the highest risk assessment should, according to Chapman and Hough (1998), receive the greatest probation input. Neil was recorded as a high risk offender due to his violent nature and seemed to have little motivation or positive response to the order. He had been in custody on more than one occasion and it held little fear for him. Whilst on the current order he had been reconvicted of theft, although it was not recorded on his case file. When asked what the probation service had done to stop him reoffending said: 'Nothing, f**k all. F**k all, they just say blah, blah, blah. Anyway I am not bothered about going back to prison' (Interview 47: 10/11).

Jeff had been convicted of theft whilst on his probation order. When asked if probation could stop him from reoffending, he said: 'I don't think so, it's [offending] just a way of life' (Interview 35: 13). He also thought that for him probation was a waste of time. To the question what would stop him reoffending. He sadly explained:

I've come to the stage. I had a fantastic girlfriend, an ex social worker, a beautiful person, she couldn't do nowt for us. That should be a reason to stop offending because of the future. I'd love to stop offending. For twenty years, I've been at it since I was seventeen, it's not a passing phase, it's not like a little phase I'm going through. For twenty years, I'm not an old man [aged 37] but I'm not a spring chicken anymore, if I did stop offending now which is highly unlikely - it's just going to continue and I'll probably be going into prison when I'm an old man (Interview 35: 15-6).

In a similar way to Neil, Vernon had little respect for the probation service, he said 'I think it's a joke. I think there should be a different way of trying to coax people and trying to bring them on straight and narrow sort of thing. Perhaps there in't a way but in a way they could probably try, you know what I mean' (interview 18: 21).

Wilf had been convicted of fraud whilst on his order and expressed similar feelings about the service. He said that he had little faith or respect for the service. His lack of faith in his officer led to his low motivation and lack of belief in the service.

I know many people that have been on probation and it hasn't stopped them from reoffending. [However] It's not a waste of effort, no, it's a punishment and the court see it as a punishment and they use it as a punishment so in that sense, no it's not a waste of time. If they turned round and did what they [the probation service] said, then probation would be a very good thing. But they've got to live up to what they say they're going to do and at the moment, I don't think they do (Interview 31:16).

In contrast to others such as Neil, Jeff and Wilf, when Judith was asked about her risk of reoffending, she indicated a high motivation, especially towards her officer. The officer was held in high regard and Judith did not want to 'upset' her by reoffending, however, it was the fear of the police cell that had the deterrent effect.

I know that I'm not going to do it again because I still have nightmares about being in a police cell and I know that there are ways and means of getting round problems, by talking to people [like the officer] and saying, yes I've financial problems can we reduce things or simply phoning someone up and saying I have financial problems (interview 8: 9).

And when asked how she would sum up probation, she answered: 'Probation on the whole is something that is worthwhile if you want to work at it. It is sometimes an inconvenience, but I think that it has worked for me' (interview 8: 17).

No evidence was found in this study to support the argument that a probation order would stop offenders reoffending. We are reminded of Calvert (2000) who argued that the probation service was no more effective than a custodial sentence at reducing reoffending and Perry (2001) who said that both probation and custody had little effect on reconvictions rates. Such statements are supported by this study when only seven offenders said that they would not commit offences whilst on their order. In

contrast, over three quarters (n=41) wanted the probation order to work, although only 12 thought that it might. Vernon was asked if he thought any other sentence would be more effective than a probation order. He thought a custodial sentence would help him come off heroin and as a consequence stop his offending behaviour.

If I get sent to jail it would probably be the best thing that can happen to me. Because if I could go to jail for a year or two year and stay off drugs for like 12 months then I'm sure as shit that I would have a good chance of staying off for rest of me life (Interview 18: 20).

When Vernon was asked what the probation service could do for him in reality, he said that they haven't got the time or resources to help. He then explained further:

There's no way they can really help me. They could say, oh yeah, If they knew about me drug problem they could say we've got you on a rehabilitation programme and you're going to such and such clinic. You're going to be in there a month and I'd be like, oh sound, I mean I'd love that (Interview 18: 17).

Vernon was then asked if probation was going to work. 'If I do it myself yeah. If I get me act together – but otherwise no' (Interview 18: 21).

Concluding comments

Compliance is the willingness to work on the objectives of the order with a view to reducing offending behaviour. However, the offenders had a mixed view of their orders where half (n=20) who offered a comment had negative views about the probation service and a half (n=19) had positive views. Compliance to an order can be based on the offender's perception of the legitimacy of the sentence and the criminal justice system as a whole. Consequently, many offenders had poor views of the legal system which often reflected their disadvantaged lifestyle. Significantly, three quarters said that they did not look up to their officer, indicating a lack of respect for the officer, leading to low compliance with the order. Of the 13 offenders whose motivation to change had been recorded, only four were motivated enough to express remorse for their action. Without remorse, there may be less inclination to

reduce offending behaviour. In the study by Rex (1997), the majority of offenders said that supervision had helped them reduce their offending behaviour and such research was in line with that of Day (1981) and Mantle (1994) who also found officer supervision to be helpful in reducing reoffending. However, this study found that almost three quarters (n=23) of offenders who expressed an opinion thought that probation would not stop them reoffending. This figure is in line with the comments of Calvert (2000) and Perry (2001).

The occurrence of reoffending was recorded by officers in over a third (n=18) of all cases. However, in the offender interview more than half (n=25) of offenders admitted to have reoffended during the current order, with women reoffending just as much as men. The women in the study were often given more help and assistance than the men. It may be correct to surmise that such action may be due to the overall mental state of some women in this study, where overall it has been shown that more women suffer from mental health issues than men do (Singleton, 2001). As such the officer may feel the need to help and sympathise with such a person and such action again brings into question the conflict between care and control. An alternative view would be that the women get the care and the men the control. Any difference in approach by the officer, whilst 'beneficial' to the women, seemed to be based predominantly on their sex and if that was to be confirmed in a later study, would be cause for concern. However, a further hypothesis is that women are perhaps more likely to take a positive view of a probation order and as such may be more responsive. If this were to be the case, women would be more receptive to help (no macho image to keep up) and therefore more rewarding for the officer. This difference in 'treatment' was illustrated by Diane who thought that the probation service had given her back some self esteem and self-respect. Being on probation for

Diane had been a positive experience. However, none of the men described it that way. Some could say that the women were treated more compassionately than the men were and to some extent this study confirms that argument.

The previous chapters have put the probation order into context and allowed the examination of needs and risk. This chapter has demonstrated a lack of belief in the criminal justice system for a number of offenders, and as such may impact on the offender's perception of the legitimacy of sentence. Such instance may determine the compliance and/or responsiveness to a probation order and as a consequence have a negative impact on 'effective practice'. For compliance to be achieved, both the probation officer and offender should comply with National Standards. However, complying with National Standards does not necessarily lead to 'effective practice', where breaching an offender can be in contrast to 'effective practice' Hedderman, and Hough, (2000). When this is the case, there may be conflict between care and control. Overall, there did not seem to be any realistic evidence that the probation service was effective in reducing offending behaviour and such a comment is in line with those previously made by writers such as Calvert (2000) and Perry (2001). The final chapter brings the thesis to a close and attempts to draw the findings of the research together in a discussion about the 'impact of a probation order', which was the aim of this research. Suggestions will be made to encourage the production of 'effective practice' and where possible assist in improving probation practice.

Chapter 8

Pandora's box

Introduction

The aim of the study was to examine the impact of a probation order from the perspective of the offender. The aim of this final chapter is to bring together the history and concepts of the probation service and reflect them in the findings of the study. In other words what did the probation service set out to do, how this was to be achieved and whether or not they were successful in their endeavours. It will then reflect the overall objectives of the study which were to assess whether or not:

1. Probation orders reduced offending and thereby protected the public.
2. Probation orders complied with National Standards (1995).
3. The criminogenic factors, needs and risk of the offender had been identified by the officer and acted upon within the concept of 'what works'.
4. The order was perceived by the offender to be a punishment.
5. The offender's sex had any influence on their offending behaviour, and/or on the impact of the order.

The central findings of the thesis are that within this study, 'effective practice' based on the principle of 'what works' was not found, and that there is an inbuilt conflict between control and care. That is not to suggest that control is not an important contributing factor in rehabilitation, only that it should not be used to the exclusion of care, where too much control can displace it. We shall now examine the overall findings which led to such a thesis and discuss the findings within a number of themes. The first theme covers the past and present position of the probation service. At the core of a probation order is rehabilitation (Brownlee, 1998).

Rehabilitation: Fact or fiction within a probation order.

The first theme shows how the probation service changed from an organisation of reform through rehabilitation to one of increased governmental control. Similarly there was a change in the official philosophy imposed on officers during their transition from police court missionaries to law enforcement officers, from a policy of 'advise, assist and befriend' to one of confronting offending behaviour. Underlying such changes is the conflict between the care and control of offenders.

Historical transition of the probation service

The formation of the 'probation service' was not without its critics. However, even many critics saw the probation service as an opportunity, not only as a method of reform and diverting offenders from prison, but as a method of reducing the rising cost of imprisonment to the government (McWilliams, 1983). During these early years, alcohol was seen as a deterministic influence on offending behaviour and as the 'stumbling block' to reform (McWilliams, 1983). In other words it was a criminogenic factor. The definition and use of 'criminogenic factors' eventually led to the 'probation officer' who was motivated by evidence gained through the social sciences. This led to the creation of the professional probation officer who followed a scientific approach to rehabilitation resulting in reform (Bottoms and McWilliams, 1979).

These 'professional' probation officers used a skills-orientated approach and based their rehabilitation methods on the premise that 'treatment' was required to 'repair the damaged offender'. Using the skills of a social worker they addressed or treated the background to offending behaviour as part of rehabilitation under the motto 'advise, assist and befriend' (Brownlee, 1998). In spite of its 'scientific' background,

the seeming failure of this approach led to a common belief that probation was an option in which ‘nothing works’ (Martinson, 1974). (For a further discussion of ‘nothing works’ refer to pages 25-9.) The depression surrounding the ‘nothing works’ statement continued until the late 1980s and early 1990s when a mood of optimism followed the evolution of cognitive behavioural methods. These methods were introduced during a series of conferences entitled ‘what works’ (Worrall, 1997), and were based on the assessment of risk, which together with identified criminogenic factors of the offender, should determine the amount of probation input (Chapman and Hough, 1998).

