# Contents

# Editorial

Welcome to the nineteenth edition of *Irish Probation Journal (IPJ)*. One of the real strengths of probation across Europe and beyond is its willingness to seek out and support academic and practitioner-based research, which informs effective practice to achieve our shared goals of safer communities and fewer victims. Over the past 19 years, the journal has become well established as a recognised forum for the sharing of criminal justice research, evaluation, analysis and discussion on probation and community sanctions. We are confident that the broad range of contributions in this year's edition will further contribute to this knowledge base.

Back in 2020, the editorial was reflecting on the challenges of the pandemic for probation practice. While it is hoped that we are out of the trenches, we are continuing to learn to live with COVID-19 and to adapt practice – particularly through the wider use of technology – to respond to the needs of all stakeholders. *IPJ* can play an important role in tracking and recording learning from this period and continues to welcome articles, from across the criminal justice community, that explore the legacy issues.

The editorial committee would like to thank all those who have contributed to this year's publication and acknowledge their commitment to sharing knowledge and promoting critical debate on current issues. In February 2022, the editorial committee held an online workshop for those interested in writing for the journal. Attended by over forty participants, the event was extremely successful. A number of those who were in attendance have completed papers for this publication, whilst others are interested in writing in the future. The level of enthusiasm from practitioners in both services is very encouraging, as is the willingness to collaborate on joint endeavours, which we anticipate will bear fruit in future editions.

Thematically, this year's publication has attracted articles that include: youth offending and transitions from custody, collaborative working, desistance, unadjudicated domestic abuse, and human trafficking. Marking the anniversary of the Probation Board for Northern Ireland, there is an

exploration of its experiences of 40 years of practice. With a readership that stretches far beyond this island, the journal regularly contains articles from international contributors, both in practice and in academia. This year, we welcome a paper from the Slovenian Probation Service. In keeping with established tradition, our flagship article is based on text from the annual Martin Tansey Memorial Lecture, organised by the Association for Criminal Justice Research and Development (ACJRD). We are delighted to be able to support ACJRD through the publication of this article. The journal also has a range of articles and practice notes from practitioners working in both services, as well as from those who are conducting research using Probation data.

Earlier, we referenced the increasing importance of technology as a legacy of the pandemic. The opening article explores 'the benefits and challenges of technological improvements and greater efficiencies for the criminal justice system'. While recognising the importance of 'efficiencies', the paper warns against the rush to adopt new practices that may fail to take due regard of human rights and could negatively impact on the rights of all individuals to a fair trial.

There is an interesting juxtaposition between two papers that are based on an 'oral history' approach. An article marking 40 years of the Probation Board for Northern Ireland considers the development and transformation of probation services in Northern Ireland. Based on a structured group interview and written submissions, the content reflects the perspective of staff who worked in probation in 1982. The second paper presents preliminary findings from the second phase of the ongoing 'Histories of Probation in Ireland' project. The lived experience of supervision in Ireland is explored through interviews with current and former clients from the 1980s to the present day.

The theme of youth justice is central to a number of articles. The needs of young adults as they transition from youth justice services and agencies to custodial and non-custodial settings in Ireland are explored and identified in an article that outlines the preparation phase of a three-year research project. At the other end of the continuum, a paper featuring interviews with young people involved in car crime describes the attractions of this lifestyle and explores what works in encouraging desistance from this adolescent-specific form of deviance. Youth justice in an entirely different sphere is part of a third contribution to focus on young people. The paper explores the developments that can provide real opportunities for mainstreaming restorative practices across schools in Northern Ireland. It argues that whilst restorative practices are recognised as a proven structured approach for conflict resolution and

the repair of harm involving children and young people, its use in school settings remains intermittent in Northern Ireland.

Mental health is a recurrent theme for the journal and has been explored in many articles over the years, an indication of the central space this issue occupies in the supervision of people involved with the justice system. It is fitting that this year's 'practitioner response' relates to last year's Martin Tansey Memorial lecture, 'Probation and mental health: Do we really need equivalence?' by Charlie Brooker. The paper explores how the findings from Brooker's research are reflected in research undertaken by the Probation Service, and reflects on the impetus and the initiatives to address this issue in probation practice.

Readers will be interested in the article from the Director General of Probation in Slovenia, which describes the steps to establishing a state service in 2018 and outlines the progress in relation to programme and procedural development and the role of collaboration on a national and international basis. The subject of collaboration is also echoed in an article from Northern Ireland, which looks at the challenges and opportunities for interagency engagement, most particularly in relation to Probation and police collaboration.

The link between probation and desistance may now seem like an obvious one. Looking at the subject through the lens of a systematic narrative review of the literature regarding probation supervision and desistance provides a focused and enlightening view. At the core of this article is the central tenet that if the goal of probation supervision is to reduce offending, then knowledge and understanding of how desistance happens in practice is an essential part of the probation toolkit.

As always, the *IPJ* aims to publish articles on topical issues in the criminal justice arena. A research analysis of the Promoting Positive Relationships Programme (PPRP) provides an overview of an early intervention/preventative programme, developed and implemented by the Probation Board for Northern Ireland, that aims to address unadjudicated domestic abuse. We welcome another article this year on the subject of human trafficking. Based on the findings of a retrospective case-file analysis that aims to develop a profile of perpetrators within Northern Ireland, the article also explores the role of 'coercive control' and how a greater understanding of that role could inform assessment of risk and the development of appropriate offence-focused intervention(s).

Our appreciation to colleagues who have completed some interesting book reviews. Thanks to the members of our advisory panel who fulfil an

important function in reviewing articles and giving guidance and feedback. Our appreciation to the Probation Service and the Probation Board for Northern Ireland for the support provided each year. Finally, to our readers, we want to thank you all for continuing to support and champion the *Irish Probation Journal*. As always, if anyone wishes to submit an article proposal for consideration for next year's publication, please make contact with any member of the editorial committee.

Enjoy this edition!

Ursula Fernée                          Lisa Maginnis
Probation Service                      Probation Board for Northern Ireland

# Balancing the Need for Due Process, Fair Trials and Systemic Efficacy: The Benefits and Challenges of Technological Improvements and Greater Efficiencies for the Criminal Justice System[*]

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**Summary:** Technological developments continue to have a transformative impact on various aspects of our lives. While legal systems have often been regarded as resistant to these types of change, they have, in recent years, become much more open to taking advantage of digitalisation as a means of making criminal proceedings more convenient and efficient. It is crucial to ensure that criminal justice systems are fit for purpose, and that they continue to develop, to mirror social trends and developments. However, where these changes are adopted rapidly, and with little regard for human rights, technological developments risk worsening existing endemic challenges in criminal justice systems, including discrimination and over-incarceration. This paper considers: the factors that have contributed to the increasing use of technology in criminal proceedings in England and Wales; how technology is now shaping not just the appearance, but also the very nature of criminal proceedings; and how these developments might impact on fair trial rights.

**Keywords:** Criminal justice, trial, fair trial, human rights, technology, defendant, courts, efficiency, due process.

## Efficiency and the right to a fair trial

Efficiency is an integral part of a fair and just criminal justice system. The European Convention on Human Rights and the International Covenant on Civil and Political Rights, for example, explicitly recognise that the right to a

'hearing within a reasonable time',[1] or a 'trial without undue delay',[2] are aspects of the right to a fair trial.

There is no shortage of cases brought before the European Court of Human Rights (ECHR) on Article 6 grounds regarding delays in criminal proceedings. The Court has, on occasion, responded to these complaints with some degree of generosity towards states, recognising that delays, even if they last several years, can take place for various reasons, such as the complexity of the case,[3] or the conduct of the defendant.[4] However, it views systemic challenges that cause delays to trials much less kindly, and it has suggested that there is a positive obligation for contracting states to organise their justice systems in a way that they can fulfil their obligation to ensure a trial within a reasonable time.[5]

This obligation does not give countries licence to do whatever it takes to ensure that trials take place as quickly as possible. The European Court of Human Rights makes it clear that defendants are entitled to a 'fair' hearing within a reasonable time,[6] acknowledging that the need to ensure an efficient criminal justice system should not come at the cost of fairness to defendants. There are strong reasons why criminal proceedings may need to be complex and sometimes time-consuming and costly. For a system to produce fair results, there need to be various safeguards to ensure, for example, that the defence team has adequate time and facilities to prepare its defence. The serious implications of a criminal conviction on an individual, such as the deprivation of liberty for extended periods of time, mean that investigations have to be thorough, and this too can be a time-consuming process. This means that, in practice, efficiency and fairness may seem to be conflictual interests, and the driver for efficiency can become a corner-cutting exercise, rather than an integral aspect of fairness in criminal trials.

It is becoming increasingly difficult to ensure that trials happen within a reasonable time. There has been a general upwards trend in the caseload of criminal justice systems in many countries in recent years, at least according to prisoner statistics. Prisoners numbers have risen exponentially in the UK since the 1950s (Sturge, 2021b), and France's prison population has increased by 60 per cent just in the last 20 years (World Prison Brief, 2022). Governments could focus their response to this challenge of increasing the

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[1]  Council of Europe, 1950, Art 6(1)
[2]  United Nations High Commission for Human Rights (UNHCR), 1966, Art 14(3)(c)
[3]  ECHR, *Neumeister v. Austria*, App. No. 1936/63, para. 21
[4]  ECHR, *I.A. v. France*, (1/1998/904/1116), para. 121
[5]  ECHR, *Bara and Kola v. Albania*, Apps. Nos. 43391/18 and 1776/19, para. 94
[6]  Ibid.

capacity of their criminal justice system to accommodate more defendants by, for example, putting additional resources into the judiciary and the court service, or significantly increasing the legal aid budget. However, it is not always easy to attract political support for increasing investment in criminal justice systems, and many governments are instead choosing to keep budgetary increases to a minimum, while focusing on improving efficiency, and cutting costs on individual cases.

A possible illustration of this trend is how, in recent decades, more and more countries have introduced plea-bargaining and fast-track trial procedures into their criminal justice systems. Research that Fair Trials carried out in 2017 for its report, *The Disappearing Trial*, found that before the 1990s, only 19 of the 90 jurisdictions surveyed for the research had any systems that allowed any form of plea bargaining or trial waivers (Fair Trials, 2017, p. 4). However, in less than thirty years, that number had risen to 66.

Plea-bargaining systems offer various benefits. By removing the need to resort to full trial proceedings for the adjudication of criminal cases, plea-bargaining procedures can significantly reduce the time and resources associated with criminal proceedings (Fair Trials, 2017, p. 8). There are also potential benefits for defendants, for whom plea bargaining might offer the possibility of avoiding pre-trial detention and anxious uncertainty regarding the outcome of their cases, and a crucial opportunity to minimise their sentences. However, the human rights risks of plea-bargaining systems cannot be ignored. Trials are an important means by which the conduct of police and prosecuting authorities can be publicly challenged and scrutinised, helping to ensure that those exercising law-enforcement powers are held accountable for their actions. Further, there are serious concerns that plea-bargaining processes can coerce defendants to confess or plead guilty, especially where there are inadequate safeguards or controls to ensure that defendants make their choices freely, and on a properly informed basis.

## Technological solutions

In recent years, technological developments have been playing an increasing role in influencing how criminal justice is done, motivated strongly by a desire to keep costs down, and to improve efficiency of criminal proceedings.

In England and Wales, plans to make use of technological developments to improve the efficiency of the criminal justice system have been considered by various governments. In 2016, the UK Ministry of Justice (MoJ) published

'Transforming our Justice System', a paper which proposed reforms designed to take advantage of the 'power' of technology to modernise and improve the justice system (MoJ, 2016). This paper envisaged a future in which all cases, be they civil or criminal, are started online (Ibid., p. 6), and proposed certain types of cases to be handled entirely online. A notable policy proposal made in this paper was that automated processes would be greatly expanded for minor criminal cases, so that people accused of crimes could have their cases resolved immediately, via an online portal, without the need to go to court (Ibid., p. 9).

Although the Ministry of Justice identified and recognised that these reforms had to have justice, proportionality and accessibility at their core (Ibid., p. 5), the paper was quite short on the details of how these objectives would be met. While it acknowledged that a significant minority of households in the UK lacked internet access, and that people aged over 65 would find it especially challenging to adapt to these changes, there was no specific suggestion of the ways in which everyone, irrespective of age or socio-economic circumstances, would be ensured equal access to justice (Ibid., p. 7).

The past few years have seen a notable acceleration in the adoption of the proposals set out in 'Transforming our Justice System'. While some of the proposals in the paper might have been inevitable, there were, no doubt, significant factors that pressured the government to enact them into legislation.

First, there have been drastic cuts to the criminal justice system in England and Wales in the last few decades. Criminal legal aid, in particular, bore the brunt of these cuts, and spending fell by over a third between 2010 and 2020 (House of Commons Justice Committee, 2021). The court service has also faced drastic cuts in recent years, but it is not just the funding that has been reduced. The physical availability of courts has been significantly affected. During approximately the same period, between 2010 and 2019, about half of all magistrates' courts in England and Wales closed down (House of Commons Library, 2020).

Second, the COVID-19 pandemic has forced governments to rethink fundamentally how criminal justice is done. Criminal justice processes are built around a series of interpersonal interactions and meetings, many of which simply could not take place at the earlier stages of the pandemic, due to the very legitimate need to save lives and the health system. Inevitably, court hearings had to be adapted in the interests of public health and safety. Faced with the alternative prospect of shutting down the system in its

entirety, the government passed emergency legislation in 2020 – the Coronavirus Act – to make it possible for more court hearings to take place remotely,[7] via video link, and this rapidly accelerated the digitalisation of court proceedings that had been planned several years earlier.

However, the expansion of remote court hearings did not ensure that courts operate at full capacity, because the Coronavirus Act did not result in *all* criminal court hearings taking place remotely. This, coupled with the fact that court capacity has been greatly reduced on account of the decade of cuts to the court service, resulted in an exponential increase in the backlog of criminal cases before the courts. Pre-pandemic, the backlog of cases waiting to be heard by the Crown Court was below 40,000, but this number exploded to over 60,000 by the middle of 2021 (MoJ, 2021). Around the same time, about 13,000 cases – approximately a quarter of that backlog – were cases waiting to be heard for more than a year (Ibid.).

One of the most troubling aspects of this hugely inflated backlog of cases is that while these cases are waiting to be heard in criminal courts, many defendants are also waiting to go to trial, often in pre-trial detention. As of 2021, trials were being listed for hearings as far back as 2023, and it was being estimated that some would even need to be listed for 2024 (Casciani, 2021).

Numbers of people being held in pre-trial detention beyond the 'custody time limit' – the legal time limit on how long people can be detained pre-trial in most cases – has been going up. Fair Trials' survey of lawyers in 2020 found that these time limits were being extended 'routinely' (Fair Trials, 2020), and according to the recent statistics, out of the roughly 12,000 people on remand custody in England and Wales, more than a third were being held in detention beyond the custody time limit, and out of these, there were more than 1,500 people detained pre-trial for a year a more, and almost 500 people were being detained for more than two years (Fair Trials, 2021b, 2021c). It is clear that this is having a very real and very disturbing impact on people's welfare and on their rights. Last year, suicides in prison increased by 28 per cent, and remand prisoners accounted for 40 per cent of those suicides (Dimsdale and Saunders, 2022).

Fair Trials carried out a survey of remand prisoners in 2021 to get a better understanding of their experiences of being on pre-trial detention during lockdown. There were several who reported immense mental and physical suffering because of having to spend extended periods of time in detention, often in appalling conditions. The conditions they were in, and the length of

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[7] Coronavirus Act, 2020, ss. 53–6 , and schedules 23–6

time they were having to wait, were, in some cases, inducing people to plead guilty to crimes they had not committed, just so that they could get out as soon as possible (Fair Trials, 2021a).

The UK government is not ignorant of these challenges, and it has turned to technological solutions, broadly consistent with those proposed in the 2016 paper, which involve the expansion and continuation of the use of remote video and audio hearings, and the introduction and expansion of automated processes for dealing with minor offences.

## Remote and automated criminal justice proceedings in England and Wales

In 2022, the UK Parliament enacted two laws that advance the digitalisation of criminal proceedings in England and Wales. The first is the Police, Crime, Sentencing and Courts Act, which includes provisions that will make permanent those measures in the Coronavirus Act that expanded the use of remote hearings in court proceedings. The second is the Judicial Review and Courts Bill, one of the key objectives of which is to take more proceedings out of courts to be dealt with through papers, and through online platforms.

### *Remote hearings*

The European Convention on Human Rights does not explicitly mention under Article 6 that criminal trials have to take place physically, in person. However, the Strasbourg Court has stated that the defendants' presence at the trial is a necessary precondition to the effective exercise of their right to defend themselves in person, and for the effective examination of witnesses. In the case of *Marcello Viola v. Italy*,[8] the link was made between the right to be present and the right of effective participation in criminal proceedings.

However, the Court has also recognised that video link *is* a permissible means by which criminal hearings can take place. The baseline position, according to the Court's jurisprudence, remains that hearings should take place in person, and that any deviation from this rule, such as the use of video link, has to be in pursuit of a legitimate aim, and measures must be in place to ensure that, overall, the due process requirements under Article 6 of the Convention are met.

In the case of *Marcello Viola*, the Court was satisfied that the risk the defendant posed to others amounted to legitimate aims for the purpose of

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[8]  App. No. 45106/04, para. 53

justifying the deviation from that general rule requiring an in-person hearing. The applicant was regarded as a particularly dangerous individual, and there were risks associated with transferring him from his place of detention. The Court also took into consideration that the video-link hearing was conducted with the intention of ensuring that the trial took place within a reasonable time.

Although *Marcello Viola* seems to recognise that remote court hearings can be Article-6 compliant in certain circumstances, there are some concerns that remote hearings might not always be capable of ensuring the overall fairness of the proceedings.

For example, a defendant's access to effective legal assistance could be undermined if they appear at their trial remotely. In some cases where hearings take place via video or audio link, the defendant and the lawyer are not even in the same room, and that carries with it the risk that the two parties will not be able to communicate properly. This has serious implications for the rights of the defence. If the quality of communication is impeded by the fact that defendants are not meeting their lawyers in person, the ability to build rapport and trust, which can be key to effective legal advice and representation, could be undermined. This is especially a challenge for children or people with disabilities, who often need additional assistance to communicate effectively and to understand and follow the proceedings.

The type of set-up and the type of facilities that are available to enable client–lawyer communications will also have an impact on how lawyers carry out their basic tasks. This includes taking instructions, providing advice, and checking on the welfare of their clients. The quality of legal representation could also suffer if, for example, lawyers' ability to advocate, make applications and challenge witnesses are affected by the use of video or audio link.

It is also crucial to recognise that not all defendants appearing remotely before trials are represented by a lawyer. It should be taken into consideration that the ability to navigate the legal process, to understand the proceedings, to communicate, and to participate – all of which can already be difficult without any legal assistance – could be made significantly more challenging if defendants are not present in court.

Another significant issue is the question of how remote hearings affect the right to effective participation, especially for those whose ability to participate is limited, for example, by psychosocial or intellectual disabilities, which are not always easy to detect. Data collection is quite poor on defendants who need communication or other appropriate assistance to participate in their criminal proceedings, but evidence from the Equality and Human Rights

Commission (EHRC) suggests that there is a significant over-representation of people with disabilities in the criminal justice system (EHRC, 2020).

Research conducted by the EHRC in the UK has found that the barriers to effective communication and participation that defendants with disabilities face already are, in many cases, compounded where they attend hearings remotely. The report also highlighted that remote hearings sometimes left defendants isolated from sources of support they needed. They found themselves totally alone attending court hearings from a room, without a lawyer, appropriate adult or an intermediary, in scenarios where additional in-person support or assistance to help with communication challenges, or just to put them at ease, could have been beneficial (EHRC, 2020).

The UK government's response to these criticisms is that judges have discretion to decide whether remote hearings are appropriate, applying the interests-of-justice test and, in particular, taking into account whether the defendant's right to effective participation will be undermined by the use of live link. However, this does not take into consideration the fact that most, if not all, criminal justice systems do a poor job overall of identifying these additional needs. According to research conducted by the National Appropriate Adults Network in the UK, about 22 per cent of people in police custody are so-called 'vulnerable' suspects, but only 6 per cent were being identified as such by the police.

As there is increasing reliance on, or even preference for, telecommunications over in-person meetings, criminal justice systems are removing opportunities for defendants to have their communication and effective participation needs identified, and for reasonable adjustments to be made to criminal procedures on that basis. The fewer opportunities that defendants have to come face to face with their lawyers, the court and other stakeholders in the criminal justice process, the less likely it is that their disabilities will be detected. In the absence of any reasonable adjustments made to their proceedings, it is inevitable not only that they will face worse outcomes, but that there will also be a worsening of the disproportionate over-representation of people with psychosocial or intellectual disabilities in the criminal justice system, including in prisons.

The threat to the rights of people with disabilities seems especially difficult to justify, given that there is only little evidence suggesting that remote hearings have their intended beneficial effect at a system-wide level. Remote hearings were supposed to make criminal justice systems more effective by freeing up court capacity and speeding up court processes, but there is no clear evidence that this is happening. Even the government does not seem to

be entirely convinced that measures like this will significantly reduce the backlog of cases. It seems that its current objective is to reduce the backlog by 7,000 cases by 2025. That means that by 2025, the backlog of cases will still be over 30 per cent above pre-pandemic levels. Parliament has understandably criticised the government for not being ambitious enough (House of Commons Committee of Public Accounts, 2022).

Rather than making criminal justice more efficient, there is evidence that remote hearings might end up skewing criminal justice outcomes. Research conducted by the Sussex Police and Crime Commissioner has shown that people whose cases were heard remotely were more likely to receive prison sentences and less likely to receive community sentences than those who attended their hearings in person (Fielding, Braun and Hieke, 2020). These findings were also consistent with earlier research conducted by the Ministry of Justice that found that people taking part in criminal proceedings remotely were more like to plead guilty and to end up with custodial sentences (Terry, Johnson and Thompson, 2010).

In other words, there is some evidence to suggest that remote hearings might have the opposite effect to what was promised. By putting more people into prison, they could be putting additional pressures on the penitentiary system and its resources.

### Remote police interviews

The right to have a lawyer present while being interviewed in police custody has been, at least in theory, a defence right that suspects in England and Wales have been able to exercise since at least the 1980s. However, for the same reasons that court hearings could not take place during the pandemic, the national lockdown in 2020 raised questions about how police interviews were going to take place in compliance with social-distancing requirements.

The solution for the challenge was almost exactly the same as for court hearings, which was to make use of video- and audio-link technology. This was made possible not by any changes to the law, but by the police, lawyers, and prosecutors agreeing to the 'Joint Interim Interviewing Protocol' ('JIIP'),[9] a guidance jointly agreed by the parties on how police interviews should be conducted during the pandemic. This protocol means that rather than attending the police interviews of their clients in person, lawyers can do so remotely via video or audio link.

[9]   'Joint Interim Interviewing Protocol between the National Police Chiefs Council, Crown Prosecution Service, Law Society, the Criminal Law Solicitors' Association and the London Criminal Courts Solicitors' Association'

It is doubtful whether the level of assistance suspects can get from their solicitor by phone or Zoom is the same as what they would get in person. Legal assistance at this very crucial stage of the criminal justice process is critical, not just because it is important to have legal advice. There is a wide range of crucial services that lawyers can provide to suspects at this point, including, by checking on the welfare of their clients, identifying any particular needs they might have. The presence of lawyers in the room could also act as a helpful deterrent against the abuse of police powers and could help to modify their conduct.

Once again, the people worst affected by these changes are those who have impairments and conditions that affect their ability to communicate and participate. This is evident from the research Fair Trials conducted jointly with Transform Justice and the National Appropriate Adults Network (Transform Justice *et al.*, 2021). There were concerns raised by appropriate adults that the quality of legal advice suffered noticeably where it was provided remotely, as opposed to in person. Appropriate adults often got the impression that lawyers were only half-interested in what was happening during interviews. Some were reported as multi-tasking – for example, driving or speaking with members of their families during interviews, which left suspects unconvinced that their lawyers were doing their best to help them. There were also complaints that lawyers tended to spend less time with their clients before and after police interviews, which affected the level of support they provided and the extent to which suspects were able to understand what was happening in their cases.

### *Automated justice*

Technology is also being used increasingly to replace fully what is commonly understood to be criminal proceedings. The recent passage of the Judicial Review and Courts Act means that it will soon become possible for certain minor offences for which there is no risk of imprisonment to be dealt with through a process known as 'automatic online conviction and standard statutory penalty'.

This online process will give people the choice of pleading guilty to the crime of which they have been accused. If they plead guilty, they are automatically convicted and they receive a penalty, most probably a fine. This will all be done without any judicial, or even human, oversight. The automatic online conviction procedure represents a fundamental shift in the way that criminal justice is delivered. Human decision-making is a fundamental aspect

of a fair criminal justice system, and impartial human oversight is the only way in which fairness, lawfulness and proportionality of criminal justice proceedings can be guaranteed.

There are similar processes already in existence for dealing with minor traffic offences in various parts of the world. However, these types of offences are often regarded as being more administrative in nature, and they tend not to appear on criminal records.

This automated process is different because it seems possible for individuals convicted in this way to end up with a criminal record. The significance of having a criminal conviction, even for a minor offence, cannot be downplayed; criminal convictions can have significant implications for people's lives and opportunities. People with criminal convictions can be banned from entire professions, like nursing, social care or teaching; they might be prevented from travelling to certain countries, and foreign nationals may find that criminal convictions can affect their immigration status. Criminal convictions can also have a significant impact on future criminal justice decisions. They could make a difference, for example, to bail and sentencing decisions in a different criminal matter in the future.

It is especially concerning that this type of automated decision-making system creates a very significant incentive for people to plead guilty. The automated conviction procedure allows people to plead guilty seemingly at the click of a button – a remarkably easy and convenient way to do so, in comparison to having to physically go to court at a designated time and come face-to-face with a judge.

It is untrue that people plead guilty only to crimes they have committed. In reality, people plead guilty for all sorts of different reasons, even if they are factually innocent.

First, it is central to the design of most plea-bargaining systems to entice suspects to plead guilty with the reward of a lighter sentence, or some other benefit. This alone has shown to be a basis for people pleading guilty to crimes they have not committed, illustrated potently by cases in the US of people who pleaded guilty but were later exonerated due to DNA evidence (Innocence Project, 2022).

Second, people are also motivated to plead guilty to avoid costs and time associated with going to trial (Helm, 2019). Being able to avoid a trial altogether means lower legal fees if they are engaging a lawyer. Their cases will also be resolved in a fraction of the time it would take if their case proceeded to trial. That incentive to avoid a trial is greater if the expected

waiting time is longer. The average time it takes for a trial to take place at the magistrates' court in England and Wales is 160 days (Sturge, 2021a). In this context, the idea of getting criminal trials finished as quickly as possible might become an extremely attractive option for many defendants. For some, whose socio-economic circumstances might make it difficult for them to find time off work or to hire a lawyer, it might seem like the only logical option.

The European Court of Human Rights has recognised that there are basic procedural requirements that need to be met for plea-bargaining processes to be compatible with the right to a fair trial.[10] In particular, it has stated that the bargain needs to be made where there is full awareness of the facts of the case and the legal consequences, and the decision is made in a genuinely voluntary manner. Where plea decisions are made in traditional court settings, there are various ways of ensuring that the defendant does indeed make that decision voluntarily and knowingly; because they might be making that decision with the benefit of legal advice, the decision would be made with some judicial oversight. However, it seems very difficult to imagine how this might be done where there is no human oversight over this process and the defendant is making this decision alone on a computer or a mobile device. There is simply no mechanism for ensuring that the guilty plea was entered voluntarily and knowingly.

Defendants could be assisted through this process, and the online platform could be designed in a way that people are directed to information that helps them to make their decision knowingly, and they might, for example, be required to tick a box to say that they have understood the relevant rights. However, this does not take into consideration the fact that not all defendants are alike. A disproportionate number of defendants face additional challenges that affect their cognitive abilities and their way of thinking.

Unless there is a way of ensuring effective screening of defendants to identify any conditions that might make them unsuitable for the automatic online conviction procedure, it seems unlikely that this system will comply with fair-trial rights standards.

## Conclusions

Efficiency is an important feature of a fair criminal justice system, and countries are obliged to make sure that their criminal justice systems are efficient. However, this is extremely challenging in the current environment,

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[10]  *Natsvlishvili and Togonidze v. Georgia,* App. no. 9043/05, paras 91–2

at least in the UK, due to a combination of decades of underfunding of the legal system, the impact of the COVID-19 pandemic, and the failure to reduce numbers of people entering the system.

There has been a trend towards tech solutionism – the belief that technological developments provide the key to solving the efficiency challenge. This is being done with the expansion of remote hearings and the introduction of automated decision-making processes. However, there is insufficient persuasive evidence that considerable efficiency savings are being made in this way. In fact, these new developments could make the system less fair and produce less favourable results for defendants.

These systems promise to deliver convenience for lawyers, prosecutors, and judges, and it is often claimed that they help to improve efficiency. However, people most at risk of injustice are those who are already most vulnerable to human rights violations. There is a serious risk that such systems undermine the ability of people with disabilities to participate effectively in their own proceedings, resulting in disproportionately worse outcomes, and the worsening of their over-representation in the criminal justice system.

Much of the focus is on how to make the system cheaper and more efficient to increase the capacity of the justice system. However, it cannot be ignored that there is another solution, which is not to create more capacity, but simply to reduce the numbers of people coming into the system. Considerations around who should be in the criminal justice system – and for what reasons – are often notably absent in these types of discussions. It is always the right time to question whether we are over-criminalising, and over-incarcerating – and whether these are the real challenges to address, rather than trying to cut corners in criminal justice systems.

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# Forty Years of the Probation Board for Northern Ireland

**Pat Best, Nicola Carr, Gail McGreevy and Val Owens**[*]

**Summary:** The Probation Board for Northern Ireland (PBNI) was established in December 1982 following the implementation of the Probation Board Order (NI). The formation of the Board was set against a tumultuous period of political, social and economic upheaval. The year 1982 saw the continuation of serious violence and conflict, with 97 people killed over a 12-month period. The unemployment rate was 20 per cent and that year saw the closure of a number of factories, including the DeLorean Motor Company in South Belfast. There was also continued political instability as Secretary of State James Prior introduced his ill-fated 'rolling devolution' scheme.[1]

Forty years on from the PBNI's inception, this article considers the development and transformation of probation services in Northern Ireland from the perspective of staff who worked in probation in 1982. Through a structured group interview with six staff and written contributions from other staff who worked in probation from the 1960s through to the 2000s, the article considers the change brought about by the Probation Board Order (NI) 1982 and the establishment of the Probation Board for Northern Ireland. It considers a number of key themes, including the development of professional social work training, the introduction of strategic priorities and management by objectives; the move from an organisation that dealt mainly with young people to an organisation working with adults; the impact of the Troubles on the organisation; the development of group work programmes, risk assessment, risk management and the public protection arrangements; and the role of the Board in working alongside local communities.

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[1]  Secretary of State James Prior published his White Paper on 2 April 1982, proposing 'rolling devolution'. A 78-member Assembly would be elected using the 1973 model and would have an advisory and consultative role until a power-sharing agreement could be reached. Powers would then be devolved, one department at a time.

This article also considers what we might learn from staff experiences during this time as we develop probation services over the next four decades in Northern Ireland (NI).

**Keywords:** Probation Board for Northern Ireland (PBNI), Probation Board Order (NI) 1982, oral history, management by objectives, the Troubles, risk assessment, communities.

## Background

The probation system in Northern Ireland was formally established on 1 January 1908 when the powers of the Probation of Offenders Act, 1907 became operational (Fulton and Parkhill, 2009). The courts were given a new alternative to a sentence – a probation order and power to appoint a Probation Officer to 'advise, assist and befriend' the probationer. Prior to the establishment of probation on a statutory basis, and in common with other jurisdictions, probation on the island of Ireland had first developed as a voluntary mission, with charitable organisations such as the Salvation Army, St Vincent de Paul and the Methodist Belfast Central Mission providing a service to the courts.[2] As Fulton and Parkhill (2009) document in their history of probation, which was published to mark the centenary of the 1907 Act, these original volunteers were motivated by a religious mission, and their efforts were largely targeted towards temperance. In this proto-probation period, volunteers mostly served large urban areas such as Belfast and Derry (Fulton and Webb, 2009). During subsequent years and as probation professionalised, its role developed, as did its reach within local communities (O'Mahony and Chapman, 2007).

In 1950, the Ministry of Home Affairs became responsible for the organisation, appointment of Probation Officers and funding of probation in each petty session area of the region. The Probation Act, 1950 also modernised the probation order and made available conditions regarding mental health and residence in a voluntary society home. This legislation also reinforced the role of the Probation Officer in providing reports to assist sentencing. The 1960s brought a probation presence into prisons with the first secondment of a Probation Officer into a male prison in 1967. The Community Service Order was introduced in Northern Ireland under the Treatment of Offenders (Northern Ireland) Order, 1976. It was modelled on similar legislation introduced in England and Wales in 1972, and it marked

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[2]  For instance, Healy and Kennefick (2017) and McNally (2007, 2009) have documented similar trends in the history of probation in the Republic of Ireland.

the expansion in the type of community sanction available to the courts (Carr, 2016). However, in probation's early years as a statutory service, the uptake for community sentences remained relatively low, and probation occupied a relatively low profile within the criminal justice system.

In the late 1970s, the *Report into Legislation and Services for Children and Young Persons (1979),* more commonly referred to as the *Black Report*, made several recommendations regarding the future structure and governance of probation. Recognising the context of political conflict in Northern Ireland, and the fact that there was a crisis of legitimacy within the criminal justice system, the *Black Report* recommended that the governance of probation in Northern Ireland should be moved from the direct control of the Northern Ireland Office towards an arm's length body, whose board membership should comprise representatives of the community. Following from this recommendation and the enactment of legislation – Probation Board (Northern Ireland) Order, 1982 – the Probation Board for Northern Ireland (PBNI) was established (O'Mahony and Chapman, 2007; Carr, 2016).

It is worth underscoring that the Probation Board was established at the height of the political conflict in Northern Ireland and in the context in which the criminal justice system itself was a highly contested space. The introduction of internment without trial in 1971 and special juryless 'Diplock' courts had been the subject of intense criticism (Carlton, 1981). In 1981, ten prisoners had died following a hunger strike in the Maze/Long Kesh prison, leading to mass public protest in Northern Ireland and elsewhere (Beresford, 1987). There were longstanding concerns about the role of the Royal Ulster Constabulary and its ability to serve the population of Northern Ireland (Topping, 2015). Both police and prison officers were considered 'legitimate targets' by Republican paramilitaries; over the course of the conflict in Northern Ireland, 300 police officers and 29 prison officers were killed (McKittrick *et al.*, 1999). It was in this context in 1982 that the PBNI was established.

A previous oral history of probation during the Troubles has documented how probation staff managed to navigate a position of 'neutrality' in the political conflict, to work within communities, including in areas that were out of bounds to other criminal justice agencies (Carr and Maruna, 2012). This is one of the themes that is raised in this article, alongside the developments in training, increased managerialism and a focus on risk, the development of programmes, work in communities, and probation's move away from working with young people, following the establishment of a specialist Youth Justice Agency, towards a focus on work with adults.

## Methodology

This article draws on themes derived from a focus group interview conducted with six former probation staff whose career in the Probation Service spans a 40-year period (from the 1960s to the 2000s). The participants are all members of the Retired Association of Probation (RAP). The interview schedule was designed by two of the authors (Best and Owens), who are members of the Association. A questionnaire was formulated, asking members about their experiences of working in probation, how the organisation changed with the establishment of PBNI in 1982, and covering key themes. This was circulated to retired members, and written responses were received from four members. The focus group interview was transcribed and this, alongside the written responses, forms the data analysed for this article. The entire dataset was analysed by all the authors, and the most prominent themes were identified. These are presented in the following section.

## Professional autonomy and social work training

In December 1982, the Board (PBNI) was established with a Chair, Deputy Chair and 10–18 other members appointed by the Secretary of State for a period of three years. Jim Grew, a businessman from Co. Armagh, became the first Board Chairman. Staff assumed the status of public servants rather than civil servants. The change in the governance arrangements of probation resulting from the establishment of the PBNI also led to wider changes in the practice of probation. Probation staff who were employed in the period prior to the establishment of the Board described working as semi-autonomous agents. As these respondents outlined, this sense of autonomy was double edged:

> 'One of the things about the 1970s that people talked about was around how much autonomy a member of staff had, which had both its positive and negative side. When you joined as a new member of staff, it was amazing how much you were left alone; supervision was very informal.' (Interviewee 1)

> 'We had no real standards or guidelines. Basically, you had to pick it up. I was in an office with one other member of staff, and I had to pick it up through him or through others I went to meetings with or through training. Every office was probably operating differently.' (Interviewee 2)

'There were no standards or guidelines and no clear overall ethos as to methods of working. As a result, it was very daunting for a new officer and it was a case of sink or swim – I nearly sank!' (Interviewee 1)

This sense of autonomy was also linked to the development in the qualification and training routes to become a Probation Officer. In the 1970s, a social work qualification route had been introduced to become a Probation Officer, and some of the respondents who undertook this training noted the differences between staff who had worked in social work prior to joining the PBNI and those who had come to probation from a variety of different career paths:

'When I joined, much was made of the fact that I was professionally qualified, having gained my social work qualification at University of Ulster. At this time – 1974 – there were not many Probation Officers who had a social work qualification, most being direct entrants who had previous experience in such careers as Army, Navy, or other jobs in caring or educational sector.' (Interviewee 4)

As respondents recounted it, this shift towards a particular training requirement for probation staff signified a move towards increased professionalisation of probation work. This also paralleled contemporaneous developments in social work training in England and Wales, and indeed some described undertaking training in England as well as in Northern Ireland:

'At this time, there was a big drive to "professionalise" the Service. The trainee scheme contributed to this, and Probation Officers were seconded to social work courses mostly in Northern Ireland or England.' (Interviewee 1)

Reflecting on the impact of the changed composition of the probation workforce over this period, respondents described a cultural shift as social work became the 'dominant culture':

'There were two staff members who had a social work qualification when I joined in 1968. Nobody else had it.' (Interviewee 5)

'By the end of the seventies, the social work ethos was the dominant culture in probation practice.' (Interviewee 2)

This professional identity was one of the contributors to the sense of autonomy that probation staff felt prior to the establishment of the PBNI, as this respondent observed:

'In the years before 1982, we were accountable to our professional qualification and the court rather than the civil service.' (Interviewee 5)

## The advent of managerialism

The establishment of the PBNI in 1982 therefore came with a dual edge. It created a stronger institutional structure for the delivery of probation services, with the intention of strengthening links with local communities, but as staff who worked in this period reflected, it also represented the advance of managerialism in probation work, as the balance shifted from the autonomy of individual professional practice towards the delivery of strategic and organisational priorities:

'The big shift was the whole move to managerialism; but also, providing consistency in practice. The idea was that you would have some kind of agreement about what facilities a local probation team was going to produce within the area – what are we going to make available for people within the area to provide consistency?' (Interviewee 5)

That process was underpinned by the decision of the Board to devise an overall aim and a set of strategic objectives and to develop a corporate plan setting out the strategic direction for the organisation. By 1984, the Board had published its first five-year plan, with its first set of annual corporate objectives in the following areas – reoffending, courts, prisons, community development, professional practice, cost-effectiveness and human resource development. Each specific objective was reviewed and measured on an annual basis. This 'management by objectives' approach was facilitated by a change to the functional management structure. It was an enormous process of transition.

'In the early 1980s came the introduction of the overall aim of probation. Up to that point, it was seen that "advise, assist and befriend" was the aim as well as the objective, and then that all changed.' (Interviewee 1)

Some staff reflected on the framing of the aims of the new service, with a now explicit focus on preventing offending:

> 'It was the senior team who met with Jim Black [author of the *Black Report*] and determined that the aim of the Board was to help prevent reoffending. I think it was reasonably controversial at the time. I think the whole thing was well debated at the time. I mean, no one would disagree that we wanted to help prevent reoffending, but it was quite a controversial shift at the time.… We had a lot of discussion about whether it should be to prevent reoffending or help prevent reoffending.' (Interviewee 1)

## Shift in focus – working with young people

At the point when management by objectives was introduced, there was also discussion about whether the PBNI should continue its work with young people.

