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EDITORIAL: RESETTLEMENT PRISONS: LAUDABLE ASPIRATIONS, BUT THE TIMING AND MECHANISMS ARE FLAWED

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The Ministry of Justice announced in early July 2013 that it is to open 70 new resettlement prisons. These are not actually new prisons but are, in effect, the re-rolling of existing prisons to fulfil this resettlement function.

The concept is welcome in that it is intended that all prisoners within three months of release will be placed in a prison near to their home area for preparation for release and, if effectively delivered, this would increase the possibility of effective resettlement in the community and reduce future criminal behaviour. And there's the rub. Would the re-designation of prisons used previously as local or medium category prisons, often overcrowded with increasingly challenging staffing levels, suddenly be able to provide effective resettlement facilities to achieve this goal if simply given this new title without additional resourcing?

So what is a resettlement prison? There are two currently designated resettlement prisons in the country. These have targeted regimes for prisoners serving more than three years where the planning of their sentence is focused on future resettlement. The current proposal would have 70 such prisons divided to fit into new arrangements for the delivery of community support into 21 areas and targeted on short-term prisoners who would become the subject of statutory supervision on release if the Offender Management Bill is passed through parliament in the Autumn Parliamentary sessions 2013.

The ambition is, of course, not new. This concept has been talked about since I began my career in probation in the 1970s - but it's a welcome aspiration nonetheless. Attempts to have prisoners housed locally to make family support easier and to provide opportunities for community probation to visit and plan release has been talked about and yearned for, for at least 40 years.

1 This editorial first appeared in an abridged form in the Yorkshire Post entitled 'A welcome step towards reducing reoffending' on 11.7.2013
Since the turn of the twentieth century there has been increased interest in resettlement particularly of those sentenced to less than 12 months, the prolific so-called 'revolving door' offenders. Shortly after the 2003 Yorkshire and Humber Resettlement Strategy was launched, the prison authorities in the region initiated a project 'Closer to Home' designed to engineer the local prison estate to keep prisoners in their local area.

The research evidence is clear about the potential for successful resettlement of prolific and recidivist offenders back into their local communities. To reintegrate effectively there needs to be continuity of provision from the moment the individual is sentenced through the prison regime and back into the community, what is often referred to as 'through the gate' or 'end-to-end offender management' provision. Good co-ordinated delivery facilitates the access of a range of community professionals to support such reintegration. Resettlement is not just a criminal justice issue, it is a housing issue, an employment issue, a health issue, a drug misuse issue and therefore the cooperation of the full panoply of agencies will be needed to affect a successful programme of reintegration. Preparation in prison for release is also crucial. In the last few years the development of Integrated Offender Management (IOM) involving the cooperation of police, probation, prison, voluntary and welfare agencies has begun to demonstrate some success in supporting offenders and reducing reoffending. However if these newly designated prisons are to compliment such resources we have to understand the context within which these changes are taking place.

Austerity policies are impacting on all elements of government provision none more so than in the justice system where there is already the likelihood of cuts approaching 650million in the prison regime by 2015 and more promised thereafter.

Local prisons already deal with huge populations where the churn in the system i.e. the movement in and out of short sentence prisoners, can disrupt the regime and prevent the planning of support services inside prisons. Looking back at the 'Closer to Home' scheme, the unevenness of the population spread made it difficult to fulfil the full aims of that policy and, of course, as in the present proposals, women and young offenders because of the lack of prisons available are currently excluded altogether from benefits of this process.

The prison system also has to respond to unanticipated events such as the Riots of 2011 when prisoners were bussed all over the country to find empty beds in prison. This makes it difficult to see how the idea will be transferred easily into reality across each of the 21 contract areas, where variable provision is already evident. For instance, whilst the rationalisation of allocation systems in London will help, at the moment it is simply not possible to house all London prisoners within their prison estate.

There has already been much criticism of the move towards untried and untested systems of community supervision to be delivered by a mix of private and voluntary sector providers without the expertise of the public sector probation trusts which are to be dismantled and their workers spread between a small national specialist service dealing
with high risk offenders and workers transferred into a myriad of new providers. These changes will also be constrained by anticipated 40 per cent reduction in staffing levels.

There is so much uncertainty and a high degree of risk attached to the proposals for change currently under critical scrutiny in Parliament. The new 21 areas are an artificial divide and not coterminous with the boundaries of PCCs, police areas or local authorities. With the intention now to provide statutory supervision on release for all offenders serving less than 12 months creating 60,000 new offenders each year to be supervised, this suggests a perverse outcome is likely resulting in an increase in the prison population through breaches.

It is absolutely right to keep prisoners local because they are incarcerated for very brief periods sometimes as little as one or two weeks. The opportunity to develop effective resettlement is, in reality though, severely challenging. Changing the name and designation of the prison to resettlement does not create the time and space to build an effective regime. As cuts continue to bite it is more likely that staff in prisons will be reduced, prisoners will have to spend more time in cells, less time in work or in resettlement activities and the minister has already promised more austere regimes, not the environment to prepare for release.

But there is a more fundamental issue here over the excessive use of custody for short sentenced prisoners which create the overcrowded conditions and pressures on services now as well as increasing costs to its present unacceptable level. Money could certainly be saved by simply reducing the use of prison for short sentences; for ‘thieves and fraudsters’ as recently advocated by Professor Ashworth in a Howard League Report and discussed in Rob Allen’s paper in this issue and then reallocating the money saved on improved and streamlined community support services such as integrated offender management. Then effective resettlement might begin to be a reality.

The first paper in this issue is by Rob Allen which was delivered in May 2013 as the latest Annual Community Justice Portal lecture. This lecture was focused on the raft of changes which the Ministry of Justice is engaged in and questioning some of the core assumptions on which it is based. He suggests that abandoning a policy which first reduces the size of the prison population and passes back community safety to the localities via a strong probation presence is a problematic approach and he calls for a pause in this seemingly reckless set of policy changes. The lecture was well received by a big audience which remains perplexed by the logic and necessity for government policy under Transforming Rehabilitation.

2 ‘What if imprisonment were abolished for property offences?’ Professor Andrew Ashworth. Howard League for Penal Reform and the Mannheim Centre at the London School of Economics. (2013)
In a penetrating critique, Del Roy Fletcher looks at the current use of prison and workfare programmes as twin aspects of social marginalisation often repeating the failures of similar measures between the wars. He draws on the US experience of workfare and questions the ability of current systems to offer a way out of poverty for marginalised populations. He argues for the importance of an historical understanding if the failures of similar measures previously attempted are simply not to be repeated with the same negative consequences today.

Louise Sturgeon-Adams in her paper calls for a reassessment of attitudes to the 'drug problem' through reconceptualising how drug problems are currently labelled and thus perceived and urging a re-think to avoid the misunderstandings which occur today including recognising the false divisions created between illegal and legal drugs. By examining terminological use in detail and placing its meaning into a political and policy context the paper urges readers to re-think their approach to drug problems to avoid the misunderstandings created by current terms in use.

Daniela Ronco analyses the relatively new role in Italy of the 'justice social worker' now engaged in non-custodial sanctions. She draws on both UK and her own data to investigate the dichotomy of assistance and control in the application of this role. Whether such a reorientation is desirable or not the paper discusses the mismatch between training and the role and suggests that Italy might look at how this has been reconceptualised in training arrangements in the UK.

The final paper is presented by Avery Calhoun and William Pelech from Canada and interrogates the experience of victims experiencing either a restorative or conventional programme intervention within juvenile justice. Using a quasi-experimental design that allowed for statistical control of select pre-intervention differences victims were compared on nine variables across the domains of accountability, relationship, repair, and closure. Their results suggest that outcomes were better for victims emerging from restorative programmes than conventional interventions. Though exploratory it offers valuable insights into different types of interventions on outcomes for victims.
PAYING FOR JUSTICE: PRISON AND PROBATION IN AN AGE OF AUSTERITY
Rob Allen, Co-Director Justice and Prisons

Based on the 10th Annual Community Justice Portal Lecture delivered at Sheffield Hallam University on 23rd May 2013.

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Introduction

Looking at some of the current developments in penal policy, there is a sense of history repeating itself. Almost exactly twenty years ago, a hard line Secretary of State took up post, promising decent but austere prisons, while today’s minister offers the prospect of Spartan but humane ones. (Mail on Sunday 2013) The 1990’s saw the very existence of a probation service threatened by a minister whose big idea was replacing social work trained professionals with former military personnel. Today there is once again the existential threat to probation with the big idea appearing to be the unleashing of an army of ex-offender mentors on those leaving prison - although as with the earlier proposal there are major questions about the viability of the plan (Daily Telegraph 2013). In the 1990’s, Michael Howard went on to propose the scrapping of parole and early release measures which prompted the then Chief Justice to opine that “never in the history of our criminal law have such far reaching proposals been put forward on the strength of such flimsy and dubious evidence” (House of Lords, 1996). Today we read that Justice Secretary Chris Grayling is to change Britain’s ‘dishonest’ sentencing rules that allow inmates to walk free halfway through their jail terms (Daily Mail 2013).

Perhaps with economic woes and divisions over Europe, back to basics style criminal policies look now as they did in the 1990’s attractive ways of shoring up electoral support. Whether it will be a case of history repeating itself, first as tragedy then as farce, remains to be seen.

The question of paying for justice could scarcely be more topical with the Government announcing their Transforming Rehabilitation Strategy early in May 2013, an Offender Rehabilitation bill introduced in Parliament shortly afterwards and a fierce debate raging in particular about the future shape of the probation service, the likely privatisation of large parts of its work and the mechanisms proposed for financing this activity in the future. This is to say nothing of the proposed changes to criminal legal aid, which despite the potential for far reaching consequences for defendants, for social justice and the rule of law must lie outside the scope of these present remarks. The aim of this lecture is rather to share one or two observations about what is happening to policy and practice in the areas of prisons, probation and youth justice as a result of the need to reduce public spending and the so called austerity which has resulted.

Crime itself of course appears to be confounding conventional criminological theory by continuing to fall at the same time as more and more people find themselves subject to risk factors previously thought to be associated with committing it. Experts seem unable to agree whether it is because targets are harder and less valuable, young people are drinking less, taking fewer drugs and more addicted to computer games, or due to longer term factors such as the legalisation of abortion or the removal of lead from petrol. There is also some disagreement about whether the fall is genuine or masks some massaging of the way crime is recorded. Others suggest that the fall ignores the scale of the switch to cybercrime, or is yet to reflect the impact of the economic downturn which will surely arrive at some stage.

In as much as the fall in certain kinds of crime is a real one – and few dispute this much-
better policing is often put forward as part of the explanation. The police are facing both cuts in resources and changes in governance. For the Inspectorate “this can be seen as an opportunity to innovate and refresh or as a reason to continue as is and see services cut back” (HMIC 2011). For some commentators ‘enforced contraction’ could be a positive opportunity to reappraise what the police should be doing (Millie 2013). I want to suggest that the same is true for the criminal justice system as a whole and that in straitened times we should be looking to develop a “narrower” approach to the use of prison and with it a broader approach to community justice.

The Use of Prison

Faced with reducing their spending by 20% by the end of this Parliament, one obvious step for the Ministry of Justice might have been to look to reduce the use of imprisonment by a fifth. Of the Ministry’s £8 billion budget, almost half is spent on the National Offender Management Service (NOMS), the demand for whose services come largely from the courts and the supply of which is in large part imprisonment. Jurisdictions across the globe faced with budgetary pressures are looking to reduce prison numbers, whether in California from a very much higher starting rate than England and Wales or the Netherlands from a much lower one. 27 jurisdictions in the USA (most notably California) have participated in forms of Justice Reinvestment with two thirds legislating to stabilise corrections populations and budgets (Sentencing Project 2013).

There are a number of ways of reducing imprisonment which are discussed in more detail later on in this the paper. One straightforward measure would be to cut the average length of prison sentences by a fifth. A recent study undertaken for the Criminal Justice Alliance on lessons from Europe found milder sentencing tariffs in several countries where crime has been falling (as in the UK) but where prison numbers have come down too (Allen 2012). While reducing the maximum penalties for theft and burglary would be politically hard, working with the Sentencing Council to develop more austerity in the use of imprisonment by reducing the going rate for offences which do not involve violence might not be as fanciful as it sounds.

But as we know the present Government at least since Mr Clarke’s removal in 2012, has not wanted to go down this road. The Prime Minister in the autumn of 2012 dismissed the idea of arbitrary targets for the prison population, arguing that “the number of people behind bars will not be about bunks available but about how many people have committed serious crimes” (Cameron 2012).

Mr Grayling a few weeks later made it simpler still. “We have to focus on making the prison system cheaper not smaller. I don’t want someone who should be in prison on the streets because there is no space available” (Grayling 2012).

Reducing Costs of Prison

Making prison cheaper sounds attractive and indeed in the UK along with many other countries the costs of detention have come down in recent years. Within the 47 member
Allen

states of the Council of Europe, the average cost of detention per day fell from 105 Euros in 2007 to 93 in 2011, with numbers of prisoners per custodial officer going up from an average of 3.1 to 4.2 (Council of Europe 2008, 2011). There are enormous variations here: Norway spends a hundred times more per prisoner than does Ukraine. But driving down costs is not unique to the UK. The key question is what impact cost and staff reductions might have on the way our prisons operate?

Consider a local prison where only 10 per cent of prisoners spend ten or more hours out of their cell on a weekday: where a third say they have felt unsafe, and fewer than a third say a member of staff has checked on them personally in the last week to see how they are getting on; where less than a quarter think it easy to see the doctor and a fifth report that they have been prevented from making a complaint.

These are (selective) findings from a questionnaire survey undertaken during a recent inspection of a local prison. This is not an unusually poor establishment. The findings are from what the Prison Inspectorate described as “a very positive inspection: much of what the prison did appeared to be very successful and we identified much good practice that should be emulated elsewhere” (HMIP 2013). But will running it more cheaply – which inevitably means reducing staff numbers - do anything to address what seem to be pretty serious shortfalls in performance in important areas?

Are fewer resources likely to increase the number of prisoners – 11% at the moment - who feel that a member of staff has helped them prepare for release? Or raise from 23% the number of prisoners who say their cell call bell is normally answered within five minutes?

Without being apocalyptic, I do think that as things stand, making prisons cheaper could be inviting a range of problems both inside and out. One could go as far as to say that currently within prisons there is “too great a degree of tolerance of poor standards and of risk “(Francis 2013). The quotation is taken from the Francis report on what happened in Mid Staffordshire NHS Trust, compulsory reading I suggest for anyone working in the public services. Such a tolerance was one of the reasons why numerous warning signs did not alert the system to developing problems.

An investigation I conducted into the near death of a prisoner at Holloway in 2004 found staffing levels to have been too low. “In particular”, I concluded, “on Saturdays and Sunday evenings when many women may have visits which might prove distressing for one reason or another, there is a need for women to be able to talk to staff” (Allen 2010). I was told in response merely that Prison Governors review their staffing levels to ensure that they are able to deliver a prison regime” (NOMS 2010).

In another investigation at HMP Bedford, I recommended that greater priority should be given to ensuring that each prisoner thought to be at risk of suicide and self-harm is allocated to a Personal Officer who attends or reports to the meetings held to review the case. This was not accepted by NOMS. There is no requirement, I was told, for prison establishments to offer a Personal Officer Scheme (NOMS 2013).
So there is limited fat to trim on the prison bone. In their recent report about NOMS, the Public Accounts Committee - whose concern is not the merits of policy but value-for-money - expressed concern about safety and decency, the institutionalisation of overcrowding and the risk that cost reductions result in prison staff having to focus solely on security at the expense of offender management, training and rehabilitation (PAC 2013).

There are three main approaches to managing with fewer resources. The first is to reduce what we expect of prisons; the second is to look to private sector solutions and third to deliver economies of scale.

**Expectations**

On expectations, the current rhetoric about spartan prisons as well as reinforcing the notions of less eligibility that come to the fore in times of economic hardship also paves the way for a reduction in standards. It is interesting that Xenophon wrote that in the Spartan educational system the boys were fed just the right amount for them never to become sluggish through being too full, while also giving them a taste of what it is not to have enough. He might have been impressed by the Chief Inspector of Prisons’ report in 2010-11 which noted that in three young offender establishments, “external nutritionists had been consulted but young men said they frequently felt hungry” (HMIP 2011).

Alongside the tough rhetoric there will be changes to the incentives scheme from November, with a new entry level of basic conditions for new arrivals and more privileges to be earned – changes which are designed to improve confidence in the prison regime. But there is also a commitment to deliver a full working day for prisoners, to create specialist resettlement prisons and in the case of juvenile custody to create a new generation of establishments with a greater focus on education. Can these laudable objectives really be met while at the same time cutting costs?

On the juvenile estate, NOMS has reportedly recommended that for every 12 young people there should be one officer as the minimum staffing standard (Puffett 2013). Currently, child-to-staff ratios differ across YOIs, however a NOMS spokesperson is quoted as saying that they are committed to reducing costs for the taxpayers and where this means reducing staff numbers, they will work constructively with trade unions to avoid compulsory redundancies as far as possible.

But what about the young people and the commitment to a greater educational focus? How do NOMS plans fit with the guidance on the treatment of looked after children which emphasise measures which “encourage warm and caring relationships between child and carer that nurture attachment and create a sense of belonging so that the child or young person feels safe, valued and protected” (NICE 2010)? Recent Inspections have included findings that young people spent too much time locked up during their induction and this contributed to their overall feelings of being unsafe; that staff admitted that they did not always respond to bullying because the formal systems were too complex and that the lack of staff engagement with young people continued to be a problem and managers felt
that this often stemmed from a lack of confidence in some staff in dealing with difficult situations. In most establishments the use of force by staff to control young people is high and in some bullying between young people is a serious problem. An inspection at Feltham conducted after the 2011 riots found the introduction of some young people to gangs and a violent culture in prison, which they had not previously experienced (Allen 2012b).

The introduction of the new ratio is part of a NOMS review of staffing at YOIs across the country in light of the large and welcome fall in the number of under-18s in custody in recent years. It is surely not unreasonable to suppose that in such a situation those who continue to go to custody are likely to be some of the most damaged and demanding young people, requiring more generous not more restricted staff ratios. It seems there is a potentially dangerous reality gap opening up between willing the ends and willing the means.

Private sector
The favoured way of closing that gap appears to be to increase the use of the private sector providers and to spread more widely the use of private sector practices across the public prisons. The Coalition government after all is committed to scaling back state run services and rebalancing the economy in favour of the private sector.

Clearly questions have emerged over the last year about the reliability of the private sector and more recently it seems in respect of electronic monitoring, its propriety, with an investigation underway into the billing arrangements. In fact until recently one of the main alleged benefits of private sector prisons – that they are cheaper than public ones - was far from unequivocally clear and regardless of billing controversies a free market think tank has been highly critical of the high contract cost of and lack of innovation in electronic monitoring (PAC 2013).

The debate on costs of prison has all changed with the opening of HMP Oakwood, the 1600 place G4S prison which opened last year and where the cost per place is £13,200. This, is less than half the average cost of existing prison places, and we are told sets the benchmark for future costs. Surely some scepticism is called for about whether such low costs are wholly reliable or represent a fair comparison. Running any institution or concern at less than half the average cost of a comparator seems on the face of it unrealistic, even allowing for economies of scale.

The alleged costs reported for Oakwood by the Ministry of Justice have already crept up. According to the Impact assessment for the Probation Review in January 2012, Oakwood “will provide places at the lowest operational unit cost in the estate at £11,000 per prisoner per year” (MOJ 2012). By the time of the NOMS Competition Update in June 2012 the cost had risen to £13,000 per prisoner per year (MOJ 2012a). The MoJ told me that the discrepancy was because “for true comparison with other prisons, it is necessary to
include other cost elements that are not included in the contract price. These include rates, controller teams, interventions, gas utilities, library and head of learning and skills. The government have emphasised that Oakwood’s low cost does not come with an impoverished regime – the specification for the prison requires standards as high as those in other prisons. But how it is working in practice is as yet unknown. If Oakwood is to be the model for future prisons we surely need some objective information about how well it is operating. And if its low costs are to be put forward as the new benchmark, greater clarity is needed about what they include and how they are achieved. The Inspectorate and NAO need to take a trip to Wolverhampton to find out.

In the meantime, the Inspectorate’s report about SERCO run Thameside in London is not reassuring. The prison’s regime was one of the most restricted they have ever seen. Time out of cell was very limited. 60% of prisoners were locked up during the working day, and some spent 23 hours a day in their cells. There were far too few activity places for the needs of the population, and much of the provision required improvement. There was too little vocational training, and most of the work available was low skill (HMIP 2013a).

Economies of Scale
If the jury is still out on private prisons, it might have been thought to have delivered its verdict on large scale prisons. Five years ago Jack Straw wanted to build 2,500 place Titan prisons but strong opposition from practitioners, parliamentarians and pressure groups forced a climb-down of sorts. The Conservatives were amongst the critics, proposing in their Green paper Prisons with a Purpose that they would “sell off old prisons and rejuvenate the prison estate, building smaller local prisons instead of the ‘titan’ prisons proposed the Government” (Conservative Party 2008). They seemed to accept the Prison Inspectorate’s view that smaller prisons worked better and the argument that so-called super jails will struggle to prepare their residents for return to the various communities in which they live. Now in government, the attractions of economies of scale seem to outweigh concerns about impact on the reintegration of prisoners. The Justice Ministry announced in January 2013 that it is to start feasibility work on what would be Britain’s biggest prison with a capacity of more than 2,000.

