SPECIAL ISSUE
ON DESISTANCE
Edited by
Fergus McNeill

ALSO
Mike Nellis on
Electronic Monitoring
Andrew Coyle on
ever prison reform in Scotland
Bernadette Monaghan on
Children’s Hearings
Interview with
HMIP David Strang

DESISTANCE
MOVING ON: DESISTANCE AND REHABILITATION
THANK YOU for downloading or picking up this special edition of Scottish Justice Matters on desistance. We hope that you’ve found the cover image striking and thought provoking! The idea of that green walker setting out on a journey, we hope, conveys something of the core argument of our desistance theme.

Insofar as our business is to contribute to changing the conversation about justice in Scotland, we are keen to disseminate ideas about desistance as an early priority. Professor Fergus McNeill, as guest editor and leading international thinker on desistance from crime, has collected a series of articles that together represent an excellent introduction.

People with convictions should not be simply regarded as risky subjects to be controlled but respectfully engaged as fellow citizens in the process of moving on and reintegration

As the late Barbara Hudson, scholar of justice, reminds us, our habits of both thinking about and doing justice have, in recent years, been hijacked by concerns to minimise risk and to give priority to the protection of the public. We tend to regard people who have broken the law as an undifferentiated group whom we need to manage as offenders in ways that reflect priorities of risk and security.

However, people with convictions should not be simply regarded as risky subjects to be controlled but respectfully engaged as fellow citizens in the process of moving on and reintegration. In exploring the notion of desistance in this issue, it is striking how current ways of working are shown to be missing that essential point. Read on to discover the essential sense and humanity and, yes, perhaps we can say with some optimism, even effectiveness, of desistance research, thinking and practice.

Ideas of desistance recur in other parts of the journal too. Martine Herzog-Evans argues that the French juges d’application des peines use an approach that might be recognised as implementing desistance theory without recognising it. Again, in launching our series of Scottish criminal justice history articles, Andrew Coyle reveals how William Brebner, the early 19th century penal reformer and administrator “was clear that the role of the prison in the reintegration of men and women into society […] was of itself very limited.”

Another new feature is ‘Take 5’ in which our leading politicians give us a 300 word answer to a question posed by SJM. This time we asked: “What can the Scottish Government do to make it more likely than at present for people with criminal convictions to stay out of trouble?” Our thanks to them for taking part. We hope to repeat the exercise.

As well as exploring a theme in each issue, we are keen to make space for other articles of current interest and book reviews. Read on to learn more about plans for the reformed Children’s Hearings Scotland, from its chief executive, Bernadette Monaghan; for a critical perspective on the Scottish Government’s proposals for electronic monitoring by leading surveillance expert, Mike Nellis; for an update by Friday Wheldon on the Victims and Witnesses Bill as a local response to the new European Directive on victims; and, from a voluntary sector perspective, John Downie argues that the shift required in how we deliver public services to reduce reoffending isn’t happening quickly enough. Just in case these important policy discussions feel a little too removed from personal experience, learn, from a mother, what it is like to visit a son in prison. Our first book review considers Donnelly and Scott’s 2013 edition of ‘Policing Scotland’.

Our interview is with David Strang, the new Chief Inspector of Prisons in Scotland. You may recall that we interviewed his predecessor in SJM1. As before, the full audio version of the interview is available on our web site.

Those of you who read SJM1 will notice that we have expanded to 44 pages. With the support of the Consortium we are planning to publish three more editions of that length in 2014. After that – we’ll see how it goes. This is a free publication: but there are ways in which you can support the project to ensure its survival by paying for a hard copy or making a donation from our website. We are also very willing to discuss advertising and appropriate sponsorship.

Mary Munro and Hazel Croall

Mary Munro and Hazel Croall


Book reviewers

We would like to compile a list of people prepared to write reviews of around 600-700 words on a variety of topics related to crime and criminal justice in Scotland. This is an ideal opportunity for graduate students, practitioners and other interested people to contribute to the journal. Reviewers will normally receive the book free.

If you would be prepared to write a review or make suggestions for a review, please reply to editor@scottishjusticematters.com indicating your areas of interest and/or books you would like to review.
## Theme: Desistance

### Theme editorial by Fergus McNeill

---

### Discovering Desistance: Reconfiguring Criminal Justice?

*Fergus McNeill, Stephen Farrall, Claire Lightowler and Shadd Maruna*

---

### Wirral Desistance Project by Rosie Goodwin

---

### Reframing the Role of Custody within the Desistance Paradigm

*Colin McConnell, Jim Carrie and Hazel Mehta*

---

### The Importance of Social Relations in Personal Change

*Beth Weaver*

---

### Putting the Pieces Together: Prisoners, Family and Desistance

*Cara Jardine*

---

### A Ray of Light? Women Offenders, Mentoring and Desistance

*Alan Mairs and Heather Tolland*

---

### Desistance: Theory and Reality by Peter White and colleague

---

### Desistance and Young People by Briege Nugent and Pamela Barnes

---

## Current issues

### Take Five: Five politicians respond to SJMs questions

---

### Victims’ Rights in EU by Frida Wheldon

---

### A New Children’s Panel for Scotland by Bernadette Monaghan

---

### What’s Stopping us from Reducing Re-offending? by John Downie

---

### The Scottish Electronic Monitoring Consultation:

---

### Asking the Right Questions

*Mike Nellis*

---

### Visiting My Son in Prison by a Mother

---

## History

### Standing on the Shoulders of Giants: Learning from William Brebner

*Andrew Coyle*

---

## International

### Pas de Problème: Problem Solving Courts in France

*Martine Herzog-Evans*

---

## Review

### Policing Scotland: Second Edition Reviewed by Dairmaid Harkin

---

## Interview

### HM Chief Inspector of Prisons David Strang

---

### Talking to Nancy Loucks

---

Scottish Justice Matters is a publication of the Scottish Consortium of Crime and Criminal Justice (SCCCJ). The Consortium is an alliance of organisations and individuals committed to better criminal justice policies. It works to stimulate well informed debate and to promote discussion and analysis of new ideas: it seeks a rational, humane, constructive and rights-based approach to questions of justice and crime in Scotland.
MOVING ON: DESISTANCE AND REHABILITATION

Fergus McNeill is Professor of Criminology and Social Work at the University of Glasgow and co-editor of this issue of Scottish Justice Matters on the topic of desistance from crime.

IT HAS been a longstanding aspiration of Scottish criminal justice, as in other jurisdictions, to make a positive difference in the lives of people who go through its processes. It is also an aspiration that, to some extent, cuts across political and philosophical differences. We may disagree about the extent to which we feel any sympathy for or duty towards those who are punished in our name, and we may disagree about the best methods for promoting change in their behaviour, but we all want them to come out of the other side of punishment less likely to offend again.

Yet the evidence suggests that criminal justice processes and penal institutions (whether custodial or community based) have much less success than we would wish. Reoffending rates are seen as being unduly high and unaffordable. While criminologists have sensibly questioned our common misreading of these statistics (SCCJR 2012) and have pointed to the underlying social and structural determinants of offending and reoffending, it is hard to argue against the proposition that criminal justice could and should do better.

Against that backdrop, it is not surprising that research into desistance from crime has begun to exercise some influence in debates about penal policy and practice. Studying desistance as a process of human development (often in the context of significant adversity) has helped us begin to escape a preoccupation with rehabilitation as a mere technique for changing ‘offenders’; the evidence about desistance shows us how constructing pathways to integration requires much more than just personal change; it also requires the removal of social and legal barriers and the settling of moral debts.

In these debates, perhaps the most evidence-based and perhaps most unsettling argument we can make is that our common modes of punishment are often counter-productive as far as desistance and integration is concerned. Research tells us that desistance is about age and maturation, acquiring social ties and developing a more positive identity: experience tells us that our approaches to punishment remove responsibility, damage positive social relations and reinforce negative identities.

This special edition asks if we can imagine ways to escape the contradictions between penal aspirations and realities. Can we reform criminal justice so that justice is done while change is also nurtured and supported? What would that mean and what would it take to reform sentencing and sanctions in that manner?

We begin with a contribution from the Desistance Knowledge Exchange project team who engaged with these questions through collaboration with agencies, policymakers and practitioners, and with people who have experienced desistance, their families or supporters. This was not about academics pronouncing ‘what works’ or what ‘evidence-based practice’ requires, but rather a structured conversation that led to the co-production of a series of ‘provocative propositions’ for reforming criminal justice.

Studying desistance … has helped us begin to escape a preoccupation with rehabilitation as a mere technique for changing ‘offenders’

The articles that follow shed new light on desistance and on the question of what matters most in supporting it. If you read through this edition in its entirety - and it deserves and will reward that commitment of your time - you will become better acquainted (both from direct experience and from cutting-edge research) with how people experience imprisonment and release and what shapes their prospects for change; with the experiences of families in the penal process and with their vital role in supporting change; with the ways in which probation staff have responded to the challenges not just of desistance research but of listening more attentively to their service users; with the leadership of the Scottish Prison Service’s plans to make supporting desistance more central to their vision and practice; with the value and limitations of a desistance perspective in youth justice; and with how a particular cadre of French judges can and do support desistance in their practice.

With the independence referendum not so long away, the Scottish polity is currently preoccupied with imagining and debating the conditions under which Scotland can best flourish as a nation. Imagining a better future, and thinking carefully about the conditions under which it becomes more or less possible, are also the challenges that people in the justice system face on a daily basis – whether they are undergoing or overseeing sanctions. We hope that this issue of SJM will spark our imaginations and engage our collective intellects and experiences so that a different future becomes just a little more possible, not just for people in the justice system, but for the system itself.

Desistance

The subject of desistance from crime has, in recent years, moved from being the preserve of a few curious criminologists to being a topic much discussed in the justice sector (Farrall 2002, Farrall and Calverley 2006; McNeill and Weaver, 2010). It sometimes seems as if whenever we read about or discuss prisons, probation or sentencing reform, the ‘D’ word gets mentioned. Although, for desistance researchers, this is exciting in many ways, as the concept has spread from research and theory to policy and practice, a risk has arisen that the word ‘desistance’ (never the easiest concept to understand) might come to be misused, misunderstood and misapplied. Occasionally, we hear reference to ‘desistance theory’ or ‘desistance policies’. We may even slip into such loose uses of language ourselves. However, there is no single theory of why people stop offending, nor is there an obvious or agreed set of policy proposals which can be ‘read off’ from the research. For those who crave explicit and specific remedies based on ‘what(ever) works’, this may feel like a limitation. On the other hand, it might also be a strength in that it leaves open space for others, with different forms of expertise, to play their parts in penal reform and development, drawing on their own reflexivity and creativity.

In that spirit, in September 2011 and with funding from the Economic and Social Research Council (Award No: RES-189-25-0258), a group of desistance researchers (McNeill, Farrall and Maruna) and an expert on knowledge exchange (Lightowler) created the Desistance Knowledge Exchange Project (DesKE). Working in partnership with the National Offender Management Service for England and Wales, the Probation Board for Northern Ireland, the Community Justice Division of the Scottish Government and with Lagan Media Ltd (an independent film production company), we worked to co-produce a documentary film about desistance (The Road from Crime) and then to convene a series of eight workshops in which stakeholders discussed and debated the development of ‘practice for desistance’. During the workshops we also disseminated a short review of research written for stakeholders (see McNeill et al, 2012).

The workshops with practitioners, policy-makers, probationers, people with convictions and their family members or significant others, took place in Belfast, Glasgow, London and Sheffield in 2012. They were structured around learning from all participants by sharing professional and personal experience and expertise. Following an Appreciative Inquiry (AI) format (see Liebling, Price & Elliot, 1999 and Robinson et al, 2013), the workshop participants were first asked to reflect on their own or others’ experiences of desistance or supporting desistance. Next, they were challenged to describe what processes, skills, relationships or resources they thought were crucial in facilitating positive change. Drawing on these experiences, we then asked the stakeholders to imagine the sort of criminal justice system they felt would better support desistance. Next, they were challenged to describe what processes, skills, relationships or resources they thought were crucial in facilitating positive change. Drawing on these experiences, we then asked the stakeholders to imagine the sort of criminal justice system they felt would better support desistance. We asked people to produce ‘provocative propositions’ – that is, statements which demanded action and which stated in a clear and challenging way how the criminal justice system could and should be better focused on helping people stop offending. We went on to think about how to realise these propositions; focussing on what needed to be done to achieve this vision of the future of criminal justice. We asked participants in particular to focus on identifying what they could do to move towards better practices, services and policies, and to identify what others also need to do to make this happen.

Fergus McNeill, Stephen Farrall, Claire Lightowler and Shadd Maruna
In this short paper, we review the ten most common and best supported of the ‘provocative propositions’ that emerged in the workshops. It is important to note that although we are the authors of this brief paper, we are not the authors of these propositions; nor do they necessarily represent our particular readings of desistance research. Rather, they are ideas and proposals that have been co-authored and co-produced by all of those involved in this process in a genuine effort at knowledge exchange.

The Provocative Propositions

1. There is a need for meaningful service user involvement in the design, delivery, assessment, and improvement of policies and provision across the criminal justice system; and for clear career routes for former service users that recognize and value the skills that people with convictions possess.

Some workshop groups suggested that every probation or criminal justice social work organisation and prison should have active service user involvement to inform service delivery and policy. They argued for greater use of peer mentoring schemes, as well as clear career routes for former service users so that they can progress to (and from) mentoring roles if they wish. Likewise, several participants argued that each component of the criminal justice system should have a service user council or representative body aimed at supporting those who are being supervised.

Practical difficulties (such as restrictions on people with convictions working in prisons to mentor serving prisoners) would need to be resolved. Perhaps the training of criminal justice staff could embrace the idea of accrediting prior experiences and learning (APEL) so that former service users are not deterred from working within the criminal justice system. Many criminal justice organisations also employ many non-frontline staff (catering, maintaining buildings etc.); could apprenticeships in these trades be created for former service users as well? Thought also needs to be given to support schemes and strategies for when things go wrong (and there will inevitably be such incidents in working with any groups of individuals). Finally, this proposition would require a considerable shift in public and professional mindset as the approaches outlined above challenge entrenched power dynamics and the risk aversion that affects the criminal justice system.

2. There is a dire need to reduce the prison population, first and foremost in order to free up resources to invest in efforts more likely to support desistance.

The workshop participants agreed that there needed to be greater efforts made to educate sentencers about how sentencing can support and frustrate desistance, and there may be a need for legislative reform to reduce the numbers going to custody and the length of prison sentences. Stakeholders agreed that prison ought to be reserved for the most dangerous offenders – and therefore used principally for public protection, freeing up resources for more use of interventions such as drug and alcohol rehabilitation and mental health services. Participants argued that those individuals who are not a danger to the public would be better served by interventions aimed at reparation or opportunities to demonstrate rehabilitation as these are more likely to promote and support desistance. One group suggested a scheme by which prisoners could trade hours of constructive ‘pay back’ work for remaining days of prison time.

3. A rethink of criminal justice social work/probation is necessary to make it more ‘holistic’ and ‘humanised’, more focused on the service user’s strengths and needs, and more flexible and open to creative work.

This suggestion would require training and retraining staff as well as the creation of more flexible and imaginative community sentencing options. It would also mean agreeing with service users exactly what supervisor and supervised are going to do together. Participants explained that this would also mean moving away from risk/fear-driven practices, which do not encourage or allow enough time for creative practice. Other ideas included producing ‘before and after records’ for service users, so they can more easily appreciate the work they have done and the changes they have made as they progress to better citizenship. Another idea was a service user recognition award: something to mark and acknowledge the progress made.

4. In the future, CJ/SW/probation offices and officers need to become better connected with local communities with greater community involvement in all of their work.