> 'I remember the question was asked if we should stop working with juveniles or not and, if we did, who would stay and who would go. I remember people saying: "Well, I am not going to stay if we are not working with juveniles", and others saying, "Well, fair enough, I am quite happy to work with adults as well as juveniles".' (Interviewee 2)

To understand the significance of this debate, it is important to note that for many decades before 1982, probation work in Northern Ireland focused mainly on young people and children. This included 'intermediate treatment' projects, which were targeted towards young people considered to be at risk of offending:

> 'Intermediate treatment projects during the seventies involved not just work with children on probation but also children at risk in troubled communities. There was a lot of interagencies work with social services, police community relations, youth and community workers and the training schools. Probation Officers from all over the province worked together, particularly at weekend ventures. The medium of sport, particularly football, was in evidence. Later in the seventies, we made extensive use of outdoor pursuits venues, such as Runkerry in Co. Antrim, and PBNI had its own cottage on the north coast.' (Interviewee 2)

Bringing children and young people away at weekends to engage in outdoor pursuits was also timed to provide a respite during periods of heightened political tensions:

> 'I remember starting work in the Markets and two or three of the mothers coming to me and saying, "Would you take these ones away over 9 August [anniversary of internment when there was a history of street disorder]?" So, always around 9 August, you would have taken them somewhere or other because, just a few years before that, they were ending up in court, and the parents were up to their eyeballs in fines for the kids on disorderly behaviour charges and rioting and all the rest of it.' (Interviewee 6)

While the *Black Report* (1979) recommended that the PBNI should continue its work with young people, the direction of travel subsequently was more towards work with adults. This reflected trends in probation services elsewhere, a point noted by the former Chief Probation Officer, Bill Griffiths, in an interview for the *Making the Difference* oral history project:

> It was the hot corrections topic in the UK and, indeed, internationally. Scotland had gone down the most extreme welfare route in Europe. England and Wales had come up with a compromise. (Fulton and Parkhill, 2009, p. 58)

Over time, the numbers of young people on the Probation Service caseload diminished, and further significant change was heralded by the establishment of the Youth Justice Agency as an outcome of the Criminal Justice Review, which followed as a consequence of the Good Friday Agreement (Haydon and McAllister, 2015). This establishment of the Youth Justice Agency meant that most under-18s involved in the criminal justice system came under the remit of this service, although provision remained for young people over the age of 16 years to be made subject to some community sentences, which required probation supervision; however, the numbers of young people in the latter category were very small. The legislation establishing the Youth Justice Agency also set out that a restorative justice model would be the primary model for dealing with young people in conflict with the law. And while restorative approaches have gained increasing traction in the adult system in recent years (McLaughlin, 2021), at the time of the establishment of the YJA, this marked something of a departure from the mainstay of work carried out by the PBNI.

## Impact of the Troubles

There is no doubt that the context of political conflict in Northern Ireland impacted significantly upon the work of probation in the earliest days of the establishment of the PBNI. Indeed, the *Black Report* in 1979 highlighted the legitimacy issues facing the criminal justice system, particularly the police who were not seen as representative of the whole community, nor indeed independent. Staff gave an insight into some of the issues faced in the years preceding 1982. For example, the introduction of internment without trial in August 1971 brought significant challenges to probation. In response to the creation of institutions at Long Kesh and other places to hold internees, the PBNI sent in staff to provide a social welfare service:

> 'My first experience of service-users in probation was actually at Long Kesh with internees, and obviously that was quite different because they were not prisoners. They were internees. Every day was so busy. They would come in and they wanted contact with their families, and at that stage the NIO [Northern Ireland Office] would allow them to use the phone in the welfare office. So, we were sitting and, obviously, we heard the conversation, and that was different in the sense that there were lots of issues going on at home. There were lots of riots going on as well. I was there at the time of the fire in 1974 and I had to, to go over to the fence to take welfare requests and I remember I used to ask myself, "How did I end up here?" But it taught me an awful lot and my interests in a social work career were formed by that experience in Long Kesh.' (Interviewee 3)

Staff noted some of the challenges of this role:

> 'You were also distrusted by the prison staff as well because they saw you as on their [internees'] side, and so you were caught in the middle. There was a piece of work to do with both groups to say: "Look, this is a task that we are doing, and we will do it to the best of our ability".' (Interviewee 3)

Staff members reflected on how the community perception of probation changed as the civil conflict continued into the 1980s, with some of the worst violence perpetrated against civilians, the police service and the Army:

'Our neutrality seemed to have been accepted or understood…. To some extent, we were viewed as non-aligned; and we had to fight very hard to keep it that way. It felt like we consumed more mental energy in fighting for this than anything else. It took us ten years to reach an agreement that we would not be asked to do reports where the case was clearly under Diplock courts.' (Interviewee 5)

This point about the neutral positioning of the PBNI in a time of intense political conflict has been noted in previous research (O'Mahony and Chapman, 2007; Carr and Maruna, 2012). Carr and Maruna's (2012) oral history with probation staff who worked during the Troubles noted the extent to which staff had to navigate this terrain, and the central role of the National Probation Officers' Association (NAPO) in supporting a stance that meant that probation staff did not undertake 'offence-focused' work with people who objected to being categorised as offenders. This position of neutrality allowed for the PBNI to continue to engage in work in communities that were considered 'no-go areas' (Carr and Maruna, 2012) for other criminal justice agencies.

## Community development

The acceptance of Probation by local communities enabled the organisation to develop partnerships and links in many local areas. The Probation Order (1982) set out that one of the main functions of the Board was to enter arrangements with voluntary organisations to provide services to assist in the supervision of offenders. The community and voluntary sector within Northern Ireland has traditionally played a strong role, with organisations such as NIACRO (which celebrated its fiftieth anniversary in 2021) (Fulton *et al.*, 2021) working closely with probation services. Following its establishment in 1982, PBNI funded a wide range of voluntary and community-sector organisations to provide a range of services, with almost 15 per cent of its budget dedicated to this area (Fulton *et al.*, 2021).[3]

Staff members recollected the impact of the introduction of the budget:

'When the board came into being, you were encouraged to go out and form relationships with the other statutory, voluntary and community

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[3] Some of the other large organisations which received funding from PBNI included: Extern, Save the Children Fund, Ulster Quaker Service, NI Victims Support and Belfast Rape Crisis, as well as a range of smaller projects (Fulton *et al.*, 2021, p. 30).

groups in your area, and then the community development money came, and you were actually able to say – "If we give you this money, you can provide this service for the benefit of people in the community". It was a massive change.' (Interviewee 4)

'I know from 1982 onwards you got the budget (for community development). I worked in Brownlow in Craigavon. It was a new city and people were coming from Belfast, Omagh and Derry to be rehoused there. All the different agencies were very much integrated together and you would have community development meetings with youth, social services and police to deal with any of the issues that were going on there.' (Interviewee 2)

The sense of partnership working is described further:

'Other agencies were keen to work with us as well. I remember being in a group jointly with a detached youth worker and one of the first community officers appointed by social services, and then the police with their liaison issues.' (Interviewee 5)

The introduction of the Community Service Order in the late 1970s. following the passage of the Treatment of Offenders (Northern Ireland) Order, 1976, also had a significant impact on probation's involvement and visibility within local communities.

'I was involved in community service from 1986 to 1990. The biggest development of community service was the expansion of the interest groups and getting placements. The more imagination you had and the more contacts you had in the community, the more successful community service was, as you could try to partner the individual with whatever resources were available.' (Interviewee 4)

'Community service was a bit of a shop window for us. It was really good PR for probation, and the community and individuals really appreciated it.' (Interviewee 1)

The development of community service throughout the 1980s has continued into current times. Community service continues to be one of the most effective

community sentences imposed by the courts. The foundations of that success can be clearly traced back to the 1980s and the work carried out by staff in partnership with local voluntary and community organisations. In one of the latest inspections of community service carried out by the Criminal Justice Inspectorate, it was observed that the work undertaken as part of the PBNI's community service scheme was positive, socially useful and of benefit to the community (Criminal Justice Inspectorate Review of Community Service, 2013).

## Programme development

Another major development which contributed greatly to changes in probation practice in the 1970s and 1980s was the advent of the so-called 'What Works' movement. Informed by research largely emanating from North America, this led to the formulation of *effective practice* prescriptions informed by the Risk-Need-Responsivity (RNR) model of individual rehabilitation. This, in turn, saw an increased focus on risk assessment, cognitive behavioural approaches, and *accredited programmes* as the means to *reduce reoffending* and to *protect the public* (Carr, 2016). Prior to the introduction of 'What Works', probation practice primarily adopted an individualised and casework approach, with family and community work as well as activity-based projects for juveniles.

Retired members reflected on some of the opportunities generated by new ideas around effective practice, including the potential to learn from and share experiences with colleagues from other countries:

> 'This was an exciting and stimulating time to be working for the Probation Board with many new ideas and shared experiences being generated for effective practice with offenders not only within Ireland but further afield in UK and Europe. PBNI were not only gaining from but also contributing to and at the forefront of effective practice exchanges through, for example, the annual What Works and CEP conferences.' (Interviewee 1)

In the early 1990s, PBNI set up a dedicated day centre in South Belfast to provide group work programmes for individuals convicted of sexual offences. This was during a period when the serious problem of child sexual abuse was emerging as a major public health and criminal justice issue. Considerable care and attention were given to the location of the centre, having regard to public safety and ensuring the public support of a wide range of agencies and disciplines, including those working with victims of sexual abuse. The

staff group working within the Day Centre was a multi-agency and a multi-disciplinary team, combining child protection and criminal justice staff, social work and psychology. By the mid-1990s, programmes to address domestic violence were also introduced and delivered from the Centre.

For some years, the above group work programmes were based on a model that included offending behaviour interventions and a wider therapeutic and social-skills programme. Service-users spent a significant part of the week at the Centre. As a result of an increase in referrals, the programme gradually became focused on group-work offending-behaviour interventions. By the early 2000s, the 'What Works' agenda was more established in the field of sexual offending and domestic abuse. PBNI staff were trained to deliver the nationally accredited group work programmes both in custodial and community settings.

Multi-agency working in the field of sexual abuse and domestic violence directly influenced the development of risk-assessment and risk-management protocols and procedures and the eventual establishment of the Public Protection Arrangements Northern Ireland. PBNI staff played a leading role in developing risk-assessment protocols, training its own staff and working with the PSNI and social services trusts to ensure that the arrangements were firmly established. However, as this respondent reflected:

> 'The journey from "advise, assist, befriend" the probationer in the early history of probation to its public protection role in the recent history is not without its complexities.' (Interviewee 1)

## Conclusion

As the Probation Board for Northern Ireland marks its fortieth year, it is timely to consider what we can learn from staff experience from 1982 that might assist us in developing probation services over the next four decades. The development in 1982 of a criminal justice organisation in Northern Ireland, which aimed to deliver probation services by actively engaging with the communities, was radical. Staff in this period worked enthusiastically to deliver services within communities and in partnership with voluntary and community organisations. It is an aim that has remained at the core of probation practice in Northern Ireland. For example, decades on from 1982, PBNI actively requested to be involved in new community partnership arrangements established in 2012, in recognition of its desire to continue to work alongside local communities. There have, of course, been challenges to

continuing to work actively with communities. The years of austerity, particularly from 2015 to 2018, saw the reduction of the PBNI's estate by one-third, and this included the closure of local offices in local communities. The impact of the COVID-19 pandemic since 2020 has also been evident in the delivery of services in local areas. There is, however, a renewed commitment that the PBNI will work more closely with local communities to deliver services in partnership. Chief Executive Amanda Stewart stated in an interview in 2022 that members of the Probation Board are advocates for the organisation within the local community and that there is a need for Probation to reconnect with communities in the aftermath of the pandemic (AgendaNi, 2022). As staff work to reconnect with communities, it is an apt time to reflect on the original aim of the *Black Report*, which was to ensure that the service enjoys the full confidence of the community.

As PBNI begins the development of a new Corporate Plan for 2023–26, it is also important to consider how management by objectives impacts upon staff, and to ensure that all staff groups have an opportunity to provide feedback and to be consulted on new strategic priorities for PBNI. Finally, as PBNI continues to operate against the backdrop of a dynamic political environment, with periods of political instability, it is key that the PBNI retains its ability to work within all communities, and that it retains its independence as a body at arm's length from Government, in order to continue to change lives effectively, for safer communities.

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# 'Helping, Hurting, Holding and Hands Off': Preliminary Findings from an Oral History of Probation Client Experiences of Supervision in Ireland

**Louise Kennefick, Deirdre Healy and Niamh Wade***

**Summary:** This paper presents preliminary findings from the 'Histories of Probation in Ireland' project which aims to provide an extensive, detailed account of Irish probation practice from the 1960s onwards. The core objective of the paper is to highlight patterns emerging from client participants' lived reality of probation, which is achieved through the application of an oral history methodology. The paper provides an overview of relevant literature, before outlining the research design and explaining the methodological approach of the project. Findings are presented from interviews with current and former probation clients who experienced probation in the 1980s up to present day. Inspired by the work of Fergus McNeill, a thematic framework of analysis, 'helping, hurting, holding, and hands off', is employed in order to understand the individual and collective voices experiencing probation in Ireland during the timeframe.
**Keywords:** Probation, client experience, oral history, Ireland.

## Introduction

Qualitative, historical accounts of the experience of probation remain sparse internationally. This paper forms one part of an ongoing project, 'Histories of Probation in Ireland', which aims to fill the gap, by providing a comprehensive, critical historical examination of probation practice in Ireland from the perspective of key stakeholders (clients, officers, administrators and voluntary-sector workers), from the 1960s to the present. Findings from the first phase of the project shed light on the experiences and occupational identities of Probation Officers (Healy and Kennefick, 2019). This paper offers findings from

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the second phase, which involves oral history interviews with client participants from the 1980s onwards,[1] which describe and help to understand their lived experiences of probation. The paper begins with an overview of relevant literature on probation histories and client experiences, before outlining the research design, methodology, and participant sample. Next, preliminary findings from interviews with current and former probation clients are presented and analysed. The thematic lens applied draws on, and supplements, McNeill's (2009) 'helping, holding, hurting' framework for understanding supervision experiences, which evolved from McNeill's own oral history study of Scottish probation (McNeill, 2008). As such, our paper contributes fresh insights to the field of probation supervision both nationally and internationally.

## Literature review

Critical historical accounts of probation work remain sparse at national and international level, with the exception of the United Kingdom, where a number of studies have built a complex and far-reaching account of the history of probation in England and Wales (Vanstone 2004, 2008; Raynor and Vanstone, 2002), Scotland (McNeill, 2005, 2009, 2012), and Northern Ireland (Carr and Maruna, 2012). A dominant strand of the literature uses critical, thematic analyses to explain the evolution of probation practice. For instance, Robinson (2016) examines shifting policy narratives to illuminate changes to practice over time (see also Mair and Burke, 2011; Healy, 2015b). Another strand constructs a historical account through documentary analysis, most notably, Vanstone's (2004, 2008) study of the evolution of probation theory and practice, which evaluates historical materials against a wider political, social and scientific backdrop. There is also a line of literature that considers historical contexts in terms of contemporary community supervision issues. For instance, Phillips (2010) places the significance of historical understandings of probation in the implications for transferability of probation techniques, arguing that a top-down approach to reform can displace unique working practices.

In contemporary criminal justice studies, there is an evolving international literature on people's experiences of supervision. Capturing and analysing the perspectives of those subject to community sanctions gained momentum from criminal career research that emerged from the 1960s onwards (e.g. Wootton, 1959; Davies, 1979). More recent studies relating to people's experiences of

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[1] The researchers are continuing to attempt to source participants from the 1960s and 1970s.

probation have been subsumed into a wider literature base on desistance theory and practices, exploring themes such as the relationship between the client and the practitioner (Rex, 1999; Burnett and McNeill, 2005; Morash *et al.*, 2015; Healy, 2012; Skeem *et al.*, 2007); the development of pro-social identities (Maruna, 2001); and the elucidation of the 'pains of probation' (Durnescu, 2011). Recent European literature continues to emphasise the primacy of the supervisory relationship as a core condition of supporting the desistance process (Burnett and McNeill, 2005; Durnescu *et al.*, 2013). Further, though some research highlights painful experiences (e.g. Hayes, 2018), many studies focused on client experiences tend to reveal largely positive accounts of probation supervision (Durnescu *et al*, 2013). For instance, the literature suggests that supervision is more likely to be viewed in a positive light when clients are provided with practical help in respect of problems relating to housing, health, employment and finances (e.g. McCulloch, 2005). That clients seek direction from their supervisors is a consistent theme in the literature, following Mayer and Timms' (1970) 'supportive-directive' typology, and Trotter's (1993, 1996) prosocial modelling approach, which encourages the use of praise and reward as a means of motivating people to adapt behaviour. Rex's (1999) study suggests that clients welcome strong direction from their supervisors, as it signals genuine concern and expectation about their behaviour. Braithwaite (1989) has also found that firm intervention can contribute to the reintegration of the person.

The giving and receiving of help is not a straightforward process, however, and experiential studies indicate that the attitude with which help is provided is as important as the practical benefits of the help itself. For instance, Burnett and McNeill (2005) note the difference in the emotional responses of clients when a supervisor supports their 'intrinsic motivation' to change, in contrast with attempts to achieve change by force, which tend to yield more negative outcomes (Burnett and McNeill, 2005, p. 231). Similarly, Morash *et al.*'s (2015) study demonstrates that a punitive or authoritarian style is met with resistance and anxiety in women under supervision, whereas a supportive approach is more likely to elicit positive outcomes. Rex (1999) also found that overly authoritarian supervisory practices can backfire and induce conflict and non-cooperation. Further, studies focusing on the pains of probation show how help can lead to harm, when supervision is perceived as intrusive (Durnescu, 2011; Ditton and Ford, 1994).

More subtle responses to supervision lie in the client's understanding of their supervisor's ability to provide meaningful help. For example, Rex's

(1999) study emphasises the struggle clients experienced in maintaining a decision to desist from crime, and the doubts about their supervisor's capacity to provide support to them beyond monitoring their situation. Conversely, there is a sense from this study, in particular, of the benign power of being under supervision. Rex (1999, p. 376) highlights how, for some, the mere fact of being on probation can provide a barrier to engaging in criminal activity, without losing face amongst peers.

Fewer studies explore probation client perspectives through a historical lens. Of particular relevance is a series of empirical analyses of probation stakeholder experiences that have been conducted in respect of Northern Ireland (Fulton and Parkhill, 2009; Carr and Maruna 2012), Scotland (McNeill, 2012) and Ireland (Healy and Kennefick, 2019). Ireland has witnessed the development of a rich and evolving literature on the history of criminal justice and associated institutions (O'Sullivan and O'Donnell, 2012; Rogan, 2011; Kilcommins *et al.*, 2004). However, studies on the history of probation, in particular, are fewer in number, with existing works focusing on the general history of the Service (McNally, 2007, 2009) and the relationship between the Probation Service and the penal voluntary sector (Swirak, 2018; Healy and Kennefick, forthcoming). It is noteworthy that some existing studies contain aspects of oral testimony in the context of the Probation Service, though they are limited in scope (e.g. McGagh, 2007).

This paper draws on McNeill's (2008, 2009, 2012) oral history of Scottish supervision, which comprised a small-scale study involving former probation practitioners, educators and clients who experienced probation in Scotland during the 1960s. McNeill, together with Beth Weaver, conducted oral history interviews, with a view to supplementing the arguably scant 'official' accounts of probation during the period prior to the organisational restructuring which took place when Scottish probation work became part of the general social work structure, following the introduction of the Social Work (Scotland) Act, 1968 (McNeill, 2012). A key theme that emerged was the sometimes-conflicting narratives of probation experiences, as helping, holding or hurting, and the significance of the practitioner's role in affecting the meaning, nature and experience of the sanction for the client. Our thematic analysis of clients' oral history narratives aims to add nuance to the historical account of the Irish probation landscape, and also to bolster the wider, international literature on experiences of probation from both contemporary and historical perspectives.

## Histories of probation in Ireland

The project consists of three phases. Phase I (Probation Officers, Administrators and Voluntary Workers) and Phase II (Probation Clients) involve a qualitative analysis of oral history interviews relating to experiences of the Service and supervision, as appropriate, from participants from the 1960s to the present day (see further Healy and Kennefick, 2019). Phase III (Documentary Analysis) examines archival records with a view to mapping the evolution of probation practice, policy and culture from 1922 onwards. This paper focuses on the Phase II findings related to client experiences of supervision.

### Methodology

Phases I (interviews with Probation Officers) and II (interviews with people under supervision) employ an oral history methodology to augment the 'history of probation' with the unique 'probation histories' that emerge from the recollections of core stakeholders.

Oral history is a compelling methodology because it unearths undocumented experiences and offers subjective evidence that ascribes a particular meaning to the recent past (Thomson, 1999; Abrams, 2016). An oral history not only records accounts of the past, but also provides a means of assembling history from primary sources (Perks and Thomson, 2015). By gathering personal testimonies of a particular phenomenon, it is possible to draw out shared understandings that test our assumptions and entrenched judgments about existing historical accounts. Even where individual accounts conflict, oral history has the capacity to embrace multiple perspectives and to provide a space in which to explore differences in interpretation (Nyhan and Flinn, 2016). Further, when faced with the potential fallibility of human memory (e.g. O'Farrell, 1979), personal accounts of the past signal deeper, unconscious meanings regarding culture, perceptions, beliefs and values. Such testimony also provides a means of understanding how people make sense of their past, and so it may be characterised not only as a source, but as a subject of oral history in its own right (Thomson, 2011). Conducting a critical analysis of the oral testimony of those who have experienced supervision, through the application of a thematic framework, then, adds an authentic and nuanced layer to our understanding of the history of probation in Ireland.

### Sampling

Semi-structured oral history interviews were conducted with twenty-five male participants who experienced probation from the 1980s to the present day:

spanning the 1980s (five), 1990s (seven), 2000s (five), and 2010s (nine), including three participants serving a life sentence. Participants were recruited with the assistance of the Probation Service (nine), community organisations funded by the Probation Service (seven), voluntary organisations (seven), and from responses to newspaper advertisements (two). All participants had experienced supervision in Dublin. In addition, two participants had experienced supervision in Limerick, and one in England. The majority of participants experienced supervision through a probation order (eight), with others engaging with the Service during their prison sentence (five), and as part of post-custody supervision conditions (five), suspended sentence conditions (one), community service (one), and through the Children's Court (one) and a residential school (one). Some experienced multiple forms of supervision across a number of years, with many finding it difficult to recall exact dates, durations and age at time of supervision. That said, of those who could recall, the duration of the supervision period ranged from six months to life. Some participants were reluctant to disclose offence type; among the remainder, the following offences were reported: property offences (five), non-fatal offences against the person (four), drug-related offences (three), murder (one), and a driving offence (one). All but one of the participants were currently or had in the past engaged with a rehabilitation network, organisation or sponsored service, which could differentiate this cohort from the experiences of the general client population. Codes were assigned according to the order in which participants were interviewed (i.e., the code 'PC5' corresponds to the fifth 'Probation Client' interviewed).

Interviews were loosely structured, and the guiding themes and prompts included: pathways to probation; typical day as a probationer; helpful aspects; least helpful aspects; positive and negative experiences; and perception of supervision over time. A vignette was also employed to assess supervision experiences. The vignette consisted of a fictional account of a probation client whose story was told in four parts, with each part accompanied by a series of questions, asking participants to explain how they thought their Probation Officer would have dealt with the fictional client in the scenario. The purpose of the vignette exercise was to gain insight into client perspectives of the assessment and treatment process, their personal theories about the causes of offending and desistance, and their understanding of the related response of supervisors to various types of behaviour, such as non-compliance. Interviews were recorded and transcripts were analysed using MAXQDA, a qualitative data analysis software package.

Inductive thematic analysis (Clarke *et al*., 2015) was used to explore hidden and overt meanings in the data.

The findings are designated as preliminary until such time as female accounts, and accounts from individuals who experienced probation pre-1980, are obtained and analysed.

## *Preliminary findings*

The following analysis draws on McNeill's (2009) framework for understanding supervision experiences and aims to build on his work in two ways: first, by adding a new dimension to the framework; and second, by exploring the powerful emotions elicited by the supervision experience. Such frameworks constitute useful tools for conceptualising supervision experiences but also run the risk of over-simplifying complex phenomena. As McNeill (2009) notes, the different dimensions are closely interlinked and frequently overlap. To contextualise the findings and avoid over-simplification, it is important therefore to discuss briefly the nature of the supervisory experience, which is revealed by our findings to be complex, subjective and porous. First, our research confirms that supervisory experiences are multifaceted and cannot always be neatly classified into distinct 'types' of encounters. For example, supervisory experiences varied both within and between individuals; most of our sample had been on probation more than once and recounted different kinds of experiences at different moments in their lives. PC2 (2010s cohort) had a short-lived supervision experience as a teenager and characterised officers of that era as being 'all about authority' and 'ticking boxes'. However, he believed that officers encountered later in his life displayed more empathy, support and understanding. He attributed these shifts to changes in the Service and in his own attitude, acknowledging that, as a teenager, 'I wasn't in the right place, state of mind to realise what they were trying to do for me.' Interestingly, his experience contrasts somewhat with other accounts, which suggest that, while probation practice changed little during this period, it has become increasingly structured and less welfare-focused in recent years (see, for example, Healy, 2015b). This highlights the need to consider personal as well as 'official' accounts of supervision, leading to our second observation – that supervisory experiences are subjective, and similar practices are perceived differently by individual probationers. For instance, in our study, home visits were described as helpful by some and as intrusive by others. To illustrate, PC1 (1980s cohort) commented, 'She [Probation Officer] was very good. She called out to the house, got to know the family and became a friend of the family.' Conversely,

PC6 (1980s cohort) stated, 'It's kind of like, OK, the Government is coming to my house to see if I am OK or is everything OK in the house, like, you know, and I remember my Da wasn't working and he got offside [as a result of the visit].' Third, supervision does not operate in a vacuum, and people's experiences were sometimes shaped by external circumstances, both positive and negative. For example, PC16 (1980s cohort) felt apprehensive when first placed under supervision because he had previously experienced institutional abuse and maltreatment, becoming distrustful and guarded around authority figures as a result. Consequently, his engagement with probation was, in his words, not 'the healthiest', and he believed that the order had minimal impact on his life or offending. Bearing in mind these caveats about the nature of supervision, the different dimensions of the supervision experience are now explored.

## Helping

According to McNeill (2009), 'helping' relates to the classic probation philosophy of 'advising, assisting and befriending'. Helping experiences were described by many of our participants who tended to characterise supervision in positive terms if officers offered advice and practical support, attempted to build rapport, put a clear supervision plan in place, and actively sought out rehabilitation opportunities. Existing research shows that such experiences can contribute to increased satisfaction among probationers (e.g., Durnescu *et al.*, 2018; Healy, 2012). Probationers also valued officers who demonstrated empathy, were caring but assertive, were willing to advocate on their behalf, and communicated a belief in their ability to change. They appreciated officers who listened, took the time to get to know them, and communicated clearly. The following quotes, in particular, highlight the powerful impact of high-quality professional relationships built on trust, acceptance and support. PC15 experienced significant difficulties with gardaí on release from prison, explaining: 'Every time the police seen me, they just arrested me.' Feeling hopeless, he contacted his Probation Officer to say, 'Look, I'm going to finish my sentence and just leave me alone.' However, instead of accepting this, the officer arranged for him to decorate her house and spend time in the probation office to keep him off the streets. He remained in touch with his Probation Officer and still has some contact over thirty years later, saying:

> 'They tried to do their best for you. [...] Now the one that stood by me, [NAME], she stood by me through thick and thin, through everything and I was even asked to go to her retirement party, that's how well I got on

with her because I done her house up and minded her husband, […] she didn't judge me.' (PC15, 1970s/1980s cohort)

Despite initial reservations around engaging with probation, PC18, a life-sentence prisoner, found that his relationship with his Probation Officer created a safe space to complete difficult personal work. Though many years have passed, he continues to meet this officer regularly for coffee and a chat.

> 'I felt that somebody was actually listening to me, that I could talk about stuff that was very important for me that I never spoke about before and I could speak and, you know, not fear it going anywhere else … every aspect of my life was opened with [PO], you know.' (PC18, 1990s cohort)

Testifying to the strength of this relationship, he concluded, 'I remember saying one day, I said there was only two people in the world who know me – my wife and [PO].' In terms of the emotions activated by helpful supervisory experiences, hope emerged as the strongest. Hope, as expressed by our participants, reflected Burnett and Maruna's (2004, pp 395–6) definition as having 'both the "will and the ways": the desire for a particular outcome, and also the perceived ability and means of achieving the outcome'.

*Hurting*

McNeill (2009) found that probation may be experienced as hurtful when overly focused on surveillance, enforcement, or threats of enforcement. These kinds of pains were also evident in our study. Probation was characterised by participants as hurtful when perceived as intrusive, inflexible, and focused on monitoring and punishment, rather than support. Hurtful experiences often arose from relational issues; for instance, some participants described their encounters as disrespectful, while others found it difficult to build trust with Probation Officers because of personality clashes. Frustration also emerged when participants felt that officers did not listen to them or failed to recognise attempts to change. PC11 (1990s cohort) described probation as overly intrusive and highlighted a power imbalance between the officer and himself, noting that non-compliance with even some requirements could be met with a bad report or a 'threatened' return to court.

> 'Probation Officers think they're guards and fucking have the power to send you to prison if they want like they can easily write a bad report and

you'll get locked up, so I was, like, well, we're not getting on so what's the point in getting a report? I'll go back to prison meself. […] I know that's part of their job – I understand that part – but when you have your appointments, you're going to your appointments. "What did you do with your week?" Well, it's none of your business really. I'm here because I have an appointment. I've done – whatever you asked me to do, I've done. If you want to know everything … and then you don't tell them, or they threaten you with the courts.' (PC11, 1990s cohort)

PC24 (2010s cohort) did not get on with his first Probation Officer, describing her as 'grumpy'. He felt that he had been labelled by her as a 'bold person'. At the time of the interview, he was no longer in contact with his family and believed that his Probation Officer's negative view of him, expressed during meetings with his mother, was a contributing factor.

'Just really the old woman [PO], that's it. She was negative, you know what I mean. She was labelling me. Like my ma was with me and all so she was making my ma fight with me and all. Where me ma wouldn't really be like that. So, she was making people act different around her. So that was negative. She changed. She changed me ma's perspective to who her son is. Said like, "He's out robbing cars, you don't have control over him", this that and the other, you know what I mean. I don't have family so there was no point fighting for family all them years.' (PC24, 2010s cohort)

The pains of probation are, of course, already well documented in the literature (see e.g., Durnescu, 2011; Durnescu, 2019; Griffin and Healy, 2019); however, our findings also highlight the emotional burden imposed by these pains. In particular, feelings of anger, frustration, sadness, and resentment are palpable in the above quotes. Ultimately, PC11 became so exasperated with the supervisory experience that prison seemed a preferable option. He was subsequently returned to prison on a different charge. PC24 also ended up back in court, although his later experiences were more positive. As he explained, the judge gave him a 'second chance' and assigned him a different officer who proved more helpful and supportive. While it could be argued that these examples show Probation Officers simply doing their jobs (by holding people to account for their actions) or participants deflecting responsibility for their behaviour (by blaming the officer for causing conflict in relationships), we suggest that these experiences should be classified as

'hurtful' when experienced as such by people under supervision. While the pains arising from perceived power imbalances and stigmatisation may be subtler than those arising from overt abuses, these examples show that they can still elicit a powerful emotional response and may ultimately undermine the utility of supervision.

## Holding

In McNeill's (2009) framework, 'holding' describes a sense of being monitored and restricted or, more positively, a kind of harm-minimisation strategy where a chaotic life is safely contained, albeit temporarily, within the confines of a probation order. Other scholars have highlighted this dimension of supervision; for instance, Hayes (2018) observes that the structure of probation can help some people to feel a greater sense of control in their lives. This theme was less evident in our research, tending to overlap quite strongly with either the helping or hurting themes. The first quote, from PC17 (2010s), illustrates an experience at the boundary between helping and holding. As can be seen, PC17 found that the structure of the probation order helped to change his routines, expose him to law-abiding lifestyles, and generate a sense of calm and security.

> 'The most helpful for me personally was just keeping out of trouble, having a structure, having a plan, so Monday to Friday, between two and four, I'd have to be here so that was definitely most helpful because it was good structure, it was a good opportunity to see how – I hate to say normal, but how normal working people was living and how much more calmer and better it was than the life that I was living previous to that. So that would have been the most helpful, just as a bit of an eye opener. […] And it wasn't too overwhelming, like two hours isn't a lot just to come in and see what they had to offer.' (PC17, 2010s cohort)

Alternatively, PC5's (2000s cohort) experience is located at the intersection between holding and hurting. On the one hand, he was reassured on being told that the purpose of supervision was to help him stay out of the prison system, as illustrated by the following quote:

> 'Like, they keep making it clear: "Look, we're not here to put you back into prison […] we're here to try and get you out, stay out and manage your sentence" – so, that's good they kind of say that from […] so kind of

reassured from the start, but yeah, as I say, I haven't had much experience working with probation outside; it's all been inside, so yeah, I think it will be all right.' (PC5, 2000s cohort)

On the other hand, he felt constrained by the knowledge that post-release supervision would tie him to a criminal past he wanted to leave behind. When asked if he wanted probation support after release, he responded, 'To be honest, no. […] I'd rather forget about jail completely and move on. Now I have no choice.' (PC5, 2000s cohort)

## Hands off

The final theme does not appear in McNeill's (2009) framework but has been added here to capture another dimension of participants' supervisory experiences. For some, probation supervision seemed inconsequential, constituting a minor commitment that imposed minimal restrictions on their lives and asked little of them in return. Such individuals typically said that probation meetings were rare and/or brief, or that their officers seemed detached and *laissez-faire* in their approaches to supervision. Others admitted that they themselves were disengaged from the supervision process. Many of these supervision experiences, particularly if they took place many years earlier, were only half-remembered. Some appreciated the hands-off approach, largely because they preferred not to engage with the Service. PC16 (1980s cohort) was apprehensive about his first probation order due to a distrust of authority figures and a deep immersion in criminality and drug addiction. Consequently, he engaged instrumentally with probation supervision, complying merely to avoid prison rather than to stop offending, and felt it had a minimal impact on his life.

'It didn't have any restrictions for me. It didn't … you got probation and you seen it as a victory, didn't go to prison – you got out of it. I'll go in and I'll tick the boxes. The Probation Officer tells me to turn up at two o'clock; I'll be there at ten to two, you know what I mean? The Probation Officer asks me a question or wants me to do this: yes sir, no sir, three bags full, sir. Play the game, you know, play the system, like, and that's what I done, so it didn't impact on me. It certainly didn't stop me committing other crimes.' (PC16, 1980s cohort)

Such experiences generated little emotional response in those subjected to probation supervision. However, probation supervision was also perceived as irrelevant in a more problematic way. Several participants wanted and needed assistance, and even asked for help on multiple occasions, but found that none was forthcoming. In such cases, strong emotions were provoked, including resentment, feelings of helplessness, and anger, as is evident in the following quote:

> 'So, what's the difference if I'm clean or not 'cause I was going to her for weeks and weeks and weeks clean and she didn't really do anything for me […] and then I go in dirty and she doesn't really do anything for me, so […] It's just a formality. She has an appointment with me today – it's just to see how you're getting on and off you go.' (PC10, 2010s cohort)

This aspect of the supervision experience is perhaps less well documented, although Crewe and Ievins (2021) describe a 'loose' form of penal power within the prison system that imposes few restrictions or requirements on prisoners but can be experienced as painful by those subject to it. In such cases, prisoners can feel forgotten because they receive little support and are offered few rehabilitative opportunities.

## Conclusion

The research employed and developed McNeill's (2009) 'helping, holding, hurting' framework to further comprehend probation supervisory experiences in Ireland from a historical perspective. However, as noted above, experiences of supervision are complex and can vary both between probationers and within probationers over time, making it difficult to categorise individual experiences distinctly (McNeill, 2009). In some ways, the findings also mirror Crewe and Ievins' (2021) work on 'tight' and 'loose' forms of penal power. For instance, 'helping' experiences may be evoked by approaches that are responsive to people's needs, that respect and preserve their sense of self, and that enable them to take an active role in decision-making. 'Tight' forms of penal power that impose strict obligations on people – even when they are provided with the resources to meet these requirements – may generate the kind of 'hurting' experiences discussed earlier in this paper. Lastly, 'hands-off' experiences may be elicited by 'loose' forms of penal power, described as fairly undemanding in terms of their requirements, but also unresponsive to people's needs. As our participants' experiences showed, such approaches

can have a powerful impact, leaving some people feeling frustrated and abandoned.

The findings have contributed in several ways to knowledge about supervision. The 'hands-off' dimension added by this paper highlights experiences where probation supervision bore minimal relevance to the lives of probation clients. This approach was welcomed by some but in others brought about feelings of hopelessness and of being left behind. The research also shows that being under probation supervision can elicit a broad range of powerful emotions – an aspect of the supervisory experience that is currently under-researched. As can be seen from the findings, emotions varied from hope to anger, frustration and hopelessness. Moreover, the research revealed that there are instances where the lines between 'helping', 'holding' and 'hurting' can become blurred (see also Hayes, 2018). Experiences of supervision were considered helpful if probationers felt listened to and Probation Officers took a solution-focused approach to rehabilitation. Efforts to help became hurtful if supervisory techniques were considered intrusive, if a probationer felt misunderstood, or if their efforts went unacknowledged by their Probation Officer. With regard to 'holding', the findings show that probation can offer a more stable routine for clients, which can lessen anxiety and promote an alternative lifestyle. However, for those who want to move on, probation supervision is seen as a constant reminder of a criminal past.

While participants acknowledged that they had to be in the right state of mind to accept help, the findings suggest that Probation Officers play a significant role in adding meaning to the client's experience of supervision. Irish research on the experience of probation supervision is scarce, but this finding is consistent with existing Irish and international work, which suggests that a positive supervision experience is contingent on the building of rapport with the client, the implementation of clear and achievable supervision plans, the offering of practical support and advice, and the provision of opportunities for rehabilitation (Durnescu et al., 2018; Healy, 2012). Positive supervisory experiences that incorporate these practices are more likely to evoke feelings of hope in the probationer.

While this article has focused on the experiences of those under supervision, it is important to note that others, such as Probation Officers, may offer very different accounts. Every perspective is equally valid, though, and our research project attempts to capture the experiences of diverse stakeholders, including people who have been subject to supervision,

Probation Officers, and policymakers (see e.g., Healy and Kennefick, 2019; Healy and Kennefick, forthcoming; for overviews of probation in Ireland, see Healy, 2015a, 2015b; Carr, 2016). Ultimately, historical accounts such as those discussed in this paper provide a better understanding of supervisory experiences, illuminating the lived experiences of people under supervision, animating official accounts and adding nuance to existing scholarly research on the evolution of probation practice.

## Acknowledgements

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# Probation in Slovenia: 'In the Right Direction'

## Danijela Mrhar Prelić*

**Summary:** The Slovenian Probation Service was established in 2018 and work is continuing on its infrastructure and systems. This paper provides an overview of the context in which the legislation was prepared and explores from the outset how the new state body was established. The paper describes the reasons for the establishment of the Probation Administration in Slovenia. It provides an overview of the procedures for the recruitment of staff, the sourcing of premises, the development of ICT systems and a range of project activities. The approach to the preparation of guidelines for practice, training procedures, and networking with the wider local community are outlined. The paper concludes with information on the organisational structure, statistics on the number of probation tasks, and based on the momentum of the last few years, some critical reflections on future developments.
**Keywords:** Probation, probation system, Slovenian Probation Administration, community supervision, criminal code, prison sentence, case management.

## An introduction to the system of sanctions in Slovenia

As stated in the Slovenian Criminal Code,[1] the purpose of punishment is:

  (i) To enable the State to safeguard the fundamental values and principles of the legal order;

  (ii) To increase awareness of the harm caused, to individuals and communities, by criminal behaviour; and

  (iii) To impose an appropriate punishment that enables perpetrators to become reintegrated into their communities and wider society, allowing for individual needs and human dignity.

A prison sentence may be imposed for a period of not less than one month and not more than 30 years. Its length is determined in full years and months, unless its term does not exceed a period of six months, in which case it is

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determined in full months. Life imprisonment may be imposed for criminal offences of homicide, genocide, crimes against humanity and war crimes, with the possibility of consideration for conditional release after 25 years.

The Criminal Code (2021) system of criminal sanctions includes:

- Admonitory sanctions
- Prison sentences
- Safety measures.

Within the admonitory sanctions, the court may suspend the sentence when the perpetrator has been punished by imprisonment for a term not exceeding two years or by a fine. A suspended sentence may not be imposed when a prison sentence of more than three years is prescribed by law. The court may decide that a perpetrator serving a suspended sentence should be subject to custodial supervision for a specific period of time and with specific conditions. Custodial supervision involves statutory supervision and can include one or more instructions relating to living arrangements, lifestyle and prosocial activities. In applying custodial supervision with conditions, the court will consider the following: perpetrator's age; their psychological characteristics; the motives for which they committed the crime; their personal circumstances; their past behaviour; the circumstances under which the crime was committed; and the perpetrator's behaviour after committing the offence. The specified conditions must not in any way affect the human dignity of the perpetrator nor cause unreasonable hardship. The management of suspended sentences with custodial supervision is the responsibility of Probation administration.