As far as paying for prisons is concerned, the evidence points precisely the opposite direction to the government’s policy. What we need is smaller, not cheaper rather than cheaper not smaller. That goes both for the overall size of the prison population and the size of establishments.

Probation
Whether or not we have Titan prisons, we seem to be heading for Titan probation, with perhaps one national public service responsible for about 30% of the current caseload. More than seven out of ten cases are likely to become the responsibility of private and

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3 Personal Communication from NOMS
voluntary organisations operating large contracts - though not as large as the government proposed or the private sector lobbied for.

This “rehabilitation revolution” is intended not only to reduce costs to meet MOJ targets but to produce savings which can be used to expand supervision to the cohort of prisoners serving sentences of less than 12 months. This is the group for whom as recently as 2011 the government removed from the statute book the provision for “Custody Plus” on the grounds that it was unaffordable. Are the savings from privatisation really likely to be able to fund the supervision of 50,000 additional offenders, the costs of prison places needed to deal with those who fail to comply with it and still meet Ministry of Justice austerity targets?

If there was a prize for 21st century organisational meddling and ineptitude, despite a strong field, the Home Office and then Ministry of Justice would certainly make the short list for their treatment of the Probation service. Successive ministers have been unable to reach a settled view or workable policy about the proper balance of national and local accountability, the nature of probation’s relationship with prisons or the extent to which probation services might be outsourced to private and voluntary sector organisations.

On the last of these, Lord Carter’s 2003 review of Correctional Services, accepted without consultation by David Blunkett, expected that within five years, contestability – Labour’s word for competition - would have been introduced across the whole of prisons and community interventions, with outcome based contracts. Two years later the Offender Management Bill offered the prospect of 50% of Probation work being outsourced. But it is only now, ten years on, that there look like serious intentions to contract out large chunks of probation supervision to private companies and charities, although legislation permitting this has been in place since 2007.

A range of practical objections have, and no doubt will continue to be raised to the dismantling of a hundred year old service, not least about the fragmentation or atomisation of offender supervision. The success of this depends crucially on cooperation between agencies, reliable exchange of information about risks and needs and partnership working to address them, much of which needs to be undertaken at a local level.

Other critics may point to the references in the Mid -Staffordshire NHS Trust report to the failure to appreciate the risk of disruptive loss of corporate memory and focus resulting from repeated, multi-level reorganisation in the Health service, - the organisation which would probably win the meddling prize.

The Institute for Government has recently identified success factors from analysing a number of policy initiatives (IfG 2012). Of the seven key factors, the probation reforms appear currently to include one – the need to create new institutions to overcome policy inertia. Four others are largely absent - the need to understand the past and learn from failure, to open up the policy process, to be rigorous in analysis and use of evidence, and to recognise the importance of individual leadership and strong personal relationships. The total absence of the two other dimensions should set loud alarm bells ringing in
Whitehall- the need to take time and build in scope for iteration and adaptation and to build a wider constituency of support.

There are however two specific questions which have not received sufficient attention. The first relates to the legitimacy of supervisors in the eyes of those made subject to community sentences. Chris Grayling might be right that there’s no-one better than a former offender turned good to help someone turn their life around and the brave new world may provide more opportunities for initiatives like peer mentoring. But actually the evidence is rather limited. But what of the bread and butter supervision requirements that form part of almost all community sentences, all of which are to have a punitive element in the future. How will offenders react to being punished for profit?

Recent Cambridge University research has modified earlier claims that the private sector offers a more courteous prison environment than the public sector in the light of findings that public sector establishments were better at ‘getting things done’; a distinct component of respect in prison, according to prisoners. It is plausible to think this is important to those on probation too. The comparative study also found that in the public sector prisons, officers are confident and knowledgeable, delivering routines that are safer and more reliable than in the private sector (Hulley et al 2012).

The second question relates to how magistrates and judges will relate to the implementation of sentences by profit making companies. Their sentencing decisions will suddenly take on a commercial dimension. Work at Rethinking Crime and Punishment a few years ago gave judges and magistrates the chance to visit community based programmes to try to boost their understanding and confidence about what is involved when they impose a particular sentence (Hedge 2006, 2007). But the context of a corrections market may inhibit these kinds of endeavours. The Guide to Judicial Conduct makes it clear that the requirements of a Justice’s office and terms of service place severe restraints upon the permissible scope of his or her involvement with any commercial enterprise (Judiciary 2013; 8.31).

These are perhaps two examples of consequences not fully being thought through of a plan to place the majority of probation work into the hands of private companies. The directors of such companies must act in the way they consider would be most likely to promote the success of the company. Contrast this with the ethical codes of Probation trusts which as non-departmental public bodies require the obligations of public service to be placed above personal interests.

**PBR**

As for payment by results, all that can really be said at present is that the approach has yet itself to show sufficient results in any area of social provision to be able to design with any confidence an operating system that does not risk huge unintended consequences. It may well in the end prove neither workable nor desirable.
Ministers are fond about comparing the costs of prison to the costs of Eton, something with which many are no doubt familiar. Nick Clegg did it again in a recent speech although he might have chosen Westminster school whose fees are £31,290 per year rather than Eton (£32,067), (Clegg 2013). Actually it is not true that the cost of sending a criminal to prison is more than it costs to go to these schools which typically provide accommodation and schooling for only seven months a year. But if it is true that we need a better return on our investment and payment by results is the way to do it, we might perhaps expect these schools to operate a PBR system. They do not do so. Eton’s informative website explains that parents pay an initial registration fee and an entrance fee – £1,800 before the child starts (although £1,100 is returnable when you leave, provide your account is fully paid.) Then you pay in advance £10,689 each term. There is a complicated scheme of additional charges for music, fencing and the boat club. Music lessons totalling more than 90 minutes are charged at the 30-minutes-per-week rate from the 91st minute onwards, which sounds like an expensive regimen. In addition to these charges, boys’ school accounts may include various other items which may total from £50 to £500 per term, besides any tradesmen’s bills for items bought in local shops.

There does not seem to be anything about payment by results here. Indeed there is an absentee fee of £8,551 per term: you have to pay if your child is not actually at the school plus a withdrawal without due notice fee of the same amount. The school does not seem to be bearing much risk. It gets paid however well their pupils do and indeed if they are not present. It is perhaps worth reflecting on why institutions such as these are not funded in this way and why they are not so far offering to pilot it. Perhaps for the same reason that the Treasury are reportedly cooling on the idea: because hoped for savings could only be achieved by dangerously destabilising the institutional infrastructure that provides the services.

**Conclusion**

There are huge questions hanging over the government’s strategy on both prison and probation. At a policy level, an opportunity is being missed to shrink the system of punishment and to develop measures instead which systematically seek to build the capacity of communities to prevent, absorb and cope with crime and insecurity. If we are to succeed as a society in locking fewer people up we will need instead a wider range of community based measures - therapeutic, restorative, educational and supervisory – to deal with the aftermath of crime. But as Todd Clear has written “rehabilitation programmes no matter how good cannot by themselves substantially reduce incarceration rates by reducing recidivism” (Clear and Austin 2009). Some other mechanisms are needed to reduce prison numbers.

Justice Reinvestment offers a promising approach but not yet a clear model or methodology (Allen 2011). It is a shame that the devolving of custody budgets for juveniles to local authorities appears to have been abandoned but there are surely lessons to learn from the remarkable fall in the number of under 18’s in prison since 2008. (Allen 2011a). One option would be to extend the Youth Justice Board’s remit to cover 18-21’s.
Short of this an initiative to apply the lessons from youth justice to the next age group up is surely overdue (Allen 2012c).

But if we are to succeed in substantially reducing custody we will need a comprehensive programme aimed at rebalancing criminal justice away from prison and towards the community: greater use of diversion, more imaginative use of alternative sentences, imprisonment restricted for certain offences and types of offender. Some elements of such a package - as with the recalibration of sentence lengths mentioned earlier – would require central government will and action. All of the elements however require stronger locally based community justice systems involving the police and the range of organisations whose services are needed to reduce crime and offending. In short they require a probation service. This was something that was recognised by the Conservatives in opposition who proposed that “instead of being directed by Whitehall, local probation chiefs and prison governors could answer to locally elected politicians, so that the community has the ability to ensure safety in its own area” (Conservative Party 2008). In short order that vision has been abandoned.

During the debate on the Probation of Offenders Act in 1907 the earl of Meath thought that probation would lead to the prevention of crime and the emptying of jails. It has not worked out quite like that particularly over the last twenty years. But perhaps it could do so.

Shrinking the system would enable some of the more drastic cost cutting faced by the prison system to be avoided and efforts made to address existing shortfalls in performance. Otherwise the welfare of prisoners and perhaps the safety of the public will be put at risk.

Given the far reaching nature of the probation proposals, there is a strong case for some kind of pause that goes beyond the short consultation which ended in April. What about a Probation Futures panel that could look objectively at the very serious concerns that have been raised during the consultation? The changes are after all to an extent similar in scope to those inflicted on the National Health Service in controversial legislation last year. In the case of the NHS the Coalition Partners the Liberal Democrats called for a pause so that an independent and expert assessment could be undertaken of the impact of the policy. As a result important safeguards were introduced to limit the scope of the market. The case for a similar pause and assessment is a strong one. Without it there is a risk that whatever the rhetoric, enormous damage will be done to the day to day functioning of criminal justice in England and Wales. We may pay less now, but pay dearly later.
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THE GOVERNANCE OF SOCIAL MARGINALITY IN THE UK: TOWARDS THE CENTAUR STATE?
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Abstract
Burgeoning prison populations and the growing use of compulsion in welfare policies across much of the western world has stimulated a great deal of academic discussion. Drawing on U.S experience Wacquant (2009) argues that a 'centaur state' has emerged which involves the 'double regulation of the poor' by the development of workfare and the expansion of the prison system. This article critically discusses the salience of these ideas to the U.K. It draws upon historical analysis to reveal the important continuities with the inter-war period which was also characterised by rising prison populations and the introduction of workfare in the brutalising form of labour camps. It then considers recent attempts to join up welfare and penal policies and finds that these have been frustrated by the behaviour of front-line staff operating in a context of acute resource constraints and growing workloads.

Key words: social marginality; employment; offenders; welfare reform.
Introduction

Burgeoning prison populations and the growing use of compulsion in welfare policies across much of the western world have stimulated a great deal of academic debate. In the UK the prison population stands at record levels and the benefits system has been characterised by growing compulsion. Wilson and Pickett (2010) show that Organisation for Economic Co-operation and Development (OECD) countries and US states that spend the least on social welfare have the highest rates of imprisonment. Cavadino and Dignan (2006) have linked penal policy with political economy. Neo-liberal states are both more unequal and punitive. They speculate that punishment may be a 'negative reward': societies that are prepared to reward success with higher incomes and greater social status are also more willing to punish failure with both poverty and formal sanctions. Downes and Hansen (2006) have also found that 'penal expansion and welfare contraction' have become more pronounced over the last twenty years. The 'transcarceration' thesis has been advanced in which 'penal and welfare institutions have come to form a single policy regime aimed at the governance of social marginality' (Beckett & Western, 2001, page 55). Furthermore, 'reduced welfare expenditures are not indicative of a shift towards reduced government intervention in social life but rather a shift toward a more exclusionary and punitive approach to the regulation of social marginality' (Beckett & Western, 2001, page 55).

Wacquant (2009) views these developments as paradigmatic of the way neo-liberal Governments deal with growing social insecurity. He argues that a new type of neo-liberal political regime has emerged, the 'centaur state'. According to Wacquant (2009, page 4), the 'centaur state' involves a triple transformation of the state including the 'amputation of its economic arm, the retraction of its social bosom, and the massive expansion of its penal fist'. It is 'guided by a liberal head mounted on an authoritarian body' (Wacquant, 2009, page 43). The result has been the 'double regulation of the poor' that involves, on the one hand, the decline of the Keynesian welfare state and its replacement with a workfare state, and on the other hand, the criminalisation of the poor and the expansion of the prison system. The centaur analogy was first used by Machiavelli (and subsequently by Gramsci) to refer to the diversity of strategies of rule deployed by the state towards various social classes combining a mixture of coercion and consent (Squires and Lea, 2012). For Wacquant it refers to a neo-liberal state that retains strategies of consent towards corporations and the upper classes but is authoritarian and coercive towards the poorest.

The 'centaur state' is predicated on the notion that there has been an historical rupture in the approach taken to social marginality. Wacquant (2009) argues that this shift began in the mid-1970s and has prevailed through a neo-liberal hegemony. This article seeks to make a distinctive contribution to the debate about the relevance of these ideas to the U.K. by undertaking an historical analysis of the treatment of the long-term unemployed in the benefits system during the inter-war period. This is particularly illuminating given the ahistorical nature of much of the debate. It goes on to draw upon the findings of contemporary research to discuss the contention that welfare and penal policies work in concert to push offenders into the secondary labour market. A key finding is that frontline practice intended to prepare offenders for the UK labour market has severely
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restricted the operationalization of joint penal and welfare policies characteristic of the 'centaur state'.

Towards the double regulation of the poor
There have been a series of UK policy reforms since the mid-1980s that emphasise greater compulsion and enforce a stricter benefit regime. Griggs and Bennett (2009) have identified the idea of a 'contract' in the benefits system, with increasing conditionality and sanctions for claimants. More recently, conditionality has been extended to previously 'inactive' groups such as lone parents. This approach has been further intensified by the Coalition Government. The 2010 White Paper Universal Credit: Welfare that Works (DWP, 2010) increases the level of conditionality that is applied to some recipients; strengthens the sanctioning regime (some claimants face the prospect of losing benefit for up to three years) and introduces mandatory work activity. During May 2011 the Mandatory Work Activity scheme, which requires Jobseeker's Allowance (JSA) claimants to undertake full time work activity to continue receiving benefits, was introduced. Failure to complete a placement without 'good cause' results in a benefit sanction of three months, rising to six months for a second breach.

The growing coercion of the poor is most evident in the development of mass incarceration (Wacquant, 2009). In the UK the prison population stands at record levels and those incarcerated are predominantly drawn from the most marginalised fractions of the working class. The Social Exclusion Unit (2002) has shown that most have a history of high levels of family, educational and health disadvantage and poor prospects in the labour market. A more recent survey of 1,435 prisoners within four weeks of starting their sentence has found that 44 per cent have had treatment or counselling for a drug problem; 29 per cent had a childhood experience of emotional, physical or sexual abuse; 24 per cent had attempted to take their own life; nearly a fifth (18 per cent) had a family member with an alcohol problem and 14 per cent had a family member with a drug problem (Ministry of Justice a, 2010).

Wacquant (2009) argues that these types of developments are emblematic of a shift towards a punitive treatment of poverty. This has resulted from a number of interconnecting factors including the decline of the Keynesian welfare state, the advent of post-Fordism and the rise of neo-liberalism.

Historical review
However, historical analysis reveals that the 'double regulation of the poor' was a feature of the British states’ response to the economic crisis of the inter-war period. From 1920 until 1938 British unemployment never fell below 10% and the trade unions lost half of their members over the next 12 years. At the worst point in the economic slump in 1932/33 23% of the British labour force was out of work (Hobsbawm, 1994, page 93). 'There had been nothing like this economic catastrophe in the lives of working people for as long as anyone could remember' (Hobsbawm, 1994, page 93). The Labour and Coalition
Government’s responded by cutting benefit levels, removing claimants from statutory benefit and coercing nearly 190,000 into labour camps.

The camps were brought into existence by Proposal Number 3225 to the Labour Emergency Expenditure Committee in 1928. Between 1929 and 1938 almost 190,000 men were admitted to the camps, the peak year being 1934 when nearly 33,000 attended (Croucher, 1987). They targeted: ‘those, especially the younger men who, through prolonged unemployment, have become so 'soft' and temporarily demoralised that it would not be practical to introduce more than a very small number of them into our ordinary training centres without danger to the morale of the centre' (Ministry of Labour official quoted in Colledge, 1989, page 6). Those admitted were: ‘thought by the authorities to be so degraded by idleness and sufficiently lacking in any practical skills, as to require a period of "reconditioning" into the habits of hard, routine manual labour in an isolated camp' (Colledge and Field, 1983, page 153).

Those registered as unemployed for at least six months and resident in the 'distressed areas' were originally targeted but this was later reduced to three months and extended to the rest of Britain. The official position was that attendance was 'voluntary', although the 1934 Unemployment Act made attendance compulsory it was never implemented. In practice, local unemployment officers coerced individuals to attend by threatening the loss of benefit. 'In 1934 I went to High Lodge [a Labour Camp]. Didn't have any choice, mind. It was a case of if I didn't go they would stop my dole' (Mr Gant quoted in Colledge, 1989, page 19). The training took the form of a 12 week course comprising tough, menial manual labour. This included tree felling, breaking rocks, road making and the levelling of playing fields. Men were also loaned from the camps to external employers. They worked at Whipsnade Zoo and helped with the Piccadilly tube line extension (Colledge and Field, 1983).

Colledge and Field (1983) maintain that the purpose of the camps was disciplinary and they were run on strict military lines. The camp manager was invariably from the military. A team of 'gangers' worked directly with the men who were marched to work in military style. 'They had us digging trenches. We would dig it down one day then the next day another group would come and fill it in. That is all we done for three months' (Mr Grant quoted in Colledge, 1989, page 19). Responding to charges that the men were forced to undertake futile tasks the Ministry of Labour replied: 'the operations themselves, so far as we are concerned, are secondary as a mere means to an end' (quoted in Colledge and Field, 1983, page 156). A former Ebbw Vale steelworker recalled that: 'The first thing they did was supply you with a pair of heavy nailed boots, a pair of corduroy trousers, and some kind of shirt. So wherever you did go people knew who you were- you were a convict in a sense, because you were all dressed the same' (William Heard quoted in Colledge and Field, 1983, page 163).

The inter-war period was also characterised by burgeoning prison populations. The number of male prisoners in England and Wales rose from 7,595 in 1918 to 12,180 in 1933, a rise of over 60% (Home Office, 2002). This growth is even more remarkable given that the First World War would be expected to reduce the prison population because of the extraordinarily high number of men killed in the trenches and the creation of a credible
alternative to prison in the form of the Probation Service. Furthermore, it could be reasonably argued that some of those conscripted into the labour camps might have entered the prison system. It is salient to note that the Trade Union Congress ignored the plight of camp inmates because they presented little threat to the skilled jobs of their membership (Colledge, 1989). Similarly, the National Unemployed Workers Movement found it especially difficult to organise in the labour camps because inmates were unskilled and rarely had trade union experience (Hannington, 1977).

Since its inception in the nineteenth century the modern prison has been disproportionately concerned with the imprisonment of the 'lumpenproletariat', the 'dangerous classes', the poor and the feckless (Mathews, 2005). It has again been called upon to house the surplus population resulting from economic crisis and reduced spending on social welfare. In terms of the latter, prisons are also currently being used for the containment of those for whom the necessary welfare or medical services are unavailable (Carlen, 1988; Birmingham, 1999). Consequently, a significant factor behind the contemporary growth of the prison population is the: 'widespread use of prison as a dumping ground for those whom the state is unable or unwilling to provide suitable care and support' (Matthews, 2005, page 188). All of which suggests that the current use of the prison as a 'social dustbin' is not representative of an historical rupture but rather the continuation of its original function.

**Do welfare and penal policies work in concert?**

Wacquant (2009) views harsh penal policies ('prisonfare') and social policies ('workfare') as a material and symbolic apparatus to control the marginal populations created by economic neo-liberalism and the shrinking of the welfare state. He argues that welfare and penal policies increasingly work with the same population and are informed by the same behaviourist philosophy. 'They [welfare and penal policies] work jointly to invisibilize problem populations- by forcing them off the public aid roll, on the one side, and holding them under lock, on the other- and eventually push them into the peripheral sectors of the booming secondary labour market' (Wacquant, 2009, page 288).

The remainder of this article discusses the relevance of these ideas to the UK. It draws upon recent research conducted by the author that has explored the progress made with the implementation of the key recommendations of the joint Department for Work & Pensions (DWP) and Ministry of Justice (MoJ) offender employment review (see Table 1). This has involved conducting one hundred and thirty one in-depth semi-structured interviews with policy leads, practitioners and offenders across four case study areas in England and Wales in both custodial and community settings (see Fletcher et al, 2011). This research is particularly useful in this respect. First, because the joint review explicitly sought to join up the work of Jobcentre Plus, Prison Service and Probation. Second, the conduct of the research has provided a detailed insight into the benefit claiming and work histories of thirty six prisoners and sixteen offenders in the community.
Table 1: Key strategic review recommendations

Implement a framework for joint working and data sharing
- better integrate (and co-locate) Jobcentre Plus Employment and Benefit Advisers (EBAs) with prison teams leading on skill, employment and resettlement
- introduce a single point of contact within Jobcentre Plus and Probation to work together on offender issues
- provide guidance to support partnership working between Jobcentre Plus and NOMS front-line staff-
- provide a legally approved data sharing form for use between front-line Probation and Jobcentre Plus staff.