This brings us to the second and third themes of this chapter, which in practical terms are interrelated and will be discussed as such. The first of these two is that National Standards is a practical necessity for managerialism and control, underlying which is the concept of effectiveness. National Standards and effectiveness are not, or should not be isolated, but should complement each other. However, rather than enhancing effectiveness, some officers felt that National Standards were a stumbling block to rehabilitation and that control was in conflict with offender reform through help and assistance (Rex, 1997). The second of these two themes addresses current rehabilitation methods which centre on the principles of ‘effectiveness’, ‘best practice’ and ‘what works’. Within the concept of ‘what works’, structured programmes and cognitive behavioural techniques, which do not necessarily address offenders’ criminogenic needs, should be matched to risk and probation input.

National standards – effective practice?

It is a main argument of this thesis that for rehabilitative probation practice to be a viable option, the service needs to return to its original philosophy of ‘advise, assist

and befriend' and reflect such principles in an atmosphere of regime management and control. Therefore an holistic approach is necessary, where the principles of control, modifying social values and attitudes and giving help and assistance to the offender are interrelated. However, following the comments by Perry (2001) a change in emphasis in the use of probation monies may eventually override or modify the concept of 'what works', where those classed as medium-high risk receive the greatest probation input and those regarded as high risk are down graded in terms of time given - in practice what was found to happen in this study.⁴⁹

At the centre of structured rehabilitation is the Supervision Plan. Under National Standards (1995) a Supervision Plan should be produced within ten working days of the probation order being made. It is important at that stage that the officer is not too ambitious when setting the expectations of the plan. It should be realistic, otherwise it may result in failure. Each objective in the plan should be time limited and specify who is doing what and when. 'From the start offenders should be encouraged to do as much as possible for themselves and to take responsibility for their own lives (Osler, 1995: 76).

Supervision Plans are at the centre of offender reform. They should reflect National Standards and be a plan of action for the forthcoming three (1995) or four (2000) months, until the supervision review is implemented. In the study it was found that less than a fifth (n=9) of the 52 offenders had Supervision Plans that complied with National Standards. If partial compliance (by taking into account those plans which were undated or dated outside the time allowed) were taken into account (n=18), almost two thirds (n=34) of the sample were still without a Supervision Plan. One

⁴⁹ Risk refers to the risk of dangerousness and/or reoffending, both should be considered.

reason for this relatively large lack of compliance may be that much of National Standards appeared to be thought of as being inappropriate and/or unimportant by officers. The argument that some aspects of National Standards may be inappropriate was widened further when Thomas and Truddenham (2002) suggested that government seem to bring out guidelines for use, even if their use is in contrast to research and experience.⁵⁰

When supervision and control are discussed, we are reminded of the earlier point made by Bentham who suggested that enforced reform may breach the question of morality and suggests that National Standards as a whole may be seen by some officers as inappropriate and contrary to social values, and consequently detract from rehabilitation. As such, control may be at odds to any social work values that the officer may hold. Therefore the transition from an organisation with guiding principles of 'advise, assist and befriend' to a more punitive service may well have had an impact on the lack of responsivity to the standards by the officer.

Throughout the research it was found that National Standards was continually disregarded and/or 'best' practice avoided. Just under two thirds (60%, n=31) of the 52 cases in the study did not have Supervision Plans with clear objectives. Rex (1997) found that whilst offenders in her study had Supervision Plans on file, in interview no offenders referred to them. In this study, two thirds (n=22) of the 32 offenders who could remember said that they were not involved in the creation of a Supervision Plan, or in the objectives of the order. Around a half (n=16) of those who had a Supervision Plan had not signed it, resulting in the majority (n=36) of offenders not knowing what objectives they were trying to achieve by being on the

⁵⁰ For a wider discussion of National Standards see chapter 4: Offender Supervision.

order. The officers seemed to take little interest in achieving or producing objectives designed to reduce the limited needs that were identified.

The offenders gave the impression that officers seemed to believe that an efficient order meant spending as little time as possible with them, whilst making some attempt at fulfilling the reporting requirements of National Standards (1995). This brings into question a possible conflict between National Standards and 'best' practice. Rex (1997) makes a similar point when she argued that probation officers need to make considerable efforts to ensure that probationers are aware that 'plans' exist. She went on to demonstrate that in her research none of the officers' supervisors acknowledged the existence of supervision planning as a vital exercise.

Previous research has suggested that supervision planning generally centred on domestic difficulties such as accommodation or intra-family disputes (Willis, 1986). However, financial matters were found by this study to be particularly important to the offender. Overall the expectation of offenders about probation was the provision of direct social work assistance or help. Willis put it simply as 'clients and officers alike see probationers problems almost exclusively in terms of everyday domestic, financial and employment difficulties: these [and not crime] are the sole focus of actual intervention' (Willis, 1986: 177). Whilst the quote is over 15 years old and the focus of the service may have changed, it was found in reality to be just as relevant today, certainly from the point of view of the expectations of offenders. Little seemed to have changed, the officers still concentrate on the personal and social needs of the offender, even though these may not necessarily be criminogenic. Therefore it is important for the principle aim of reducing offending behaviour that

the difference between criminogenic and personal needs are not only identified and recorded, but distinguished within supervision. It is important that priority is given to reducing criminogenic needs in an effort to reduce reoffending. That is not to say that personal needs are not important and cannot develop into criminogenic needs.

When the offenders were asked in interview about the purpose of the probation order, of those who answered (n=49), nine out of ten (n=44) said: 'to help', a quarter of these (n=11) also said it was there to stop them reoffending. In other words over three quarters did not express preventing reoffending as their primary objective. That is not meant to suggest that it was not the primary objective, just that it was not personal and therefore important to them. These findings are in contradiction to the work of Rex (1997) who found that the majority of 'probationers' in her study believed the probation order was there to reduce their reoffending rather than for the provision of welfare. The findings by Rex were consistent with those of Mantle (1994) who also found the concept of welfare provision to be secondary. It is difficult to put forward a hypothesis to reconcile or explain these differences in findings, especially when over the last few years the probation service has supposedly reduced its emphasis on welfare and focused on control. However, to hypothesise, well over half (n=28) of those within this study had been on probation before and almost all of the rest had known others who had been on probation. Therefore any welfare expectations could well have been handed down by word of mouth, from one offender to the next. In addition, the probation office in which most of the interviews were carried out had a large reception area which was conducive to inter-offender communication. As many offenders in this research complained, they had to spend a great deal of time waiting for an officer, therefore, they had plenty of opportunity to discuss with other offenders what they required from the officer and reconstruct why they were there.

Rehabilitation of any kind can be a hotly contested issue as Martinson (1974) made clear. In contrast to Martinson (1974), writers such as McGuire and Priestley (1995), Roberts (1995) and Raynor et al, (1994), all argued that what works are well planned, consistent and well executed programmes. Whilst today the official position may have changed, Willis (1986) found the social control aspect of probation to be informal, only one-third of offenders he studied had the requirements of the order clearly explained. Similarly in this study it was found that almost two-thirds (n=22) of those who could remember, said that the probation order had not been fully explained. As Willis has suggested, control within a probation order has always been flexible. However, in today's atmosphere of managerialism and National Standards, that kind of flexibility is not officially acceptable and should/would be seen as a lack of compliance on the part of the officer.

Findings from this study showed that compliance by the officer to the terms of probation orders was lacking from the very beginning. One of the reasons for the lack of compliance may be that officers were overworked with high caseloads. Radzinowicz and King (1979) made a similar point almost 25 years ago. Haxby (1978) argued that pressures from high caseloads made it impossible for officers to develop the full potential of casework methods. Walker and Beaumont (1981) suggested that being a probation officer is a task with no apparent solution, where the day is spent worrying how to balance the time between equally unpalatable alternatives. The problem of a lack of resources resulting in high caseloads remains. High caseloads often meant that supervising officers were not in a position to see the offenders in their caseload and as a consequence in those cases the offender reported to the duty officer. Just over a third (36%, n=17) of offenders in this study were

predominantly reporting to the duty officer, almost a quarter (23%, n=11) were reporting to both their own officer and the duty officer and over a third (40%, n=19) were mainly reporting to their supervising officer. Therefore, almost two thirds of the offenders in this study had at sometime reported to the duty officer on more than one occasion. When that was found to be the case, none of them said that the objectives of the order were discussed, therefore in these cases 'best practice' was not achieved.

The average time that an offender spent with their own officer in the study was in the region of 20 to 30 minutes per visit. However, the time spent with the duty officer was much less and in some instances the offender only had to sign and go. Whilst Donohoe (2000) may find the suggestion that offenders are simply ticked in and out insulting, such reporting procedure has a negative impact on 'effective practice' and detracts from any planned rehabilitation process. The official time between visits varied, depending upon the original length of the order, how long it had to run and how long it had been running. National Standards (1995) state that the minimum contact should be weekly for the first three months, fortnightly for the next three months and monthly thereafter. It was against this background, often with officers having caseloads of 80 or more, that rehabilitation and offender control were supposed to be achieved.

Control of the offender on probation is through the use of the breach. The breach in this study was found to be under used if the officer is to adhere to National Standards (1995). The frequency of contact for three quarters (n=25) of the offenders in this study who were required to attend appointments and who gave an opinion was generally found to be consistent with other research which found the use of the breach underused (Ellis et al, 1996; Humphrey and Pease, 1992 and Lawson, 1978).

This was confirmed when three quarters of the offenders in this study said that they always turned up at probation on the right day, however, that still left a quarter that did not. The figure of a quarter reinforces Underdown's study (2001), in which he showed that absence for probation appointments was in the region of a quarter (22.6%). However, only three offenders in this study said that they had received breach letters in comparison to the case files which suggested that 13 offenders should have been breached, leaving ten that had not been breached but should have been. Therefore, National Standards (1995) for these ten had not been complied with and officers had not fulfilled their obligations under that standard.

