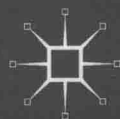


# WHAT WORKS IN OFFENDER COMPLIANCE

International Perspectives  
and Evidence-Based Practice

EDITED BY  
Pamela Ugwudike  
Peter Raynor



# What Works in Offender Compliance

## International Perspectives and Evidence-Based Practice

Edited by

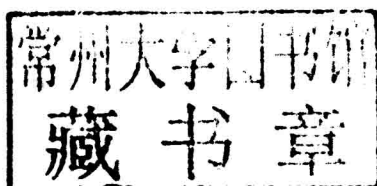
Pamela Ugwudike

*Lecturer in Criminology, Swansea University*

and

Peter Raynor

*Professor of Criminology and Criminal Justice, Swansea University*



palgrave  
macmillan



Editorial matter and selection, introduction and conclusion

© Pamela Ugwuodike and Peter Raynor 2013

Individual chapters © Respective authors 2013

All rights reserved. No reproduction, copy or transmission of this publication may be made without written permission.

No portion of this publication may be reproduced, copied or transmitted save with written permission or in accordance with the provisions of the Copyright, Designs and Patents Act 1988, or under the terms of any licence permitting limited copying issued by the Copyright Licensing Agency, Saffron House, 6–10 Kirby Street, London EC1N 8TS.

Any person who does any unauthorized act in relation to this publication may be liable to criminal prosecution and civil claims for damages.

The authors have asserted their rights to be identified as the authors of this work in accordance with the Copyright, Designs and Patents Act 1988.

First published 2013 by

PALGRAVE MACMILLAN

Palgrave Macmillan in the UK is an imprint of Macmillan Publishers Limited, registered in England, company number 785998, of Houndmills, Basingstoke, Hampshire RG21 6XS.

Palgrave Macmillan in the US is a division of St Martin's Press LLC, 175 Fifth Avenue, New York, NY 10010.

Palgrave Macmillan is the global academic imprint of the above companies and has companies and representatives throughout the world.

Palgrave® and Macmillan® are registered trademarks in the United States, the United Kingdom, Europe and other countries.

ISBN 978-1-137-01951-6

This book is printed on paper suitable for recycling and made from fully managed and sustained forest sources. Logging, pulping and manufacturing processes are expected to conform to the environmental regulations of the country of origin.

A catalogue record for this book is available from the British Library.

A catalog record for this book is available from the Library of Congress.

# Acknowledgements

The idea for this book emerged from a realization by the editors that very little has been written about offender compliance. Therefore, unsurprisingly, it was a challenge to identify suitable contributors to this volume. Eventually we did succeed in identifying academics and researchers who have through their previous work revealed a commitment to understanding offender compliance and its mechanisms. We are therefore very grateful to all the contributors for responding favourably to our request to contribute to the book and for the time and effort they invested in making this work a reality.

We are also grateful to the Swansea University Criminology Department for allowing one of us a period of sabbatical leave during the production of the book. Finally, we wish to express our thanks to all those who worked in various capacities to support the production of this book, especially Julia Willan and Harriet Barker at Palgrave Macmillan and Devasena Vedamurthi at Integra.

# Contributors

**Melissa Alexander** received her PhD in clinical psychology from the University of Texas Southwestern Medical Center at Dallas, USA. She has worked as a clinical psychologist in the criminal justice system and now serves as the chief probation officer for the US probation office in the Middle District of North Carolina. She has authored or co-authored over 20 publications on substance abuse, mental illness, motivational interviewing and STARR, and has been involved in numerous trainings focused on helping officers utilize evidence-based practices with clients.

**Tim Bateman** is Reader in Youth Justice at the University of Bedfordshire, UK, where his responsibilities include managing a doctoral programme for professionals working in the field of youth justice or services to disadvantaged young people. Tim has a background in youth justice policy and has extensive experience as a youth justice social worker. He has written widely on youth justice, youth crime and young people in conflict with the law. He has a particular interest in the experiences of children within the criminal justice system. Tim is co-editor of *Safer Communities* journal, news editor for *Youth Justice* journal, editorial board member of *Child and Families Law Quarterly*, deputy chair of the National Association for Youth Justice, secretary of the London Association for Youth Justice and associate member of the Standing Committee for Youth Justice.