Reintroduce a leaflet for EBA staff explaining the current Jobcentre Plus offer to offenders

Enable EBAs to focus more on job search
- introduce a revised EBA job description
- maintain EBA knowledge of Jobcentre Plus provision by spending more time in Jobcentre offices and rotating the role
- prisons are to provide EBAs with appropriate space to deliver face-to-face advice to prisoners
- prisons are to provide EBAs with broadband access to allow on-line access to the Jobcentre Plus network (including the Labour Market system) and a dedicated telephone line
- Jobcentre Plus will provide the EBAs with a single point of contact within the Benefit Delivery Centre to action benefit closure activity
- use offenders to provide peer support to assist EBAs

Jobcentre Plus and NOMS to join-up employer engagement activity

A key objective of the joint review was to develop a delivery framework that would articulate the roles and responsibilities of Jobcentre Plus and the National Offender Management Service (NOMS). This was to be facilitated by a number of initiatives including the introduction of single points of contact within Jobcentre Plus and Probation to work together on offender issues and a legally approved data sharing form for use between front-line staff. This represents a concerted attempt to begin to join up the work of two key delivery organisations. However, implementation underlined the profound difficulties encountered changing the behaviour of front-line staff, a task that was made herculean by the context of severe budget cuts and associated organisational restructuring.
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The interviews with Probation and Jobcentre Plus operational staff revealed a highly variable picture with regard to both awareness and support for the review. In some areas awareness was very high and the principles, direction and recommendations of the review were strongly supported. However, in other areas senior staff confided that they had little knowledge of the details. More generally, it was recognised that effective implementation required addressing long-standing, entrenched practices which necessitated cultural shifts and a ‘change of mindset’. It would take time to embed changes and there would need to be a transitional period in which new mechanisms became integrated into everyday practice. As one Jobcentre Plus manager stated: ‘It’s a long walk, it doesn’t happen overnight’.

Consequently, the implementation of recommendations and the impact of these changes were uneven, both geographically and between different delivery bodies. Some local areas were already implementing changes prior to the review. Jobcentre Plus and Probation in the North East of England had, for example, been proactive with sharing information and developing multi-agency working. Elsewhere senior Probation staff admitted that the implementation of key recommendations had been highly problematical. This was variously described as: ‘a bit of a nightmare’; and ‘a waste of time’.

The introduction of single points of contact had often improved joint working at the strategic level. This was particularly apparent in the North East of England where much of the groundwork had already been undertaken. ‘We’re heading in the right direction. There are much better working relationships than before’ (Jobcentre Plus officer). This had improved the flow of information on the restrictions that affect individual availability for work; facilitated better timetabling of probation activities that have reduced clashes with signing-on times; and secured more effective use of scarce financial resources. Nevertheless, the impact on front-line practice has been modest. Jobcentre Plus staff frequently reported that: ‘It hasn’t affected my work one iota’. Interviewees in one area confirmed that there was little routine communication between Probation and Jobcentre Plus. ‘There are a handful of occasions each month where we contact Jobcentre Plus about say clashes with appointments or drug using offenders’ (Probation interviewee). Front-line staff were often unaware of the existence or identity of the single point of contact. This problem had been compounded by staff discontinuities and the contacts being given additional responsibilities.

The data sharing form provided information on individuals’ education, training, employment; basic skills needs and other support required e.g. help with finding accommodation or drug/alcohol issues. The intention was to share information about ex-prisoners and ‘to get the right people together and start conversations’ (Policy lead). Another likened it to a ‘vehicle for cultural change’. The form was used more frequently in areas where it had been actively promoted by senior management such as Cumbria, Merseyside and Lancashire. It was also found to be more widely used in areas characterised by strong pre-existing relationships between the two delivery organisations. In Durham and the Tees Valley, for example, it was claimed that data sharing had increased from 1-2 per cent of offenders to up to 30 per cent. However, in areas where there has traditionally been little partnership working the picture was less rosy.
Senior probation staff in one area expressed a high degree of scepticism about the utility of the form which was described as: 'a box ticking exercise', and 'a waste of time'. A decision had reluctantly been taken to trial its use by a small part of Probation. However, offender managers were unconvinced. 'What is the purpose of them?' They complained that they filled it in, got the offender to sign it, photocopied it and sent it to Jobcentre Plus but had not received any feedback. It was widely viewed as an unwelcome distraction from core duties. Similarly, Jobcentre Plus management acknowledged that: 'Some people are using it, some people are reluctant'. Poor communication meant that some staff did not know that the forms existed. Growing workloads often meant that advisers lacked the time to complete the necessary paperwork.

Deep-seated cultural differences between staff in the two organisations were apparent. Jobcentre Plus was established in April 2002 following the merger of the Employment Service and the Benefits Agency. From the outset, it has played a pivotal role in enforcing a stricter benefit regime. In contrast, the Probation Service has its origins in late nineteenth century philanthropy. The Probation of Offenders Act 1907 provided the statutory foundation of the probation service. Probation officers were required to 'advise, assist and befriend' those under supervision. The indications are that the rehabilitative mission of Probation has adapted and survived. Many Probation Staff expressed reservations about the role, purpose and effectiveness of Jobcentre Plus. The view was frequently expressed that the move towards a stricter benefit regime backed up by financial sanctions had created a 'credibility gap' for many offenders. 'Jobcentre Plus is a hassle for offenders' (Senior Probation Officer).

The Agency was unable to help many offenders into employment. 'Offenders don't see Jobcentre Plus as a provider of employment opportunities. They see it as a benefits agency' (Assistant Chief Executive). A further issue was the perceived inflexibilities of Jobcentre Plus which made it difficult to meet their complex needs. 'It [Jobcentre Plus] is a huge tanker of an organisation with tiers of accountability and fixed processes' (Assistant Chief Officer of Probation). A Senior Probation Officer acknowledged that: 'Jobcentre Plus finds offenders hard to help'. The employment support offered by Jobcentre Plus staff is based on a white-collar model which has little relevance to most offenders. This is evidenced by the emphasis on CV preparation. 'Offenders get jobs they don't get careers. I think the risk is that we are imposing a middle class approach to finding work' (Assistant Chief Executive).

**Do welfare and penal policies force offenders off benefit?**

The joint review has had the effect of increasing the visibility of offenders in the welfare system. Interviews with policy leads confirmed that the focus was on helping individuals into work and thereby reducing re-offending. 'My gut feeling is that it has made a difference, particularly in focusing minds on the offender agenda and providing a structure to a relationship [with partners] that was previously ad-hoc'. However, a more covert objective was revealed during some of the interviews. 'There will be less confusion about the role of Jobcentre Plus and Probation and data sharing means that offenders will be less able to play off Probation against Jobcentre Plus' (policy lead).
Analysis of a one-off data share project between the Department for Work & Pensions, Her Majesty's Revenue and Customs and the Ministry of Justice has suggested that significant financial savings might accrue from reducing the number of offenders on benefits. Approximately 26 per cent of the 4.9 million open claims for out-of-work benefits as at 1st December 2010 in England and Wales were made by offenders who had received at least one caution or conviction between 2000 to 2010 (MoJ/DWP, 2011). This rose to 33 per cent of the 1.2 million Jobseeker's Allowance claims open on 1 December 2010. Furthermore, those leaving prison in 2008 spent on average 48 per cent of the next two years on out-of-work benefits.

The present study has produced some important insights into offender experiences of work and the benefits system. Most of those interviewed had previously been employed in low-skilled, male dominated manual jobs in manufacturing and construction. A few had worked in services e.g. retail, catering and hospitality. Many had extensive experience of undertaking cash-in-hand work, especially in construction-related trades. Virtually all were seeking similar work on release from prison. A significant number would: 'look for anything' or reported that they were seeking 'any hands on work' or simply 'factory work'. However, individual experiences of claiming benefits were extremely varied. It was possible to identify three broad groups:

- Those that use the benefits system to manage the financial uncertainties of being caught in a cycle of precarious employment and worklessness.
- Individuals that were unable to work and spent most of their free lives on benefits.
- Prisoners actively avoiding engaging with the welfare system.

For the majority of those interviewed keeping rather than finding work was the main difficulty encountered. Drink and drug addictions were a contributory factor in some cases. However, for most it was the nature of the work that they are able to realise in the post-industrial labour market. Work was often physically demanding but required no particular skills and was chronically insecure. Individuals reported moving from one short-term job to another. Jobcentre Plus was primarily viewed as agency for claiming benefits during periods of worklessness.

Since leaving school a white male aged 23 years had 'done everything'. This had included stints in the British Army, construction, landscape gardening, childcare and retail. During periods of unemployment he had claimed Jobseekers Allowance (JSA). He was due for imminent release and intended to live with his sister. He indicated that he would look for any full-time permanent work with a 'proper wage'. Although he would use his local Jobcentre past experience suggested that the most fruitful avenue would be through social contacts and registering with a temporary employment agency. The individual reported that he didn't need any resettlement assistance other than help with signing-on.

Most had extremely negative perceptions of the agency which are partly tied up with its role in policing benefit entitlement. A 28 year old prisoner spoke for many when he reported: 'They are the scourge of my life'. A frequent complaint was that advisers did not
understand offenders and had little time for them. 'You spend an hour waiting for an appointment. Then its 30 seconds and you're out'. There was also a strong sense that the agency was an impersonal bureaucracy that made arbitrary punitive decisions. A 28 year old reported that he had been unable to claim any benefits immediately prior to his most recent period in prison. 'I had no money and I was being ringing them on a daily basis. I was being passed backwards and forwards between the JSA and Income Support people'. Following imprisonment his council tenancy had not been closed down. 'I had a letter last week telling me that I'm in arrears with the rent. I owe £299. There's no way I can afford that'.

Some of those interviewed had very little employment experience and had claimed benefits throughout their time in the community. These individuals often had long standing drug or alcohol addictions. A 40 year old white male serving an 18 month custodial sentence for burglary had, for example, served numerous prison sentences. 'I've been in and out of prison all my life'. A long-term drug addiction, few skills and regular churning through the criminal justice system meant that he had very little work experience other than a short stint working in a factory over twenty years ago. He was due to be released in three weeks to a coastal resort some 30 miles away. Yet he was still dependant on drugs and his speech was slurred and virtually inaudible. It was a little ironic that he felt that prison-based drug treatment services had improved. 'You can now get help straight away'. He had not taken part in any pre-release training activities and confided that: 'I have not thought about finding work'. Sorting out his benefits was, however, a priority. The individual was apparently unconcerned about the prospect of having nowhere to live. 'I'm not bothered. I might be able to live with my girlfriend'.

Some of those interviewed would not use Jobcentre Plus either to claim benefits or to seek work. A few were returning to their own businesses. However, it was clear that many would turn to kin, the informal economy or criminal endeavours to exist. Practitioners acknowledged that: 'Some offenders want nothing to do with us because they will be resuming their usual way of life in which prison is seen as a just one of the risks' (Jobcentre Plus staff). The difficulties encountered securing formal employment, welfare reform which has resulted in higher levels of surveillance of the activities of claimants and the prevalence of informal work in some key sectors such as construction were key factors pushing some away from the benefits system (Fletcher, 2008).

A 26 year old white male, serving a two year sentence, had been 'self-employed in construction' and had rarely been out of work for long. He had never used Jobcentre Plus either to claim benefits or to look for employment. The latter was usually secured through word of mouth and social contacts. He was actively seeking work in construction and would do so through his usual channels. The individual was confident about getting work despite the recession. 'I could get a job [in construction] in two minutes by word of mouth'. The individual had used the opportunity provided by his incarceration to complete a Level 2 Carpentry course. He had a home to go to and did not have any drug or alcohol addictions. He had no intention of claiming benefits.
Discussion and conclusions

Piven (2010) and Dean (2012) argue that workfare reinforces the low wage and insecure work that has burgeoned over the past four decades. It is in this context that Standing (2011) has identified a new class in the making, the 'precariat' comprising flexible workers with under-valued skills and little work-based identity. The 'precariat' is characterised by extremes of social and economic marginality and whose members spend their lives in and out of insecure, temporary low wage labour and unemployment. The management of the 'precariat' has become a major component of penal and social policy (Squires and Lea, 2012).

Wacquant (2009) argues that an expansive, intrusive and proactive penal apparatus seeks to contain the disorders generated by social insecurity and deepening inequality. Furthermore, prison is said to function like workfare in that it regenerates large numbers of marginal labourers that can be super-exploited. However, Piven (2010) draws attention to the heavy toll imprisonment exacts on those incarcerated which undermines their ability to undertake wage labour. This is because: 'once labelled felons they are permanently stigmatized and consigned to the economy of the street' (Piven, 2010, page 113). The present study has shown that many prisoners are indeed simply incapable of holding down a paid job. However, it has also underlined Mayer’s (2010) point about the dangers of grouping the 'precarious population' together. Many ex-prisoners are active in peripheral sections of the secondary labour market where they undertake chronically insecure forms of work which do not offer a route out of poverty and may be criminogenic.

It is in this context that UK policy makers have extended the active welfare state into the criminal justice system where there has been a renewed focus on preparing offenders for the labour market. 'Prison should be a place where work itself is central to the regime, where offenders learn vocational skills in environments organised to replicate as far as practical and appropriate, real working conditions' (Ministry of Justice b, 2010, page 15). The development of a new type of prison- the working prison- is signalled to achieve this transformation. There are also nearly 140 prison-based Employment and Benefit Advisers to help prisoners claim benefits on their release. Furthermore, the Coalition Government has increased the support available to offenders in the community by bringing forward the mandatory JSA entry points to the Work Programme to 'day one' of their release from custody and is piloting an additional payment to incentivise providers to support offenders, linked to lower re-offending rates (DWP, 2012).

Promoting attachment to the secondary labour market has economic and symbolic value. In terms of the former, recent analysis of a one-off data share project has shown the high cost of benefit claims made by offenders. In terms of the latter, it extends the civic obligation to work to some of those most marginalised groups and allows them to atone for their past sins. The Ministry of Justice (2010 b, page 16) maintains that: 'it is important that prisoners see work as a way to pay the debt that they owe to society and to victims of crime'. Consequently, work for offenders in the post-industrial labour market is to be simultaneously their redemption and punishment.
The 'centaur state' requires the joining up of welfare and penal policies to control the poor but the present study has underlined the difficulties faced by policy makers seeking to change front-line practice. Lipsky (1980) has shown that the intentions of policy makers may be frustrated by the behaviour of public service workers operating in a 'corrupted world of service'. A context of acute resource constraints, growing caseloads and job cuts have meant that many front-line staff have focused on their core duties. Probation staff still subscribe to a rehabilitative imperative that for some precludes close working with Jobcentre Plus. This conclusion is supportive of Robinson's (2008) contention that offender rehabilitation has adapted and survived by appealing to dominant 'late modern' penal narratives such as utilitarianism. Rehabilitation is now justified in utilitarian terms i.e. its capacity for reducing crime and thus protecting the public.

Nevertheless, both Jobcentre Plus and the Probation Service increasingly subscribe to the 'cultural trope of individual responsibility' and share a behaviourist philosophy (Wacquant, 2009). Van Berkel (2007) has shown that the shift towards active welfare states and the introduction of new forms of governance, inspired by private sector management techniques, have transformed the culture of welfare-to-work organisations from a primary concern with determining benefit eligibility towards more personal conversations about clients' behaviours. Jobcentre Plus exemplifies this change from 'people sustaining' activities towards a 'people transforming' role (Meyers et al, 1998). Similarly, policy makers have sought to undermine the social work ethic of Probation by repealing the need for probation officers to hold a social work qualification.

Jones (2010) argues that a lack of historical focus means that Wacquant is prone to exaggerate the degree of change taking place in recent times. This is surprising since the concept of the 'centaur state' was derived from history to help throw explanatory light on the present. Gramsci took over from Machiavelli the image of power as a centaur: half man, half beast, a necessary combination of consent and coercion. Hegemony prevails when the consensual aspect of power is at the forefront. Coercion is always latent but is only applied in marginal, deviant cases (Cox, 1983). Hegemony is usually enough to ensure conformity of behaviour in most people most of the time (Cox, 1983). Yet the present article has shown that during times of economic crisis the state wields a greater degree of coercive power. This is a recurring pattern over time.

For Wacquant the 'centaur state' is predicated on the notion that over the past four decades there has been an historical rupture in the approach taken to social marginality. However, historical analysis reveals the important continuities between the contemporary and inter-war state regulation of the poor in times of economic crisis. The Great Slump and economic liberalism also led to the 'double regulation of the poor' in the inter-war period exemplified by rising prison populations and the introduction workfare in the brutalising form of British labour camps. That we currently have a UK Government presiding over a historically high prison population and whose primary instinct is to balance budgets and cut public spending and has introduced measures to force benefit claimants to work for their benefit illustrates the incredible shortness of memory of policy makers. 'It also provides a vivid illustration of society's need for historians, who are the professional remembrancers of what their fellow-citizens wish to forget' (Hobsbawm, 1994, page 103).
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TALKING ABOUT DRUGS: TOWARDS A MORE REASONED DEBATE
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Abstract
This article aims to outline and discuss a number of issues that arise from the current popular conceptualisations of ‘the drug problem’. It is argued that debates focus on ‘taken-for-granted’ understandings of key terms and concepts, and in doing so, fail to grasp the complexities of the ways in which the drug problem is currently understood. The article therefore discusses current popular discourse by exploring the ways in which key terms are employed, and how these serve to simplify the issues concerned, and, at the same time to establish false divisions; key amongst these is the division between legal and illegal drugs. This article argues that it is only in acknowledging these complexities and contradictions that the debate can move forward.
Introduction

This article emerges from the convergence of a number of issues that have come to the fore over recent years which both demonstrate the relationship that our society has with drugs, but which also serve to construct and shape our continuing discussions about drugs. These issues are identified as: 1) sporadic moral panics about illegal drugs and their use – often fuelled by single cases which receive a great deal of media attention (Murji, 1998); 2) the reconfiguring of drug use as a ‘crime problem’ over the last 20 years, rather than any other kind of ‘problem’ e.g. social, health or deprivation, arising from a reductionist notion that drug use causes crime (Hammersley and Dalgarno, 2012); 3) a persistent determination to ignore the fact that we are a drug-using society, especially when we include legal, and yet very harmful substances (Seddon, 2006); 4) undermining of attempts to assess relative harms associated with drug use (Nutt, 2009) and the ensuing media furore, which culminated in his removal from the Advisory Council on the Misuse of Drugs, the government advisory body, set up to monitor the classification of drugs under the Misuse of Drugs Act, 1971); and 5) the reclassification of cannabis, from Class B to Class C, then back again over the past 9 years.

These issues come together to demonstrate our confused and confusing relationship with legal and illegal substances, between which we have constructed false divisions. Over 40 years ago Young pointed out that this division was ‘unfortunate in its consequences and incorrect in its assumptions’ (Young, 1971: 10). We are bound up in a seemingly inescapable feedback loop where it is generally believed that certain drugs are illegal because they are harmful and that they must be harmful because they are illegal. This view simply ignores the social construction of both the law and perceptions of acceptable and unacceptable forms of behaviour, as well as the fact that legality does not make substances harmless. It is clear, however, that we are currently in a situation in which the law is ‘running to catch up’ (for example, with the introduction of temporarily outlawing ‘legal highs’) and a significant reality gap has emerged between what is deemed acceptable and unacceptable behaviour (illustrated by the significant numbers of people who take cannabis) and discussed within the ongoing debate about normalization of drug use (Parker et al., 1998; Parker, 2005). So, we are now in a situation that is structured around debates about competing ideas and approaches about the best way ahead to address what is seen as a significant social issue, and yet the fundamental underpinnings of the issue are contested. As Cohen (1971) stated ‘a ‘social problem’ consists not only of a fixed and given condition but the perception and definition by certain people that this condition poses a threat...and that something should be done about it’ (Cohen, 1971:14).

There is a prevalent and powerful popular discourse in British society that speaks entirely to simplistic notions of drugs and their use and it tends to do this in two key ways: firstly, we are constantly made aware, especially in certain sections of the media, of the evils of drugs, (often as a result of cases in which an ‘innocent’ young person has died, and even when the links between a drug and the tragic event are tenuous); and secondly, with the focus on those who are deemed to be rather less innocent, the discussion centres on the ‘fact’ that ‘drugs cause crime’ because people commit crime in order to fund their drug habit (Hammersley, 2008). It therefore follows, so the logic goes, that if we can stop people taking drugs, we can stop them committing crime. This may be a crude, short-hand expression of what we might otherwise refer to as ‘the drug problem’ but it is essentially a
view that is often expressed in the media, in political discussions and, perhaps most importantly it is the view that is implicit in government policy, both under the most recent Labour administration and under the current coalition government. Whilst such a view may be popular, in that it resonates with what society believes it knows about drugs, it resolutely fails to demonstrate that the issues at hand cannot be understood in this simplistic fashion. Our confusion about drugs is clear for all to see in debates about harm and the reclassification of cannabis, in which attempts at producing scientific evidence was seemingly easily undermined by the strength of political opinion (Nutt, 2012).

In terms of recent drug policy, the goals of the previous and current governments have been clearly stated: the 2008 Drug Strategy Drugs: protecting families and communities (Home Office, 2008) produced by the Labour government stated that ‘[o]ur ambition is clear. We want a society free of the problems caused by drugs (4)’; the current Drug Strategy Reducing Demand, Restricting Supply, Building Recovery: Supporting people to live a drug free life (Home Office, 2010) produced by the coalition government states its ambitions thus; ‘to reduce demand, restrict supply and support and achieve recovery’ (2). These goals mark a significant change in direction and focus of policy related to drugs, from one which was based upon harm-reduction (although not harm-elimination, as might be expected from the central aim of the strategy) to one that is based upon abstinence.