The adherence to National Standards can in itself reduce the effectiveness of a probation order, thereby reconfirming a conflict between control and rehabilitation (Hedderman and Hearnden, 2000). If the offender is breached and returned to court for re-sentence, there is little chance of rehabilitation by the probation service unless the order is allowed to continue. Whilst it is accepted that it may not be as simple as suggested, it may in some way explain the reasoning behind the failure of some officers to breach. In contrast, May and Wadwell (2001) suggest that when appropriate enforcement action is taken, predicted reconviction rates fall, therefore control can complement rehabilitation. However, sceptics could argue that such 'improvement' is explained by the re-sentencing of those who are breached and unwilling to accept rehabilitation being quantitatively taken out of the equation. A further consequence of not returning the offender back before the courts could be if the sentencers became aware of the officers' failure to do so as required under National Standards, a failure which could impact on their willingness to make such orders. However, little research has been found in regard to this matter. Calvert

(2000) makes the point, as a sentencer, that lax enforcement may lead the offender to be contemptuous of both the order and the court.

In contrast to control aiding rehabilitation, it has been argued that there is no evidence that stricter enforcement of a probation order lowers reconviction rates or makes the order more efficient (Hedderman and Hearnden, 2000). If that were found to be the case and stricter enforcement was found not to aid rehabilitation but to detract from it, there could well be a conflict between rehabilitation and National Standards. This point was made by Hedderman and Hearnden (2000: 128) when they concluded: 'To this extent National Standards may already be said to be at odds with effective practice'. However, if National Standards and/or the threat of breach proceedings made the offender turn up for supervision where they would not otherwise do so, it could be said to aid 'effective practice'.

Effectiveness

National Standards (2000) reinforced the official overriding concept of effectiveness and, in theoretical terms, demonstrated an increase in punishment which supported the use of intensive accredited rehabilitation programmes based on cognitive behaviour therapy. This change in the type of supervision, underpins the 'what works' programme (McGuire and Priestley, 1995). 'What works' is not so much a question but a statement of 'effective practice', part of a crime reduction strategy launched by the Home Secretary in 1998. Chapman and Hough define effective practice as 'practice [which] produces the intended results' (1998: 5). They explained that the intended result is the outcome which the public expects - a person who does not offend and makes a constructive contribution to society. However, rather than the

one-to-one session as it used to be, more and more programmes are centring on group work (Ellis, 2000).

Many concepts of group work are based on 'effective practice' under the principle of 'what works'. These have been found to lack theoretical underpinning and there has been little real evidence of them being effective at reducing offending (Ellis, 2000). Gorman states it is 'the triumph of slick marketing by criminological entrepreneurs over the messy reality and ambiguity of every day probation practice' (2001: 45). Walker and Beaumont criticised the philosophy behind 'what works' and argued that group work was just another form of 'treatment' and 'new developments further the same fundamental aims as traditional tasks and methods' (1981: 82). Burnett pointed out, 'one of the key findings to emerge from research on 'what works' in reducing offending is the importance of matching the various forms of intervention to individual offenders (1996: vii) – rather than one programme for all offenders. However, such an argument was not born out by Project Match (1999) which concluded that it was principally the motivation of the individual – supported by a rehabilitation programme and not the programme itself. That is not meant to suggest that 'what works' is not the way forward, but that it cannot be effective without the motivation of the offender. Motivation is therefore the key to effective practice.

None of the four convicted of sex offences in the study seemed motivated by their experience of probation, none described any remorse in interview. All said that it was either the victim's fault, or that the victim enjoyed the experience, therefore their risk of reoffending remained. (For more detailed information on sex offenders in this study see page 150 and pages 243-5.) Sex offenders because of their offence are

treated as a special group within the probation service. Officers undergo specialised training and were fully aware of the danger that 'their' offenders pose.

Only the sex offenders in this study, as a group had attended programmes based on the concept of 'what works' and cognitive behavioural therapy. Whilst they had enjoyed the experience of the programmes and said that they found them useful, their criminogenic factors and risk seemed to have remained unchanged. Furthermore, the motivation of the sex offenders did not seem to have been enhanced by the programme. Whilst the motivation and risk of the offender had not seemed to have changed by being on the intensive programme, it did reflect a high level of input from the officer and fulfilled the requirements of effective practice. However, whether or not it fulfilled the requirements to be included in 'what works' has yet to be established. It does however, reinforce the argument that the probation service can under the right conditions systematically adhere to effective practice. This was found to be especially the case when the officers were specially trained and committed to their task.

The other offenders in the study had not attended any programmes based on cognitive behavioural therapy. However, 'effectiveness' and 'what works' can and should still be used within the one-to-one scenario, if that is not the case such sessions can be a waste of time or even harmful (Chapman and Hough, 1998, McGuire and Priestley, 1995). In contrast to 'what works' and effective practice, many offenders were found to have only spent five minutes with the duty officer and as a consequence 'effective practice' was not an option. (Pages 44-51 discuss 'what works' and effective practice in greater detail.)

The implication for risk assessment

Under the concept of 'effective practice', the risk/need association or formula indicates that as the needs of the offender are increased so too should the recorded risk. Thus those with the highest needs related to risk should have the greatest probation input. However, making a prediction of risk has been shown to be a complex and often controversial issue, and gives rise to the question of how effective is the prediction of risk and therefore the effectiveness of the order. This point was made by Mair (2001) who questioned whether or not risk assessment took place consistently and therefore took account of the same factors.

The definition of risk can have two different meanings, the risk of dangerousness and of reoffending (National Standards, 1995). It is the interpretation of the term 'risk' that has consequences for its implementation on probation input and whether or not the order conforms to 'effective practice'. It is not just the dangerousness of the offender that the probation officer needs to assess, but the risk of reoffending. It is therefore important that the definition of 'risk' is clarified and until 'risk' is 'correctly' addressed, probation input cannot be effectively structured to the individual and as a consequence their needs addressed. Only by addressing needs based on risk can offending behaviour be modified and offending reduced. This is the primary objective of a probation order (Chapman and Hough, 1998). The risk of dangerousness has been shown to be the predominant risk factor encountered during this research and the risk of reoffending seemed to play little part.

It is an argument of this thesis that for practice to be effective the risk of reoffending and the risk of dangerousness should be addressed separately and two sets of objectives made on those different risks. Therefore there should not be one set of

objectives for all risks. That is not meant to imply that the same objectives cannot be used in both scenarios, only that the reasoning behind their use should be made clear.

For the probation order to operate within the principles of 'effective practice', it should take into account the philosophy of 'what works' which is based on the recorded risk of the offender reflecting the input of the service. Probation input should therefore reflect the often complex nature of the relationship of risk to probation input and the objectives relating to criminogenic factors. However, it has been shown in this study that there was a lack of relationship between risk and probation input. Not only were the needs of the offender under recorded, but the risk of reoffending was not generally recorded as an issue. All the women in this study were classed as low risk and therefore seen as less dangerous, whilst the men were included in all risk groups. Even the risk of dangerousness played little part in probation input, where one of the two high risk offenders said that he was often told to 'go away'. For these 'high risk' offenders, Perry (2001) clouded the issue when he suggested that the cost of rehabilitation may prove excessive for this group and that the money could be more efficiently spent on the other risk groups.

The risk of the offender is a complex and controversial issue and the fact that the risk of the offender was often restricted to dangerousness had a clear impact on the objectives of the order and may have had on whether or not they reoffended. In the study by Rex (1997) and contrary to the findings in this study, the majority of probationers said that supervision had helped them reduce their offending behaviour. The finding by Rex (1997) was in line with Day (1981) and Mantle (1994) who also found officer supervision to be helpful in reducing reoffending. However, this study found that almost three quarters (n=23) of offenders who expressed an opinion

thought that probation would not stop them reoffending. They thought it was all down to themselves and not the probation service, again self motivation was seen as the key. The likelihood of reoffending was identified by the officer in just over a third (n=19) of the total cases. However, it was not really surprising that more were not identified when one considers that the risk of reoffending was not used to any great extent in the risk assessment process.

It is argued that without the assessment of the risk of reoffending, reducing that risk is not only more difficult but impossible to quantify. In the interviews more than half (n=24) of offenders who would discuss it (n=46), admitted to have reoffended during the current order. The 24 who admitted to reoffending whilst on the order were made up of half (n=1) of the high risk group, over one quarter (n=2) of the medium risk group and a half (n=13) of the low risk group.⁵¹ Lily explained that when she was depressed she went shoplifting. Similarly, those using heroin had to fund their drug use and those using excessive amounts of alcohol often 'lost control' and reoffended. In contrast to other offenders such as shoplifters, the criminal records of the sex offenders indicated that they did not offend on a daily basis, a point made by Jack who admitted to reoffending approximately every 12 months. However, when they do offend it is seen as much more dangerous than many other offences (see the discussion on sex offenders in chapter 6).

The relationship of risk to need highlights the necessity of targeting input to risk in order to reduce reoffending. However, the risk of reoffending needs to be first identified and then recorded. Included within the total of those who reoffended was

⁵¹ The numbers were relatively small, especially for the high risk group and therefore may be statistically insignificant.

the group for whom no risk assessment had been carried out. This group had the highest number of those who admitted to have offended whilst on the order, with well over a half (n=8) reoffending. However simplistic it may be, it is an indication that poor probation practice may result in failure.

Criminogenic needs

It has been a consistent argument throughout this thesis that the risk of the offender and therefore the amount of probation input is, or should be, linked to the needs of the offender (Underdown 1998, 2001; Thomas 2000, and Raynor 2001). That link, and with it the concept of 'what works' and consequently 'best practice', have been shown to be fundamentally flawed by this research. Where risk was under diagnosed and restricted to the risk of dangerousness, the likelihood of reoffending seemed to play little part in any probation input. In addition to risk being under diagnosed, the number of needs recorded by officers was also consistently under-recorded. When the needs were examined, it was found that just under half (43%, n=22) of offenders (n=51) were recorded as being drug users. This figure increased to over a half (55%, n=28) in the interviews, showing that the officer had under-recorded drug use by over a quarter (n=6) and women were over represented in this group. The difference in the drug users recorded by officers and identified in interview could be explained by offenders not trusting their officers and failing to disclose their true drug use.

