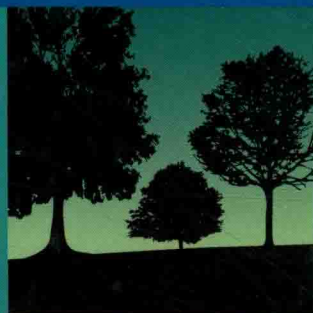
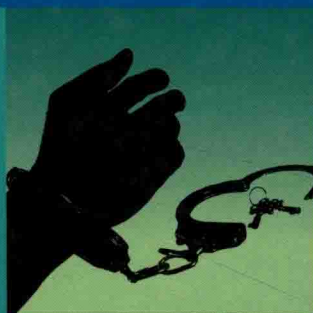
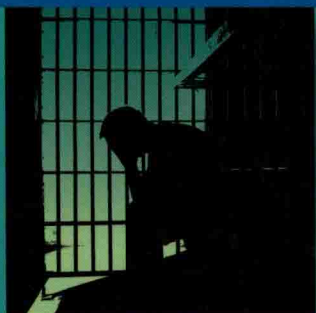


ANTHONY GOODMAN



REHABILITATING AND RESETTLING OFFENDERS IN THE COMMUNITY

 WILEY-BLACKWELL

Rehabilitating and Resettling Offenders in the Community

Anthony H. Goodman



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Rehabilitating and Resettling Offenders in the Community

For my grandchildren – Mia, Oliver and Caleb

About the Author

Anthony Goodman is Professor of Criminal and Community Justice Studies at Middlesex University in the UK. He was a probation officer for 15 years prior to entering the university, during which time he was based in a number of settings, including field teams, training, Holloway women's prison and a specialist unit for the homeless and rootless in London.

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As my academic career progressed I was delighted to be offered a 'chair' within the Department of Criminology and Sociology at the newly named Middlesex University, which has enabled me to continue with the tradition of critical thinking. Our Crime and Conflict Research Centre, led by Professor Vincenzo Ruggiero, is a thriving area within the university, encouraging staff to research and publish in such diverse areas as penal abolitionism, drugs, policing and community safety. My thinking continues to be shaped by colleagues, new and old, who themselves are challenging established thinking.

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Introduction

How Should We Treat Offenders and What Can We Learn from the Past?

Rehabilitation work with offenders is a challenging task and responsibility, for this has moved from its roots in philanthropy to an offender management system, supervised by the probation service, often working in collaboration with the voluntary and private sector. This development has taken place over the past century and it is important not to lose this history and indeed to understand why it has evolved into the current structure. This means that the history, pressures and politics within the criminal justice system need to be conceptualized and analysed. In particular, change has not been steady but rather the last twenty years in particular have been a 'rollercoaster ride' as politicians have become interested in micro-managing this area to an extent not generally understood by the general public.

In organizational terms the probation service has moved from locally managed services to a national service (in 2001). Even as this was being implemented, there was a further major change proposed in a review of community justice undertaken by Patrick Carter in 2003 (Carter, 2003). His report, which recommended end-to-end management of offenders, was to have a profound effect on the probation service when the government agreed to implement his proposals without further debate. He introduced the notion of 'contestability' with the intention of forcing probation to compete for the work that it undertook. However, there was never an evidence base for this (Nellis and Goodman, 2009). Probation became in effect a junior partner (in terms of size and influence) with the prison service in a single managed organization, the National Offender Management Service (NOMS; see Home Office, 2005a). The move to making probation part of a market-driven model was formalized in the Offender Management Act 2007 (it received Royal Assent on 26 July 2007). This Act transferred to the Secretary of State the statutory duty to provide probation services, which can be commissioned by providers in the public, private and voluntary sectors.

The actual commissioning process is somewhat opaque as it will not only fall to the Secretary of State to undertake this. Probation Services were to become (public sector) Trusts who might compete for the work as well as commissioning work themselves. The implications of this will be considered in this book.