The view expressed above may be a view that is understandable, and indeed laudable, but it is also a view that speaks to simplistic notions and understandings of complex human behaviour. It is the author’s contention that our understanding of drug-using behaviour is limited by the public discourse that starts with an aggregate notion of ‘drugs’, as though the substances all have a key element in common (which, in fact, they do not); as though there is something that makes them inherently different from other (for example, legal) substances, (when there is not); and fails to address a number of factors that underpin and contextualize any debate about ‘the drug problem’. If we are to further our understanding of the problems caused by drugs in our society, (and, by extension, seek to manage them) we need to begin to think about what we actually mean when we discuss the drug problem, and how we have come to characterise the issues in this way.

This article, therefore, is concerned with attempting to set out some of the difficulties that arise in any discussion of ‘drugs’ and ‘the drug problem.’ The article will attempt to identify some of the issues that underpin our understanding of ‘the drug problem’, as it is popularly characterised, and in so doing, will necessarily call upon a range of related discussions. None of these debates is straightforward, but it is only in acknowledging the complexities that we can hope to gain an understanding of what is often portrayed in relatively simplistic terms. It is the author’s contention that whilst we continue to try to ‘solve’ the drug problem without addressing some of the crucial underlying debates, it will not be possible for us to make any progress.

Preconceptions about drugs and drug users
‘The United Kingdom has the highest level of dependent drug use and among the highest levels of recreational drug use in Europe’ (UK Drug Policy Commission, 2007: 7) and it has
been said that ‘the ‘drug problem’ has come to be identified by politicians, the media and numerous social commentators as a serious social ill in need of almost constant attention’ (Barton, 2003: 24). The first issue we encounter when talking about drugs is that individuals come to any such discussion with their own set of pre-conceived ideas and attitudes depending upon their own experiences, values and beliefs, and herein lies a significant problem. Any discussion of drugs is permeated with such beliefs, to an extent that can often preclude a rational debate. It is also fed by media stereotypes of drug users such that ‘simplistic notions have developed at the expense of a much wider and more complex discussion to the detriment of a holistic drugs discourse’ (Taylor, 2008: 369). In layperson’s terms, drugs (by which they actually mean illegal drugs) are viewed as inherently ‘bad’ and harmful to society, which is reflected in the use of terminology such as addict, junky, druggie and so on. However, this view speaks to a popular notion based upon a set of misconceptions: 1) that the definition of what constitutes a ‘drug’ is obvious and clear; 2) that society can be divided into those who use drugs and those who do not; 3) that drugs are inherently ‘good’ or ‘bad’; 4) that those who use drugs are somehow different from the rest of ‘normal’ society; and 5) that we understand and are able to explain why people use drugs. It is to a discussion of these misconceptions that we will now turn.

Definitions of drugs
When individuals talk about drugs, we assume that it is obvious what they are referring to. The position that this discussion adopts is that the meaning of the term ‘drug’ depends upon the context in which it arises and therefore the assumptions that are made about what is being referred to. The term can be understood and applied in a variety of different ways, giving rise to a number of different meanings depending upon the context (Brown, 2001). It is often assumed, for example, and the term is often employed, as though it refers to illegal substances, but there is no reason why this should be the case and it leads to the first level of confusion we encounter in talking about drugs, which is that ‘drugs’ are not a self-evident or self-defining group of substances. So, in order to illustrate this, for example, we can employ the term ‘drug’ to refer to a chemical compound that we might otherwise call ‘medicine’, like aspirin: such usage of the terminology in this instance would have positive connotations and it would remove us from the incorrect, but often assumed notion, that drugs are a set of clearly defined illegal substances that all have something in common (the term ‘narcotics’ also tends to be employed is this way, especially in the USA). The fact that certain drugs are illegal has arisen over time and as a result of legislative choices, and not due to any inherent properties of the substances concerned that have necessitated that illegality. Alcohol, for example, remains a legal, as well as socially acceptable substance, despite the harms that can arise from its use, which may be conveniently downplayed within a set of discourses which emphasize the ‘fault’ of the user, rather than the substance concerned (Valverde, 1998). In relation to the discussion of drugs, we therefore encounter an issue that is often ignored, but is central to the debate regarding the drug problem. It has been said that ‘[t]he difficulty with trying to provide a definition of drugs is that drugs have no intrinsic property that sets them apart from other substances. Certainly, there is no intrinsic characteristic which can be used to set them apart from non-drugs’ (Gossop, 2007: 2). Therefore, ‘the word “drugs” can be
applied to almost any substance that can modify one or more of the functions of a living organism’ (Bennett and Holloway: 2005: 2). Therefore, it can be said that ‘[t]ea, tobacco, alcohol, cocaine and heroin are all drugs in the sense that they all contain a chemical substance, whether of natural or synthetic origin, which can be used to alter perception, mood or other psychological states’ (Gossop, 1996). The issue regarding a satisfactory definition is more than a semantic one, as it provides the context in which we understand drugs within our own society. In terms of defining drugs, therefore, ‘[t]he standard approach is to characterize a drug as a chemical substance that, when taken into the body, alters the structure or functioning of the body in some way’ (Levinthal, 2002: 3: emphasis added). However, anything introduced into the body will have some effect on its functioning, for example sugar has significant effects on the functioning of the body and yet we do not characterise it as a drug; we are therefore forced to exclude food from our discussions, despite the fact that it may meet the criteria which could place it in the descriptive category of a drug. This leaves us in a situation in which certain substances are excluded from our debates about drugs on somewhat indefinable grounds. It is not possible to resort to a discussion based upon the legal status of substances in order to enlighten ourselves about the nature of ‘drugs’ given that we experience the everyday and profligate use of certain substances as a normal part of everyday life (for example, alcohol and nicotine) and, as has already been mentioned, the illegality of certain drugs has come about as a result of legislative choices made by law-makers, rather than due to any chemical property of the drugs concerned. These laws have changed (and will continue to change) over time as society continues to struggle with balancing the costs and benefits, as well as the deleterious effects of various substances.

**Use and non-use of drugs**

Individuals in our society have a contradictory relationship with drugs (perhaps, in part, due to the definitional problems outlined above) such that ‘[w]e live in a society which tries to reconcile its disapproval of the use of drugs for non-medical purposes with the fact that vast amounts of psychoactive drugs are used in this way’ (Gossop, 2007: 2). These contradictions are most evident in society’s use (and implicit acceptance, or even promotion) of drugs which are legal, and yet harmful in a variety of ways; alcohol and tobacco are the most obvious examples here. This has led us to a situation in which there is a ‘general reluctance to recognise that tea, coffee, alcohol and tobacco really are drugs’ (Gossop, 2007: 3). However, given their capacity to alter functioning and perception (to say nothing of the possible harms arising from their use), it is clear that to maintain such distinctions (usually justified on the basis that these drugs are legal which, as we have already seen is an area subject to society’s changing views about particular substances) is untenable and therefore any discussion of the drug problem must acknowledge the fact that, despite the legal status of some drugs, the vast majority of members of our society can be defined as ‘drug users’ of one kind or another.

**‘Good’ and ‘bad’ drugs**

The issue identified above has shown that individuals have a complex relationship with chemical compounds, especially when the use of some of these compounds is sanctioned
by law. This issue is exacerbated by the fact that ‘scientific questions about the actual effects of a particular drug become entangled with issues of personal morality and subjective beliefs’ (Gossop, 2007: 3). In other words, regardless of what public opinion would have us believe, drugs cannot be categorised as inherently safe or dangerous, and their use cannot be separated from the social and cultural context in which that use takes place. So, any drug can be taken in a more or less safe fashion, based upon the chemical effects that the particular compound has upon the brain, but we cannot ignore the fact that they also act as potent symbols (Edwards, 2004) of membership of a range of ‘deviant’ groups, so the effects on the brain are only one part of the story; the rest of the story is bound up with the social constructions of drugs and their use. It must therefore be acknowledged that ‘[d]rug effects are strongly influenced by the amount taken, how much has been taken before, what the user wants and expects to happen, the surroundings in which they are taken, and the reactions of other people’ (Drugscope, 2008: 5). Furthermore, ‘All these influences are themselves tied up with social and cultural attitudes to, and beliefs about, drugs, as well as more general social conditions’ (Drugscope, 2008: 5).

The important point to note, for the purposes of the present discussion, is that our everyday conceptualization of drugs allows us to focus our attention on divisions between socially constructed and highly questionable simplistic categories of ‘good’ and ‘bad’ drugs and the assumptions about each that combine to construct this division, which in turn allows us to focus attention on the idea that drug users are somehow very different from ‘normal people’ (Gossop, 2001). This division is most apparent within the parameters of the criminal law.

‘Normal’ and ‘abnormal’ people
Becker (1963) identified that drug users were perceived as ‘outsiders’ five decades ago. Regardless of the significant rise in illegal drug use in the Western world since that time, society is still able to adhere to the notion that drug users are fundamentally different from ‘normal’ people. It has been said that ‘[t]he comfortable but quite mistaken orthodoxy insists that the ‘normal’ people who make up the majority of our society do not use drugs: set in sharp contrast to this sober normality are the ‘abnormal’ minority who do’ (Gossop, 2007: 1). However, as we have seen, this view can only stand if we ignore the complexities of the issues at hand. If we acknowledge the fact that what constitutes a drug is debatable; that we choose not to define society as drug-using (when in reality there is widespread use of legal drugs) and that we maintain a false division between legal and illegal drugs (based on the tautological argument that certain drugs must be worse because they are illegal, and some must be better because they are legal), then we are forced to conclude that it is impossible to maintain any simplistic notions of understanding drug use and to accept the view that this clear division cannot be maintained, given that most members of society rely on one or more drugs to ease their passage through life. Of course, this is not to claim that there is no qualitative difference between drinking tea and injecting heroin, but it can be argued that the essence of the behaviour (ingestion of a substance for effect) is similar and that this should be recognised when discussing drugs and their use. Thus, one of our central problems is that ‘[a]ny concept of what is a ‘drug’
Talking about drugs: Towards a more reasoned debate

and what constitutes ‘drug-dependence’ depends on socially constructed meanings that are culturally and historically defined as well as the pharmacological properties of the substance used’ (Davidson et al, 1997: 1).

Problems of terminology

The first section of this article challenged some of the preconceptions we encounter when discussing drugs and their use and it has been pointed out that some of these preconceptions have focussed on issues of judgement about drugs and their use, rather than on an attempt to analyse the complexities of drug use within society. The notion of judgement becomes even more apparent in discussing issues of terminology relating to the behaviour of individual drug users, given that the terminology itself sets the context in which any debate takes place. The preferred term, for many, is to talk about ‘drug use’ regardless of which (usually illegal) drug is being discussed, and however casual or severe the levels of use. The reason for choosing this term is that it is free of moral judgement (Edwards, 2004). ‘Misuse’ may be employed as a term where an individual’s drug use has become problematic, however, it carries with it the assumption that there is some identifiable point in time where ‘use’ has become ‘misuse’ and there would be little agreement amongst observers about when this took place. ‘Abuse’ is often avoided as a term, especially amongst social scientists and those who work with drug users, given that it is inherently pejorative. However, both ‘misuse’ and ‘abuse’ are highly subjective terms and depend entirely upon the perspective of the person making the judgement. Furthermore, if we take a broader approach to ‘misuse’, it could be said that any use of an illicit drug would constitute misuse on the basis of the illegality of the drug.

The problems with terminology continue when we address the use of terms such as drug addiction and drug dependence. These terms are sometimes employed interchangeably, or they can denote different/separate states. Sometimes a definition will emphasise the qualities of the drug itself (for example, heroin is often characterised as being ‘highly addictive’), or the definition can focus upon what taking the drug achieves for the user (for example, it could be said that the user becomes dependent upon heroin because of the way the user feels after taking the drug). In terms of discussing drug use, this notion of emphasis is problematic because it contextualises and dictates the ways in which drug-using behaviour can and should be understood. For example, it has been said that ‘[a]ddictive drugs have in common the capacity to be rewarding. They lead to a release of chemicals which act on specific areas of the brain to induce pleasure. The repeated experience of the reward builds up the drug-seeking habit. It is not all-or-none, but may exist in various degrees of strength’ (Edwards, 2004: xxiii). Such a definition focuses on the properties of the drug and its action on the brain. However, we can contrast this with an alternative view of addiction whereby ‘[a]ddiction implies that a drug dependency has developed to such an extent that it has serious detrimental effects on the user. They may be chronically intoxicated, have great difficulty stopping the drug use, and be determined to obtain the drug by almost any means’ (Drugscope, 2008: 10). The focus of attention is therefore placed on the outcomes of the use and, in fact, is more concerned with the resulting behaviour, rather than the effect of the drug per se. These definitions become even less clear when we start to consider notions of freedom of choice over drug-using
behaviour, so that ‘[d]ependence, addiction, call it what you will, is a state of duress where the individual’s freedom of choice over their drug has become impaired and the drug has begun to take control over their drug taking’ (Edwards, 2004: xxv). However, this lack of freedom of choice can be characterised in various ways whereby ‘[d]ependence describes a compulsion to continue taking a drug in order to feel good or to avoid feeling bad. When this is done to avoid physical discomfort or withdrawal, it is known as physical dependence; when it has a psychological aspect (the need for stimulation or pleasure, or to escape reality) then it is known as psychological dependence’ (Drugscope, 2008: 11).

We can see, therefore, that this reduction in the capacity to choose is characterised either as a property of the drug itself, or as a result of the effects of withdrawing the drug. The problem we are left with, in attempting to utilise these definitions is that we remain unclear about the nature of addiction and dependence and we have a situation in which the terminology employed tells us more about the perspective from which the discussion arises than it does about the commonalities between definitions. It is this issue, perhaps, that encourages us to employ the loosest of definitions where agreement can take place, for example to state that drug dependence is ‘[a] condition in which an individual feels a compulsive need to continue taking a drug. In the process, the drug assumes an increasingly central role in the individual’s life’ (Levinthal, 2002: 3). Such a definition may well suit our purposes when attempting to describe behaviours (such as drug-seeking or committing acquisitive crime in order to fund a drug problem), but it still leaves us with the problem that description of behaviour does not allow us to explain behaviour. In other words, the compulsion can be described, but this tells us nothing about why such compulsion takes place. What is clear above all else is that the choice of terminology employed by the various perspectives relates closely to the ways in which the perspectives characterize and explain drug-using behaviour. In other words ‘certain individuals use certain substances in certain ways, thought at certain times to be unacceptable by certain other individuals for reasons both certain and uncertain’ (Burglass and Shaffer, 1984: 19).

The highly politicised and contentious nature of debates regarding drugs can be illustrated by briefly summarising the recent history of the classification of cannabis, which has been reclassified twice in the last 9 years and can serve as an example of some of the difficulties and issues that can arise around classification debates. Up until 2004, cannabis was a Class B drug which was then reclassified downwards to Class C following the recommendation of the Advisory Council on the Misuse of Drugs (a body set up by the government, under the auspices of the Misuse of Drugs Act, 1971 to monitor appropriate classification of drugs relative to their harms). At the same time, the maximum penalty for supply of cannabis was increased from 5 to 14 years imprisonment. The message intended was that cannabis was seen as a slightly less harmful drug to use, but that supply would attract a harsher penalty. The ACMD was then instructed to undertake a further review of the evidence relating to cannabis and, despite recommending that it remain as a Class C drug (given the low risk of harm relative to other drugs) and on the specific grounds that ‘cannabis more closely equates with other Class C substances than with those currently classified as Class B’ (Advisory Council on the Misuse of Drugs, 2008:2) the incumbent Home Secretary chose to move it back up to Class B (in early 2009). Since this time the Chairman of the ACMD has come into conflict with the government for questioning the basis upon which this decision was taken (Nutt, 2009) and he was, in fact, forced to resign as a scientific advisor. This episode highlights the highly political and sensitive nature of
debates about drugs and drug use, debates which are further complicated by a lack of consensus and polarized views.

**Conclusion**
This article has provided an introduction to an understanding of the drug problem by outlining a number of debates that are central in shaping the ways in which we view such a problem. The chapter began by looking at the notion of the preconceptions that we bring to any debate about the drug problem, and how such preconceptions serve to set the parameters of the debate. The bases for these preconceptions were challenged in order to try to move the debate forward. The piece then addressed the notion of the terminology used to describe drug-using behaviour and the ways in which these are problematic. Finally, the author addressed what may be seen as the key components, or issues of concern, in our characterization of the drug problem. It is hoped that this exploration of areas of debate can serve to highlight some of the problematic notions we encounter when discussing ‘the drug problem’.
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CHANGES IN THE ROLE OF JUSTICE SOCIAL WORKERS IN ITALY: QUESTIONS OF CONTROL, ASSISTANCE AND OFFICERS' TRAINING
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Abstract
This paper aims at analysing the evolution of the enforcement of non-custodial sentences in Italy. In 1975, a new role was introduced, that of the justice social worker, with the duty of supervising the so-called “non-custodial measures”.

In Italy, the available studies on the topic are rather limited in number, whereas in the United Kingdom there has been a rich production, in terms of both theoretical reflection and empirical research. This is why several of the remarks put forth in this paper stem from a comparison between the two systems, as well as from an exploratory qualitative analysis carried out by means of semi-structured interviews proposed to individuals working in the enforcement of non-custodial sentences in both countries, i.e. experts in the officers' training.

The objective of this research is to investigate the ambivalence of the role of justice social workers, deriving from the coexistence of assistance and control. Starting from the model presented by Bondeson (1994), the evolution of the Italian system for the enforcement of non-custodial sentences will be described through the control-assistance dichotomy and focusing on training, a variable that deeply influences the placement of justice social workers along the control-assistance continuum.

Key words: community justice, justice social workers, probation, Italian penitentiary system, social work
Methodology
The study employed a qualitative research method, using exploratory interviews to a sample of individuals experienced in the probation officers’ training field. The sample includes 10 interviews with trainers/experts working in the probation field in the United Kingdom (in particular in England, at the De Montfort University, Leicester) and 18 interviews with operators working in the field of non-custodial sanctions and involved in training activities in Italy (at the Higher Institute for Penitentiary Studies, at the Prison Administration Department, as well as at the Regional Prison Administration Directorate and at the Office for the Enforcement of Non-Custodial Measures of Turin). The general purpose was to compare the Italian and the English ways to fulfill the officers’ training and their evolutions, with relation to the more general changes in the alternative to prison values and policies.

The probation officer’s role between assistance and control
In general, the potentially conflicted nature of the probation officer’s role is linked to the fact that their position forces them to owe a double set of loyalties, to the society and to the users, often guided by interests that are in conflict with each other. In general terms, we can say that a greater focus on the element of support seems to indicate the operators’ prevailing intention to protect the users’ interests, while a greater focus on the element of control seems to indicate that the operators wish to protect the interests of society. Depending on how much importance is given to each of the two elements, we can identify some ideal types of supervision, as shown in Table 1, borrowed from Bondeson (1994: 108).

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<tr>
<th>Emphasis on Assistance</th>
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Table 1. Types of Supervisors by Emphasis on Assistance or Control (Bondeson, 1994: 108)
If greater emphasis is placed on control rather than on assistance, the model is punitive: the probation officer’s main purpose is that of protecting society from new crimes that might be committed by the individuals they supervise. Conversely, if there is greater emphasis on assistance than on control, we will have a welfare model: the probation officer’s main purpose is that of protecting the interests of the individuals under their supervision and the underlying idea is that society can be protected only by fully reintegrating those who committed a crime. If there is great emphasis on both control and assistance, then the paternal model prevails: probation officers try to combine the protection of society and of the offenders. Lastly, if the level of both control and assistance is low, the adopted model is passive and the probation officers decide not to take an active role in protecting the interests of society and/or the individuals under their supervision; they concentrate mainly on their bureaucratic and formal duties. This set of models, to be understood as Weberian ideal types, can be a useful tool to interpret the figures involved in the enforcement of sentences within the community.

Brief introduction to the alternatives to prison organisation in Italy

Non-custodial measures were introduced in Italy by the prison legislation of 1975 (Ordinamento Penitenziario). Their forerunners were the so-called Patronati per i liberati dal carcere, organisations for the assistance of those released from prison, based on the Christian concept of charity and operating across the whole national territory even before Italy was unified as one nation. Their aim was to provide support in relation to two crucial aspects: juvenile crime prevention and assistance to individuals released from prison.

These organisations were at first set up and managed by private citizens, and only with the new regulations introduced in 1931 did they become public and managed by the judicial bodies (De Vito, 2009, p. 50). Between the 1950s and 1960s, the Patronati began the experimental recruitment of personnel with professional qualifications in the field of social assistance. So, the first social workers entered the prisons and the first traineeships for the students of social services schools were organised. This was a major turning point in the prison sector since, for the first time, a portion of the personnel working inside the prisons continued their work also outside the penal institutions, in the environment where the convicts lived, with the purpose of preserving family relations and establishing a network involving the territorial entities (Breda, Coppola and Sabattini, 1999). Nevertheless, the social workers still had rather limited cultural and professional experience and their actions were still oriented towards voluntary aid and assistance (Giuffrida, 2003).

The reform introduced in 1975 brought about the creation of social service centres for adults (Centri di Servizio Sociale per Adulti – CSSAs). These agencies were autonomous from the prison institutions but subject to the authority of the Ministry of Justice, and

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4 Within the Italian scientific debate, control and assistance have been interpreted as expression of the paternal culture and of the maternal culture (Sarzotti, 1999).
5 Just like in the United Kingdom (see Vanstone, 2008; Gard, 2007; Raynor, 2007; Worrall and Hoy, 2005), also in Italy the provision of support to convicts had philanthropic and religious origins.
their duties were specifically limited to the enforcement of measures alternative to incarceration. The first public competitive examination for the recruitment of permanent social workers was organised by the Prison Administration in 1978. One of the elements that characterised the organisation of the CSSAs was that their staff included solely social workers, who covered all the existing professional positions, from the lowest to the managerial levels. In 2005 the CSSAs were renamed UEPEs — i.e. Offices for the Enforcement of Non-Custodial Sentences (Law 154 - 27th July 2005). The renaming of the agencies seems to be linked to the request made by a portion of the officers to have their role further specified in terms of justice social workers (hence, integrated within the larger system of sentence enforcement), while abandoning their links to the generic sector of the social services.  

