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Chaos, Containment and Change: Responding to Persistent Offending by Young People

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Abstract

This article reviews policy developments in Scotland concerning ‘persistent young offenders’ and then describes the design of a study intended to assist a local planning group in developing its response. The key findings of a review of casefiles of young people involved in persistent offending are reported. It emerges that youth crime and young people involved in offending are more complex and heterogeneous than is sometimes assumed. This, along with a review of some literature about desistance from offending, re-affirms the need for properly individualised interventions. Studies of ‘desisters’ suggest the centrality of effective and engaging working relationships in this process. However, these studies also re-assert the significance of the social contexts of workers’ efforts to bring ‘change’ out of ‘chaos’. We conclude therefore that the ‘new correctionalism’ must be tempered with appreciation of the social exclusion of young people who offend.

Introduction: The Policy Context

Youth justice services in England and Wales have experienced considerable change and rapid development since the implementation of the Crime and Disorder Act 1998. Perhaps the most significant change has been the explicit delineation of the aim of the youth justice system under section 37(1) of the Act: ‘to prevent offending

by children and young people'. In terms of intervening with young people involved in offending, delivering this purpose falls primarily to the newly established multi-professional Youth Offending Teams. Meanwhile, Scotland retains its unique Children's Hearings System¹, founded on the principle that welfare should be the paramount concern in decision making about children whether they are involved in offending or not. Despite these differences, youth crime and, in particular, persistent offending by young people have been common concerns in both jurisdictions. In November 1999, the Scottish Cabinet charged its Advisory Group on Youth Crime with a remit to:

'assess the extent and effectiveness of options currently available to Children's Hearings and Courts in cases involving persistent offenders, and look at the scope for improving the range and availability of options aimed at addressing the actions of persistent young offenders' (Scottish Executive, 2000a: 1)

It's a Criminal Waste: Stop Youth Crime Now: the Report of the Advisory Group on Youth Crime (Scottish Executive, 2000a: hereafter referred to as the Report) reflects this focus on how best to react and respond to those already involved in persistent offending. The Report defines persistent offending only as 'offending behaviour which is more than occasional or transitory in nature' (ibid: para 5). That such offending represents a significant social and political problem seems clear. A recent report by Audit Scotland (2001) noted that although 8% of 8-21 year olds are

¹ Children's Hearings are welfare tribunals headed by lay people from the local community. Children can be brought before a Hearing because they are beyond the control of parents, are being exposed to moral danger, are likely to suffer unnecessarily or suffer serious impairment to health or development through lack of parental care, are the victim of a sex or cruelty offence, are failing to attend school regularly, are misusing drugs, alcohol or solvents, or have committed an offence. If the Hearing thinks

recorded offenders, projections based on research elsewhere would suggest that as few as 2,300 young people may be responsible for a quarter of all crime in Scotland (ibid: para 3.3-3.7). Furthermore, to talk generally of ‘young people’ in this context is somewhat misleading: there are three times as many recorded male offenders as female offenders in the 8-21 age band (ibid: para 3.8) and eight times as many convictions for males as for females in the 16-21 age band (Scottish Executive 2000b). The problem of persistent offending by young people, it seems, is primarily a problem of the persistent offending of comparatively few boys and young men.

One of the key issues identified in the Report concerns responses to 14-18 year olds. In Scotland, while young people under the age of 18 charged with offences may be referred to and/or dealt with in the Hearings system, in practice the Police refer most of those aged 16 and over to the Procurator Fiscal, the gatekeeper to the adult courts system². The report argues that ‘the transition between the Hearings system and the criminal justice system is too abrupt’ and is characterised by ‘a number of contradictions’ (Scottish Executive, 2000a: para 11). Young people, themselves in a difficult process of transition, face a dramatic shift between a system which retains a holistic approach to their needs and deeds, in which offending plays but a part, to a system concerned primarily with punishing offending behaviour, taking limited account of its wider context. The focus and rationale of state intervention can thus change from needs to deeds overnight, despite the fact that ‘the whole person approach is no less valid for the 16 and 17 year old offenders than it is

compulsory measures of supervision are appropriate, it will impose a supervision requirement, which may be renewed until the child becomes 18.