**Kristel Beyens** holds a PhD in criminology and is Professor of Penology at the Criminology Department of the Vrije Universiteit Brussel (Free University of Brussels, Belgium). She is a member of the research group Crime and Society (CRIS). Her PhD was a penological study of sentencing decision making as a social practice. She has also published on prison overcrowding and the implementation of prison sentences and community sanctions. Together with Mike Nellis and Dan Kaminski, she published a book on electronic monitoring from a critical and international comparative perspective (2013). She is a member of the editorial board of the *European Journal of Probation* and a founding member of the ESC working group on community sanctions (chair 2009–2012). She is the vice-chair of a COST action on offender supervision.

**Anthony E. Bottoms** is Emeritus Wolfson Professor of Criminology at Cambridge, and Honorary Professor of Criminology at the University of

Sheffield. He is also a life fellow of Fitzwilliam College, Cambridge. His interests within criminology include desistance from crime, socio-spatial criminology, penology and theoretical criminology.

**Guy Bourgon** is a clinical psychologist specializing in correctional and criminal justice psychology. He has over 25 years clinical experience in the assessment and treatment of adults and youths involved in the criminal justice system. Dr Bourgon has been involved in the development of various empirically validated correctional programmes and has extensive international experience in the training and supervision of numerous front-line professionals. He is presently a senior researcher for Public Safety Canada, conducting research on effective correctional services and practices. As the co-lead on the Strategic Training Initiative in Community Supervision, he plays a significant role in the development of its community supervision model, the training and clinical supervision of probation officers across Canada, as well as the evaluation of this Risk-Need-Responsivity approach to offender supervision. He has published articles on effective correctional treatment across a range of offender populations and programmes, risk assessment, research methodology and effective knowledge transfer to everyday practice. He maintains a private practice, and is an adjunct professor at Carleton University and a member of the Editorial Board on *Criminal Justice and Behavior*.

**Ben Crewe** is Deputy Director of the Prisons Research Centre at the Institute of Criminology, University of Cambridge, UK. He has published widely on prison culture, prisoner relations, public and private sector prisons, and other areas of prison life. His monograph *The Prisoner Society: Power, Adaptation and Social Life in an English Prison* was published in 2009.

**Stef Decoene** completed a PhD in experimental cognitive psychology before starting work as a forensic psychologist in a high security prison. He is a part-time lecturer in the Criminology Department of the Vrije Universiteit Brussel, where he teaches forensic and criminological psychology. His research centres on (the development of) psychopathic features, risk assessment and desistance, the development of microcriminological accounts of an individual offence as a key to linking individualized risk assessment and treatment, and, more recently, responsivity factors in forensic treatment related to therapist characteristics. He is involved in supervising the change processes of a number of clinical settings making the step from clinical to forensic case management.

**Loraine Gelsthorpe** is Professor of Criminology and Criminal Justice and Director of the MPhil Programme at the Institute of Criminology, University of Cambridge, UK. She has published extensively in the area of women, crime and

justice, as well as community penalties more generally, and she maintains an active interest in youth justice and methodological and policy-related developments. Recent research has focused on the criminalization of women migrants and on deaths under probation supervision. In 2009 she became a Fellow of the Royal Society of Arts for her distinguished contribution to criminal justice, and she is the current president of the British Society of Criminology.

**Leticia Guiterrez** is a research analyst in the Corrections Research Unit of the Department of Public Safety and a doctoral student in the Forensic Psychology Program at Carleton University, Canada. Her areas of research include problem-solving courts, offender rehabilitation and aboriginal offenders.