A prison sentence is usually served in prison, but under the Criminal Code it can also be executed in other ways – house imprisonment, weekend prison, and community service. A prison sentence of up to nine months may be served under house arrest if the risk of reoffending is deemed to be low and where there are strong family and social supports. The sentence can also be served in an appropriate public institution in the case of illness, disability or the old age of the convicted person. A prison sentence of up to three years, except when imposed for a sexual offence, may allow the person who meets the conditions provided by the act to continue with work or schooling and to reside at home. However, they must return to prison on work-free days and at weekends. A prison sentence of up to two years, except when imposed for a sexual offence, may be enforced through the performance of community service for a maximum period of two years from the enforcement of the

judgment. The extent of work is defined so that one day in prison equals two hours of community service. Work placements will take account of the person's professional knowledge and skills and their commitments regarding urgent family, educational and vocational obligations. Community service is performed without remuneration. House imprisonment and community service are managed by Probation administration, while weekend prison is the responsibility of the prison service.

## How did it begin?

In July 2015, the Government of the Republic of Slovenia accepted a recommendation to establish a probation service as part of the system of enforcement of criminal sanctions. The Ministry of Justice was directed to draw up an Action Plan, by 31 May 2016, to include a proposal for the necessary institutional and normative changes with due regard to financial costs and comparative international developments. A task force, with representatives from the Ministry of Justice, Prison Administration, Ministry of Internal Affairs, Ministry of Labour, Family, Social Affairs and Equal Opportunities, Supreme Court, the Office of the State Prosecutor General, Faculty of Law and Institute for Criminology, was set up to progress that plan.

The main task of the group was to analyse the existing situation in the Republic of Slovenia in the field of the implementation of alternative/community criminal sanctions. Members of the task force prepared a questionnaire to collate and analyse data in relation to existing practice, and compiled reports on those critical findings that included proposals for further regulation of the field.[2] Before the establishment of the state body, probation activities were carried out by a wide range of authorities: social work centres (Ministry of Labour, Family, Social Affairs and Equal Opportunities) had responsibility for most probation activities, including community service, suspended sentence with custodial supervision and conditional release with supervision. Weekend prison and social work in prison were managed by the Prison Administration. The judiciary was responsible for house arrest, with the police service responsible for the supervision of those cases.

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[2] Action plan to set up a probation service by proposing the necessary institutional and normative changes, 2016: http://webcache.googleusercontent.com/search?q=cache:mxeZuOr2hs4J:84.39.218.201/MANDAT14/VLADNAGRADIVA. NSF/18a6b9887c33a0bdc12570e50034eb54/1786cec6dd354286c1257ff8001f8f54/%24FILE/AKCIJSKI%2520NACRT%2520PS.docx+&cd=1&hl=sl&ct=clnk&gl=si

An analysis of the practice current at that time showed that community sanctions were rarely applied in Slovenia even though on average between 50 and 55 per cent of those in Slovenian prisons were serving sentences of two years or less. Many of the difficulties with effective sentence management arose from role confusion and the lack of clear communication channels between the relevant bodies. It also emerged that by-laws did not comply with the legal rules, and the issue of adequate staffing within ministries was problematic. In addition to tasks relating to referrals from criminal justice, practitioners in the existing social work centres carried out and prioritised other tasks that were unrelated to community sanctions. No analysis of the enforcement of community sanctions was undertaken at a national level due to difficulties with accessing data.

Within the Inter-Ministerial Task Force a smaller group of experts was established. Its main role was to focus on practice and structures in other established probation services across Europe, to inform proposals on the normative and institutional frameworks that would underpin a new national probation service in Slovenia. In May 2016, further to the proposals from the expert group, the task force agreed an action plan for the establishment of a probation service in the Republic of Slovenia; this was adopted by the Government at the end of July 2016. Key objectives were:

- The integrated development of work in the field of community sanctions
- Standardised practice in the enforcement of community sanctions and measures nationally
- The integration of services and increased engagement with judicial authorities
- Improved staff training and qualifications
- The introduction of specialised areas of work
- In-depth treatment of perpetrators
- Centralised collation and analysis of data
- The transfer of good practices from abroad, with recognition of the service across international probation
- More frequent decisions by prosecutors or judges to implement community sanctions, with the aim of replacing shorter prison sentences with an alternative measure,
- Professional and skilled contributions to reducing reoffending
- A higher level of humanity in dealing with those who offend
- The protection of human rights.[3]

[3] Action plan for the establishment of a probation service with a proposal for the necessary institutional and normative changes, 2016

Following the adoption of the Government's decision, the Probation Service was established within the Ministry of Justice in October 2016.

## Legislation

The most important task for the newly established Probation Service was to draft the Act of Probation. The interdisciplinary group (members from the Probation Service, the Prison Administration and the Faculty of Law) prepared a Draft Probation Act and, in the second half of November 2016, forwarded it to interdepartmental co-ordination and professional co-ordination units. To inform the content of the Act, members of the interdisciplinary group visited the probation services of the Republic of Croatia, the Netherlands and Norway. These services provided information on their structure, advantages and disadvantages of systems, development orientations, the alignment of international documents with national legislation, areas in need of development, and the role of international co-operation. The Bill was tabled in a government procedure in February 2017, and in March 2017 the Government adopted the Draft Act of Probation. The National Assembly adopted the Probation Act on 24 May 2017. It entered into force on 17 June 2017 and applied from 1 April 2018, with the exception of provisions relating to the establishment of a constituent body, which occurred in June 2017 when the law was passed.

Following the entry into force of the law, the Government of the Republic of Slovenia issued a Regulation amending and supplementing the Regulation on bodies composed of ministries[4] and a Regulation on the number of probation units, the area of their operation and the headquarters of the central unit and probation units.[5]

## Staffing and office infrastructure

In parallel with standard probation activities, work began in relation to human resources (HR) and the provision of offices, furnishings and equipment. Work also commenced on the 'Effective Justice' project (see below).

In October 2017, the Ministry of Labour, Family, Social Affairs and Equal Opportunities issued a list of civil servants who had given their consent to transfer from social work centres to the Administration of the Republic of Slovenia for Probation (hereinafter UPRO). The civil service relocation

[4] *Official Journal of the Republic of Slovenia*, No. 35/15, 62/15, 84/16, 41/17, 53/17, 52/18, 84/18, 10/19, 64/19, 64/21, 90/21, 101/21 in 117/21)
[5] *Official Journal of the Republic of Slovenia*, No. 41/17

agreements, which included the transfer of financial resources, were signed in December 2017, leading to the transfer of 12 staff. An agreement was also reached with the Director General of the Prison Administration to transfer to UPRO five civil servants who were selected on the basis of interview. Altogether, that meant 17 staff – five assuming managerial functions with some practitioner duties, and twelve Probation Officers.

From April until August 2018, administrative co-ordinators were recruited for all probation units, and procedures were also put in place for the recruitment of civil servants to the central unit.

The provision of appropriate office spaces was expedited from mid-January to the end of March 2018, by the Ministry of Public Administration with responsibility for premises. As UPRO was a newly created body, it was necessary to transfer certain funding from the Ministry of Justice to the Ministry of Public Administration. In addition to the five probation units, it was accepted that additional smaller sub-offices would be needed for those units covering territorially larger areas, to ensure adequate service to people in areas with less access to public funds.

Premises were secured in five locations (Maribor, Celje, Ljubljana, Koper and Novo mesto) with specific arrangements. Given the confidential relationship between the counsellor and the person involved in probation supervision and/or their family, it is important that each professional has their own office with all the necessary technical supports and a designated place to conduct interviews. These standards were met in all locations except the Celje probation unit. With the increase in the number of employees within the system, it has become apparent that certain locations need changes, either in terms of providing more offices (probation units Ljubljana, Maribor and Celje) or in terms of providing new workspaces, because existing ones have proved unsuitable through practice (the Koper probation unit). It is also clear that the expansion of some units (in Ljubljana and Maribor) will be necessary, and intensive efforts have been made in progressing the comprehensive renovation of the facility to which the central unit moved in 2019 (due to the Ministry of Justice's support services, it was planned that the central unit would be located in the immediate vicinity of the Ministry of Justice).

## IT and office equipment

Several meetings with the Ministry of Public Administration were held, where the requirements for equipment and IT (information technology) support for all probation units were presented by UPRO, including the identification of all

necessary IT packages. The units received computer equipment at the end of March 2018, but there were several problems in all locations that needed to be addressed in real time, and the system started to be fully operational only in May 2018. Mobile phones bridged the gap until fixed telephony was installed in August 2018.

Various public contracts were issued (for the purchase of furniture and equipment for probation units and the central unit, working-time registrars, provision of postal and mobile services, followed by the purchase of company vehicles for all units). In accordance with government regulations, all staff members have been issued with a service identity card.

## 'Effective Justice' project

'Effective Justice' is a European project that commenced under the auspices of the Ministry for Justice in 2016 and will end in 2023. It is co-financed by the European Union (EU) through the European Social Fund (ESF) and the Republic of Slovenia. UPRO participates in the project with the key objective of establishing the conditions for the launch and effective operation of a system of probation in Slovenia. At the time of implementation of the project, dedicated funds were set aside for wage costs (and reimbursement of work-related costs) of ten employees by the end of the project, purchase of hardware and software computer equipment, purchase of server and disk equipment, other computer services, for mission expenses, information and communication, analysis and study, assessments, research, for education and training and for certain indirect costs related to the functioning of the authority within the project. After considering a number of options, it was decided that the Ministry of Justice should consider amending 'Effective Justice' so that UPRO became an independent beneficiary in July 2018 and it subsequently agreed to draft a change of activity, extending the funding period until the end of 2023. The funds were used for the recruitment of ten civil servants, participation in international conferences in the field of probation, professional visits to foreign probation services, extensive training of probation staff, the purchase of tablets, printers for consultants and other computer equipment, and the production of promotional material.

## Delivering interventions

### 1. Data management

In addition to employment, the development of an organisational information system (ProbIS) and the development of a dedicated risk-and-needs assessment tool (MOT) are crucial deliverables in the context of European funding.

To prepare for the introduction of ProbIS and to achieve the objective of uniform practice in all units, UPRO has developed a manual system for case tracking and management. It includes: standard details of all referrals; personal plans for probation tasks (enforcement of security supervision, enforcement of community service, house arrest); court reports, information from the prosecutor's office, committees for parole release, template for tripartite agreement between the person, probation unit and relevant service provider; a scheme to record ongoing contact with the probationer, and a questionnaire relating to criminogenic need/risk (as a guidance resource until the development of the organisational Risk-Need-Responsivity (RNR) tool). For the purpose of monitoring, reporting, evaluation, research and statistical analyses, a daily data collection table was implemented once the state body was established.

To carry out legitimate and professional enforcement tasks, UPRO collects, processes and manages a database of persons. To protect personal data as well as legal restrictions on the processing of personal data, arrangements have been put in place with a range of stakeholders – Ministry of Justice, Ministry of Labour, Family, Social Affairs and Equal Opportunities, Ministry of the Interior. It is intended that similar agreements will be reached with the remaining state institutions – Employment Service of Slovenia, Ministry of Education, Health Insurance Institute of Slovenia, etc. All these data sources will subsequently be included in ProbIS, which will significantly facilitate the work of probationary staff working with persons involved in probation.

### 2. Guidelines for practice

There have been many developments in the field of practice. The transmission of documentation to UPRO, in relation to cases previously managed in the social work centres, began in the last week of March 2018 and was completed in full in April. This included a list of community-based organisations providing a range of community-service placements. Revised agreements have been completed on the regulation of mutual rights and obligations relating to the execution of community service. In the first phase of this process, 700 signed

agreements have been submitted and the list is updated according to the needs of the probation units.

A priority from the outset was to develop a guidance manual for employees to inform the execution of probationary tasks. In preparing these guidelines, national and international research was undertaken on the range of tasks required for effective probation practice and on the relevant organisational and legal documentation required to underpin that practice. Based on that research, UPRO published its Guidelines, divided into specific content sets, for full implementation in April 2018, with the aim of achieving uniform practice in all probation units. UPRO recognised the need for ongoing monitoring of the implementation of the Guidelines and the importance of learning from the first phase of their application. Based on that learning and experience from practice, the Guidelines were amended and upgraded in 2020.

## 3. *Staff training*

The training and development of staff continues to be a priority for UPRO as the foundations of professional work are still under construction. In working to a model of best practice, Slovenia is learning from longer-established and more advanced probation services across Europe.

The action plan to set up the new service identified the need to expand knowledge and skills for working with those under supervision. It should be acknowledged that employees from the social work centres were already professionally trained to do this work. UPRO's programme for education and training activities began as the new probation units were being put in place, to ensure a unified approach to practice from the beginning. The programme included training modules on:

- The role of probation supervision
- Use of the documentary system (undertaken in co-operation with the competent ministries)
- Financial management
- Legislation
- Working with alcohol misuse
- Reorientation training for staff originally employed in the social work centres
- Preparation of personal/case management plans carried out by Croatian experts.

A further phase of training in 2018 and 2019 was undertaken with staff of the Probation Service in Ireland and focused on motivational interviewing, the preparation of reports for the judiciary, and working with addiction.

## 4. *External communications*

Since the beginning of the process, activities related to the establishment of probation have been represented both in the media and in the professional and academic world. In the media, this has happened through interviews and press conferences organised by the Ministry of Justice. These included the presentation of the Action Plan and a presentation on the draft probation legislation at the official opening of probation units. There have also been a range of professional and academic consultations and conferences, both at home and abroad.

In view of the fact that UPRO was a new institution working within the judicial system, presentations were initially made to representatives of the Supreme Court and the Supreme State Prosecutor's Office, with the aim of recognising its role and its importance within judicial proceedings. This was followed by a series of meetings with judges (covering eleven district courts in Slovenia) and District Prosecutors.

Promotional materials have also played a key role in increasing awareness amongst stakeholders. An information leaflet, *Probation*, was prepared for the wider community, highlighting the key components of the Probation Service. In conjunction with the Government communication office, UPRO designed and adopted the logo, 'In the Right Direction'. Additional promotional materials included a leaflet designed specifically for service-users, which provides key information and contact details. After the handout was produced, a demonstration promotional leaflet was produced by UPRO, which provides key information on probation, and contact details.

UPRO is involved in different activities of the Confederation of European Probation (CEP), and collaborates with stakeholders from abroad, particularly in relation to the education and training of staff. Through professional visits and ongoing co-operation and liaison, strong links have been created with the probation services in Croatia, Ireland, Northern Ireland, Norway and the Netherlands. At a conference of Slovenian judges, a member of the Irish judiciary and a staff member from the Irish Probation Service gave a presentation on the function, role and implementation of community sanctions. Irish and Croatian probation staff travelled to Slovenia to provide training courses to Slovenian Probation Officers on RNR, the preparation of

reports for judges, the use of motivational interviewing, and effective case management.

## Current organisational structure and execution of probation tasks

The mission of UPRO is to enforce criminal sanctions in the community. Professional treatment of probationers under the Criminal Code will assist in identifying the factors contributing to criminal behaviour; resolving personal distress and difficulties; addressing poor living circumstances; and establishing acceptable forms of behaviour. Professional treatment may also include monitoring of the behaviour of persons in different living environments, in order to identify and eliminate those forms of behaviour that hinder successful integration into society. In addition to the above, UPRO organises, conducts and supervises the execution of community service under the Minor Offences Act.[6]

UPRO consists of a central unit and five probation units – Ljubljana, Maribor with its subsidiary office Murska Sobota, Celje, Koper with its subsidiary office in Nova Gorica, and Novo mesto (See Figure 1).

**Figure 1:** *Organisational structure of Slovenian Probation Administration (UPRO)*
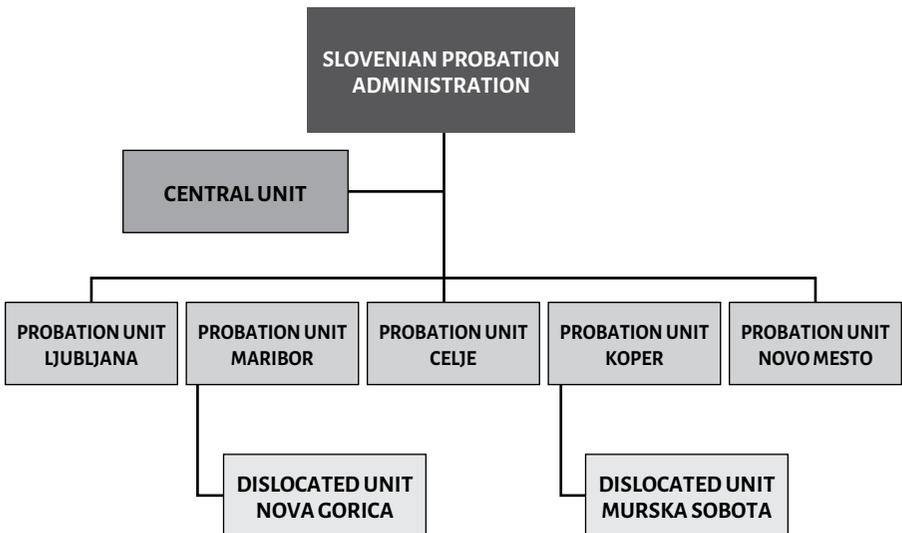


[6] Probation Act (*Official Gazette of the Republic of Slovenia*, No. 27/17)

The Central Unit carries out the following functions:

- Co-ordination and guidance of the work of probation units
- Development and financing of programmes for persons involved in probation
- Co-operation with other competent authorities and services
- Supervision of the work implemented by the probation units
- Provision of education/training of probationary staff
- Evaluation of the effectiveness of measures and programmes
- International co-operation
- Projects in the area of offender management
- Keeping and managing records in accordance with the Probation Act
- Development of a network of sanction providers and the keeping of a list of sanction providers.[7]

All support activities in the areas of general administration, finance and personnel matters are provided by the Ministry of Justice.

The powers of the probation units relate to the execution of probationary tasks laid down in the Probation Act. From the social work centres, the following tasks have been transferred to UPRO:

- Organisation and monitoring of community service within the settlement procedure
- Elimination or settlement of damage in the process of deferred prosecution
- Organisation and monitoring of community service within the deferred prosecution procedure
- Enforcement of a suspended sentence with custodial supervision
- Enforcement of a release on parole with custodial supervision
- Organisation and monitoring of community service as an alternative custodial sentence
- Organisation and monitoring of community service as an alternative to a financial penalty
- Organisation and monitoring of community service as an alternative to a fine for minor offences
- Establishment and maintenance of a network of community organisations for the completion of community-service work.

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[7] Probation Act *(Official Gazette of the Republic of Slovenia*, No. 27/17)

In addition to all the above tasks, the new state body is also responsible for:

- The preparation of reports for the Public Prosecutor regarding the decision to refer a criminal complaint or a motion of indictment in the settlement procedure, and the preparation of the agreement
- The preparation of reports for the Public Prosecutor regarding the decision to defer prosecution
- The preparation of reports for the court to inform decision-making on judicial sanctions
- Co-operation with prisons in the planning of release on parole with custodial supervision
- Implementation and supervision of the execution of the sentence of house imprisonment (previously carried out by the court with the police).

The fundamental task of the Probation Officer relates to assistance, protection and supervision, with the aim of reducing the risk of reoffending, and reintegrating people back into the wider community. The work is challenging as many service-users have unstable lifestyles, mental health issues, and may have histories of violence. Working with people requires a specific approach, knowledge and skills, as carrying out probationary tasks is very demanding. In addition to daily administrative tasks, each Probation Officer must interview the probationer (obtaining through conversation all relevant life information) and prepare a personal plan with clear objectives that reflect the conditions identified as part of the sanction. As part of this work, the Probation Officer will engage with a number of public bodies and non-governmental organisations (NGOs) who will assist in the provision of a range of supports, including education and training, that are compatible with the abilities and family obligations of the person. In their work, the Probation Officers will regularly establish contacts with the courts, with the family, with social work centres and with other national authorities. In advance of prison releases involving custodial supervision, the Probation Officer attends multidisciplinary team meetings for the purpose of preparing a pre-release plan in collaboration with prison staff.

The Probation Act and the Rules on the Execution of Probationary Tasks direct that contact between the Probation Officer and the probationer must occur at least twice a month during the first four months. Contact may be more frequent if the Probation Officer considers this necessary when drawing

up a personal plan. In addition to face-to-face contact, the probationer is also monitored and supervised by telephone and electronic contacts that include regular reports from the community-based organisations to the Probation Officer on the individual's progress. In the case of house arrest, the Probation Officer, in addition to the aforementioned tasks, must carry out regular unannounced supervisory visits to the address where the probationer is serving house arrest (on average, the supervision is carried out two to three times a week, any day of the week, and outside working hours). Supervision is always carried out by two Probation Officers to ensure their own safety.

On 15 May 2022, sixty-two people are employed by UPRO (of whom there are two trainees, nine project employees on temporary contracts and fifty-one on permanent contracts), with employees divided into three groups:

- Central Unit staff (responsible for the overall functioning and development of the state body)
- Probation staff – unit managers and Probation Officers (heads of unit are in charge of managing and organising work on units, as well as to a certain extent executing probation tasks; Probation Officers provide supervision on a full-time basis)
- Probation staff – co-ordinators in probation units (provide all administrative support to probation staff and participate in the delivery of some probation tasks with service-users).

At the beginning of April 2018, UPRO took over 488 cases from the social work centres. The number of probation assignments received (new and active cases) increased over the years of operation of UPRO, and by 15 May 2022 it had received 8,356 cases (Table 1). Of these, 6,121 cases were closed by 15 May 2022, and 2,235 cases remained active (Table 2).

**Table 1:** *Overview of executing probation duties from 1 April 2018 to 15 May 2022*

| | | Probation unit Ljubljana | Probation unit Maribor | Probation unit Celje | Probation unit Koper | Probation unit Novo mesto | Σ |
|---|---|---|---|---|---|---|---|
| Reports | Courts | 180 | 96 | 55 | 21 | 48 | 400 |
| | Prosecutor | 2 | 1 | 12 | 5 | 4 | 24 |
| | Commission for parole release | 0 | 0 | 1 | 0 | 0 | 1 |
| House arrest | | 10 | 20 | 3 | 10 | 2 | 45 |
| Suspended sentence with custodial supervision | | 264 | 94 | 76 | 70 | 59 | 563 |
| Parole release with custodial supervision | | 73 | 52 | 34 | 24 | 16 | 199 |
| Community service | Criminal offences | 749 | 827 | 349 | 162 | 170 | 2,257 |
| | Misdemeanours | 1,425 | 918 | 785 | 550 | 646 | 4,324 |
| | Criminal procedure | 107 | 93 | 63 | 70 | 8 | 341 |
| Co-operation with prisons | | 80 | 42 | 31 | 29 | 13 | 195 |
| Settlement or compensation of damage | | 3 | 0 | 1 | 3 | 0 | 7 |
| | Σ | 2,893 | 2,143 | 1,410 | 944 | 966 | 8,356 |

**Table 2:** *Active probation duties on 15 May 2022*

| | | Probation unit Ljubljana | Probation unit Maribor | Probation unit Celje | Probation unit Koper | Probation unit Novo mesto | Σ |
|---|---|---|---|---|---|---|---|
| Reports | Courts | 4 | 0 | 0 | 5 | 1 | 10 |
| | Prosecutor | 2 | 1 | 0 | 1 | 0 | 4 |
| | Commission for parole release | 0 | 0 | 0 | 0 | 0 | 0 |
| House arrest | | 1 | 4 | 0 | 2 | 0 | 7 |
| Suspended sentence with custodial supervision | | 125 | 37 | 20 | 24 | 19 | 225 |
| Parole release with custodial supervision | | 25 | 10 | 6 | 7 | 2 | 50 |
| Community service | Criminal offences | 357 | 267 | 112 | 63 | 53 | 852 |
| | Misdemeanours | 350 | 149 | 163 | 108 | 245 | 1,016 |
| | Criminal procedure | 24 | 7 | 10 | 16 | 0 | 57 |
| Co-operation with prisons | | 9 | 2 | 1 | 1 | 1 | 14 |
| Settlement or compensation of damage | | 0 | 0 | 0 | 0 | 0 | 0 |
| | Σ | 897 | 477 | 312 | 228 | 321 | 2,235 |

The average workload of a Probation Officer in May 2022 was 50.4 cases. Numbers have been increasing since the inception of the Probation Service; at the end of 2018, it was 78.1 cases, but it increased markedly in 2019 to 94.9 cases, before declining in the last quarter of 2019 and 2020, mainly due to an increase in the number of Probation Officers in that time (by the end of 2020, the workload was 43.3 cases). In the period 2021/22, there is a

real-time upward trend in workloads, partly because of staff turnover and increasing number of tasks. It is expected that, under existing circumstances, current trends will be maintained in 2022.

In its work, UPRO links closely with various organisations to support the implementation of all community sanctions, including community service. Where a person is carrying out community service, the organisations may be any legal person in the Republic of Slovenia carrying out humanitarian or municipal activities, nature-protection activities or other activities in the public interest that are not carried out solely for profit. The agreement on the execution of the community service is signed by the person, the organisation and the probation unit.

Agreements in relation to the execution of community work were concluded with the following: NGOs (25.9%), local self-government (23.7%), educational organisations (20.6%), social protection organisations (14.0%). Fewer agreements were concluded with humanitarian organisations (3.8%), municipal enterprises (3.6%), health institutions (2.9%), the religious community (2.4%), social enterprises (1.2%), employment centres (1.0%), and enterprises operating as a limited liability company (0.9%).

Organisations that enable the execution of probation tasks play an important role in the enforcement of community sanctions, by contributing to the achievement of the objectives set out in the personal plan of probationers, thus reintegrating them into society and resocialisation. Since the beginning, UPRO has been working to strengthen and develop already-established forms of co-operation and to expand the network of organisations. In addition to a number of NGOs, other public services and institutions are involved in the execution of probationary tasks, namely health centres, psychiatric hospitals, social work centres, regional units of the Employment Service and others, in particular in the work relating to the enforcement of instructions in the context of custodial supervision.

## And what about the future?

A key priority for UPRO is to develop its own information system (ProbIS) and a standardised tool for assessing risk-and-need factors (MOT). Probis will replace the existing manual system, contributing to the automation and standardisation of the work process, and will enable the electronic exchange of data with other data sources. MOT will operate in conjunction with organisational guidelines and assist with the prioritisation of criminogenic

needs and the related targeting of resources. It is expected that both projects will be complete by the second half of 2023.

In addition to the above, the aim is also to develop treatment programmes for those subject to supervision. Under the current regime, persons are included in programmes implemented by external providers (e.g. NGOs, psychiatric hospitals, various counsellors, etc.). For the purposes of developing a programme of work with sex offenders, seven Probation Officers have taken specialist training to work with sex offenders in the Netherlands and have already used the knowledge gained in their work. A programme of Social Skills Training Workshops is under way with staff. Working (expert) groups have also been set up within UPRO, which are gradually specialising in specific areas of treatment of probationers (alcoholism, domestic violence, psychological treatment, etc.). The work of these groups will be crucial in the future development of programmes.

Within UPRO, there are internal groups (for working with sex offenders, for psychological treatment and for the execution of house imprisonment). The groups report on the management of these aspects of the work and guide changes, system development and uniform practice.

The practice has shown that there is a shortage in specific areas of appropriate community organisations to support access to education, training, etc. so there is a commitment to further expansion of this network of support organisations. As it is a young service, the desire for probation staff to be highly skilled will require continued attention to education and professional training. However, not only professional competence but also an appropriate workload is important for the probation staff to carry out their work to a professional standard. In the future, it is aimed to achieve a reasonable workload, which means around 20–30 cases per staff member. In 2023, project employments will expire but UPRO hopes and expects to maintain the number of civil servants it has today (at least 63), with the expectation that the Government of the Republic of Slovenia will continue to recognise the importance of the Probation Service (as it was in 2019) and approve employments within the state authority.

From the outset, international co-operation was of paramount importance, so UPRO will continue to strengthen international relations and liaison with colleagues from abroad.

The UPRO slogan is 'In the right direction' and we believe that both the probationers and the development of the state body will go in this direction.

# Restorative Practices in Schools in Northern Ireland: Towards an 'All School' Model

**Brian Payne, Graeme Young and Jonathan Hobson**\*

**Summary:** As in many other countries around the world, the knowledge of restorative practices in schools has grown in Northern Ireland in recent years. There are growing calls from within the education sector to further embed restorative approaches in teaching practice and to include the knowledge of these approaches in teacher training. Whilst restorative practices are recognised as a proven structured approach for conflict resolution and the repair of harm involving children and young people, its use in school settings remains intermittent in Northern Ireland. However, an international evidence base increasingly identifies a range of positive outcomes and successes where restorative approaches have been embraced.

In Northern Ireland, much of the growth in such practices to date has occurred within the integrated education sector, which includes children from the Protestant and Catholic traditions. An underlying compatibility between the transformative values and goals of integrated education and the approaches embraced by restorative practices has helped to bring about greater engagement with restorative practices in some schools. This paper argues that, far from being restricted to a few areas, the challenges posed within integrated education are universal to all schools in Northern Ireland, and consequently that an 'All School' restorative approach would help to address the broad spectrum of factors that can lead to relationship breakdown and the perpetuation of harm.

The paper considers three important developments that may lead to greater momentum for the growth of restorative practices across all schools in Northern Ireland, including the passing of the Integrated Education Act, 2022, the recent enactment of the Addressing Bullying in Schools Act (Northern Ireland), 2016, and the publication of the ground-breaking *Adult Restorative Justice Strategy for Northern Ireland (2022–2027)*. That strategy also incorporates proposals for a Centre of Restorative Excellence to support practice. This paper argues that each of these developments can provide real opportunities for mainstreaming restorative practices across all schools in Northern Ireland and can help schools to forge

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stronger relationships with local communities and the broader institutions of society outside the school gates.
**Keywords:** Restorative practice, schools, human development, integrated education, bullying, punishment.

## Introduction

Restorative justice and its associated practices have become an important tool for conflict resolution within criminal justice and other formalised settings across many countries. This is particularly true across the European Union (EU), where there is an increasing focus on the integration of Restorative Justice into member states' policy, including: mention of restorative justice in the EU's 2012 Victims' Rights Directive (Directive 2012/29/EU); the 2018 Council of Europe recommendation CM/Rec(2018) encouraging the 'development and use of restorative justice with respect to their criminal justice systems'(Council of Europe, 2019); the 2020–25 EU-wide strategy on victims' rights, recognising restorative justice as having a role in empowering victims of crime; and the 2021 Venice Declaration, pushing for a greater role for restorative justice in criminal matters. Much of this policy work focuses on the contribution of restorative justice in addressing criminal behaviour in areas such as youth justice, policing, and probation (Rossner and Bruce, 2016; Kirkwood and Hamad, 2019; Pali and Maglione, 2021). Restorative justice in its most conventional form normally involves a meeting between a victim and an offender, often with support from within a community. The process emphasises the responsibility and accountability of those implicated in some form of harm to make amends for their actions, with a strong focus on providing support to the victims in order to heal the harm done and encourage reintegration of both key actors back into their communities (Gal and Moyal, 2011).

Increasingly, however, restorative approaches have also been incorporated into education and other settings as an alternative to retributive systems for responding to perceived rule-breaking, relationship breakdown and conflict (Song and Swearer, 2016). This will often include broader depictions of restorative 'practice' 'that are focused on relationship breakdown as well as cultural and organisational shifts in approaches to perceived rule breaking and harm' (Wearmouth *et al.*, 2007; Teasley, 2014). The main premise here is that institutional frameworks such as those in schools can bring people together based on shared identities and collective

goals, but they can also disenfranchise people to the extent that individuals feel left out and can even come to define themselves in terms of anti-institutional identities (Morrison *et al.,* 2005).

Proponents of restorative practices in schools point to its ability to offer an effective alternative to the use of traditional discipline, placing the emphasis on building social capital through collective dialogue to produce more socially cohesive and supportive environments (Morrison *et al.*, 2005). The importance of building and maintaining positive relationships among members of the school community is therefore paramount, encouraging all members to adhere to school rules and norms in order to avoid violating these relationships, with broad benefits for the school environment and student outcomes (Riestenberg, 2012).

These perceived benefits from implementing restorative approaches have led to growth in its use in schools in diverse countries across the world, including New Zealand, Australia, Canada, USA, Hong Kong, England and Wales, and across Europe. However, despite the recent popularity of restorative practices in schools, their use is still relatively uncommon in schools in Northern Ireland, with much of the growth occurring within the integrated education sector. The integrated sector in Northern Ireland is viewed as an alternative to the two separate, religiously based education systems that are largely (but not exclusively) composed along the lines of the preferred social and political identities (Catholic/Irish and Protestant/British) of the jurisdiction (McGlynn, 2011). A synergy between the transformative values and goals of integrated education and the dialogue-based accountability approaches that underpin restorative practices may have helped to bring about a greater embracing of restorative approaches in integrated schools, as well as associated forms of cultural change in such school settings.

Driven by the success of restorative approaches in the integrated education sector, the growing international evidence base, and policy movements in Northern Ireland, interest in the use of restorative practice across all schools in Northern Ireland has grown. Most recently, there has been a series of conversations between teachers, restorative practice advocates, academics, and policy-makers on the potential for expanding the use of restorative practices in the school setting. These include a major knowledge exchange at Ulster University (see Hobson *et al.*, 2022); two major public webinars, facilitated by Restorative Practices Forum NI's Education Sub-Group, which together attracted over 150 participants; and an evidence-

gathering seminar with local practitioners on the use of restorative practice in education, health and social care, hosted at Ulster University on behalf of the All-Party Parliamentary Group (APPG) for Restorative Justice, to support their work on 'Implementing restorative practices in education, health and social care' (APPG, 2022). There has also been considerable sharing of ideas and experience on education across the island of Ireland, most notably in work between Restorative Practices Ireland and Restorative Practices Forum NI, with the former publishing an important 'Quality Assurance Framework' for Restorative Practices in Ireland, which considers in depth the role of restorative practices in schools (O'Dwyer, 2001).

These broad forums identified a series of interconnected challenges that can be seen in all schools in Northern Ireland, with most problems arising from a broad spectrum of factors linked to breakdown in relationships. These include issues such as problems at home, the challenges of moving from school to adulthood, the impact of power imbalances and barriers to effective communication, as well as the impact of retributive approaches to behaviour management in the school setting. While those present highlighted how restorative practices had impacted positively on these issues, it was also frequently acknowledged that any attempts to integrate restorative practice into existing school systems will meet a range of institutional, cultural, and practical difficulties, and without adequate resourcing would risk adding to the already difficult working pressures placed on school staff.

This paper draws on these debates to consider the prospects for expanding the use of restorative practices in schools in Northern Ireland. It begins by considering current evidence for their use, including key indicators of success. It then examines several important developments that may lead to greater momentum for the growth of restorative practices in schools in Northern Ireland, including the passing of the Integrated Education Act, 2022, the recent enactment of the Addressing Bullying in Schools Act (Northern Ireland), 2016, and the publication of the *Adult Restorative Justice Strategy for Northern Ireland (2022–2027)*. Each of these areas has the potential to provide real opportunities for mainstreaming restorative practices across all schools in Northern Ireland, and in doing so can also help to forge new relationships with communities and the broader institutions of society outside the school gates. To make these changes sustainable, however, schools must receive extensive support and direction.

## Restorative justice in schools

There is a growing body of research on the use of restorative justice in schools. Some of the most in-depth research to date is centred in Australia and New Zealand where advocates have sought to integrate restorative practices in schools, building on thousands of years of traditional indigenous practice (Drewery, 2016). The focus here is on maintaining meaningful and just relationships based on respect for tradition, customs and culture, and on empowering communities to resolve issues themselves (Dyson *et al.*, 2022). In implementing restorative practices, school communities seek to bring about better outcomes by promoting and recognising the intricate connectivity between individuals and their communities. This includes a strong emphasis on building good relationships between students, their teachers, schools, and communities, rather than the maintenance of hierarchical systems, traditionally based on prescriptive and punitive behaviour-management methods (Lodi, *et al.*, 2021).

Across Australia and New Zealand, formal restorative justice initiatives were initially incorporated into the educational system as an effective means for behaviour control and management. The conferencing approach was initially considered to be the most successful method in education settings. However, as practice and research developed, a wide range of proactive and preventative methods were subsequently introduced to respond to difficult behaviours and disruption (Blood, 2005).

In Australia now, the state governments of New South Wales, Queensland, Western Australia, and Victoria all have dedicated resources for state education institutions. One of the most prominent success stories from this approach, which features in broader Australian restorative discourse, is that of Fairholme College, Toowoomba, Queensland. An independent all-girls school with approximately 700 students (Restorative Schools Australia, 2022). Fairholme has been using restorative practices for 15 years. Embedded throughout the schools learning culture, it aims to provide an inclusive learning and teaching environment, and to develop the skills of students to resolve conflict collaboratively. Restorative practices at the school have removed the punitive element to resolving problems; instead, staff and students work together to listen, learn, and grow. As a boarding institution, practices form part of the wider culture in the living and social environment, and restorative conversations are led by older students who mediate minor conflicts.

A 2009 Australian study on restorative practices in schools by Suvall (2009) was the largest ever conducted in Australia to date. Initial findings at the time described how school administrators dealing with relationship breakdowns and disciplinary violations through conferences felt safer and more empowered. The conferences themselves were seen as an opportunity to 'reinforce school values' and embed them across all conflict-resolution processes.

In New Zealand, restorative practices are used more commonly as an instrument in the social development of young people, rather than as a tool for behaviour management (Drewery, 2016). According to the New Zealand Ministry of Education (MoE, 2014), schools that take a whole-school approach were found to have better outcomes with regards to suspensions and exclusions, and the overall achievement levels of pupils. As of 2017, 174 schools across the country were using restorative practices, all with positive indicators of success, in line with the Positive Behaviours for Life programme (MoE, 2018).

Although the roots of the restorative justice practices adapted in New Zealand are from indigenous culture, there are concerns over the social development, health, and wellbeing of Māori and indigenous populations. Māori students comprise 15 per cent of the school population, yet are more than twice as likely to be excluded or suspended than those of non-Māori descent (MoE, 2014). The New Zealand Ministry of Education recognises the need to improve learning outcomes for Māori students and has committed to doing so through its *Positive Behaviour for Learning* programme. This programme has demonstrated a seismic shift in power relations between students and staff, empowering young people in schools to resolve the conflicts that affect the complex interconnected social relations (Drewery, 2016).

In Asia, the Hong Kong Centre for the Restoration of Human Relations, headed by Dr Dennis Wong, has been the prominent driving force behind the implementation of restorative justice in education and legal systems, as well as the work environment. Wong's research focused particularly on addressing widespread issues with bullying and breaking the cycle of bullying within schools, most of which was seen to stem from the social attitudes towards success and social life. Wong drew on Braithwaite, *et al.*'s (2003) Restorative Whole-school Approach (RWsA) which focuses on overcoming power imbalances that affect social relations, the prevention of bullying, reconciliation of student-orientated conflicts, and promoting re-integrative shaming of those implicated in bullying.

Since 2003, the Centre for the Restoration of Human Relations in Hong Kong has trained over a thousand teachers, senior officials, social workers, law-enforcement personnel and students in restorative practices including conferencing facilitation. Within these cohorts, over 160 of those trained were senior-grade students whose role is to facilitate peer conferences, with a view to assisting teachers in building a 'harmonious school life' (Wong *et al.*, 2009). Baseline statistics obtained after the implementation of the RWsA programme in Hong Kong schools showed that approximately 36 per cent of students displayed some level of bullying behaviours prior to the programme; the most common form of bullying was verbal (56 per cent) with physical bullying at 28 per cent and some form of social exclusion at 29 per cent (Wong *et al.*, 2011). Post-programme data showed that almost half (49 per cent) of students subject to the programme had reduced their bullying behaviours in schools, and bullying dropped significantly in the school. For schools that did not use the RWsA, bullying remained consistently high across all categories, with more than half (51 per cent) even increasing their bullying behaviours.

In South Korea, the Korean Peacebuilding Institute (KOPI) is an educational organisation that delivers lectures and workshops and provides restorative-practice training to enable schools to apply restorative approaches in their teaching and daily practice (KOPI, 2016). KOPI works with a number of elementary, middle, and high schools across the country, as well as several major education institutions, including Incheon Early Childhood Educational Promotional Centre and Sungkonghoe University. Programmes at the locations include the restorative discipline workshop, organising a restorative school guide, teacher healing programme, and the youth peace programme. Much of the restorative practice and programme development for schools centres around delivering anti-bullying strategies, peacebuilding, and conflict transformation. The training is considered a major success, helping to grow the restorative movement in South Korea, working closely with Korean schools to build and develop restorative capabilities in the classroom, as well as at the intersections between conflict and reconciliation throughout both South and North Korea (Kim and Young Lee, 2009)

In Europe, much of the focus for restorative justice practices has centred around the youth justice and wider criminal justice systems. In Germany, for example, the Juvenile Justice Act (JJA), introduced victim–offender mediation primarily as an educational and diversionary tool (Pǎroşanu *et al.*, 2013), and in response to juvenile conflict. These responses to social and community

conflict in the formal youth justice settings have been transferred recently into the educational setting. With the 2009 ratification of the United Nations (UN) Rights of Persons with Disabilities Act, 2006, inclusive education became a requirement across Germany. Primarily centred around supporting students with special educational needs, inclusive education takes a relationship-orientated approach to strengthen social relations in the classroom environment. Recognising the similarities between the social focus of formal restorative justice approaches and conflict resolution approaches in the classroom, many German schools have implemented a continuum of practices from the prevention stage through to direct intervention. This has resulted in a range of successes linked to reducing conflict in the school setting, although more research is required to determine its full impact (Weber, Rehder and Vereenooghe, 2021).