In just over thirty years, there has been a progressive increase in the number of cases assigned to the UEPEs. In 1976, the total number of individuals was 599, whereas it reached a staggering 50,228 in the period just before the 2006 collective pardon was approved (which drastically reduced the number of individuals subject to non-custodial measures, since it was applicable to all those who had to serve a residual sentence not exceeding three years). In June 2013, the total number of cases was 22,244. At present, there are 81 UEPEs in Italy, employing a total of 1,030 social workers (Source: Ministry of Justice, data as of 31st May 2013).

The social workers’ work environment: from the prison to the external community

In the period immediately after the 1975 reform was passed, social workers performed their activities mainly inside the prisons. The relationship between the social worker and the user was established within a context in which the prison was the key element in the life of the individual. In that period, in order to be placed in the care of the social services, it was necessary for the individuals that their judgement had become final; they also needed to be in prison and to undergo, for at least three months, a procedure of scientific personality observation by a team including the social workers, among other professionals (educators, managers, experts). Later regulations, fully implemented by the Simeone-Saraceni law 1998, brought about radical changes in the conditions for access to alternative measures and, more generally, in the cultural meaning attached to the punishment. These transformations also had major consequences on the role played by social workers as well as on their relationship with the users. In fact, the law stated that those who had to serve sentences not exceeding three years should be given the opportunity to be placed in the care of the social services directly, i.e. without being sent

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6 These evolutions display the same pattern as the process of centralisation of probation services occurring in England and Wales, particularly in relation to the setting up of the National Offender Management Service, which brings probation and prison services together under the same institution (see Worrall and Hoy, 2005; Flynn, 2002; Nash, 2000).

7 The Simeone-Saraceni Law, signed in 1998, allows prisoners who have a sentence, or the remainder of a sentence, of three years or less, to have their sentence changed into a suspended sentence with a probation order. If they meet specific requirements (a house, a job, etc.) they thus need not enter prison.
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to prison, through the mechanisms of automatic suspension of the sentence. Hence, this law was a major step in the process leading to the application of the principles of minimal criminal law, which includes, among other concepts, that of using imprisonment as a last resort (Ferrajoli, 1989; Baratta, 1982).

This process had obvious repercussions on the relationship between the individuals sentenced to alternative measures and the professionals entrusted with their supervision.

Basically, the difference lies in the fact that the users perceive the officers in a completely different way. When they approach the social workers, the prisoners see them as a potential way out, because they already find themselves in a state of captivity. Instead, those who are condemned while being free perceive the social workers and the offices for the enforcement of non-custodial measures as potential threats, as those who can make them go to prison. This is why, when faced with these individuals, the officers are caught slightly off-guard in relation to what they perceive as their traditional role (Justice social worker - Italy).

Some social workers describe a situation of more limited collaboration by the convicted individuals who are assigned to their offices when coming directly from a condition of freedom.

The perspective is certainly different, because those who are in prison want to be released and are willing to follow an alternative project, to comply with the rules. While the fact of not going to prison... the sentenced person is less collaborative, because this is an imposition and not a choice (Justice social worker - Italy).

Most officers find that individuals who come from a situation of freedom display lower institutional dependence (De Leonardis, 1990) in comparison to those who have spent a long time in prison. “Dependence binds to the institutions not only the individual receiving assistance but also the social worker. The latter too is personally involved in perpetuating a relationship of dependence” (De Leonardis, 1990: 53). In general terms, for an officer it is easier to interact with those individuals showing an higher level of institutional dependence, that is a lower level of authonomy and decisional empowerment (a strong “institutionalization”, according to Goffman, 1961). The concept of institutional dependence is particularly interesting when investigating how the recent evolutions have affected the officer-user relationship. When the situation becomes unbalanced, i.e. the subject displays much lower levels of institutional dependence while the officer keeps being bound by the usual relationship of dependence on the institution, the latter might fall into a state of frustration, which is likely to affect his/her relationship with the user.

In Italy, very little empirical research has been done on the relationship between the social workers dealing with community justice and the individuals under their supervision, differently from what happens in several other countries, above all in the United States and United Kingdom, where empirical research on the topic is much more common and
better established. As one of the few and most recent studies\(^8\) highlights, some officers believe that placing individuals who have not spent time in prison under the supervision of the social services years after they committed a crime might generate contradictory responses to the re-educational purposes that the community justice should pursue. This is because, for the most part, those who are sentenced to alternative measures while free – often as late as ten years after their offence – have not experienced any kind of separation from their social context. We are thus witnessing a case of failed correspondence between the spirit of the law, which introduces alternative measures with the main purpose of achieving social reintegration (to be pursued above all through finding and keeping a steady job), and the actual application of the law, which might generate *perverse effects* (Boudon, 1967) that go against the attainment of the rehabilitation ideal (for instance, because work engagements become incompatible with the time and space constraints imposed by the measure).

**The double task assigned to justice social workers**

Many have highlighted the ambivalences implied in the term *treatment*, which is understood both as the set of formal and informal rules regulating life inside the prison establishments and as the set of activities that must be organised by the penitentiary institutions in relation to the process of social reintegration of the convicts (Mosconi, 1991). In the case of social workers, there is a contradiction between their political-institutional duties, which lead them to operate in order to guarantee public security – by ensuring that the individuals subject to non-custodial measures comply with all the relevant requirements – and their technical-professional duties, which imply working to support, assist, and help said individuals in overcoming the obstacles hindering their social reintegration (De Leonardis, 1990). The officers have very different opinions concerning the placement of their role along the assistance-control continuum. Some believe it indispensable to preserve the features and dynamics that are typical of the social services.

In comparison to the prison administration, in one way or another, our offices have always been known for being closer to the users, for providing understanding and support, and for considering the convicts as people who can redeem themselves and be reintegrated. It has always been our strong point (Justice social workers' manager - Italy).

Many other social workers, however, seem to be aware of the fact that there has been an evolution in their role over the last few years, and so they feel the need to implement control and want to be able to use the tools to exercise it.

After the 1975 reform and later modifications, the role of the prison social service has changed very much. Its main function used to be that of supporting the supervision and treatment of

\(^8\) The reference here is to a research by Centeneri-Fobert Veutro-Giasanti-Palidda, carried out in two UEPEs, one in the North and one in the South of Italy, by using the methods of participant observation and interviews with both the officers and the users (Giasanti, 2004).
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Many have argued that the renaming of the offices from “Social Service Centres for Adults” to “Offices for the Enforcement of Non-Custodial Sentences” has not brought about major changes in the organisation of the offices, but rather that it was a political choice aimed at asserting the idea of non-custodial criminal justice, against the idea of community justice in the shadow of prison (Worrall and Hoy, 2005). Nevertheless, the symbolic significance of this change clearly emerges from the interviews with some of the officers, especially in terms of a different image in the eyes of the public opinion. Hence, there seems to have been a major impact with regard to the symbolic use of the law (Hespanha; 1999). There is rather widespread and shared awareness that the role has shifted towards control. What is different is how the operators have decided to respond to these changes. The responses range from a resolutely static attitude – upheld by those who insist on the peculiar features of the social services and on the need to distinguish between their activities and the activities of other professionals working in the field of sentence enforcement – to a strong dynamic drive, understood as the tendency to define a new social worker profile.

This system does not evolve above all because the officers themselves do not want to change the features of their professional content. The system needs to evolve and come to a redefinition of its operating principles (mission, content of activities, meaning of the interventions, and so on). [...] It is necessary for this system to transform itself, to radically change its foundations, and to move from a system based on providing assistance, or providing social service, to a system that implements the sentences from all points of view. Also in the case of non-custodial measures, control is something that must be exercised – and this must not be subordinate to providing help. The social services must evolve in this direction (Justice social workers' manager - Italy).

Within this framework, we can better understand the request, put forth by many, to adopt a specific system for the officers' training, capable of going beyond the traditional features of social service, which can be successfully applied to other fields but not to the extremely peculiar field of community justice.

The officers' training: what kind of relationships between the academic world and the justice system?
The debate on training often becomes a stimulating occasion for discussion about more general issues, such as the role of non-custodial sentences, the function of punishment, the power relationship between the officers and the users, as well as the recent
managerial developments in the field of community justice. In this sense, the debate on training is not a purpose in itself but rather a way of interpreting broader phenomena. While in Britain it has been on-going for at least thirty years and is now consolidated (on a political, academic, and professional level), in Italy it is almost non-existent. The officers' training is discussed to a very limited extent outside the specific institutions created to deal with the matter. The lack of a broader debate involving above all the university leads to fewer chances for profitable discussions and exchanges of ideas between the two worlds, especially when compared to the British case. This paper aims at contributing to the initiation of such a debate.

While in the United Kingdom a specific training system has been in place since 1997 (the Diploma in Probation Studies – DipPS, then replaced, in 2009, by the Probation Qualification Framework (PQF)), in Italy the requirements are limited to generic training in Social Service. Specific training is delivered by the penitentiary administration upon commencement of service. In this section, we wish to focus on the main differences between the two systems and their implications. One of the most relevant differences concerns the type of relationship existing between the justice sector and the academic world, which is much closer in the U.K. than in Italy. Since the 1950s, British universities have played an active role in training probation officers. Besides this specific academic training, another important feature regards how the university and the Ministry of Justice collaborate in planning the training activities.

The Ministry has a strong influence on the whole training activity. However, when it wants to change the curriculum, it usually asks us for suggestions about what to change. I do not think that there is great disagreement between the universities and the Ministry about the curriculum to be implemented. First, they offer us a contract and, when it is signed, we sit down at a table with them and discuss what to do (Academic trainer - England).

An example to this end is given by the development from the DipPS to the Probation Qualification Framework, in 2009. Some academic actors presented a Consultation Paper proposal aimed at collecting views from probation officers, trade unions and stakeholders about the introduction of a new qualification framework for probation practitioners (Consultation Paper CP[L] 9/09, published on 16 June 2009). The procedure in itself and the variety of the answers collected shows the connection between the academic world and the probation services and a high propensity to discuss the process of changing.

In Italy, the relationship between the academia and the prison administration is much less consolidated than in the United Kingdom. There is a much wider gap between university education, offering generic Social Service degrees, and the specific training delivered to social workers when they begin their service in the offices for the enforcement of non-custodial measures. The specific training is planned and provided by the penitentiary administration, following ministerial guidelines and mainly using its own internal personnel. Participation by universities is sporadic and it involves lessons based on specific requests made by those who plan the courses, i.e. the prison administration personnel. The university plays no role in establishing the general objectives of the
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courses during the planning phase. It must also be noted that university contributions are decreasing, due to reduced funds allocated to the payment of external lecturers, so that the lessons are generally held by the penitentiary administration’s internal managers.9

Another key feature of the British system, which confirms the strong linkages between university and social service, concerns the professional background of most of the teachers who hold the training courses for the operators. All the interviewees in our survey used to be probation officers before becoming trainers – and this is not true only for the sample in our research: academic positions are usually accessed after a period of practical work in the social services. Instead, the distance between the academia and the prison administration in Italy seems to be confirmed by a very low number of university professors with specific professional experience. This is mainly ascribable to the fact that the Italian systems for the recruitment of personnel are much more rigid than those of the U.K., both in the academic world and in the prison administration, so that moving from one sector to the other is rarely possible.

Some members of the Italian penitentiary administration hope for closer collaborations with the universities, as confirmed by the interview reported below:

We certainly need to collaborate with the universities. In my opinion, the training we provide should be supported and promoted also through collaborations with external teachers. To receive good training, for example in prison law, you need a teacher who can explain in detail how the regulations have changed, etc.10 (Justice social workers’ manager - Italy).

Hence, the Italian framework seems to be characterised by a time separation between underpinning knowledge and overarching knowledge (Nellis, 2001), i.e. between professional, technical, and operational training and academic, more theoretical education. Focus on both types of knowledge, and their simultaneous presence, is seen by many as a key element in the learning process of the officers who work in the community justice field (Nellis, 2001; Nicholson and Sellers, 2007). It is true that the first part of the social worker’s training includes a more theoretical part, but this is more and more often delivered by officers internal to the prison administration, with obvious risks of self-referentiality. These officers certainly possess a higher degree of specific, practical

9 It must be underlined that this trend, also endorsed by the most recent ministerial guidelines on training, is in contrast with what is stated in Recommendation (97) 12: “Initial training methods should make use of effective learning procedures. When appropriate, use should be made of teachers who are external to the service(s) for the implementation of sanctions and measures” (art.18); and “In the provision of training, use should be made of specialists who are external to the service(s) for the implementation of sanctions and measures. Such training should be conducted in conjunction with specialised bodies external to the service(s) concerned” (art. 23).

10 In this regard, it should be noted that, out of the 33 degree courses in Social Services offered by Italian universities in academic year 2011-12, only 5 courses included an exam in Prison Law as basic subject, though most of the degree courses offer exams in Criminal Law or in Sociology of Law and Sociology of Deviance. At least six degree courses, instead, do not include any of these subjects. In any case, also the Italian Faculties of Law rarely offer courses in Prison Law.
experience in comparison to external teachers, but they cannot provide the added value of an external point of view. In other words, they can offer the highest possible amount of underpinning knowledge, but they cannot guarantee a sufficient amount of overarching knowledge. Hence, they are not likely to provide reflection on action (Nicholson and Sellers, 2007), which helps the officers in reflecting on the wider context in which they work, in relation to the role they play within the penal system, the function of the punishments they are called to supervise, their relationships with the users, etc. For those who work or will work in the community justice field, the ability to exercise critical thinking is a fundamental prerequisite to avoid being subject to the needs of the system and its strong interests and to produce change (Prina, 2003).

**Between generic and specific training: the issue of the control-assistance continuum**

One of the most interesting aspects relating to training criticalities and suggestions concerns the crucial role played by training in placing the social worker along the control-assistance continuum. It is generally believed that the generic training currently provided in Italy preserves the typical principles and modes of operation of social work.

The idea is that social service training can be applied to different contexts in different environments; it is then refined after the social worker commences service. Developing only specialised skills does not provide the students with all the disciplinary or theoretical-practical prerequisites that are needed in social service training. [...] Excessively specialised training makes them lose sight of other content (Justice social worker - Italy).

Conversely, others claim that generic social service training greatly hinders the actual management of the profession and they deem it necessary to provide specific training for the community justice officers.

Our social workers are trained for services typically focusing on the community and not properly on the enforcement of non-custodial measures. This is the major problem and the great limitation our officers have (Justice social workers' manager - Italy).

Such an opinion is often based on the acknowledgement of the control function exercised by social workers assigned to the criminal justice sector. Hence, two options are now possible.

We can set up offices in which there are various professions, and each officer is in charge of a portion of the punishment function (which is what happens in prison or in other situations). This is one approach. The other approach is to have officers trained to take charge of one type of punishment, but from all points of
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view. These individuals can no longer be social workers, they must be another type of officers (Justice social workers' manager - Italy).

Nevertheless, also those who believe it necessary to keep the training within the social service field acknowledge that it would be extremely useful to address the specific issues concerning the system for the enforcement of criminal sanctions.

The students find it very difficult to get to grips with the mechanisms of the UEPEs. You always hear talk of social services in the health sector or in the local institutions. But the justice or State social services are somewhat unknown, you hear very little about them, except when studying prison law (Justice social worker - Italy).

Some are worried about the fact that there might be a relationship between the type of training received by the officers and their position along the assistance-control continuum.

Keeping the diploma in social service as the basis helps curb the dimension of control. If you overlook disciplines such as Principles and foundations, Values that move the profession, The value of dignity or if you do not develop all the techniques and methods of social service, you risk losing sight of the meaning of your profession (Justice social worker - Italy).

The fear is that a shift towards more specific training is very likely to distance the officers from the cultural background typical of social work, from which they learn to provide support and to limit the emphasis on control. Hence, using Bondeson’s categories, training seems to have a prominent role in causing a shift from the welfare model to the paternal or punitive model.

Some experts are persuaded that the abovementioned shift has already occurred.

Training has changed through the decades because the social services and their organisation have changed. We were hired to do a certain kind of work, because prison regulations talked about help-control and strong emphasis was placed on supporting social inclusion. A lot has changed since then, even though the law has remained fundamentally the same, despite some minor modifications. It’s not that change is wrong, but the culture around us has changed quite a bit too. Training has changed because social service has changed and the training needs are different (Justice social workers' manager - Italy).

In conclusion, those working in the field have very different points of view. Some wish to preserve the status quo, by clinging to the traditional principles of social service, whereas others express the need for an evolution in training methods, in order to make the officers
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aware of the recent shift toward control and to provide them with the professional tools they will need. It must be underlined that both opinions go well beyond the mere pursuit of work efficiency; they rather refer to much broader issues that have to do with the function of punishment and the role of the officers. The fact that external observers find it difficult to subscribe completely to either point of view is emblematic proof of the seemingly unsolvable ambivalence between control and assistance characterising the role of those in charge of enforcing community sentences.

Conclusion: could Italy learn from probation training in England?
In the United Kingdom, the shift toward control in the probation system is expressed in a much clearer and probably much more conscious way.

For many years the training of probation officers was the same as that of social workers. But probation officers have often shown that they speak a different language from generic social workers, made of control, protection of the citizens, etc. (Academic trainer - England).

According to some authors (Smith, 2001), as for how social workers are trained, the Labour Party’s mantra “tough on crime and its causes” was mainly translated into the setting up of training courses for probation officers, aimed at developing their skills in assessing and managing risk, recognising and treating criminogenic needs, managing offenders, etc. “The new government accepted the definition of probation as essentially a type of punishment, and therefore, as specified in the 1997 Crime (Sentences) Act, not a measure that needed the offender's consent; social work training logically had nothing to do with the delivery an enforcement of punishment” (Smith, 2001:641).

Conversely, in Italy the emphasis placed on control is acknowledged to a much lesser extent. Our interviews clearly show that the officers are aware of the fact that the social worker’s role has changed, shifting its focus from support to control. Regardless of the fact that individual officers might approve of this shift or see it as a negative evolution, they all acknowledge that a shift has occurred, and some believe that it should be taken even further. Nevertheless, said evolution has not had any explicit impact on how the officers are trained. They are still required to possess the typical social service background, whereas all the specific skills needed in the penal field are acquired during the initial training phase delivered by the penitentiary administration and in the field. This non-correspondence inevitably causes the officers to be caught unprepared when commencing their service.

Moreover, even though it has not had any significant impact on the everyday life of the social workers and has been mostly seen as a mere formality, the change in name from CSSAs to UEPEs has caused major changes, at least from a symbolic point of view. The choice of removing the tag of “social service” from the name, along with the proposal of

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11 See the interview with Tony Blair recorded from transmission BBC-2 (4 July 1993), http://www.bbc.co.uk/otr/intext92-93/Blair4.7.93.html
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assigning members of the prison police to support social workers in the UEPEs, indicates a major shift towards the element of control and confirms a general trend in the penal system as a whole. However, while the shift has been made very explicit in the United Kingdom, the same is not true for Italy. The result is that the social worker’s role is made even more ambiguous, since they receive standard social service training but then they are continuously required to respond to pressures that go in the opposite direction, i.e. towards social panopticism (Wacquant, 2004). Hence, the matter seems to be that of defining their role more explicitly and, at a broader level, of reflecting on the function currently played in Italian society.

To this end, can we gather that the English model could take place in Italy? It is hard (and probably inappropriate) to say that the training system is transferable as it is to the Italian context, because of the substantial differences between the two judicial and academic systems, on an historical, legal and socio-legal point of view. The main issue here is the probable resistance by a part of the justice social workers, as a consequence of the strong adhesion to the social service values being typical of such professional culture. Do the staff wish for a training which is more oriented toward control? It seems they have dissenting opinions to this end. Then, from an organisational point of view, we have to consider the different ways to recruit the staff: in Italy it occurs through an open competition, the most recent of which took place in 2001. The irregular frequency of the recruitment could provoke difficulties in the training planning and fulfilment.

Nevertheless, in the light of what we have shown up to this point, there are three aspects that Italy should borrow from UK. Firstly, the close relationship between the justice system and the academic world may open the door to a useful exchange, dialogue and comparison. Secondly, a training which is external to the prison administration may reduce the risks of self-referentiality. Thirdly, a training which is together theoretical and practical may instruct the officers without diverting them from the broader meaning of their role within the penal field. More generally, the development of the debate on such topics could also enhance the public discourse on the care-control ambivalence, examining in depth the features of such dichotomy.
References


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THE IMPACT OF RESTORATIVE AND CONVENTIONAL RESPONSES TO HARM ON VICTIMS: A COMPARATIVE STUDY
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Abstract
This article presents the results of intervention research that compared the impact on victims of restorative and conventional approaches to juvenile justice. Using a quasi-experimental design that allowed for statistical control of select pre-intervention differences, victims were compared on nine variables across the domains of accountability, relationship repair, and closure. A brief review that describes and locates each variable in the literature is offered to provide clarity about their conceptual meaning. The findings support the conclusion that restorative responses in the aftermath of harm are significantly more beneficial for victims than conventional approaches.