Overall there seemed to be a lack of trust between the offender and officer which led to offenders not disclosing all their needs and resulted in the reduced efficiency of any planned rehabilitation. This point was clearly made by both Jayne and Vernon. Jayne explained that she had told her probation officer about her drug use and the

next minute she was knocking on her door with a social worker and her child was taken into care. Vernon was also careful about what he told his officer, especially when his officer made it clear that whatever he told him, would be reported back to court. Whilst there is no 'magic wand' to help them, there does need to be truthful and trusting communication between the officer and the user. This was shown not to always be the case, where any lack of information received by the officer from the offender can lead to a lack of effective practice.

In contrast to the drug users, most of those found to be abusing alcohol were identified and recorded by officers. The reasons why offenders used alcohol were found to be similar to those of drug misuse, which were to mask their disadvantaged lifestyle and personal problems. The main difference between the two forms of substance abuse is that drug use is illegal and alcohol is not. As a consequence the offenders seemed willing to disclose the use of alcohol to the officer but not the use of illegal substances such as heroin. This was made clear when offenders reported that they did not trust their officer. When the heroin users were asked if they told the officers the truth, only a half answered yes (n=9). This was compared to almost all of those who had alcohol recorded as a criminogenic factor (n=20), where only one answered no. It was clear that those who misused drugs were less likely to tell the officer the 'truth', than those who used alcohol.

The average number of needs per offender recorded by officers was two, compared with an average of six factors identified in offender interviews. All factors were found to be interrelated, complex and suggested numerous deep rooted problems. Therefore, if a probation order is to work, although there is no guarantee of that, a reduction in offending needs to be achieved. For this to be an option, however small,

both officer and offender need to work together, in trust, to identify and resolve the totality of both the criminogenic and personal factors of the offender.

Criminogenic factors relate to both social and personal circumstances and are often interrelated and complex. When offenders were asked what would stop them reoffending, over a quarter (n=9) who expressed an opinion said coming off drugs, less than a quarter (n=8) said having a job and one in twenty (n=2) said that they had stopped offending anyway. Three argued that only a prison sentence would stop them reoffending. A similar point was made by Calvert (2000) who argued that community sentences are said by some, to be no more effective at reducing reoffending than custody. However, they are cheaper (Worrall, 1997).

Probation in practice

Clearly it is important that both officer and offender work together in the identification and implementation of objectives designed to reform. There should be a willingness by all parties to take the necessary action leading to rehabilitation. One of the major factors in rehabilitation is motivation and compliance with the order to first record and then address criminogenic needs. However, it has been shown that the needs of the offender were under recorded and that the risk of the offender was based on the officers' perception of 'dangerousness' and did not take into account the risk of reoffending and was therefore flawed from the very beginning. Similarly it has been shown that deterrence does not seem to impact on reoffending, nor did rehabilitation unless the offender wanted it to. Therefore, motivation as being central to rehabilitation is a consistent theme, where motivation seems to be suitable for enhancement through a mixture of control and care. It was under such circumstances that a probation order is attempting to be a rehabilitative sentence and has a number

of natural objectives. First, reform can occur through punishment, by depriving offenders of their time for up to 30 minutes per visit, although that seems a weak argument, in practice visits were not found to have taken 30 minutes, where some offenders just turn up, sign and leave. Second, reform should accompany punishment/control and not be an alternative to it. Most offenders were found not to have had the right 'attitude' to the order. When offenders were asked if a probation order was easier than other sentences, three quarters (n=21) of those who expressed an opinion (n=28) said yes and almost half (n=9) of these thought it was a 'let off'. When asked (n=41) if it was a soft option, over two thirds (n=27) thought it was and for those offenders at least the probation order had little deterrent value.

The concept of a sentence, including the nature of rehabilitation and deterrence, can vary depending on the individual person and their personal and social position (Rex 1997). For some offenders, especially those with personal problems the home visit can be a crucial aspect of supervision. Child care responsibilities of the offender seemed to have had an influence on whether or not the officer had carried out such a visit. The number of home visits in this study was found to be much less than found by Rex (1997) in her study. She found that most females had home visits and that their home visits were only partially explained by childcare responsibilities. Just over one third (n=4) of women in this study had been found to have received home visits, as opposed to less than a quarter of men (n=10). When childcare was examined, over a quarter (n=3) of the women had children recorded as living with them and all had home visits carried out. In contrast, one in ten men (n=4) were in a similar position and only a half (n=2) of these had received home visits. However, the women had sole charge of the children whereas the men had partners, and so were not perceived as solely responsible for childcare. It is concluded that childcare responsibilities

effect whether or not a home visit was carried out especially for women, although it is accepted that the numbers were very small.

There is a difference between men and women in the criminal justice system (Worrall, 1997). The majority of adult offenders dealt with in the magistrates' court are male, only one in six offenders being female. 'As a result [of the numbers], magistrates perceived women to be less criminal, less experienced, and less likely to return to court than men' (Home Office, 1997: 25). In this study no real difference in the method of probation 'treatment' between the two sexes was found, nor was the length of the probation order given by the court. However, differences in the expectations, perceptions and personal circumstances of the different sexes were found, which could have an impact on the results obtained from the order. Over a third of the women (36%, n=4) and just over a quarter of the men (29%, n=12) in this study were identified by both the officer and in interview as demonstrating mental health concerns. The identification of mental health issues can be a subjective process built on experience and commonsense (Morris and Tonry (1990). Within this study mental health issues included the self diagnosis by offenders of depression that required a visit to their own doctor, suicide attempts, and being on medication for mental health. The figures found in this study are in excess of those found in the national population where 19 percent of women were found to have mental health concerns compared with 14 percent of men (Singleton, 2001) (See page 194-8). This point was confirmed by Sattar (2001) (See page 196) who suggested that those serving a community sentence were over eight times more likely to commit suicide than the national population. However, it was found that it was not only with mental health issues that women differ from men.

It is generally accepted that women offend differently to men (Worrall, 1997). In this study all those convicted of sex offences were men, all those convicted of criminal damage, violence against the person and common assault were men, and nine out of ten (n=6) of those on probation for burglary were men. In contrast, almost two thirds (n=7) of the female offenders on probation had been sentenced for shoplifting, in comparison to less than one third (n=13) of the men. However, it has been argued that 'equal' 'treatment' for men and women is a matter of approach not outcome, where fairness consists of people in similar circumstances being treated in similar ways. It should be recognised that men and women do not necessarily appear in similar circumstances, and that the perception of the offender by others including sentencers has an effect.

One key observation was that all women in the study were classed as low risk. This reflected an assessment of dangerousness and not of reoffending, where the women reported reoffending just as frequently as the men. Furthermore women were often given increased help and assistance than were the men. This was illustrated by Diane who thought that the probation service had given her back some self esteem and self-respect. Diane had regarded being on probation as being a positive experience. In contrast, none of the men had described it that way, neither had the men described probation as giving them self esteem or self respect. Those concepts, or lack of them held by the men are significant and confirmed by this study, where all of the women were recorded as low risk and many received increased help and assistance with personal problems that may or may not have been criminogenic.

It is clear that there have been many changes throughout the probation service, three threads have been constant; these are increasing government control, the consistent

use of community penalties in an attempt to reduce the prison population and methods developed to reduce offending behaviour (Rutherford, 1993; Vass, 1996). What has not changed is that 'probation officers still peddle their wares among the poor and disadvantaged sections of the communities' (Raynor et al, 1994: 20). This takes us to the final theme of this thesis which demonstrates that those who the probation service deals with have not changed and are generally drawn from individuals living on state benefit. Poverty and inequality were discussed in chapter 2 (p. 80-9), where they were shown to have a deterministic influence on offending behaviour and consequently formed the basis for most probation rehabilitation programmes. Therefore to ignore and fail to address the social and personal circumstances of the offender is to fail from the very beginning.

Social and personal circumstances of the offender

It is consistently argued that the pain of punishment generated by the criminal justice system is experienced to a large extent by those who could be classed as poor and living on a limited income. For such individuals the impact of the court system can seem unfairly balanced against them. Raynor made the point when he wrote: 'the practice of sentencing the poor as if they had the same opportunities as the rich to lead crime-free lives has been rightly criticised' (Raynor, 2001: 190).

During the 1980s and 1990s the gap between the have and the have not increased significantly (Goodman et al, 1997). The Department of Social Security highlighted a doubling of the number of individuals living in poverty between 1979 and 1993 (Households below Average Income, 1998). Nowhere was that more obvious than amongst those living on the streets, where it was found that they put themselves at risk of violence and crime, both as perpetrators and victims. Almost one in seven

(n=7) offenders in the study said that they had lived on the streets at some time, and that living on the streets could be a frightening experience, where offending behaviour is commonplace. This point was made earlier in this thesis when Joan described her experience of street life and asked what would you do under similar conditions (see page 202). The question 'what would you do?' can be applied to a number of offenders in the study including Jeff who gave the impression of being fit and able to handle himself in trouble. He described the streets as a living hell (see page 203).

Living under such conditions can be 'painful'. Under the classical theory of criminology, human or criminal action can be deterred by the 'pain' of punishment in comparison with the pleasure or benefit gained by action such as crime. According to classicism, crime is deterred by inflicting enough pain so that it would outweigh any gain (Bentham, 1988). However, for many offenders the pain of everyday living had led to their offending behaviour. Whatever pain the criminal justice system could inflict would fade into insignificance by comparison to the pain of everyday life. It was under such circumstances that Jeff made it clear that he would rather be in prison than return to the streets (interview 35: 12).

Poverty encompasses a number of key areas. The obvious ones include the lack of money to spend on food, heating, clothing and accommodation (Rossi and Blum, 1969). The less obvious aspects include social isolation, lack of leisure interests such as visits to the cinema, theatre, restaurants, hobbies, and holidays. 'Above all, poverty takes away the tools to create the building blocks for the future ... it stops people being able to take control of their lives' (Oppenheim and Harker, 1996: 5).

The future for a number of those in this study was bleak, especially those living on the streets or in hostel type accommodation. Murray (1990) argued that individuals living under similar conditions to those described above have been reclassified from 'working class' to the 'underclass'. However, whatever name is tagged onto those living on the streets or in temporary accommodation, they are an underclass and without power. Tagging these individuals as 'working class' has not only reclassified those individuals, but has redrawn the description of the poor, where the poor are shown to be tied into behavioural and attitudinal problems. Field (1981) confirms this argument and suggests that the underclass were increasingly being excluded from citizenship in terms of both income and life chances. It is clear that inequality, poverty and unemployment are interrelated. These facets of everyday life for many offenders are shaped by class, occupation, race and gender. When in employment, they represented the lowest level of skills. They had unstable dysfunctional relationships, often living in single parent households and in poor quality housing. In short, such conditions provided the building blocks for crime. If reform is to take place the building blocks need to be dismantled and restructured in such a way as the need to reoffend is reduced.