There is a strong and growing community of practice across England and Wales that is seeing the development and integration of restorative practices in schools (Hopkins, 2002, 2003; Bevington, 2015; Short *et al.*, 2018). This includes a number of sites that have become 'restorative schools' (Procter-Legg, 2022), incorporating various restorative practices across all of their working and teaching practices. For example, in Bristol, the Restorative Approaches in Schools (RAiS) programme has been working in four schools in the south of Bristol since 2007. The programme had an ambitious range of objectives, including reducing the use of exclusions and unauthorised absences, reducing incidences of anti-social behaviour in school and in the community by school pupils, and a reduction in bullying and racial conflicts. Bristol was chosen as the site for the programme as exclusions were particularly high in that region and the Local Authority was the 'worst performing' in England. The four schools themselves were seen as having significant problems with behaviour, attendance and attainment (Skinns *et al.*, 2009).

A comprehensive research study by Skinns *et al.* (2009) found that the programme was successful in challenging pupil and staff perceptions of the usefulness of traditional mechanisms for punishing pupils. The restorative model was perceived by teachers to be more effective as it could resolve behavioural issues permanently by identifying the causes and responding to them. Students reflected that it meant they did not feel as if they were in trouble, which was beneficial given the negative effects of labelling. Overall, while data suggested that there was not a discernible reduction in fixed-term exclusions, there were noticeable benefits for relationships within the school

setting. Pupils felt that they were treated in a more reasonable and adult way, were encouraged to face up to being in the wrong and had an outlet for their feelings. Teachers reported a calmer, more emotionally literate school environment. Importantly, staff and pupils felt that restorative approaches were an effective way of dealing with bullying incidents (Skinns *et al.,* 2009).

This mirrors other positive UK studies, including Hopkins' (2015) evaluation of a restorative practices programme in a secondary school in Monmouth, South Wales, which found that the scheme had achieved a 93 per cent reduction in exclusions and a dramatic move away from the use of detentions to a new process where pupils are encouraged to engage in an internal process of self-regulation. The study also found that referrals to the Youth Offending Service were down 78 per cent and anti-social behaviour attributable to young people in the town was down by 48 per cent, with a marked rise in student attainment and attendance, and a steep reduction in staff illness and absence due to stress-related symptoms (Hopkins, 2015). Interestingly, the authors noted that a vital factor in the success of the programme was the adoption of a fully integrated all-school restorative culture. This finding was evident throughout the literature reviewed and underlines work elsewhere that has found that restorative approaches must be embedded across every aspect of the school setting, rather than applied as a sticking plaster to a particular problem or as an incremental change inside existing systems (Schiff, 2018; Blood and Thorsborne, 2005; Morrison, 2005).

The impact of restorative approaches in schools was recognised in a 2010 Department for Education report, in which whole-school restorative approaches were found to be the most effective at preventing bullying (Thompson and Smith, 2011). The success of such approaches has led some local authorities to establish dedicated teams or departments to support the integration of these practices into more schools, most notably in Gloucestershire (Gloucestershire County Council, 2022) but also in Oxfordshire (2022).

## Expanding the use of restorative practices in schools in Northern Ireland

Northern Ireland is recognised internationally for pioneering work in developing restorative practices. This is most notable in the youth justice and community restorative justice sectors, which evolved as a direct consequence of Northern Ireland's transition from conflict in the wake of the Good Friday

Agreement of 1998 and the beginning of the Peace Process (see, for example, O'Dwyer and Payne, 2016; Payne and Conway, 2011; Eriksson, 2009; McEvoy and Eriksson, 2007).

In recent times, Northern Ireland has also seen the growth of such practices across a range of areas, including prisons, probation, policing, youth work, children's homes and housing (Hobson *et al.*, 2022). Despite its apparent potential, the use of restorative approaches in schools has been less evident. The evidence for expanding the use of restorative practices in schools in Northern Ireland is now considered under each of the three recent developments.

## Lessons from the integrated school sector

In 2010, a mapping exercise of restorative work in Northern Ireland found just two integrated schools – Integrated College Dungannon and Lagan College – were consistently using restorative practices (Payne *et al.*, 2010). While more up-to-date information is limited, restorative practices are now incorporated in at least five more education institutions. Moreover, a number of schools have staff who are trained in restorative practices and deploy this learning in their teaching and pastoral work.

While the integrated sector is not the only part of the education sector using restorative practices, it has been an important driver for restorative work within schools more broadly. Integrated education essentially involves mixed (Catholic and Protestant) schools in Northern Ireland, with an overarching goal of fostering a fuller understanding of both the dominant traditions and overcoming negative stereotypes in a jurisdiction that continues to experience high levels of division and segregation in many communities, long after the onset of peace:

> By educating children from both religious communities together and encouraging them to understand their historical and religious differences, both parents and educators hope that children educated within a religiously integrated setting will feel less threatened by the cultures and traditions of the other community, and be more likely to respect them, as well as form enduring cross-community relations. (Hayes *et al.*, 2007, p. 454)

The recent passing of the Integrated Education Act, 2022 in Northern Ireland's Assembly enshrines in law measures intended to further encourage, facilitate, and support the development of integrated education. Currently,

just under 70 of Northern Ireland's 1,091 schools are integrated, but with the passing of the new legislation, this is expected to grow. The legislation attracted criticism from some political parties and school-leaders from the non-integrated sectors during its Bill stage, with some claiming that it will elevate integrated education above other parts of the school sector. Proponents have argued that such legislation is needed to provide a level playing field for integrated education so that it can be offered as an option to a greater number of children.

In practice, integrated schools share many of the principles and goals of other schools, but they also have a set of enhanced challenges and objectives stemming from the needs of their cohort, which, we argue, are highly compatible with the values and goals of the restorative justice movement. For example, as stated in the new legislation, integrated schools must be supported in promoting an ethos of diversity, respect and understanding between those of different cultures and beliefs, as well as instilling respect for identity, diversity and community cohesion. This matches closely with the approach taken in restorative schools in England and Wales, which Procter-Legg (2022, p. 3) describes as 'the need to understand "affects" … and emotions; articulation of an individual's needs; the aspiration to resolve conflict; and ownership of behaviour.'

There was, however, no mention of restorative practices in the 2022 Integrated Education Bill or subsequent legislation, despite the already widespread use of such practices by integrated schools and its apparent compatibility with many of the objectives put forward in the Bill. However, the extent to which some integrated schools have attempted to instil a restorative culture across every aspect of the school suggests that while there is not a legislative requirement to incorporate the approach, it is likely that restorative practices will play a prominent role as the integrated sector grows.

### Restorative practices as a response to bullying

A potentially more important development for restorative practices in schools in Northern Ireland has been the recent enactment of the Addressing Bullying in Schools Act (Northern Ireland), 2016, which came into effect for schools on 1 September 2021. Despite greater awareness of its impacts, exposure to bullying still constitutes a significant threat to children and adolescents, especially in school settings (Kasen *et al.*, 2004). This is particularly important, as research into the impacts of bullying both for those impacted and those accused shows an increased risk of mental health and/or disciplinary problems

that could continue into adulthood (Foody *et al.*, 2018). In its supporting evidence for the new legislation, the Addressing Bullying in Schools Bill, 2015 quoted research that found 39 per cent of Year 6 pupils and 29 per cent of Year 9 pupils in Northern Ireland had reported being bullied in the last two months. It also quoted a review by the Northern Ireland Anti-Bullying Forum (NIABF, 2013/2022) that highlighted wide variation in policy and practice in addressing bullying in schools and found that existing legislation and guidance were inadequate.

Anti-bullying policies in schools in Northern Ireland are complex, and subject to a range of different legislative guidelines, policy frameworks and international instruments (see, for example, Purdy, 2016; Purdy and Smith, 2016). The Addressing Bullying in Schools Act (Northern Ireland), 2016 is made up of three main clauses designed to remedy the issues raised above:

   (i)  The introduction of a common definition of bullying;
  (ii)  The placing of a legislative duty on school boards of governors to secure measures to prevent bullying; and
 (iii)  The placing of a duty on schools to keep a record of incidents of bullying.

This built on previous legislation – for example, Article 19 of the Education and Libraries (NI) Order, 2003, which amended Article 3 of the Education (NI) Order, 1998, requiring schools for the first time to address bullying specifically within their policies, either as part of their existing discipline policy or as a stand-alone anti-bullying policy.

While restorative practice is not specifically mentioned in the Addressing Bullying in Schools Act (Northern Ireland), 2016, the Act does place an enhanced requirement for schools to have in place an effective, preventative, responsive and restorative anti-bullying ethos that is instilled throughout the whole school. This is also grounded in policy in the Northern Ireland Education Authority's *Anti-Bullying Policy Framework* (2001), updated to include implications arising from the Addressing Bullying in Schools Act (Northern Ireland), 2016, as well as subsequent changes to policy incorporated in the *Inspection and Self-Evaluation Framework* (ETI, 2017) and *Safeguarding and Child Protection in Schools, A Guide for Schools* (DoE, 2017); and in the Northern Ireland Anti-Bullying Forum's revised report on 'Effective Responses to Bullying Behaviour', which details a range of potential restorative interventions that can be used in response to a bullying incident (NIABF, 2013/2022).

The Education Authority's *Anti-Bullying Policy Framework* puts forward comprehensive guidelines for schools in drafting their anti-bullying policy to ensure that it is integral to their pastoral-care and child-protection policies. Importantly, restorative practices are mentioned specifically in three places:

(i)   Relating to reduction/removal of behavioural barriers to learning, schools are required to 'implement a post-incident debriefing process to help pupils develop restorative attitudes and learn from experience' (Education Authority NI, 2001, p. 3);

(ii)  When describing the creation and maintenance of a listening and telling culture, schools are required to 'resolve difficulties in restorative ways to prevent recurring bullying behaviour and meet the needs of all parties' (Ibid., p. 4);

(iii) Finally, when discussing ways of working with targeted pupils to try to help them change their 'unacceptable behaviour', schools should facilitate 'ongoing dialogue to ensure that the strategies identified and agreed would, when implemented, result for example in: greater resilience; development of new coping skills and the promotion of positive restorative relationships' (Ibid., p. 7).

When placed in conjunction with the variety of other guiding principles and measures for supporting both those subject to and those involved in bullying, the measures put forward in the Education Authority's *Anti-Bullying Policy Framework* present a compelling case for empowering and supporting schools to integrate restorative practices fully across all aspects of the school environment.

### *Placing schools at the centre of the restorative movement*

The third development that can support greater use of restorative practices in schools is the advent of a new *Adult Restorative Justice Strategy for Northern Ireland (2022–27)*, which, to quote the then Minister for Justice in Northern Ireland, Naomi Long, in her Foreword to the strategy document, sets out to:

… better meet the needs of victims of crime and to provide redress for the harm caused to them, as well as to find an effective alternative to punitive responses and establish positive ways of dealing with children, young people and adults when incidents occur. (Department of Justice, 2022, p. 2)

The strategy puts forward ambitious plans to ensure that restorative justice becomes embedded within the criminal justice system and, importantly, in the work of its partner organisations, underpinned by a vision that prioritises early intervention, rehabilitation and resettlement, as well as incorporating restorative justice in court-ordered community and custodial sentencing (Higgins, 2022). Included are plans for a ground-breaking Centre of Restorative Excellence (CORE), which has the potential to transform the relationship between the State and a broad spectrum of organisations working in the justice and related community and voluntary sectors. Such a centre would make space and resources available for services working from both bottom-up and top-down approaches to come together and, in doing so, overcome some of the challenges they have faced in developing restorative services and linking effectively to the criminal justice system and its other partners in government (Hobson *et al.*, 2022).

Although the work towards a CORE is ongoing, it represents significant buy-in from the Department of Justice in Northern Ireland. One of the leading architects of the service, who participated in a knowledge-exchange workshop on developing restorative services, described how we have 'an opportunity to make this a centre that all can learn from, that promotes partnership working, and that provides accreditation and ongoing monitoring of standards' (Hobson *et al.*, 2019, p. 18).

While the *Adult Restorative Justice Strategy* does not specifically involve schools in its planning or proposed deployment – in large part because the strategy relates to those resources which are under the remit of the Department of Justice – there is recognition that restorative practices involving early intervention and prevention are relevant to the wider intentions of the strategy. The strategy document notes that a restorative continuum will allow informal engagement where it is deemed appropriate (Department of Justice, 2022), which would potentially include school involvement as part of an early-intervention model of practice. This is significant in terms of the role that schools might take in any planned CORE, considering the importance that many of the key criminal justice agencies and organisations who might be involved in the CORE place on their relationship with the schools. There is also an increasing realisation of the important role that schools play in preventing young people from entering the school-to-prison pipeline (Schiff, 2018). It therefore seems of paramount importance that an Adult Centre of Restorative Excellence must also involve some form of work with schools – for instance, directly through Education

Authority representation in the CORE, and through enhanced links with the criminal justice agencies and organisations operating in that physical and policy space.

## Conclusion

This paper has reflected on the prospects for expanding the use of restorative practices in schools in Northern Ireland. As the international case studies highlight, there are well-evidenced potential benefits in the use of restorative approaches in school and educational settings. The consideration of recent policy developments in Northern Ireland shows that there is a clear narrative emerging, which points to the untapped potential that can be realised when policymakers, criminal justice agencies, and school teams embrace integrated restorative approaches. This includes producing more resilient and responsive environments for responding to the many challenges faced inside and outside the school gates, and in bringing about highly positive effects for student and staff outcomes. Furthermore, it is clear that in many cases in Northern Ireland, and particularly across integrated education, restorative practices fit closely with existing approaches in many schools that already emphasise an ethos of diversity, respect and understanding. From such a perspective, schools are central to the idea of restorative justice as a social movement: they provide an opportunity for young people to become empowered, to develop healthy tools for managing conflict and difference. Furthermore, such skills can contribute to supporting the move from childhood to adulthood, providing a set of values and attributes that contribute to continued growth and produce benefits for the communities in which people live and work.

Nevertheless, a number of issues remain to be overcome. While delegates in public forums have spoken passionately about their belief in the effectiveness of restorative practices and their potential for the future, they also point to continued difficulties that impact on the development of such practices. Most of these revolve around a lack of support and adequate resourcing, which highlights that for restorative practice to grow from the bottom up, it must be supported and encouraged by leadership from the top. This includes clear support in policy and legislation, including some of the recent policy from the Department of Education and from wider government. While there is a strong desire amongst many schools to train teachers and school staff in restorative practices, as well as a wealth of training expertise to draw upon, schools lack the required funding. It was also

frequently acknowledged that, without adequate resourcing to prevent adding to the already difficult working pressures placed on school staff, restorative practices are at risk of being seen as a burden on staff, rather than an opportunity to improve the school environment for all.

To be effective, restorative practice in schools will require the support and involvement of all, whether that be policymakers, pupils, staff (including non-teaching staff), management, or the wider school community, in both understanding what acting restoratively means, and in instilling an effective restorative culture within an all-school approach. If this can be achieved, there is no reason why Northern Ireland cannot find the levels of success and positive impacts in restorative schooling that are enjoyed in many other countries.

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## Legislative instruments

Addressing Bullying in Schools Act (Northern Ireland), 2016
Integrated Education Bill, 2022

# An Exploration of the Relationship Between Probation Supervision and Desistance: A Systematic Narrative Review

**Peter Beck and Emma McGinnis**<sup></sup>*

**Summary:** Desistance theory is premised on the concept that 'people can change' (Maruna, 2017, p. 6). Current desistance discourses evidence a shift in emphasis from the individual narrative to a refocusing that includes the social and structural determinants of the lived experience (Barr and Montgomery, 2016), arguably allowing a more meaningful understanding of personal agency in context. Whilst desistance research explores a range of diverse factors, including Probation Officers' and individuals' perspectives on its impact in achieving better outcomes, desistance as a theoretical approach is contested. Critics argue that a lack of consensus in its conceptualisation and operationalising in practice, along with an over-individualistic focus and broad appropriation across disparate contexts and environments, potentially diminishes its appeal in managerialist contexts (Weaver, 2019).

This paper presents findings from a systematic narrative review of the literature regarding probation supervision and desistance. A thematic analysis and narrative synthesis identified four key themes. Firstly, probation supervision offers an opportunity to create a new identity, distanced from an offending past, but this is a complex process that first emerges from an individual's belief in their redeemability. Secondly, supportive relationships are more conducive to fostering desistance than authoritative, surveillance-based approaches; however, some studies identified that when managing risk, aspects of an authoritative approach are necessary. Thirdly, probation services' response to risk influences perspectives of desistance amongst supervisees, with several studies acknowledging the deleterious impacts and associated stigma of criminal justice system involvement. Finally, although included studies appear to indicate the effectiveness of supervision in reducing offending, evidence on what approaches work best, or factors contributing to the quality of experience, is limited. The probation practitioner's approach to the supervisory relationship may play a pivotal role in the desistance narratives of those involved in the criminal justice system.

**Keywords:** Supervision, desistance, probation, rehabilitation, sentences, risk management, protect, crime.

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## Introduction

Contemporary probation services have three fundamental responsibilities: supporting successful integration – *rehabilitation*; supervising court sentences – *supervision*; and protecting the public from harm – *risk management* (Mair, 2016; PBNI, 2020). Raynor and Vanstone (2015) suggest that Probation Officers with a high level of individual skill and a commitment to practice that is evidence-based, are more likely to have a positive impact on an individual's motivation to change. If a key objective of probation supervision is to reduce offending, then knowing how desistance happens in practice may be an essential understanding for probation services.

Desistance from crime (cessation of offending) is a priority for criminal justice policy, practice, and research (McNeill *et al.*, 2012). The development of life-course criminology prompted investigation of the range of factors or variables over the lifespan that support desistance from reoffending (Laub and Sampson, 2001). Later developments factored in the critical role of relationships (social bonds) and personal journeys (McNeill, 2016). Contemporary understandings of desistance evidence a refocusing from its representation as mostly a personal journey, to acknowledge that desistance is a social movement (Barr and Montgomery, 2016; Maruna, 2017). Such thinking identifies inherent social and structural barriers for individuals in desisting and the challenges in realising personal agency, for example the impact of multiple exclusions (McNeill *et al.*, 2012). Regardless of variance in perspective, theorists agree that desistance is an important change process that should be supported. A critical factor of its appeal is the holistic focus on the 'person in environment', contrasting the narrow lens of the risk paradigm, often critiqued as potentially reductive and further pathologising (Wigzell, 2021).

Some recent literature proposes a more integrative understanding and application of the combined merits of both desistance and the risk paradigm in reducing offending and protecting the public (Maruna and Mann, 2019). Such revisioning may be seen as reflected in departmental strategic shifts that aim to marry *desistance as process*, whilst maintaining the emphasis on managing risk in practice. Outcomes of a recent Department of Justice and Equality (2020) evidence review of policy responses to recidivism identified desistance as critical to understanding relapse in criminal behaviour. In England and Wales, Kemshall (2021) has recently proposed a blended approach which may be taken as further evidence of a coalescing of best

evidence from dominant perspectives informing practice. Kemshall (2021) refers to 'protective integration' where 'strategies seek a balanced approach to risk management focusing on desistance and rehabilitation; changing risky behaviours and meeting legitimate needs; reducing risks and reducing reoffending behaviours; and avoiding over-intrusion on those whose risk does not justify it' (Kemshall 2021, p. 4). Such an envisioning may appear some distance from Maruna's (2017) imagining of desistance as an emancipatory social movement, involving organised user co-produced and led services that function at every level of the system, similar to the recovery model in mental health. Theoretical perspectives seem to diverge in how desistance is conceptualised, possibly reflecting a wider issue with how practitioners conceive desistance and how it may be realised in the field.

As of March 2021, PBNI was responsible for supervising 3,507 people (PBNI, 2021), a statistic that arguably provides a rationale for exploring the practice of probation supervision, and the meaning of desistance within this. Furthermore, of the 20,856 individuals who received a non-custodial court disposal in the year 2018/19, 3,860 (18.5 per cent) reoffended during the first year, with 63.8 per cent having committed previous offending (Department of Justice, 2021). With such prevalence, appreciating what aspects of the supervisory process support desistance seems critical for practitioners. The process of probation supervision is identified as all processes commonplace within the monitoring of community-based impositions (Durnescu, 2016). Despite the expanse of this role, Durnescu (2016) highlights the limits of existing research into the supervision process, acknowledging challenges in making sense of the complexity of factors, from practitioner characteristics to the unique legal parameters within which practitioners operate – notwithstanding cultural and jurisdictional differences.

Research into probation supervision often involves qualitative longitudinal studies premised upon self-narratives (Leibrich, 1993; Raynor *et al.*, 2014). Anderson (2016, p. 408) maintains the value of 'bearing witness to desistance' in practice, and professional supervision in probation practice is recognised as integral to promoting good outcomes in supporting individuals to desist from offending (Forbes, 2010; Salyers *et al.*, 2015; Raynor, 2019). Yet understanding what factors, or range of factors, are implicated in achieving this, and how 'bearing witness' happens, is limited. Moreover, less is understood about practitioners' perspectives on desistance as a holistic empowerment approach in criminal justice.

## Method

This review aimed to explore the available empirical evidence on the relationship between desistance and probation supervision, to understand whether desistance featured within supervision and how this manifests for those involved. Retrieved literature was systematically appraised in ascertaining its relevance to the project aims. A process of narrative synthesis then extracted key themes from selected studies, with a view to identifying whether these findings may provide insight and potentially have application for practitioners engaged in supervision in criminal justice settings. A systematic narrative review provides a robust methodical approach to the appraisal and synthesis of empirical research evidence (Popay *et al.*, 2006). Extrapolating and analysing key overarching themes from the synthesis should be a key outcome of a quality review (Siddaway *et al.*, 2019).

## Search strategy

In February 2021, three databases were searched (Criminal Justice Database, PsycINFO and Social Care Online) using three concept groups: 'Probation OR parole', 'Supervision OR management of offenders' and 'Desistance OR reoffend OR recidivism'. Retrieved articles were scrutinised against defined inclusion and exclusion criteria (*n=314*). Inclusion criteria included empirical primary research, peer reviewed in reputable relevant journals to ensure quality and validity. In ensuring relevance to the review aim and objectives, the research design of selected studies needed to include participants, or a sample demographic directly involved with probation services, either as a practitioner or serving a sentence. No exclusion was imposed on date to avoid limitations on yielding as extensive a return as possible. Grey material, non-English language, and non-peer-reviewed publications were excluded. Quality Appraisal Tools (QATs) were used in evaluating each study (Taylor *et al.*, 2015). Twenty studies were selected, with 18 eventually being included. The review maintains the original study descriptors applied to included participants, for example, *probationer, offender, offender manager.*

## Limitations

This review was limited to three databases including only peer-reviewed articles, with specific search terms applied. Whilst systematic, this approach may have excluded some relevant studies. Significant divergence exists in international criminal justice systems and probation services' aims,

administration and operational practices. Implications for this review mean that comparisons across these systems, with regard to how desistance is implemented, are tentative. Whilst a diverse range of studies is included, many are small in scale which limits their generalisability.

## Findings

### *Me, myself, and ... my criminal record? (Identity)*

Establishing a non-offending identity is understood as a complex, dynamic and recursive process, and emerges as a dominant theme throughout desistance literature. King's (2013a) UK study of probationers (*n*=20) analysed transitions towards desistance, proposing that a non-offending identity commences in the early phases of desistance as individuals endeavour to distance themselves from their past offences. Analysis of semi-structured interviews saw three key themes emerge. Firstly, the desistance process entails a coming to terms with the harm caused to victims. Taking responsibility allows clarity and enables probationers to construct narratives of their future selves in a prosocial manner (exhibiting behaviours intended to benefit others), in contrast to their offending past. Second, and relatedly, past actions can be located in a loss of control due to external factors such as addictions, with probationers almost reflecting a sense of inevitability regarding their offending, their actions being a direct consequence of drug and/or alcohol addiction (or other external factors deemed beyond their control). Ultimately, in gaining clarity over past actions and recognising how diminished personal autonomy featured in offending, individuals are able to create distance between their past and future identities. King's (2013a) research found that this personal redefining is reinforced with a new-found sense of moral agency, with the individual acquiring a moral capital and able to discern right from wrong. In acknowledging certain inevitability about their past offending, desistance requires an individual to accept responsibility for any necessary changes of personal and social context.

Järveläinen and Rantanen's (2019) Finnish study with offender managers (*n*=11) explores social interactions between supervisors and offenders, to elicit the essential factors of this relationship that promote the prevention of recidivism. Findings indicated that the supervision process is largely premised on social interaction, with interviewees identifying the desirable supervisory concepts of 'prisoner knowledge', 'situational awareness', and 'reading the situation'. Moreover, findings showed that the offender managers were

aware of inherent tensions existing between the language of support and control. The supervisors evidenced that they supported the concept of an equitable relationship through clearly defining and rebuilding identities as part of an interactional process. The study concludes that supervision premised on social interaction can support an individual to desist from offending through recognition of changes to social identity.

Similarly, Kay's (2016) earlier study also examined how assessment and categorisation of the individual's 'risk' impacts on their identity and the supervisory process. Probationers (*n*=20) and their supervisors (*n*=10) identified the process of labelling and being labelled 'high risk' as detrimental to their relationship and something that altered perceptions of the probationer's sense of self. Kay (2016) contended that the process by which probation services assess and categorise risks which determine interventions can negatively impact on the probationer's identity, becoming even further stigmatising. Indeed, King's earlier (2013a) study appeared to evidence that, to desist, individuals needed to acquire positive testimony, one at odds with their label of 'high risk'. Acknowledging the individual's actions and efforts in constructing a new identity seems critical to their desistance narrative in demonstrating that a positive change of behaviour has occurred. The findings suggest that individuals in the early stages of desistance construct new narratives, which enable them to sustain their non-offending behaviour. Crucially, these early narratives aid the formation of a future identity, allowing them to create distance from their past offending. Notably, as Järveläinen and Rantanen's (2019) research evidenced, this process of creating an identity opposed to offending may promote desistance, and the supervisory relationship seems critical in supporting this.

In an Australian study, O'Sullivan *et al.* (2016) sought to measure offenders' (*n*=51) belief in the possibility of desistance. Results identified three intrinsic factors impacting on an offender's belief in their redeemability. First, a sense of belonging emerged as critical: seeking and being positively accepted by significant others. Secondly, the concept of agency was important, wherein the offender believes that they can influence and have control of their desistance. Lastly, optimism emerges as a key factor in determining if change is achievable, cited as a sense of personal belief in the capacity to achieve positive outcomes. Quinn and Cooke's (2019) later study involving probationers (*n*=20) attempted to further understand factors facilitating desistance, by exploring retrospective accounts of acquisitive offenders. They identify age, and the process of distancing themselves from

their former offending identity, as the prevailing factor in desisting from further acquisitive offences. Findings showed that 'growing up' coincided with 'growing out of it', suggesting that age alters an individual's perspective towards offending. The findings suggest that recognising the extent to which victims were adversely impacted by their actions (including recognising harm caused) plays a role in the formation of a new identity. Indeed, increased empathy towards victims of any further offending proved more conducive to desisting from further offending than any physical deterrent or crime-prevention measures imposed by probation services. The authors concluded that consideration of the impact of their behaviours on others mitigated against self-interest.

Stone *et al's*. (2018) study on American female offenders (*n*=93) explored identity processes specific to females and their role in promoting desistance. Results indicate that women who provided consistent accounts of personal agency, redemption, and prosocial narratives (behaviours akin to supporting others) were less likely to reoffend. Females who narrated accounts of spoiled identities (narratives accounting for prevailing trauma and unmet needs) expressed low personal agency, portraying themselves as permanently damaged by their prior offending. However, findings concluded that under parole supervision, identity change is achievable when supervisors both recognise and promote such change. This limited study appears to support the evidence from the male-only studies, proposing that identity verification and positive identity testimony may counteract some of the negative stigma associated with being on parole. Taken cumulatively, the studies appear to suggest that through fostering and encouraging identity reconstruction, self-esteem and motivation, practitioners may overcome some critical barriers to achieving desistance.

### *Good cop, bad cop (Relationships)*

How practitioners and probationers develop and maintain relationships, and the extent to which these are significant or otherwise is a prevailing theme across desistance literature. Doekhie *et al*. (2018) conducted a mixed-method longitudinal study of male probationers (*n*=23) in the Netherlands to understand whether assessing risk or supporting desistance was the dominant focus of parole supervision. Case files were analysed for recidivism rates, whilst probationer interviews explored perspectives of desistance. Findings demonstrated that probationers with a non-supportive Probation Officer maintained a negative perception of supervision, which adversely impacted

upon their belief in achieving desistance. Supportive relationships focus on meeting assessed needs and efforts to achieve goals, whereas surveillance approaches concentrate on crime-control and monitoring (Ditton and Ford, 1994). Whilst case-file analysis found frequent application of both approaches, the supportive approach (focusing on problem-solving and achieving attainable goals) was most evidenced; however, probationers' perspectives overwhelmingly reported a non-supportive approach. Doekhie *et al.* (2018) understood this discrepancy as indicative of the nature of the offences committed and consequent intensity of mandated supervision. Probationers citing a positive experience favoured a supportive 'trial and error' approach to supervision, combining a recognition of system controls (surveillance) co-existing with the more human element of supervision (support). Practitioners adopting this approach were viewed as less of an organisational 'pawn' and perceived to be more willing to promote desistance. In a separate study by King (2013b), semi-structured interviews with individuals under probation supervion (*n*=20) explored the impact of probation on early transitions towards desistance. The majority (95 per cent) of the participants identified their Probation Officers as supportive and contributing to their desistance. Two participants detailed a punitive experience of supervision, citing the presence of the controlling surveillance approach, which they believed undermined the quality of the supervisory relationship. Both studies appear to support the role of relationships in supporting desistance.

In a large-scale American study, Chamberlain *et al.* (2017) interviewed parolees (*n*=1697) at three, six and fifteen months post-release, to explore whether the quality of the supervisory relationship influenced outcomes such as recidivism. Their findings seem to support other studies with parolees who experienced supportive relationships returning a 34 per cent decrease in reoffending. Conversely, those experiencing a non-supportive relationship were more likely to reoffend. Authors highlighted the importance of establishing a high-quality and supportive relationship as factors beneficial in significantly improving the outcomes of supervision and supporting desistance.

In an earlier mixed-method American study, Bonta *et al.* (2008) analysed case files and interviews with parolees (*n*=154) and parole officers (*n*=62), to explore whether individuals benefitted from community supervision over incarceration. Evidencing empathy, warmth and firmness emerged as essential supportive prerequisites to forming tangible relationships. Parolees clearly favoured respectful relationships to create an environment conducive

to addressing criminogenic needs. Perhaps surprisingly, firmness scored high amongst positive indicators, suggesting that boundaries and accountability were acknowledged as essential components of a supportive relationship. Whilst practice differs internationally and over time, Rex's (1999) UK research with a much smaller sample (Probation Officers [*n*=21] and probationers [*n*=60]) also found that probationers felt engaged in supervision once a supportive relationship was established. This need to feel engaged was cited as an essential proponent to the working relationship if the Probation Officers were to influence a change in behaviour (promote desistance). Empathy placed top of the list of positive qualities cited by 87 per cent of participants, with listening skills second at 65 per cent. As in Bonta *et al.'s* (2008) study, control/firmness emerged again as positive indicators of a supportive relationship, with 65 per cent of probationers favouring the formal requirements of the supervisory process and clearly identified boundaries. Research cited in this section would seem to indicate that if desistance is to be cultivated and maintained, individuals need to feel engaged in the supervisory process. Furthermore, supportive relationships need practitioners to display certain qualities and skills if the individual is to feel engaged in the supervision process.

Irwin-Rogers' (2017) study with probationers (*n*=21) and their managers (*n*=10) in England and Wales explores the theme of power in the professional relationship, specifically the extent to which such power is perceived to be legitimate. Findings indicated that probationers' perceptions of the legitimacy of power exercised was contingent upon two factors: the procedures supervisors adopted, and the outcomes they achieved. Consistent with the aforementioned studies, a professional relationship based on empathy, dignified treatment, and provision of accurate/timely information was important to perceived legitimacy. A UK study by Rowe *et al.* (2018) adds weight to the notion of legitimacy and how it factors in promoting desistance. They found that where Probation Officers demonstrated authoritative characteristics as opposed to authoritarian ones, probationers (*n*=64) were more likely to achieve positive outcomes through developing a working relationship. The probationers cited similar values, such as authenticity and credibility, as critical factors for their supervisors to display in demonstrating their commitment to promoting desistance in those they supervise. Indeed, as Irwin-Rogers' (2017) study attests, legitimacy is established from the justifiability of practitioner actions, an acknowledgement that authority is earned through a commitment to promoting desistance.

## Risky business

The management of, and response to risk by probation services is a consistent focus across desistance studies. Lussier and Gress's (2014) research with Canadian sex offenders (*n*=69), explored differing types of supervision – for instance, in terms of regularity and intensity, assessing how such factors impacted on the responsivity of those under supervision. Those managed under specialised supervision regimes (for example, teams supervising sexual offending) evidenced higher levels of assessed dynamic-risk factors – those factors likely to change through the life course, such as employment, peer group (44.7 per cent) – than in the case of other supervisees (24.6 per cent). Low-risk offenders went on average 314.2 days without violations, whereas assessed high-risk offenders went 267.6 days. Whilst this was a relatively small qualitative study with a particular offending population, findings evidence that dynamic-risk factors are predictive of a breach of supervisory requirements as well as general recidivism, irrespective of the type of community supervision to which people are subject. Age, negative social influences and limited self-regulation were cited as the predominant dynamic-risk factors impacting upon desistance.

Bonta *et al.'s* (2008) research illustrated how the frequency of probation supervision is often determined by an assessment of risk. Results further indicated that where risk is assessed by prioritising criminogenic needs (changeable factors associated with criminal activity such as antisocial behaviour), some needs go unmet. For example, where substance misuse was identified, 79.5 per cent of Probation Officers facilitated an intervention to address such needs, yet only 10 per cent of practitioners addressed unemployment as an assessed need. Notably, some assessed criminogenic needs were not discussed at all throughout supervision. The study provides a practitioner riposte identifying bureaucratic factors, case weighting, and time constraints as cause for some needs going unmet under supervision. Crucially, the study evidences that the amount of time delegated to addressing an assessed risk actively lowers recidivism rates.

Focusing on the concept of assessed risk, Kay's (2016) study in England and Wales explored desistance narratives amongst high-risk probationers assigned to the National Probation Services (NPS) and low-risk probationers assigned to the Community Rehabilitation Companies (CRC). The study focused on probationers' perceptions as they transitioned across agencies from the CRC to the NPS. Findings evidence a dissonance between how the

probation services were perceived, with the NPS viewed as punitive by virtue of its handling 'higher-risk' individuals and its increased levels of offence-focused work. Conversely, the CRC was viewed as more supportive to desistance and responsive to emerging needs, as opposed to the intense offence focus under NPS. The interviewed probationers demonstrated a lack of understanding about their transition to new supervision arrangements, and did not identify with or perceive themselves in terms of their assessed 'high risk'. The study evidences supervision's successful outcomes in light of the beneficial recidivism rates; however, the responsivity to risk invariably impacted upon the individual's experience of desistance.

## Does supervision promote desistance? (Effectiveness)

The terms 'desistance' and 'recidivism' may appear opposing in many respects, yet they are inextricably linked. Studies reviewed in this section focus on analysis of large data sets in examining whether a statistical relationship exists between supervision and desistance. Ostermann's (2013) US study reviewed data over a three-year post-release period (2005 to 2007 inclusive) on a large sample of parolees ($n$=29,299), to understand whether any correlation existed between probation supervision and recidivism rates. Results indicated that after six months, reoffending rates differed by 5 per cent between individuals under supervision, compared to their unsupervised counterparts, rising to 8 per cent at 36-months post release. The study concluded that supervision deters people from reoffending, but after the supervision period expires, it does not have long-lasting effects. In later research, Vito *et al.* (2015) conducted a large-scale study ($n$=1773) on the effectiveness of parole supervision. They too concluded that supervision acted as a deterrent to committing further offences, with factors implicated in a likely return to offending including prior drug and violent offences, and unemployment. Wan *et al.* (2015) conducted similar research in Australia on a post-custody sample ($n$=7,494) in 2009–10. Those supervised post release, reoffended at 22 per cent lower rates than unsupervised counterparts. Results evidenced a statistical relationship between recidivism and those released from custody under probation supervision, with those released under no formal supervision more likely to reoffend.

Frequency of supervision is explored by Chamberlain *et al.* (2017), with findings suggesting that probationers under supervision at least once a month were 47 per cent less likely to reoffend. Doekhie *et al's.* (2018) research appears to support these findings, with those under intensive supervision (a

frequency of once per week) 87 per cent less likely to reoffend. This resonates with Lussier and Gress's (2014) research identifying that this increase in frequency of supervision is more likely to lead to a breach of mandated requirements due to increased surveillance. The authors contended that community rehabilitation outcomes were significantly influenced by the presence of dynamic risk factors, and the initial stages under supervision were critical in terms of preventing breaches of supervision requirements. Adding to the effectiveness of supervision debate, Morash *et al.'s* (2016) qualitative study on female offenders (*n*=266) indicated that supervision intensity had no direct or indirect impact upon recidivism. The study sought to explore the actions of parole officers on women's recidivism in Michigan. Findings evidenced that parole supervision was ineffective in both combating criminogenic needs specifically related to women and in mitigating factors critical to women's recidivism, including poverty, housing, and criminal associates.

This section has identified key themes central to desistance, emerging from the available literature. Studies included provide some insights into the diverse, culturally specific and complex interplay of factors that merge in impacting on outcomes in desistance.

## Discussion

The reviewed studies provide some insights into how individuals under probation supervision and their supervisors conceptualise desistance over a number of key themes, yet research into probation supervision, as it relates to desistance, remains limited. HM Inspectorate of Probation (2021, p. 4) identified the lack of overall research conducted by probation services as 'disappointing'.

### *Identity*

Findings illustrate the complex and diverse perceptions that offenders and supervisors hold about identity through the process of desistance. Being on supervision can present opportunities for introspection, change and eschewing of the offender identity. This change process to a non-offending identity is reflected as complex, subjective, yet fundamental. Studies reviewed suggest that better understanding of critical processes in 'identity re-construction' might support Probation Officers in promoting desistance (King, 2013a; Järveläinen and Rantanen, 2019). Appreciating and fostering 'redeemability', where a sense of personal agency is developed to support

the belief that change is possible and achievable, seems central to this process (O'Sullivan *et al.*, 2016; Quinn and Cooke, 2019). Nugent and Schinkel's (2016) work in underscoring the need for positive feedback from the 'meso'-level system in consolidating desistance at the micro level seems fundamental in recognising just how important opportunities for legitimacy and inclusion are in desistance. Added to this, being aware of the deleterious impact of stigma and labelling, and the extent to which practices might actually reinforce these (Kay, 2016), is critical. Studies appear to reflect the wider literature which situates identity as an interactional recursive process depending on complex factors in self and environment (Weaver, 2019).

## *Relationships*

Two dominant approaches to the supervisory relationship emerge: supportive (case worker) and non-supportive (surveillance). Overwhelmingly, the review found supportive relationships more conducive to promoting desistance, and non-supportive relationships as being potentially detrimental (Chamberlain *et al.*, 2017; Doekhie *et al.*, 2018). Findings indicate that where supervisory relationships are perceived as supportive, these are more beneficial to the change process; Probation Officers can be instrumental in enabling efforts to desist from offending (Farrall *et al.*, 2014; Rowe and Soppitt, 2014). Such empirical evidence is supported in research commissioned by the official justice system and third-sector reviews of support for desistance (Bevan, 2015; Weaver, 2016). Perceptions of supervision as punitive related to the formal elements of control (for example, frequency of contact, conditions) were cited as a barrier to desistance. Some wider literature (Hucklesby, 2008) suggests that surveillance-based practices can effectively contribute towards desistance through measures such as curfews and electronic monitoring, thus physically removing individuals from criminal networks. Ricks *et al.* (2016) observed that supervisors adjusted their approach depending how the risk of reoffending was perceived, evidencing responsivity and agility relative to perceived risk. Empathy, helpfulness, the ability to listen, and being engaging were attributes probationers valued from their supervisors (Rex, 1999; Bonta *et al.*, 2008). An element of control, cited as 'firmness', also rated highly, suggesting that an authoritative approach is appreciated in a supportive context. Aforementioned qualities and characteristics are understood as prerequisites in a desistance approach, McNeill (2016) further poses that supervision could perhaps be more desistance-orientated through identification and promotion of the strengths of those supervised.