Participants argued that CJ/SW and probation staff need to have greater involvement with families and with those broader structures of social support that enable desistance. To do this, staff need to be allowed and encouraged to get out of the office and into the community. All agreed that CJ/SW/probation needs to be braver in terms of releasing professional staff to do their jobs, encouraging the reduction of bureaucracy to enable this to happen.

5. A wider circle of society should be encouraged to take responsibility for helping people stop offending.

Families and communities (defined as anyone important to the service user) are seen to be a key factor in change processes. Some of the suggestions here focused on creative ideas for encouraging greater involvement in reintegration work among employers, faith communities, civic groups and other potential supporters of desistance. Participants argued that we need to educate society about the lives of those caught up in crime in order to shift attitudes about the causes of crime and the positive role such groups can play in reintegration and desistance.

6. Interventions ought to focus less on risk and more readily on the positives, and what people have achieved and can achieve in the future.

Generally, any system of assessment and review needs to focus on an individual’s strengths (as well as giving appropriate attention to their wants and needs). Language is important; referring to service users as ‘clients’ (for all its limitations) reminds staff and clients that one of the goals of supervision is to pose the question ‘what do you want to get out of your sentence?’ Systems need to be developed whereby successes can be formally recognised and rewarded.
7. **Community supervision needs to work to challenge inequality and promote fairness, equalising life chances and contributing to social justice.**

Participants argued that we need to create and enable better access to real opportunities for change, and not just to focus on motivating or ‘up-skilling’ those on supervision. We need to encourage people to focus on where those who have offended in the past are now, and the important roles they can and do play in society. Participants suggested that we need to ensure that services are responsive to local needs, with an emphasis on consistency around justice processes, but not necessarily exactly similar services (i.e. not all communities need the same type or the same level of service provision). The ways to achieve this responsiveness to local needs are to be found through consultative and co-productive processes.

Participants thought supervision should focus on assisting people who want to change and encouraging others to consider making small steps towards change. While the compulsory element of a sentence should be bound by proportionate and just responses to offending, the voluntary element should be based on the person being supported, and should be developed with their consent. If it is right that people cannot and should not be forced to change, then the change supporting aspects of supervision need to be self-determined, at least as far as that is consistent with public safety.

Participants argued that there also needs to be strengths-based approach to practice. For example, prisons or probation trusts might partner with local colleges and job centres to find employment for those on supervision or leaving prison, or work with local colleges to provide training and qualifications to service users who deploy this in a project that produces goods that could be sold on to the community. Such a joined-up approach could generate income to pay for training and professional support. This could become a self-sustaining social enterprise; recruiting people to help plan and deliver services and products, thus sustaining their employment. Services need to develop people’s human and social capital.

8. **Redraft the Rehabilitation of Offender Act 1974 to encourage and recognise rehabilitation much earlier, and not stand in the way of desistance in the name of ‘rehabilitation’.**

Under the Rehabilitation of Offender Act 1974, many people’s convictions can never become ‘spent’, and those whose convictions can become spent, often have to wait an inordinately long time. Participants argued that we need a system which can help all individuals with convictions progress towards their criminal records becoming ‘spent’ and also speed up that process whenever possible and appropriate. Some participants thought, for instance that, if there are no further convictions, all sentences ought to become ‘spent’ three years after the end of the sentence (with some exceptions for very grave offences which raise particular concerns about public safety). Another suggestion was that a criminal record tribunal (a review process for people whose past convictions are serious...
but who can also evidence change on their part), could be established in order to allow those with extensive and serious criminal histories to re-enter the employment market without having to declare offences which took place many years before. The tribunal could consist of reformed offenders, probation officers, judges and lay members. Finally, many participants thought we should follow the example of some European countries in creating stricter tests of relevance for access to criminal records for employers, focusing on why particular convictions are relevant to posts advertised.

9. The public needs more accurate information about the lives of those in the criminal justice system and in particular on the process of leaving crime behind.

Better public education is needed to help to break down the ‘them’ and ‘us’ mentality around offending. If individuals in the criminal justice system were more humanised than demonised in the public imagination, members of the public would be more likely to believe that prisoners and probationers are capable of change, and that we all have a part to play in supporting change. Criminal justice agencies have a role to play here in holding up examples of success to demonstrate that positive change is possible, indeed common. New social media was mentioned as one potential way of sharing ‘good news’ stories from charities, organisations and services, as well as former service users themselves. Likewise, local media may be easier to work with, even providing former service users the opportunity to discuss their own experiences in a local context. Participants thought that schools could get involved in educating children and young people about desistance processes, including through the testimony of desisting individuals.

10. Finally – but perhaps foremost in the tenor of the discussions – the criminal justice system needs to become more acquainted with hope and less transfixed with risk, pessimism and failure.

People can and do change, and this matters. Hope that one’s own life can be better is an important sustaining emotion (but one which is easily damaged). Participants argued that we need to find ways of fostering hope in the future for those people who have offended in the past and may still be entrapped in a life of crime and hopelessness. A sense of self-progression; a sense of there being a future worth living for is what the criminal justice system ought to be foster in those with whom it engages. Unless and until it does that, it will frustrate the common interests of people who have offended and of their communities in supporting desistance and reintegration.

Closing Words

Although the ideas above very much cohere and complement one another (indeed, some overlap), they should not be understood as belonging to a singular vision or to one theory of desistance. DesKE was explicitly intended to harness different forms of expertise rather than privileging or prioritising one singular perspective. Clearly, those working in and living with the criminal justice system have already started to talk and think about how people build new lives. The ‘desistance genie’ is well and truly out of the bottle. While researchers have plenty more work to do developing a robust, research-based understanding of these processes and of what supports them, arguments over language, social attitudes, policy developments and practice processes cannot and should not wait for research to provide ‘answers’. Rather, all of the stakeholders with whom we have engaged – people with convictions, policy-makers, service users, families and practitioners – need to press on with the urgent basis of working out what to do with what we have discovered together.

Fergus McNeill is professor of criminology and social work at the University of Glasgow, where he works in the Scottish Centre for Crime and Justice Research and is head of sociology.

Steve Farrall is professor of criminology at the University of Sheffield where he is director of the Centre for Criminological Research.

Claire Lightowler was programme manager for evidence informed practice at IRISS (Institute for Research and Innovation in Social Services). She is now director of the Centre for Youth and Criminal Justice at the University of Strathclyde.

Shadd Maruna is professor of human development and justice studies at Queen’s University Belfast.
THE WIRRAL is one of five local delivery units (LDUs) of the Merseyside Probation Trust. It has been of some concern over the last few years that proven re-offending rates appear to be higher than the other LDUs: it has been very difficult to pinpoint exactly why that might be the case.

Rather than do nothing and blame changes on police activity, offending profiles within the geographical area and so on, Wirral LDU decided to focus attention on probation practice and so took part in the Desistance Knowledge Exchange in late 2012. Two workshops were held comprising of a mix of staff, service users and partner agency representatives. This was the first time that staff and service users had sat around a table together in a workshop to explore the journey of the service user and the helpful or unhelpful responses of the Probation Service. As the probation lead officer, it was a humbling and very exciting experience.

The film ‘The Road From Crime’, acted as a wonderful conduit to understanding and debate between service users and workers (The Road from Crime 2012). Partner agencies also contributed their observations. Whilst partners remained supportive of probation work, some comments challenged our thinking regarding service delivery particularly in relation to our use of the term ‘offender’. What came out of the workshops was a renewed commitment to work differently within desistance principles and to involve the service user more effectively in the journey Wirral LDU was about to make.

In order to ensure a sound knowledge base across the LDU, a further two desistance theory and research lectures were delivered by Rachael Steele, Senior Research and Performance Information Manager, to all staff, explaining desistance as a process and highlighting key principles which should underpin and define a different way of working with service users.

Following the workshops, a desistance planning team of Wirral staff and service users was convened. This is where the ideas and creativity were generated and the energy to progress the project was fuelled. The first step was to change our language replacing ‘offender’ with ‘service user’. This was remarkably easy and was a first sign that we could make changes to common practice and still retain our focus on rehabilitation and public protection.

An early lesson was that too much emphasis on the offending behaviour and current risk issues masked important clues to why a person does not and cannot desist. For so many years, probation staff have sat in front of their computers and have rarely ventured out of their offices. Supervision has been behind closed doors and the content of engagement has been confined to those behaviours associated with risk, rather than promoting behaviour associated with hope and change. Our mission statement “Wirral Doing Things Differently: ‘Seeing beyond the risk…’” captures the new agenda.

How can something that is all about ‘doing things differently’ feel so natural and easy?

The project will be evaluated using a variety of data collection measures. A cohort of cases has been identified comprising of four cases per offender manager. This cohort will be asked to complete a pre and post desistance questionnaire over a nine month period. In addition, data will be collected which compares levels of unacceptable absences, compliance figures, staff and service user satisfaction.

It was agreed that for the project to be successful, it had to involve everyone in Wirral Probation Centre including administrative staff. For this to be achieved, staff members have to bid for particular projects. Each project is linked to one or more desistance principles. For example, the creation of a women’s netball team can be linked to improvements in social capital, health and wellbeing; our welfare reform workshops are based in a realism that acknowledges a service user’s experience of obstacles to change; our film club hopes...
to develop moral aptitude via discussion and debate; the redesign of the reception area encourages better engagement and a more hopeful environment.

One–to—one work with service users is based on the premise that everyone should try a different approach based on desistance principles. Practice workshops aim to encourage and liberate workers from old styles of offence–focused engagement. By the end of the workshops, each participating probation worker will have formulated three actions to try with their desistance cohort and which will be different to conventional ways of working. These might include leaving the office and carrying out supervision on the move, known on the Wirral as ‘walks and talks’. It might include visiting places which are important to the service user and exploring times when they were not offending. Follow on workshops will include exploring how to demonstrate desistance principles in risk assessments and risk management. We will also be looking at induction procedures, pre–group work for accredited programmes and exit interviews.

In the face of considerable uncertainty surrounding probation’s future in England and Wales, it would be reasonable to expect workers to approach any new initiatives with a degree of cynicism as threats to their futures appear on the horizon. On the Wirral this has not been the case and workers appear invigorated and enthused by the project. I have encouraged staff and service users to write narratives about their experiences and these are beginning to trickle in. One worker decided on a sunny day to go for a walk with his service user. Interestingly, the first 10 minutes of the conversation were taken up with a bombardment of questions: ‘Where are you taking me? Are we going to the police station? Are you taking me to the court to make me pay my fine?’ The message was not lost on the probation worker and it demonstrated just how much trust we had lost in our relationships with service users by an over–emphasis on enforcement, targets and risk.

Early signs are that service users are benefiting from the change in practices, and we look forward to hearing their stories as the project develops.

Jan Tuncer comments

As one of the staff members working on the Wirral and engaged in this project, I am finding it surprisingly hard to reconcile how I feel about it. How can something that is all about ‘doing things differently’ feel so natural and easy, to the point where you start to question how something apparently so simple can make a genuine difference? And can it really be considered a ‘revolution’?

Perhaps the apparent simplicity is just that this is a framework for treating people with a humanity that comes naturally to people who’ve chosen this line of work, but who are sometimes tied up in knots by the necessity of recording, measurement and enforcement.

I first heard of desistance about three years ago now, when Fergus McNeill attended our staff conference. I felt that same conflict at the time. How is this new? Is this not what we already do? Is it The Emperor’s New Clothes? But now that we are really living desistance as an LDU, you do start to see that there are more opportunities for creativity than we realised, and often so simple to implement.

Jason Nickeas adds

A couple of months ago Joe was really struggling; feeling low and drinking excessively. Joe mentioned in supervision about the ‘Miles for Men’ event at Aintree, explaining it was a charity 5km for men’s cancer research. He said he would love to complete it, as it was a particularly personal issue for him, but did not feel physically or mentally able to. I challenged this assumption and self–doubt, asking Joe ‘why not?’ At the end of the session his attitude had changed to ‘I can do it!’ I agreed to also run the event by way of supporting him and the charity.

In September, I met an enthusiastic Joe at Aintree: he was raring to go. He disclosed as we warmed up that he hadn’t run properly for a number of years. I was amazed at his commitment to the cause and how driven he was to complete the full 5km. He completed the run in a great time, an amazing achievement considering the issues he had faced less than two months prior. He continues to play football every week and is attending the gym on a regular basis.

Joe achieved this himself: it was his own goal. All I did was challenge his ‘I can’t’ attitude with a ‘why not?’; and I think sometimes we need to just ask that simple question to encourage ownership to make a change.

Discovering Desistance web site. McNeill and Goodwin The impacts of criminological research [Posted on 4.7.13] [accessed on 18.10.13]

http://blogs.iriss.org.uk/discoveringdesistance/2013/07/04/the-impacts-of-criminological-research/

Rosie Goodwin is Assistant Chief Officer of the Merseyside Probation Trust Local Delivery Unit based in Birkenhead, the Wirral. Jan Tuncer is operational support manager and Jason Nickeas is a probation officer.
Online access to the back catalogue of 23 years of Criminal Justice Matters is available free to all Centre for Crime and Justice Studies’ members.

To find out more about membership visit our website where you can download an application form or join online: www.crimeandjustice.org.uk/membership

‘If cjm did not exist, someone would have to invent it’
Professor Tim Newburn, London School of Economics.
The extensive modernisation of the penal estate has helped to transform the living environment within prisons, with the result that it is more humane, civilised and amenable. This is of course often to the irritation and consternation of the tabloid press which equates improved living conditions in custody to ‘soft justice’. New bricks and mortar though are not the whole story; nor are they enough on their own. Keeping prisoners securely in conditions that are decent, caring for them humanely and creating a stable and orderly environment will forever remain essential, but, in our future paradigm, can no longer be considered our raison d’être.

Desistance evidence is increasingly being harnessed by the SPS as the lens through which to focus organisational and cultural change; to take a fresh view of what SPS represents and does, and to re-examine the role of custody in 21st century Scotland. Through the desistance lens we see a vision of a reinvigorated custodial service, the fundamental intention of which is to bring about reducing reoffending. We see a revised underpinning philosophy which emphasises promotion of positive, trusting and respectful relationships and places high value on pro-social behaviour modelling.

This is a philosophy firmly grounded in desistance theory, but its origins can be traced back over a longer timeframe. SPS’ “Opportunity and Responsibility” policy set the tone in 1990: “Although we intend to encourage the prisoner to see himself as responsible it is self-evident that he may require some help in establishing the proper criteria for sound decision-taking… Our staff have much to offer… We believe that their understanding and knowledge will be of considerable value in the role of facilitator to assist inmates review their situation.” (SPS 1990)
Since the introduction of accredited behavioural programmes in the mid-1990s, the SPS approach to reducing reoffending has tended to focus on the identification and management of social and psychological deficits within the prisoner population. While risks and needs-based approaches will remain necessary, they are not sufficient in themselves. The assessment of risk and need will continue to be required at key transition points, but our view is that our future approach must enable and support prisoners to change their lives through creating a personal lens of desistance which allows them to look forward as well as back: a 360° panoramic life view.

Emerging research in the fields of prisons and desistance, as well as in related disciplines such as public health, points to the importance and relevance of such a forward looking view. We know that for positive change to be generated and sustained, our vision must be one that encompasses the strengths and potential found within an individual as well as drawing on the assets found around them within families, their social networks and their communities.

With this in mind, SPS is already embarking on a number of desistance-inspired initiatives, particularly with young people. We aspire to help them to find a way to accentuate, accelerate, then sustain their individual desistance journeys.

For young people, the approach at HMYOI Polmont is undergoing a radical rethink which is generating improved and better tailored activities within a new concept of a living and learning environment which stimulates personal growth and responsibility through training, education and skills development.

And there is good reason to be cautious too.