**Laura J. Hanby** is currently completing her PhD in forensic psychology at Carleton University, Canada. Since 2008, Laura has also been employed with the Correctional Service of Canada in various capacities. Her master's work focused on the role of offender competencies in predicting treatment programme performance as well as release outcome. This research has important implications for correctional practice and, more generally, advances our understanding of the processes underlying offender change. While this research is ongoing, Laura's doctoral dissertation has taken a different focus on dynamic risk assessment. This study examines whether the assessment of dynamic risk factors and protective factors using the Dynamic Risk Assessment for Offender Re-entry (DRAOR) improves risk assessment and case management. It is expected that this systematic assessment and reassessment of dynamic and protective factors will provide insight into the mechanisms by which risk changes over time.

**Martine Herzog-Evans** teaches law and criminology at Reims University, Law Faculty, France. She also teaches at the Universities of Nantes and Bordeaux IV/National Penitentiary Academy. Her majors are criminal law, sentences, probation, prisons and re-entry. Publications include *Droit de l'application des peines*, 4th ed. (2012–2013); *Droit pénitentiaire*, 2nd ed. (2012–2013); *Transnational Criminology Manual* (2010); *L'évasion* (2009); and *L'intimité du détenu et de ses proches en droit comparé* (2000). She is a member of the European Society of Criminology and works with three of its subgroups: Community Sentences and Measures; Sentencing; and Prisons.

**Caleb D. Lloyd** is a PhD candidate in forensic psychology at Carleton University, Ottawa, Canada. His research examines various aspects of offender change and desistance from crime. He has authored a variety of published research papers on correctional psychology, including desistance from crime, judges' perceptions of psychopathy, sex offender risk, and treatment change

among offenders. His other recent presentations and projects have examined gambling and impulsivity among offenders, the role of community volunteers in the criminal justice system, differences among violent offenders and re-entry.

**Christopher T. Lowenkamp** received his PhD in criminal justice from the University of Cincinnati, USA. He has served as the director of the Center for Criminal Justice Research and the associate director of The Corrections Institute at the University of Cincinnati. He has also held the positions of research associate and research professor at the University of Cincinnati. He served as a probation officer and jail emergency release coordinator in Summit County, Ohio. He is the co-author of EPICS-II, STARR, EPICS, two cognitive-behavioural curricula for clients and the Ohio Risk Assessment System (ORAS), and the developer of the Post Conviction Risk Assessment (PCRA) and the Pretrial Risk Assessment (PTRA), which are used in the federal probation and pre-trial services systems. He has co-authored over 60 publications on risk assessment and correctional programming.

**Trish McCulloch** is Senior Lecturer in Social Work, based in the School of Education and Social Work at the University of Dundee, UK. Prior to joining the University in 2003 she worked as a social worker within youth and adult justice settings. Her research activity has focused on various areas of criminal justice social work/probation practice, and includes a focus on the social and community contexts of change. She is currently completing her doctorate and has recently completed a research review exploring the value and outcomes associated with user involvement in criminal justice.

**Mike Nellis** is Emeritus Professor of Criminal and Community Justice in the Centre for Law, Crime and Justice, Law School University of Strathclyde, UK. He was formerly a social worker with young offenders in London, has a PhD from the Institute of Criminology in Cambridge, and was involved in the training of probation officers at the University of Birmingham. He has written widely on the fortunes of the probation service, alternatives to imprisonment and particularly the electronic monitoring of offenders. He has recently co-edited *Electronically Monitored Punishment: International and Critical Perspectives*, with Kristel Beyens and Dan Kaminski.

**Peter Raynor** is Professor of Criminology and Criminal Justice at Swansea University in Wales. A former probation officer and social work educator, he has been carrying out and publishing research on effective practice in probation services since the 1970s. His previous books include *Social Work, Justice and Control* (1985); *Probation as an Alternative to Custody* (1988); *Effective Probation Practice* (with Smith and Vanstone, 1994); *Understanding Community Penalties* (with



Vanstone, 2002); *Race and Probation* (with Lewis, Smith and Wardak, 2005); *Developments in Social Work with Offenders* (with Gill McIvor, 2007); *Rehabilitation, Crime and Justice* (with Gwen Robinson, 2009) and *Offender Supervision: New Directions in Theory, Research and Practice* (with McNeill and Trotter, 2010).