Trotter (2015) emphasised the need to address power imbalances in professional relationships through clear identification of roles and boundaries, yet as McCulloch (2021) asserts, the desister is the primary agent of change, and those supporting them must be attuned and responsive to the interplay of the individual's lived reality and structural adversities. Included studies seem to support this view, suggesting that how practitioners perceive and exercise power within the relationship is a critical contributing factor to desistance (Rex, 1999; Irwin-Rogers, 2017). Relationships appear strengthened when probationers value the legitimacy of their supervisors, a concept supported by the wider literature, with Healy (2012, p. 388) arguing that successful relationships originate from an authentic 'commitment to desistance'. For someone to desist, they must feel engaged and responded to within the supervisory relationship. Practitioners who adopt an authoritative, rather than an authoritarian, approach may achieve more favourable outcomes. Findings are supported by Dominey (2019) who references the idea of 'thick relationships' – those that sustain desistance through supportive networks and structures but are challenged by increasingly disparate, consumerist agendas in the criminal justice sector. However, Dominey and Gelsthorpe (2020) observe that building relationships and developing care, whilst foundational to social work practice, may not be a priority in the risk-focused managerialism that can characterise contemporary criminal justice (Bell, 2011; Sullivan, 2012). Within the wider literature, co-produced approaches that acknowledge the realities of cumulative disadvantage and labelling, and the need to provide infrastructures to enable individuals to realise a desistance journey, are increasingly understood as key 'relationships' and 'support' elements of desistance (Weaver, 2016). Whilst highlighting the need for further research in this area, McCulloch (2021) acknowledges the critical role of co-production in supporting desistance, especially in the context of peer support. However, she cautions against the risk of coercive systems or institutions potentially monopolising user/peer-led support initiatives, which may then be experienced by both supporters and desisters as unsupportive, further labelling and possibly oppressive.

## Risk

The review suggests that assessment of risk may impact upon experiences of desistance. An assessment of 'high risk' can mean intense levels of supervision. Paradoxically, these increased levels of surveillance may lead to probationers failing to comply with such intensive requirements and

ultimately may lead to breaches of their supervision conditions. Furthermore, whilst someone is under intensive supervision, the focus on their specific criminogenic needs may lead to some lower-risk needs going unmet (Lussier and Gress, 2014; Bonta *et al.,* 2008). Thus, supervision through an individualistic 'risk lens' may ignore other needs critical to desisting.

North American/UK studies dominate the research literature, where the Risk-Need-Responsivity model (RNR) prevails (Taxman and Maass, 2016). Studies typically reflected a practice model combining case work and surveillance approaches (Doekhie *et al.,* 2018). Contemporary reviews of the RNR approach (Raynor and Robinson, 2009) have included a focus on the significance of relationships, prosocial modelling, and developing social capital.

Bonta and Andrews (2010) maintain that the 'risk' paradigm acknowledges that recidivism may be decreased if the service response to offending is proportional to the risk/likelihood of reoffending. The 'need' principle, as Andrews *et al.* (2006) contend, requires that interventions be premised upon criminogenic needs – those static and dynamic risk factors attributed to criminal behaviour. As Ward and Maruna (2007) caution, if criminogenic needs are not met, there is an inherent risk of harm; indeed, an unmet need can be considered a form of harm itself. Ultimately, the 'responsivity' principle considers the concept of social-learning interactions, suggesting that any response (intervention) should be aligned to the individual's learning style and their motivation to change (Andrews *et al.,* 1990). Invariably, how risk is identified and responded to by Probation Officers may impact upon how desistance is perceived.

## *Effectiveness*

Included studies identify factors usually implicated in reoffending, such as age, prior drug/violence-related offending, substance misuse, lack of prosocial engagement, and low levels of social capital (Vito *et al.,* 2015; Wan *et al.,* 2015). These findings tally with Smith *et al.'s* (2018) review of the literature on the effectiveness of probation supervision in reducing reoffending, with those involved in a form of supervision less likely to reoffend than those receiving no supervision. Smith *et al's.,* (2018) rapid evidence assessment acknowledged the heterogenous nature of their included studies, with almost no attention to supervisor skill or approach. The effectiveness of the type of supervision provided (type of contact, frequency etc.) is equally unaccounted for in studies included in this current review, with some

potentially contradictory evidence presented (Morash *et al.*, 2016; Chamberlain *et al.*, 2017). What seems even less clear is the extent to which 'desistance' as a guiding concept influences or impacts upon practice within a penal landscape dominated by a narrative of offender management and public protection. As discussed above, Maruna (2017) proposes desistance as a social movement, with Quinn and Cooke (2019) arguing that this necessitates meaningful inputs from those with first-hand experiences of desistance-leading initiatives and influencing policy. To this end, Revolving Door (Mullen *et al.*, 2021) in its *Lived Experience Inquiry into Probation* advocates for those with lived experience having a strategic input into the role of probation supervision. Included studies reference effectiveness through the arguably narrow frame of recidivism. Gender emerges as under-researched with limited attention to the unique factors that impact on women's desistance (Morash *et al.*, 2016; Stone *et al.*, 2018).

## Conclusion

The twenty-year scope of the reviewed literature highlights that the task probation services face in reducing offending is tougher than ever, with risk management continuing to dominate in practice. However, in this context, key themes have emerged regarding how supervision impacts on desistance in practice. Supervision offers an opportunity to create a new identity, one distanced from a past marred by offending. Supportive supervisory relationships, as opposed to non-supportive/surveillance-orientated relationships, appear most conducive to fostering desistance. Perhaps predictably, a surveillance approach is considered essential where the objective is risk management in protecting the public from further harm. How probation services respond to risk invariably impacts upon perspectives of desistance; labelling and the stigma of involvement with criminal justice systems are hugely impactful. Finally, supervision's effectiveness in reducing offending is well established, yet the effectiveness of the type and quality of the prescribed supervision is less known.

However, conceptualisations remain problematic; whilst the ethos of desistance appears aligned with objectives of probation supervision (a reduction of recidivism rates), a lack of clarity persists in how it is operationalised in practice. The extent to which 'desistance' influences practice within a penal landscape dominated by a narrative of offender management and public protection remains unclear. Furthermore, critics

have argued that desistence is misappropriated and over-simplified in the rhetoric of criminal justice management (Weaver, 2019), with minimal attention to research on under-investigated factors such as type of offence, gender, culture and disability. Critically, a significant gap exists in the knowledge base surrounding Probation Officers' own perspectives of desistance, on an individual and systems level. Future research could explore how Probation Officers perceive their role in facilitating desistance for those they supervise, and provide new insights into this critical process.

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# An Exploration of the Profile and Characteristics of Human Trafficking in Northern Ireland

**Emma Richmond, Twylla Cunningham and Campbell Killick***

**Summary:** Human trafficking and modern slavery remain an evolving research topic because of the complex and 'illicit' nature of this type of offending, which relies primarily on victim compliance to avoid detection. Worldwide, the exact number of victims of human trafficking is unknown because of the 'hidden' profile of such criminal activity. The International Labour Organisation (2017) estimated that worldwide, on any day in 2016, there were 40 million victims of modern slavery. This is likely a significant under-representation due to the implicit need for secrecy and for victims to be 'hidden', sometimes in 'plain sight', from the local communities within which they are being 'held' by the perpetrators. The focus of this study was to develop a profile of perpetrators within Northern Ireland and to explore coercive control tactics to inform assessment of risk and the development of appropriate offence-focused intervention(s). This paper explores key themes that were identified through the completion of a retrospective content analysis of case files accessed through the Probation Board for Northern Ireland (PBNI)'s case management system. An audit tool was created, which supported identification of three key themes: perpetrator perspective, victim vulnerabilities, and coercion/control tactics. The information collated from the case files supports the creation of evidence-based training to develop practitioner skills in assessing risks associated with this type of offending, succinct analysis within court reports, and creation of tailored interventions to engage service-users who have been convicted of human-trafficking offences. This study has also identified themes which will aid in the potential creation of specific programmes of work with service-users, with the focus on reducing the creation of further victims from this type of offending.
**Keywords:** Human trafficking, modern slavery, perpetrator, victims, exploitation, coercion, criminogenic, practitioner, interventions.

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## Introduction

Prior to the year 2000, there were ambiguities in international and domestic legislation concerning the distinction between victims of trafficking and victims of smuggling. This was the focus of a United Nations (UN) Convention against Transnational Organised Crime (2004). The Convention's first steps to address this on a global scale were the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (commonly referred to as the Palermo Protocol). The protocol, adopted in 2000, provided clear identification of what would constitute an offence of human trafficking; it specifies that 'the threat or use of force or deception is a necessary component of trafficking persons into any situation' (Ditmore, 2011, p. 115).

In the UK, referrals for identified or potential victims of human trafficking/ modern slavery take the form of the National Referral Mechanism (NRM). During 2021, there were 12,727 referrals made to the Home Office of potential victims of modern slavery. This was a 20 per cent increase on the previous year (Home Office, 2022). The Police Service of Northern Ireland (PSNI) set up a Human Trafficking Branch in 2015, and between 2019 and 2021, there were 76 recorded cases of modern slavery identified (PSNI Statistics Branch, 2021). Again, the actual figures are likely to be significantly higher than those reported.

Research into human trafficking has been primarily informed using interviews with victims and focused on understanding the phases of recruitment and entrapment of victims. This often involves the use of violence, threats of violence, threats to family members and focusing on vulnerable victims who are seeking support or help. To date, there have been no studies in the UK from a perpetrator's perspective. There have been a few international projects, most notably Gotch (2016), Viuhko (2019) and Serie *et al.* (2018). The evidenced gap in the literature, with the aforementioned increase in detection, identifies the need for further research to be conducted in this area. Furthermore, there is evidence of a need to explore the links between domestic-violence theory and human trafficking/modern slavery. Verhoeven *et al.* (2013) posit that the entrapment and control of victims is based on a number of interactions which culminate in violence becoming a prominent factor. They also suggest that there is an inherent power imbalance that must be maintained to ensure that the victim does not leave the abusive situation in which they are controlled. Limited research has been completed with individuals who have committed offences relating to human

trafficking/modern slavery. An enhanced understanding of the criminogenic needs of perpetrators is required.

## Methodology

This research project was conducted utilising qualitative methods, as it sought 'to understand the *phenomena*, not to quantify them' (Green and Thorogood, 2018, p. 9). Specifically, a retrospective content analysis was conducted on information-rich case files. This research project utilised an 'abductive' approach (Charmaz, 2012), which identifies that coding is progressed through a cyclical grounded-theory approach of collecting data, analysing it and developing a provisional code to suggest further sampling and analysis until 'saturation' is achieved (Green and Thorogood, 2018). A strength of this methodology is that it does not risk altering the perpetrators' 'telling' of their involvement in the offence or risk re-victimisation (where the perpetrator is also victim).

## Design

### Identifying case files

The case files included individuals in custody and in the community, and files that were no longer active cases but had not been closed under the retention-and-disposal schedule (this process ensures that records within PBNI are retained for only as long as statute allows, and when no longer needed are disposed of in a timely manner). Files were identified through relevant offence codes on the case-management system. Furthermore, this classifying of coding ensured that the files were chosen as having the relevant experiences and characteristics to satisfy the objectives of this research project. The relevant legislation utilised by the Public Prosecution Service (PPS) for progressing charges to court is the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland), 2015. However, due to the complexity of this type of offending, the codes identified were also from other relevant legislation, such as sexual exploitation, brothel keeping, financial offending and gang-master offences. Case files involving immigration violations that did not constitute trafficking were excluded. It is recognised that it was difficult to identify the extent to which coercion was used, and this further accentuates the complexity of this type of offending.

*Inclusion criteria*

Files were deemed eligible for inclusion if they met the following criteria:

- Perpetrators, over the age of 18 years, sentenced in a Northern Irish court within the last ten years
- Offence to be related to human trafficking and/or modern slavery offences – evidenced exploitation
- Victim files (sentenced in relation to separate offending behaviour), if there was clear identification within the PBNI case files, depositions, structured outline of cases, or from National Referral Mechanism documentation that the individual was a victim of human trafficking.

*Exclusion criteria*

Files were excluded if they involved a perpetrator under the age of 18 years, not sentenced for a human trafficking and/or modern slavery offence, and not a victim of human trafficking/modern slavery. Files on any immigration violations other than trafficking were also excluded, as were those of individuals sentenced outside the jurisdiction and files that had been closed on the PBNI database due to either the formal supervision element no longer being active or there being no community supervision post sentence at court.

*Sampling*

Purposive sampling was utilised in this research study. Through this form of sampling, the resulting identified source data cannot be viewed as representative of all cases of human trafficking within the local jurisdiction, but rather are representative of the available cases – having applied the inclusion and exclusion criteria. This form of sampling is particularly suited to content analysis as it assumes that the analyst knows the population of interest and how to access the relevant information. Only identified files were accessed for data processing – complying with the General Data Protection Regulations (Data Protection Act, 2018) policy, including source data access regulations from both the PBNI and the University of Ulster standards.

Data collection was guided by an audit tool based on themes from a literature review. The review identified four dominant themes:

- Trafficker characteristics and demographics
- Entrapment/recruitment

- Coercion/control
- Domestic violence.

An identified strength of content analysis was the ability to incorporate changes to the audit tool as it was used on files, to ensure that the identified concept themes were accurately focused and reduced the large amount of data that were available in most files. The audit tool for this project was amended on three occasions and each version saved, with the reasoning for these changes, to bolster the integrity of the study.

### Ethical considerations

As this study was not completed directly with perpetrator or victim, consent for data collection was sought from the PBNI. At every initial assessment interview with service-users, they were informed of the usage of their data and its compliance with GDPR (Data Protection Act, 2018) and previously the Data Protection Act (1998). Approval for this study was obtained from PBNI Research Committee and the University of Ulster Research Ethics Filter Committee in the School of Applied Social and Policy Sciences. This research study was not conducted directly with service-users; therefore, it did not require regional ethical committee approval through the Office for Research Ethics Committees Northern Ireland (ORECNI).

Each file that was included in the study was assigned an alphabetic symbol in sequential order. Any quotes disseminated from case files are included without any identifying personal data, to ensure that anonymity of both perpetrators and victims was maintained. This is particularly important to ensure that there is no risk of re-victimisation of the victims in each case.

## Findings

Within the identified sample, there were 13 individual files chosen, which met the inclusion criteria. They were further refined as ten distinct offences – with three cases having additional individual co-accused. The identified case files consisted of nine males and four females. The perpetrators (seven males) were aged between 20 and 64 years, with most between 30 and 34 years of age. Within the study, the three identified female perpetrators were between 20 and 55 years of age. As noted within the paper, human trafficking is a complex type of offending, and it was identified that within the 13 case files, there were individuals who had been prosecuted for the offence of human

trafficking, but it was evident through examination of the case that they had initially been victims of this type of offence before transitioning to engaging in the offending behaviours. In such cases, there is discussion in the paper regarding the overlap between being a victim and being a perpetrator. After exhaustive searching of the PBNI electronic case-management system, these have been identified as the total number of available files within a ten-year time frame, and all were victims of forced-labour trafficking or sexual trafficking.

To facilitate the exploration of coercion and control in relation to this type of offending, thematic analysis was completed through refinement of the *a priori* design of the audit tool. Three dominant themes were identified:

- Perpetrators' self-reporting of offence(s)
- Victim-specific information
- Coercion and/or control.

## Theme 1: Perpetrator perspective

Within the case files for those perpetrators who had moved to reside in the jurisdiction, this was identified in all cases as being for financial gain or a better way of life. None of the perpetrators within the depositions or initial assessment interviews admitted fully before the court their involvement in the charges – there were varying degrees of minimisation. Those perpetrators who admitted to having been involved in sexual trafficking refuted any involvement in controlling the victims to engage in prostitution for financial gain. A number of perpetrators explained their role as being more benign, focusing on how they had supported the victims to attend at 'appointments' with clients or attend at work placement for a small financial fee.

Perpetrators asserted that the victims were 'willing participants'. One perpetrator stated that he had become involved in supporting the victims to travel to the jurisdiction for the purpose of working in prostitution, but he was adamant in interview that the females were willing to engage in these activities.

When it came to reported financial gain, there was evident minimisation of the role of the perpetrator regarding financial remuneration at the levels disclosed in the depositions. Within this context, there was often discussion by the perpetrators of viewing themselves as a support network to the victims' 'daily life'. Many viewed themselves as victims of a situation in which

they had tried to be 'helpful' to the victims, with one perpetrator making comment that he 'did not realise the case would be blown out of proportion and cause my family so much trouble'.

Victims were recruited through three main methods: financial incentivising, threats towards family members, and abuse of a personal relationship. The first of these relates to a promise of improved financial stability, which was through provision of a work placement for which wages were to be earned. Contact was initiated in a different jurisdiction – often the country of origin of the victim – and they moved from or were transported to Northern Ireland. From the case files, this method of recruitment for financial gain was predominately for victims unknown to the perpetrators. Those victims who owed debts were aware of why they were moving location but not the purpose or type of employment to which they would be subjected.

The second identified method of recruitment was the use of threats towards family members in the event of failure to engage with the work placement. These threats were issued against immediate family members, warning that physical violence would be utilised against them or causing the victim to be seen as 'disgraced' in their local community. The perpetrators were unknown to the victims prior to the threats being made.

The third identified method of recruitment was through abuse of a personal relationship. This entailed the perpetrator being in a romantic relationship with the victim(s), or abuse of trust through exploitation of the victim's vulnerabilities, with particular reference to cognitive impairments. This type of recruitment was linked to extended periods of the victim being subjected to what is assessed as modern slavery, and also linked to lower rates of the victim perceiving themselves as being victimised. This extended period of slavery increased the likelihood of the victim becoming a perpetrator of similar offending because, over a protracted period of time, they came to rationalise the offending behaviour they had experienced.

In all but one file, the perpetrators who were in romantic relationships with the victims denied that they had been involved in coercing the victim to engage in abusive situations. There was denial of controlling finances or behaviours, with some reflection by the perpetrator proffering counter-allegation of the victim's reported violent behaviours. This assertion of supporting the victims was also reflected within files when the victim was a family member or known through family connections.

Within this sample, the perpetrators who are also assessed as victims of human trafficking/modern slavery were all female. The common theme

between the three females was feeling controlled in the situation due to a sense of loyalty to a family member or partner. The loyalty varied between wishing to support their partner's debt repayments, not wishing to leave a family member in an abusive situation, and being a long-term victim themselves of significant abuse. The control and engendered fear of their co-accused was evident and profound – within two files, offending occurred over a significant number of years.

## Theme 2: Victim vulnerabilities

It was not explicit in all files whether there were vulnerabilities identified relating to victims. For those files where this information was available, it was derived from depositions, psychiatric reports or Risk Management Meeting (RMM) notes, with victim-impact information provided by the local PSNI representative in attendance at RMMs.

Identified vulnerabilities were:

- Assessed learning disability
- Experiences of previous abuse (sexual)
- Adverse childhood experiences
- Limited or no education and literacy concerns
- Poverty in home country
- Controlling or domestic-abuse behaviours in current relationship with perpetrator
- Illegal immigration status within the jurisdiction.

An example of how the victim's vulnerabilities were exploited was noted in one file, with the perpetrator being described as 'overall a controlling figure which she kept returning to because of her needs for someone to look after her that she loved'.

Transportation internationally for victims to the jurisdiction was either by plane or ferry. Within six files, there was clear evidence that the perpetrator had facilitated the travel of the victim. This was through organising plane or ferry travel tickets, travelling physically with the victim on planes, and meeting a bus on disembarkation from a ferry. As regards human trafficking domestically, within seven files, this was evidenced through transportation of the victim by picking them up at airports and bringing them to their provided accommodation.

Work placements were separated into two types – forced labour (three files) or sexual trafficking (ten files). In the case of victims who were subjected to forced labour, this was within the context of bonded labour – where the victim owed a debt and was attempting to repay this before they could make money for themselves. The more 'formal' work placements identified were within factories, agricultural placement and local, smaller, independent businesses. Placements that were more 'informal' included assisting with money laundering, hiring accommodation that was used for prostitution, repackaging drugs, and receiving and transporting parcels to an agreed location. Victims were working up to twelve hours a day, seven days per week.

With regard to sexual exploitation for financial gain, the victims in the placements were detailed, as 'out-working' only. This meant that the victims never met 'clients' at their own accommodation but always at an agreed location, which was usually a hotel room or short-term lease on a serviced flat. One victim was also forced to engage in sexual activities recorded or streamed live via online websites. The victims were all female and were residing in accommodation provided to them by the perpetrator(s), with some moved regularly between addresses.

Victim statements were not present in most files, and the information regarding their reported feelings is primarily from depositions. This is not uncommon in such case files because of difficulties in meeting victims to complete a victim-impact statement due to their having left the jurisdiction and returned to their country of origin. Control of the victims and feelings of being trapped were engendered through multiple methods, such as through threats of violence or reprisals should they leave 'placement'. Being isolated and alone left many victims feeling disempowered from seeking help from anyone if they were out with a perpetrator – this is echoed by a number of victims in the case files.

## Theme 3: Coercion and/or control

There was significant evidence of the use of coercion and/or control tactics against victims, including:

- Use of control of needs and physical environment of the victims
- Psychological control tactics
- Monopolisation of victim vulnerabilities
- Financial control

- Perpetrators' distortion of their role
- Inherent impact of trauma.

There were only three files where the perpetrator did not benefit financially from the exploitation of the victim(s). In the remainder of the files, there was clear evidence of substantial financial gain by the perpetrators. The amount of financial gain ranged between £6,000 and £120,000. The perpetrators in four of the files stated that they owed money in the form of debts, which were noted as being relating to gambling addiction, failed business in country of origin, or paying off debts for their romantic partner. The victims in 11 of the 13 case files noted that they owed financial debts.

Physical violence was evident in files as a method of ensuring compliance – both actual violence and fear of violent reprisals for non-compliance. Control of victims was also noted in two files as being related to significant periods of domestic abuse in the relationship, which was both physical and verbal. Often, victims had fear engendered in them through the perpetrators exploiting their lack of English-language skills, illegal immigration status and limited understanding of the local culture in the jurisdiction. Those who occasionally had their passport returned, to engage in ongoing controlled activities, reported being too fearful to try to escape, and so returned their identification as soon as it had been used for the purpose directed by the perpetrator. A number of victims stated that they were told not to speak to anyone outside of the house about their work placements, and warned that if they did leave their accommodation, they would likely be arrested by the police. Victims were also warned that local residents would be hostile towards them. Use of derogatory and degrading controlling language was noted within the files on a number of occasions. This use of language was also noted as a control tactic in engendering fear of violence towards the victim's family in the case of any 'perceived non-conformity' with the perpetrators' 'instructions', and consequently ensured compliance through blackmailing the victims.

Use of illegal substances was noted in two of the files, with one of the victims stating that drugs had been forced into her mouth and up her nose as she struggled while engaging in sexual activities with 'clients'. The other victim noted that she had been incapacitated through the administering of drugs, and after she was rescued indicated feelings of 'hating' coming out of the drug 'haze'. Having control of the victims' physical environment meant that the perpetrators had complete control of their basic needs and personal care. The neglect of these needs was evident as another method of ensuring the

victims' reliance on the perpetrators for their accommodation, so that they could not leave. During one two-week period, the victims in a placement had no access to toilet roll or basic hygiene provisions. A number of victims in the case files had lost significant weight during their trafficking experience, with one being diagnosed as malnourished and having lost most of their teeth.

## Discussion

Human trafficking and modern slavery remains an evolving research topic. Whilst there is a wealth of information within academia relating to victims' experiences of trafficking and programmes to support recovery, there is also a gap in research relating to the perpetrators of this type of offending behaviour – specifically from the point of view of the perpetrator, and focusing on their actions in the offences. This project sought to explore what is known about this type of offending, with particular focus on coercion and/ or control, to inform practice within PBNI. Limitations of this study were identified initially due to the nature of the material utilised, highlighting potential bias in the data information sources as they were created by the PSNI with the purpose of supporting conviction at court and initial assessment – thus requiring the researcher specifically to 'filter' information. Sampling for this project was completed purposively, which naturally has implications for researcher bias and bias in choice of cases. To attempt to redress this potential bias, searching of the PBNI database was completed for all known human-trafficking offence codes as defined by the local legislation. The size of this sample, whilst it reached saturation, is small but representative of the population known within the PBNI at the time of the content analysis.

Gotch (2016, p. 107) identified that any professionals working with this perpetrator group within a domestic trafficking setting, should also seek to have an understanding of 'sexual-offense-specific research, domestic violence research, the impact of adverse childhood experiences, the criminal subculture, human trafficking in general and the sex industry'. Social workers in the PBNI will have first contact with perpetrators at initial court report assessment stage; thus, understanding the offending behaviour, methods of coercion and/or control and victim impact will enhance tuning in to the interview – specifically, the questioning styles to be utilised and formation of probing questions to elicit information to inform assessment. As is integral within the social work process, comprehensive assessments are the cornerstone of formulation, which leads to the development of well-informed

and tailored case plans that address identified criminogenic needs and reduce likelihood of recidivism and creation of further victims.

The Palermo Protocol formed the basis of an internationally agreed definition of trafficking as revolving 'around three separate elements: the action ("recruitment, transportation, harbouring or receipt of persons"); second, the means; and finally, the purpose of exploitation' (Vijeyarasa, 2016, p. 5). All three must be present for an offence to be deemed to be 'trafficking' in its truest sense, succinctly articulated by Keane (2019), who also proffers an insightful reflection on the complexity of this type of offending, with reference to the distinct difference from human smuggling. This is the first point of understanding for this type of offending and pertinent for practitioners to understand, as it is the distinction between an offence of trafficking and modern slavery. The two concepts are often used interchangeably within literature, as both usually occur simultaneously. However, it is arguably insightful for practitioners who are engaging with perpetrators of these types of offending to understand the distinction clearly.

Abraham Maslow published an essay in July 1943 in which he explored a theory for human motivation; he discussed a linear list of needs to which individuals respond in everyday life. This has become more frequently known as the 'hierarchy of needs'. The first and most basic fundamental need is 'physiological' – food, oxygen and water, without which a human being would die. Next is 'safety' – accommodation and safety from danger. Maslow expounds that both are essential needs in which humans strive to achieve stability before any consideration can be directed towards achieving the ensuing three needs: 'A man, in this state, if it is extreme enough and chronic enough, may be characterised as living almost for safety alone' (Maslow, 1943 p. 376). The relevance of this theory for practitioners is evident through findings in this project that victims were made wholly reliant on the perpetrators in many instances by the interference with their access to fulfil these essential 'core' needs. Depriving victims of these basic needs ensured that they were focused solely on meeting them. This type of control exerted by perpetrators is premeditated and focused on dominating the lives of the victims. This further enhances the inherent power imbalance in the relationship between the perpetrator and the victim. The perpetrators have ensured that this power vacuum exists and, as such, negates the victims' ability to make decisions as regards trying to improve their living situation.

When considering type and methods of coercion, exploration of this concept should, arguably, begin with the work of Albert Biderman (1957, cited

by Baldwin *et al.*, 2015). He explored how prisoners were manipulated into providing false confessions without the use of physical violence. He posited a total of eight methods that were used as coercive techniques, which included the use of isolation, increased dependency upon the abuser, induced exhaustion, degradation, enforcing trivial demands, demonstration of omnipotence, perception distortion and alternating between engaging and aggressive behaviours (Baldwin *et al.*, 2015; Dando *et al.*, 2016). This concept of using coercive tactics without the use of violence was also identified by Petrunov (2014) who notes that within a sample of 92 respondents, 75 per cent stated that they had not been a victim of physical coercion. Within the sample findings in this project, whilst there was note of some use of physical violence, the majority of victims indicated that they had been controlled by non-physical coercive tactics. 'Indeed, captivity does not always require locked doors or "chains", but rather, rests on the psychological entrapment induced by these abusive strategies' (Doychak and Raghavan, 2018, p. 2). This adds to the complexity of this type of offending and further highlights the incumbent need for practitioners to understand these types of coercive control.

The findings of this project echo a number of findings identified within research of the use of financial constraints to control victims, whether this is through debt bonds or garnering all wages that were earned 'legitimately' (Jones *et al.*, 2011; Petrunov, 2014; Reid, 2016; Preble, 2019). Furthermore, the victims identified in this project were all the same nationality as the perpetrators. This is hypothesised as aiding in the control of the victims through isolation via the language barrier in the local jurisdiction, their documents having been removed as part of their travel arrangements.

One pertinent, albeit distorted, perception of the relationships, which was a dominant theme in this project, was that of 'helping' the victim, through taking them physically to appointments and work placements or providing them with practical support, such as cashing cheques. This method of minimisation is particularly important for practitioners to reflect upon and challenge when completing initial assessments, ensuring that written reports negate victim blaming and that this has been explored through purposeful questioning, with focus on developing discrepancies between what the perpetrator is reporting as regards 'voluntary compliance' of the victim. Ensuring that it is succinctly reflected within the offence analysis of an initial assessment report will also aid defensibility of assessment should this be questioned during the court process or potentially by parole commissioners if a period of statutory licence supervision is being considered or has been imposed.

As professionals working with this type of service-user, it is incumbent on practitioners to understand how the service-user may have transitioned from victim to perpetrator. Within the case files, there was evidence of what is described in trauma literature as trauma-bonding. Raghavan and Doychak (2015) proffered the theory that the appropriate phraseology for such trauma is coerced attachment rather than bonding, with specific reference to sex trafficking. It is described as a 'dynamic, cyclical state', where there is a significant shift in the victims' internal reality and essentially a violation of their 'moral integrity' (Herman, 1998; Raghavan and Doychak, 2015).

Conceivably, a coercive-control framework can help professionals working with the victim-perpetrator typology to understand that 'successive coercive control creates an environment of fear, dread and obedience even in the absence of physical violence' (Raghavan and Doychak, 2015, p. 584). This understanding of limited use of violence will develop practitioners' understanding of how the perpetrators have ensured compliance of the victim. It will also help practitioners to engage in reflective preparation whilst tuning into engaging with the victim-perpetrator from a position of unconditional positive regard (Rogers, 1951).

The dependency created by both labour and sex trafficking arguably creates and compounds the experienced trauma of the victims. Experienced trauma(s) has previously been identified in the findings as something that the perpetrators were likely aware of and furthermore monopolised on, to ensure compliance. Trauma will impact on every aspect of a victim's psychological functioning, and it robs a person of a 'sense of power and control over her own life' (Herman, 1998, p. 98). Herman (1998) also posits, in support of Maslow's assertions, that the first and central stage of recovery through a therapeutic relationship is *establishing safety*. She proposes that this must take precedence over any other stage of support and recovery for the victim, which becomes more difficult to achieve in certain circumstances, namely:

- The longer the person has been abused
- The severity of the abuse
- The age of onset – particularly if the victim is younger in age.

## Conclusion

This research has clearly identified that, within a local context, the predicating factors that make victims vulnerable to trafficking and slavery share similar

characteristics to trafficking worldwide. The current COVID-19 pandemic has impacted on financial stability and resulted in loss of earnings for many people, which has potentially increased this type of acquisitive offending by heightening traffickers' access to victims in financial distress. There is currently increased concern that, as a result of the war in Ukraine, refugees are being targeted by traffickers in different countries within Europe, because of their evident vulnerabilities.

This research project identified overwhelmingly that, in interview, perpetrators minimised or denied their offending behaviour. In the majority of cases, the perpetrators were skilled at identifying the vulnerabilities of the victims and exploiting these for their financial benefit. Placements were identified as both forced labour and sexual exploitation, with debt bonds often identified as a control method to ensure compliance. Victims were subjected to both physical and psychological forms of control, which lasted in duration between months and years. The coercion was through multiple methods, including abuse of an intimate partner relationship; threats to harm the victim or their family; concern about being disgraced in their country of origin; increasing accrued debt; and no access to their identification documents should they wish to leave the trafficking situation.

This project established themes that will improve evidence-based practice amongst criminal justice sector employees who are working with perpetrators of this type of offending, both in the community and within custodial settings. There is clear and identifiable merit in ensuring multidisciplinary meetings to inform information-gathering and tuning in to first interviews or programmes of work. There is supporting evidence that practitioners should also tune in to such interviews from a more collaborative perspective within PBNI, ensuring that input is sought from a forensic psychologist. It is important that the practitioner approaches the interview from the most informed perspective with regard to challenging offending behaviour, developing discrepancies, and focusing on securing as much information as possible from the interviews, to inform the assessment and report for court.

The information garnered from case files also proffers practical support to case managers, to have professional curiosity to ensure understanding of the forms of coercive control that have been utilised. This will inform a bespoke programme of work with the perpetrator to address the identified criminogenic needs. To prevent recidivism, practitioners need to seek to understand the behaviours in which the perpetrator has engaged, which will include understanding their social histories and any adverse childhood

experiences. This is particularly pertinent for cases of victim-perpetrator overlap.

The current research project is timely in light of the recently passed Domestic Abuse and Civil Proceedings Act (Northern Ireland), 2021. This legislation has striven to develop and change the current domestic abuse legislation to include coercive or controlling behaviour. As is noted in this research project, practitioners need to understand what coercion and control entail, within both a domestic abuse and a trafficking setting. This also highlights a focus on further reflection on the use of domestic-abuse assessment tools when completing reports where the trafficker has been in a romantic relationship with the victim.

This is the first project of this type within the local Northern Ireland jurisdiction and provides a beneficial contribution to the knowledge base regarding evidence-informed practice for social workers. As the cases of human trafficking/modern slavery continue to rise, there is evidenced merit in investing further in research of this topic within the local jurisdiction. Should there be capacity for further primary qualitative research in this field, a more collaborative project with other agencies would facilitate increasing the knowledge base for practitioners in both the public and voluntary sectors. Furthermore, this would support creation of a bespoke assessment tool for human trafficking/modern slavery offences, to supplement the current ACE assessment tool within PBNI. This would aid the formation of informed case plans to address offending behaviour, focusing on reducing recidivism and the further creation of victims, and promoting safer communities.

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## Legislative instruments

Domestic Abuse and Civil Proceedings Act (Northern Ireland), 2021

# Car Crime: A Young Man's Game

**Ashling Golden***

**Summary:** Car crime amongst young people has been a recurring feature in the Irish criminal justice system. Over the decades, its prominence, patterns and characteristics have changed. This article is based on a research study that aimed to explore the impact that social disadvantage, the lure of risk-taking, and masculine culture have on the involvement of young people in this activity; it was undertaken with a view to informing criminal justice policy responses. The research was completed as part of a Masters in Criminology programme. Drawing from interviews with eight young people aged 18–21 years, the article explores the reasons why young people get involved in car crime. It examines how structural inequalities affect life opportunities, social solidarity, and attitudes towards crime. It considers the impact of age on the ability to progress beyond a life of offending, taking relationships and employment into account. It also considers the impact that masculine culture has on enforcing male stereotypes of machismo and skill, and its effect on offending behaviour. These factors are considered against the backdrop of risk-taking and the opportunities to build a new identity, within a subculture that is anti-authority and applauds the courage of defiance. It then progresses to explore what supports the processes of desistance, considering the impact of the driving ban, its possible contribution towards a nothing-to-lose attitude and the opportunity to drive legally. It is envisaged that this paper will add to the debate that needs to be held on all the factors linked to car crime – danger and death, imprisonment and the criminalisation of young people, and the type of interventions used to divert young people away from these activities.
**Keywords:** Car crime, dangerous driving, young people, desistance, driving ban, masculinity, social inequality.

## Introduction

Crime involving cars and young people is not a new phenomenon. However, how it manifests itself changes in accordance with developments in modern life. In recent years, Ireland experienced a joyriding culture and a so-called 'boy racer' scene. With modern technology making online platforms for buying second-hand cars more accessible, we now see, as well as joyriding,

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young people buying cars relatively cheaply, with the express purpose of driving them for an extended period of time. This activity often results in the criminalisation of young people, their exclusion from legal driving and, in extreme cases, imprisonment, trauma and death. National headlines demonstrate the potential horrors of this engagement: 'Teen who knocked down boy with car bought for €100 is sentenced' (Roche, 2019); 'Dublin teenager arrested on suspicion of causing the death of Deliveroo rider Thiago Cortes' (Lally, 2020); 'Teenage motorist jailed for driving without insurance for ninth time' (Haylin, 2021). Anecdotally from a practitioner perspective, it seems that cases like these are becoming increasingly common. Frequently, youth workers and Probation Officers are dealing with the devastating impact this behaviour can have on the young people involved and the wider impact on the victims of this crime. This raises a question as to whether the standard driving-violation laws are sufficient in deterring young people from problematic driving practices or whether more work is required to determine what draws young people towards this behaviour and to discover the most effective ways of supporting their safe exit from it.

As well as exploring the reasons why young people get involved in car crime, the article aims to contribute to the aspirations detailed in the Irish *Youth Justice Strategy*, which states that young people should be diverted from the formal youth justice system with due regard for communities and society's welfare in general (Department of Justice, 2021, p. 7).

## Inequality, social solidarity, masculinity and risk-taking

The reasons why people get involved in crime are multi-layered, complex, and can be a source of contention within criminology. Piquero *et al.* (2002) suggest that the debate is divided into two categories – personal choices and societal factors. Those who favour the first attribute deviant acts to variations in self-control and available opportunities. Other scholars suggest that crime can be better understood by looking at informal social controls such as family, education, and employment (Piquero *et al.*, 2002, p. 138). In line with this, desistance from crime can also be multi-layered. Healy (2017, p. 5) suggests that involvement in crime does not just simply abruptly stop but instead usually consists of a 'gradual reduction in the frequency, severity and versatility of offending'.

Considering crime in general, arrest rates, for both violent and non-violent crime, peak in the early twenties, which means that emerging adulthood

(16–24) is a unique period to study criminal behaviour influences. Salvatore (2017) suggests that sensation-seeking and violent offences decline as people progress out of emerging adulthood, in the main due to stronger social bonds with more stable actors such as partners and influential colleagues. However, while in the midst of this period, offending behaviour can increase as these young people continue to be influenced by anti-social peers, the loss of employment or a significant relationship. Some are stuck in a transition period at the end of school life but before progression to the responsibilities of adulthood. However, while all young people go through a period of emerging adulthood, certainly not all go on to commit a crime. When researching the factors that influence crime, it is necessary to explore the structural and social context in which these behaviours exist.

Social solidarity is mostly about shared commitments to social practices. Wilde (2007, p. 171) defines this concept as 'the feeling of reciprocal sympathy and responsibility among members of a group which promotes mutual support'. Johnson *et al.* (2017) suggest that any society where there is a lack of, or limitations to, reciprocal sympathy and responsibility amongst its members will experience crime and deviance flourishing. Graham and White (2007, p. 33) construct a link between masculinity and car culture. They argue that for some young, isolated working-class men, car culture and certain driving behaviours provide a sense of control. They argue that car crime can provide a sense of belonging and acceptance for young men who may be experiencing exclusion from other arenas, such as education and any form of employment, and from positive social and recreational outlets. It is in this world that they derive their social solidarity. They develop a connection with other peers involved in this activity also. Allen and Brown (2008) argue that for those engaged in such activity, the risk that comes with car crime is less significant than the positives gained from peer acceptance and status. Their hypothesis suggests that withdrawing from risk-taking behaviour such as illegal driving may present a perceived social threat – damage to peer relationships and peer status can present as a far bigger threat than the threat of any potential legal sanction (Allen and Brown, 2008, p. 2).

In Ireland today, we continue to have an unequal society structured along class lines. This division is apparent when it comes to the criminal justice system. O'Donnell (2007) states that prisoners are 23 times more likely to come from (and return to) a seriously deprived area than from less deprived areas. Reports conducted by the Irish Penal Reform Trust (2020) have found that most Irish prisoners have never sat a state exam, and over half left school

before the age of 15. Also, over 70 per cent of prisoners were unemployed on committal to prison. Healy (2020, p. 80) suggests that a substantial minority of the population experience poverty, indicating the presence of entrenched structural barriers to wealth acquisition and life opportunity. Some young people engaging in car crime are experiencing this form of social exclusion and lack of social solidarity, feeling less connected to their communities, and instead finding a form of connection through criminal behaviour.

To get a deeper understanding of what attracts young people to car crime, we must also consider the personal reasons that influence this behaviour, as not all young people from socially deprived areas engage in this activity. Jack Katz (1988) adopted a phenomenological approach to explaining people's reasons for being involved in crime. He argued that participants are seduced by crime because it provides experiences and a thrill that allows them to transcend the realities of their daily lives, and that the opportunity to do this is far more influential than some of the structural factors suggested by causation theories of crime (Anderson and Linden, 2014, p. 242). However, when we consider this alongside the structural inequalities that these young people face, we see a stronger attraction emerging. Such activities are fun and exciting and provide a means to escape from social conditions that Anderson and Linden (2014, p. 243) argue have stunted their identities and offered few opportunities for personal transformation and character development. It is through engaging in these high-risk activities that these young people take control of their lives, and the activities allow them the opportunity to build an identity woven around rule-breaking on their terms.

Lumsden introduces the concept that not all risk is bad, highlighting that it can be a source of education within youth culture. Risk can involve learning about oneself, learning about fears and limitations, and finding an outlet to dare to overcomes one's limitations (Lumsden, 2013, p. 273). When young people are experiencing inequality, instability and limitations, engaging in high-risk behaviour can seem an essential means to overcoming the feelings of nihilism. Engaging in car crime, Lumsden argues, is particularly emblematic of their transition from the monotony of an unfulfilled life to the metaphorical promise of the open road (Lumsden, 2013, p. 274).