The same desistance evidence suggests that the journey of those who have developed a persistent pattern of offending, is characterised by ambivalence and vacillation. For those with a prolific offending history, desistance is not an event, but a process; often with cycles of progress and setback. Desistance is rarely binary and requires those on that journey to stop defining himself or herself by way of their criminal behaviour. They have to find a way to shed the label of ‘criminal’ and find, adopt and maintain a positive identity based on achieving life goals through legitimate means.

Changes involving maturation and ageing, significant life events, social bonds and a reappraisal in the sense of self can promote desistance. Our response therefore must be targeted and personalised, both within prison and in the community, so that we can support the emergence of an individual’s ‘redemption script’. Only by working and relating in this way can we honour our commitment to reduce re-offending.

It is an uncomfortable truth that providing opportunities in custody to build strengths, skills and abilities will be ineffectual if not accompanied with the development of positive networks, resources and opportunities in the community. There is the need to consider the circumstances which those leaving custody encounter when designing and resourcing the ‘whole system’ response, including prioritising and sequencing case management and support. A properly structured capacity building and asset-based approach, that has effect across and throughout the desistance journey, will be best placed to put the brakes on the ‘revolving door’ of prison.

Looking again through our lens of desistance, to implement such an approach requires a reappraisal of the role of custodial staff. We know that appropriate behaviours of our front-line staff can cultivate the capacity for those in their care to feel increasingly valued and respected and to be recognised as such. And so, we must commit ourselves to create opportunities for those who have committed offences to change their lives and fulfil their potential as valued citizens, recognising that this will only be made possible if all in the SPS hold true to the belief that in such circumstances change is possible and worthwhile; have the appropriate training, skills and personal motivation; and that our body-corporate works to instil revised cultural values which promote positive staff-prisoner relationships: what Alison Liebling would refer to as sound ‘moral performance’ (Liebling 2004).

Cultural change, though, will take time. A simple edict from senior management will, on its own, not carry the day. Doubters and resisters will need to be persuaded through constant reinforcement of the efficacy of positive interaction. Managers and our officers have a unique opportunity to lead by example, motivate and constructively challenge prisoners; they are, after all, an integral part of prisoners’ daily lives. Such proximity and interaction provides countless opportunities for pro-social modelling, positive behavioural reinforcement, social skills development, restorative practices and conflict resolution.

As mentioned earlier, there is however, a risk in overstating the contribution that any prison or Prison Service can make to reducing reoffending if working in isolation. It is not realistic to expect prison custody to rectify the social, economic, educational and psychological problems that present in the prison population. Whilst my organisation can encourage and motivate those in prison to use their time to develop their skills, abilities and resilience, it is unlikely to be able to provide, in isolation, the opportunities and support necessary for them to sustain positive and crime-free lives when they return to the communities from which they were imprisoned.

And so back to the key desistance question ‘how effective is SPS in reducing re-offending?’ In this context, it appears overly-simplistic and perhaps needs to be recast.

SPS has an impressive range of professional resources, interventions and mentoring skills at its disposal; and its staff are its principal asset. Maybe the challenge, the question if you like, is better framed in terms of measuring its effectiveness in preparing those in prison for release and pro-social community reintegration which, with robust community support, will be far more likely to promote desistance from offending and the attainment of life goals through legitimate endeavour.


SPS (1990) Opportunity and Responsibility

Colin McConnell is chief executive and Jim Carnie, head of research of the Scottish Prison Service. Hazel Mehta is residential unit manager at HMYOI Polmont.
THE IMPORTANCE OF SOCIAL RELATIONS IN PERSONAL CHANGE

Beth Weaver argues that desistance is a means rather than an end.
The character of social relations

A detailed analysis of the properties and characteristics of different social relations and their contributions to processes of change is not possible here, but briefly, the impact of a social relation on individuals is not just about the interpersonal effects of one person on another as some contemporary desistance studies would suggest. Rather, participating in any social relation involves an ‘exchange of something’, a reciprocal action which generates a mutual or interdependent connection between individuals-in-relation (Donati 2011: 73).

It is the practice of reciprocity that generates and regenerates the bond between people and which sustains it. In this way, social relations can influence those participating in them. The relationship between people, their mutual orientation towards maintaining the assets that being in this relationship produces (such as loyalty, trust, care and concern) are powerful motivations for human behaviour. In order to maintain these assets, people will make changes to the way they interact with each other, to their behaviour or to their way of living, in order to maintain the relationship, because the assets that they value the most depend on the relationship surviving.

The reflexive process this entails is concerned with elaborating a new awareness of ‘we’, a new way of being in relation to one another, in such a way that it benefits each person participating in the relation. Essentially, the impact of a given social relation on behaviour is attributable to the bonds maintained between people that constitute their reciprocal orientations towards each other; the outcome of their interactive dynamics; the interaction with and influence of other social relations within which they participate; and the characteristics that a given type of social relation. For example, father to son or employer to employee relations entail impacts and outcomes for individuals (shaped by the internalized cultural, class or religious beliefs and the values they impute to it) who bring their own personal reflexivity to bear on these relations in a manner consistent with their ultimate concerns, goals or aspirations (Donati 2011).

The social relations that this study focused on were friendship groups, employment and faith communities, intimate relationships, and the ‘families of formation’ that emerge from intimate relationships we develop. What these different social relations have in common is that they all incorporate shared expectations of reciprocity which imply interdependency.

The relationship between people, their mutual orientation towards maintaining the assets that being in this relationship produces … are powerful motivations for human behaviour

Those social relations which were most causally influential in the desistance process were characterised by ways in which people related to each other which manifested as solidarity and subsidiarity, or in other words, a sense of ‘we-ness’. Put simply, subsidiarity is a way to support and help another person without making him or her passive or dependent. It allows and assists the other to do what they need to do for themselves to realise their ultimate concerns, goals or aspirations. Subsidiarity cannot work without solidarity (which means sharing a responsibility through reciprocity and which implies interdependence). These principles confer mutual responsibilities on each person for supporting change and in taking responsibility for personal change:

“Evan: For the first year … they were always with me night and day, people like Peter and Jay … they almost sort of mentored me … These guys put a lot of time into me, encouraged me and supported me until I almost could stand on my feet myself in a sense.”

While key social relations have the capacity to influence, enable or constrain processes of change, it is the meanings and significance of the social relation to the individuals involved, and the effects of their interactions with each other, that are critical to understanding their contributions to desistance. Social relations do not cause, nor are they conditional on, behavioural change. They can only exert influence where the individual is open to that influence because of their individual and relational concerns or priorities and their desire to maintain the relationship. Moreover, the extent to which the nature of, or experience of participating in, the social relation creates an environment of and resource for social recognition emerged as significant in understanding the role of social relations.

Ultimately, however, desistance emerged, in this study, not as an end in itself, as some studies tend to imply, but as a means to realising and maintaining the men’s individual and relational concerns, with which continued offending became (sometimes incrementally) incompatible. Desistance thus occurs primarily within and through social relations and the reciprocal informal exchanges that take place between family and friends and the social relations that manifest through work and (for some) faith.
Developing a sense of we-ness: implications for practice

A person who commits a crime has to be punished because he has violated not only the norms of society but ‘the common responsibility (solidarity)’ (Donati 2009: 227). If, however, punishment has a merely punitive or vengeful aim, or if it is simply incapacitative, it is likely to have the effect of fracturing relations and severing natural norms of reciprocity. It can be inferred from this that desistance can be supported through means and processes that enable the (re)connection of the individual to social networks that are restorative and allow people to fulfil their reciprocal obligations.

Recognising individuals, families and other informal networks of support as assets that mutually support each other, means creating practices premised on the principles and practices of subsidiarity and solidarity; practices that can generate, support and sustain the kinds of assets and reflexive relational networks that reside at the heart of the desistance process. Indeed, if the process of desistance, and the people who support it, extend beyond the proclivities and practice of the justice sector, this would suggest investing in or supporting peer mentoring, self-help, activism and mutual aid and recognising their role in also collaboratively co-producing desistance-promoting community justice services (see for example Weaver 2011).

Enhancing or building on existing circuits of social reciprocity between individuals, families and communities, and supporting processes of relational reflexivity also requires developing practices that will enable practitioners to connect to and constructively reinforce positive social relationships and to support and enable people to relinquish negative social relationships and access alternative ones. Examples might include offering parenting classes, relationship counselling, and, where appropriate, assistance with family reunification, mediation and rebuilding, as well as problem-solving family work or developing and facilitating mutual aid based support groups (Weaver 2013b). It is equally true, however, that many people have severed ties to family and friends in which case the development of solidarity and subsidiarity needs to find other relational contexts.

To that end, it might also be worth considering the development of larger, more formalised circuits of social reciprocity based loosely on the circles of support model, to support desistance and aid social participation. Essentially, the implication is that we should develop a sense of ‘we-ness’, both in terms of how we understand the individual in their emotionally and relationally textured world and in terms of the means and processes through which we endeavour to support individuals to realise their individual and relational concerns, goals or aspirations, and, in that, to change the direction of their lives.

---


Beth Weaver is a lecturer in criminal justice social work, School of Applied Social Science and the Centre for Law, Crime and Justice, University of Strathclyde
IT IS ALMOST 50 YEARS since Pauline Morris published her groundbreaking study of the impact of imprisonment on the families left behind (Morris 1965). After decades of neglect, families affected by imprisonment are now becoming increasingly visible to practitioners, researchers and policy makers. While the experiences and voices of prisoners’ families remain absent from much of the current literature, it is nonetheless clear that many suffer from high levels of social disadvantage, which is exacerbated by a family member being sentenced to custody. While some families may feel relief at the imprisonment of the offender, for example where they have experienced domestic abuse, or the offender is particularly chaotic or violent, others may experience considerable distress. The family may also face practical, geographical and financial barriers to maintaining relationships with the prisoner, at a time when their housing, finances and child care arrangements may also be in crisis.

Given these potential difficulties and vulnerabilities, these families should be offered support as individuals in their own right and not simply viewed as a potential resource for reducing reoffending. Nonetheless, just as imprisonment can have serious negative implications for the family, the family outside can play an important role in the resettlement of the prisoner. Indeed, research suggests that positive family support reduces the likelihood of reoffending by between two and six times (Mills and Codd 2008). The desistance literature is particularly useful in helping us to understand why this might be the case, arguing that family relationships might assist in the long and difficult process of ‘going straight’ by building stocks of social capital, helping to change how (ex) offenders see themselves, and recognising the positive contributions that they can make to their families and communities.

Puting the Pieces Together: PRISONERS, FAMILY AND DESISTANCE

Cara Jardine considers the absent voices of prisoners’ families in discussions about desistance

Understanding the Benefits of Family Relationships

Social Capital

As has often been observed, the road to desistance can be long and challenging. For some, families can serve as a source of social capital which can prove to be a valuable resource along the way; providing not only emotional support but also practical assistance, such as job opportunities, child care or housing. Possessing high levels of social capital can also reduce reoffending, as this would jeopardise these relationships and the supports that they offer. Therefore positive relationships can act as a ‘turning point’, providing the social capital, emotional bonds and informal social controls that can prevent future offending (Sampson and Laub 1993). These informal social controls will be felt most strongly by those who enjoy happy and committed relationships, as people invest more heavily in meaningful relationships. However, such reciprocal relationships also in turn create more social capital as they foster participation and inclusion in society, for example by providing employment in a family business, which will build further stocks of social capital and promote desistance (McNeill 2004).
Developing a positive self-image

Others suggest that the resources that family relationships might provide are in fact less important in terms of desistance than the opportunities they present for helping the offender to develop a new, more positive self-identity. The decision to change is key to developing this new identity, and desistance is therefore underpinned by individual choice and motivation. However, it is not achieved by the individual alone, as a person’s commitment to this new role deepens through their relationships and interactions with others (Uggen et al 2004). Given the importance of relationships in development of this new self-image, it has been suggested that those who have at least some existing pro-social relationships might find it easiest to desist; while those that have a primarily antisocial network of friends and family might benefit from ending these relationships. For this second group, any remaining positive family relationships may have a particularly important role to play, filling both their time and the emotional gap left by severing previous ties.

Recognising prisoners’ strengths

While individual motivation and the decision to ‘go straight’ is undoubtedly important, it has been argued by those advocating strengths based models of desistance that this alone is not enough, as successfully moving away from offending also requires this ‘changed self’ to be recognised by others. Strengths-based models of desistance suggest that offenders are stigmatised by the wider community, and that this stigma in turn perpetuates further offending. It then follows that prisoners should be given opportunities to make amends to their victims and contribute positively to their communities. This not only allows them to earn redemption, but also provides the opportunity for the community to recognise that individual as a productive member of society and de-label him accordingly (Maruna 2004). For many former prisoners, a relationship with someone who sees them as a good parent, partner, child or friend may be an important first step in this process.

A Family Portrait?

While the desistance literature provides a number of ways to begin to explain why family relationships might reduce reoffending, the image of the family it portrays tends to be narrow, reflecting traditional, heterosexual and middle class views of family life. The dominance of this model of the family appears to persist despite a growing body of evidence that the traditional, nuclear family is in decline. Marriage rates are falling, cohabitation is becoming increasingly common, there has been a dramatic rise in the number of children born outside marriage, and a growing number of people are choosing to live separately from their partner, or not have a partner at all.

Indeed, family relationships are becoming increasingly fluid and diverse and often now encompass same-sex partners, ex-partners (and their new partners and children) or close friends, who are seen as more significant than blood relatives and form part of chosen families. Criminologists must therefore be open to more diverse family structures if we are to identify which relationships are most meaningful, and therefore more likely to promote desistance. This is not least because prisoners are perhaps less likely than other social groups to come from a traditional nuclear family given that many prisoners have experience of parental imprisonment, family conflict and institutional care (Scottish Prison Commission 2008).

Uncritically accepting a traditional view of what it means to be a family also fails to recognise that much of the family support provided to prisoners is given by women, regardless of the gender of the offender (Mills and Codd 2008). The failure to acknowledge the gendered nature of this emotional and practical support inevitably limits our understanding of the impact that this caring burden places on female family and friends. This gender blindness also means that we know very little about the different role relationships might play in desistance for female offenders. For example, as most support is given by women, romantic relationships might be less significant for many female prisoners than they are for men. This then raises the question of whether other relationships such as parents, friends or grandparents become more significant to these women, or do they simply receive less support?

Therefore I would argue that to better understand the role that families might play in the difficult process of ‘going straight’ it is necessary to take a wider view of the family; recognising that care, commitment and love, wherever they come from, may be more important than bonds of blood or marriage. Encouragingly, the desistance literature is well placed to recognise less traditional families as it already emphasises the importance of what relationships do, offering support, encouragement and opportunities for a new start, rather than what they are (a parent, a partner or a spouse). Adopting a broader view of the family will not only potentially better reflect the experiences of many prisoners, but might also expose instances where less traditional families experience unfairness or injustice, for example being unable to access supports or services. Embracing the diversity of modern families therefore not only offers an exciting direction for future research, but also has the potential to benefit all those who are affected when a prison sentence is imposed.


Cara Jardine is a PhD student at the University of Edinburgh: C.Jardine-1@sms.ed.ac.uk
MENTORING is a widely used method of supporting people in order to assist them to achieve goals in their lives, typically at a time of transition such as leaving prison. The recently established Shine women’s mentoring project breaks new ground in that it seeks to support compliance with Community Payback Orders and remands on bail.

Mentoring in UK criminal justice was initially used in youth justice and chiefly in England and Wales (Newburn and Shiner, 2006). Since then, criminal justice mentoring services have been used predominantly to facilitate the transition of offenders from prison to the community. By developing a supportive relationship between mentor and participant, mentoring contributes to an overall reduction in offending by increasing self confidence, self esteem and enhanced engagement with those agencies that can assist with resettlement.