**Charles R. Robinson** received his BS degree from Grambling State University, USA. He is a probation administrator for the Administrative Office of the US Courts, Office of Probation and Pretrial Services. Prior to working with the Administrative Office, he worked for the Dallas County Community Supervision and Corrections Department. He has focused on developing and training corrections professionals to use cognitive-behavioural strategies with clients.

**Gwen Robinson** is Reader in Criminal Justice in the School of Law at the University of Sheffield, UK. Her principal research interests are community penalties and their administration; offender management and rehabilitation; penal policy and practice; and restorative justice. She has published widely in these areas, and her recent publications include *Restorative Justice in Practice: Evaluating What Works with Victims and Offenders* (with Joanna Shapland and Angela Sorsby, 2011).

**Ralph C. Serin** received his PhD from Queen's University in 1988 and has been registered with the Ontario College of Psychologists since 1990. He worked in federal correction from 1975 to 2003 in various capacities and is now an associate professor at Carleton University, where he is Director of the Criminal Justice Decision Making Laboratory and a member of the Forensic Psychology Research Center. He has consulted with the National Institute of Corrections and the Centre for Effective Public Policy, and is an advisor to the National Parole Resource Centre (USA). He has also provided training and is currently engaged in research collaboration with the Departments of Corrections in numerous US states and internationally regarding violent offenders, dynamic risk assessment, evidence-based practice, parole decision making and offender change. He is co-principal investigator (co-PI) for a recently funded innovation grant from BJA to develop e-learning materials for probation/parole officers, and is also co-PI for a re-entry model adopted by the National Institute of Justice for a national field demonstration experiment under the Second Chance Act on offender re-entry (USA). He has recently been appointed to the Correctional Services Advisory and Accreditation Panel in the UK.

**Marianna Shturman** is Director of Addiction and Mental Health Services at the Wabano Centre for Aboriginal Health and serves as a member of the Board of Directors of the Ottawa Institute of Object Relations Therapy. She has 15

years' clinical experience in not-for-profit sector work and began her career in offender rehabilitation in the USA. Her research interests include the importance of therapeutic relationships in the effectiveness of treatment outcomes, motivation to change, self and relational needs, and holistic prevention and intervention approaches.

**Paul Sparrow** is currently Associate Dean (Law) at Wolverhampton University, UK. Working initially with drug misusers at the Maudsley Hospital's National Addiction Centre, he then practised as a probation officer, before finally moving to Nottingham Trent University, where he headed Criminology. Dr Sparrow's research interests lie in the history of probation practice generally and in the probation service's work with drug misusers more particularly.

**Christopher Trotter** is Professor in Social Work at Monash University, Australia, and Director of the Monash Criminal Justice Research Consortium. He has published widely and is well known for his work on offender supervision and prosocial modelling. His book *Working with Involuntary Clients*, now in its second edition, has sold widely and has been published in multiple languages.

**Pamela Ugwu-dike** is Lecturer in Criminology at Swansea University in Wales. She trained as a lawyer and went on to obtain a Master's degree in Criminology and Criminal Justice (with distinction). She was awarded a University of Wales PhD studentship in 2004. After completing her PhD, she took up a position as a research officer at the Centre for Criminal Justice and Criminology, Swansea University. She was appointed a lecturer in September 2009. Her research interests include developing insights into evidence-based offender rehabilitation and exploring the dynamics of compliance with legal authorities. She is currently working (with Professor Peter Raynor and Professor Maurice Vanstone, who are also based in Swansea University) on a research project that is evaluating the delivery and impact of supervision programmes. The project is funded by the Jersey Probation and Aftercare Service. She is also working (with Professor Peter Raynor) on two projects that are also exploring the delivery and impact of supervision programmes. One of the projects is funded by the Welsh Government and the second project is funded by the London Probation Trust. Her recent publications and conference papers have explored the relevance of criminal justice policy and practice to compliance with court orders.