Graham and White (2007) suggest that car crime is predominantly a male-dominated behaviour, and the idealised male sex role is to be tough, competitive and emotionally inexpressive. Therefore, they argue that offending behaviour concerning cars can be a way of acting out what they believe it means to be a man (Graham and White, 2007, p. 32). Macho

behaviours, such as theft, speeding, skilful driving and being undaunted by authority and the law, support the constructed idea that males should be strong, brave and free. These behaviours may be reinforced by male role models in earlier life. Arguably, this car culture offers young working-class men the opportunity to build a masculine identity and a sense of dignity and self-worth when other approved sources of masculine dignity are unavailable due to high youth unemployment. Despite economic and social weakness, displaying a masculine identity can provide a form of power. As in the case of car crime, it can be the means to put into action and cement rebellion against authorities (Graham and White, 2007. p. 32).

## Desistance

It is important also to look at the factors that can create a space for desistance to occur. As with most crime, a process of desistance – rather than an abrupt cessation – is common in car crime. Maruna (2001, p. 26) suggests that desistance could be productively defined as, 'the long-term abstinence from crime amongst individuals who had previously engaged in persistent patterns of criminal offending'. Giordano *et al.* (as cited in Halsey and Deegan, 2015, p. 20) argue that desistance is not just a static act but is more about the process of a 'provisional and sometimes confounding movement towards accessing social supports or hooks for change'. Research on desistance from car crime suggests that when education and training are used to address the problem, better outcomes can be achieved.

International research indicates that applying preventative and educational responses to juvenile car crime can bring about better outcomes than punitive approaches achieve. Research from Keating and Halpern-Felsher (2008) suggests that while teens are generally successful at acquiring necessary driving skills, translating these skills into safe and responsible driving requires interventions and policies that respond to the multiple and competing demands of the developmental and environmental situations of young people (Keating and Halpern-Felsher, 2008, p. 272). Similarly, research into the Reality Intensive Driver Education (RIDE) programme in the USA shows that national penalty-based strategies have not improved the safety of teenage driving. The teen RIDE programme is a court-imposed driving educational programme for teenagers convicted of driving offences. It applies a trauma-informed educational approach to supporting young people to understand the possible consequences of their dangerous driving, but also

to configure why they are attracted to this, e.g. peer pressure, risk-taking or economic restrictions to legal driving. Their parents can also participate on a voluntary basis. The young people do not lose the right to drive but instead are offered the opportunity to learn to drive safely. The recidivism rate for teen RIDE participants six months after the course is 6 per cent with 0 per cent reoffending more than once. In the same jurisdiction, the rate for those who do not participate is 56 per cent within six months and 14 per cent more than once (Manno *et al.*, 2012, p. 267).

In Ireland, there are no similar court-imposed programmes as an alternative to the driving ban. While some community-based organisations provide education programmes, participants are already subject to disqualification. In the court system, the same repercussions exist for young people as for adults. These include mandatory disqualification from driving for drink or drug driving and for dangerous driving. Young people often receive driving bans before ever possessing a licence and sometimes before even being old enough to drive legally. They lose the opportunity to correct a behaviour for a minimum of two years but sometimes many more. If the process of desistance is better achieved through the provision of social hooks for change, the criminal justice system in Ireland may need to look abroad in order to develop a more rounded and effective response to juvenile car crime.

## Methodology

Semi-structured individual interviews were adopted as the method for this paper. This was done to draw out the subjective experiences from the young people who were directly involved in car crime. The questions in the interview explored the demographics of the participants' backgrounds and their involvement in the criminal justice system. They also prompted a discussion into the impact of this crime on their lives and on their views about what might have supported them to desist from offending. The following criteria were applied in the selection of the participants:

- Aged between 18 and 21, in emerging adulthood
- Had at least one criminal conviction for car crime relating to dangerous driving, with the maximum being 50
- Had no licence and no insurance
- Were involved in more than three self-reported incidents of such car crime, whether convicted or not.

Adherence to these criteria ensured that the study was conducted with those involved at a prolific level rather than engaging once and then withdrawing. Eight young people participated and were given pseudonyms to protect their identity.

Of the eight participating young people, all but two had experienced a period of a court-imposed driving ban, ranging from two years to nine years in total. Two had spent time in prison or detention because of car crime, and just one had recovered their licence. All were from socially and economically disadvantaged areas of Dublin city – orange or red areas on the social deprivation maps – and seven of the eight were still currently involved in youth justice interventions due to this behaviour. Five of the eight were currently on probation supervision, and two had previously been on it.

**Table 1:** *Participant Information*

| Pseudonym of Young Person | Age | No. of Driving Convictions | Probation on Supervision | Location* | Length of Driving Ban | Detention Period | Convictions for Other Crimes |
|---|---|---|---|---|---|---|---|
| Conor | 21 | 22 | Yes | Suburban | 9 years | Yes | Yes |
| William | 21 | 8 | No | Suburban | 0 years | No | Yes |
| John | 18 | 50 | Yes | Inner city | 4 years | Yes | Yes |
| Lee | 18 | 2 | Yes | Suburban | 2 years | No | Yes |
| Joe | 20 | 16 | Yes | Suburban | 2 years | Yes | Yes |
| Pierce | 21 | 27 | Yes | Inner city | 2 years | Yes | Yes |
| Karl | 18 | 2 | No | Suburban | 0 years | No | No |
| Aaron | 20 | 4 | No | Suburban | 2 years | No | Yes |

*Inner City: within the Dublin Central constituency. Suburban: within the Dublin South Central constituency.

The implications of the author's professional role being in the juvenile justice sphere was given significant consideration as part of ethical approval which was granted by the Research Ethics Committee at Technological University Dublin (TU Dublin). To facilitate voluntary participation, there were open and honest exchanges regarding the aims, purpose and approach of the study, with emphasis on the benefits of collaboration and dialogue. Their

involvement in the youth justice programme and the Probation Service meant that they had an understanding of data regulations, the importance of voluntary consent and consent issues and the safeguarding of personal information. All participants were made aware of their choice to withdraw from the research, without repercussions.

Interviewing young people referred to the criminal justice system for car offences ensured access to first-hand perspectives and experiences; however, there are still some limitations to this research. The representativeness of the study was limited, with interviewees derived solely from urban-based males living in disadvantaged communities. Hence, the findings may not be transferrable to other jurisdictions or represent the experiences of rural or small-town young people or those who have experienced a more privileged life, or, indeed, females.

## Findings and discussion

The research produced a rich, multi-layered resource of data and thought-provoking responses. All the young people exist in an environment where arrests, imprisonment, poverty and deprivation are the norm rather than the exception. Participants brought a sense of willingness but also nervousness to discussing their stories. One participant, Joe, referred to the fact that all previous interviews in which he had participated had been anything but voluntary, and usually involved handcuffs. Such nervousness and discomfort suggests that this process is a new and unusual experience for these young men who are still experiencing periods of offending and desistance and have not yet reached a place of reflective feedback.

### The criminal justice experiences

A significant recurring theme throughout the interviews was the lack of knowledge each participant had around their offending rates, convictions and punishments. Only one participant knew definitively when their driving ban was due to expire. Four of the eight were entirely unsure of how long they had left to serve. A significant majority could not tell how frequently they had been arrested, and six were unsure of how many convictions they had and of what precisely they had been convicted. Of the four participants who had served time in detention, all knew that their driving history had contributed to their sentence but were unsure of the extent. Although the participants were the primary actors, accountability for their situations seemed to lie

elsewhere, some suggesting that they did not need to know because their solicitors, mother or youth worker knew. Instead, they presented more on the outside looking in rather than the centrepiece.

Some accounts seemed contradictory, and some participants seemed prone to exaggeration. Repeatedly, participants said that they were no longer driving and then immediately recounted a recent instance where they had actually driven illegally. Lee told how he had ceased driving completely, only to be witnessed driving two days later. William, while saying he didn't drive anymore, nevertheless was planning his next vehicle purchase. Such inconsistencies or examples of exaggeration were less likely about obfuscation but more a reflection of the person the participants wanted to be and how they saw themselves. For example, the participants who were still heavily involved in car crime and had long periods left to serve on their driving bans spoke confidently about their involvement. Those in the more advanced stages of desistance highlighted the law-abiding elements rather than the offending behaviour, and seemed to welcome positive affirmation. This seemed to support Anderson and Linden's assertion that illegal driving for a time can provide those involved with an opportunity to build an identity woven around rule-breaking on their terms (Anderson and Linden, 2014, p. 32). However, as demonstrated by Evers, a young person involved in offending is not tied to this behaviour but may have the capacity to choose to refrain or let someone else take the lead; their entire identity may not come to be framed by this one singular narrative (Green, 2020, p. 23). In this situation, the involvement and link to cars is still part of their identity but the nature of engagement has changed.

How participants spoke about their involvement with cars is also an indication of how they perceive the act – not as a crime but as a normal part of life. At times, the participants were surprised or defensive at the suggestion that the behaviour was a crime. John, a prolific driver who said it was a huge part of his life growing up, was more dismissive:

'Nah, it's not crime; it was fun. It was fun to me.' (John, 19)

Karl – someone who is relatively new and inexperienced and was occasionally exposed to it growing up – was able to remove himself from the more serious elements of the crime:

'I don't rob the car, though; it is still a crime, but I don't rob it. I get in it after it's robbed.' (Karl, 18)

Another put the responsibility back onto society and law and order itself:

> 'You'd just try pretending that you were a bit older than you are, and some gardaí weren't too pushed on it; they didn't care, so why would we?' (Aaron, 20)

Pierce portrayed it very bluntly:

> 'It was normal. I'm sure everyone seen that, you get me? It's part of our world in the flats.' (Pierce, 20)

They also talked quite casually about crime in general – how the prison sentences that both their friends and family had served were normal. The interview was an opportunity to put their best self forward and display a maturing and positive change. In their world, any reduction or improvement in behaviour is quite sweeping change when the offending levels of these young people are considered.

## The impact of structural inequalities

All of the participants in the research reported seeing joyriding and car theft regularly in the communities in which they grew up:

> 'I couldn't even tell you what age; I don't remember not seeing it, like from a baby.' (Pierce, 20)

All participants deemed this to be an exciting and an engaging activity that they wished to be a part of:

> 'Well, I'm not gonna sit here and say, "Ah, I thought it's bad"; I loved it, and I was very attracted to it, and I couldn't wait to start.' (Joe, 20)

None of the participants were in full-time employment or education, with only two being registered on a part-time training course. All received social welfare. None of the young people had completed school, with only four of the eight reaching Junior Cert level. None of the participants engaged in any formal recreational outlets. The findings suggest that there are connections to the level of social exclusion and the rate of offending. Those who complete only primary-school education are those most likely to serve periods in

detention. The participants who were in some formal trainings were on a lower level and downward trajectory of offending.

All but one respondent reported their love for driving cars. Karl's experience with cars was limited and he was not a leader but influenced by more experienced peers. The more exposure to driving, the greater the association with a range of positive feelings. The feelings of acceptance and belonging with the older crowd were consistent:

> 'It was an older crowd, getting cars and rallying them. It felt good because everybody else was doing it and now I was.' (Lee, 18)

> 'I didn't want to be better than the boys; I just wanted the boys to think I was one of them,' (Pierce, 20)

The joy and pleasure derived from being behind the wheel was also repeatedly discussed:

> 'It's good – you feel good; you're more confident in yourself as well. People are looking at you: I can do something that they can't do.' (Aaron, 20)

> 'Ah, it's the best feeling in the world. You just don't feel better – you just feel on top of the world, invincible.' (Joe, 20)

> 'I wasn't good at much, but I was good at this.' (John, 19)

All the young people constantly described themselves in a collective manner throughout the interviews, with specific reference to 'we' and 'the boys'. Their experiences suggested a social outlet. It was an activity where they had risen to the top – they could speed, perform, and often out-drive An Garda Síochána. They noted how much they could excel at this activity, whereas they had not managed this in more traditional routes, such as education. Belonging to a group from which they can derive social solidarity seemed very important to the young people. Nobody 'rats', they drive together, they rob together, they buy the cars together and, on some occasions, even go to court and 'do time' together. They are accepted and celebrated in this community:

> 'I do it with the boys, 'cos they're risking it too; if you're caught, you're both f…. I did time for it with me mate, and the other boys minded our cars when we were in.' (Conor, 21)

Another prominent topic was the relationship between cars and economic status. The participants who were involved in car-based offending most often, transitioned from stealing the cars to a desire for legal ownership. Being the legal owner of the cars brought with it an economic status. The cars become a symbol of their wealth and their progression:

'Depending on the car, I've often paid up to three or four grand; it's worth it.' (John, 19)

'Now when I buy a car, you know, I don't just jump in the car and want to take off fast. It's my car; I look after it,' (Aaron, 20)

All participants talked about getting to new places; the car can be a protective shield from the judgment they may otherwise face when accents or clothing are visible. They leave their small communities and go to the mountains or the beach or more affluent parts of the city they wouldn't ordinarily frequent. People recognise the value of the car and so the young people feel on a par with society, and included:

'I'd probably go and get a bite to eat, fill up the car, go on a spin, maybe go up the mountains – up around Sally Gap or something – park the car, walk up towards the Hellfire Club. To me it's just about having good days – go fishing, flake out – having the freedom to just go. The only reason I don't do that now is 'cos it's too much money.' (William, 21)

Driving legally is an expensive business: lessons, car tax and insurance all come at a cost.

'Like, I'm not saying we're poor or anything, but we don't have a spare ten grand just sitting there for insurance, so we'll do it our own way.' (William, 21)

## Masculinity and the power dynamic

Masculinity and the power dynamic have close ties to car culture. Graham and White (2007, p. 32) suggest that the idealised male sex role is to be tough, competitive and emotionally inexpressive, and that offending behaviour as it relates to cars can be a way of acting out what it means to be

a man. All eight participants demonstrated ways in which masculine culture has impacted on them. They constantly referred to 'the boys' throughout their interviews. These may be the boys with whom they steal, buy and drive cars, or it may just be the boys who watch and cheer them on. All were shown how to drive by older men, and all reported only ever having been in a chase with male gardaí. Graham and White (2007, p. 32) suggest that macho car-related behaviours, such as theft, speeding, skilful driving, and being unphased by authority and the law rarely include the involvement of women, as women are simply not viewed as having these traits. The participants in this study all gave little attention to females when it came to driving. They all responded with ideas that women simply could not handle this:

'No, no! They don't do anything; they just sit in the back seat,' (Joe, 20)

Despite the dangers of their activity, their masculine identity can provide a form of power. This was powerfully demonstrated when the young people talked about their experiences with An Garda Síochána. The participants clearly exhibited an energy when they spoke about getting away from gardaí undetected, out-driving them in a chase and, in some cases, going head-to-head with gardaí:

'I have been in hundreds of chases. I've only been caught five or six times. I'm just too good at it,' (John, 19)

For all these young men, being in a car makes them feel tough, brave, and sometimes powerful – all characteristics closely connected to masculine culture.

## The thrill of the risk

From both the verbal responses and participant observation, the enticement of the thrill was obvious. All the young people became energised when speaking about the speed, the chase, and getting away. Those who struggled to articulate their answers used hand movement, engine noises, and had a brightness and openness when describing how it felt to be behind the wheel; a smile set on all their faces while talking through this stage of the interview. All spoke of adrenalin rushes and butterflies in their stomach. Joe spoke about it being the best feeling in the world:

'You get the butterflies – I get that feeling – there's no better feeling than the feeling you get when the blues come behind. You get this feeling that only joyriders will know. And it's just a mad feeling.' (Joe, 20)

The thrill of the risk, while very strong for all the young people when they first started, does not stay this way constantly. With age and experience, the effect of the thrill had dwindled, and some, despite still being engaged in illegal driving, were trying to avoid that world. Some had seen the worst consequences, with participants referring to friends who had died, been disfigured, or were doing prison stints. Those who were at risk of a period of imprisonment spoke of trying to curtail their driving and the wish to drive without risk and danger:

'Like, I wouldn't be, like, ah well, I'm deadly this and that anymore, because I know people who were unreal drivers, and they are dead now.' (William, 21)

'I've friends who have been through this who now drive legitimately; they're telling me it's not worth it. It's better to be able to drive and have nothing to worry about. I want to be in their seat.' (Joe, 20)

These experiences suggest that while the thrill was a hugely motivating factor in the early stages, these feelings change; all but one participant said that if they could drive clean and legally, they would be happy to do so.

## The driving ban

A key factor explored in the paper was whether employment and relationships promoted desistance in young people involved in car crime. Seven of the eight participants expressed a desire to completely stop engaging in illegal car-related activity. Just one said that he would continue to engage indefinitely. All but one of the young people saw their involvement in using cars as significantly different from when it first began. Growing up and having something to protect and live for was repeatedly expressed as the explanation for why their involvement had changed:

'Now I have a meaning to actually do it; maybe you have something to do – you have a job to do or whatever; maybe you just want to go see your girlfriend.' (Lee, 18)

'I reckon since I've been in a relationship everything has been different – like, my time is more precious to me.' (Joe, 20)

However, while the impact of relationships and getting older is strong, and they certainly support a pathway towards desistance, they are not for this group the primary reason for the change. Emerging more strongly as an influence to stopping driving and changing behaviours was the prospect of driving legally soon. The participants who were approaching the end of the 'ban' period certainly appeared more willing to change and improve their behaviour. The two young people who still had significant periods left to serve strongly expressed 'no hope' and 'no point' opinions.

'I have a driving ban now so I'm not able to get my licence, even if I wanted to, you get me? So, what's another car going to do to me? Nothing to lose.' (Joe, 20)

Those who could see the end of their ban approaching were much more committed to changing the behaviour:

'I'm hoping to have my own car and my licence real soon, I'll still like cars but I'll be able to do it legally.' (Lee, 18)

Lee, who had only a few weeks left to serve, commented that it was worth sticking to the rules for now:

''cos when I got the ban it was nothing more to lose – I'm going to keep driving. And now trying to get a licence sorted so I can do it properly.' (Lee, 18)

None of the participants believed that the imposition of the ban had impacted on their behaviour. They felt that they were too young to consider its implications, were not capable of considering long-term consequences, and they also felt that they had nothing left to lose:

'Yeah. I became more careless. I didn't care. I didn't care more than I ever did care. Because I had nothing to lose.' (John, 19)

Even the imposition of a period of detention did not appear to impact upon their behaviour:

'It all happened all over again, straight back into it. I was just waiting to get out.' (Conor, 21)

Seven of the eight participants alluded to the fact that they were kids and did not consider or understand what was happening. Overall, the most significant factors for behavioural change were a combination of access to legal driving and having something in their lives that they valued, as opposed to the imposition of a driving ban or court proceedings.

## Learning for practitioners

Based on the findings of this study, it is apparent that there is not just one cause or one solution for tackling the issue of car crime amongst young people. However, there is scope to look at how we manage the situation and respond more effectively. A key finding worthy of more exploration is the driving-ban issue and its apparently questionable effectiveness in reducing illegal driving. For the young people, a lengthy ban appears to cement their exclusion, thereby ensuring that they have nothing left to lose. The possibility of exploring more effective youth-orientated responses is therefore worthy of consideration. Driving programmes exist in Europe and the USA that promote education, responsibility, and access to legitimate driving, to tackle some of the problems. The Department of Justice has recently launched a scrambler intervention initiative to tackle the problem of scramblers in city locations. Financial assistance will be available to projects in local communities most affected by the problem, and will offer training in vehicle handling, repair and maintenance. It will also include second-chance education, personal development, and mentoring for young people who are interested in using these vehicles for sport and recreational purposes. This is a positive start, and its impact and outcomes should be closely monitored. However, with car crime resulting in death and the criminalisation of young people, a more systematic long-term, cross-country initiative is needed to tackle the problem.

The Children's Act, 2001 facilitates diversionary and age-appropriate responses to young people's offending. There is scope to give the courts and state services more tools to respond proactively to this problem. Probation supervision orders could be used to require and support attendance at motor projects. Cautions could be deployed in conjunction with a recommendation to attend such a motor project. Youth justice projects could be supported to take a proactive approach, access training and tests, and provide lessons and

educational awareness. While establishing these motor projects may be challenging at first, with the risk of being perceived as rewarding bad behaviour, the evidence does indicate that they offer an effective alternative to punitive responses, with both an increase in community safety and savings to the exchequer. Building on our existing knowledge base, we should further examine best practice across other jurisdictions in order to devise and implement more targeted and effective responses to address the harm of this continuing problem.

## Conclusion

There is no one specific reason why young people engage in car crime, but rather there is a combination of factors that come together to create the conditions for car-based offending. The respondents in this study had each offended at a prolific rate and had been affected by structural inequalities. They had experienced entrapment in the gap of emerging adulthood and had been moulded by cultural masculinity. They had been tempted by the thrill of the risk and the opportunity to form an influential identity. The driving ban, therefore, was regarded as having little or no influence on changing behaviour until the ban was almost complete, and neither court sanctions nor detention periods seemed to engender behavioural change. This research shows that these young people essentially wanted to drive as any young person might, but the impact of criminal justice responses to their offending, and the structural factors that interacted with this, made such ambitions difficult to achieve. A national and sustained response is now required, one that adopts an education-based proactive approach, with leadership and collaboration from Government level down.

## Acknowledgements

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# Custodial Transitions: Are We Meeting the Needs of Young Adults in the Criminal Justice System?

**Alison Coyne***

**Summary:** This article provides an overview of a three-year research project undertaken in fulfilment of the PhD Law Programme in University College Dublin and co-funded by the Irish Research Council and the Probation Service. As this co-funded programme is part of a wider initiative that links the researcher with workplace experience, the author has dual status as an employee of Deonach[1] and as a PhD candidate. The aim of the research is to identify the needs of young adults as they transition from Youth Justice services and agencies to custodial and non-custodial settings. Findings from the research should inform specific and tailored approaches for the management of this group as identified in the *Irish Youth Justice Strategy 2021–2027* strategic objectives 2.13 and 2.15, which state that protocols will be developed 'for the management and care of young adult offenders aged 18–24 in the prison system' and provision made for enhanced services upon their 'release from prison'. This paper draws from the activities in the first year of this project. It details the provenance and purpose, the literature underpinning the research, the approach taken by the researcher, and the structure of the project.
**Keywords:** Young adults, custodial transition, youth justice, penal reform, detention, probation.

## Introduction

Coined by Arnett (2000) as 'Emerging Adulthood', the period when young adults are aged 18 to 24 years is widely considered to be a unique one, concerning a cohort distinct from both adolescents and adults. This ongoing research project will establish what this cohort needs to facilitate a transition to a custodial or non-custodial setting. This 'cliff-edge' effect that can occur when reaching the age of majority in the criminal justice system was summarised by the Irish Penal Reform Trust (IPRT) as a time when 'he or she

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[1] Deonach (Tallaght Probation Project) is a community-based organisation, funded by the Probation Service, that provides a range of activities to support the desistance of children and young adults.

loses access to age-appropriate interventions, entitlements and supports overnight – both in the criminal justice system, and in services provided in the community' (IPRT, 2015, p. 6). With a recent increase in the attention given to policy pertaining to this cohort, this research seeks to fill that gap in the academic literature, with a view to informing imminent and future governmental strategies.

## Context

Between 2008 and 2017, the Irish Government approved the proposal to develop a single National Children Detention facility; St Patrick's Institution was abolished, and all juveniles who offended were housed in the new Oberstown Children Detention Campus. Pursuant to Articles 155 and 156 of the consolidated Children Act, 2001, when a person held in a children detention school reaches 18 years of age before the period of detention expires, that person will serve the remainder of the sentence in a place of detention provided under section 2 of the Prison Act of 1970 or a prison. Alternatively, the young adult will transition to a non-custodial setting; 'this mechanism can be used to prevent an 18-year-old being transferred to prison if certain conditions are met, and as such it minimises or delays exposure to the prison environment where possible' (Kilkelly and Bergin, 2021, pp 57–8 ). Placement Planning Meetings occur for children detained in Oberstown Children Detention Campus, in accordance with the CEHOP (care, education, health, offending and preparation for leaving) Model of Care, to 'consider what measures are required to facilitate the child's successful return home or transfer to prison' (Kilkelly and Bergin, 2021, p. 101). Goal 5 of the *National Policy Framework for Children and Young People 2014–2020* (Department of Children and Youth Affairs, 2014) identified this as a problematic process. This interdepartmental 'transitional process' from Irish youth justice services and agencies to either a prison or a non-custodial setting is the basis for this research project.

The project focuses on young adults, aged 18 to 24 years – a cohort that accounted for 21 per cent of those committed to prison in 2020 (Irish Prison Service, 2020), with probation statistics reporting a reoffending rate of 36 per cent for males and 30 per cent for females in 2017 (Central Statistics Office, 2021). This group is identified by the Irish Prison Service in the *IPS/ETB Prisons Education Strategy 2019–2022* (Irish Prison Service and Education Training Board Ireland, 2019) as a distinct group that requires general services to be tailored to their specific developmental, psychological and

educational needs. There is a distinct lack of research into the 'transition' from detention to custody and from detention to non-custodial settings, a pivotal time of change for the young adults, a 'critical point' requiring research (Irish Penal Reform Trust, 2015).

The *Irish Youth Justice Strategy 2021–2027* (Department of Justice, 2021) follows the parameters set by the 2014 *Better Outcomes, Brighter Futures* framework (Department of Children and Youth Affairs, 2014) and sets forth ambitious goals for the advancement of provisions involving young adults (Kilkelly and Bergin, 2021). The strategy addresses the situation of children and young people in relation to offending from early childhood to early adulthood – defined as aged 24 years. It specifically addresses the need for distinct approaches for the young adult cohort. Custodial transitions from Oberstown to the prison system are acknowledged as an area requiring continued attention and reform (strategic objective 2.13.1) and transitions from custodial institutions to non-custodial settings are also addressed through the enhancement of 'effective services for young adults (18–24 years) on release from prison' (strategic objective 2.15). Of central importance is strategic objective 2.15.2 which supports a 'multiagency service framework … designed around the needs of young adults rather than Departmental responsibilities and funding lines … responding to the particular needs and situation of the young adults involved'.

## Literature review

The following is a synopsis of the literature review carried out as part of this research project, presented under four thematic areas/headings: young adult development; young adults in the criminal justice system; speech, language, and communication needs; and transition between services.

### *Young adult development*

The review includes a thematic analysis of the extensive array of literature on the development and psychology of the young adult cohort. A particular focus is given to Arnett's (2000) theory of 'Emerging Adulthood', which recognises this additional phase of development as distinct from both adolescence and adulthood. The literature review, conducted as part of this study, reviews literature which questions the presumption that upon reaching the age of majority, 'capacity' is reached (Edwards, 2009). The idea that developmental maturity is a continuous process that may extend up to the

age of 24 years is supported by longitudinal neuroimaging studies (Johnson, Blum and Giedd, 2009; Prior *et al.*, 2011); 10 to 24 years corresponds more closely to adolescent growth and popular understandings of this life phase. Edwards (2009) discusses this development in the context of capacity, finding that the law may fail adolescents who are older than 18 years by expecting them to have full capacity. Although many legal systems, including Ireland's, recognise that a person reaches the age of majority upon their eighteenth birthday, 'capacity' should not be viewed in the same predictive manner. This medico-legal intersection sees a great disconnect between policy and reality; the system under which an individual is governed changes overnight, but their maturity does not.

With a plethora of research supporting the developmental psychology concept that adolescence may extend up to the age of 24, there has been a recent increase in international research into the legal treatment and culpability of 18- to 24-year-olds. It has been argued that young adults are not 'adequately developed to "deal" with adult systems' (Brewster, 2020, p. 226), and provisions offered to children should be extended to include the young adult cohort. In the USA, Farrington, Loeber and Howell (2012) conducted a leading study into the cognitive functions of 18- to 24-year-olds, highlighting the need for young adults to be recognised as a distinct category, developing upon Arnett's theory of 'Emerging Adulthood'.

### *Young adults in the criminal justice system*

Most recently in the USA, Jäggi, Kliewer and Serpell (2020) researched the importance of schooling for the desistance, rehabilitation, and re-entry of young adults. Australian researchers including Edwards *et al.* (2019) have researched the distinct needs of young adults in terms of the prevalence of mental health issues requiring multifaceted and comprehensive attention and assessment. Pruin and Dünkel (2015) produced a report on European responses to young adult offending, identifying the need for a tailored approach, and research produced by Judd and Lewis (2015) supported the need for individualised assessment tailored to the diverse needs of this group. Most recently, the Howard League for Penal Reform (2020) in the UK has conducted research into young adults in prison during COVID-19. This report identified their distinct needs under the categories of education, activities, therapy, health, and mental health support.

## Case law

Much of the recent case law involving youth detention revolves around actions taken in terms of the existing 'separation' policy in place and its potential infringement on the detainee's human rights – *M.G. v The Director of Oberstown Children Detention Centre*, where Simons J held that the decision to separate the supplicant from his peers was proportionate, in the pursuit of safety and security, given the nature of his behaviour; *Greene v The Director of Oberstown Children's Detention Centre*, where the applicant sought the discovery of documents relating to the Goldson/Hardwick Operational Review of Oberstown Children's Detention Campus. As a result of the 2017 centralisation of the system, the relevant case law is limited to the timeframe of 2017 to the present.

In the case of *M v Director of Oberstown Children's Detention Centre*, Whelan J. acknowledged the inherent difference between adults and children:

> …the difference in treatment under consideration as between adult and child offenders serves a legitimate legislative purpose (i.e. the rehabilitation of young adults and the need to reflect the special physical, psychological, emotional and educational needs of children), is relevant to that purpose and treats both classes fairly.

Furthermore, Simon J noted that the difference in capacity which informs the difference in treatment accorded to young persons under the Children Act, 2001 was 'relevant' to the legislative purpose as it reflected the 'special physical, psychological, emotional and educational needs of children' and 'the specific educational and emotional needs of a child as compared to an adult'.

## Speech, language and communication needs

To truly participate in a criminal justice system, a young person must be able to communicate with the process.

> Interventions within the youth justice service tend to rely heavily on the medium of language, and weak language skills may preclude young people from deriving the full benefit of the rehabilitation on offer. (Winstanley, Webb and Conti-Ramsden, 2021, p. 401)

Speech, language, and communication difficulties affect an individual's expressive and receptive language skills. Often referred to as a 'hidden disability', Developmental Language Disorder (DLD) is frequently undiagnosed. According to the Irish Association of Speech and Language Therapists (IASLT), young people with DLDs account for 6 per cent of the population but an estimated 60 per cent of the criminal justice system (IASLT, 2017). This project considers the impact of a DLD at four stages of the criminal justice process, three of which are identified by Sowerbutts *et al.*, 2021: pre-conviction; peri-conviction; post-conviction; and post-release (additional stage). Two issues arise from this process: compliance with legislation and dialogic legitimacy, i.e. the fair, moral, and ethical use of conversation and dialogue between multiple parties to understand or explore the meaning of something. This project suggests four mechanisms that may enhance the process: systematic screening/assessment; training of actors; an official provision for speech and language therapists; and registered intermediaries.

## Transition between services

Pertinent to this project is the research conducted by Gough (2017), which culminated in the report, *Secure Care in Scotland: Young People's Voices*. This identified elements of effective transitions from secure care: relationships, purposeful planning, preparation, timing/readiness, and resources. In 2019, Gonçalves *et al.* conducted a longitudinal study into the self-reported prison adjustment among young adults in Portugal. The study identified three main factors for the success of prison adjustment as external, internal, and physical. Gonçalves specifically highlights the gap in the research of young adults, a cohort 'with special risks and needs, and they may require a differentiated treatment'.

Much of the research that assesses 'transitions' uses the concept in a very narrow sense, focusing on the structural and literal transition from children's to adults' services, omitting to address the deeper issues at play during a transition (Brewster, 2020). Conducting a literature review specifically on the issue of custodial transitions is limited, there is a distinct lack of research and knowledge internationally, let alone in the Irish context. With such a lack of research, we must rely on the following studies to inform the current research: Signorini *et al.*'s (2020) study of transitions from child to adult mental health services; Price's (2020) study into the experience of young people transitioning between youth offending services and probation services; Kerr *et al.*'s (2017) study into the transition from children's to adult services for

young adults with life-limiting conditions; and Hughes, Trimble and O'Rourke's (2021) interpretative phenomenological analyses to assess the experiences of young adults (aged 18–21) on protection in an Irish prison.

## Theoretical framework

This research project is underpinned by a commitment to ontological research. This has been used to elect and shape the methodology of the study – a mixed-methods approach. Ontological studies are concerned with questions pertaining to the kinds of things that exist within society, the study of 'being'. It is under this assumption that the research project elects to adopt a mixed-methods approach, combining document analysis with qualitative research methods, where qualitative methods are dominant.

The research paradigm adopted is interpretive phenomenological analysis (IPA) – inquiring into human experiences by collecting data and developing a composite description and interpretation of the data collated. By choosing a phenomenological design, this research focuses on what it means to be/how things manifest themselves, with the aim of understanding the human experiences from the actor's perspectives, i.e. trying to understand the needs of young adults in the criminal justice system through interviews and surveys. The researcher is practising a phenomenological reduction by setting aside preconceptions to allow a deeper understanding of the issue in the eyes of the participants. The researcher will strive to delineate their positionality to the best of their ability at all stages of this project.

This project has elected a constructivist research approach. Rooted in Lundy's Model of Participation, the constructivist approach relies on meaning constructed by social actors in a particular context, i.e. young adults in Deonach, Oberstown, prison, or a non-custodial setting. Although Lundy's Model was developed to apply solely to children, I have extended this model to apply appropriately to both the children and young people involved in this research project. The data collected through surveys and interviews will allow the concept to be explored and understood by focusing on meaning. The constructivist approach was elected to afford the participants with each of the four elements of Lundy's Model (2007): space, voice, audience, and influence.

## Conceptual framework

### Research design

The research is underpinned by a constructivist research paradigm, with an individual-focused approach. The aim is to inquire subjectively into human experience by conducting semi-structured interviews with children and young adults, to gain insight and understanding of their experiences. This research project comprises a mixed-methods approach. The project has a strong research design underpinned by a definitive topic, research problem, purpose statement, and research questions. The topic of research is young adults in the criminal justice system; the research problem is the high number of young adults in the criminal justice system; and the purpose statement is to study whether young adults' needs are being met when they transition from Irish youth justice services and agencies to custodial and non-custodial settings. By designing the research in such a way, the research questions for this project are clear and precise:

1. What does the Irish criminal justice system identify as the needs of young adults?
2. What do young adults in the criminal justice system believe their needs are?
3. How can a convergence of these needs be addressed during the custodial transition process?
4. How do other jurisdictions address young adults' needs during custodial transitions?

### Methods of data collection

1. A systematic document collection and subsequent literature review has been conducted, which includes: a document analysis of reports regarding young adults' custodial transition process in Ireland; an examination of relevant statutes and case law; and a critical review of academic literature. By electing a doctrinal and thematic literature review, this project will establish reliable and meaningful evidence-based results and conclusions to inform the development of the sector.
2. Semi-structured interviews with up to 90 participants will facilitate focused interviews with comparable transcripts to ensure consistency in the topics covered and the wording of the questions.

2b. A survey will be conducted four times over a two-year period in Deonach to probe the accuracy of the needs that are identified by psychologist Peggy Kern's EPOCH Measure of Adolescent Well-being – five positive psychological characteristics: Engagement, Perseverance, Optimism, Connectedness and Happiness (Kern *et al.,* 2016). To accommodate varying literacy levels, the survey will be administered in small groups with assistance available if required.

3. Reports will be utilised to establish the practical and procedural mechanisms of custodial transitions in Ireland. Reports including the following will be utilised for this phase: the Office of the Inspector of Prisons annual reports; Dóchas annual reports; Oberstown annual reports; Probation Service annual reports; and *Youth Justice Strategy* progress reports.

4. A comparative study of the transition process in the Republic of Ireland and two other jurisdictions will be conducted. This phase will utilise legislation, policy documents, official statistics, and existing research from each jurisdiction to conduct the comparative study.

## *Methods of data analysis*

1. Doctrinal and thematic analysis – *What does the Irish criminal justice system identify as the needs of young adults?* Existing data and legislation, underpinning the origins of the newly centralised Oberstown Campus, published by the Irish Youth Justice Service, the Probation Service, Department of Children and Youth Affairs, Irish Prison Service, Irish Qualitative Data Archive, and the Economic and Social Research Institute (ESRI) have been analysed, with a focus on the policies to divert children and young adults away from custody.

2. Interpretive phenomenological analysis (IPA) – *What do young adults in the criminal justice system believe their needs are?* This analytic process is dynamic and dual, requiring the researcher to interpret how the participant makes meaning of their world as well as decoding that meaning-making. It is primarily descriptive and becomes interpretive as the analysis deepens. This analysis will study the participants ideographically, focusing on the particular rather than the universal, through in-depth analyses of each participant.

3. Critical analysis – *How can a convergence of these needs be addressed during the custodial transition process?* This analysis will endeavour to contribute to the understanding and conceptualisation of young adults

in a criminal justice system, by synthesising the findings of the two aforementioned analyses: the doctrinal and thematic analysis, and the IPA. By integrating the qualitative data findings with the existing procedures and literature, this analysis will critically assess the practice-based policies in place and may make recommendations based on the findings of the research.

4. Comparative data analysis – *How do other jurisdictions address young adults' needs during custodial transitions?* The frame of reference for this comparison is the treatment of young adults within each criminal justice system. Consideration will be given to the institutions and sectors that are separate from the criminal justice systems and their role in the treatment of young adults, i.e. education system, NGOs. This analysis will identify and assess the differences and similarities in the treatment of the young adult cohort in terms of the custodial transition process, locating the findings of this study in a wider context, and potentially informing best practice in the Irish system.

## *Qualitative semi-structured interviews*

A sample of up to 90 participants for the semi-structured interviews over an 18-month period will be preferred. The pool size will aim to secure 15 participants for cohorts 1a and 1b and 30 participants for cohorts 2a and 2b, reflecting the feasibility of access to the various participant pools. The interview process and schedules were designed pursuant to Lundy's Model of Participation. This model was adopted to optimise engagement with the participants, to gather the richest set of data possible. Lundy's Model is a conceptualisation of Article 12 of the United Nations Convention on the Rights of the Child (UNCRC), which affords children the right to have their views accounted for in matters that affect them.

1. Prospective-view participants:
   a. Children [aged 16 to 18] engaged in Deonach's Link Programme (accessed through Deonach)
   b. Children [aged 16 to 18] either sentenced or remanded by the courts, prior to a custodial transition to Wheatfield Prison/Dóchas Centre or to a non-custodial setting (accessed through Oberstown)[2]

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[2] It should be noted that this aspect of the research project has not yet received ethical approval.

2.  Retrospective-view participants:
    a.  Young adults who experienced a transition from Irish youth justice services to Wheatfield Prison/Dóchas Centre (identified and accessed through the Irish Prison Service)
    b.  Young adults who experienced a transition from Irish youth justice services and agencies to a non-custodial setting (identified and accessed through Deonach's Link, Target, and Access Programmes).

## *Ethical considerations*

This study identifies four major ethical considerations: informed consent; trustworthiness; anonymity; and risk/benefit. To ensure that consent is informed and procedurally ethical, the participant information sheets and consent/assent forms have been written in accordance with the researcher's Program for Readability In Science & Medicine (PRISM) training in accessible language for researchers, to ensure that the language used is optimal and accessible to all, scoring a minimum of 60 on the Flesch Reading Ease Scale. To ensure trustworthiness and proper ethics in practice, involvement in the semi-structured interviews is strictly an opt-in process, with the option to opt-out at any point during the interview process and up to the submission of the thesis in August 2024. To ensure anonymity and ethics after practice are adhered to, the pseudonymised transcripts of the interviews are stored on the researcher's laptop, which is encrypted with BitLocker. A risk/benefit analysis is being utilised when conducting all interviews, to ensure that the safety and wellbeing of the participants are paramount and to eliminate the potential for any physical, psychological or social harm to the participants during the course of the project.

## Conclusion

With the systematic document collection, and the doctrinal and thematic analysis of the literature largely complete, the semi-structured interviews are underway within Deonach and Wheatfield Prison. Over the coming 12 months, the remainder of the semi-structured interviews will be conducted and transcribed, before being analysed using NVivo software. The IPA on the interview data will formulate a set of themes which have emerged from the insight gained from the participants' answers. This data will establish the identifiable issues among the lives of young adults in the criminal justice

system, with the aim of bringing about change to the lived experiences of this cohort. In addition, the survey, based in Kern's EPOCH measure, will be administered in Deonach four times within the coming 12 months. The anonymous data collected from the survey will be analysed in conjunction with the interview data to encapsulate the largest data set possible, maximising the voices heard and instituting more meaningful results.