The research reported in the article was funded by the Alberta Law Foundation.

Key words: restorative justice; group conferencing; diversion; victims; comparative
Introduction

Over the past two decades there has been increasing attention paid by North American and European Union governments to public concerns about the youth criminal justice system. Despite considerable evidence of an actual decreasing incidence of youthful harms over this period (Thornton, Craft, Dahlberg, Lynch, & Baer, 2002), selective media coverage of sensational harms caused by youth have served to produce chronic pressure on policy makers in both educational and justice institutions to react with a “get tough” or “just-desserts” mentality to youthful wrongdoers (Ghetti & Redlich, 2001; Roberts, 2003). Seemingly lost in this punitive focus are the needs and voices of victims, where despite considerable personal and financial cost, victims continue to be marginalized in the youth justice system (Zehr, 1990). As Choi and Severson (2009) note:

Many crime victims face insensitive treatment in the criminal justice system. They often receive no restitution and rarely do they hear genuine expressions of remorse from the offender when the case is processed within traditional criminal justice system proceedings. (p. 813)

Dissatisfaction with the treatment of victims under the current retributive regime may have in part contributed to the emergence of restorative approaches (Zehr, 1990, 2002). Unlike youth justice policy in New Zealand and Australia, where legislation mandates restorative approaches, and in some Western European nations, where child welfare models predominate (Arthur, 2004; Pitts, 2005), Canada’s Youth Criminal Justice Act includes both ‘get tough’ measures and opportunities for restorative responses (Denov, 2004; Erickson & Butters, 2005; Hillian et al 2004). Like their counterparts in the United States (Bazemore & Schiff, 2005; Varma, 2006) and Britain (Arthur, 2004; Barnett & Hodgson, 2006; Field, 2007; Gillen & McCormack, 2007), Canada’s youth justice policy makers may be attempting to reconcile public pressure to “get tough” on youth crime with simultaneous but contradictory pressure to protect “the best interests of the child” (Denov, 2004; Roberts, 2003). In the face of negative public perception and generally “political and reactive” responses, there is urgent need to examine and document the outcomes of the few opportunities afforded by governing legislation for “exemplary and promising” (Merlo & Benekos, 2003) alternatives to the increasingly dominant punitive sanctioning approaches.

To contribute to the discourse on finding more appropriate responses to needs of victims, the primary purpose of this study is to compare the effects of restorative versus conventional justice approaches on people who had been harmed by a young person. The research was conducted in collaboration with a restorative justice program in Calgary. Following a brief description of retributive and restorative paradigms as well as pertinent research, we will describe the restorative justice program undertaken by Calgary Community Conferencing, the process of specifying variables for the study, and finally the methods, results, and implications of this research.
Contemporary Paradigms in Youth Justice

Underpinning contemporary discourse on youth justice initiatives are two models that offer different definitions of wrongdoing, processes and outcomes. These paradigms include the retributive and restorative models. The retributive model codifies wrongdoings into systems of abstract rules associated with particular consequences assuming that wrongs are discrete events to which some true and universal meaning can be assigned (Hudson, 1998; Llewellyn and Howse, 1999). This process focuses on a search for "facts" that will irrefutably establish the innocence or guilt of the alleged wrongdoer (Zehr, 1990). Once guilt for wrongdoing has been established, its consequences are pre-determined (Van Ness and Strong, 1997), which suggests an underlying assumption that there is a "standard average victim" (Hudson, 1998, p. 241) and that the harm caused by the wrongdoing can be generally known. During the sentencing process the wrongdoer becomes a passive recipient of his punishment which is intended to deter him from future wrongdoing (Llewellyn and Howse, 1999). This strategy suggests that the essence of the wrongdoer, that which caused him or her to commit the wrong, can be best addressed when experts respond with appropriate sanctions.

The principles and practices of the retributive model are individualistic in nature. They focus almost exclusively on the wrongdoer, removing him or her both from the context of the wrongdoing and from others affected by his or her actions. Not only are the needs of those who have been impacted by the event considered irrelevant, but so are the relationships among all involved. Once guilt has been established, the wrongdoer and person harmed are typed (Freedman and Combs, 1996) as criminal and victim respectively. Hudson (1998) and others have noted the stigma associated with being classified as criminal or victim (Bazemore, 1998; Llewellyn and Howse, 1999; Van Ness and Strong, 1997) and have argued that this stigma has "generalized deleterious, and often irreversible consequences" (Hudson, 1998, p. 249). Finally, by isolating this person from those affected by the harm, punishment denies the wrongdoer the opportunity to understand how those harms affected other people's lives and to become accountable for those harms.

In contrast, the restorative model offers a relational response to wrongdoing, focusing on the relationships that have been harmed and what needs to be done to repair those relationships. Here, the problem is not circumscribed to the individual responsible for the harm in question, but the relationships between that person and those affected by the harm (Bazemore, 1998; Llewellyn and Howse, 1999; Zehr, 1990). Ideally, these relationships are characterized by social equality, that is, by "equal dignity, concern and respect" (Llewellyn and Howse, 1999. p. 25). The doing of wrong indicates that social equality has been upset. The emphasis on negotiated rather than on guilt-proving facts recognizes that all involved in the process, including the person who wronged, were affected by the wrongdoing in some way. Acknowledgment of the harm by the person who wronged has been described as a "crucial step towards their taking responsibility and being accountable for their actions" (Llewellyn and Howse, 1999. p. 29). It opens a space for that person to experience empathy for the person(s) harmed and to feel the need to redress the harm (Bomaine, 1998; Llewellyn and Howse, 1999). While there is some variability in the structures used for facilitating this process (Immarigeon, 1999; Van Ness
Calhoun & Pelech

and Strong, 1997), conferencing models emphasize the voluntary inclusion of anyone affected by the wrongdoing and the need to provide a safe forum for truth-telling, encounter, and a negotiated reparation agreement (Llewellyn and Howse, 1999).

The potential benefits of the restorative model have not resulted in a great deal of attention in terms of empirical research. As Gumz & Grant (2009) have noted such limited attention may be potentially due the challenges presented by the diversity of community-based approaches with different programs offering, “unique organization, structure, and participant involvement” (p. 123). The scarcity of studies centering victim outcomes seems contradictory to the consistent claim that a main benefit of restorative approaches is their helpfulness to victims. Criminal victimization has been described as “one of the most stressful human experiences” (Green & Pomeroy, 2007). While a percentage of victims seem to recover quickly and permanently from the offence, others suffer financial, physical, social and/or psychological consequences. Quantitative and qualitative studies provide evidence that symptoms in the aftermath of victimization range from mild distress to severe mental health conditions (Green & Pomeroy, 2007; Herman, 2005; Orth & Maercker, 2004). For example, criminal victimization has been linked to subsequent development of post-traumatic stress disorder, depression, substance abuse and panic across a number of studies (see review by Kilpatrick & Acierno, 2003). Such serious consequences may be more likely among victims of violent crime, but there is evidence that recovery is associated with the victim’s perceptions and beliefs, regardless of the specific characteristics of the harm. The potential for such debilitating consequences argues for evaluative studies of restorative justice programs to focus as much on victim outcomes as on offender recidivism.

Calgary Community Conferencing Restorative Justice Program

Calgary Community Conferencing (CCC) has been in existence since 1998, operating as a partnership between the municipal youth justice system, the local public school board, and several non-governmental agencies. In the program’s first eight years of existence, facilitators convened over 275 conferences with approximately 500 young people responsible for harms, 450 victims, and 1,000 supporters. According to typologies developed to encompass the wide variations in restorative justice practices, Calgary’s program could be classified as a group conferencing (Bazemore & Schiff, 2005; McCold, 2001) or perhaps as a victim-offender mediation and dialogue (Umbreit, Coates & Vos, 2007) model. The program focuses on misbehaviors that have had significant impact on the youth responsible and/or on the victim. The agency’s procedures are fully described elsewhere (Sharpe, 2003). Key elements include the young person’s admission of guilt that results in a referral to the program through either youth court or a public secondary school; voluntary participation of young people, victims, and supporters of each; and pre-conference preparation of all participants. A conferencing specialist facilitates the face-to-face meeting among all involved; toward the end of the meeting, the offender (and supporters) typically develops a restoration agreement that is then considered, and often adjusted, by the victim (and supporters). In the spirit of restorative practices generally (Shapland et al., 2006), the Calgary program tailors its procedures to fit specific offender and victim circumstances. Indeed, school-referred situations often have no identified
The Impact of Restorative and Conventional Responses to Harm on Victims: A Comparative Study

offender or victim and instead involve mutually hostile engagement among a group of young people that has erupted in a crisis event resulting in a referral to conferencing by a school authority. Conferences in these situations vary considerably from what might be considered the norm.

Specification of Variables

Bazemore and Schiff (2005) advocate “theories of intervention” or logic models as one way restorative programs can specify and make sense of their intended participant outcomes. Long term goals of restorative programs can conceptualized as their eventual, or ultimate, dependent variables and typically include reduced recidivism among offenders, long term healing among victims, and enhanced safety within communities. These variables, however, are difficult to operationalize in meaningful and valid ways, and are generally beyond the scope of agency-based research efforts. Immediate and intermediate goals that theoretically and logically predict the long term outcomes are potentially more measurable by restorative programs. Furthermore, exploration of these intermediate goals may help address “deeper” questions regarding how restorative practices actually affect longer term, or ultimate, benefits (Abrams, Umbreit, & Gordon, 2006). Understanding the variables that theoretically lead to victim recovery would not only facilitate nuanced discussion about restorative justice theory, but also contribute to enhanced program design and delivery.

The long term goals of Calgary’s program reflect the usual restorative goals of reduced reoffending, victim healing, and community safety. The program’s intermediate goals were developed through consideration of existing theoretical and empirical literature, the conferencing experiences of program staff members, and research interviews with participants and stakeholders. Two rounds of qualitative data collection occurred. Initial interviews with 42 participants and stakeholders helped to identify intermediate outcomes (Calhoun & Borch, 2002). Subsequent interviews with 23 victims and offenders confirmed and enriched the description of these outcomes (Calhoun 2004; Calhoun & Daniels 2005; Pelech & Calhoun, 2005). The lengthy and complex process of literature review, reviewing conferencing experiences, and collecting and analyzing qualitative data from relevant stakeholders eventually resulted in the specification of intermediate outcomes across three main domains – accountability, relationship repair, and closure – with multiple variables/outcomes identified within each domain.

This study addresses the following general research question, “Among victims who experienced a harm committed by a young person, what different effects are associated with participating in a restorative compared to a conventional justice response?” Using a quasi-experimental design that allowed for statistical control of select pre-intervention differences, the victims were compared on nine variables across the three domains of accountability, relationship repair, and closure. Given that empirical study of these particular variables has not been previously attempted, clarity about their conceptual meaning is addressed through a review that briefly describes and locates each variable within existing literature.
Victims’ perception of offender accountability

Calgary’s restorative justice program defined a four-part model of victims’ perceptions of offender accountability. Theoretically, healing is positively correlated with the strength of victims’ beliefs that the offender has assumed responsibility for the harm, experienced empathy for their (the victims’) experience, expressed remorse, and taken initiative to redress the effects of the harm. It is important to note that how victims perceive the relative genuineness of an apology is both complex and may differ greatly from the perceptions of those responsible for harm (Choi & Severson, 2009). The first component, the young person’s assumption of responsibility for the harm, means that the youth clearly ‘owns up to’ the behavior he or she performed. According to a victim interviewed as part of the previous qualitative research:

“He just said that it was his fault and he instigated the matter. So, in my view, that’s taking responsibility for it.”

Victims described feeling “relieved”, “glad,” and “happy” when the young person assumed such responsibility, which appears to be consistent with academic literature (Herman, 2005; Petrucci, 2002; Wright, 2002). Based on a study of almost 300 restorative conferences with adult offenders, Shapland and her colleagues (2006) observed that, on the few occasions conferences broke down or were unsatisfying to victims, the offender denied or partially denied responsibility for the harm. Re-traumatization of the victim may occur during a restorative process if the offender denies responsibility (Wemmers & Cyr, 2005). Attribution theory offers a potential explanation for the importance to the victim of the offender’s assumption of responsibility in that, unless the offender assumes responsibility (Maercker & Muller, 2004; Petrucci, 2002; Strang et al., 2006)

Believing the offender empathizes with their experience may also be associated with victims’ long term healing. In a review of 46 studies, Umbreit, Coates, and Vos (2002) found that victims frequently connected satisfaction with a restorative justice process to having the opportunity to talk about the harmful event and the pain it caused. In a qualitative study, victims emphasized how important it was to be heard and have their hurt understood by offenders (Lovell, Helfott, & Lawrence, 2002). An expression of sincere remorse from the offender may also support the victim’s recovery from the harmful incident. Some empirical evidence documents this relationship. For example, victims in one study identified offender remorse as “essential to the healing process” (Lovell, Helfgott, & Lawrence, 2002, p. 264). In a separate study, some victims thought genuine offender apologies unlikely but remorse was a “fervent wish” for others (Herman, 2005).

The final aspect of accountability in the Calgary model involves the young person committing to a consensually agreed upon plan intended to redress the harm caused to the victim. The word ‘redress’ is deliberately used to emphasize the impossibility of completely ‘righting the wrong,’ which is in keeping with other formulations of the construct (Fields, 2003; Umbreit, Coates, & Vos, 2007; Zehr, 2002). While not intended to be equivalent, the conceptual definitions of “redress” and “compensation” are similar. One study indicates that, for victims, compensation may be indicative of offender remorse
and helps to facilitate forgiveness of the offender (Ristovski & Wertheim, 2005). A victim interviewed in the Calgary program’s earlier qualitative study connected remorse and redress, as follows:

“You can't replace that but can you show me remorse?”... You want people to say sorry at least. I mean very simplistically, it makes a difference if you show remorse.”

Furthermore, compensation has been documented as one of the few correlates of reduced feelings of revenge among victims of violent crime (Orth & Maercker, 2004). It has also been empirically related to victims’ satisfaction with a justice process (Fields, 2003; Morris & Maxwell, 1997; Umbreit & Bradshaw, 1999).

**Relationship repair**

Conventional Western approaches to criminal justice are notoriously disinterested in the qualitative experiences of victims. One consequence of the assumptions underlying the criminal justice system is the belief that victims’ interests are fairly represented by the state. The restorative justice approach is explicitly based on the belief that wrongdoing represents at least equally, if not more importantly, harm to social relationships as it does violation to states’ codes of law. Respectful interaction is considered valuable in and of itself in restorative approaches (Coates, Umbreit & Vos, 2003; Umbreit, Coates & Vos, 2007). These approaches are intensely concerned with the relationship between people harmed and people responsible for harms.

The establishment or re-establishment of respectful relationships is an important goal of most restorative justice processes and programs (Bazemore & Schiff, 2001; Braithwaite, 2002; Roche, 2006; Zehr, 1990). In the Calgary model, victim healing is theorized to be associated with the belief that the offender understands the impact of the harm. “Mattering” to the system officials and the offender was of utmost important to victims in Herman’s (2005) study of a small sample of survivors of sexual abuse. This sense of personal significance may arguably be accomplished if the victim experiences the offender as respectfully and significantly understanding of the impact of the incident.

The process facilitated by Calgary’s restorative program is intended to not only help the victim feel understood and respected by the young person responsible for the harm, but also to facilitate the victim’s understanding of and respect for the youth. As described in the literature (Hogeveen, 2005; Sprott, 2003) and documented through our interviews with conferencing participants, the public (including victims) tends to hold fairly one-dimensional or flat perspectives on young offenders (e.g., ‘juvenile delinquents’ or ‘monsters’). Contrary to this popular opinion, it is not unusual for youth responsible for misbehavior to be suffering multiple challenges of their own, including poor parenting, previous victimization, and problems with peers and in school (Latimer, Kleinknecht, Hung & Gabor, 2003).
Interviews provided qualitative evidence that victims who participate in a restorative process often experience meaningful change in their understanding of the young person. For example, one victim stated that, after the restorative conference:

“I realized that they that they [the offenders] weren't like bad people who went around bothering people. I realized that they were just they were normal people who do normal things.”

This victim attributed the change as follows: “after I told my story and they told theirs, we all understood each other which I think helped a lot. I think without understanding you can't really get to know a person really well.”

Some theoretical literature also connects victim healing and understanding the young person. For example, Varma’s (2006) investigation found that participants’ perceptions of young offenders were modified when they had specific information on individual offenders. According to Ristovski and Wertheim (2005), victims who exhibit high empathy toward their offenders are presumably more likely to experience forgiveness, although this hypothesis was only partially supported in their empirical study conducted with non-victimized subjects who rated written crime scenarios. A relationship between empathy for the offender and forgiveness is suggested by Armour and Umbreit (2006), who also connect empathy to reduced vengefulness. The combined evidence suggests it is not unreasonable to expect healing to be advanced as the victim develops a multi-dimensional understanding of the offender.

**Closure**

In addition to offender accountability and relationship repair, Calgary’s conferencing model specifies ‘closure’ as an intermediate outcome domain. The word “closure” has been popularly used to describe getting over a negative event or putting a negative event behind oneself. In the Calgary model, the concept of closure has a different meaning, one directly tied to the results of our interviews with victims who had participated in a restorative conference. Although these participants almost invariably used the term “closure,” analysis of the interviews indicated an interpretation different from the popularly held notions. In the Calgary model, closure includes two dimensions: having the impact of the event acknowledged and having a sense of hopefulness for the future. In our interviews with victims who participated in conferencing, these experiences were often evident. Victims described feeling “relief,” “not having anything to worry about anything,” like “I could forget it more and live on a little easier,” and “like all the dust was settled” after completing the restorative process.

The victim’s experience of closure has received some attention in the restorative justice literature. Authors refer to helping victims “move on” or “feel free” from troubling emotions associated with the harm (Herman, 2005; Lovell, Helfgott, & Lawrence, 2002; Petrucci, 2002), and to restoring victims to “normal” (Bonta, Wallace-Capretta, Rooney, & McAnoy, 2002, p. 320) or to “their condition before the crime” (Olson & Dzur, 2004, p. 143). Following review of 46 studies of victim-offender mediation programs, Umbreit,
Coates, and Vos (2002) report that “numerous victims were consumed by the need for closure” (p. 3) and imply that victim satisfaction with the restorative process was associated with a sense of having achieved this outcome.

The closure construct remains inconsistently defined in the academic literature. In Calgary’s model, closure for victims includes two components: acknowledgment of the impact of the harm and a sense of hopefulness for the future. Acknowledgment can help victims avoid feeling unsupported and misunderstood and, instead, assist their recovery through indicating unconditional acceptance (Maercker & Muller, 2004). Furthermore, acknowledgment may help to release feelings of revenge, although empirical evidence of this connection is lacking (Orth & Maercker, 2004). Freed from negative feelings of anger and revenge, the victim may be more able to feel hopeful about the future. There is some evidence of the relief victims feel if fear about future harm is alleviated (Strang et al., 2006). The construct “hopefulness for the future” may be related to victims’ ability to regain a sense of safety after a harm.

Existing theoretical and empirical literature provides some support for the Calgary’s program theory of intervention. That is, victim healing has been positively associated with belief that the offender has been held accountable for the harm, relationship repair, and closure. In the research study described below, a total of nine variables across these domains operationalize outcomes the program ideally hopes to achieve with victims harmed by the misbehavior of a young person. The program was interested in investigating the relationship between the victim scores on these variables and participation in restorative compared to conventional justice processes.

**Method**

**Measures**
The nine variables examined in the current study were operationalized by rationally-derived measures based on the results of the program’s earlier qualitative efforts to identify intermediate participant outcomes. The construction of measures was necessitated after review of existing tools in the victimization literature revealed none that seemed to provide valid operationalization of the specific variables identified by Calgary’s restorative justice program. A major disadvantage of this approach is that the constructed scales lack standardization, so confidence in their validity and reliability is necessarily tentative. On the other hand, the process of measure construction included both deductive (i.e., examining extant theoretical and empirical literature) and inductive (i.e., generating variables of interest and items to include in scales through participant interviews and staff reflection on conferencing experiences) strategies, which likely enhances their face and content validity. The psychometric efficacy of standardized measures applies only with respect to the variables they were designed to measure. Given the choice between using standardized measures of variables that are only remotely related to the variables in which they were interested or constructing their more direct (though non standardized) measures, the Calgary restorative program staff chose the latter.
The construction of scales to measure the nine variables built on the project’s earlier process of specifying intermediate program outcomes. That is, examination of those results resulted in the generation of numerous potential items. A repetitive process of consultation between principle investigators and program staff members eventually resulted in draft measures that staff judged satisfactory in terms of face and content validity. Individuals estimated to have about the same level of literacy as intended study participant pilot tested the scales and final modifications were made based on their feedback.

The measures constructed for the study each had multiple items to which participants indicate extent of agreement on 6-point Likert-type scales. About one-third of the items were worded in the negative. On the final study questionnaire, items on each scale were randomly dispersed throughout instead of occurring in blocks. The variable names, number of items in the scale, and example items are presented in Table 1.