Probation has been at more crossroads in its long history than many other areas within the criminal justice system. This book is being written at a time of some uncertainty about its future. A professional organization needs a trained workforce and the present training arrangements represent more uncertainty, which is unfair on a service with a proud history of resettling offenders. In particular the growth of semi (or lesser) trained probation service officers at the expense of fully trained probation officers (POs) could lead to the public being put at more risk from offenders under supervision. It is also unfair on the offenders. As Senior comments about the new (2010) Probation Qualifications Framework: 'a Rolls Royce award is being superseded by a more building block approach...it remains to be seen whether routes to full probation officer status remain possible in this tightening fiscal climate' (Senior, 2010, p. 1). If probation officers become the minority element in comparison to the number of probation service officers then the training will have a minimum impact on practice and on how 'the probation service as an organization understands its job and its relationship with offenders and with wider society' (Dominey and Hill, 2010, p. 11).

A training manager was very concerned when speaking to me, at the end of 2010, that the probation service, being much smaller than the prison service component of the NOMS, was in danger of being squeezed when resources were 'needed' to produce yet more prison places. NOMS joins the prison and probation services together at the top level, but is it too large an organization to deal effectively with both arms? This will be discussed further in Chapter 9.

Responsibility for resettling offenders has been an activity that has oscillated between the voluntary and statutory sectors. Resettlement has had a number of contradictory and complementary philosophical underpinnings and contexts. These range from the religious and the saving of souls, to punishment, including banishment overseas. As well as the roles of religion and philanthropic endeavours needs to be added the development of the treatment ideal and the concept of the scientific management of offenders. The early police court missionaries, while having religious beliefs, were also eugenicists and were comfortable with the notion of locking up morally defective juveniles to prevent them from breeding the next generation like themselves (Vanstone, 2004).

Probation has a fascinating history, starting with a Boston cobbler, John Augustus, operating in Massachusetts between 1841 until his death in 1859, who stood bail and then supervised offenders until they received their sentence at court. This notion of working with offenders prior to them receiving a sentence was central to the early history of work with offenders. Augustus wrote reports for courts, but was *not* an official of the court. The Howard Association brought his work to the attention of the Home Secretary (in Gladstone's new government) towards the end of the nineteenth century when there was a mood in government for a more enlightened approach to dealing with young offenders (Bochel, 1976).

Thus the notion of reclaiming offenders was located in the tradition of voluntary service, for the good of the public.

The rationale for supervision has changed greatly over time as the probation service has embarked on a quest for professionalism and an attempt to first find a role, and then maintain one, in its work with offenders. From its early work of reclaiming drunks and taking pledges to remain free of alcohol came the notion of befriending, and offering counselling support to offenders. When there was pessimism that this did not change offending behaviour, a further change occurred which represented a major break with past tradition, when the notion of the offender as a person with problems moved to one of a free-thinking individual, who made rational choices. Therefore the choice to offend represents a faulty conditioning of the person's thought processes. To change this, no longer was it appropriate to offer counselling; rather, the person needs to be taught cognitive skills and pro-social modelling. The latter aimed to enhance positive views of looking 'legitimately' at the world. The jargon has changed from 'counselling' to 'promoting behavioural change'. The question to be answered is whether by focusing on the choices made by the offender, the background experiences, deprivations and inequalities are at least downplayed, but more likely ignored, when explanations for offending are now sought. There are major implications for ethnic minorities and gender difference in terms of economic disadvantage and lack of opportunity.

The individual redemption of the offender is less important than the protection of the public, in whose name all actions are taken. National Standards for supervising offenders lays down regularity of contact and changes the ethos of the agency to one of offering 'punishment'. For the sake of 'programme integrity' offenders are put through identical programmes throughout England and Wales. These programmes are to be taught to probation officers: will this make them operatives or reflective professionals? Indeed, will probation officers or unqualified officers deliver these programmes, and is this a spurious distinction, if the tasks are so preset that discretion is a vacuous term? I asked probation staff how they experienced the changes in their practice: was it still appropriate to see the task of probation officers as to 'advise, assist and befriend' offenders, or has the notion of befriending been overtaken by the requirement to maintain a surveillance role, filling in forms to feed into computers to check whether the offender has become more or less dangerous? If this is the case, then actuarial computation has taken precedence over the clinical judgement of front-line staff, as far as decisions of risk are concerned, and the emphasis on working with offenders has shifted to considerations of risk to the public, away from individualized concerns for and about the offender, as if these concepts are mutually exclusive (Feeley and Simon 1992, 1994).