An evaluation of seven voluntary resettlement Pathfinders projects in England and Wales (Lewis et al. 2007) suggests that the value of a mentor for offenders may be having someone to talk to and confide in, not just practical support. It also found that offenders who had contact with mentors had better reconviction outcomes and were more likely to remain in contact post release. This is in line with research that found that quality relationships are related to desistance. As a mentor spends more time with the service user and is viewed as someone outside the system, the relationship is regarded as more trusting and mutually respectful.

MENTORING OF WOMEN OFFENDERS

Two Australian research projects shed light on women offenders specifically. Trotter (2011) explored the views of male and female ex-offenders in the community who had taken part in mentoring programmes in Victoria, finding that women focused more on family issues and support needs, with men more concerned with financial needs. Women also reported a higher number of needs being addressed and longer mentoring relationships. Reoffending appears to have been reduced amongst participants.

In their qualitative study of women leaving prison and their mentors, Brown and Ross (2010) found that the women who coped well after prison had the support of friends, family and agencies and valued these highly. The study also highlighted the multiple difficulties faced in the absence of such support on liberation, raising the question of the suitability of prison for women in the first place.

A RAY OF LIGHT?

WOMEN OFFENDERS, MENTORING AND DESISTANCE

Alan Mairs and Heather Tolland on why mentoring seems of particular benefit to women offenders and how it’s being approached and developed within Scotland

The Scottish approach

Voluntary organisations across Scotland have been delivering mentoring services for offenders for some years now; working mostly with women and sometimes within closely defined groups such as sex workers, women and children escaping domestic violence and those with substance misuse or mental health issues.

These services are broadly similar in their approach. For example, Sacro’s service in Lanarkshire meets women in prison prior to release. An initial assessment of needs takes place after which, a suitable mentor is identified. The mentor then meets the woman in prison to develop an action plan and discuss the support required. This one-to-one approach continues into the community where the mentor takes more of a lead from the woman herself. Support is wide ranging and needs-based but, typically, involves arranging and accompanying women to appointments, providing an advocacy role, signposting to other services and providing emotional support.

“Any appointments, one-to-one, she’s always there. My young son has a (medical) condition. She got me all the information and she comes with me to all the appointments for that. She’s a really good support for me. It’s worked for me.”

Sarah, Circle Scotland Mentoring Service

Scottish Justice Matters : December 2013
Group work sessions are also offered. These sessions may feature guest speakers and focus on areas such as harm reduction, personal safety, debt management, employment and health and well-being. Community-based activities are arranged too. These can be social or involve work. For example, participants recently arranged and completed a garden tidy-up for a local sheltered housing unit. The groups are supportive and on self-esteem and confidence building; with the women being encouraged to support each other. In the Lanarkshire service, this group support has extended to using Facebook as a way of keeping the women engaged and supported. This “virtual group” is only accessible to the women and their mentors and is closely monitored and administered by the service team leader. It has proved very successful and is currently being rolled out to other mentoring services.

Sacro has recently measured outcomes from its four mentoring projects to identify the needs of individual women, track progress and allow information to be pooled at a group level to evaluate the overall impact of the service. For all women who completed an initial and exit self-assessment, there was an evidenced improvement of approximately 10% with regard to shelter, food/clothing and possessions, alcohol misuse, finances and social relationships; a 14% improvement in physical health, drug use, personal safety, and offending; and a 33% improvement in emotional health. Users also reported that they felt they were less likely to offend, felt safer and were in better mental and physical health than before (Sacro, 2013).

“Prior to referral I was having some issues in terms of engagement and compliance with an order, but this woman’s involvement with mentoring services really helped to turn things around and helped me build up a better working relationship with the service user.”

Referrer to Sacro Lanarkshire Women’s Mentoring Service.

In the context of a doubling of the female prison population in Scotland in the decade to 2011, the Commission on Women Offenders recommended that “mentoring should be available to women offenders at risk of reoffending or custody to support compliance with court orders” and defined mentoring as “a trusted one-to-one relationship where practical and emotional support is provided by the mentor on a wide range of issues relating to offending behaviour.” The Commission found that although men and women both breach at a similar rate, the reasons for breaching are different with women more likely to breach due to missing appointments and men by reoffending (Angiolini Commission 2012).

Following the Commission’s recommendations, the Scottish Government made funding available for evidence-based mentoring services for women offenders over 18 (and young males) as part of its Reducing Reoffending Change Fund. An important requirement of the funding involves “effective partnership working between organisations”. To this end, the mentoring services will be delivered nationally as part of a Public Social Partnership (PSP). This model involves public and third sector bodies co-designing services or interventions to deliver agreed social outcomes. This approach encourages effective partnership working across sectors, places the third sector at the heart of service design and delivery and explicitly emphasises outcomes rather than activity. The key components of an effective Public Social Partnership model are argued to be partnership working, service user involvement, co-production and sustainability (Clark, Simpson and Shipway, 2013).

The “Shine” women’s mentoring service was launched in April 2013 and is now available nationally. Eight voluntary sector providers are involved in its delivery: the Wise Group, Barnardo’s Scotland, Turning Point Scotland, Apex Scotland, Circle Scotland, Access to Industry, Venture Trust with Sacro as the lead organisation. The PSP is supported by the Scottish Prison Service, the Association of Directors of Social Work and the eight Community Justice Authorities with additional funding provided by the Robertson Trust and the Scottish Prison Service. The Shine programme aims to support compliance with Community Payback Orders where there is a high risk of custody. It is also available to support bail orders and following short prison sentences which do not attract statutory post-release supervision.

It is too soon to report systematically on the impact of the services but the anecdotal feedback is positive (see insets).

Overall, the limited research on mentoring to date, suggests that it is valuable as a means of both practical and emotional support. Studies have shown the promise of mentoring but long-term research, with consistent evaluation tools are required. If mentoring does provide positive outcomes, then these must be shown to be long-term changes and this evidence should detail the essential characteristics of any mentoring programme for offenders and how it facilitates desistance.


Sacro (2013) “Outcomes for women who are supported in Sacro’s mentoring services: Glasgow, Fife, Edinburgh and Lanarkshire” http://www.sacro.org.uk/


**Alan Mairs** is communications officer at Sacro and **Heather Tolland** is a PhD student at the University of Stirling
What does it take to resume or, as is the case for many, achieve for the first time, the role of the contributing citizen, but one with a conviction or convictions? Let’s consider some human basics: a safe place to stay, the means to finance this and sufficient food and refreshment to maintain personal health and wellbeing would be a good start. Maybe then add in normal access to medical services, some form of income generating employment and a loving relationship?

This personal view by ex-prisoner 128045 considers desistance from a very practical perspective.

**MY FIRST EXPERIENCE** of the word ‘desistance’, less than 13 months ago, was within the confines of HMP Low Moss where I was serving an eight month sentence. As part of our ‘education’ session, we were shown the video “The Road from Crime”…. In it Alan Weaver outlined the case for desistance using his own experiences of the criminal justice system as a basis for his views, as well as the work he does as a social worker. Our class was asked for feedback for some researcher at Glasgow University who was interested in what we had to say about it.

The best remark went to the prisoner who commented on the scene when Mr Weaver is walking down a street in East Baltimore USA, that houses 12 correctional institutions and described it as being the “strangest and frankly saddest places” that he had ever seen. This comment was met with derision from the class comic: “How can anyone from Saltcoats describe somewhere else as being strange and sad and keep a straight face?”

Others, including a sceptical me, were not really convinced with the terminology. It was new to us. It was as if an alien had landed and was fluently conversing in a new version of bullshit bingo. For a lot of my fellow inmates the notion of desistance was a non-starter. This was due to the absence of the main desistance factors in their current incarceration as well as a distinct lack of these factors when they are eventually released. For many, they knew that any job search would now be infinitely harder, barriers would be there where none had existed previously and that society would be treating you worse than when you went in. I should perhaps point out that this class was made up of first time inmates serving short term sentences although the majority had already had previous run ins with the criminal justice system before their current term.

**Society puts a big stigma on those who offend but sometimes it’s the family who serves the real sentence**

Desistance takes a novel approach to answering the question about recidivism. Instead of analysing why people commit offences, desistance instead tries to look at the reason behind why people who have been in trouble decide to not commit further crime. Curiously, with around 35 men on the wing at any one time, it seemed to be very easy to pick out those who would be entering the prison revolving door and those who would not. My advantage was that I had the chance...
to talk to most people on the wing in a setting that neither inhibited responses nor provoked responses that they thought the hearer wanted to hear. There was an honesty of exchange that sometimes can be missed in other research projects. I do acknowledge that my system lacks a structure and could not be relied upon to be replicated by others but since desistance is an individual response I stand by the following comments.

Firstly, those individuals who had something to go back out to seemed to be the most obvious of those not returning. Family and a job being kept open for them were the two main reasons that people expressed a desire not to return to jail. Society puts a big stigma on those who offend but sometimes it’s the family who serves the real sentence. Separation from their loved one as well as any attendant bad publicity can put enormous strains on relations. Trying to maintain contact can also be hard if there are financial pressures involved as well. The Scottish Prison Service recognises this as a key area and have Family Contact Officers available for dealing with any problems in this area. A good FCO, who has both the resources and empathy, can make all of the difference sometimes.

moving on with life after being convicted is a process based on hope and it requires some positive engagement from others to make it possible

In terms of employment, I was surprised at the numbers who indicated that they would be returning to their jobs they had before they were sentenced. This was based upon very close relationships with their employers. The majority of these were small businesses with the individual concerned having a friendship with the proprietor rather than just an employee relationship. There was one instance of a larger employer vowing to keep open the job of someone sentenced for assault as they were a valuable and highly regarded employee. However, this offer was later rescinded due to adverse publicity for the individual concerned, and this in turn resulted in the prisoner displaying a more aggressive attitude than previously had been the case, becoming more unsettled and more despairing.

There were also a number who clearly regretted their whole experience within the criminal justice system and vowed never to engage with it again. They had a clear pathway in their mind for how and what they were going to do upon release. For some this seemed to be nothing more than a recognition that what put them there in the first place was a bad decision, made in a split second, that came to dictate their path. A recognition that sometimes they need to think about things is a movement forward for many of them. Whether or not they stick to their commitment remains to be seen but the recidivism figures do not give me much cause for optimism.

Crucially the main problem with short term prisoners is the lack of support when you cross the gate threshold. Anyone sentenced to less than four years can be shown the door with only their liberation grant of £70 in their hand. Previous to release you are meant to be given help and support in accessing benefits, help with housing and advice on where to go for help and support. In my case, the benefit advisor told me to visit my local job centre such was the complicated nature of my claim; the link centre staff would not let me meet with my local authority homeless officer the day before I was being released due to it being dinner time and everyone had to be moved back to the halls; and the advice given consisted of a small booklet where the officer advised not to ask him any questions regarding the contents since they had recently changed and he had not yet read the new version.

My own road to desistance is slightly atypical in the sense that I am not a persistent offender. However, even with a short sentence you still face the barriers that other prisoners face upon release. Disclosure requirements have prevented me from getting gainful employment, and will potentially continue to do so for the next 10 years.

What has helped is my involvement with ‘Positive Prisons? Positive Futures’, a small Scottish charity. This is a community of people who have direct experience within the criminal justice system and who have decided to use their experience for the benefit of others. Since release in December and my conscious decision to re-engage with society in January, PP?PF has opened a number of avenues to fill my time and set in motion a process that makes me feel valued, makes me feel like I am contributing to society, increases my feeling of self worth and provides invaluable experience that can be utilised when searching for jobs. Perhaps there’s a lesson for all in their approach…

As is clear from this account, moving on with life after being convicted is a process based on hope and it requires some positive engagement from others to make it possible. Whether or not the conviction has involved imprisonment, the fact that one has a criminal record has to be acknowledged and managed with care. In addition, the extent of joined up thinking and working in the delivery of services is dismally limited in reality. Seeing ‘service users’ as individuals whose lives could be positively transformed with the sharing of a few moments thought or a well-targeted referral would be a good starting place. The time has come to start seeing each person as an individual who could and should have every opportunity to find their place as a citizen.

Peter White was 92328 for a while but is now working towards confirmation of his restored citizenship as co-founder and coordinator of Positive Prison? Positive Futures

128045: I have chosen to remain anonymous and have utilised my Scottish Prison Identification Number instead. This is more than appropriate since it still feels like I am serving a sentence although technically I have “done” my time

www.positiveprison.org.uk
DESISTANCE LITERATURE AND RESEARCH has established key messages about what can help people to move away from offending, and has acted as a welcome bulwark against the ‘risk’ and ‘what works’ agenda, which, although useful and important, are on their own, incapable of being holistic. ‘Desistance’ reaffirms that those who come to the criminal justice system are whole beings with strengths as well as needs. Moreover, and most importantly for services, it offers reassurance to those working on the ground that the relationship between the worker and service user is vital to effective practice (McNeill et al. 2005).

How did it ever come to the point that we needed to be reminded of this, particularly considering Scotland’s distinctive welfare approach in the area of youth justice? The landmark Kilbrandon Report (1964) led to the establishment of the Children’s Hearings system. This sets out that all children, no matter what the reasons for referral, require care and protection above all else. Over the past thirteen years Includem has worked intensively with over 3,500 of the most vulnerable children and families in Scotland, many of whom have been referred because of offending. They are helped to deal with multiple complex issues, and even though they are young...
many have truly heartbreaking case histories, with homelessness, broken relationships, bereavement, neglect, violence, drug and alcohol abuse not uncommon.

Desistance literature and research has helped to inform Includem’s practice, however, ultimately the main limitation of this approach is that its starting point for intervention begins when the person has been labelled an ‘offender’. Equally, by focusing on the individual the questions that should be asked of society can remain unanswered. Most crime is committed by those who live in poverty. This therefore is a social justice issue, and rescuing people at the point of crisis fails to address the bigger picture. It is time we recognised that as a society we are failing many of our children, and therefore although desistance literature and research can be useful, we should not be complacent in accepting that just helping young people to stop offending is good enough.

Although desistance literature and research can be useful, we should not be complacent in accepting that just helping young people to stop offending is good enough.

It is estimated that early identification and support saves local authorities at least £3 million a year (Includem, 2012). The impact on both the individual and society is arguably immeasurable. However, Includem has found that many young people are weary of professionals and therefore reaching out and being persistent is important. For example, support is primarily delivered through home visits, often in the evenings and at weekend, and some of which are unplanned if previous contact was missed or refused. This extra effort is appreciated and through this a truer picture of the child’s life may be pieced together. The young people report valuing their worker’s reliability and feeling listened to and understood (Includem, 2012b).

In 2012, the service developed the role of Practice Champion to ensure that delivery is informed by the young person’s perspective. Workers are passionate about the need to never lose sight of the fact that these are children, and having fun and raising their levels of self-esteem by, for example, taking them out for an activity is crucial; an aspect of both the risk and ‘what works agenda’ which is totally overlooked. Includem may carry out offending focused work to try to understand the underlying reasons for poor behaviour; however, this is one aspect of the bigger picture, and one aspect of the person. Essentially, workers see these young people as young people first and foremost, and the focus is about looking and planning towards a better future. Supporting desistance may be a part of this but it is not the main driver of practice.

The desistance paradigm usefully reflects the importance of working with the individual within their social context: that is, both in terms of their community and the individuals around them, and to identify the opportunities which may be accessed. Although a young person has access to support round the clock, whenever they need it most, Includem also wants the young person to develop their own networks, both in their local community and to strengthen family support. One of our main aims is to help prevent family breakdown and the unnecessary use of residential care. Therefore, as well as working with the young person, parents are assisted to address their issues too, for example, by connecting them to drug or alcohol agencies.