Table 1  
Variable measurement and item examples

<table>
<thead>
<tr>
<th>Domain</th>
<th>Variable</th>
<th>No. of items</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offender Accountability</td>
<td>Offender Responsibility</td>
<td>6</td>
<td>The young person owned up to his/her part in the incident.</td>
</tr>
<tr>
<td></td>
<td>Offender Empathy</td>
<td>10</td>
<td>The young person is able to put him/herself in my shoes and understand what I feel.</td>
</tr>
<tr>
<td></td>
<td>Offender Remorse</td>
<td>8</td>
<td>The young person regrets what s/he did.</td>
</tr>
<tr>
<td></td>
<td>Offender Redressed Harm</td>
<td>8</td>
<td>The young person has made up for what s/he did wrong.</td>
</tr>
<tr>
<td>Relationship Repair</td>
<td>Offender Understands Impact</td>
<td>5</td>
<td>The young person has a good idea how much I was effected by the incident.</td>
</tr>
<tr>
<td></td>
<td>Experiencing Respect</td>
<td>6</td>
<td>I think the young person is someone I can admire.</td>
</tr>
<tr>
<td></td>
<td>Experiencing Understanding</td>
<td>9</td>
<td>The young person responsible for this incident probably has problems in his/her life, just like we all do.</td>
</tr>
<tr>
<td>Closure</td>
<td>Experiencing Acknowledgement</td>
<td>6</td>
<td>I’ve had meaningful ways to tell my side of the story about the incident.</td>
</tr>
<tr>
<td></td>
<td>Experiencing Hopefulness for Future</td>
<td>7</td>
<td>I feel like the incident is finished and I can move on.</td>
</tr>
</tbody>
</table>
Participants
The research team experienced multiple problems recruiting sufficient numbers of participants for the study, particularly of victims who experienced the restorative justice intervention. The rigorous consent process we were ethically obligated to undertake, particularly when victims were of minority age, provides one explanation for the difficulty recruiting participants. Victims are not ‘officially’ a part of the school and youth court systems; their confidentiality required utmost protection, adding additional complexity to the recruitment process. Victims were contacted by court or school personnel, who inquired about initial interest in participating in the research. Even after victims had consented to have names released to the research team, we experienced difficulties making telephone contact to arrange pre- and post-test meetings. Difficulties were compounded when the victim was a minor and we needed consent from both the youth and his/her parent or legal guardian. As we proceeded through the years of data collection, we tried several strategies to recruit participants and experienced multiple changes to the research team composition. Unfortunately, these changes likely resulted in some recording errors; the figures regarding the total number of victims referred to the project (but not the total who eventually participated) are probably somewhat underestimated.

A total of 173 victims indicated initial interest in participating in a research project regarding the harm they had experienced. Of these, 55 proceeded through a restorative process (48 referred to the restorative program from youth court and 7 from schools) and 118 received the ‘conventional’ services offered to victims whose offenders are being disciplined through the educational or justice system (113 related to youth court referrals and 5 to school referrals). Pre-tests were completed with 18 victims proceeding to a restorative conference (33%). Between pre- and post-test, 4 dropped out of the study, leaving 14 victims who experienced the restorative justice intervention (25% of the initial referrals, 78% of the individuals who initially agreed to be part of the study). Among victims experiencing a conventional justice response, pre-tests were completed with 75 (64%), after which 20 dropped out, leaving 55 who completed pre- and post-tests (47% of the initial referrals, 73% of original participants).

Among victims who experienced the restorative response, reasons for initial non-involvement and attrition between pre- and post-tests included disinterest or the research team’s inability to make timely contact. Victims who experienced a conventional justice response were generally more receptive to initial involvement in the study (i.e., almost two-thirds of referrals agreed to initial involvement), although some were disinterested and some we were unable to contact. Among this group, a unique reason for drop out between pre- and post-test was the belief that, since “nothing had happened” since the pre-test, completing a post-test seemed senseless. Post-tests for two of the conventional justice participants were missing a page; these participants were subsequently dropped from the analysis so that the number of participants in this group totaled 53. Information on study participants is presented in Table 2.
Vic\text{tims} in the restorative justice group received the community conferencing intervention described above. Furthermore, those who were court-referred were aware that the young person responsible for the harm would be returning to youth court for disposition. Youth court judges in Calgary use discretion in their decision regarding the extent to which restorative conference outcomes affect final sentencing. Victims who experienced a conventional justice response experienced a harm by a young person proceeding through a school or court process. Although these youth would have indicated some admission of responsibility for their behavior, they would have either not received or not been interested in a referral to conferencing. The victim participants in the conventional justice group may have been spoken with by a school or justice official as the disciplinary action for the young person was decided upon (e.g., victims are generally contacted for input into the pre-sentence report required prior to disposition in youth court cases). They may have also received a referral to counseling or to a victim service agency. Reflecting typical contemporary responses to victims, it is unlikely that additional school- or justice-based intervention occurred with the participants in the conventional justice group.

**Procedure**

The study used a pre-test post-test non-equivalent comparison group design. Potential study participants were people harmed by a youth who had admitted wrongdoing; that
youth was experiencing a disciplinary process through school or youth court and may have been referred to Calgary’s restorative justice program. Victims who indicated initial interest in research involvement to a school or justice official were referred to the research team. When contact could be made by a research team member, the study and the process of informed consent were fully described. If the victim chose to proceed, a meeting time was arranged for written consent and pre-test completion. When post-tests were complete, the participant received $20 as a token thank you. Length of time between the date of harm, referral to research, date of pre-test, and date of post-test varied considerably among participants.

Results
Measurement Analysis
The dependent variables were subjected to reliability analyses (internal consistency) for both pre- and post-test scores. For this purpose, we used the Cronbach’s alpha to estimate the reliability of the scales. Cronbach’s alpha estimates reliability through providing the average all possible split-half reliabilities included a multiple item test and generates a correlation coefficient. Following analysis of item-total correlations, items found to reduce alpha were removed from their respective scales. Initial number of items per scale, number of items removed, and final internal consistency estimates are reported in Table 3.

Table 3
Cronbach’s Alpha for Variable Scales (N=67)

<table>
<thead>
<tr>
<th>Domain</th>
<th>Scale</th>
<th>No. of Items Removed (Pre/Post)</th>
<th>Items Remaining (Pre/Post)</th>
<th>Cronbach’s Alpha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountability</td>
<td>Offender Responsibility</td>
<td>1/1</td>
<td>5/5</td>
<td>.76/.84</td>
</tr>
<tr>
<td></td>
<td>Offender Empathy</td>
<td>0/0</td>
<td>10/10</td>
<td>.78/.90</td>
</tr>
<tr>
<td></td>
<td>Offender Remorse</td>
<td>0/0</td>
<td>8/8</td>
<td>.90/.93</td>
</tr>
<tr>
<td></td>
<td>Offender Redressed Harm</td>
<td>0/0</td>
<td>8/8</td>
<td>.79/.86</td>
</tr>
<tr>
<td>Relationship</td>
<td>Understand Impact</td>
<td>1/1</td>
<td>4/4</td>
<td>.85/.91</td>
</tr>
<tr>
<td>repair</td>
<td>Experience Respect</td>
<td>0/0</td>
<td>6/6</td>
<td>.89/.92</td>
</tr>
<tr>
<td></td>
<td>Experience Understanding</td>
<td>1/0</td>
<td>8/9</td>
<td>.83/.88</td>
</tr>
<tr>
<td>Closure</td>
<td>Experience Acknowledgement</td>
<td>0/0</td>
<td>6/6</td>
<td>.72/.86</td>
</tr>
<tr>
<td></td>
<td>Hopefulness for the Future</td>
<td>1/0</td>
<td>6/7</td>
<td>.91/.90</td>
</tr>
</tbody>
</table>
Initial reliability analyses on the scales indicated need for minimal item removal. Internal consistency alphas were, as expected, somewhat lower at pre- than post-test. Pre-test alphas ranged from .72 (Experience Acknowledgment) to .91 (Hopefulness for the Future). At post-test, alphas ranged from .84 (Offender Responsibility) to .92 (Hopefulness for the Future and Offender Remorse). Even at pre-test, but especially by post-test, these reliability estimates are within the range acceptable for applied research in the social and behavioral sciences (Kline, 1999 reports a generally accepted $\alpha = 0.80$). Overall, the Cronbach’s alphas support confidence in the consistency of the scales; somewhat mitigating the problem associated with using non-standardized measurement instruments.

**Pre-test analyses**

Pre-test analyses were used to test for differences between the conventional and restorative justice groups prior to intervention. For this purpose we compared mean scores on each scale utilizing a T-test for two independent groups. This is particularly important given the quasi-experimental nature of the research design, which provides no control for extraneous variables that could explain differences at post-test. The analyses included comparison of mean scores on each variable (Table 4) as well as comparison of mean scores by age, gender and type of offence.

<table>
<thead>
<tr>
<th>Domain</th>
<th>Variable</th>
<th>Restorative Justice (N=14) M (SD)</th>
<th>Conventional Justice (N=53) M (SD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountability</td>
<td>Offender Responsibility</td>
<td>3.56 (1.11)</td>
<td>2.89 (0.94)*</td>
</tr>
<tr>
<td></td>
<td>Offender Empathy</td>
<td>3.23 (0.81)</td>
<td>3.03 (0.79)</td>
</tr>
<tr>
<td></td>
<td>Offender Remorse</td>
<td>3.88 (1.21)</td>
<td>3.36 (1.11)</td>
</tr>
<tr>
<td></td>
<td>Offender Redressed Harm</td>
<td>2.88 (1.09)</td>
<td>2.65 (0.93)</td>
</tr>
<tr>
<td>Relationship repair</td>
<td>Offender Understands Impact</td>
<td>3.09 (1.14)</td>
<td>2.74 (1.15)</td>
</tr>
<tr>
<td></td>
<td>Experience Respect</td>
<td>3.08 (0.86)</td>
<td>2.62 (1.23)</td>
</tr>
<tr>
<td></td>
<td>Experience Understanding</td>
<td>3.48 (0.71)</td>
<td>3.13 (1.08)</td>
</tr>
<tr>
<td>Closure</td>
<td>Experience Acknowledgment</td>
<td>4.05 (0.60)</td>
<td>3.98 (0.96)</td>
</tr>
<tr>
<td></td>
<td>Hopefulness for the Future</td>
<td>4.01(0.90)</td>
<td>4.10 (1.21)</td>
</tr>
</tbody>
</table>

*p < .05
As indicated by Table 4, there was only one significant difference between the conventional and restorative victim groups prior to the intervention on the measured variables. Similarity between groups at pre-test was expected, as the victims themselves had restricted opportunity to select a restorative process. That is, only victims connected with young people who had been referred and then agreed to a restorative process would be given the option of participating in a restorative conference. The division of the study’s participants into groups reflects choice on the part the restorative group, but little choice on the part of the conventional group. It is not unreasonable to assume that, had they been given a choice, a number of victims in the conventional group might have opted for a restorative process. Therefore, scores on variables related to their own healing might be expected to be roughly equivalent between conventional and restorative justice participants.

To further examine extraneous variables that may explain observed differences at post-test, pre-test scores were analyzed by gender, age, and type of offence. Males scored significantly higher than females on the two variables related to closure: Experiencing Acknowledgment ($t(64) = 2.53, p < .05$) and Hopefulness for the Future ($t(64) = 2.02, p < .05$). Females scored significantly higher than males on Experiencing Respect ($t(64) = 2.28, p < .05$) and Experiencing Understanding ($t(64) = 2.60, p < .05$). Age was significantly negatively correlated with two variables: Experience Acknowledgment ($r = -.28, p < .05$) and Offender Redressed Harm ($r = -.27, p < .05$). The negative correlations indicated that as age increased, scores on the variables decreased. With respect to offence type, initial ANOVAs indicated significant differences on two variables. Subsequent post hoc analysis (Scheffé) indicated that, on Hopefulness for the Future, individuals reporting victimization by both violent and property offences were significantly lower than those victimized by violent offences only. On Offender Redressed Incident, victims harmed by both violent and property offences and victims harmed by property offences only scored significantly lower than victims harmed by violent offences.

**Differences at post-test**

The differences among participants on extraneous variables would, ideally, be statistically accounted for during post-test analyses. In this study, disproportionate distribution into groups of the already small sample makes comprehensive analysis impossible. To respond to the challenges posed by this dataset, we utilized an Analysis of Covariance (ANCOVA). While an ANCOVA is quite similar to the Analysis of Variance (ANOVA) it allows for control of pre-test differences. We employed ANCOVA to detect post-test differences while controlling for the differences noted above for each of the scales. When using ANCOVA the variables that are controlled by removing their effect (i.e., variance) in the resulting model (Tabachnick & Fidell, 2001). Differences in the covariates and comparison groups are interpreted using T-tests. Reported below in Table 5 are differences at post-test with, when appropriate, one covariate.
Differences were apparent on all variables between the group of victims experiencing conventional justice processes compared with the group of victims experiencing restorative justice processes. On three variables, pre-test analyses revealed no significant differences (or relationships) between groups, gender, type of offence or age. For these variables – Offender Empathy, Offender Remorse, and Offender Understands Impact, final analysis involved a $t$-test of group differences on post-test scores. For Offender Responsibility, significant existing differences between groups were controlled through co-varying by the pre-test score. Gender differences were controlled on Experience Respect and Experience Understanding, and Age relationships were controlled on Experience Acknowledgment and Experience Hopefulness for the Future. Offence type, shown to be related to scores on Offender Redresses Harm, was conflated from 3 to 2 categories. Earlier analysis had indicated that victims who had experienced property and both (property and violent) types of offences did not differ significantly on Offender Redresses Harm, while both differed significantly on the variable with victims who experienced violent offences. Based on this analysis, victims who had experienced property and both (property and violent) offences were grouped together; the resulting ANCOVA examined

<table>
<thead>
<tr>
<th>Domain</th>
<th>Variable</th>
<th>ANCOVA</th>
<th>$t$ for Covariate Differences</th>
<th>$t$ for Group Differences</th>
</tr>
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<tr>
<td></td>
<td></td>
<td>$F$</td>
<td>(covariate)</td>
<td></td>
</tr>
<tr>
<td>Accountability</td>
<td>Offender Responsibility</td>
<td>37.59*</td>
<td>6.19* (Pre-test)</td>
<td>4.16*</td>
</tr>
<tr>
<td></td>
<td>Offender Empathy</td>
<td>-</td>
<td>-</td>
<td>6.31*</td>
</tr>
<tr>
<td></td>
<td>Offender Remorse</td>
<td>-</td>
<td>-</td>
<td>5.79*</td>
</tr>
<tr>
<td></td>
<td>Offender Redressed Harm</td>
<td>20.41</td>
<td>2.01* (Offence Type)</td>
<td>6.17*</td>
</tr>
<tr>
<td>Relationship repair</td>
<td>Offender Understands Impact</td>
<td>-</td>
<td>-</td>
<td>5.88*</td>
</tr>
<tr>
<td></td>
<td>Experience Respect</td>
<td>15.55*</td>
<td>2.99* (Gender)</td>
<td>4.34*</td>
</tr>
<tr>
<td></td>
<td>Experience Understanding</td>
<td>10.60*</td>
<td>3.39* (Gender)</td>
<td>2.82*</td>
</tr>
<tr>
<td>Closure</td>
<td>Experience Acknowledgment</td>
<td>4.99*</td>
<td>-0.88 (Age)</td>
<td>3.02*</td>
</tr>
<tr>
<td></td>
<td>Experience Hopefulness for the Future</td>
<td>5.47*</td>
<td>- (Age)</td>
<td>2.11*</td>
</tr>
</tbody>
</table>

Differences were apparent on all variables between the group of victims experiencing conventional justice processes compared with the group of victims experiencing restorative justice processes. On three variables, pre-test analyses revealed no significant differences (or relationships) between groups, gender, type of offence or age. For these variables – Offender Empathy, Offender Remorse, and Offender Understands Impact, final analysis involved a $t$-test of group differences on post-test scores. For Offender Responsibility, significant existing differences between groups were controlled through co-varying by the pre-test score. Gender differences were controlled on Experience Respect and Experience Understanding, and Age relationships were controlled on Experience Acknowledgment and Experience Hopefulness for the Future. Offence type, shown to be related to scores on Offender Redresses Harm, was conflated from 3 to 2 categories. Earlier analysis had indicated that victims who had experienced property and both (property and violent) types of offences did not differ significantly on Offender Redresses Harm, while both differed significantly on the variable with victims who experienced violent offences. Based on this analysis, victims who had experienced property and both (property and violent) offences were grouped together; the resulting ANCOVA examined
differences at post-test on Offender Redresses Harm, controlling for differences by offence type.

Discussion
Although they must be interpreted with extreme caution, the results of this study tentatively suggest that, compared with victims who experience a conventional response to the harm, victims who experience a restorative program achieve more positive outcomes. Theoretically, it could be argued that these outcomes would contribute to the long term goal of victim healing. Perhaps more important was the example set by the participatory and collaborative process utilized in the design and development of this project, including the operationalization of central concepts in the restorative model such as accountability, relationship repair and closure.

However, the current study is far from an ‘ideal’ experiment. Indeed, as Presser and Van Voorhis (2002) have noted, threats to internal validity of quasi-experimental studies have been common in this domain of field research. However, such studies can be useful provided, “Researchers in less auspicious scientific circumstances can compare changes in restorative program participants with changes in persons who experienced other interventions as long as they ensure similarity between comparison and experimental groups” (p. 179). Clearly, efforts were made in this study to achieve this goal.

Given the small sample size and unbalanced groups complicating the analyses of the study’s findings, results should be interpreted with considerable caution. Because there is no way of knowing the extent to which the sample represents victims who experience a restorative or conventional response after experiencing harm, generalizability is extremely constrained. Cause and effect inferences are limited by the lack of design control over extraneous independent variables that might be responsible for differences between groups of victims who experienced conventional versus restorative justice processes. Incorporating a pre-test with the quasi-experiment allowed some statistical control over extant differences between the groups. However, statistical analysis was complicated by the small sample size and disproportionate distribution of participants into comparison groups. Finally, the use of non-standardized measures reduces confidence in their psychometric efficacy, which is only slightly mitigated by the strong internal consistency analysis results.

Conclusion
At a minimum, these promising though tentative findings, which point to improved outcomes for victims, argue for ongoing research into ‘intermediate outcome’ variables like those specified by Calgary’s restorative justice program. While the findings are modest, this project offered a community-driven collaborative model of research that is consistent with the relational aims of the restorative paradigm, one that may contribute to the development of new instrumentation for testing and use in future research. Further study of similar program innovations with larger samples may ultimately result in greater attention by policy makers and the continued development of enhanced restorative responses to the needs of victims.
References


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HM Inspectorate of Probation Annual Report 2012-13
Based on 58 reports including six thematic reports, HM Inspectorate of Probation Annual Report for 2012-13 has highlighted continuing good work being undertaken with adults and young people in the community. The percentage of the adult work examined which achieved a sufficiently high level of quality to minimise risk of harm was 75%, reduce likelihood of reoffending was 74% and support compliance and enforcement was 79%. Youth offending work was also found to be well planned, and in nearly three fifths of the cases inspected there was a reduction in either the frequency or seriousness of offending. However, significant short comings were found in adult offending work carried out in prisons. Referring to the role of prisons to punish, contain, deter, but also reform, the report noted that “the opportunity provided by a period in custody to focus on and change aberrant behaviour was… in a significant proportion of cases, being lost”.

In the foreword to the report, the outgoing Chief Inspector of Probation, Liz Calderbank, commended the progress made over the past year, while at the same time raising concerns about the far-reaching changes to rehabilitation work with offenders proposed in the Government’s Transforming Rehabilitation strategy. In particular, she noted that:

The changes rely for their funding on the economies to be introduced by contracting out a large proportion of the work currently undertaken by Probation Trusts and are going to be implemented in a very short time, allowing little opportunity for the development of a shared working culture. Both the scale and the pace of the change is considerable and we are concerned, as an inspectorate, that is it taken forward and implemented without any drop in the quality of work already achieved.

HM Inspectorate of Probation Annual Report for 2012-13 can be found at:

Justice Committee – Second Report Women offenders: after the Corston Report

Six years after the 2007 publication of Baroness Corston’s report *A Review of Women with Particular Vulnerabilities in the Criminal Justice System*, an inquiry conducted by the House of Commons Justice Committee has proposed that the commitments made by the present Government to improve the women’s criminal justice system are “given greater substance and accompanied by measures of success”. In particular, the inquiry found:

- There is little evidence that the equality duty, and its forerunner the gender equality duty, have had the desired impact on systematically encouraging local mainstream commissioners to provide services tackling the underlying causes of women’s offending, or on consistently informing broader policy initiatives within the Ministry of Justice and the National Offender Management Service (NOMS). Both struggle to reflect fully the distinct needs of female offenders. We are extremely disappointed that there is still not sufficient evidence about what those needs are, or how best to address them.

- The most striking incidence of this is the likely impact of the Transforming Rehabilitation reforms which have clearly been designed with male offenders in mind... We consider that there is a compelling case for commissioning services for women offenders separately and for applying other incentive mechanisms that would also encourage the diversion of women from crime.