Following this qualitative phase of the project, the critical analysis will commence. This step will synthesise the findings of the two aforementioned analyses: the doctrinal and thematic analysis, and the IPA, with the aim of impacting on evidence-based practice. By integrating the qualitative data findings with the existing procedures and literature, this analysis will aim to establish practical, applicable and meaningful results, with the optimum chance of having a positive impact on the young adult justice system in Ireland in the future. Finally, two suitable jurisdictions will be selected, and a variation-finding comparative analysis will be conducted on the custodial transitions processes in each jurisdiction. The aim of this last phase (for completion in 2024) is to locate the findings from this study in a wider context, potentially informing best practice, increasing confidence and competence to engage with young people and ultimately to progress the shared goal of their diversion from the criminal justice system

## Acknowledgements

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### *Legislative instruments*

Children Act, 2001
Prison Act, 1970
United Nations Convention on the Rights of the Child

### *Case law*

*Greene v The Director of Oberstown Children's Detention Centre & ors ([2019] IEHC 113)*
*M (Suing by His mother and next friend J) v Director of Oberstown Children's Detention Centre & ors ([2020] IECA 249)*
*M.G. v The Director of Oberstown Children Detention Centre & ors ([2019] IEHC 275)*

# Addressing Unadjudicated Domestic Abuse: An Evaluation of the Promoting Positive Relationships Programme

**Kirsten McFarland\***

**Summary:** It is widely recognised that domestic-abuse programmes primarily target criminal justice-involved offenders, court mandated to attend treatment, following a domestic abuse conviction. This has identified a need for the development of an early intervention programme that is more preventative in its approach, by aiming to address unadjudicated domestic abuse. In response, the Probation Board for Northern Ireland (PBNI) was funded by the Department of Justice and the Department of Health to develop and implement the Promoting Positive Relationships Programme (PPRP). Delivered by the PBNI, the PPRP is a community-based programme designed for adult males who have demonstrated the potential to be abusive in intimate partner relationships and whose children have been assessed as at risk by social services within the Health and Social Care System in Northern Ireland (HSCNI).

In conjunction with the 'what works' literature, the consistent self-evaluation of criminal justice-led programmes is fundamental in providing facilitators and stakeholders with an invaluable aid to develop, manage and increase programme effectiveness. On this basis, the current research aimed to evaluate the initial effectiveness of the PPRP, whilst in its pilot period from 2018 to 2021. Specifically, this was to inform an internal evaluation for the PBNI and to aid the implementation and development of this unique approach to domestic abuse intervention in Northern Ireland.

A pre- and post- quasi-experimental design was implemented to evaluate the changes in psychometric scores of 51 participants who had completed the PPRP within the pilot period. Analysis indicated that participants of the PPRP demonstrated improvements on 20 of the 25 psychometric measures, five of which were statistically significant. Overall, the findings indicated positive changes in the thinking styles and attitudes of participants who completed the PPRP. Therefore, it was possible to deduce that, to some extent, the PPRP can assist perpetrators in addressing thinking styles associated with domestic abuse and help to develop more prosocial patterns of thinking. The implications of these findings are discussed further.

**Keywords:** Domestic abuse, unadjudicated, programme effectiveness, non-court-mandated programmes, programme evaluation, psychometric assessments.

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## Introduction

It is widely accepted that domestic abuse is a prevalent societal problem that has devastating consequences for victims and their families (Oliver *et al.*, 2019). Domestic abuse refers to a pattern of threatening, controlling, coercive behaviour, violence or abuse perpetrated against intimate partners or family members, regardless of gender or sexuality (Public Prosecution Service Northern Ireland, 2020). In Northern Ireland (NI), the annual statistics evidence an increasing number of recorded domestic abuse incidents since record-keeping began in 2004 (PSNI Statistics Branch, 2020).

As a result of the increase in the identification, conviction and subsequent sentencing of individuals who commit domestic abuse in Northern Ireland, significant governmental attempts to address these offences emerged. Specifically, the NI Executive's, *Stopping Domestic and Sexual Violence and Abuse Strategy* sets out the commitment to adopt a long-term approach to the prevention of domestic abuse (Department of Justice, 2016). One key aim of this strategy was to focus on the management of domestic abuse perpetrators. This included the development of effective interventions designed to hold these individuals accountable for their behaviour and to provide opportunities to address their offending behaviour. Subsequently, it was recognised that the majority of domestic abuse interventions primarily target criminal justice-involved offenders, who are court mandated to attend treatment following a conviction of domestic abuse. This identified a need for preventative early-intervention services for individuals who have not been convicted of a domestic abuse offence, but who have exhibited abusive or violent behaviours in their relationships. As such, the PBNI was funded by the Department of Justice and the Department of Health to develop and implement the Promoting Positive Relationships Programme (PPRP) within NI.

The PPRP is a community-based, non-court-mandated programme that aims to address unadjudicated domestic abuse. It has been developed and designed by the PBNI, for adult males who have demonstrated the potential to be abusive in intimate partner relationships and whose children have been assessed as at risk by social services within the HSCNI. Participants are referred by social services within the HSCNI and the programme is facilitated by trained staff within the PBNI.

The current research presents a preliminary evaluation of the PPRP to inform the effectiveness of this unique approach to unadjudicated domestic abuse intervention in NI. By examining the short-term changes in participant

attitudes and thinking styles associated with the perpetration of domestic abuse, findings aimed to aid the evaluation, implementation and development of the PPRP.

## The effectiveness of domestic-abuse programmes

The 'what works' approach to evidence-based practice continues to emphasise the need for consistent evaluation to determine the effectiveness of criminal justice-led programmes, including, domestic-abuse programmes (Duriez et al., 2018; Farringer et al., 2019). Despite this, findings related to the effectiveness of domestic-abuse programmes are inconsistent and often yield small effects. For example, a meta-analysis conducted by Karakurt et al. (2019) concluded that overall, the various domestic-abuse programmes were effective in reducing violence, while controlled experimental studies did not show statistically significant differences between groups. Conversely, a recent meta-analysis indicated that participants who engaged in domestic-abuse programmes, were approximately three times less likely to commit a further domestic abuse offence, when compared to control groups (Cheng et al., 2021). The existing literature on the effectiveness of domestic-abuse programmes has predominately been determined by recidivism rates (Bates et al., 2017). Generally, these studies are afflicted with high attrition rates, differing definitions of recidivism, inconsistent or limited follow-up periods and small sample sizes, and are less likely to show the impact of treatment on participants (Wong and Bouchard, 2020).

### Treatment approaches

Existing literature consistently demonstrates the limited effectiveness of gender-based domestic-abuse programmes (Cotti et al., 2020; Dixon and Wride, 2020). On the other hand, domestic-abuse programmes have been found to be significantly more effective when they are developed upon contemporary theoretical understandings of domestic abuse, are pertinent to the related risk factors, and target the needs of individual perpetrators (Cleaver et al., 2019; Weber and Bouman, 2020). Similarly, Arce et al.'s (2020) meta-analytical review indicated that CBT-based[1] domestic-abuse programmes

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[1]  A Cognitive Behavioural Therapy (CBT) approach to intervention is frequently used in domestic abuse interventions. These focus on altering problematic thoughts, beliefs, attitudes and emotions to prevent future violent behaviour (Clark, 2011). CBT programmes encourage participants to examine the context of their violent behaviours (e.g. the primary emotions leading to anger, which may result in acts of abuse) and teach a variety of skills (e.g. healthy communication, conflict resolution and assertiveness).

have a greater significant effect, compared to programmes based on the Duluth Model.[2] However, the effectiveness of CBT-based programmes remains largely inconclusive due to the inconsistency in research findings. Nesset *et al.* (2019) argue that three of the six studies in their meta-analysis evidenced a reduction in physical violence among participants following the completion of CBT-based programmes. However, it is identified that these were small-scale studies, with findings primarily relying on self-report from perpetrators. In conjunction with the implications of generalising such findings, the lack of high-quality randomised controlled trials within the existing empirical research contributes to the ambiguity regarding the effectiveness of CBT-based domestic-abuse programmes (Nesset *et al.*, 2019).

## Pre- to post-programme short-term changes

Research has documented the advantages of measuring programme effectiveness by examining the dynamic, individual risk factors associated with domestic abuse (i.e. attitudes and beliefs), compared to static risk factors (i.e. recidivism), which are slow to change. Disparate from reconviction data, the examination of pre- to post-programme attitudinal change, via psychometric assessment, offers time-efficient programme evaluation, allowing improvements to be implemented more readily (Higgs *et al.*, 2020). Although psychometric assessments inherently rely on self-report and cannot provide an indication of behavioural change (Polaschek, 2017), they have been evidenced to strengthen the quality that quasi-experimental evaluation methods offer (Lilley-Walker *et al.*, 2018).

Existing research suggests that domestic-abuse programmes may be effective at altering perceptions and attitudes towards abusive behaviours (Wong and Bouchard, 2020). For example, Lilley-Walker *et al.*'s (2018) meta-analysis of European programme evaluations indicated 14 studies that demonstrated statistically significant improvements in irrational beliefs about violence and women or significant decreases in psychopathological symptomatology, from pre- to post- programme. Additionally, Wong and Bouchard's (2020) pilot evaluation evidenced that, following engagement in the pilot domestic-abuse programme, participants increased their use of strategies to help calm themselves when angry. However, as both of these studies failed to validate their outcome measures with victim data, these

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[2] Primarily, early intervention aimed at reducing domestic abuse originated from single-factor, feminist understandings of domestic abuse (Weber and Bouman, 2020). Established within the Duluth model (Pence and Paymar, 1993), these understandings argue that domestic abuse is rooted within male patriarchy and beliefs that encourage male dominance over women.

findings may suffer from inherent biases, including perpetrator minimisation and desired responding.

## *Motivation and readiness to change*

To explore the ambiguity in determining programme effectiveness, emerging research has postulated the impact of varying motivation levels of participants. Specifically, as the majority of the participants are court mandated to engage in domestic-abuse programmes, it has been argued that a lack of intrinsic motivation poses a barrier to effective treatment outcomes (Wong and Bouchard, 2020). Studies are generally consistent in evidencing that the inclusion of motivational strategies, such as stages-of-change-based treatments, strengths-based treatments, Motivational Interviewing (MI), and retention techniques, could overcome some of these limitations, thus increasing programme effectiveness (Murphy, Bradford and Jackson, 2016; Santirso *et al.*, 2020; Santirso, Lila and Gracia, 2020; Soleymani, Britt and Wallace-Bell, 2018). For example, Santirso *et al.*'s (2020) meta-analysis found that the rate of recidivism was 1.46 times greater for participants who engaged in generic domestic-abuse programmes, compared to those who completed motivational domestic-abuse programmes.

However, as these studies are restricted to court-mandated programmes, the generalisability of results is limited. In this regard, research has largely neglected to evaluate the effectiveness of domestic-abuse programmes that are non-court-mandated, including the motivation levels of these participants. Despite this, novel research indicates preliminary positive findings in respect of the effectiveness of such programmes (Wong and Bouchard, 2020; Tarzia *et al.*, 2020; Tutty, Babins-Wagner and Rothery, 2020). Similarly, despite a small sample size, Tutty *et al.* (2020) conclude that compared to court-mandated participants, non-court-mandated participants were less likely to be in the pre-contemplation stage of change and were more likely to be in Action, both before and following programme completion.

Due to the dearth of literature, examining the effects of domestic-abuse programmes on non-court-mandated participants is crucial as these types of perpetrators may differ from court-mandated participants in terms of willingness to change their behaviour. As such, there remains a need to determine whether these programmes are effective in improving the response to male perpetrators of unadjudicated domestic abuse.

# The current study

## *The Promoting Positive Relationships Programme (PPRP)*

The PPRP is a strengths-based programme that adheres to the recognised international standards for the delivery of violence-prevention interventions and requires interagency working, including the essential component of the Partner Safety Worker. It is based on five core modules (i.e. Foundation; Behaviour and Communication; Managing Emotions; Responsible Parenting; and Future Planning), and is delivered over 24 sessions of two-hour duration. These are rooted in CBT principles and are underpinned by the theoretical understanding and application of Dutton's Nested Ecological Theory (Dutton, 2006).[3] Within the CBT approach, the PPRP encourages participants to examine the context of their abusive behaviours and the individual factors that make them susceptible to perpetrating domestic abuse. These sessions have been devised to meet the specific aims of the PPRP, as presented in Table 1.

**Table 1:** *The principal aims of the PPRP*

| Aim | Description |
| --- | --- |
| 1 | Promotion of healthy relationships and reduction of risk of abuse against intimate partners and children. |
| 2 | Exploration of healthy, unhealthy and abusive relationships. Includes the personal identification of thoughts, feelings, beliefs and physiology in relation to participant's own behaviours. |
| 3 | Education on the impact of healthy and abusive behaviours on victims, including children. |
| 4 | Development of communication skills, emotional-management techniques, supportive resources and responsible parenting. |

Note: PPRP = Promoting Positive Relationships Programme.

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[3] Extensive empirical research questioning the validity of applying single-factor, feminist understandings of domestic abuse (e.g. Duluth model) to the treatment of domestic perpetrators influenced a movement of multi-factorial theoretical understandings of domestic-abuse offences. This included Dutton's Nested Ecological Theory. This is a gender-inclusive and ecological approach that recognises the many mechanisms and factors that affect how a person can view relationships. Specifically, how 'power and control' within abusive relationships are affected by what an individual can encounter as a child and broader social pressures (Dutton, 2006). Although it is accepted that this approach cannot explain how the variables interact or how the process of domestic abuse unfolds, it has proven to be a popular framework in guiding the assessment and treatment of perpetrators of domestic abuse (Dixon and Wride, 2020).

The current research aimed to evaluate the preliminary effectiveness of the PPRP and to inform an internal evaluation for the PBNI. This evaluation focused solely on the comparison of pre- and post- psychometric data of individuals who have completed the PPRP, since its inception in 2018. Although the limitations of this evaluation method cannot be ignored, the examination of change in participant thinking style and attitudes provides an initial insight into the effectiveness of the PPRP. In conjunction with the 'what works' literature and the ethos from stakeholders, this is driven by a need to limit domestic-abuse behaviour and to address, prevent, reduce, and ultimately eliminate all forms of abuse against women and children. Future and longer-term evaluation is recommended.

## *Hypotheses*

- The PPRP participants will show post-programme improvements in their thinking styles and attitudes when compared with pre-programme psychometric results, as measured by the psychometric assessments; Barratt Impulsiveness Scale (BIS-11), Experiences in Close Relationships – Revised (ECR-R), Interpersonal Relationships Scale (IRS), State-Trait Anger Expression Inventory – 2 (STAXI-2) and Paulhus Deception Scales (PDS).
- The PPRP participants will show post-programme improvements in their readiness to change when compared with pre-programme psychometric results, as measured by the University of Rhode Island Change Scale (URICA).

## Methodology

### *Design*

A pre- and post- quasi-experimental design was implemented to enable a preliminary evaluation of the effectiveness of the PPRP, whilst in its pilot period from 2018 to 2021, to inform an internal evaluation for the PBNI. Specifically, the changes in the pre- and post-programme psychometric assessment scores were examined.

### *Sample*

The sample consisted of 51 males who completed the PPRP within the pilot period, from 2018 to 2021. Individuals were referred to the PPRP by social workers within the five Trust areas in HSCNI. The mean age of participants was 37.78 years (SD = 1.28).

From the 79 participants who had initially commenced the PPRP, 64.6 per cent (51) had a complete set of pre- and post- psychometric data, 20.3 per cent (16) had missing psychometric data and 5.2 per cent (12) failed to complete the programme. For the purposes of the current research, only participants who had a complete set of pre- and post- psychometric data were included in the final sample of 51.

## Measures

Before treatment commences, facilitators use a battery of psychological self-report measures to determine the deficits and treatment needs of potential participants. These measures assess the dynamic, individual risk factors empirically evidenced in the perpetration of domestic abuse and are targeted in the intervention. The PPRP participants complete a battery of six psychometric measures, prior to the commencement of the programme, and again on completion. They include the Interpersonal Relationships Scale (IRS), Experiences in Close Relationships – Revised (ECR-R), State-Trait Anger Expression Inventory-II (STAXI-II), Barratt Impulsiveness Scale-II (BIS-II), University of Rhode Island Change Assessment Scale (URICA) and Paulhus Deception Scale (PDS).

### Interpersonal Relationships Scale (IRS; Hupka and Rusch, 2001)

A 27-item self-report measure that assesses six aspects of jealousy: Threat to Exclusivity is assessed by seven items (e.g. 'When my partner dances with someone else, I feel very uneasy' α = .79), Dependency is assessed by four items (e.g. 'I often feel I couldn't exist without him/her'; α = .84); Sexual Possessiveness is assessed by three items (e.g. 'It would bother me if my lover frequently had satisfying sexual relations with someone else'; α = .63); Distrust is assessed by three items (e.g. 'When I am away from my mate for any length of time, I do not become suspicious of my mate's whereabouts' (reverse scored); α = .61); Envy/Self-deprecation is assessed by seven items (e.g. 'I often find myself idealising persons or objects'; α = .85); finally, Competition/Vindictiveness is assessed by three items (e.g. 'I always try to "even the score"'; α = .65). Responses are indicated on a six-point scale (1 – strongly agree; 6 – strongly disagree). Higher scores on this measure indicate lower levels of jealousy.

### Experiences in Close Relationships – Revised (ECR-R; Fraley, Waller and Brennan, 2000)

A 36-item self-report measure used to assess adult romantic attachment. This is measured across two 18-item subscales: Anxiety (i.e. the extent to which

people are insecure versus secure about their partner's availability and responsiveness, e.g. 'I often worry that my romantic partner doesn't really love me') and Avoidance (i.e. the extent to which people are uncomfortable being close to others versus secure depending on others, e.g. 'I find it difficult to allow myself to depend on romantic partners'). Respondents use a seven-point Likert-type scale, ranging from 1 (disagree strongly) to 7 (agree strongly) to indicate how they generally experience relationships. Higher scores indicate higher levels of attachment-related anxiety and/or attachment-related avoidance. The commonly used estimate of internal consistency tends to be .90 or higher for each ECR-R scale.

### State-Trait Anger Expression Inventory-II (STAXI-II; Spielberger, 1999)

A 57-item self-report measure categorised into six scales in which individuals respond using a four-point Likert-type scale: 1) The State Anger scale measures the intensity of anger as an emotional state at a particular time, and includes three subscales (i.e. Feeling Angry, Feel Like Expressing Anger Verbally, Feel Like Expressing Anger Physically); 2) The Trait Anger scale assesses how often angry feelings are experienced over time, and includes two subscales (i.e. Angry Temperament and Angry Reaction); 3) The Anger Expression Out scale assesses the expression of angry feelings towards others in the environment; 4) The Anger Expression In scale assesses the suppression of angry feelings; 5) The Anger Control Out scale measures the extent to which respondents control angry feelings by preventing the expression of anger toward others in the environment; and 6) The Anger Control In scale measures the extent to which respondents control angry feelings by calming down. The Anger Expression Index provides a measure of total anger expression. Higher scores indicate higher deficits in experiencing/ expressing/controlling anger effectively. In accordance with the manual, internal reliability for STAXI-II scales and subscales have been evidenced to be at an acceptable level, irrespective of age, gender and psychopathology (Spielberger, 1999).

### The Barratt Impulsiveness Scale-II (BIS-II; Patton, Stanford and Barratt, 1995)

A 30-item self-report measure assessing impulsivity across three domains: Motor Impulsivity (impetuous action), Cognitive Impulsivity (rapid shifts and impatience with complexity) and Non-Planning (lack of concern for the future). Individuals respond to each statement on a four-point scale from

1 (rarely/never) to 4 (almost always/always). Higher scores indicate higher levels of Cognitive, Motor or Non-Planning Impulsivity. The published internal consistency coefficients range from 0.72 to 0.85.

### *University of Rhode Island Change Assessment Scale (URICA; McConnaughy, Prochaska and Velicer, 1983)*

A 32-item, self-report measure based on the Transtheoretical Model of intentional behavioural change (McConnaughy, Prochaska and Velicer, 1983). Individuals are asked to respond to items on a five-point Likert scale from 1 (strongly disagree) to 5 (strongly agree) on how often they use each thought or situation to help them avoid the problem behaviour. Results of this questionnaire indicate whether the individual's readiness score is in the Pre-Contemplative (e.g. no plan to change a certain behaviour), Contemplative (e.g. becomes aware of a desire to change behaviour), Preparation to Action (planning to change and marks the beginning of actual change in the criterion behaviour) or Maintenance (successfully attained and maintained behaviour change) stage of change. Individuals with readiness scores of 8 or lower are classified as Pre-Contemplators; 9 to 11 as Contemplators; and 12 to 14 as Preparers into Action Takers. The internal consistency of the URICA is good with coefficient alphas typically ranging from 0.79 to 0.89 for the four subscales (McConnaughy, Prochaska and Velicer, 1983).

### *Paulhus Deception Scale (PDS; Paulhus, 1998)*

This 40-item questionnaire examines the validity of self-report responses and the tendency to give socially desirable responses. This is measured on two scales: Impression Management (IM) and Self-Deceptive Enhancement (SDE), which requires individuals to respond to each item on a five-point scale from 1 (very true) to 5 (very untrue). IM measures the individual's conscious use of faking, lying and inflating self-descriptions, and SDE measures the individual's unconscious bias towards inflated or over-confident self-descriptions. Higher scorers tend to have unrealistically positive perceptions of themselves, which do not reflect their true character. This measure has been evidenced to demonstrate good internal consistency.

## Procedure

Prior to commencing the research, ethical approval was gained from the PBNI Research Approval and Ethics Committee. For research purposes, participants

were asked to provide written consent for their psychometric assessments at the pre-programme stage. The psychometric assessments were completed prior to the first programme session and following the final session of the programme. A PPRP facilitator was present to issue standardised instructions and ensure that suitable conditions of completion were maintained.

Participant data, including, raw pre- and post-programme psychometric scores, originated from the PBNI database of 79 males who participated in the PPRP within the pilot period, from 2018 to 2021. For the purposes of the current research, participants were excluded from the final data sample if they had incomplete psychometric data or if they did not complete the programme. This led to the finalised data set of 51.

## *Data analysis*

Initial analysis included the comparison of mean pre- and post-programme psychometric data. Preceding further data analysis, normality tests were conducted for each measure. According to the results, either non-parametric or parametric tests were run. To explore the differences between the pre- and post-programme psychometric scores, paired-samples t-tests were conducted for the psychometric data that did not violate assumptions of normality (i.e. ECR-R Attachment-Related Anxiety, ECR-R Attachment-Related Avoidance, BIS-II Motor Impulsivity and BIS-II Non-Planning). As the data from the remaining 21 psychometric measures did violate normality assumptions, Wilcoxon Signed Rank Tests were applied. The effect sizes were calculated for each psychometric measure.

## Results

### *Summary of pre- and post-PPRP psychometric scores*

The means and standard deviations for participants' pre- and post-programme psychometric scores are presented in Table 2. These pre- and post-programme mean scores indicated the expected improvements on 20 of the 25 psychometric measures. This included the URICA, which indicated the expected post-programme results for this measure. This result indicated that, on average, participants remained at the Contemplation Stage of Change, both before and following participation in the PPRP. Conversely, Table 2 reveals that the measures Sexual Possessiveness, Threat to Exclusive Companionship, Anger Control Out, Anger Control In, and PDS did not indicate post-programme results in the expected direction.

**Table 2:** *Summary of pre- and post-programme psychometric scores*

| Psychometric Measure | Pre-Programme (n=51) | | Post- Programme (n=51) | |
|---|---|---|---|---|
| | M | SD | M | SD |
| IRS: Threat to exclusive companionship | 33.88 | 6.33 | 34.00 | 6.14 |
| IRS: Self-deprecation/Envy | 29.39 | 5.93 | 31.47 | 4.24 |
| IRS: Dependency | 17.92 | 5.60 | 18.82 | 5.16 |
| IRS: Sexual possessiveness | 9.29 | 4.13 | 8.39 | 3.01 |
| IRS: Competition vindictiveness | 13.53 | 3.48 | 15.37 | 2.41 |
| IRS: Distrust | 14.18 | 3.60 | 14.43 | 4.07 |
| ECR-R: Attachment-related anxiety | 50.71 | 19.43 | 49.49 | 15.77 |
| ECR-R: Attachment-related avoidance | 50.75 | 17.44 | 48.39 | 16.84 |
| STAXI-II: State anger scales | 16.53 | 3.31 | 15.67 | 1.62 |
| STAXI-II: Feeling angry | 5.92 | 1.68 | 5.61 | 1.30 |
| STAXI-II: Feel like expressing anger verbally | 5.49 | 1.49 | 5.08 | 0.66 |
| STAXI-II: Feel like expressing anger physically | 5.12 | 0.38 | 4.98 | 0.14 |
| STAXI-II: Trait anger scales | 16.88 | 4.92 | 15.63 | 3.82 |
| STAXI-II: Angry temperament | 7.04 | 2.71 | 6.37 | 1.77 |
| STAXI-II: Angry reaction | 6.47 | 2.02 | 6.04 | 2.05 |
| STAXI-II: Anger expression out | 14.96 | 3.53 | 13.78 | 2.79 |
| STAXI-II: Anger expression in | 16.35 | 4.25 | 13.20 | 3.78 |
| STAXI-II: Anger control out | 24.00 | 7.78 | 25.35 | 5.69 |
| STAXI-II: Anger control in | 22.98 | 5.99 | 25.98 | 5.91 |
| STAXI-II: Anger expression index | 32.76 | 16.34 | 23.65 | 13.37 |
| BIS-II: Motor impulsivity | 20.10 | 4.35 | 19.71 | 4.88 |
| BIS-II: Cognitive impulsivity | 22.82 | 4.57 | 21.41 | 4.86 |
| BIS-II: Non-planning | 20.63 | 4.86 | 20.02 | 4.83 |
| URICA | 10.64 | 2.73 | 10.93 | 1.75 |
| PDS | 12.10 | 6.73 | 13.22 | 7.01 |

Note: PPRP = Promoting Positive Relationships Programme; IRS = Interpersonal Relationships Scale; ECR-R = Experiences in Close Relationships – Revised; STAXI-II = State-Trait Anger Expression Inventory – II; BIS-II = The Barratt Impulsiveness Scale. URICA = University of Rhode Island Change Assessment Scale. PDS = Paulhus Deception Scale. A decrease in scores between pre- and post- programme represents positive improvement on all of the measures except the IRS and URICA, in which an increase in scores represents improvement on this measure.

## Statistical analysis of pre- and post-PPRP psychometric scores

Paired t-tests and Wilcoxon Signed Rank Tests indicated that out of the 20 psychometric measures showing a positive shift between pre- and post-psychometric scores, five achieved statistical significance in the expected direction. As evidenced within Table 3, these included: Self-deprecation/Envy, with a small effect size; Competition Vindictiveness, with a medium effect size; State Anger Physical, with a small effect size; Anger Expression Out, with a medium effect size; and Anger Index, with a medium effect size. Effect-size analysis indicated a small difference in the expected direction for the 20 psychometric measures that did not achieve statistically significant difference.

Conversely, two of the psychometric measures showed statistically significant differences in participant scores from pre- to post-programme, in the unexpected direction. These measures included: Anger Control Out, with a small effect size; Anger Control In, with a medium effect size. Additionally, a Wilcoxon Signed Rank Test revealed no significant differences, with a small effect size between the pre- and post-programme scores on the URICA.

**Table 3:** *Statistically significant Wilcoxon Signed Rank Tests comparing the differences between pre- and post-PPRP psychometric scores*

| | Pre-Programme (n=51) | Post-Programme (n=51) | z value | Sig | Effect size (r) |
|---|---|---|---|---|---|
| *Psychometric Measure* | *Md* | *Md* | | | |
| IRS: IRS: Self-deprecation/Envy | 30.00 | 33.00 | -2.88 | .004** | 0.29 |
| IRS: Competition vindictiveness | 14.00 | 15.00 | -3.08 | .002** | 0.30 |
| STAXI-II: State anger physical | 5.00 | 5.00 | -2.33 | .020* | 0.23 |
| STAXI-II: Anger expression out | 16.00 | 13.00 | -3.72 | .001** | 0.37 |
| STAXI-II: Anger control out | 24.00 | 27.00 | -2.12 | .034* | 0.21 |
| STAXI-II: Anger control in | 23.00 | 27.00 | -3.10 | .002** | 0.31 |
| STAXI-II: Anger index | 31.00 | 23.00 | -3.43 | .001** | 0.34 |

Note: PPRP = Promoting Positive Relationships Programme; IRS = Interpersonal Relationships Scale; STAXI-II = State-Trait Anger Expression Inventory – II; BIS-II = The Barratt Impulsiveness Scale. URICA = University of Rhode Island Change Assessment Scale. PDS = Paulhus Deception Scale. A decrease in scores between pre- and post-programme represents positive improvement on all of the measures except the IRS and URICAS, in which an increase in scores represents improvement on this measure.

*p < .05
**p < .001

## Discussion

This research aimed to evaluate the effectiveness of the PPRP, whilst in its pilot period from 2018 to 2021, to inform a preliminary internal evaluation for the PBNI. It was hypothesised that participants of the PPRP would show post-programme improvements in their thinking styles and attitudes, as measured by psychometric assessments.

Analysis of pre- and post-programme psychometric results indicated that on 20 of the 25 psychometric measures, PPRP participants showed expected improvements in their scores following treatment. Five of the psychometric measures showed a significant improvement in results from pre- to post-programme; two relating to self-reported jealousy and three relating to self-reported anger. Conversely, five psychometric measures did not indicate positive results in the expected direction – two relating to self-reported jealousy, two relating to self-reported anger, and the psychometric measure relating to the validity of self-report responses.

These findings indicated that hypothesis 1 could be partially accepted. Whilst preliminary, the results indicate positive short-term changes in the thinking styles and attitudes of participants who completed the PPRP. Therefore, it is possible to deduce that, to some extent, the PPRP can assist perpetrators in addressing thinking styles associated with domestic abuse and help develop more prosocial patterns of thinking. These results are consistent with the limited body of research that suggests the effectiveness of addressing unadjudicated domestic abuse via non-court-mandated programmes (e.g. Palmstierna *et al.*, 2012; Tarzia *et al.*, 2020; Tutty *et al.*, 2020; Wong and Bouchard, 2020).

Preliminary findings may be attributable to the PPRP drawing upon empirically supported theory to help participants to understand how their domestic-abuse behaviour is manifested. This coincides with previous research that promotes the effectiveness of domestic-abuse programmes, which move beyond gendered theories of treatment towards a developmental approach and are based on the wealth of information that exists about the associated risk factors (Lilley-Walker *et al.*, 2018) – specifically, the understanding that not one singular factor can be associated with domestic-abuse perpetration, or can explain why some people are more likely to perpetrate domestic abuse (Bates *et al.*, 2020). Rather, it is a question of understanding domestic abuse as the outcome of a complex interaction between individual, relationship, community, and societal factors (Dutton,

2006). This framework supports intervention across multiple levels to prevent domestic abuse (Arce *et al.*, 2020; Cotti *et al.*, 2020; Dixon and Wride, 2020).

In combination, these preliminary findings may provide additional empirical support for the greater effectiveness of domestic-abuse programmes that include CBT-based approaches (e.g. emotion management, communication, conflict resolution), as opposed to those that focus solely on theoretical principles such as gender roles (Nesset *et al.*, 2019). Therefore, the PPRP may be helping men to understand the impacts of their behaviours more effectively, by taking a combined approach to intervention. This suggests that it may be a more successful strategy to increase participant awareness and understanding of the origins of their aggression and pro-violent attitudes, and to alter distorted beliefs and associated abusive behaviours through taught skills and strategies.

Despite this, it cannot be ignored that, although there were improvements across the majority of psychometric measures, a large proportion of these were not found to be statistically significant between pre- and post-programme. Additionally, two of the psychometric measures relating to anger showed a significant degeneration in participant scores from pre- to post-programme. In contrast to Wong and Bouchard's (2020) study, this suggested that following the completion of the PPRP, the level of increase that participants reported in having control over their anger expressed outwardly and inwardly became more problematic. In conjunction with the findings from previously conducted meta-analysis (Arce *et al.*, 2020; Cotti *et al.*, 2020; Graham-Kevan and Bates, 2020; Nesset *et al.*, 2019), these results pose ambiguity issues regarding the effectiveness of domestic-abuse programmes, including the PPRP.

Because of the methodological limitations of the current research, it was not possible to quantify conclusively the reasoning for these findings. However, to ensure its effectiveness in addressing unadjudicated domestic abuse, there are several considerations that must be further explored. For example, it is well established that the successful reduction of cognitive and attitudinal change is challenging, due to the variety of risk factors associated with domestic-abuse perpetration (Farringer *et al.*, 2019; Karakurt *et al.*, 2019; Stanley, 2019). As the PPRP is delivered in a group-based format, the capacity to address the individual risk needs for each participant to the extent required to make long-term change is likely to pose further challenges. On this basis, it may be beneficial for the PPRP to consider the incorporation of content about pertinent individual risk factors and associated skill-building exercises in response to these needs.

In contrast, these findings may reflect participants' enhanced self-awareness and ability to monitor and understand their use of aggression, as a result of engaging in the educational and skills-based PPRP. Although this may be negated by the evident increased socially desirable responses, as measured by the PDS, these are areas that warrant further exploration. This poses further queries regarding how all domestic-abuse programmes are evaluated and what outcomes measure the success of effectiveness. The short-term attitudinal changes, whilst an important measurement, fail to reflect the extent of behavioural change that female partners, perpetrators, practitioners and funders are likely to hope to be achieved through the completion of the PPRP. It is essential that future evaluations seek to explore these findings further and in a timely manner.

It was hypothesised that participants of the PPRP would show post-programme improvements in their readiness to change when compared with pre-programme psychometric results. This hypothesis was partially supported. The improvements of the participants' pre- to post-programme scores on this measure indicated positive results. Crucially, this corresponds with contemporary research that promotes the inclusion of motivational strategies within domestic-abuse programmes, to promote readiness and commitment to change (Murphy *et al.*, 2016; Santirso *et al.*, 2020). This preliminary finding provides further evidence that, in addition to the theoretical foundations of the PPRP, incorporating motivation strategies to programme delivery may increase its ability to address unadjudicated domestic-abuse behaviours effectively.

Despite these positive findings, no statistical difference was found between the pre- and post-psychometric scores on this measure, and, on average, participants remained in the Contemplator Stage post-programme. These findings contrast to Tutty *et al.*'s (2020) research. This reinforces the theory that differences may exist between non-court-mandated and court-mandated perpetrators. As such, future research is essential to continue to examine the differences in these sub-groups (e.g. programme attendance, engagement, completion and motivation to change their behaviour and attitudes) to aid the development of the effectiveness of the PPRP.

Although the PPRP has been developed within strengths-based and Motivational Interviewing (MI), these are approaches that are dependent on treatment delivery and the skills of programme facilitators. The present research does not reveal the extent of the training or experience level of PPRP facilitators, nor the fidelity of MI skills facilitated during programme

delivery. Without this information, it is not possible to comment on the influence this may have had over the present research findings. Despite this, from advancing research, it is evident that the sustained integration of MI throughout the delivery of domestic-abuse programmes can predict positive behavioural change (Santirso *et al.*, 2020), and conversely, inconsistent application of MI can predict damaging clinical outcomes (Soleymani *et al.*, 2018). In conjunction with the 'what works' literature, this knowledge highlights essential considerations of the treatment delivery and integrity (Latessa, 2018) of the PPRP that will be essential to consider moving forward. This extends significantly beyond MI skills, including the ongoing need for effective treatment management to address the training and supervision of the programme facilitators to ensure its effectiveness.

## *Limitations and future research*

As the current research presented preliminary findings of the effectiveness of the piloted PPRP, it is critical to detail methodological limitations – for example, the use of a quasi-experimental design. Utilising psychometric assessments as an outcome measure has helped to identify specific positive effects of the PPRP. However, by presenting only short-term attitudinal change, the current research does not indicate behavioural change, nor whether the identified attitudinal changes were maintained long term. Furthermore, the use of self-report measures to reflect the differences in attitudes and thinking is entirely dependent on the willingness of the PPRP participant to divulge sensitive information. Future research using more robust experimental and qualitative evaluation approaches should be undertaken to confirm the results of this preliminary analysis. For example, an integrated model, in which psychometric data are combined with behavioural data – i.e. reconviction data – will be beneficial.

The generalisability of the results is limited by the non-random selection of participants, lack of a comparison group and the relatively small sample size, which was further reduced as participants who did not complete the PPRP or who failed to complete the self-report psychometric measures were excluded from the dataset. As a smaller sample size and subsequent low statistical power makes the detection of statistically significant differences difficult, limited conclusions can be drawn. Consequently, conclusions must be generalised with caution, as findings may reflect only this particular set of participants, whilst the impact for excluded participants remains unknown. It will therefore be important to continue with this research to achieve a long-

term longitudinal study required to draw conclusions about behavioural stability and to detect most of the recidivism that may occur. Despite these limitations, the need for a larger and randomly selected sample was balanced with the need to produce a time-efficient evaluation of a newly implemented programme.

Finally, it is emphasised that the PPRP was delivered to males who were not court mandated to complete the programme. Because of the potential differences between men who choose to attend a domestic-abuse programme, and those who are court mandated, the findings of this study should not be generalised to men who are court mandated. Therefore, further research should seek to address the differences between these two sub-groups. Additionally, as the PPRP is a gender-specific programme, the findings cannot be generalised to females who perpetrate domestic abuse.

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# A Practitioner's Response to 'Probation and Mental Health: Do We Really Need Equivalence?'

**Laura Cotter and Kim McDonnell\***

**Summary:** This paper is a practitioner's response to 'Probation and mental health: Do we really need equivalence?', written by Charlie Brooker and published in *Irish Probation Journal*, 2021. Brooker's article provides robust data that highlight the need to ensure that mental health no longer remains the 'poor relation 'in probation practice. This response focuses on the significance of research; the prevalence of mental health problems amongst those subject to probation supervision; the high incidence of comorbidity; levels of unmet need arising from difficulties with access to appropriate services; and the challenges of working with suicide ideation. The paper explores how the findings from Brooker's research are reflected in an Irish context, drawing from the authors' lengthy and direct experience of working with clients with mental health difficulties. Both practitioner authors are members of the Probation Service Mental Health Working Group, established in 2018.
**Keywords:** Mental health, probation, probation practice, prevalence, dual diagnosis, suicide, equivalence, research.

## Introduction

Brooker opens his article with the term, 'Zeitgeist', possibly not a familiar term to some, described as 'the defining spirit or mood of a particular period of history as shown by the ideas and beliefs of the time'. He maintains that this is applicable to what is currently happening with the issue of mental health, for too long a neglected area within probation practice. It is encouraging that this 'spirit' is also visible in the Irish Probation Service, and Brooker's article prompted reflection by the authors on some initiatives that have shaped and informed a changing approach.

Griffin (2008) conducted one of the first probation practitioner studies, which explored experiences of mental ill-health, trauma and bereavement,

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based on a review of 112 community supervision cases. Of the people reviewed, 39 per cent were identified as having a mental health problem over the course of their lives. Cotter (2015) examined whether the needs of offenders with mental health difficulties were addressed in prison and on probation supervision in the community. This was the first study to suggest that the prevalence of mental illness among offenders on probation across Ireland was high. The following year, Foley (2016) examined the prevalence and nature of mental health issues amongst those on supervision in one region of the Probation Service. The findings focused on the prevalence of a range of mental health difficulties, as well as highlighting high levels of dual diagnosis. These practitioner studies combined to shine a light on this neglected area, informing a shift in Probation Service focus and commitment.

The Probation Service *Annual Report, 2017* (p. 11) highlighted that 'the consideration of mental health issues is an on-going concern for Probation Officers'. The Service expressed its commitment to increasing awareness in relation to mental illness, personality disorder and indicators of self-harm/ suicide amongst staff. In 2018, delivering on that commitment, a Mental Health Working Group was established, and a senior psychologist was appointed. The ongoing work of the Mental Health Working Group, and the ground-breaking research conducted by Dr Christina Power, published in 2021 (frequently referenced in last year's paper), has informed and expedited the setting-up of a high-level cross-departmental task force with members from the Probation Service, Mental Health and generic Health Service, the Irish Prison Service, An Garda Síochána and the Judiciary. When one considers the combined work of the high-level task force and the imminent publication of the *Probation Service Mental Health Action Plan*, based on Power's research recommendations, it is fair to say that we too are experiencing our own 'Zeitgeist' in the Probation Service.

## The prevalence of mental health problems in probation practice

Brooker's paper is rich in statistical data drawn from studies across the UK and internationally, with a particular focus on the study undertaken with probationers in Lincolnshire. He comments on the dearth of research on probation and mental health in Ireland, noting that his trawl of previous Martin Tansey Memorial lectures revealed little or no reference to the issue. Conducting research in 2013, Cotter attempted to bridge this gap by drawing from data contained in the Level of Service Inventory-Revised (LSI-R)[1] risk

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[1] The LSI-R is the approved actuarial risk assessment used by the Probation Service to classify risk of reoffending and to identify criminogenic needs.

assessments conducted in 2012. Analysis of the responses to five questions specifically targeting psychological or psychiatric functioning revealed that a high proportion of those on supervision had mental health needs, with Probation Officers identifying a significant percentage as requiring psychological assessment. As the research pointed out at the time, the 'scoring' of questions ranging across the categories of 'moderate interference', 'severe interference', 'active psychosis' and 'psychological assessment indicated' were at the discretion of the interviewer. The question raised then, and one that Brooker also highlights, is the issue of appropriate and targeted mental health training for Probation Officers. We will return to this later in the paper.