Desistance research has established that labeling someone as an ‘offender’ or troublemaker is destructive, and the difficulty that it creates in moving away from this harmful and potentially disabling identity. Helping young people view themselves in a positive light by recognising early changes may enhance the desistance process (King, 2013), and workers can play a positive role in reinforcing this (Whyte and McNeill, 2007). From the very beginning of engagement, Includem makes the young person aware that they want to get to know the ‘real’ them and erase the negative label. Workers understand that opportunities, that others may take for granted may feel out of reach, and often they have to help the individual build confidence and hope. By looking to the future, young people are supported to put in place steps which make a different
road navigable, for example, by helping them to identify courses at college, and realise that they are capable of and have access to a better life.

Desistance research suggests that moving away from offending is often about supporting people to find something meaningful in their lives. Workers anecdotaly report that helping young people find ‘that spark’, that ‘something that makes them tick’ can mean that everything else then falls into place because they then have the drive and motivation to know where they want to go and who they want to be. Conversely, many young people report feeling that in the past they have often had little access to opportunities, and there is a need to question the realities of where these young people grow up and the great divide now within our society between the ‘have’s’ and the ‘have nots.’

The main limitation of the desistance approach is that intervention is activated as a result of the label of someone being an offender, and although Includem’s activity is mainly in this area, the service is moving to more preventative work. For example, in partnership with local schools, Includem is helping children improve their attendance, prevent exclusion and deal with behavioural issues.

To conclude, desistance theory and research offers guidance and development of effective practice, namely because it offers reassurance that establishing relationships is central to intervention, the importance of being truly holistic, and that this work is unpredictable but worth doing. However, a desistance approach is not good enough in the sense that it should not be the case that a child has to be labeled a troublemaker or an offender, before we as a society care. Desistance as a driver of policy arguably lends itself too readily to practice becoming merely crises management, and at worst complacency. Ideally, a preventative or early intervention rather than reactive approach needs to be promoted and become the main driver of policy and practice in working with young people. When it comes to supporting Scotland’s future adults we need to demand more. This means reconfiguring the problem of crime as being a social justice issue which requires seriously tackling the inequalities faced within today’s society.


**Case Study**

John was referred to Includem at aged 13 for committing violent offences with the local gang. At the time he felt that everyone viewed him as a ‘bad person’.

Includem saw John almost every day for a few months and he was supported to get into a construction course at college and to get a gym pass. He became interested in boxing which he describes as a ‘turning point.’ At the local boxing club he met new friends and was busy training and preparing for fights. He has just had his seventh successful boxing fight, and was both shocked and proud when he recently visited his granny and saw a framed picture on her wall of him winning his last fight.

John feels that four years on he sees himself differently, not as a ‘wee boy jumping about the streets’ but as a young man with a future ahead of him. He is grateful to Includem for the support offered and looking forward to the next chapter of his life.

**Briega Nugent** is a PhD student at the University of Edinburgh and **Pamela Barnes** is the head of research and communications at Includem.
WHAT’S the criminal justice system for?
The answer can depend on your perspective, and governments tend to try and strike a balance between the various priorities. Efforts to rehabilitate offenders have been given attention in recent years, however the system is still fundamentally based around the concept of punishment. All too often political debate about crime and sentencing is characterised by a desire for retribution as an end in itself. Certain media outlets devote substantial efforts to maintaining this approach.

A visitor from another world could be forgiven for thinking that the criminal justice system is designed to keep things just as they are; not to make society as safe and crime-free as possible but rather to supply a steady stream of offenders to keep the courts busy and to let the red-tops fill their pages with outraged copy.

Any government which wanted to change the current dynamic would be taking on a tough job. What’s needed is a cultural change, not just within the justice system but in wider society. If we wanted a system which makes rehabilitation and crime prevention the top priorities, we’d have to accept that sometimes this will conflict with the instinctive desire for punishment. We’d have to accept that the court’s job, once an offender’s actions are proved beyond reasonable doubt, is to understand the root causes of the offending behaviour and to find disposals which are directly relevant. Sometimes we’d have to let evidence of effectiveness supercede our feelings about justice and fairness.

More fundamentally we’d have to recognise the economic and cultural context in which offences take place. The breathtaking material and health inequalities in our society are not moral excuses for offending, but they can be drivers of that behaviour. Tough on the causes of crime? Anyone remember that line?

FOR THE majority of low-level offenders, prison is not the answer to stopping them re-offending. What does work are robust community sentences like Community Payback Orders (CPOs), which make sure offenders give something back, but can still access the support they need to go straight. We are seeing the benefits of our approach to community sentencing in reduced rates of reoffending, but we are not complacent and will continue to ensure CPOs provide the maximum benefit for both offender and community.

The period just after leaving prison is when offenders need the most support. That’s why we are supporting national mentoring services for women and prolific male offenders that will provide practical help, support and encouragement to promote reintegration back into everyday life. We are also working with the Scottish Prison Service and local authorities to make sure that rehabilitation, better health and new attitudes started in prison don’t fall away on release. This is not singling out offenders for extra help. It’s about making sure public services are there to support those trying to change for the better, to everyone’s benefit.

We know one of the greatest barriers to offenders moving on is gaining employment. Consequently, we are looking again at the Rehabilitation of Offenders Act and building in provisions to make it easier for those who have served their time to secure a job.

For those involved in serious crime, prison is the right place. In recognition of this we are proposing additional safeguards through our Criminal Justice Bill to ensure such offenders serve their entire sentence. We also know that reoffending rates decrease if prisoners spend their sentence learning new skills or carrying out work for the community. The Scottish Prison Service is currently reviewing such “purposeful activity” so that time behind bars is meaningfully spent.
likely to offend on release if they have a positive reason to join up and effective approach. One key challenge is to implement a holistic, reoffending record. Meanwhile reoffending costs around £3 billion annually. Clearly more not only could but must be done to tackle this dismal reality.

Turning to those who are imprisoned, often the most disadvantaged and marginalised people in our society, the government must ask more, both of them and of our prison service. Prisons should become intensive care units for rehabilitation and learning, challenging and supporting offenders to take steps in a new direction through personal development. When offenders develop skills, confidence and self-esteem they are more capable and resilient on release, and better able to integrate positively into their community.

Each offender should have an individual development and learning plan, to tackle the factors that have contributed to their offending behaviour. Interventions such as tackling literacy and numeracy problems in an imaginative and relevant way, providing anger management strategies, and developing communications skills are all worthwhile investments. For young offenders and women in particular, the problems that lead to reoffending respond well to support and treatment in the community. We know that short term prisoners are most at risk of reoffending, yet now, too often, we leave them at the prison gate with nowhere to go and no support. There is no statutory requirement to provide support: local authorities only have a responsibility to provide throughcare for long term prisoners. The government must now extend statutory care to provide all offenders with seamless end-to-end support in areas such as education and training, health, substance misuse, families, money management, accommodation and support.

offenders at an early stage thereby preventing new victims. Crucially all prisoners (including those serving short term sentences) must have access to rehabilitation programmes which identify literacy and numeracy, mental health and other underlying problems and help the prisoner with these issues. It is vitally important that this work started in prison continues seamlessly on release.

Thereafter employment provides the best chance for offenders to turn their lives around. For those with a multitude of complex problems simply learning life skills to cope with everyday living is an important first step to stability, remaining crime free and hopefully gaining employment later.

Community sentences need better enforcement and offenders on CSOs require meaningful work experience which is relevant to that offender. This in turn helps foster a work ethic gained from a sense of achievement.

RECONVICTiON rates in Scotland have barely changed in a decade. We are overdue an early intervention revolution in the criminal justice system.

Too many people are sent to prison, particularly on short sentences. Alternatives such as community-based justice programmes and diversion-from-prosecution projects are often more successful in reducing reoffending, especially among young people. However, to be truly effective, community based reparations must be properly resourced and rigorously assessed.

Government must act to deal with the on-going challenge of innumeracy and illiteracy affecting many of those who end up in our prisons. Anyone unable to fill in forms and respond to requests for information is unlikely to achieve anything other than infrequent employment. In that light there is little surprise in the fact that stubbornly high levels of disability in this context continue amongst our prisoners.

For young offenders and women in particular, the problems that lead to reoffending respond well to support and treatment in the community. We know that short term prisoners are most at risk of reoffending, yet now, too often, we leave them at the prison gate with nowhere to go and no support. There is no statutory requirement to provide support: local authorities only have a responsibility to provide throughcare for long term prisoners. The government must now extend statutory care to provide all offenders with seamless end-to-end support in areas such as education and training, health, substance misuse, families, money management, accommodation and support.

Alison McInnes, Liberal Democrats

REDUCTIONS in offending and reoffending rates are difficult to achieve. Government must act to deal with the on-going challenge of innumeracy and illiteracy affecting many of those who end up in our prisons. Anyone unable to fill in forms and respond to requests for information is unlikely to achieve anything other than infrequent employment. In that light there is little surprise in the fact that stubbornly high levels of disability in this context continue amongst our prisoners.

Second, Government must encourage enterprise and meaningful employment as part of community development in those areas devastated in recent years by the economic realities of deindustrialisation. Apprenticeships and practical skill development offers those less academically inclined the opportunity to succeed in their terms.

Third the underlying impact of poverty on many families must be addressed to ensure that hunger and need play no part in pushing people into a criminal lifestyle.

Justice agencies continue to operate barriers between them. This must be challenged. Successive ‘reforms’ have changed language and structure across the public sector but have seldom amended internal cultures and protectionism. The ability of public services to coordinate information, intelligence and thereby an effective response, is often hampered by organisational and departmental interests. Government must reward those services that are successful in dealing with offending and offenders. Statistical analysis identifying what works in real terms must be rigorously applied. At the same time national drugs and alcohol policy and alongside that prisons policies, should direct efforts to not merely managing problems but importantly challenging errant behaviour, in the interests of the offender, the community, but as importantly in the interests of targeting public funds. In addition our system of community protection has to be honed in its ability to identify dangerous offenders at an early stage thereby preventing new victims.

Scottish Justice Matters : December 2013
Victims’ rights:

The new 2012 EU Directive and its impact on victims in Scotland

Frida Wheldon

Victims’ Rights in Europe have never been stronger, in part because of the leadership of the Vice-President of the EU Commission, Viviane Reding. This article looks at the advancement of European victims’ rights and what the new standards, which must be implemented by November 2015, will mean for victims of crime in Scotland.

Background

Despite a number of EU-wide frameworks from 2001 onwards, the role of victims in criminal proceedings and the support offered to them in the aftermath of crime continues to differ considerably between Member States. The EU Commission identified that although all Member States have some level of protection and support to victims of crime, they are not sufficient, don’t fulfil legislative standards and vary greatly.

The EU Directive establishing minimum standards on the rights, support and protection of victims of crime (2012/29/EU) was adopted to harmonise rights across the EU by establishing minimum standards on the range of rights and services victims can access in the aftermath of crime, irrespective of where the victim lives or where the crime took place. It covers all victims of crime, yet the right to individual assessments ensures that victims are seen as individuals and their individual needs recognised and met on a case by case basis. Compared to previous legislation, the 2012 Directive improves clarity regarding what is expected from each Member State. In addition, it provides enforcement possibilities for individual victims as well as formal infringement proceedings, led by the Commission.

Victims and Witnesses (Scotland) Bill

By November 2015 all EU Member States must transpose the rights contained in the Directive into national legislation. This is essential to the success of the Directive and its ability to deliver stronger rights for victims in practice.

In Scotland, the Scottish Government has introduced the Victims and Witnesses (Scotland) Bill as one of the main tools to implement the rights of the Directive. It is a major step forward. For the first time, generic rights for victims of crime are given statutory status: surcharges provide a new way for offenders to contribute to the cost of supporting victims; there are wider opportunities to submit a victim impact statement to court and the categories of victims who will have automatic access to special measures while giving evidence in court are extended. These are positive steps.

There are however some areas of the Bill that could be strengthened to ensure they provide further assistance to victims and witnesses of crime. Below are a few examples where the Victim and Witnesses (Scotland) Bill differs (at the time of writing) from the standards set out in the 2012 Directive:

❖ Definition There is no definition of who should be seen as a ‘victims’ or ‘family member’.

❖ Right to understand The Bill should incorporate the right of victims to be understood and that information should be delivered in a manner that the victim can understand.

❖ Review of decision not to prosecute The Bill does not currently fulfil the Directive’s minimum requirement to provide victims with the right to review decision not to prosecute.

❖ Information The Bill should require agencies to proactively inform victims of the information available and give victims the ability to choose what information they wish to receive.

❖ Protection The Bill provides limited rights in relation to protection of safety and should be expanded to take account of the wide range of protection rights included in the Directive, such as protection from intimidation, retaliation, secondary victimisation, risk of emotional or psychological harm and protection of privacy and dignity.

❖ Special measures On the one hand, the Bill extends the categories of victims who should be seen as vulnerable and given automatic access to special measures while giving evidence. On the other, it introduces a right to object to the use of special measures. This possibility will have extremely negative consequences for witnesses by increasing anxieties around attending court and giving evidence. Of all the provisions in the Bill, the introduction of a right to object to special measures is of the greatest concern and should be removed.

❖ Cross-border crime The Bill does not include specific provisions for victims in cross-border cases and should be expanded to include particular rights relating to cross-border cooperation and protection.
Next steps - looking to the future

The Victims and Witnesses (Scotland) Bill is clearly a step in the right direction. It aims to fulfil European standards and although as we have seen it is questionable whether it meets all requirements, it will initiate debate regarding the treatment and rights of victims. So what’s next for victims’ rights and services in Scotland?

Holistic approach

It is important to acknowledge that crime and victimisation does not just impact on one, isolated area of a victim’s life. Crime can impact on many different areas, such as health (emotional and physical), employment, education, housing and social activities. Given this multi-faceted impact of crime, it is important that any response to crime also provides a holistic approach and considers the full impact.

This requires action beyond the adoption of legislation; it encompasses the behaviours and attitudes of professionals working with victims. As such, training and awareness raising are vital parts of the future work with people affected by crime. Although fundamental rights have traditionally primarily been used to protect the rights of the accused, they also expand to include victims of crime. As such, any response to victimisation should respect the full impact and needs of victims of crime and not merely focus on individual, legislative rights.

Individual standing for victims

The Justice Secretary, Kenny MacAskill, has on several occasions highlighted the aim of placing victims at the heart of justice in Scotland. What does this mean in practice?

To ensure full involvement and participation, victims should be seen as a vital part of the criminal justice process. Close cooperation, including the court, defence and prosecution, is required to provide this right in practice but is that sufficient to truly place the victim at the heart of justice? Current discussions regarding European fundamental rights strengthen victims’ procedural rights and ability to participate in the criminal justice proceedings. It may be questioned whether providing a role of a witness is sufficient to fulfil the growing case law in relation to European fundamental rights and victims’ right to participate. A debate should be held regarding against whom a crime is actually committed; is it against the State or the individual victim? The answer will help shape a suitable criminal justice process, whereby the criminal behaviour is punished, the trauma of victimisation addressed and the concept of justice fulfilled for all parties involved.

Effective referral arrangements

For people affected by crime, early intervention and support can have a substantial impact on their recovery. The 2012 EU Directive gives every victim of crime, and their family members, right to access victim support services in the aftermath of crime. Insufficient referrals, or complete lack thereof, is the biggest barrier to victims’ ability to access support.

Victim Support Europe supports a requirement on the Police to, in agreement with accredited victim support services, refer the victim to access such services. The obligation in the Directive to refer victims to support services does not apply only to the Police but also to ‘other relevant agencies’. To ensure equal access to support in the aftermath of crime, automatic referral arrangements should be set up to ensure all professionals in contact with victims refer them to access support to limit the impact of crime.

Meeting the new standard

The 2012 EU Directive provides increased requirements on EU Member States to support the establishment of victim support services and the ability for victims to access such services. This also brings increased expectations on victim support services to fulfil a new, wider remit of delivering quality services to all victims of crime. With improved access to support and increasing number of referrals, victim support services must be ready to evidence their value. Victims must be informed about the standards they should expect and procedures for making a complaint.