Personal Experience

My interest in working with offenders is difficult to explain, and was not from any sense of philanthropy. I used to go on a soup run with the homeless and rootless

before I had thought about a career, and it was distinctly preferable to the maths degree I was studying. It was nearly always middle-aged single men who appreciated a hot drink and food, and they enjoyed the opportunity to have a talk with a person who did not judge them. After graduating, a conversation with a probation officer was enough to get me 'hooked' on the idea of working with offenders, and after a two-year training course I started as a probation officer in 1975 in the London borough of Hackney, the area that I was born and brought up in. The training for the job was completely focused on psycho-dynamic counselling, human growth and development, and discussion of 'change agents' and systems. The sociology of deviance or criminology was not on the agenda.

Probation officers were all white, working with a predominantly young black client group, disaffected and with suspicious relationships with the police. Relations between the black community and the police were poor and the overuse of the 'sus' law (the police at this time used Section 4 of the Vagrancy Act 1824, which referred to 'being a suspected person loitering with intent to commit a felonious offence', or 'sus' for short) ensured that it was getting worse, culminating in the riots of 1981 in areas of several cities including London (Brixton, Hackney), Liverpool (Toxteth) and Birmingham (Handsworth). Individual probation officers adopted a community work approach but this was frowned upon by management (discussed in Chapter 6).

The staff group was very committed to practicing in a way that did not discriminate, which meant knowing and working with community agencies and resources. However, practice was individualistic and idiosyncratic and often idealistic. I left the service in 1990 to train probation officers in a university social work department, having had a varied experience of field posts, prison probation (HMP Holloway), the After-Care (resettlement) Unit for the homeless and rootless, and various training responsibilities.

When I left the probation service, the emphasis was still on casework skills, although the Home Office had begun to set priorities for the service and probation management had acknowledged these, even if most probation officers had not changed their traditional ways of working. My training for the job had been a two-year postgraduate course and was at the transition point from the time when it had been an 'in-house' venture, run by the Home Office. Further training within the probation service included 'trust games' and person-centred therapy, rather than considerations of the seriousness of the offence and the degree of dangerousness of the offender. Offenders could be 'treated' for their personal difficulties and the frequency of probationers reporting to their probation officers was variable, although parolees were supervised conscientiously. Parole had started in 1967 and was the first experience of the power of the Legal Executive as opposed to judicial power (Carlisle Committee, 1988). Probation officers from the 1960s had seen themselves as caseworkers, rather than evangelical saviours or missionaries (McWilliams, 1983, 1985, 1986, 1987) and this continued into the 1980s and beyond (Fielding, 1984).

Over the years I have conducted a number of interviews with probation staff and other relevant professionals, and I have drawn on this archive for the book. I carried out a piece of research for the Inner London Probation Service (ILPS) in 1986 that

investigated the consistency of contact by different probation staff with prisoners. I discovered great variation in practice and very little control by management. I revisited some of the informants in 1994, which revealed the need to gain a wider picture of the profound changes occurring within the probation service. By this stage staff had virtually stopped visiting prisoners, the concept of through-care support had stalled, and was linked to statutory responsibility when parole reports were needed.

This book will draw on the case study of the After-Care Unit (ACU) to demonstrate that probation work with the homeless was sacrificed at the end of the 1980s, as the priority was changed to working with offenders in the community, rather than the resettlement of ex-prisoners. Offenders sentenced to one year or less in prison might be seen either by volunteers or (more likely) not at all. They were no longer allocated to probation officers, as contact with them would be voluntary on discharge, as they would not be subject to a period of statutory supervision on licence on discharge from prison. It was claimed that as probation moved to working only with statutory offenders this would mean they had committed more serious crimes. Ironically, the ACU did have a high-risk 'heavy end' caseload as, typically, they were offenders wanting a fresh start in the London area. The work of the ACU could lay claim to being the precursor to 'joined-up thinking' in relation to working with offenders as it included close working relationships with psychiatrists from the Institute of Psychiatry and a number of institutions, including hostels, throughout London. Perhaps the homeless and rootless offender, like aggressive car window cleaners at traffic lights, much cited by politicians, are perceived as a visible threat to the public as they represent the 'underachieving' element who have yet to find a stake in society.