**Maurice Vanstone** is Emeritus Professor of Criminology and Criminal Justice in the Department of Criminology, Swansea University, UK. His many publications include *Supervising Offenders in the Community: A History of Probation Theory and Practice* (2004) and *Offenders or Citizens?: Readings in Rehabilitation* (with Philip Priestly, 2010).

# Contents

<i>List of Tables and Figures</i>	viii
<i>Acknowledgements</i>	ix
<i>Notes on Contributors</i>	x

## **Section I Setting the Scene – Probation and Compliance: Historical and Contemporary Policy Developments**

1 Introduction <i>Pamela Ugwuodike and Peter Raynor</i>	3
2 Compulsory Persuasion in Probation History <i>Maurice Vanstone</i>	9
3 What Counts? Community Sanctions and the Construction of Compliance <i>Gwen Robinson</i>	26
4 Reanalysing the Compliance Dynamic: Toward a Co-Productive Strategy and Practice <i>Trish McCulloch</i>	44

## **Section II In the Front Line: The Importance of Offender Motivation**

5 Learning from Odysseus: Self-Applied Situational Crime Prevention as an Aid to Compliance <i>Anthony E. Bottoms</i>	67
6 What and Who Might Enhance Offender Compliance: Situating Responsibilities <i>Ralph C. Serin, Caleb D. Lloyd, Laura J. Hanby and Marianna Shturman</i>	90
7 Compliance through Discussion: The Jersey Experience <i>Peter Raynor</i>	107
8 Compliance in Prisons <i>Ben Crewe</i>	119

- |    |  |     |
|----|--|-----|
| 9  | Surveillance-Based Compliance using Electronic Monitoring<br><i>Mike Nellis</i>                                      | 143 |
| 10 | Compliance with Community Orders: Front-line Perspectives<br>and Evidence-Based Practices<br><i>Pamela Ugwuodike</i> | 165 |

### **Section III Evidence-Led Compliance Mechanisms: Recent Developments in International Research**

- |    |  |     |
|----|--|-----|
| 11 | Offender Recall for Non-Compliance in France and Fairness:<br>An Analysis of 'Sentences Implementation Courts' Practices<br><i>Martine Herzog-Evans</i>  | 185 |
| 12 | Compliance Dynamics: A Multidisciplinary Review and<br>Exploration of Compliance Processes in the Belgian Context<br><i>Stef Decoene and Kristel Beyens</i>  | 208 |
| 13 | Effective Supervision of Young Offenders<br><i>Christopher Trotter</i>   | 227 |
| 14 | A Tale of Two Innovations: Motivational Interviewing and Core<br>Correctional Practices in United States Probation<br><i>Melissa Alexander, Christopher T. Lowenkamp and Charles<br/>R. Robinson</i> | 242 |
| 15 | The Importance of Building Good Relationships in Community<br>Corrections: Evidence, Theory and Practice of the Therapeutic<br>Alliance<br><i>Guy Bourgon and Leticia Guterrez</i>                   | 256 |

### **Section IV Offender Diversity: Contextualizing Compliance Theory, Policy and Practice**

- |    |  |     |
|----|--|-----|
| 16 | Working with Women in Probation: 'Will You, Won't You, Will<br>You, Won't You, Won't You Join the Dance?'<br><i>Lorraine Gelsthorpe</i>                          | 279 |
| 17 | Encouraging Compliance, Maintaining Credibility or Fast<br>Tracking to Custody? Perspectives on Enforcement in the Youth<br>Justice System<br><i>Tim Bateman</i> | 295 |
| 18 | Achieving Compliance with Drug-Misusing Offenders:<br>Challenges for the Probation Service<br><i>Paul Sparrow</i>  | 315 |

19 Conclusion: What Works in Offender Compliance	332
<i>Pamela Ugwudike and Peter Raynor</i>	
<i>Index</i>	351

## **Section I**

### **Setting the Scene – Probation and Compliance: Historical and Contemporary Policy Developments**



# 1

## Introduction

*Pamela Ugwuodike and Peter Raynor*

This book's main objective is to draw together the latest international research and theoretical literature on offender compliance during criminal justice supervision and after supervision ends. As far as we know, no text has focused exclusively on the subject-matter of offender compliance. This book addresses the gap in knowledge by providing a useful analysis of the extant international research and theoretical literature. It examines compliance across two broad domains: short-term compliance during criminal justice supervision<sup>1</sup> and long-term compliance<sup>2</sup> after supervision ends.