Summary

A year after the adoption of the 2012 Directive, many EU Member States have already started drafting new legislation to transpose its rights into their national law. In Scotland, the Victims and Witnesses (Scotland) Bill marks a new era, whereby rights for victims of crime are given statutory status. Although there are still areas where the Bill fails to live up to the standards set out in the Directive, it provides a significant step forward in clarifying the services and rights offered to people affected by crime in Scotland. It provides a vital stepping stone we can continue to build on for years to come.

(2012/29/EU) EU Directive establishing minimum standards on the rights, support and protection of victims of crime

Victim Support Europe http://victimsupporteurope.eu/

Frida Wheldon is the Head of Policy for Victim Support Europe and the Senior Research and Policy Officer for Victim Support Scotland.
SCOTLAND is justifiably proud of the Children’s Hearings System: our unique system of care and justice for children and young people over the last forty years.

Hearings are not courts and their purpose is not to determine guilt or innocence, as Maggie Mellon wrote in her article in the previous edition of this journal (Mellon 2013). The underlying principle of the System is that any child or young person who comes before the Children’s Panel, for whatever reason, be it offending behaviour or that they are in need of care and protection, is deemed to be a child “in need”.

In 2011/2012, 31,593 children were referred to the Children’s Reporter (SCRA), which represents 3.5% of all children in Scotland aged between 8 and 16 years. 28,017 (3.1%) were referred on non-offence (care and protection) grounds and 5,604 (1.3%) were referred on offence grounds. It should be noted that this latter figure also includes 2,028 children who were referred on both types of grounds (care and protection and offence).

Despite its welfare ethos, there is a view amongst children and young people that hearings are “intimidating, stressful and stuffy”, that there are often too many people in the hearing room and in short, that hearings need to be “more child-friendly”.

The changes to the Children’s Panel were designed to ensure that each child is at the centre of their hearing, that their voice is heard, and at the same time, that the rights of others are respected and each hearing complies with human rights law.

So what do children and young people think about the hearings system and does it deliver good outcomes for them?

Despite its welfare ethos, there is a view amongst children and young people that hearings are “intimidating, stressful and stuffy”, that there are often too many people in the hearing room and in short, that hearings need to be “more child-friendly”.

These were amongst the findings of the recent inquiry by the Scottish Parliament’s Education and Culture Committee on decision making on taking children into care (Education and Culture Committee 2013).

The remit of the inquiry was to understand:
❖ The decision making processes involved in determining whether a child should be removed from the family home and taken into care;
❖ Whether these decision making processes are delivering the best outcomes for children and their families.
A strong theme throughout the report is the importance of placing the child at the centre of decision making. In particular, the Committee heard of concerns about the balancing of children’s rights and parent’s rights, with some respondents stating that the balance was often struck in favour of the rights of parents. There was a lack of awareness that a child could speak to the panel members on their own as well as a lack of awareness of the existence of advocacy services.

Various elements of the way in which panel member training is designed and delivered were also raised, including the importance of taking into account the views of children, young people and families.

In the words of Frederick Douglass, an American, born into slavery, who became an adviser to Presidents, “it is easier to build strong children than to repair broken men”.

Recent research published by the SCRA does highlight that most young people felt their lives had got better since being involved in the hearings system (SCRA 2012). Overall, however, they said that it was their own commitment to change that had improved their lives.

We know that the educational attainment of children in care (‘looked after children’) is, on average, significantly lower than that of other children.

In addition, 38% of young offenders who took part in the 2011 Prisoner Survey by the Scottish Prison Service, reported being in care as a child and one quarter (26%) were in care at the age of 16 (SPS 2012). More prisoners who had been in care indicated that they had problems with writing, numbers and reading, compared with other prisoners who had not been in care.

The policy focus by Scottish Government on prevention and early intervention, paying attention to evidence that highlights the impact of early experiences in determining future life chances, is to be welcomed. So too is the development of the Whole System Approach to young people who offend which prioritises diversion from statutory measures, prosecution and custody and encourages cases to be dealt with through hearings rather than courts where appropriate.

So how will Children’s Hearings Scotland address the themes raised in the Education Committee report?

First, by embedding lessons learned from research into our work: for example, a national survey of children, young people, parents and carers was carried out by the SCRA and Children’s Hearings Scotland in June 2013, to get feedback on their experiences (SCRA, CHS 2013). A total of 158 young people and 131 children took part. Overall 71% of young people felt they were the most important person at their last hearing.

Second, in the training of panel members: The statutory duty on the national convener to involve children and young people in the design and delivery of training was welcomed by the Committee. A new national Children’s Hearings Scotland Training Unit has been established at West Lothian College and a national training programme, accredited by the Scottish Qualifications Authority for the first time, has been developed.

Children and young people with care experience are also represented on a new Training Reference Group, to keep training resources and delivery under review on the basis of regular feedback from panel members.

Training must not only ensure that panel members understand the legal framework and procedures and apply that knowledge, but that they also understand the impact of children’s experiences on their wellbeing and development.

Third, through the national convener’s duty to put in place a system for reporting about the implementation of compulsory supervision orders, known as the Feedback Loop.

The purpose of the Feedback Loop is to inform panel member decision making; to understand the types of supervision that have proved effective; to ensure that panel members have a deeper understanding of the implications of their decisions and, ultimately, to achieve better outcomes for children and young people.

The national convener may require local authorities to provide information about the number of compulsory supervision orders, changes in the circumstances that led to the making of the orders and the effect of the orders on the overall wellbeing of children. A local authority, as the Implementation Authority, has a duty to give effect to a Compulsory Supervision Order as well as any requirements placed on it by the Hearing: the 2011 Act contains a procedure that the Hearing can use where satisfied the Implementation Authority are in breach of its duties.

Work to implement the Feedback Loop is progressing in two phases. Phase one will deliver quantitative information which will provide a picture of the implementation of compulsory supervision orders by local authorities, through a set of indicators. Such indicators cover local authority contact with the child or young person, the presence of a care plan and implementation of secure authorisation orders. A consultation has been undertaken on this phase.

Phase two will explore the challenging issue of the impact of compulsory supervision on the wellbeing of children and young people. This requires a multi-agency approach and the scoping work for this will begin in conjunction with partners in early 2014.

Children’s Hearings Scotland wants to ensure that children are at the centre of everything we do. There is a real opportunity to make this a reality.
WE HAVE THE WILL AND THE WAY, SO WHAT’S STOPPING US FROM REDUCING RE-OFFENDING?

John Downie argues that the shift required in how we deliver public services isn’t happening quickly enough

WE’RE ALL FAMILIAR WITH THE ISSUES which can lead to offending but we need to invest more in tackling them and preventing social problems rather than trying to deal, very expensively, with the consequences further down the line.

Scotland is one of the most unequal societies in Western Europe. In order to seriously tackle complex, generational issues, one-year funding commitments simply won’t cut it. We need to see investment over periods of 3-5 years, with all partners working on social justice focusing their efforts on the root causes of offending rather than its outcomes. SCVO’s long-term funding report, to be published soon, will show that a more strategic and longer term approach to funding would allow us to build better, more sustainable public services.

The only way we can provide tailored services in all communities is for partners in the public, private and the third sectors to work together. We should all be focusing our efforts much further upstream before people offend. Unfortunately, the Scottish Government’s ‘Reducing Reoffending Change Fund’, with its short term focus on people who have already offended, misses this point.

Last year a Demos report identified seven indicators of disadvantage, including low income, overcrowding and poor neighbourhoods (Demos 2012). A follow up report stated that we need to move from services that focus on individuals to services that take into account people’s relationships with others. The best services recognise the complexity and interdependence between people’s problems and the relationships they have with their families, social networks and communities. It argues that governments must devolve decision-making to front-line professionals and to service users themselves, ensuring that different services work in harmony.

This requires providing practical and emotional support to vulnerable people, offenders and their families. It means helping people with the basics like getting a roof over their head, finding a GP and building up the skills and confidence to find a job. This is where the third sector comes into its own. It can act quickly and flexibly to help people when they need it most, because it isn’t shackled by the same level of bureaucracy and red tape as some parts of the public sector.

One-size-fits-all blanket approaches, delivered at national or local authority level, are missed opportunities to invest valuable time and resources in programmes that we know work. All the evidence tells us that services delivered at the most local level possible get the best results.

Take YMCA’s PlusOne Mentoring programme as an example. It works with young people aged 8-14 at high risk of moving into the criminal justice system and puts them at the centre of activities to change their behaviour and realise their potential using trained local volunteer mentors. It replicates evidence-based practice so that more children and young people receive the type of support they need where and, most crucially, when they need it. It strives to work with young people long before the police or social services have got involved.

The programme is being developed in 10 locations across Scotland but the shift in mind-set required by partners in the public sector to implement it is proving to be slow. There’s agreement that it works: up to 86% of young people on the programme who had been right on the cusp of the criminal justice system have moved away from it. Partners like the approach but funding is the stumbling block. That’s why we have to work much more quickly on changing how investment is allocated and getting accustomed to spending it in different ways.

For too long we have used a sticking plaster approach to fixing problems as they arise. Anyone working on the front line delivering services will tell you that it’s unsustainable and does not deliver good outcomes for people.

If we treat people as individuals and look at the environment they live in and the bigger picture around the support they, their families and their communities need, then we can prevent people from getting into trouble in the first place. We can get better results and even make scare resource go further. But this demands genuine partnership working and new ways of working. Simply paying lip service to change or embracing it in a superficial way won’t get us anywhere.

http://www.ymcascotland.org/

John Downie is director of public affairs at the Scottish Council for Voluntary Organisations (SCVO)
The Scottish Electronic Monitoring Consultation:
Asking the Right Questions

Mike Nellis

Electronic Monitoring (EM) in Scotland was originally a pre-devolution measure, and its initial legal frameworks and service delivery arrangements mirrored those that had already been set in place in England and Wales. Three Scottish pilot sites were established in 1998, trialling radio frequency (rf) EM as a means of enforcing a stand-alone Restriction of Liberty Order. After an academic evaluation was published, Scotland, unlike England and Wales, undertook a public consultation on EM in 2000, the response to which was more supportive than expected, lending tentative legitimacy, if never great enthusiasm, to the eventual, post-devolution introduction of a nationwide EM scheme in 2002.

The opportunity for deliberation on EM now arises again. The Scottish Government published A Consultation on The Future Direction of the Electronic Monitoring Service in September 2013. It reviews developments in EM in Scotland so far, reopens debate on the use of EM as a bail condition and canvasses opinion on the possible introduction of various GPS satellite tracking schemes, as well as remote alcohol monitoring. It describes the technical aspects of different EM technologies, admitting that GPS still has some limitations. It sets out estimates of costs and likely cost savings, the legal changes needed to introduce new uses of EM, and poses 21 questions about the legal, policy and practice issues that require attention and assent.

The consultation has emerged alongside the award of a new five year EM contract to G4S in April 2013, and the opportunity this created to explore the potential of GPS tracking. Similar schemes were already in small-scale use in several mainland European countries and were being extensively piloted in England and Wales.

Although the Violence Reduction Unit in Glasgow had been seeking authorisation to press on with remote alcohol monitoring, there was no great clamour from Scotland’s courts or criminal justice agencies for a debate on EM, or an eagerness to use it more or better. This, it might be said, is precisely the problem in Scotland, where a mix of public and professional complacency, indifference and hostility towards EM has stifled debate on its creative uses, and treated it as a thing apart from broader debates on desistance, the reorganisation of criminal justice social work and the reduction in the use of short custodial sentences. It has a part to play in all such debates.

The potential of GPS

Four uses of GPS tracking are canvassed: with high risk sex offenders released from prison; in domestic violence cases to keep perpetrators away from victims; to monitor persistent offenders on a voluntary basis; to facilitate better enforcement of exclusion zones with bailed defendants.

There has been periodic Scottish judicial interest in tracking high risk sex offenders, and the Netherlands, France and Austria have all begun doing this. Even Germany, which, uniquely in western Europe, eschewed the use of rf EM curfews in all but one of its regions, began GPS tracking of sex offenders after an ECHR ruling against its use of preventive detention for them.

Although existing rf EM can be used to restrict a domestic abuser away from a victim's home (but isn't often), GPS tracking can go further and keep them away from victims wherever they are, because the victim agrees to carry a receiver which warns her, and simultaneously alerts the police, if the offender is in her vicinity. Schemes of this kind exist in Spain, Portugal and France. As with the GPS tracking of sex offenders, there is sufficient research evidence from the US to warrant consideration of its use in Scotland with domestic abusers, even if facts alone are not enough to settle the ethical question of whether it should be done.
The use of GPS with persistent offenders voluntarily, some on bail, most of whom have been released on licence, is currently unique to England and Wales, where half of the police forces have piloted a scheme, sometimes in conjunction with the local probation service. Offenders are asked to wear GPS trackers to provide visual, mappable evidence of their intention to desist from crime; their locations are electronically tallied with new crime scenes and they are as easily exonerated as incriminated. Some offenders welcome this opportunity. There are as yet no public evaluations, although the police are clear that they save time and money. There is certainly a case for a ‘voluntary’ pilot in Scotland, but it should be noted that Police and Crime Commissioners are already campaigning for the use of GPS with persistent offenders to be made compulsory and the Westminster government is making plans to scale up these schemes to unprecedentedly high daily numbers.

Unlike rf EM, it has always been taken for granted by governments that GPS tracking should not be ‘standalone’, independent of other forms of support, help and control. This is welcome, but begs the question of the viability of traditional standalone curfew monitoring. This was designed into the Scottish system from the start, a straightforward emulation of the English approach, but was not the approach taken by other European countries who adopted EM in the 1990s and in the early years of the 21st century. Sweden, the Netherlands, Belgium all ensured that EM was integrated into broader intensive supervision programmes, and to that end (quite apart from the philosophical objections to privatisation) saw no point in tasking a separate commercial organisation to deliver the service. They incorporated EM into their probation and prison services, and shaped it to fit rehabilitative purposes.

The integration issue

The first question in the new EM consultation is: “how can electronic monitoring be better integrated with other services ... in order to support a holistic approach to offender’s needs?”. This is a truly vital question, but the consultation is not sufficiently mindful of the serious obstacles to practical cooperation between probation services and commercial EM providers that have been highlighted in England and Wales, to the point where the “privatisation model!” ought to have been questioned, but was not. In the coming five years of the Scottish G4S EM contract, every effort should be made to use EM in more integrated ways with social work (the staff there are up for this), but the larger question, “why, in five years time, should EM not be brought into the statutory sector, and managed from within criminal justice social work?” remains to be asked.

While it is ultimately a question for the virtual, ‘what if; historians, it is possible that if EM had been initiated in Scotland after devolution it would not have copied the legal and organisational forms used in England and Wales so slavishly. As its own aspirations to become more like Scandinavian social democracies grew, Scotland might instead have adopted the more integrated, intensive supervision models of EM that prevail in Sweden (from 1994), Denmark (from 2005) and Norway (from 2008), and which have been used incrementally to make significant reductions in the use of short, under six month, custodial sentences: something which liberal Scotland desires, but still only dreams of. Even allowing for differences of judicial organisation and legal culture, Scotland should try to do something similar.

Scandinavia has not made significant use of GPS tracking; Sweden makes tiny use of it with young offenders on temporary leave from residential care, and this year, added it as a condition to restraining orders, for domestic abusers who breach the existing non-electronic version. This may change, and there is nothing wrong with developing niche uses of GPS tracking as France, the Netherlands, Austria and Germany have done, targeted on the highest risk offenders in the community. Despite pockets of good practice, England and Wales’s anticipated model of extensive GPS use is more problematic, coming as it is alongside plans to ‘privatise’ the majority of the probation service, fulfilling the fears of many that in certain political contexts surveillance technologies can and will displace, or at least subordinate, the kind of skilled personal services on which the community supervision of offenders has traditionally relied.