Escaping poverty for many offenders seemed difficult. However, Bowles and Gintis (1976) considered that education is one method of escaping poverty and the confines of a disadvantaged social position. The educational standard of the offenders in the study was found to be predominantly poor, with almost all of them having no formal qualification recorded by the officer. This was found to be significant when comparisons were made to the general population. An argument has been made that an 'underclass' exists because some individuals are intellectually inadequate and like a disease, it has been 'caught' from their parents (Bowles and Gintis, 1976: 6-7). At

the centre of such an argument are the works of Sutherland (1947) with 'differential association' and Glueck (1962) who argued that contamination depends not only on association, but on individual susceptibility. The work of both Sutherland and Glueck was discussed in chapter 2 (p. 82-4). This point was again made by Worrall (1997) when she argued that susceptibility played a large part in differentiating between those who commit crime and those who do not. Glueck goes further and states: 'certain socio-cultural circumstances operate as catalytic agents in the delinquency of children possessing certain character traits' (1962: 112). Therefore, it has been argued that susceptibility to influences leading to crime vary from individual to individual and as a consequence, not all those brought up in poor conditions turn to crime (Worrall, 1997; Glueck, 1962).

It was found that pro-social modelling from the parents of offenders was often lacking, and that the family background had a direct influence on offending behaviour. Family background, peer pressure and anti-social associates were found to have the greatest influences on offenders. From such a background of inequality and lack of parental control the offender appears before a probation officer for reform through rehabilitation and enforcement through control. Therefore, probation officers operate an ideology which is partly based on the assumption that clients require enforcement of acceptable boundaries of behaviour. This suggests that punishment is not to be used as revenge or deterrence, but as 'treatment' and reform.

The life experiences and needs of the offender are generally reflected in their offending behaviour, therefore, the idea of rehabilitation or offender reform raises a question of morality and ethical questions such as how much 'force' should be used to instigate change. Given the assumption that reform is a possibility; some would

argue that we are not justified in reshaping the life of an individual based solely on society's concept of 'a good and useful life', others would disagree. We reiterate Bentham's (1748-1832) suggestion that to be punished for the purpose of reform is to be treated like a dog that is whipped into submission. However, Bentham under the principle of Utilitarianism, argued that it may be justifiable to reshape the life of an individual if that change led to the greater good of society.⁵² Whilst it is not suggested that rehabilitation under conditions such as those suggested by National Standards is 'to be whipped like a dog', it may identify the continuing argument of why probation officers often seem reluctant to breach offenders and seem uncomfortable with an increase in control (see chapter 1: 37-40; chapter 7: 271-4). It is from this background and social position that offenders come before the courts and to the probation service with expectations of help and assistance.

Conclusion

The results from the data in this study suggest that the probation service is limited in its effectiveness and 'best practice' is not being achieved. The central argument of the thesis is that 'effective practice' based on the principle of 'what works' was not found to be operating. What was clear was that any 'rehabilitation' found was based on the 'past' motto of the probation service which was to 'advise, assist and befriend' the offender and it was this social work assistance which offenders both want and require (Rex, 1997; Worrall, 1997; Willis, 1986). However, that is not to suggest that help and assistance based on criminogenic factors and 'what works' should be to the exclusion of some control within National Standards, but that they should all be in harmony and complement each other, where a holistic approach is needed.

⁵² Utilitarianism was the name given by John Stuart Mill, see the Concise Oxford Dictionary of Sociology (1994: 549).

It has been discussed that an individual can be sentenced according to a number of concepts, including deterrence and rehabilitation. At the centre of the theoretical core of probation practice is the identification of the criminogenic factors which lead to the solution for reoffending. It is the concept of addressing those needs or factors and their relationship to risk which underpins the whole 'what works' philosophy (Chapman and Hough, 1998; Underdown 1998, 2001; Thomas 2000, and Raynor 2001). That relationship and with it the totality of 'what works' and consequently 'effective practice', has been found to be fundamentally flawed by this research, where supervision seems a 'hit or miss' affair. It is exacerbated by the general lack of recorded needs identification and their apparent lack of relationship with the recorded risk.

It has been demonstrated that the risk of dangerousness seemed to take priority over the risk of reoffending which has been shown to be of little consequence in any action taken by probation officers. This is surprising when the reduction of reoffending is one of the primary aims of the probation service. That aim is confirmed by the study of Rex (1997) who showed that almost all officers agreed that their primary role was to stop reoffending. Nowhere is that more important than with the sex offenders.

Sex offenders are generally thought of as dangerous individuals and their offences serious. Therefore the probation service has a duty to monitor such individuals to a higher degree than would otherwise be the case (Probation Circular 44/1997). It was found that unlike the other offenders, sex offenders' files were complex and contained information from many valuable sources, including psychiatric reports and

sex offender programme reports. The recorded risk of sex offenders reflected their type of offence and the amount of probation intervention seemed to be appropriate for their offence group. Sadly this level of 'expertise' was not reflected in the other risk categories or type of offence, but it does highlight the capability of the officers to match risk with input. However, the risk of sex offenders was dictated by their offence and the risk of dangerousness, whereas in other offence groups it was the risk of the individual and not their offence which seemed to be the determining factor. Thomas and Truddenham make the point that the work with offenders has been made that much 'more difficult by a government which seems to feel obligated to introduce endless new measures and guidelines, even if these conflict with professional and research-based opinion on the subject' (2002: 10). That argument holds good for all offence groups and reflects possible concerns by officers over National Standards and reinforces the argument of conflict between care and control unless they work in harmony, rather than one or the other.

It has been suggested that probation officers are overworked and have high caseloads and as a consequence, officers are required to balance all aspects of 'effective practice' and prioritise their workload. Haxby makes a similar point: 'Probation officers have argued that the pressures from high caseloads and large numbers of social enquire reports have made it impossible for them to develop the full potential of casework methods' (1978: 218). Similarly, others have argued that being a probation officer is a task with no apparent solution, where it is possible that any failure to meet National Standards may be due to simply not having enough time to process the offender, as suggested by 'effective practice'. They may not of course agree with the concepts of effective practice and/or the imposition of National Standards. However, it may also be due to the lack of management involvement, the

difficulty of coping with changing probation service objectives i.e. National Standards, and/or the lack of training and/or an 'unprofessional' attitude on behalf of the supervising officers. These are all areas where future research would prove invaluable.

Within the probation service it is clear that offenders tend to exist within an atmosphere of inequality, often from birth, where family disintegration, poverty and unemployment go hand in hand. Poverty can be overwhelming and has been described as a primary qualification for problem behaviour. It is under such conditions of inequality, that problems or criminal behaviour, under the 'right' conditions, can be passed from one individual to the next rather like a 'disease'. The question is whether or not we as a society can expect the probation service to 'wave a magic wand' and put right years of inequality and social disparity. Furthermore it is not the task of the probation service to equalise the problems of society, but seems to be one of damage limitation. Any task is made especially difficult when the officer 'sees' the offender for such a short time each month and is made even more difficult if there is a conflict for the officer between care and control. However, it is a central argument of this study that control should enforce care and not exclude it, and that the probation service should return to its original philosophy of 'advise, assist and befriend', but within a system of control and standardisation, otherwise reform may be an option not accepted by offenders without such enforcement. Rex makes a similar point:

It is one thing to identify and assess the personal and social problems that may have contributed to someone's offending ... It is quite another to identify how that individual can be helped to surmount formidable social obstacles ... It must be all the more tempting to dismiss these as beyond the remit of probation work when the underlying problems seem intractable and the solutions inaccessible to frontline staff (Rex, 2001: 72-3).

And Pandora's Box?

In Greek mythology Pandora, the first woman on earth, was endowed with many gifts. One of these was a box which she was told never to open. However, curiosity finally overcame her; she opened the box and from it came all the plagues of the body and sorrows of the mind. In terror she closed the box, only hope remained. As with Pandora's Box, all that is left for some offenders is hope. For others it is the lack of hope or expectation, the resignation to their place in our society that leads to criminogenic factors such as substance abuse. There should be hope for a better future, greater equality of 'treatment' within the criminal justice system, a probation service that addresses the reasons for offending behaviour and officers who follow the principles of 'effective practice'. These together with programmes which are found to conform to the principles of 'what works' would allow hope. I shall leave the final statement to Rex.

There seems little to gain from a restorative approach to criminal justice unless there are communities to which to restore victims and offenders. ... in which growing social distances lead to an increasingly ineffectual, punitive and socially divisive response to crime (Rex, 1997: 184).

Appendix 1

University of Hull

Interviewee no

Probation Recorded Offender and Supervision Details

1 Offenders First Name _____

2 Offenders Surname _____

3 Date of birth of offender

--	--	--	--	--	--	--

4 Date this form completed

--	--	--	--	--	--	--

5 Date Order started (Date of sentence)

--	--	--	--	--	--	--

6 Type of Probation Order
 Basic 4a (additional programmes)
 Basic/4a

7 Period of Probation order in months

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8 Offence details Current No. Dates

a. Affray		
b. Common assault		
c. Actual bodily harm		
d. Grievous bodily harm / wounding		
e. Criminal damage		
f. Burglary of a dwelling		
g. Burglary of a commercial property		
h. Burglary with intent		

i. Offence details	Current No.	Dates
h. Theft from a person		
i. Theft from a shop		
j. Theft from a motor vehicle		
k. TWOC		
m. Attempted theft		
n. Handling stolen goods		
o. Obtain property by deception		
p. Drive whilst disqualified		
q. Drive or attempting to drive, whilst under the influence of drink		
r. Drug offences (specify)		
s. Motoring (specify)		
t. Other		

Details of current offences, to include value and circumstances

Past Offence details

Details of offences committed whilst on this probation order

None reported

Aggravating features of current offences as recorded by the PSR.

Mitigating features as recorded.

Are any special conditions/programmes involved?

Yes / No

14a Details

Community Service?