Compliance is a broad concept. To demonstrate the multidimensionality of compliance, we may turn to Bottoms's (2001) framework for understanding compliance. According to this framework, there are several forms of legal compliance, namely: constraint-based compliance; habit compliance; instrumental compliance; and normative compliance. Constraint-based compliance may stem from physical constraints such as the electronic monitoring devices that seek to reduce opportunities for non-compliance. Habit or routine compliance may manifest as established non-criminogenic routines and habits. With instrumental compliance, people comply because of perceived benefits or because they believe that the costs of non-compliance outweigh its benefits. Normative compliance is the product of internalized mechanisms that can produce compliance. It is a form of compliance that has several dimensions. It could be the product of bonds or attachments people form with others in authority, such as probation officers. It could also stem from the belief that a representative of authority has used their authority fairly (Tyler 2010, 2013; Tyler and Huo 2002). Compliance in this sense occurs irrespective of personal beliefs or principles because the authority in question is perceived to be legitimate.

Bottoms's fourfold classification of compliance and its mechanisms has greatly informed recent work in the field of offender compliance. Indeed,



several chapters in this volume draw on, or attempt to critically analyse, the fourfold classification.

Robinson and McNeill's (2008) useful conceptual framework for understanding compliance also demonstrates the multidimensionality of the concept. This framework is another commonly cited piece of work and several chapters in this text also refer to it. In their description of compliance, Robinson and McNeill highlight the difference between formal and substantive compliance (see also McNeill and Robinson 2013). Formal compliance entails adhering to the minimum requirements of a court order. Substantive compliance involves the 'active engagement and co-operation of the offender with the requirements of his or her order' (Robinson and McNeill 2007:434). Regulatory theorists persuasively argue that formal compliance is superficial, it typically involves complying with the most basic requirements of the order and it may involve an unwillingness to fully engage with the change process (see also Murphy 2005). Substantive compliance, on the other hand, is normative because it is also underpinned by an acceptance that an authority can legitimately exercise power over the offender.

The nature of compliance as a multidimensional concept is also evident in the claim put forward by several commentators who argue that compliance is a construct that emerges from the interactions between practitioners and the people they supervise. From this perspective, in order to understand the nature of compliance, one has to examine the micro-dynamics of compliance, that is, the policy and practice contexts in which the key actors (practitioners and supervisees) negotiate and define compliance (see also McCulloch, this volume; Robinson, this volume; Ugwuodike 2008). It follows that we may not simply presume that the definition of compliance is commonsensical and may be taken for granted. Compliance is a broad term, and its explication lies in detailed theorization and empirical analysis.

The foregoing suggests that anyone attempting to study compliance and its mechanisms is undertaking a mammoth task, given that the concept has several possible dimensions. Nevertheless, the chapters in this book do develop useful insights that can help us understand the concept, its diverse forms and its diverse mechanisms. There are numerous reasons why we should explore the factors that can encourage compliance. An important reason is that, as mentioned earlier, there is a dearth of academic research in this field. Therefore, a text is needed which brings together new and emerging insights into effective compliance strategies. These insights are also needed in the light of what official statistics, evaluations of offender behaviour programmes and other studies suggest about the extent of non-compliance. For example, recent official statistics reveal that many offenders in England and Wales are reconvicted shortly after their court orders expire (Ministry of Justice 2012). The Ministry of Justice recognizes this in its statement that: 'nearly half of adult