While progress has been slow at certain points, it is ongoing and, albeit seven years on, it is invaluable that a national study has now taken place. Power (2021) conducted three internal and incremental studies in the Irish Probation Service in 2019, exploring mental health among persons subject to probation supervision. Brooker (2021) discusses Power's key findings where over 40 per cent on a Probation Supervision Order compared to 18.5 per cent of the general population present with symptoms indicative of at least one mental health problem. Women present with higher rates of contact with services currently and in the past for mental health problems. Brooker also focuses on Power's finding that 50 per cent of those supervised by the Probation Service in the community who present with mental health problems also present with at least one or more of the following issues – alcohol and drug misuse; difficult family relationships; and accommodation instability (Power, 2021).

## Just how vulnerable are those on probation to formal mental health problems?

Examination of the various data tables from Brooker's research clearly identifies the vulnerability of probationers to mental health difficulties. Both physical and mental health components are scored and benchmarked against the general population. Brooker (2021 p. 10) concludes: 'it is not only that health status is so poor, but death itself is far more likely especially for those at the point of leaving prison'. He compares the needs of probationers with those difficulties to probationers with no mental health difficulties, revealing a much higher level of unmet need and dissatisfaction in the first group. These findings will certainly resonate with practitioners as they did with the authors

of this paper. Attempting to address the needs of clients with a major mental health disorder can sometimes be a particularly daunting and lonely place in which to find yourself. There is a fear that you may not say or do the right thing when faced with a client who is severely mentally unwell, especially when they are not engaged with a mental health service. While it is possible to refer a client back to their doctor and support them with a referral to the Mental Health Service, the absence of a more direct and immediate referral pathway is a concern and a recurring frustration for Probation Officers.

## Comorbidity

The challenge of working safely and effectively with mental health problems is even more complex when the mental health issue is comorbid with both drug and alcohol use. Brooker's findings from the Lincolnshire research on the prevalence of mental health disorders and co-occurring substance use (Table 3) are both interesting and important but will not be a source of surprise to most practitioners. The findings report on the co-existence of drug and alcohol use across a range of disorders, including mood, anxiety, psychotic and eating disorders, with scores ranging between 70 and 80 per cent.

Reflecting on one particular case of a homeless client who had a 'dual diagnosis' of schizophrenia and heroin dependency, it is acknowledged that there are real difficulties in establishing a relationship and engaging effectively when the community context is very chaotic. However, the absence of any protocol that could inform a collaborative case-management approach across the appropriate services, despite the well-intentioned efforts of individual professionals, compounded those difficulties even more. This man became increasingly unwell and eventually he was remanded in custody for an immediate psychiatric review by the prison In-Reach Psychiatric Team. The In-Reach service is only available in this dedicated remand prison, which processes approximately half of all remand cases in the State. The collaborative approach was very much in evidence within this setting. His mental health and drug use were stabilised, and, through case conferencing and effective liaison, a structured post-release supervision plan was put in place with a successful outcome. This process required the commitment of the Mental Health Service, the Addiction Services and the Probation Service within the prison and the community. It involved the housing support and Resettlement Officer in the prison, a referral to 'Housing First',[2] the local

[2] Housing First is a government initiative that provides participants with supported housing that involves intensive case management and assertive community treatment

Council authority, the social inclusion service, staff members from the homeless hostel where the man had previously resided, his family members and, most importantly, the client himself.

While this particular case resulted in an improved outcome for the client, it is important that custody should not be used as the vehicle to access mental health services. The detrimental impact of custody on mental health with specific regard to overcrowding and the use of isolation is well documented across a range of reports. 'Forced integration of mentally ill offenders with regular offenders as a result of overcrowding may be a contributing factor to the increased rates of mental ill-health, suicide and violence within the prison system' (European Committee for the Prevention of Torture [CPT] 2011, p. 21). Brooker's proposal around a model of 'Assertive Outreach' could well have provided the range of skills, proactive engagement in the community and sustained support in the aforementioned case, thus eliminating the need for recourse to containment. That proposal also aligns with Power's view that 'There is a need for stronger links in supporting clients' engagement with services and in developing multi-disciplinary partnerships and active working with mental health professionals to maximise benefits of supervision and to reduce offending behaviour' (2021, p. 55).

## Suicide in a probation supervision context

Brooker highlights in his article that 'safety to self is a key issue in probation'. Statistics on suicide, collated by the Ministry of Justice in England, provide an overview of prevalence and trends in a criminal justice context. In Ireland, data on suicide are captured by the Central Statistics Office (CSO). Of concern, in the context of responding to Brooker's article, is the limited availability of data on the prevalence, patterns and trends of deaths by suicide or suicide ideation amongst probationers or prisoners in Ireland.

The systematic reviews undertaken by Brooker and his colleagues illustrate the complexities of suicide ideation and the correlation with completed suicide. It is accepted that there is no single cause or risk factor that can sufficiently explain a suicidal act. What we do know from the work of the National Office for Suicide Prevention (NOSP) in Ireland is that one in four people will use a mental health service at some stage of their lives. The NOSP research also shows a strong link between mental health difficulties and death by suicide and that alcohol and other substance-use disorders are found in 25 to 50 per cent of all suicides. There is also a significant link between

economic factors – like social deprivation, homelessness and poverty – and suicidal behaviour. All of those issues are more prevalent in our client group, with increased vulnerability to self-harm and completed suicide. It should also be highlighted that people who engage in self-harm are at an increased risk of dying by suicide, compared to those who do not engage in self-harm.

The message from NSOP is that suicide prevention is everyone's concern. The national strategy – *Connecting for Life* – is all about connection. It stresses the importance of connection to family, to friends and to community, to mitigate against isolation. It suggests that if services are connected, then people can 'get the right help, at the right time, in the right place'. Yet frustratingly (as Brooker cites in his article), there is an assumption that offenders are 'dangerous'. As a consequence, many services may become or remain inaccessible to our clients – thus creating further isolation, discrimination and stigmatisation.

Brooker indicates that the rate of suicide amongst Probation clients between 2010/11 and 2015/16 was nine times higher than in the general population, higher than amongst the prison population, and, disturbingly, the risk of suicide is much higher in the first few weeks post release. Research in the Probation Service (Power, 2021) indicated that 10 per cent of clients reviewed contemplated death by suicide or made plans to die by suicide. It is encouraging that, despite the limitations with data collation, the organisation has become increasingly responsive to the devastating impact of suicide and self-harm on clients and their families and the related impact on the supervising practitioner. Four Probation staff are accredited as trainers of the Skills Training on Risk Management (STORM®) programme. This has facilitated a national roll-out of the training to all staff, to increase understanding and competence around strategies that increase awareness of suicide ideation and interventions to mitigate the risk of self-harm and completed suicide.

This training, combined with the work that is currently underway in relation to closer collaboration with mental health services, does meet some of the concerns expressed by Brooker in relation to strategic commitments by the National Probation Service (NPS) in England and Wales. He believes that 'there is a lack of clarity about the role Probation staff should undertake in relation to the assessment and recognition of mental health disorders and suicidality' within the approach of the NPS. Those who completed the STORM® training say that it helped them to acknowledge the clients' distress and respond appropriately. Probation Officers were encouraged by the fact that the

assessment of suicide intent has changed to reflect a person-centred approach and said that it helped them in meeting a 'duty of care' to clients who express thoughts of self-harm or wanting to die by suicide. However, we recognise that internal agency training is not of itself sufficient because, as Brooker states, 'people on probation are a very high-risk group for completed suicide' and so organisational upskilling must be complemented by high-quality interagency collaboration between justice agencies and mental health services, to reduce the likelihood of death by suicide amongst this group of people.

## Concluding reflections

Brooker's paper and related research provide a very valuable resource that challenges our thinking and informs our continuing work in this area. As practitioners, we recognise that we have some way to go to reach the point where we are comparing types of disorders and the needs of probationers with these disorders, and ascertaining their satisfaction with the level of help received, as described through Brooker's research in the United Kingdom. We are very much at the stage of identifying the challenges for practitioners and the barriers to services for this client group. However, as the enormity of the situation has been confirmed through Power's work, and with the imminent publication of the related Action Plan, we are hopeful that the road ahead does not appear as bleak. With a focus on training and improved skill level within this area, we feel that there is a move in the right direction towards removing the fear/anxiety that exists with regard to meeting the needs of clients with severe mental illness.

While greater progress is required in relation to high-level multi-agency collaboration, we must also question what we as practitioners can do to improve practice and service delivery. What is our vision for the future? Is there another way? Returning to Brooker's original question, 'Probation and mental health: Do we really need equivalence?', he comments that originally it was thought that equivalent mental health services were what was needed. What Brooker now concludes is that due to the complexity of needs among probation clients, the reality unfortunately is that these equivalent services do not exist, and he proposes a model that is based on the principles of Assertive Outreach.

As part of Assertive Outreach (a model used widely here in addiction and homeless services), teams of practitioners focus on engagement and addressing crucial needs, such as housing, education and employment, as

well as mental health, with hard-to-reach clients. This proposal merits further exploration, particularly as Probation Officers currently engage in elements of Assertive Outreach, a practice that could be further enhanced through the establishment of formal protocols and shared interdisciplinary training. Brooker (2021) also suggests that the role of the Probation Officer in mental health needs to be clarified, especially in relation to the assessment and recognition of mental health disorders and suicidality. Cotter (2015) discussed the idea of 'specialised mental health caseloads', involving smaller caseloads with intensive interventions managed by expert Probation Officers. It is also suggested that mental health clinicians should extend their notions of interdisciplinary teams to include Probation Officers. Power (2021) also suggests that there is a strong case for specialist mental health Probation Officers who hold specialised caseloads. A common thread weaving throughout this piece has been the need for clarity of role and transparent referral pathways to the mental health services. A model that combines an Assertive Outreach approach with specialised mental health Probation Officers could work towards addressing this gap. Improving outcomes for clients is the ultimate goal.

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# Practitioner Reflection on the Challenges and Opportunities for Collaborative Working in the Probation Board for Northern Ireland

**Karen Sinnamon**\*

**Summary:** Within the Probation Board for Northern Ireland (PBNI) the term 'collaborative working' is used so ubiquitously that practitioners risk adopting a nonchalant attitude which belies the complexity of this approach. Following a brief introduction to the role of collaboration in the wider political and criminal justice system, this article explores some of the challenges and opportunities associated with interagency collaboration. It focuses on three salient strands which can either hamper or enhance the efforts of probation staff to fulfil statutory responsibilities, and to empower service-users to recognise that ultimately, they are their own agents for change.

The first strand is that of agency mission and the potential for 'mission distortion', a risk associated with partnership working. The paper then moves on to explore the impact of changing policies and resource management for collaborative working. The third strand focuses on the therapeutic alliance as an essential component in any collaboration that aims to facilitate and enable behavioural change. The paper concludes with some reflections on the need for a balanced, proportionate and person-centred approach to interagency collaboration within probation practice.

**Keywords:** Collaboration, partnership, agency, interagency, probation, therapeutic alliance.

## Introduction

Given the political backdrop, the criminal justice sector within Northern Ireland has historically been a fraught arena. The functioning of this system, particularly in the immediate period post devolvement of justice powers to the Northern Ireland Assembly and Executive, is perhaps testament to the sentiment that 'collaboration rests on the team's capacity to harness differences … such that difference enhances rather than destroys collaboration'

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(Pycroft, 2019, p. 36). The value of partnership working and collaborative practice is a theme that has continued to resonate within Department of Justice policies and strategies in Northern Ireland, as evidenced by policy documents, *Building Safer, Shared and Confident Communities: A Community Safety Strategy for Northern Ireland 2012–2017* and *Supporting Change: A Strategic Approach to Desistance* (2015), and the Department of Justice's Corporate Plan for 2021–22, which sets out as its first objective: 'To engage with our partners to help build safe and resilient communities, improve community relations and tackle paramilitary activity.' PBNI's own corporate strategy is aligned to the Department and the Minister's priorities, and therefore partnership working is a key theme of Probation's strategic plan. This is most recently evidenced in PBNI's Corporate Plan for 2020–23, which highlights the importance of collaboration and partnership. Indeed, the *Communications and Engagement Strategy, 2020–2023*, which supports the Corporate Plan, reinforces the need to engage and develop partnerships with stakeholders, internal audiences and service-users, through more dynamic means, e.g. social media, service-user forums, increased community engagement on a local level, and an annual PBNI conference to increase understanding of PBNI's role in the criminal justice system. Justice Minister Naomi Long reflected in 2020 on the challenges posed by COVID-19 at the Criminal Justice Board, and the integral role of partnership working to ensure that the system functioned effectively despite the ongoing global pandemic. She stated:

> I have been impressed by the work ethic, collaborative approach and 'can do' attitude of the wider justice family as they have worked together to find practical and agile solutions in the fast-moving and ever-changing landscape created by the COVID-19 crisis.

However, collaborative working, whilst congruent with social work values and ethos, brings both opportunities and challenges in implementation.

## Mission distortion

Murphy and Lutze (2009) refer to mission distortion as 'situations where distinctions in the respective missions and roles of Police and Probation Officers become blurred and confused' (p. 67). Whilst this issue may impact on other agencies, in this article it will be considered specifically between

Probation Officers and the Police Service of Northern Ireland (PSNI). In their study, Murphy and Lutze (2009) determined that police officers viewed their role as serving the 'neighbourhood' and protecting residents from crime. However, Probation Officers clearly defined their service-users as active citizens within, rather than separate from, their community. Murphy and Lutze (2009) identified this divergence, and the degree of value to which each agency assigns 'coercive power' as the 'single biggest challenge to successful police-probation partnerships' (p. 66). However, since that time, the PSNI has developed more initiatives to engage directly with communities – for example, through the establishment of the Public Protection Arrangements Northern Ireland, which became statutory in 2009, and Reducing Offending Units, and participation in Multi-Agency Support Hubs, which were established in 2017. Indicative evidence from Support Hubs shows how a collaborative approach can produce successful outcomes, which cannot necessarily be achieved through one agency. The Policing and Community Safety Partnership (PCSP) Joint Committee (consisting of the Department of Justice and NI Policing Board) is working with PCSP managers and Support Hub partners to demonstrate through Outcomes Based Accountability that Support Hubs are addressing the root causes of concern for vulnerable persons and making a positive difference to people's lives, while reducing repeat demand on public services.

When considering collaborative practice and support for adults with complex needs, Smith (2018) highlighted that police are often the first responders during times of mental health crisis, and integral to interagency support of vulnerable individuals. For example, the PSNI recently established a new approach known as the Multi Agency Triage Team (MATT) in response to increased calls from members of the public in mental health crisis. Mental health practitioners and paramedics work alongside police officers as part of a pilot project, aimed at providing on-the-spot help to vulnerable adults with mental health difficulties, while at the same time reducing their reliance on hospital, ambulance and PSNI resources. Furthermore, Kim and Matz (2018) have characterised mission distortion as 'exaggerated'.

However, in my experience of supervision, this concept can pose an issue, particularly with reference to supervision of service-users who are subject to release from custody on licence. In the past, when I have been contacted by police regarding the arrest of a service-user subject to release under licence supervision, there has been an immediate proposal that I should consider applying to recall the service-user to custody. Whilst the swift sharing of

information is essential to re-evaluating the risks and protective measures which may need to be put in place, and is always welcomed by supervising officers, it can sometimes be perceived as suggestive of information being shared in the anticipation of expediting a potential return to custody, rather than evidencing commitment to the collaborative process. McNeill (2009, cited by Beckett Wilson, 2014) highlights that probation is an 'agency of justice' and Probation Officers must remain mindful to what is 'just'. Whilst I recognise that the arrest of service-users following alleged further offending is 'just', this must be balanced with the concern as to whether initiating recall and their return to incarceration is commensurate with the risk to community safety. It is clear that both agencies strive to work on the basis of service to the community, both in terms of protection of the public and reduction of offending, but feedback from one police officer in research undertaken by Leon and Shadaimah (2019) succinctly highlighted the divergence, advising that whilst there was an interest in a team approach to problem-solving, they (the police officers) still ultimately relied on the threat of arrest. In this regard, Leon and Shadaimah (2019) indicated that whilst the police officers demonstrated empathy in both demeanour and willingness to participate in diversionary policing, there was 'little of the "hugs" aspect to diversion in the views espoused by these police officers' (p. 574).

The issue of authority and the ability of Probation Officers to be proactive, rather than being confined to reactive responses, is discussed by Murphy and Lutze (2009). They caution against using the 'convenience' of sanction and revocation; rather, they encourage police/probation partnerships to focus on the 'conscience' approach necessary for long-term complex problem-solving and reintegration, advocating for an 'agency-level philosophical shift in order to prevent serious problems' (p. 75). Murphy and Worrall (2007) concluded that it was imperative for both agencies to provide appropriate training to equip officers to broaden the roles whilst 'simultaneously preserving the integrity of their respective missions' (p. 147). This conclusion is reiterated by both Kim et al. (2017) and McGregor et al. (2018), who determined that training should not only be 'workforce driven' but should also address 'workplace development'.

Joint working and sharing of information with PSNI as a close partner agency is a fundamental component of effective intervention in the risk-management mandate of the criminal justice system. In cases it is sometimes only through information garnered from the PSNI that Probation Officers can become aware of child-protection issues, which has a 'ripple effect' of

triggering a Probation Officer to make a referral to social services. In their study on interagency adult support and protection practice, Joseph *et al.* (2019) use the term 'boundary spanners' in describing those who work to break down the barriers encountered within interagency practice. According to Burney Nissen (2010), as cited by Hean *et al.* (2018), in order to be effective, boundary spanners must have the endorsement of all organisations involved, and a thorough knowledge of the work that takes place within each institution. Krayer *et al.* (2018) indicate that understanding of the roles and responsibilities of each agency involved in joint working within the criminal justice and social care services is essential to core working, and the absence of such can lead to significant interagency conflict. Probation Officers, as qualified social workers working in a criminal justice context, are ideally positioned to act as integral 'boundary spanners' in multi-agency collaborative practice.

## Changing policies and resource management

Fluctuating policies and resource management can impact significantly on collaborative engagement, sometimes creating difficulties, but also providing opportunities. Naughton (2005) is scathing about policies that are 'agenda' driven rather than evidence-based, indicating that unless strategies are 'politically acceptable and implementable', they are cast aside, irrespective of the research evidence. More recently, Kim *et al.* (2017) comment that partnership working may not have 'much' influence on crime, and criminal justice agencies are more driven by stakeholder concerns, a consideration which they characterise as 'counterintuitive'.

Welsh *et al.* (2016) report that criminal justice agencies are driven by a 'fundamentally different mission and mandate than public health-orientated counterparts' (p. 107), and that the mandate of each strategic partner is distinct. Despite the benefits of shared systems such as IT and co-located services (Bligaard Madsen and Burau, 2020, Logan and Ramsden, 2015 and Criminal Justice Joint Inspection, 2020) being highlighted as effective in enhancing collaboration within the criminal justice arena, this integrated model is not available to Probation Officers in generic teams in Northern Ireland. On the other hand, Kaehne *et al.* (2017) identify that the reconfiguration of Health and Social Care in Northern Ireland, and the adoption of an integrated model of care, has ensured that 'trusts operate as single bodies, not through partnership or collaboration, have single budgets

and all staff are employed by one organisation' (p. 92). This research suggested that this development has led to more cohesive care and a system that is simpler to navigate. However, criminal justice agencies do not have that level of integration, common purpose or operating model.

The difference in the approaches adopted by the health and social care system has led to a consumer and provider supply chain emerging, which impacts on interagency collaboration between PBNI and the Health and Social Care trusts. Upon implementation of the General Data Protection Regulations in May 2018, the 'supply chain' was fractured by the need to agree retention policies between PBNI and the Health and Social Care trusts, which led to protracted negotiations. Clients were in limbo regarding professional intervention, which had previously been delivered by healthcare trust services. PBNI commenced a pilot programme, working with a drug and alcohol intervention community group, 'ASCERT', whereby addiction intervention for 'high level' dependence and poor emotional wellbeing was facilitated within days of making the referral. This provided the opportunity for engagement with the service-user at the point of readiness, rather than stagnating in a lengthy referral and waiting list hierarchy. It also created a new and purposeful partnership outside the criminal justice system, based on need and targeted service provision

Hollis (2016) indicates that the fear of the loss of funding is a significant aspect of conflict in the collaborative partnerships within the criminal justice system. She characterises the entire system as adversarial by design, and reports that, on an organisational level, being fettered by the need to 'sell' the agency to funders leads to limitations in critical evaluation and fear of the 'competition'. Despite financial difficulties, Clinks (2018) advises that probation services have a 'responsibility to the wider ecosystem of the voluntary sector organisations in their areas' (p. 18) and must evidence a commitment to commissioning services. The collaboration between PBNI and ASCERT demonstrates the efficacy of utilising social enterprise agencies within the community to promote positive change.

## Therapeutic alliance

Abeling-Judge (2016) highlights that 'the perspective of the offender directly relates to changes in behaviour' (p. 1238), recognising that it is service-users, and not the service-providers, who are the agents for change. Research undertaken by Tambuyzer and Van Audenhove (2013) indicates that this

encouragement of collaboration and active involvement enhanced service-users' sense of satisfaction and feelings of empowerment. They conclude that making active involvement a reality was both an opportunity and an ethical imperative. The themes of trust, therapeutic alliance, and the development of professional working relationships with service-users as a foundation for intervention and empowerment are consistently raised as essential components in collaboration (Hawdon, 2008; Lewis, 2014; Tompkins and Neale, 2018).

However, Getha-Taylor *et al.* (2019) dispute the importance of trust as integral to successful collaboration with the service-user, identifying that lack of trust is not the same as 'distrust'; rather, efficacy of engagement with service-users is dependent on their perception of the legitimacy of power/sanction. This can be particularly challenging when supervision is imposed through new sentencing options as implemented by the Criminal Justice Northern Ireland Order, 2008, whereby licence requirements are imposed on the basis of risk rather than consent.

In their study on professional helping relations, Brekke *et al.* (2018) caution that service-users did not want to be 'pampered'; rather, a sense of empowerment came from recognition that they were an active participant in their own lives. Furthermore, Manjunath *et al.* (2018) contend that the recognition of potential sanctions for non-compliance is a positive aspect of supervision, as it illustrates that the service-user fully understands their position. This contention – that it is not trust, but obligation, that motivates effective collaboration – suggests that case plans could be instrumental in the development of a therapeutic relationship between the supervising Probation Officer and those subject to supervision

Contracts should be explicit in the expectations of both the service-user and the Probation Officer, regarding engagement with both PBNI and associated service-providers. A significant benefit of this approach is less repetition and more co-ordinated engagement, clearly conveying that Probation Officers will collaborate with other agencies on an ongoing basis, rather than limited to the referral submission. Dominey (2019) indicates that this multi-agency service provision and active client participation are central to 'thick supervision', and necessary to move beyond 'short-term requirement compliance' to 'longer-term legal compliance' (Bottoms, 2001, cited in Robinson and McNeill, 2008).

## Conclusion

Despite the myriad networks involved, probation must remain true to the social work values upon which engagement is based. Krayer *et al.* (2018) consider that when the motivating factors in collaborative practice are legal requirements and statutory obligation, the policies and processes in place ensure that staff are less likely to neglect these responsibilities. However, whilst policy and process are fluid and evolving, the central tenet of collaboration with the service-user remains constant. Paparozzi and Guy (2018) succinctly outline that regardless of political and cascading managerial directives, 'street level' changes are 'always filtered through the values and professional orientation of the line staff' (p. 8). It is my belief that it is within the realm of therapeutic alliance and relationships that most opportunity exists to effect positive change. The practitioner–service-user dynamic can be hampered by poor collaboration with other agencies and service-providers, through lack of communication. The therapeutic alliance can be enhanced by joint working when there are shared goals, clear expectations, good communication, mutual understanding and respect, and co-ordinated intervention. Collaboration with any professional service-provider is not a panacea or substitute for person-centred practice and recognition of the service-user as the ultimate agent of change.

It is evident that collaborative working is best effected when operating within a coherent structure, rather than a haphazard, scattershot approach. The assumption that practitioners have a 'natural flair' for interagency liaison without a clear framework for joined-up working cannot be relied upon to circumvent the challenges which are inherent in this format. Within the research literature, training – particularly interagency training – was a recurrent theme identified as a critical aspect of effective collaboration in helping to dispel some of the anxiety for practitioners, such as limits of confidentiality and accountability, whilst reinforcing the importance of maintaining the integrity of the agency mandate. The healthcare system has moved to embrace the integrated care model of practice. Within PBNI and the criminal justice field, this has been limited to specialised teams, such as the public protection arrangements model for sexual and domestic abuse. Commitment to collaborative working should extend beyond any one category of offending behaviour. Valuable lessons from existing initiatives provide a solid platform for the development of an organisational strategy that promotes and supports effective collaboration across all areas of practice.

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# Book Reviews

## The Criminalisation of Social Policy in Neoliberal Societies[1]

### Elizabeth Kiely and Katharina Swirak

Bristol: Bristol University Press, 2022
ISBN: 978-1529203011, 248 pages, paperback, £29.99

This book provides a robust oversight of modern social policy, including recent political and potentially controversial events. The title of the book – *The Criminalisation of Social Policy in Neoliberal Societies* – immediately makes the reader consider the authors' standpoint as to how social policy could be contextualised as a criminal sanction or seen from such a viewpoint. Focusing on a wide range of topics, including criminalising the poor, migrants and those who find themselves homeless via assumptions of welfare fraud, the book encourages readers to think critically regarding the etiology of such and potential solutions for avoiding the perpetuation of this type of unrelenting cycle. It also addresses the 'policing of parenting' and 'disadvantaging' the justice-involved, highlighting governmental ideology and values that place monitoring and surveillance at the forefront, rather than equity and due consideration for diversity. There is an interesting review of recent research on the development of criminalisation of social policy from its emergence in the 1980s and 1990s throughout consolidation in the 2000s and an increase in notable attention post 2007. With a wide scope, the authors insist that it is important not only to appreciate but to understand fully the depth and breadth of these changes in social policy approaches. The focus is mainly centred around the United Kingdom (UK) and the United States of America (USA) although other European work is mentioned.

Social welfare provision is attributed to capitalism and the hard work and discipline of the working class, rather than addressing poverty and inequality

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within criminal justice policy, which is aligned against subgroups such as race, class, gender and age. Those who are unfairly marginalised in our communities also include single mothers, the unemployed and those who suffer with addiction issues. On a more positive note, the authors call for us to reenvisage alternative futures, with a focus on equity and embracing diversity. The authors successfully encourage readers to challenge dominant approaches and perspectives, such as the trend towards attempts to reduce crime and poverty being focused on 'fixing' individuals. Subjects including psychology, criminal justice, social policy and sociology are touched upon in a wider context to demonstrate the unequal distribution in terms of wealth, policymaking and welfare reform. Contributing to the evidence base, this book provides a thorough summary of existing literature in the field and calls for a greater integration of the various strands of social policy and the criminal justice system. The chapters pose potential questions to readers, asking them to consider how they might reclaim the best of 'social' in social policy for future generations.

A major strength of this book is the use of case-study examples to illustrate key points and messages. Recent notable events and occurrences are included, such as climate change, Brexit, hostility towards refugees, and the growing popularity of conservative ideals. The economic crisis of 2007 and the COVID-19 pandemic, subsequent restrictions and their influence on social policy are also touched upon in later chapters. Post 2007, the economic crisis was reframed towards a culture of welfare dependency, which led to an increased resentment towards the poor or those from relatively disadvantaged backgrounds. The authors highlight critics such as Shiner (2009 and 2013) as the minority arguing that the Welfare Reform Act of 2012, which brought about the 'bedroom tax' alongside mandatory, futile job searches, was a new development designed to control and punish people, as opposed to improving conditions and opportunities. The authors are clear in demonstrating how restrictions in line with the pandemic highlighted the inequalities present in health services and suggest that the restrictions on movement and new modes of surveillance demonstrate unprecedented levels of control not seen before in terms of public health. They offer intuitive insights as to how a shift in paradigm might be achieved henceforth.

This thought-provoking book, set in an international context, is timely in that it details, explores and reflects on how different social policies historically intersect with crime control but also how change(s) have developed over time. It is a challenging read, which is best suited and will be of most interest

to criminal justice and social policy students, academics, lecturers and social policy researchers. The authors provide a critical review of legislation, policy and practices throughout the fields of criminal justice and social policy that will be of interest to practitioners employed in the private, public and voluntary sector(s). Discussion in relation to migrants and refugees is timely given the recent Russian invasion of Ukraine, which has brought about a tighter net of regulatory and punitive measures on a wide scale. Their broad conceptualisation of criminalisation goes beyond legislation to fuel dominant ideologies and societal 'norms' – for example, being poor equates to being criminal. Measures to target anti-social behaviour were concentrated in particular areas of lower socio-economic status.

Summarising recent research from Ireland, the UK and further afield, the majority of chapters provide the reader with a good insight into the historical elements of this topic, and illustrate how social policy has not addressed the issues but rather been a catalyst for further criminalisation. The authors reiterate that policymakers unfortunately reinforce the reality that the focus is on meeting 'middle class' norms, and the quest for more co-ordination and communication between professionals and organisations is critical. With that being at the forefront of social policy, the emphasis is taken away from individuals themselves. The authors acknowledge the limits of areas covered and include additional and/or alternative references for ease. The final chapter ends with a sense of hope and encourages readers to really challenge their views of society and social policy today, but equally urges them to actively consider how real change could be affected in the future.

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## Probation and Parole in Ireland: Law and Practice[2]

### Vivian Geiran and Shane McCarthy

Dublin: Clarus Press Ltd, 2022
ISBN: 978-1-911611-60-8, 380 pages, paperback, €45

The Preface to this recent publication sets the scene by reflecting on the complexities of working within probation and parole. The authors outline how practitioners bring a range of values, knowledge and skills to their work, in an effort to foster public safety and facilitate offender rehabilitation through implementing court orders, while recognising the rights and autonomy of the individual and their inherent potential. Simultaneously, professional practice is underpinned by principles of human rights and the rule of law, and is informed through research findings and practice methods.

The rationale for this text is to provide a single comprehensive, accessible reference guide – one that clearly details Irish probation and parole systems and includes tables on relevant legislation and case law. This book will be of interest to practitioners working within the fields of probation, parole, legal practice and law enforcement. Where it really comes into its own is as an invaluable resource and reference guide to students of social work, law, psychology and criminology. It will also be useful to practitioners engaged with criminal-justice-involved people as part of addiction/mental health service delivery and in community-based organisations.

*Probation and Parole in Ireland* contextualises the complexities of both probation and parole by utilising clear and accessible language that facilitates the reader's learning. The structure and flow of the text is well thought out, and the sequencing enables the reader to follow the journey of the service-user while also dipping in and out of standalone chapters of interest.

As a practitioner with a working knowledge of the offender's journey and the nuances of current professional practice, this reviewer was particularly drawn to the initial historical overview and the account of the evolution of probation and parole in the modern criminal justice system. The late nineteenth century saw a shift away from harsh deterrence towards offender correction, culminating in a rehabilitative model which proved influential for the twentieth century. Crofton's model of post-release supervision, developed in 1854 and utilised until the late nineteenth century, influenced

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[2] Reviewed by Tara Kane, Senior Probation Officer working in Dublin North Inner City (email: tmkane@probation.ie).

modern penal policy, and we are indebted to James P. Organ whose work is acknowledged as the forerunner to current supervision practice

Chapter 3 provides a comprehensive overview of offender assessment. Beginning by contextualising offender assessments from a macro-perspective in terms of how it informs sentencing and case-management decisions, it then moves to the micro by reviewing international standards, the definition of risk, and specific risk-assessment instruments used in Ireland. The conclusion highlights the potential pitfalls, with the authors stating that 'it is vital for all key stakeholders to understand not only the role and purpose of these instruments but also their limitations' (p. 79).

This reviewer particularly enjoyed Chapter 4: Probation Work, in which probation is usefully conceptualised in three ways, namely (i) Court-imposed sanction of a probation bond; (ii) Probation practice – what Probation Officers do; and (iii) the organisational probation system. The authors subsequently discuss probation work from the perspective of these three categories, detailing how social work – values, principles and practice methods – underpins probation work, and the evolution of the Probation Service and probation practice in Ireland. Taking account of the partnership with community-based organisations, this section reviews the breadth of probation practice, including models, principles, statutory measures and approaches such as:

- RNR – Risk, Need and Responsivity model and what works
- Desistance and the Good Lives model
- Core correctional practices
- International standards
- The law on probation
- Other legislation
- Supervision during deferment of penalty
- Suspended sentences with probation supervision and other measures
- Low-intensity supervision
- Non-mandated supervision

With a focus on community service in Chapter 5, there is reference to Guilfoyle's research which summarised that, at its core, the Community Service Order had three functions: (i) as an alternative to imprisonment; (ii) as punishment; and (iii) reparative. The authors track the impact of 'value for money' and strategic reviews on the expansion of practice and the development of post-release community service (known as 'Community

Return') and conclude with discussion on challenges and dilemmas, both nationally and internationally.

Restorative justice and victim engagement as emerging areas of work are the focus of Chapter 6. As with Chapters 3 and 4, the reader is provided with a comprehensive overview of the development of restorative justice and its potential for integration in probation practice. Following a discussion on the key stakeholders and models, the authors place restorative justice within the broader context of international standards and European developments. What was important for this reviewer were the concluding comments referencing the Council of Europe guidelines on training probation and prison staff, which indicated that 'the core components of specialist training for Probation Officers should include mediation, restorative justice and work with victims' (p. 190).

Chapter 7 discusses the history of parole in Ireland, with an interesting focus on parole as a component of rehabilitative policy, 'offering prisoners hope as well as an opportunity to change' (p. 193). Given the enactment of the 2019 Parole Act and its commencement on 30 July 2021, significant consideration is given to the principal functions of the Interim Parole Board (advisory), the introduction of the Parole Act placing the Parole Board on a statutory basis, and the related changes in both legislation and practice. The authors review the supervisory role of the Probation Service in relation to parole, as well as the role and purpose of parole conditions in Ireland, before detailing breaches of parole and the recall process.

Chapter 8 commences with an overview of temporary release, before moving to focus on court-ordered post-release supervision – where legislation, prison and probation interact. The authors take the opportunity to highlight the challenges for reintegration post release.

The focus of the last three chapters of the book is on specific categories of service-users, the issues, trends and challenges. For those working with children and young people, Chapter 9 is an important resource. Definitions and terminology are initially addressed before the authors review international standards, legislation, current policies and the Probation Service's organisational response to working with this group.

The history and development of Electronic Monitoring (EM) receives considerable attention in Chapter 10. This was quite a demanding chapter to get through, but important in highlighting how technology can enhance and effectively interface with the supervisory relationship.

The final chapter attempts to capture a number of issues that impact on probation and parole, some of which are external to probation, parole and the

criminal justice system. This reviewer agrees that the criminal justice system in itself cannot address offending and victimisation and foster social justice without interagency collaboration and engagement with local communities. A number of key areas that require cross-sectoral partnerships are discussed in brief, including substance misuse, homelessness, mental health, diversity, women who offend, and emerging trends such as extremism and cybercrime.

*Probation and Parole in Ireland* aimed to provide a single, comprehensive, accessible reference guide to the Irish probation and parole systems. It has achieved its objective. A familiar thread throughout this book is its accessibility, its use of plain language, and its ability to contextualise broad concepts while seamlessly interweaving professional practice with legal/ statutory obligations. Not only is this a well-researched scholarly piece of literature, but the reader also gets a sense of the authors' extensive practice experience and wisdom. Finally, as noted by Professor Shane Kilcommins in his Foreword, the book 'will be an excellent contribution to criminal justice knowledge in Ireland'.

## The Logic of Violence, An Ethnography of Dublin's Illegal Drug Trade[3]

### Brendan Marsh

London: Routledge, 2020
ISBN: 978-0367-77730-2, 144 pages, paperback, £36.99

This book is based on an ethnographic study of those involved in Dublin's illegal drug market, carried out by Brendan Marsh in the period 2011–14. It describes, in stark terms, the economic and sociological milieu that enabled this market to flourish, and explores the causes, dynamics and functions of violence in a trade where only the strong survive.

In reviewing this book, I was reminded that *IPJ* readers had access previously to the ethnographic mindset of the author though his article, 'Narrating desistance: Identity change and the 12-step script' (*Irish Probation Journal*, vol. 8, 2011). That article used qualitative research with five persistent drug-users to demonstrate the parallels between the narrative detailed in the desistance literature and narrative development through the self-help Narcotics Anonymous programmes. Ethnography is a well-established method

[3] Reviewed by Ursula Fernée, Assistant Principal Probation Officer in the Probation Service, and Joint Editor of *Irish Probation Journal* (email: UGFernee@probation.ie).

for researching deviancy using the primary tool of the ethnographic interview, but it also requires a degree of enculturation when 'the researcher should spend time and effort getting to know and understand the culture of those he or she is seeking to learn from' (p. 5). The careful weaving of participant voices throughout the text, with as many as 130 quotes, clearly demonstrates the capacity of the author to build relationships with 35 participants, within a world that is characterised by suspicion, stealth and silences. He acknowledges that his personal biography as a working-class Dublin native afforded him a degree of credibility in leveraging access and in approaching this significant task with confidence and with a degree of authenticity that is evident to the reader.

Marsh carefully delineates the boundaries of the study – 'this is a study about the relationship between the consumer and the supplier, between the addict and the dealer, between the much-blighted community of dependent users and the profit-oriented dealers who benefit from their malady' (p. 2). The reader is well served by the 25-page introductory chapter that clarifies aims and methodology and also explores the context within which the research was conducted. The account of the emergence of the drug market is a salutary story that traces the beginning of the trade back to the late 1970s when heroin misuse took hold in communities sorely impacted by the economic recession. Marsh tracks the growth of the drug problem against the backdrop of 'The Troubles' arising from conflict in Northern Ireland, through the expansion of the drug scene in the 1990s, and the onset of drug-related violence, which in the minds of the general population was packaged away under the term 'gangland'. The murder of the journalist Veronica Guerin was a seminal moment for Irish society, which led to the introduction of targeted legislation and an increase in law-enforcement resources, with the aim of disrupting the supply chain and curtailing the power of the drug barons. That context is an important grounding in the face of a possible rush to moral judgments by the reader, but also serves to emphasise that the drug trade, with its related violence, did not just happen but developed from a series of complex and interrelated socio-economic factors within a 'society created by all'.

Marsh acknowledges the complexity of defining violence and references a range of definitions from literature. He concludes that, in the context of this study, it is most useful to distinguish between physical violence, on the one hand, causing death or injury with the purpose of achieving domination over others, and on the other hand, psychological violence, which aims to dominate others through intimidation and fear of the prospect of physical

assault (p. 27). In taking a closer look at violence that permeates organised crime, the researcher paints a graphic picture in Chapter 2 of the personal tendencies and dispositions of aggressors. While low self-esteem and societal alienation are frequently identified as 'risks' that lead to offending, the author explores a counternarrative that focuses on the gangster's strong sense of megalomania, the need for self-aggrandisement, and a level of narcissism that cannot tolerate any slight to position and reputation. We are reminded that, as with many behaviours, violence can be 'habit forming'. While many established drug dealers may use drugs recreationally, they are not, unlike those who buy and sell on the street, addicted to the substances. Chapter 2 also contains a very poignant exposition of the degraded existence of the drug-addicted dealer. In that world, few acts are unconscionable when the craving for narcotic intoxication must be satisfied.

Chapters 3 to 6 present the findings from the analysis of interview data and informal data collection. The accounts from participants demonstrate the complexity of the relationship between substance abuse and violence, revealing that those who are drug-dependent are simultaneously victims and perpetrators of violence and are less likely to be dominant actors in the market. The reader is drawn into a world that is characterised by desperation, hopelessness, betrayal, coercion and feelings of self-loathing. The level of strategic predation on vulnerable others carries through all of the accounts. In addition to direct quotes, the author uses case studies to immerse the reader further. The first is a study of a paranoid existence arising from years of drug dependency, a condition exacerbated by crack cocaine use (pp 55–9). The second case study (pp 75–8) describes the intimidation used strategically to collect outstanding debts in this credit-based business system, illustrating how family members become vulnerable to this net of control and coercion. Jennifer's account is the voice of one of the six females who participated in the study.

This relatively slim text is a powerful, poignant read that paints a bleak, at times horrifying, picture of the drug underworld. This is a book that rewards slow and careful reading, as it weaves together the lived experience of interviewees with relevant findings from an extensive range of research literature. The passage of time since the book was researched and published does not in any way undermine its pertinence for all who seek to go beyond the tabloid reports to get an insider view that increases awareness of the multifarious harms of the illegal drug trade.