Yes/No

15a If yes, hrs given

15b Hours completed

15c Details

Risk assessment carried out

Yes / No

16a Details

Is the offender a schedule one offender?

Yes / No

17a Details

Is the risk assessment comprehensive?

Yes / No

18b Details

Lists factors, but makes no comment on them.

Recorded as low risk.

Accommodation and Locality

Details of accommodation and locality (i.e. type of locality and condition of accommodation, etc)

Has the locality or accommodation been noted as a criminogenic factor?

Yes / No

20a Details

(State age last birthday of those below 18yrs)

Others in household	Adults		Youths		Ages	Youths	Ages
	Male	Female	Male	Female		Female	
With parent[s], no others							
With parent[s], plus other family							
With other family members							
With partner, no others							
With partner, plus children							
With partner, plus others							
With other adult[s] no children							
With other adult[s] and children							
By self plus children							
By self alone							
NFA							
Other							

Number of offenders' own children

Do they live with the offender permanently?

Yes / No

23a Details

Employment, Education and Training

Is the offender employed/unemployed/on invalidity/sickness benefit?

Employed/**unemployed**/on invalidity/sickness benefit

24a Details

Are the finances of the offender recorded?

Yes/No

25a Details

Officer identified criminogenic influences

26a Notes on criminogenic considerations (each identified influence should be commented upon)

None specified

Officer interpretation of offender needs

Attitudes

To what extent does the offender appear to have anti-social and/or pro-criminal attitudes?

None recorded

Supervision

Date supervision plan initially drawn up

--	--	--	--	--	--	--

None found

Does this comply with national Standards of 10 working days from the commencement of the order?

Yes / N/A

Frequency of interviews

Actual

National Standards

Weekly		12 in the first three months
Fortnightly		Six in the next three months and then one each month

Is reporting within National Standards

Yes / No

33a If no, reasons for non-compliance or any deviation.

Are the reasons for non-compliance accepted by the officer?

Yes / No

Does the acceptance allow the officer to fulfil National Standards?

Yes / No

35a Details

Overview of the victim(s), including impact and offender attitude to the victim

None recorded

Does the plan address the offender's victim awareness?

Yes/No

37b Details

Does the plan match risk with supervision intensity and content?

In practice, but not specifically.

Are the criminogenic needs identified and addressed within the Supervision Plan?

Yes/No

40a Details

Too basic

Issues requiring input and the outcomes sought in relation to offending

None in reality specified by either reviews.

Does the plan identify the offender's motivation to change?

Yes/No

42a Details

How is the plan to enlarge and capitalise on this motivation?

Does not take this into account

Does the plan or case notes cover responsibility?

Yes/No

44a Details

The agreed plan (who is to do what and by when)

None specified

Issues requiring additional input and any outcomes sought.

None specified

Are any objectives set measurable?

Yes/No

Are the objectives clearly stated?

Yes/No

Is there a time scale in achieving those objectives?

Yes/No

49a Details

List any change in time scale.

Has the Supervision Plan been signed by the offender?

Yes/No

Is it dated?

Yes/No

Have any assessment tools been used in the construction of the Supervision Plan

Yes/No

Details if relevant

How is the officer going to achieve the objectives?

Not specified

Are the criminogenic factors and influences covered appropriately by the Supervision Plan?

Yes/No

Has any pattern of offending been addressed by the Supervision Plan?

Yes/No

Has the likelihood of re-offending been addressed by the plan?

Yes/No

62a Details

Contact arrangements if different to National Standards

As national standards

Progress review date

1

--	--	--	--	--	--

2

--	--	--	--	--	--

3

--	--	--	--	--	--

4

--	--	--	--	--	--

Number of reviews

--

Are the reviews on time?

Yes/No

63a Details

Details of review (to include any new objectives).

Are the reviews comprehensive/ Acceptable/ or basic?

Comprehensive/**Basic**/Acceptable

65a Details

Does the supervision plan contain a “professional” analysis of the offence and offending behaviour?

Yes/No

66a Details.

None addressed

If other assessment tools are used is there an increased professional analysis of the offence and / or offending behaviour?

Yes/No/NA

67a Details

No other tools used.
Ace planned by January 2000.

Has the plan addressed all obvious issues?

Yes/No

Is the plan basic/ Acceptable/ or comprehensive?

Basic / Comprehensive/ Acceptable

69a Details

Does the plan reflect the PSR?

Yes/No

Is the plan a structured document, reflecting the identified risks?

Yes/No

71a Details.

If other agencies are to be used. Is the plan fully reflective of this?

Yes/No/NA

72a Details if relevant.

Have home visits been carried out? (National Standards at least one, and within three months)

Yes/No

Number

74a Details

Further details and comments

Name of officer

Sex of officer

Female / Male

Any relevant officer details

Summary of case notes, Part C's and any other relevant comments

University of Hull

Interviewee no.

Interview: An assessment of probation impact

Personal details

Offenders First Name _____

Offenders Surname _____

Date this form completed

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Interviewer comments (Memo)

I have a terrible memory, do you mind if I tape this? It will mean that I don't have to write it down and it will be quicker for you! The officers won't hear it?

A: How time is spent and any changes due to probation.

1. Who is your probation officer?
2. How many times have you seen them?
3. When you went to court were you expecting probation?
4. How do you normally spend your day?
5. What does your probation officer say about this?
6. Is talking to your probation officer useful?
7. Has the way that you spend your day changed since you have been on probation?
8. Do you want how you spend your day to change?

B: The past education and training of the offender, and the consequences surrounding any probation input in education and training in the future.

1. Can you tell me about your school and what it was like?
2. Did you have much time off from school?
3. Were you ever suspended or expelled from school?
4. Did you do any offending whilst at school?
5. Tell me about any offending at school?
6. Have you passed any tests?
7. Are you happy with the number of tests that you have passed? Or how do you feel about not having any tests passed?
8. Have, or would (your) qualifications been useful?
9. How would you feel about more schooling or training?
10. Have probation asked you about training or education?
11. Have probation done anything about any education or training?
12. Do you think probation can help?
13. What difference would more schooling or training make to you?
14. Would it stop you offending in the future??

C: Employment, and the consequences surrounding probation input and employment for the future.

1. Tell me about any work that you have or have had.
2. How did you get on with your work mates?
3. Have you ever been sacked from a job?
4. Why did you leave?
5. Have you tried to get a job or move up the job ladder?
6. What can probation do to help you get a job, or, improve your job chances or prospects?
7. What would you like them to do?
8. What difference would having a job make to your offending?
9. Have probation talked to you about work?

10. Has probation helped you on the job front?
11. Do you want them to help?
12. Do you want a job?
13. Have you been referred to any other people or agencies about jobs? If so what happened?

D: The income of the offender and the consequences surrounding their income will be examined.

1. How much money do you get?
2. How long does that last?
3. How do you spread your money out each week?
4. Do you have any deductions from benefit?
5. Have you any outstanding fines?
6. Do you owe any money to anyone, you know such as catalogue, rent, gas or electric, to mates, or other people?
7. Do you find that debt is a problem?
8. Is lack of money a reason for your offending?
9. Have probation asked about how you manage your money?
10. Tell me how probation can help you manage your money better?

E: Self-perception of health matters: This will include drug and alcohol use

1. Do you think that your lack of money or your situation has affected your health in any way?
2. How many times have you seen a doctor in the last year?
3. Do you smoke?
4. How many do you smoke a day?
5. How much alcohol do you drink each day?
6. Why do you think that you drink?
7. Do you see drink as a problem?

8. Has probation asked you about drinking?
9. Do you take any medication?
10. Have you ever taken drugs?
11. Do you still sometimes take them?
12. Why do you think that you take them?
13. Do you know how much you take?
14. Do you see that as a problem?
15. How much does it cost each week?
16. How do you pay for it?
17. Do you think that it affects your behaviour?
18. Do you want to stop?
19. Have probation asked about drugs?
20. Would you like them to help you come off drugs?
21. If you didn't take drugs would it change your offending?
22. Are you having any help for drug or alcohol use?
23. Who arranged that help?
24. Do you find it useful?
25. Has probation done all it can about your drugs or alcohol problem?

F: **Accommodation, its influence on offending, and any difference or not since the commencement of the order.**

1. In your area do many people take drugs or use alcohol a lot?
2. Tell me about where you live.
3. Has probation asked about where you live?
4. Are you happy about where you live?
5. Has probation helped with your housing?
6. Do you think that probation can help you with your housing?

7. Do you think probation should help?
8. Has where you live got anything to do with your offending?
9. Do you live with your family?
10. Do you have any family?
11. Tell me about your family
12. Have any of your family ever been seen by the police?
13. What do your family say about your offending?
14. Have you had any home visits by your probation officer?
15. How many home visits have you had?
16. Tell me about any home visits.
17. Do you have many mates?
18. Tell me about your mates.
19. Do your mates have anything to do with your offending?
20. Are they with you when you do it?
21. Do your mates have any influence on your offending?
22. Do you ever commit offences with your mates?
23. Have probation talked to you about your mates?
24. Has probation changed either your home life or what you think about your mates?
25. What do your family and mates think of probation?

G: An overview of the offender's offending

1. Have probation asked you about your offending and why you do it?
2. Why do you offend?
3. Have you told probation that?
4. What would stop you offending?
5. Do you think that probation know that?
6. Do you always tell probation the truth?

7. Why is that?
8. How do you feel about offending?
9. Does offending cause you any hassle?
10. Can you think of anything in your past that has got anything to do with your offending?
11. What is probation doing to stop you offending?
12. What should probation do?
13. What can they do?
14. What effect would that have on your offending?
15. What would make you stop?
16. Have probation done anything to stop you offending?
17. Is there anything else that they could do to stop you offending?
18. Do you want to stop offending?
19. In an ideal world what can anyone do to stop you offending?
20. What can you do?
21. What will you do?
22. Will you carry on offending?

H: Has the input of the officer or group had an impact on offending? (Responsivity and Motivation?)

1. Have you been on probation before?
2. Is this time any different?
3. Tell me about how probation works and what your officer does.
4. How do you feel about upsetting your officer?
5. Do you always see an officer?
6. Do you always see the same officer?
7. Has your officer ever been changed?