Not the least of the differences between us and ‘down south’ is that they are introducing GPS on a ‘policy by stealth’ basis, seeking to segue from the existing multiplicity of police pilots to what Capita, the key new EM contractor in England and Wales, anticipates becoming “the biggest EM programme in the world”. Scotland, as on a previous occasion, has an honest, open public consultation on EM. This time we should make ourselves better informed about all its practical and organisational possibilities, answer in full all that is asked, and then raise the more awkward policy questions, that still aren’t.

---

Before you ask ... yes you can wear your EM tracker in the shower.

---


**Mike Nellis** is Emeritus Professor at the Law School, University of Strathclyde and has written extensively about monitoring and surveillance.

He was recently GPS tracked for two weeks and was impressed by the technical accuracy of the equipment but found wearing the tracker “more psychologically, if not physically, discomforting than I had expected, and the knowledge that others could know my location 24/7, unnerving”.

---

Scottish Justice Matters : December 2013
I LIVE A LIFE MUCH LIKE EVERYONE ELSE. I go to work, spend time with my family, struggle to pay bills, and look forward to holidays. Where my life differs from most is that my son is in prison.

My family and I have been visiting him once, sometimes twice a week for the past 10 years.

On visit nights, I go to work as usual but leave early to allow time to collect other family members booked in for the visit. I make sure that we all have valid I.D., that no one has a mobile phone in their pocket, and that we have enough change for the vending machines inside. Arriving at the prison we book in, our photographs are checked on the prison system and we are authorised to proceed. At this point, money and personal items can be handed in.

Passing through the security scanner, I always manage to set it off, so I get scanned again with a hand held scanner and on occasion get taken to a separate room for a ‘rub down’ search. Once this is done we all make our way to the visit waiting area where an officer advises which table number to sit at. There is another officer at the door of the visit room who visually checks inside your mouth for contraband items.

I left home at 8am and should be home by 9:30 pm. It’s a long day but it’s worth it to spend time with him

In the visit room there are a number of vending machines and a tea bar. After queuing up to use the machines for juice, crisps and sweets, I join the queue at the tea bar for ice cream. When all the ‘goodies’ are purchased, we settle down to wait: the door opens and in they come, all searching for their own visitors. The noise level explodes as people greet each other with hugs and hellos. As the visit settles, the room is alive with conversation, and at times it is difficult to concentrate on your own visit.

We chat about what’s been going on since last time, we talk about things that have happened in the past, teasing each other about the silly things said or done, and sometimes we talk about what we’ll do when he comes home.

During the visit, prison officers walk up and down between the tables, stand at the wall next to some tables, making personal conversations difficult, and generally make their presence felt. It can be unsettling and off-putting, making this precious time awkward and tense.

All too soon the visit is over and we say our goodbyes. No matter how many times you do it, it never gets any easier. Watching him go back through that door to his other life is heartbreaking. So off we go for the journey home, happy to have seen him and sad to leave him there. I left home at 8am and should be home by 9:30 pm. It’s a long day but it’s worth it to spend time with him. We all want him home and will do our best to keep him here when he is released.

Completely different to a normal visit are father/child ‘bonding’ visits on a Saturday and Sunday morning. Only four families attend, and there is a lot more interaction between my son and his children. Breakfast is provided, and everyone has a meal together. The atmosphere is more relaxed, and each family has a toy box of items purchased by us to suit the kids. They can play games together and move freely around the visit room.

It is not easy on any family having someone they love in prison, and the stigma attached is awful. No one can fully understand unless it has happened to them. There is very little understanding of the effect it has on the whole family, from the very young to the very old.

It has been difficult with many lows and some highs and we still have a way to go, but my family have been very lucky in that we have been strong enough to get through this together, supporting each other and my son. Other families are not so lucky, and they can be torn apart.

I decided at the start that I wanted to be involved and now take part in focus groups, keep in touch with the Family Contact Officers, attend Integrated Case Management (ICM) case conferences, and do what I can to raise awareness for families affected by imprisonment.

One day this will be over and we can get back to being just another family doing normal everyday things!
IN 1799 a contemporary press cutting described conditions in the Glasgow Bridewell, which had been opened the previous year in Duke Street in the east end of the city:

“...It not infrequently happened that as many as six, eight and ten individuals were chained together in the same cell – eight feet by seven – ill ventilated and horribly arranged. The old and the young were mixed together – the hardened and the most pliable.”

Twenty six years later a Select Committee of the House of Commons found the conditions in the Bridewell transformed: “The prisoners are kept separate, and at constant work from six o’clock morning till eight at night”. The dramatic change in prisoners’ conditions and their daily routine was the result of the efforts of one man, William Brebner.

William Brebner was born in Huntly in 1783 or 1784. He worked for a short time as a shipping clerk in Aberdeen before moving to Glasgow to become assistant to the first Governor of the Glasgow Bridewell when it opened in 1798. Some ten years later Brebner succeeded him as Governor, a position which he held until his death in 1845.

Brebner began the process of reform of the Glasgow Bridewell by placing all prisoners in individual cells and providing them with work for eleven hours a day. This was broadly similar to the ‘separate system’ of imprisonment which was developed in Pennsylvania some years later. Frederic Hill, first Inspector Prisons for Scotland, commented on this in one of his annual reports:

“Before the establishment in America of those prisons which have attracted so much attention, this unassuming but excellent man (Brebner), remarkable alike for the clearness of his intellect and his untiring benevolence, had organised and successfully conducted the system of which, in many respects, theirs was but a repetition.”

Brebner introduced a basic classification of prisoners by sex and age. At that time more than one third of prisoners in Scotland were women. Not only did Brebner place them in a separate part of the prison but he also ensured that they were supervised exclusively by female staff. He separated juvenile prisoners from adults, and introduced for them a different regime, teaching them a trade, and training them in what the Inspector described as “tolerably good habits.”
Brebner also improved the conditions for the prison staff in terms of accommodation, pay and reduced hours of attendance. He also employed a teacher to take evening classes which many staff attended on a voluntary basis. The Inspector of Prisons encouraged Governors of other prisons throughout the country to send their staff to Glasgow for training and also to recruit staff from the Bridewell. By 1841 many of the keepers of other county prisons had been trained in the Glasgow Bridewell and in his annual report for that year the Inspector noted:

“In procuring good keepers and matrons, Mr Brebner has again afforded great assistance, both by giving up trained officers of his own, and by training new officers. Mr Brebner’s services indeed have now been extended, in one way or another, to almost every county in Scotland.”

Brebner’s own skills were in great demand throughout the country. In 1840 the two prisons in Glasgow were combined under his governorship. In 1840 the Prison Board for the county of Lanark appointed Brebner as Superintendent of all Lanarkshire prisons, a task which he took on in addition to his responsibilities in Glasgow. When the new General Prison was opened in Perth in 1842 its Directors tried to entice Brebner to take charge but he was unwilling to leave Glasgow. Six months later the first Governor of the General Prison was dismissed for financial irregularity and Brebner accepted interim charge of the prison, again on top of his other duties.

Despite all his efforts to create a positive atmosphere inside prisons, Brebner had no doubt that, in so far as reformation of the prisoner was possible, it was likely to be achieved within the wider community rather than inside the prison. He clearly identified the need for aftercare and was instrumental in establishing separate Houses of Refuge for boys and girls in Glasgow. He was spurred to do this by the knowledge that whatever good had been achieved inside the prison was destroyed by the first experience of the young men and women who “were watched on the day of their liberation by the profligate and the criminal, and drawn back, alike by the absence of every virtuous, and the presence of every vicious influence, to the course they had resolved to abandon”.

Brebner was unsuccessful in his attempts to establish a similar House of Refuge for adults on release. At one point he was so concerned at the lack of provision for poor and destitute in the city that he opened the doors of the prison to “voluntary prisoners”. In 1841 the Inspector of Prisons reported that there were “40 persons in the prison of Glasgow who have voluntarily subjected themselves to all the rigours of imprisonment”. The General Board of Directors of Prisons instructed that this practice should cease on three grounds: it was liable to affect public opinion with respect to the notion of prison as punishment, it interfered with the discipline of the prison and most crucially it increased the expense of the management of the prison.

It was somehow inevitable that William Brebner should die in harness. On 6 January 1845 he was summoned to a meeting with the General Board of Directors to discuss the provision of work for prisoners. He had just entered the offices of the Board in George Street when he collapsed and died instantly as the result of a massive heart attack. Brebner was so highly esteemed that the Glasgow Town Council voted him a public funeral. In his autobiography Frederic Hill noted that Brebner’s coffin “was followed to the grave by crowds of all classes, and the police in attendance recognised many who had formerly been in Mr Brebner’s charge as prisoners”.

His obituary in the Glasgow Herald on 10 January described his achievements as follows:

“Mr Brebner, as Governor of the Glasgow Bridewell, commenced his system of prison discipline and amelioration long before there were any Acts of Parliament to encourage and help him. For a lengthened period of years, the Bridewell here has been regarded as the model prison of the kingdom, and scarcely a work of reform has been commenced in any of the jails of Scotland in which his advice has not been asked, and taken, and in Ireland, also, the benefits of his aid have been readily acknowledged. Among the philanthropists of the United States of America his name is as well known as amongst the people in our own city... The details of his plans have been requested by the Institute of France... And all this while, Mr Brebner, as a private citizen, moved so noiselessly and unobtrusively out and in amongst us, that, but for the recital of his good deeds, which came from others, not himself, we might have been unaware that such a man formed a member of our community.”

William Brebner was a product of his own era and can take his place among the major Scottish Victorian humanitarian figures. In his early days in Glasgow he ploughed a lonely furrow. His professional career began when Scottish prisons were entirely under the control of local authorities and it ended five years after the General Board of Directors had taken over the management of all prisons in the country. Members of the County Boards and then of the new General Board had no experience of prison administration and neither had Frederic Hill, the first Inspector of Prisons in Scotland. All of them turned to Brebner for practical advice and many of the improvements which took place in prisons in the first half of the 19th century, some of which lasted for a considerable time thereafter, can be traced directly to him.

Brebner’s view of the place of prison in society and the limitations of what it can achieve has a great deal of resonance for today. He was determined that prison should be a place of decency and that the experience of imprisonment should be positive in so far as that was possible. He understood that staff needed to be properly trained for their difficult work. In the final analysis he was clear that the role of the prison in the reintegration of men and women into society, what today is infelicitously described as “reducing re-offending”, was of itself very limited. There had to be a bridge between what happened in prison and the experience of people when they came out of prison. There needed to be support on release in the form of accommodation, of work and of positive supervision. These principles apply as much now as they did in Brebner’s day.

Note: This article is based on sections of Inside: Rethinking Scotland’s Prisons. (1991) Edinburgh: Scottish Child Studies, King’s College London

Andrew Coyle is Emeritus Professor of Prison Studies, King’s College London
AMERICAN problem-solving courts (PSCs), first created in 1989 have been successfully exported to other jurisdictions, including the European continent (and see Tata, 2013). However France has so far not displayed any interest in PSCs, possibly because it invented them in 1945. At that time, law-reformers who worked in the Ministry of Justice had personally experienced incarceration as résistants or deportees and this turned them into particularly imaginative reformers. Juge de l’application des peines (sentences’ implementation judge, hereafter JAP), along with probation services, went nationwide in 1958. Today they can release inmates, grant them furlough and remission, transform custody sentences of up to two years into various community sentences and measures, deal with breach, define and modify community sentences or measures’ obligations, and expunge criminal records for released offenders if they need it to find employment. They liaise with probation services which send them reports pertaining to the circumstances and personality of probationers. JAPs are recruited, like all French judges via an extremely selective national exam which is accessible for law students who have a Masters in law.

JAP share some of the important characteristics of PSC such as holding fair, yet private, trials, being therapeutic, respectful and humane and problem solving. For decades, JAP had been called ‘super social workers’. Yet during Nicolas Sarkozy’s term as Minister of Interior, then President, numerous punitive law reforms transformed sentences’ implementation and supervision. My recent research sought to find out if this had transformed JAP’s traditional approach, to see whether they still had a desistance compass. The research findings were reassuring: JAP are overall ‘good’ judges and even though they have not been specifically trained they have a fairly good understanding of what it takes to desist.

JAP as ‘good courts’

One of the main questions investigated was whether JAP were ‘good courts’ in the ‘therapeutic jurisprudence’ sense, that is humane caring judges preoccupied with the end result of their decisions (Berman and Feinblatt, 2005), and also if ‘Japperie’ attracted people who were naturally good or whether they became so because, they had become JAP. I found it was a bit of both.

In order to assess what their motivation had been when they chose to become JAP and to thus uncover their personality, my team and I asked JAP inter alia why they had wanted to become JAP. They gave me five major reasons, and here, it is important to note that this was an open question.

Most (55%) answered that they wanted to have a ‘close relationship’ or close contacts with ‘justiciables’, that is the neutral term which, in French describes anybody who is in contact with the judicial system (divorce applicant, tort dispute parties, offenders, victims). 48% mentioned ‘the need to do something useful, to help people resocialise and stop offending’, to individualise the sentence, or variations in the same vein. Thirdly, 24.3% mentioned the desire to work in partnership for reintegration of offenders. A smaller number mentioned the desire to supervise ‘justiciables’.

A JAPs office, where the work with offenders takes place
in the long run, and to create new programmes. 9.3% of them spontaneously referred to the desire to ‘give meaning to the sentence’ (‘donner du sens à la peine’), that is to their being efficient in terms of reintegration and desistance and making sense in the person’s life. Importantly, this expression was also present in 69.4% of their rulings. Virtually all the JAP referred to it in the course of their interviews. Only a minority of JAP had become JAP because they were interested in the legal field itself (21.3%) or were curious about what followed sentencing (17.3%). In other words, JAP are first and foremost interested in the end result of sentences’ implementation and in offenders.

It was difficult to find ‘punitive’ JAP, that is non-therapeutic judges who would not follow the lenient recall policy of their colleagues, would not be interested in the human dimension of this job, would speak harshly to offenders or would have a distant, mistrusting attitude towards them.

The research also showed that JAP are transformed by their role. Our observations showed that, whatever their professional history, judges took on therapeutic ‘japperie’ culture and practice, sometimes quite quickly. Being close to offenders, seeing and talking to them, had made a vast difference.

Looking into the reasons why the transformation happened, beyond classic acculturation routes such as repeated contacts with colleagues and other agencies’ personnel, the influence of clerks who assisted previous JAP, the influence of their internship master and other professional channels, I discovered that the National School for Judges of Bordeaux had been putting emphasis for the last five years on what it called ‘savoir faire and savoir être’, that is knowing how to do and knowing how/who to be with ‘justiciables’.

Taken together, all these factors have created judicial practices that look very much like desistance.

**JAP as Monsieur Jourdain of desistance**

In Molière’s famous play ‘Le Bourgeois Gentilhomme’, Monsieur Jourdain discovers that he has unknowingly been speaking prose all along

Like Monsieur Jourdain, JAP do desistance or rather know about desistance without having formerly or formally studied it. During the first year of the research, most JAP had never heard of desistance. However, during the second year the special issue on desistance of the penal law journal ‘Actualité Juridique Pénal’ of September 2010 had clearly made an impact. As I had predicted, France would be naturally ready to embrase desistance, more so than ‘what works’ programmes, because its legal system was already grounded in the principle of reintegration. The concept of desistance which was unknown as such in France before 2010 is now embraced by politicians and mainstream national newspapers (Le Point.fr 23.12.12)

When asked about factors supporting desistance, JAP were in fact able to list most of them, leaving out, similar to French probation officers, leaving criminal peer and learning to live on a smaller budget (Herzog-Evans, 2011). Several of them referred to the idea of self-narrative (Maruna, 2001) without knowing it. For instance, JAP 23 said: ‘with those who are very dissocialised I do perceive in their discourse something that changes in the way they talk about what they have done and who they are, how they explain where they were compared to where they are now’. Most of them knew about the difference between early and later stages of desistance and most believed that they could contribute, with all their partners, to sustaining or helping with the desistance process.