Thus if a focus specifically on work with prisoners and ex-prisoners could not give a full picture of the changing nature of probation practice, it became necessary to investigate, with probation staff, the full range of their work, and this became my principal research interest. Personnel interviewed were open and honest about their practice and how the probation task and role was changing. These changes were on a number of different levels: frequency of contact, the expectation that failed appointments would not be ignored but would lead to action being taken, including the offender being returned to court for resentencing for the original offence. Offenders were likely to be placed on group work programmes to deal with their perceived 'faulty thinking', rather than being seen individually for practical and emotional support.

The book examines, from both a practice and theoretical context, the changing nature of probation practice with offenders, from its evangelical roots to 'treatment' and most recently actuarial justice and risk management. It draws on 27 interviews with relevant professionals conducted between 1996 and 1999. In addition, probation archival material was drawn on, as well as interviews with the founder of the London Probation Service (1935), a Borstal After-Care Association worker from the 1950s, a probation manager from the 1960s and a voluntary hostel manager running houses for ex-offenders, which were managed and organized by staff from a specialist probation office working with homeless and rootless offenders.

In 1987 I was given a sabbatical from the probation service I was working for to carry out a study of probation practice with prisoners and ex-prisoners. I interviewed 19 probation and senior probation officers and I have drawn on the conclusions from this study. Five interviews were undertaken in July 1994 with probation staff working with prisoners and ex-prisoners. These interviewees had been part of the group interviewed in 1987.

The interviews with retired staff were useful in placing probation practice in an historical context, as did the case study of the After-Care and Resettlement Unit. This was an exemplar of practice with the homeless and in describing how innovation in service delivery stemmed from meeting needs unmet by the other agencies, voluntary and statutory, in the state system, not necessarily in criminal justice. The rise and demise of the unit served as an example of how the changing tensions and priorities within the probation service impacted on practice and priorities. This was particularly apposite in December 1999 as the Labour government rediscovered that ex-prisoners and offenders were over-represented among the homeless, a fact well known to officers who had worked in the ACU decades earlier.

The use of the interviews from 1987 showed the then nature of probation practice with prisoners and ex-prisoners and the ad hoc nature of what might be offered to them. The interviews undertaken in 1994 demonstrated the changing nature of the service, the drive to use partnership organizations to deliver work with offenders, and a resistance among some probation officers to take on board National Standards. This was after the first version of National Standards 1992 (Home Office, 1992b), which still acknowledged the social work skills of practitioners.

I spent time in probation offices, especially Newham in London, observing interviews and socializing with staff. As a former probation officer I was accepted and trusted by them and they took me into their confidence. I was conscious of the dangers of 'going native'. I have sympathy for the difficulty of working in an environment where the process of working with offenders has been seen as more important than the outcome of the intervention. The views of these staff did not differ significantly from those of other probation staff I interviewed. I would not describe my role as that of 'poacher turned gamekeeper'; however, my previous profession meant that I was familiar with their jargon, culture and work tasks.

Most recently, in the aftermath of some high-profile supervision failures, I set up a Master's programme in public protection, in close collaboration with a large probation area. I have continued to interview staff both formally and informally, with agreement for their comments to be used in this book. Working with staff who have a strong commitment to work with high-risk offenders has been a stimulating and exciting experience that has reinforced my belief that the time has come for probation to be left to develop and strengthen its knowledge and skills in order to rehabilitate offenders and protect the public. The frenetic pace of change needs to be slowed, and a moratorium on 'common sense' innovation stalled. The views of these staff and others are drawn upon in Chapter 6 when current practice and ideas are discussed.