8. How did you feel about that? Or how do you think you would feel if your officer changed?
9. Do you think that changing your probation officer would make any difference to you or your offending?
10. Do you look up to them?
11. Do you think that they understand you?
12. How long do you spend with your officer?
13. Do you discuss the next meeting?
14. Do you think that probation officers do a good job?
15. Will probation stop you offending.
16. Have you been on any group work? If not, have you talked about group work?
17. Tell me about it.
18. Have you been sent to any other people (such as drug or alcohol counsellors)?
19. Tell me about it.
20. When you first started your probation order you and your probation officer would have decided on what was going to happen. Can you remember? (The objectives)
21. Tell me about what was going to happen.
22. Have you talked about that with your officer since that time?
23. Has any of what was going to happen started?
24. Are you happy about that?
25. In what way do you think that your probation officer has helped you?
26. How would you like them to help?
27. Has probation helped you to change at all?
28. Do you think you need to change?
29. Tell me about it.
30. Do you think that probation would treat you any different if you were a Women / Man?
31. Tell me how you see the future?

I: The offender's attitude to the criminal justice process. Taking into account offender attitudes of the police, courts and the probation service.

1. Tell me about what you think of your sentence.
2. What do you think about the police?
3. What about the courts?
4. What do you think about your solicitor?
5. Is probation what you thought it would be?

J: An assessment of the offender's opinion of offending, the victim and crime, and how, or if, this has varied over the period of the order.

1. Have you ever been a victim of crime?
2. Has probation talked to you about the victim?
3. Tell me about how you feel about the victim.
4. Would you like to meet the victim?
5. What do you think meeting the victim would be like?
6. What has to change in your life for you to stop offending?
7. Can probation help you in that way?
8. Tell me what its like to offend. How do you feel when you do it?
9. Do you want to stop?
10. Can you stop?
11. Has probation changed your offending at all?
12. When were you committing the most crimes?
13. Why is that?
14. What do you think of other people who offend?
15. What do you think would stop them from offending?
16. What would stop you committing crimes today?
17. Has your opinion to offending changed over the years?

18. Do you want probation to work?
19. Do you think it will?
20. Do you think you will ever stop offending for good?
21. When will that be?

K: The deterrent effect of probation, and for those who have served a probation order before, any possible differences since it has become a sentence in its own right.

1. What do you think probation is trying to do?
2. Is it any good at doing that?
3. Is probation a punishment? Tell me about it.
4. Do you always turn up at probation?
5. Are you on time?
6. What happens if you don't turn up at probation?
7. Can you tell me what a breach is?
8. Does probation talk to you about being breached?
9. What happens if you are breached?
10. Does being breached bother you?

L: Other sentencing options, including probation and custody.

1. Would any other sentence have stopped you offending more than a probation order?
2. Do you think that probation is a soft option, a let off, easier than other sentences?
3. Do you think probation works in stopping offending?
4. What do you think about committing offences whilst on probation?
5. Would the threat of being put on probation stop you from offending in the future?

M: The future

1. If you could change one thing about your life what would that be?
2. If you could change one thing about yourself what would that be?

3. Has probation changed you at all?

N: And finally

1. We have been through a lot of questions. What do you really think of probation?

Appendix 3

HMIP/ACOP: SUPERVISION PLAN QUALITY CHECKLIST - MAY 1998

**IT IS IMPORTANT THAT YOU READ THIS FORM THOROUGHLY
BEFORE THE READING DAY**

This form has been designed for the national inspection into the quality of supervision plans completed by probation staff with offenders subject to community orders and statutory post-release supervision. Please complete this form accurately and circle the appropriate numbers (eg. '1', '2', etc) on the right hand side of the page. Please do not make any other marks on the form and answer all the questions you are able. For questions which require your judgement try and place yourself into the role of an inspector if you find it difficult to make a decision. This means achieving a balance between not making allowances and not being punitive - but don't agonise too much.

This checklist should be attached to the **CASE DATA FORM** for the case you are assessing. The case data form gives basic factual information about the offender. The combination of the case data form and the quality checklist will provide a complete record for a particular offender and the two must be stapled together in the top left hand corner. Please read the case data form to familiarise yourself with the case type and any other details you may find relevant. If you think there may be an error on the case data form please bring this to the attention of the reading team leader and amend if necessary.

The following questionnaire includes simple factual questions, questions based on the current national standard for supervision planning, and questions aimed to be forward looking in anticipation of the work services are undertaking in relation to the effective practice agenda. To this end it can be called a "developmental inspection" with your answers contributing to the future shape and recording of offender supervision. We have tried to make this questionnaire as short as possible, but too much reduction would leave HMIP and ACOP with too little meaningful information, and hence the questions are quite detailed. Do not be too disheartened if you find that what is recorded in the supervision plan does not fulfil the expectations implied by this questionnaire. HMIP, ACOP and services know that this is an area which needs development and you are helping to pinpoint where the key improvements are required.

You will find that once you have read the supervision plan you should find it relatively easy to answer most of the questions. The questions focus primarily on the supervision plan and reviews, but you may need to refer to selected elements of other material on occasion. **It is important that you base your replies on the supervision plan and reviews unless you are fully satisfied that the supervision plan either refers accurately to other documentation very specifically in relation to the item you are assessing, or that other documents clearly take the place of the supervision plan or aspects of it.**

You should aim to complete cases without reviews in about 25 - 30 minutes. Those with reviews may take a little longer. This means you should be able to read your 10 cases in about 5 - 6 hours. Thank you for working carefully.

NA = not applicable. SP = supervision plan.

Name of the service hosting the title reading	name:	form 20 code:
Assessor (please also write your name in this box):	senior manager, eg. chief officer grade	1
	middle manager, eg. senior probation officer	2
	practitioner	3
	independent person - sentencer	4
	independent person - other	5

A pre-sentence report	Yes 1 No 2
Post release cases only: a pre-discharge / parole assessment report	Yes 1 No 2
A supervision plan	Yes 1 No 2
A separate 'risk of harm' assessment form and/or other supervision planning form in relation to risk of harm	Yes 1 No 2
A separate structured assessment of offender needs and/or other supervision planning form in relation to offender needs	Yes 1 No 2
An apparently complete record of contact since the order/licence started	Yes 1 No 2

IF THE CASE HAS NO SUPERVISION PLAN STOP HERE. However, please ensure that this form is returned to the Home Office as we need to know the proportion of cases without a supervision plan.

1 BASIC SUPERVISION PLAN ELEMENTS.

1.1 Was the SP drawn up within 10 working days of the order being made or of the offender's release?	Yes 1 No, but within 20 working days 2 No, longer than 20 working days 3 Not possible to tell, SP not dated 4
1.2 Does the SP specify basic details of the order / licence about? (Please answer each sub-question)	Relevant offence and when committed Yes 1 No 2 Special/additional requirements/restrictions Yes 1 No 2 NA, no additional/special requirements 3 Dates of commencement and termination Yes 1 No 2 Any contact with other agencies which may be required Yes 1 No 2 Combination orders: length of CS element Yes 1 No 2 NA, not combination order 3
1.3 Does the SP set out the expected frequency of contact during the period of supervision?	Yes 1 No 2
1.4 Does the SP anticipate any deviations from the national standards in relation to the nature and/or frequency of contact expected?	Yes 1 No 2
1.5 If there are additional requirements to the community order or licence: does the SP indicate how and when (both) they are to be met?	Yes, fully 1 Yes, partially 2 No 3 NA, no additional requirement 4
1.6 For combination orders: does the SP specify how the CS element will be monitored and/or how liaison with CS staff will occur?	Yes, fully 1 Yes, partially 2 No 3 NA, not combination order 4
1.7 For combination orders: does the SP state how the CS element may contribute to the overall rehabilitative aim of the order as a whole?	Yes, fully 1 Yes, partially 2 No 3 NA, not combination order 4
1.8 Has the SP been signed by the offender?	Yes 1 No, but SP appears to be agreed 2 No 3

2 USE OF ASSESSMENT TOOLS/CHECKLISTS

2.1 Does the SP specify the use of any assessment tools ¹ which have been used to assist with (in some cases the checklist may be presented as the SP, or as part of it - please answer each sub-question):	The offence analysis	Yes	1
		No	2
	The offender's motivation to change	Yes	1
		No	2
	Risk of harm to the public	Yes	1
		No	2
	The offender's offence related needs	Yes	1
		No	2

3 ANALYSIS OF OFFENCE AND OFFENDING.

3.1 How well does the SP offer an analysis ^{2*} of why the offender committed this offence at this time - including attention to any patterns of offending, where relevant?	Very well	1
	Well enough	2
	Not well enough	3
	Very badly	4
3.2 Does the SP assess the likelihood of the offender re-offending?	Yes	1
	No	2
3.3 How well does SP match supervision intensity (contact level and content) with identified likelihood of re-offending (this applies to both low and high likelihood)?	Very well	1
	Well enough	2
	Not well enough	3
	Very badly	4
3.4 <i>Where there is a victim:</i> how well does the SP address how the offender will be made aware of the impact of the offence on the victim with a view to changing attitudes and behaviour?	Very well	1
	Well enough	2
	Not well enough	3
	Very badly	4
	<i>NA, no victim</i>	5
3.5 Overall, taking into account the above factors, how good is the SP in addressing the offence and offence analysis ^{2*} ?	Excellent	1
	Good enough	2
	Not good enough	3
	Very poor	4

4 OFFENDER ASSESSMENT - motivation to change, risk of harm, needs and discrimination.

4.1 Motivation to change.		
4.1.1 How well does the SP identify the offender's motivation to change to become more responsible and law abiding?	Very well	1
	Well enough	2
	Not well enough	3
	Very badly	4
4.1.2 <i>Where the offender's motivation is described to be limited:</i> how well does the SP indicate how motivation will be enhanced and encouraged?	Very well	1
	Well enough	2
	Not well enough	3
	Very badly	4
	<i>NA, motivation assessed to be good</i>	5

¹ Assessment tools for the purposes of this case data form and for the quality checklist are defined as any checklist or other structured approach to offender assessment used consistently by staff who have responsibility for offender assessment. Assessment tools are not seen to take the place of assessor judgement, they are seen to contribute to it.