Asked whether they would be interested in creating desistance rituals as advocated by Maruna and as experienced in PSC, all agreed it would be ideal although they faced extreme overload. Several of them aptly observed that the judicial forms they had to follow during their hearings were rituals and that these rituals were probably desistance supportive. Most of them did behave respectfully, listened to ‘justiciables’, praised them even for small achievements, encouraged them and had a problem-solving approach.

A fascinating trait was that they got very frustrated with superficial instrumental compliance. Their goal was substantive compliance and the first substantial desistance steps people make. Conversely not a single one of the JAP, be it in their rulings, in their hearings or during their interviews ever mentioned the need to punish offenders.

To external observers it looks as if the French judicial system has integrated problem-solving to a degree not attained elsewhere. However, JAP face enormous challenges. They are constantly threatened with abolition by the Executive and law reformers who blame them for being too lenient with serious offenders whilst not releasing enough offenders jailed as a result of a decade of punitive laws. They also face managerialism associated with extreme criminal justice budget restrictions. Lastly, their relationships with probation services have become increasingly complicated since these services became part of the prison services in 1999. One of the essential components of PSC, that is partnership, is clearly missing, which reduces JAP’s ability to have a significant impact on desistance through offender support and effective problem-solving.

Professor Martine Herzog-Evans teaches at the law faculty of the University of Reims, France. Her special interests are in criminal law and more specifically in sentences’ implementation, prison law and probation. http://herzog-evans.com

---


‘POLICING SCOTLAND’ is an indispensable companion to any student of Scottish policing. One of the key successes is to create a collection that has the rigour and depth expected by scholarly audiences, without the academic jargon which is off-putting to more casual readers. It walks the line of being both an excellent resource for experienced, professional researchers and a point-of-entry for those taking an interest in Scottish policing.

The central function of this collection is an important one: to appreciate and honour the distinctiveness of Scotland’s public constabulary and its history. As a full time researcher of Scottish policing there is a frustration in the inequality of research that can be found covering England and Wales with the quantity of research focused on Scotland. This frustration is compounded when academics, foreign or domestic, talk of ‘British policing,’ or ‘the British bobby’. Do they mean ‘English policing’, and the ‘English bobby’? Probably. There is a need for the appreciation of the ‘Scottishness’ of Scottish policing, the central objective of this collection (Donnelly and Scott, 2011, p.1).

There are broadly two types of chapters in this collection: there are those chapters dedicated to outlining the particular organisational and legal frameworks that exist in Scotland, and then others analysing how Scotland has its own socio-political characteristics that shape the policing experience. The former tells us about the formal differences between Scotland and elsewhere: particular mention, for instance, should go to Donnelly and Scott’s chapter on the governance and accountability frameworks of Scottish policing, and also Pennycook’s outline of police powers, human rights, and black-letter law in Scotland. The latter, meanwhile, tell us about the cultural differences of how policing in Scotland has developed - those differences that emerge from the particular peculiarities of Scottish society, politics, and temperament. Nicholson for instance discusses the relationship between youths and the police, and Burnett and Harrigan discuss the relationship between ethnic minorities and the police. Both offer a view that Scotland has a more benign relationship to these populations, which have traditionally and comparatively proved contentious for constabularies.

‘Policing Scotland’ is at it’s strongest when outlining the formal differences between Scotland and elsewhere, whereas it is at its weakest when applying analysis and author-judgement of the cultural differences. The formal differences are self-evident, but the cultural differences are a matter of author perspective and evaluation; and when 8 out of 16 authors are serving or ex-police, the critical perspective of this book is subsequently diminished. A voice like Gordon (1980) which takes a more critical view of the history of Scottish policing gets only a courtesy or passing recognition. Scotland may have a more benign relationship to these populations, but a less emphatic cultural recognition. The inevitable update and third edition will have to take stock of the move to a single, national police force, and as the indicators here show, it will do so with great clarity, expertise, and exactness.


Diarmaid Harkin is a final year PhD student at University of Edinburgh conducting research into Edinburgh’s police-public consultation forums.
NL: Tell me a bit about your background

DS: I originally set out to be an engineer but being a police officer sounded more exciting. I joined the Met and spent 18 years there, then 15 years as a Chief Officer in Scotland, the last 12 as Chief Constable in Dumfries and Galloway, and then Lothian and Borders.

I wanted to work with people, a job that had variety and was unpredictable. As a Chief Constable I loved feeling that you’re contributing to improving the wellbeing of the communities, and particularly supporting those who are most vulnerable and on the margins of society. Those are the things that gave me enormous satisfaction.

Coming into your Inspectorate role from your role as Chief Constable, are there parallels between the two?

Obviously it’s involved with the criminal justice system in Scotland, and both in policing and the Scottish Prison Service there’s a strong ethos of public service, the notion of doing something that is for the greater good of Scotland. Also strongly in the Prison Service is a clear sense that running a good prison is contributing to protecting the public: the notion that what we do, while it involves individual tasks from day to day, is part of a bigger whole about protecting the vulnerable, reducing crime, keeping people safe, and improving the wellbeing of communities. Those are some similarities.

What’s very different for me is an inspecting function. The importance and the strength of the role of the Chief Inspector of Prisons is that it is an independent office, independent of Scottish Government and of the Scottish Prison Service, and I have legal duties to inspect prisons, particularly the conditions in prison and the treatment of prisoners. I have the authority to visit any prison at any time and speak to anyone I wish.

I won’t understand prisons as intimately as someone who’s worked in the Prison Service, but I do bring a different perspective, and a kind of questioning attitude, which is to say ‘Why do you do it this way?’

One thing that strikes me about the Prison Service is not having control over demand. As a prison Governor, you have to take whoever the court sends you; if someone turns up with a warrant, then you have to house them. The police were able to influence demand slightly better; with prevention strategies and problem-solving and so on. The Prison Service has a long-term vision to reduce reoffending, so if that is done successfully, then hopefully in three of four years’ time, the demand reduces, but you can’t reduce demand here and now.

You spent your first weeks visiting all the prisons in Scotland; did anything strike you particularly?

It was fascinating.

I was struck with the complexity of the task of running a prison, particularly where you’ve got a very mixed population. I was struck with the level of commitment and care that people have, wanting to do a good, professional job. There’s a strong ethos now of wanting to work with prisoners to address their needs so that when they leave, they’re less likely to reoffend, and I find that very impressive.

The other thing that struck me was identifying lots of good practice and then wondering why this wasn’t implemented everywhere. What I might want to do would be to identify what’s been done well and then encouraging implementation everywhere. [The prisons are] all very different, and each Governor works hard to develop links with local communities and third sector organisations, and of course those vary all over Scotland. So there are good reasons why there are initiatives in some places and not in another.
You're not a novice to prisons, as part of the Prisons Commission. Have the recommendations from the Commission been taken forward?

Partially, we certainly haven’t accomplished everything. The report was called Scotland’s Choice, because we were saying that Scotland has a choice about how it [uses] imprisonment. There were a couple of profound things: one was a recognition that law enforcement on its own will not solve Scotland’s crime problem.

[The report] says if you’re really going to tackle the problem of criminality and offending, then you need to tackle poverty and inequality and health issues and education and employment, and I still stand by that. Scotland has made a lot of progress: there’s much better joined-up activity between public sector organisations, third sector, private sector, and a lot of the work on things like Early Years. I’m convinced that that will have an impact on how young people grow up in terms of health, education, employment and therefore the absence of criminal activity.

A number of our recommendations are significant and have been implemented. At its heart was a greater emphasis on community sentences and rather than short-term imprisonment. All of us in criminal justice know the depressingly frustrating revolving door of offending which is still too prevalent. Our recommendation about the introduction of Community Payback Orders has been implemented, as has the presumption against short prison sentences.

We’ll always need to have prisons but there’s still a long way to go in our suggested reduction of the number of people in prison from 8,000 to 5,000: we’re nowhere near that, but I do feel the report made a difference.

I still see too many headlines which say so-and-so ‘walked free from court’ as if they were unpunished when actually they might have had a severe fine and 300 hours of community service. One of the contributions I hope to make as Chief Inspector is to contribute to that debate.

What are your particular goals as Chief Inspector?

There are some specific things. One is that we’re revising the standards against which the Inspectorate inspects. It’s important that the public and prisons know what we’re expecting of a well-run prison and how we inspect against it. The second is the implementation of the new independent prison monitoring over the next 18 months.

My motivation is about how we can improve how prisons are run and my legal duties about inspecting conditions in prison and treatment of prisoners, but I’m also interested on the impact of imprisonment. Is someone who’s been through prison less likely to reoffend when they leave, are they better equipped to be a responsible citizen? It’s through that lens that I’ll be viewing how prisons are run.

What I find fascinating is that, on the one hand, you are inspecting a room and making sure the bedding’s clean and the food decent, and what are the activities, but then there is also a much bigger strategic question about the impact of the process, and it is complex, because offenders are sent to prison as a punishment. It’s not just about locking and unlocking a door and making sure that they’re fed, but actually you’re working with sometimes the most challenging and difficult of people. But then you’re also working with people who are the most damaged and broken.

We fall into the danger of just talking about ‘prisoners’, whereas actually there are 8,000 very different people on any one night. There are some who might be classed as violent and dangerous, and then also there are hundreds that have severe mental health problems, addiction, literacy and numeracy problems, victims of crime themselves, particularly women offenders who have been victims of abuse in their past. The contribution I hope to make is in encouraging the Prison Service to be as imaginative as they can be in working with prisoners so that the prisoner’s time in prison, while it’s a punishment, will also be an opportunity to address some of their needs and to help prisoners to be more optimistic, more hopeful about their future.

Having finished your first full inspection, did anything unexpected come out of that?

I was struck by how much you can find out in 10 days. We’re always keen to get information from lots of different places so you don’t just see one thing once and then draw a conclusion. I think the strength of the Inspectorate is not just that we’re independent, but that we base our findings on evidence, and that brings quite a discipline to us as a team, because you can’t just say ‘I felt this’ or ‘I had a hunch about that’. You actually have to say ‘Well let’s go and test that out’. Everything in an Inspection report should be based on evidence.

There’s good practice, but there’s also great potential for improving things. In every prison we’re in, there will be examples of good practice I want to highlight. I want to encourage other prisons in Scotland to take up the best practice so that across the Service we can improve how things are done.

Anything else?

I think it’s really important that the human rights, the legal rights of prisoners are protected, and part of my job on behalf of the citizen, on behalf of society, is to make sure that prisoners are properly looked after, and more.
Current legislation

**Criminal Justice (Scotland) Bill**
“A Bill for an Act of the Scottish Parliament to make provision about criminal justice including as to police powers and rights of suspects and as to criminal evidence, procedure and sentencing; to establish the Police Negotiating Board for Scotland; and for connected purposes.” Most media attention so far has been directed at the provisions to implement the proposal in the Carloway Review to reform the Scottish evidential tradition on corroboration. Calls to include provision to raise the age of criminal responsibility from 8 to 12 years have as yet not been implemented.

Stage 1 is timetabled to be completed by 28.2.14.

**Scottish Independence Referendum (Franchise) Bill**
The Bill was passed on 14.11.13. Prisoners will not be entitled to vote in the Independence Referendum to be held in September 2014. For arguments to the contrary see the submission to the Referendum Committee on www.howardleaguescotland.org.uk

**Victims and Witnesses (Scotland) Bill**
Intends to implement the EU Directive 2012/29/EU on the rights and support for victims and witnesses by making procedural changes and introducing a victim’s surcharge to be paid by offenders who are not imprisoned. Frida Wheldon’s article in this issue discusses the Directive and Bill in more detail.

It also proposes a National Confidential Forum to “give people who were placed in institutional care as children the opportunity to describe, in confidence, their experiences of that care, including any abuse during the time spent in care”.

**Proposed Human Trafficking (Scotland) Bill**
Jenny Marra MSP is seeking to (a) require the creation of a Scottish anti-human trafficking strategy; (b) provide for the special treatment of human trafficking-related crime within the criminal justice system; and (c) provide for the support of survivors of human trafficking. The Bill consultation will have closed by the time we publish.

**Proposed Reform of Criminal Verdicts (Scotland) Bill**
Michael McMahon MSP has secured the right to introduce a member’s Bill to abolish the not proven verdict.

See the www.cjscotland.co.uk database for regular updates on what is happening in Scottish criminal justice. Contact scccj.info@ntlworld.com to subscribe.

Other matters

- In August the 50th anniversary of the hanging of Harry Burnett (21) at Craiginches Prison, and the last execution in Scotland, passed with little comment.
- In September Alex Salmond announced some limited curtailment of automatic early release of prisoners a policy long predicated on the stabilisation and reduction of the prison population.
- Raids on Edinburgh’s saunas and stop and search statistics led to complaints that Strathclyde Police approaches were being inappropriately applied by the single national Police Scotland to places where the culture of policing prior to unification had been distinctive. This seems to be especially so in the former Lothian and Borders from where critical voices include Ian Rankin, the author of the Inspector Rebus crime novels.
- The Scottish Government has filed its second annual report on progress on the matters raised by the Angiolini Commission on Women Offenders and awarded some new money for women’s justice centres, having invested in mentoring projects (see article on SHINE in this issue) in a previous round. In the meantime HMP Inverclyde is being redeveloped as a custom made national prison for women offenders “with both the regime and build to fully meet the aspirations and recommendations of the Commission”.
- The Scottish Government consultation on the future of electronic monitoring including the option of satellite tracking closes on New Years Eve. Mike Nellis’s article in this issue explains more.
- The Draft Public Services Reform (Prison Visiting Committees) Order 2014 was out for consultation at the time of writing. The order replaces Prison Visiting Committees by independent monitors embedded in the Prisons Inspectorate. For more on this see ‘Eyes and Ears of the Community’ in SJM1.
- A review group of the Judiciary in Scotland chaired by Lady Dorrian is consulting on the current policy on recording and broadcasting proceedings in court and the use of live, text-based communications from court. Comments should be submitted by the end of January 2014.

Events


**Cons to Cobblers:**
The importance of second chances and recruiting ex-offenders

Lecture by James Timpson, Chief Executive of Timpson
January 28, 2014 - 17:30, Playfair Library, University of Edinburgh

**Inclusion Plus:**
A partnership approach to preventing school exclusions

Lecture by Lorna Holmes, Includem
February 12, 2014 - 17:30, LT175, Law School, University of Edinburgh

**Moral panic or moral crusade?**
21st century social issues and anxieties concerning young people

Lecture by Viv Cree, University of Edinburgh
March 12, 2014 - 17:30, LT270, Law School, University of Edinburgh
The Scottish Police Officer
Daniel Donnelly
October 2013 • 188 pages
Hb: 978-0-415-67160-6: £90.00 £72.00
Pb: 978-0-415-67161-3: £34.99 £27.99

Women, Punishment and Social Justice
Human Rights and Penal Practices
Edited by Margaret Malloch and Gill McIvor
November 2012 • 230 pages
Hb: 978-0-415-52983-9: £80.00 £64.00

Understanding Penal Practice
Edited by Ioan Durnescu and Fergus McNeill
October 2013 • 348 pages
Hb: 978-0-415-63581-3: £95.00 £76.00

Save 20% on all Routledge titles with discount code SJM20 at www.routledge.com