The Justice Committee – Second Report Women offenders: after the Corston Report can be found at:

[http://www.publications.parliament.uk/pa/cm201314/cmselect/cmjust/92/9202.htm](http://www.publications.parliament.uk/pa/cm201314/cmselect/cmjust/92/9202.htm)

70 new’ resettlement’ prisons announced by the Ministry of Justice

On 4 July the Ministry of Justice announced that 70 existing adult male local training and open prisons are to be re-rolled as ‘resettlement prisons’. The women’s estate is subject to a separate review. Resettlement prisons are not a new idea. In recent years, three resettlement prisons, Blantyre House, Kirklevington Grange and Latchmere House have accommodated mostly long term prisoners re-categorised as suitable for open or semi-open prison conditions. Resettlement has consisted of work and other ‘purposeful activities’ intended to prepare them for release. The aim this time however is for resettlement prisons to hold around 50,000 short sentence prisoners in, or close to, the areas in which they will return to live; and for prisoners serving longer sentences to be transferred to a resettlement prison at least three months before their period of custody ends. Announcing the proposals, the Justice Secretary, Chris Grayling, said:

*Currently a local area could expect to receive offenders from dozens of prisons across the country. This is hopeless. It is little wonder we have*
such high reoffending rates when you have a prisoner leaving HMP Liverpool, given a travel permit to get them home to the south coast, and then expected to simply get on with it.

The proposals have been broadly welcomed; although concerns have been expressed about the difficulties of providing resettlement services, including employment, housing, drug and mental health support to prisoners, in overcrowded prison conditions. Notwithstanding the rhetoric of reform and transformation, in reality the proposals as they stand will not reduce reoffending.

A full list of the 70 resettlement prisons by Contract Package Area can be found at:


**House of Commons Home Affairs Committee Police and Crime Commissioners: Register of Interests First Report of Session 2013–14**

A House of Commons Home Affairs Committee report, *Police and Crime Commissioners: Register of Interests First Report of Session 2013–14* has raised serious concerns about the integrity and competence of Police and Crime Commissioners (PCC’s). Reporting that “apportioning so much power to one individual brings risks of maverick behaviour, which may be magnified for the first police and crime commissioners who wish to make their mark in the new role”, the Committee has recommended the introduction of new powers of review and accountability. Specific concerns addressed in the report include the decision of the PCC in Lincolnshire to suspend the chief constable (an intervention ultimately thrown out of court); and “the fiasco concerning the appointment of a Youth Commissioners in Kent”. Other criticisms include:

- The failure of 12 PCC’s to publish required annual financial information.

- A lack of details concerning PCC’s financial and outside interests, including second jobs, pay and allowances, gifts and hospitality. (The report sets out a first register of PCC’s interests and expects this role to be taken on in future by an independent body.)

- High barriers to entry including 100 signatures and a £5,000 deposit. While it is accepted this is intended to uphold the integrity of the position, the report finds that “the first police and crime commissioners are a monoculture. Only 1 in 7 are women and there is a complete lack of representation of ethnic minorities amongst the commissioners. All national political parties have made a virtue of the importance of diversity, but this does not seem to have extended to the candidates for police and crime commissioners.”
The recruitment of other staff by PCC’s from personal and political contacts, including Chief Executive Officers who throughout the country are paid at widely ranging salaries.

The House of Commons Home Affairs Committee, Police and Crime Commissioners: Register of Interests, First Report of Session 2013–14 can be found at:

http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/69/69.pdf

**Victims and victim support services**

On 29 March this year, the Government published the consultation paper *Improving the Code of Practice for Victims of Crime*. Responding to concerns raised in the previous year’s consultation, *Getting it Right for Victims and Witnesses*, the consultation proposes to improve the existing Code of Practice by presenting to victims more explicitly their entitlements, and spelling out the obligations upon Criminal Justice agencies to meet those entitlements. The consultation period ended on 10 May 2013 and the Government is currently considering the responses made.

Another recent development concerning victims of crime is the publication of the Ministry of Justice report *Support for Victims: Findings from the Crime Survey for England and Wales*. This reviews public perceptions of support for victims, the information, advice and support wanted and received by victims, and their contact with the organisation Victim Support. The main findings of the report include:

- Public awareness of the organisation Victim Support is high, but more pronounced amongst people living in high-income households, from a white ethnic background, aged 25 and over, with a long standing illness or disability.

- Overall, people are more likely to agree that the Criminal Justice System takes into account the views of victims (62 per cent) than to agree that it gives victims the support they need (46%).

- Support was requested in a relatively low proportion of incidents and a majority of victims who requested a certain type of support said they did not receive it. Victims requested support, information or advice in 19 per cent of incidents and received support, information or advice in 9% of incidents. Victims who perceived the incident to be motivated by an offender’s attitude to their race were less likely to say they received support, information or advice.

Policy implications drawn from the findings include:
• The need for a follow-up mechanism to ensure that victim’s changing circumstances, requests and entitlements are responded to.

• An individually tailored approach to address the different needs and expectations that victims of crime have.

The consultation paper *Improving the Code of Practice for Victims of Crime* can be found at:


*Support for Victims: Findings from the Crime Survey for England and Wales* can be found at:

WHERE NEXT FOR CRIMINAL JUSTICE?

Faulkner and Burnett introduce their book by unequivocally stating that: ‘Our inclination towards a non-partisan position is determined by the principles of inclusiveness and empathy, and by realism about the extent and experience of crime’ (p 12). This quote establishes the foundation for which they examine the past, the present, and contemplate the future direction of the criminal justice system. What makes this book stand out from similar texts is the way in which the authors have infused their wisdom from years of experience in politics, research, and public service to inform and reflexively assess the current state of ‘justice’ within the UK. The book is a passionate and comprehensive account of the path of travel policy has taken in the last 30 years, and considers the political and social trends that have impacted punitiveness, responses from government, and resultant initiatives along the way. It provides a thoughtful and accessible overview of issues such as justice, legitimacy, sentencing, communities, prisons, and the changing role of government agencies alongside recent privatization efforts. This is a concise and impressively researched guide, which you will find yourself taking off the shelf to reference time and time again. Its focus on humanity and emphasis on civility is refreshing and long overdue. Where Next for Criminal Justice? is a valuable resource for established academics, practitioners, and students alike.

The authors present three primary arguments: the criminal justice system needs realistic goals and to move away from risk-led, ‘expect the worst’ cynicism; prevention strategies should be the responsibility of other parts of government, as well as civil society; and an agreed set of moral and practical principles should be established and frame policy decision-making. Faulkner and Burnett make the case for a person-first criminal justice reform, focused on the individual, their capacities, and reminds us that such an approach ‘facilitates a sense of belonging and citizenship with the rights and responsibilities that that implies’ (p 11). The authors highlight the limitations of government to achieve this and call for a revised and progressive model of justice that promotes and fosters empowerment and fair action, starting at the community level.
Each chapter represents a stratified layer of the criminal justice system, from the micro level of the individual to the macro level of national government. The opening chapter on social justice, legitimacy, and criminal justice is a rich, theoretical examination of these issues and sets the stage for Faulkner and Burnett’s humanistic framework of principles, which guides the remaining chapters. Tackling concepts such as ‘the citizen’, what justice is, and the process of equal and fair legal distribution, the authors consider the evolution of these and their impact on criminal justice players, as well as the practical implications for advancing a procedurally just system. For me, this was the most compelling chapter: its strong theory-driven presentation and analysis was convincing and the authors’ conviction inspiring.

Although perhaps a little too retrospective for a forward-looking assessment, the book nevertheless addresses the key issues, past and present, often overlooked in comparable criminological works. The authors masterfully weave together the political, social, and economic contributions that have shaped policy for the past several decades with their multi-disciplinary expertise in which to contemplate current systemic concerns. Community justice researchers and advocates will appreciate the chapters devoted to the examination of how inclusion, decency, and civility intersect with definitions of criminality and the complex problems that have arisen from this. The following chapters describe policy trends throughout the 1980s and 90s, and stresses how national shifts in the civil service and the over-reliance on criminal justice led to subsequent movements in probation, sentencing, and imprisonment. More consideration of the global perspective and the varying international responses toward punishment and policy would have been useful though, especially by placing the UK in context to other nations.

Faulkner and Burnett’s prognoses for the future includes the reconsideration of rehabilitation, or ‘rehabilitation with a purpose’, which emphasizes the importance of relationships. The concluding chapter presents the authors’ vision of ‘the way forward’ and reiterates their argument for, and importance of, integrity, decency, transparency, and trust needed within all aspects of the criminal justice system. The goal, they argue, is to move from ‘what works’ to ‘what helps’ by lessening dependence on the ‘system’ and constructing a new model that enables restoration and inclusion, and allows for responsibility and opportunity, rather than the current model of blaming and demonization.

The limitation with any volume that covers this much territory is that breadth inevitably limits depth. Despite this, the book is an essential reference for a thorough overview of the UK justice system, past and present, and perhaps even the future.

*Bethany E. Schmidt, PhD candidate, Institute of Criminology, University of Cambridge*
This accessible and innovative text provides an invaluable insight for practitioners working with abused women. The purpose of the book as defined by Allen is ‘to enable the experiences of women who have survived domestic abuse, and the meaning of these experience for these women, to inform social work, counselling and other professional practice theory’ (p.11). Therefore the overarching aim is to use the experiences and voices of survivors to directly inform therapeutic narrative interventions for women exiting abusive relationships.

I believe that Allen meets this aim commendably and handles the authorship with the sensitivity and empathy that the topic of domestic abuse requires. Beyond this the book is well written and provides a coherent structural framework that is both theoretically sound and practical for workers supporting women on their transition from victim to survivor. In addition I feel that this book provides academia with a more holistic understanding of the often complex and contradictory trajectories that women take upon leaving abusive relationships as understood by the women on a practical level but also in relation to their conceptualisation of ‘self’.

In the introductory chapter Allen highlights the personal devastation that domestic abuse causes by eliciting unusual parallels between exiting abusive relationships and liberation from Auschwitz. Initially I was unsure of whether these parallels were appropriate due to the enormous sensitivity and complexity of the issues surrounding both domestic abuse and liberation from Auschwitz, not least as these experiences are very personal to the survivors. Ultimately I was uncertain of how both groups would feel about being introduced simultaneously. However, although such assertions are certainly unusual I do feel that Allen clarifies her position effectively by drawing upon their liberation from ‘control and lethal threats to their safety wellbeing and psychological integrity’ (p.11).

In the remainder of the introductory chapter Allen brings together the extensive and at times contradictory literature encompassing what domestic abuse is, the prevalence of domestic abuse, women’s responses to domestic abuse and leaving abusive relationships. Allen then moves on to discuss her empirical data collection and the theoretical and methodological frameworks underpinning her research, namely postmodern/post-structural feminist theories and constructivist grounded theory. Cumulatively with the addition of chapter two which further embellishes the reader’s understanding of the complex issues and debates surrounding intimate partner violence these add authenticity to her work and help to bring a sense of contextualisation to her study as a whole.

Chapter three introduces the emerging literature surrounding resistance strategies to oppression and abuse. In doing this Allen creates a springboard to move to chapter four which establishes a more psychoanalytic lens through which identity and meaning making
can be understood through the individual women’s narratives. Chapter five further consolidates the empirical aspect of the book and establishes the women’s meaning making of leaving an abusive relationship through the concept of ‘turning points’ (p.80). Allen also highlights that such turning points are not concrete and do not always signal an end to the abusive relationship and that women may experience ‘frightening post-separation abuse and threats’ (p.81) which brings a sense of reality to the intricacy of the issues facing women upon leaving an abusive relationship. Chapter six then signals the introduction of the historical roots of narrative therapy and the practical application of how narrative therapy can be used to support and assist women leaving abusive relationships. These concepts then neatly create the foundation for the final chapter which maps out the commonly reoccurring themes of ‘resistance, meaning making and identity transitions that emerged in the analysis of these narratives’ (p.111).

In conclusion this book is a must read for practitioners working in the field of domestic abuse. However, Allen’s accessible writing style lends itself easily to multiple audiences including academics and students as the book is held together by empirically robust research that sheds light on both the practical and emotional issues surrounding survivors of domestic abuse and their journey of survival. The only, albeit, small criticism would be the title which includes ‘domestic violence’ as this seems to weaken the arguments that she highlighted in relation to the fact that intimate partner abuse is far more complex than violence alone. Although, I can, to an extent, understand why she chose to use the term domestic violence over domestic abuse as it is embedded in both practitioner led and everyday discourses surrounding the topic. However this does not undermine the fact that Allen has produced a noteworthy book that is well-written and a welcome addition to the ever expanding literature on how to support women following domestic abuse.

Charlotte J. Baxter, The School of Law, The University of Sheffield.
RESTORATIVE JUSTICE AND VICTIMOLOGY: EURO-AFRICA PERSPECTIVES

Against a background of academic and victim advocate critiques of the criminal justice response to the victims of crime, restorative justice mechanisms are often presented as a means of enabling the harmed party to feel believed and in control and to attain a form of justice (or at least closure) that they may not achieve following traditional criminal justice procedures. Omale’s text is no exception; drawing upon surveys and interviews with victims and law enforcement officials across four regions in Nigeria, he presents an empirically rich study of attitudes towards restorative justice and, importantly, provides an insight into what he calls an “Afrocentric” approach to restorative justice, one that takes seriously the cultural reasons why this approach may be preferable. However, it is this Afrocentric approach, along with the extent to which the beneficial effects of restorative justice as outlined in the Nigerian context can in fact be generalised outside of Africa (or indeed outside of Nigeria), that leaves this reviewer feeling a little underwhelmed.

The first thing to note about the text is that it is a straightforward reproduction of Omale’s PhD thesis. Throughout the text Omale refers to the work as “this thesis...” (and himself as “the researcher”, which becomes slightly tiresome after the first few pages), and the text is arranged in the order one would expect for a PhD thesis (literature review, methodology, data analysis, etc.). I personally found this a little problematic for a book, as it means that a great proportion of the text is based upon justifications of the research design (and as I will discuss below, in my opinion there were a number of important omissions in the design) and less time is devoted to the new concepts and ideas that Omale is trying to introduce. Nevertheless, based upon the empirical work (surveys of 74 victims and 77 law enforcement officials as well as a smaller number of follow-up semi-structured interviews), Omale found that both groups overwhelmingly advocated for alternative dispute resolution, including restorative justice, and explains that the reasons for this finding include the fact that these techniques are consistent with African cosmology, axiology, and epistemology (e.g. communitarian reparation and the maintenance of a personal relationship with God or god(s)) and more practical considerations such as the various costs to the victim of pursuing criminal justice or to achieve a sense of closure, etc.

The data that Omale presents is fascinating. Aware of the range of critiques previously levelled at restorative justice in other countries, he has tried to ensure that as many types of crime, age, religion, class and other variables were included in his sample. In the quantitative data for both victims and law enforcement, there was resounding support (70-80% in most cases) for restorative justice. However, the qualitative data begins to tell the story of the reasons behind this high rate of support, which is somewhat different to that set out by Omale. First, it should be noted (and Omale is clearly aware of this) that none or very few of the victims in the sample had experience of restorative justice, and so when they completed the survey they were in many ways comparing a real experience...
(their experience of criminal justice) with an imagined one. From the information provided about victims’ experiences of criminal justice in Nigeria, the reader learns a great deal about the effects of a nation undergoing a “legitimation crisis” on the criminal justice process; the Nigerian government is not respected by its citizens, and most believe that the politicians are themselves criminal and corrupt. If a suspect is arrested for a crime, their victims are expected to pay the board and lodgings while they are in custody. Is it any wonder that under such a system, the public may be more inclined to support communitarian reconciliation than state intervention? While Omale is aware of this aspect of the background to his study, and accepts that “the people’s distrust in, and the legitimacy crisis in the modus operandi of the conventional criminal justice system in the country might thus have influenced significantly their responses in this study” (p173), this is eventually subsumed by other reasons why victims and law enforcement may overwhelmingly prefer restorative justice mechanisms. To me this is a missed opportunity, as it is Omale’s eventual aim to introduce a restorative justice technique for Nigeria, and a greater acknowledgement of the implications of the “legitimation crisis” would help him in that cause.

Although attempting to produce an Afrocentric approach, Omale spends a great deal of time focusing on the debates that have played out in other localities, predominantly Europe, Canada, America, Australia and New Zealand, and, as shown by his reflections throughout the text on the ways that he analysed the data, he is aware that these debates have framed his approach and hence his categories may not have developed organically (this is a potential reason why the legitimation crisis does not make as significant a contribution as I feel that it could towards the end of the book). Moreover, he is not as critical of those debates as I feel that he could be; in the literature review, for instance, he does not unpack the reasons why victims did not choose to engage in restorative justice processes when discussing various case studies (and this is something that continues in his qualitative analysis chapter). While he sets out a number of reasons why victims would wish to be involved (these reasons themselves heavily influenced by the literature), no light is shed on the reasons why victims would not wish to be involved, other than a number of headers in a table roughly outlining the themes from the data. Again, acknowledging this opposition, especially as there is an approximate 80% acceptance of restorative justice, would have served Omale’s broader aim of setting up a Nigerian service.

Finally, no explanation was given as to why perpetrators were not surveyed and interviewed. While Omale acknowledges that restorative justice can often actually be tougher than criminal justice, his analysis often assumes that suspects are willing to accept guilt and to engage in restorative justice themselves; as such, interviewing perpetrators may have provided a more complete picture of the possible success of restorative justice in Nigeria. Overall, Omale presents very rich and fascinating data; however, I feel that the significance of the legitimation crisis in Nigeria is not explored as fully as it might have been. This is possibly a result of the requirements of the PhD, or of Omale paying too much attention to the extant literature and not performing a critical enough analysis of his own data.

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This important book is essential reading for all teachers, researchers, policy makers and practitioners who have an interest in the past, present and futures of probation not only in England and Wales, but also internationally. Published in 2011 some might argue that the book will now be out of date given recent changes in penal policy and its impact on the probation service, not least the payment-by-results agenda and the decision to open up more than 70% of probation work to the commercial and voluntary and community sectors. Indeed the title of the 16th Annual Bill McWilliams Memorial Lecture to be delivered by Professor Paul Senior in June 2013 suggests that the increased privatisation of probation may well sound the ‘death knell’ of the organisation. This concern is not unfounded and there are arguably few reasons for optimism. However, a particular strength of Canton’s book is that despite the vulnerability of the organisation itself, not only in recent times, but over the course of its history, it makes a case for the resilience of probation values and ethics. Even if the structure, roles and responsibilities of the probation service are to be transformed, yet again, questions about the purpose of punishment and big issues such as justice, fairness and human rights will not go away.

Probation is marketed as an introductory text and it certainly delivers what one would reasonably expect for this type of product. In terms of the coverage of the book and its pedagogic features it deserves to be adopted as a core text for any course or module, which examines probation. Throughout the book Canton appraises various aspects of probation with reference to the themes of theory, policy and practice. The opening chapters provide comprehensive overviews of the emergence and evolution of the probation service and probation values. This historical context sets the scene nicely for considering a range of issues such as the centrality of sentencing to probation work. Probation practice is explored in depth as Canton evaluates ‘what works’ in offender management. There are excellent chapters focusing on desistance and the salience of risk assessment and management for public protection and community safety. Importantly the book never loses sight of the relationship between probation and the wider criminal justice system but especially the prison. All of these points demonstrate the value of the book but it has two additional strengths.

Firstly, there is a very welcome comparative perspective on probation demonstrated by Canton’s appreciation of the resonance of probation values, pioneered in England and Wales, in other countries. It is often easy to forget the variations that can be found if we look at Scotland and Northern Ireland, but there are some important lessons to be learnt by acknowledging what is going on in Europe and the potential for policy transfer. A vital observation outlined by Canton is that probation values are of universal relevance even if the organisational structures in different jurisdictions bear little resemblance to each other.

Secondly, and most crucially, it develops a unique conceptual framework and argument, which draws on several influential currents in contemporary penological thinking. Canton refers to punitive, management and ethical strategies in probation. These strategies do
not exist in isolation but interact in many different, sometimes unanticipated, ways. The politicisation of law and order since the late 1970s has been well documented and Canton traces the influence of a punitive strategy on probation policy and practice through the emphasis placed on tough approaches to offending behaviour, such as finding ‘credible alternatives to custody’ and the ‘proper punishment of offenders’. The culmination of these strategic developments can be seen in the size of the prison population, which for some is a justification of Michael Howard’s mantra articulated two decades ago that ‘prison works’. The rhetoric may be have been toned down a little in recent years but no government is prepared to give off the impression that it is being ‘soft’ on crime. The management or managerialist strategy is characterised as an instrumental approach to policy making typified by the ‘three Es’ – effectiveness, economy and efficiency. This led to a number of objectives and targets being set for the probation service, such as public protection and reducing offending, as well as the auditing and measurement of outcomes. The punitive and managerial policy strategies have in some ways skewed the direction taken by the probation service and crime policy has in many ways become more coercive and controlling. It is notable that this coercion and control has been experienced by both offenders and the probation service. Canton concedes that the organisation does need to ensure that its interventions actually punish and/or rehabilitate offenders as appropriate and that the organisation needs to be mindful of their effectiveness and of what works, but this should not exclude an ethical strategy. The notion of ‘decency’ is a key touchstone here, in particular the view that how things are done is as, if not more, important than outcomes. In other words, what is right is more important than what works. A goal of probation is to create opportunities for the social inclusion of offenders, which can be realised due to the possibility of personal change and the individual ultimately desisting from offending behaviour. Relationships are central to this and the increased reliance on restorative justice is seen as positive way forward. There has even been talk of a ‘right to rehabilitation’. Clearly offenders need to take on board personal responsibility for their own actions yet Canton argues communities need to become more responsible for ensuring everyone belongs to a community, including offenders. Offenders, victims and communities all need to be committed to the values of fairness and justice to make sure social integration rather than social exclusion is the defining feature of society.

This is a fine book and whilst intellectually readers might feel pessimistic about the future of the probation service as an organisation Canton suggests that we can feel optimistic because there is a will to drive forward probation values, especially social inclusion and a belief in the possibility of personal change.

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