^{2*} To assist in forming a judgement about these questions, and others like it, ask yourself if the analysis reflects a professional assessment which demonstrates knowledge and assessment skills over and above those of an intelligent lay person. Analysis is taken to be more than merely making a reference to the issue or factor.

4.2 Risk of harm posed by the offender.	
4.2.1. Does the SP, or other risk assessment form, specify the degree of risk posed by this offender to the public?	<ul style="list-style-type: none"> - Yes, high risk 1 Yes, medium risk 2 Yes, low risk 3 Yes, but using another risk category 4 No 5 No, but referred to as on other forms 6
4.2.2 Where the offender presents a high risk: does the SP, or other high risk offender form, describe the likely nature of the harm and the circumstances (both) under which it may occur?	<ul style="list-style-type: none"> Yes, fully 1 Yes, partially 2 No 3 NA, not high risk 4
4.2.3 How well does the SP match supervision intensity (contact level and content) with identified levels of risk of harm to the public (this applies to both low and high risk)?	<ul style="list-style-type: none"> Very well 1 Well enough 2 Not well enough 3 Very badly 4
4.2.4 If the offender poses a high risk to staff: does the SP indicate the circumstances under which risk may be heightened and (both) how the offender should be dealt with?	<ul style="list-style-type: none"> Yes 1 No 2 NA, not high risk to staff 3 NA, risk to staff not assessed or specified 4
4.2.5 Overall, taking into account the above factors, how good is the SP in addressing the issues associated with risk of harm presented by the offender and, where applicable, in ensuring that any risks are reduced?	<ul style="list-style-type: none"> Excellent 1 Good enough 2 Not good enough 3 Very poor 4

4.3 Offender needs assessment.	
Questions 4.3.1. and 4.3.2. are included as examples of what might be included specifically in SPs in the future. However, some of these aspects may be present in some SPs now, and hence the questions.	
4.3.1 Does the SP analyse the relevance to offending and the severity of any of the following offence related needs - please circle? (These are drawn from "Strategies for Effective Offender Supervision", HMIP, 1998). (Please recall the previous footnote about "analyse".)	<ul style="list-style-type: none"> Anti-social attitudes and feelings: 1 Ties to anti-social associates: 2 Lack of ties to positive role models: 3 Poor problem solving skill: 4 Lack of self control: 5 Dependence on alcohol/drugs: 6 Lack of rewards for good behaviour: 7 Lack of belief in law or criminal justice: 8 The SP identifies needs, but with insufficient analysis 9
4.3.2 Does the SP analyse the relevance to offending and the severity of any of the following social circumstances - please circle? (These are drawn from "Strategies for Effective Offender Supervision", HMIP, 1998).	<ul style="list-style-type: none"> (Un)employment: 1 Education/training: 2 Accommodation: 3 Financial/income: 4 Social Isolation: 5 Family factors: 6 Mental health problems: 7 Other: 8 The SP identifies circumstances, but with insufficient analysis: 9
4.3.3 Overall, taking into account the above factors, how good is the SP in addressing the issues associated with the offender's needs and circumstances to ensure that, where possible, those that are relevant are met?	<ul style="list-style-type: none"> Excellent 1 Good enough 2 Not good enough 3 Very poor 4

4.4 Anti-discriminatory practice.	
4.4.1 Does the SP identify issues which need specific attention related to (please circle any appropriate aspect as specified in the SP):	Gender 1 Race 2 Ethnicity 3 Sexuality 4 Disability 5 Rurality 6 Other 7 Discriminatory behaviour by the offender 8 ADP issues stated as not relevant 9
4.4.2 Is there evidence that the SP has failed to address issues of discrimination which seemed relevant to you?	Yes 1 No 2 Not possible to tell 3
4.4.3 Overall, taking into account the above factors, how good is the SP in addressing the issues associated with possible discrimination?	Excellent 1 Good enough 2 Not good enough 3 Very poor 4

5 SETTING OBJECTIVES AND METHODOLOGY FOR SUPERVISION.

5.1 Overall, how well does the SP set measurable objectives to address any of the risks and needs identified? ("measurable objectives" means measurable in terms of a specified outcome being achieved. This would make the objective amenable to review.)	Very well 1 Well enough 2 Not well enough 3 Very badly 4
5.2 Do objectives have specific associated timescales?	Yes, they all do 1 Yes, some do 2 No 3 <i>NA, measurable objectives not set</i> 4
5.3 Does the SP identify methods of intervention which support the objectives?	Yes, comprehensively 1 Yes, partially 2 No 3 <i>NA, no objectives</i> 4
5.4 <i>If use is to be made of services not delivered by the supervising officer:</i> does the SP specify the liaison arrangements to ensure good case management?	Yes 1 No 2 <i>NA</i> 3
5.5 <i>Where there is a supervision plan, or SP outline, in the PSR, pre-discharge report or parole assessment report:</i> how well does the SP draw on the objectives and/or methods from that report?	Very well 1 Well enough 2 Not well enough 3 Very badly 4 <i>NA, report contains no supervision plan</i> 5 <i>NA, no PSR, pre-discharge/parole report</i> 6
5.6 How well does the SP convey that the offender will be undergoing a structured and planned programme of supervision, either individually or in groups, commensurate with risks and needs, which is easy to review?	Very well 1 Well enough 2 Not well enough 3 Very badly 4

6.1 Considering all the factors which you have assessed, what do you think of the quality of this supervision plan?	Excellent 1 Good enough 2 Not good enough 3 Very poor 4
6.2 Is your assessment based on:	The SP only 1 The SP and other assessment documents 2 Other assessment documents mainly 3
6.3 If your judgement of the SP includes reference to other documents: how well is the information from the various sources integrated into the SP, or cross-referenced by the SP?	Very well 1 Well enough 2 Not well enough 3 Very badly 4 NA 5
6.4 Does the format/layout of the SP help you understand the information it contains?	Yes 1 No 2 It neither helps nor hinders 3 NA, no discernible format used 4
6.5 If you have rated this supervision plan as either '3' or '4' in question 6.1: are there any particular extenuating circumstances you would wish to comment on which might be relevant to your assessment?	Comment:-
6.6 Where you have rated this supervision plan as a '1': if you think this plan could serve as a good model, please advise your reading team leader so that such plans can be drawn to our attention thus enabling good practice to be spread. Team leaders please keep a record of such cases. Thank you.	

7 SUPERVISION PLAN REVIEW(S) AND FINAL REVIEW

7.1 How many supervision plan reviews are there?	none 0 1 1 2 2 3 3 4 or more 4
7.2 The first review of this SP was:	Within 3 months of the SP being written 1 Between 3+ months and 4 months of the SP being written 2 Between 4+ months and 6 months of the SP being written 3 After 6+ months of the SP being written 4 Completed, but the timing is not possible to determine 5 Not completed, but should have been, as order had run for 3/4+ months 6 Not completed, order/licence had run for less than 3/4 months 7
7.3 Subsequent reviews of this SP were:	Completed, three monthly as required 1 Completed, but not three monthly as required 2 Completed, but timings not possible to determine 3 Not completed, but should have been 4 Not completed, order/licence had run for less than 6/7+ months 5
7.4 Is there a final review?	Yes 1 No 2 NA order/licence

8 ASSESSING THE QUALITY OF SUPERVISION PLAN REVIEW(S).

This part of the form - for completion only if there are reviews - is different from that which you have already completed. It asks the same questions about each review (up to the first three) and about any final review (R. Final). Answer the questions in the column which relates to that review. For example, if there are two supervision plan reviews, and for Q.8.1 your answer for the first review is 'Yes' and for the second review is 'No', then you would place a 'Y' in the box in the column 'Review 1' and a 'N' in the box in the column 'Review 2'. Each column represents one supervision plan review. You will find it easiest to complete this section if you work on each review separately, so completing the form column by column.

In the appropriate column, next to the relevant question, write:

Y for 'Yes'
 P for 'Yes, partially'
 N for 'No'
 A for 'NA'

QUESTION	Review 1	Review 2	Review 3	R. Final
8.1 Are the frequency of and expectations about contact during the period reviewed?				
8.2 Does the review set new/continuing objectives about the frequency of and expectations about contact?				
8.3 Does the review describe attendance in relation to the requirements of national standards?				
8.4 Does the review explain any deviations from the national standards?				
8.5 <i>If there are additional requirements:</i> does the review address any additional requirements?				
8.6 <i>If it is a combination order:</i> does the review address liaison with CS staff?				
8.7 Is there evidence that the offender has been involved in the review?				
8.8 Is there evidence in the review that victim impact and awareness work has been undertaken?				
8.9 Does the review re-assess the likelihood of re-offending?				
8.10 Does the review relate future contact intensity (frequency / content) to the likelihood of re-offending?				
8.11 Does the review specify the current risk of harm posed to the public by the offender?				
8.12 Does the review assess the effectiveness of any work to reduce the risk of harm to the public?				
8.13 Does the review relate future contact intensity to the risk of harm to the public posed by the offender?				
8.14 Does the review re-assess the offender's offence related needs / circumstances?				
8.15 Does the review specify progress with meeting identified offence related needs / circumstances?				
8.16 Does the review address any issues related to discrimination?				
8.17 Does the review assess the effectiveness of any methods of intervention undertaken?				
8.18 Does the review identify new methods of intervention to increase the impact of supervision?				
8.19 Does the review demonstrate effective liaison with				

9 OVERALL ASSESSMENT OF THE SUPERVISION PLAN REVIEWS / FINAL REVIEW
 (to be completed only if there are supervision plan reviews)

9.1 Considering all the factors which you have assessed, what do you think of the overall quality of the supervision plan reviews and final review?	Excellent 1 Good enough 2 Not good enough 3 Very poor 4
9.2 Does the format/layout of the review(s) and/or final review help you understand the information contained?	Yes 1 No 2 It neither helps nor hinders 3 NA, no discernible format used 4
9.3 If you have rated these reviews either '3' or '4' at question 9.1: are there any particular extenuating circumstances you would wish to comment on which might be relevant to your assessment?	Comment:-
9.4 Where you have rated these reviews as a '1': if you think these reviews could serve as a good model, please advise your reading team leader so that such plans can be drawn to our attention thus enabling good practice to be spread. Team leaders please keep a record of such cases. Thank you.	

Thank you for completing this form. Please ensure that it is included in the forms returned to the Home Office for analysis.



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