² The authors of the report estimate that each year the Hearings deal with between 1,000 and 1,200 referrals concerning young people involved in persistent offending. By contrast, they also note that in 1998 the adult courts dealt with over 11,500 cases involving young people under the age of 18; they

for the 15 year old' (ibid: para 13). A change in the approach to the child's rights as a citizen is also apparent in a shift from notions of shared responsibility for children's problems and difficulties in the Hearings system to individual 'adult' responsibility in the criminal justice system. Seeking to mediate these stark contrasts, the Report advocates that:

'the system should promote the responsibility of the community for the young people it produces, support community safety and recognise the rights of the young person to the due process of law' (ibid: Annex D, para 11).

Concerns around addressing children and young people's needs and respecting their rights have been on the agenda in Scotland and elsewhere for a long time (Asquith and Docherty, 1999; Whyte, 2000). Now however, minimising risk by effectively addressing offending is emerging to compete for political and professional attention in youth justice (Goldson, 2001) as in the penal realm more generally (Garland, 2001). The Report endeavours to balance these sometimes competing priorities:

'there needs to be a unified approach at the practical level, combining care and protection with the public's concerns over the need to address offending behaviour' (Scottish Executive, 2000a: para 14).

To these ends, the Report sets out its recommendations for a national strategy, providing a consistent framework for local plans, to be developed by multi-agency

speculate that many such cases relate to young people involved in persistent offending (Scottish

groups (ibid: para 7). It envisages a ‘repertoire of services’; ‘a range of accredited programmes and interventions available to children and young people who persistently offend which can be accessed by Reporters, Procurators Fiscal, the Hearings and the courts’. Risk assessment and challenging offending behaviour are seen as the ‘starting point for any and every programme or intervention’ (ibid: para 19).

In some respects then, developments in Scotland mirror those in England and Wales but they have emerged from within a very different systemic context (Smith, 2000; Whyte, 2000). This paper reports how the authors aimed to assist one local planning group in responding to the challenges that the Report presented by exploring the problems of youth crime and persistent offending in its council area. While the study focused necessarily on one Scottish locality, many of the issues raised may resonate with academics, policy makers and practitioners in other locations, and indeed in other jurisdictions.

The Design of the Study

Within the context set by the Report, the broad aim of the study was to assist the local planning group to develop plans for service provision, informed by local, national and international research. The study involved a consultation exercise seeking the views of ‘stakeholders’ (representatives of the agencies charged with responding to youth crime locally) and of local councillors (to represent both a

Executive, 2000a, para 5).

political and a community perspective)³; an analysis of information provided by each of the key agencies; an analysis of social work casefiles of young people involved in serious or persistent offending; and a review of some research literature around effective ways of responding to persistent offending by young people. This article focuses on what we learned about the young people from their casefiles and on how this connected with the wider research literature.

In setting the scene however, it is worth noting that stakeholders regarded youth crime in general, and persistent offending by young people in particular, as serious problems and as priorities. However, all of the agencies also noted problems with community perceptions, arising from the interaction between public fear and anxiety on the one hand and youth *disorder* on the other. This interaction may tend to feed into and inflate concerns about youth *crime*. The stakeholders agreed that a small number of young people involved in persistent offending produce a disproportionate effect on communities. Most importantly in this context, they recognised that patterns of youth crime vary over time and within localities; forms of offending can emerge associated with particular groups of young people and their interests. Our subsequent analysis of police statistics confirmed a complex picture concerning reported crime and detected youth crime even within this one council's borders. Detected youth crime trends and patterns did indeed vary considerably across crime types within the areas, as well as between areas. Given their population share in the local area, young people (aged 18 and under) accounted for a disproportionate share of detected crimes of violence, fire-raising and vandalism and miscellaneous offences (including breach

³ The short-term nature of the study precluded a wider consultation process. However, one of our key recommendations was that a wider consultation process was required in order to develop a properly informed and widely owned strategy. We suggested that the involvement of young people in general and of young people involved in offending in particular should be a priority in this regard.

of the peace, simple assault and drinking in public places). Looking across the three years for which data was provided (1997-00) there was an increase in the 'youth share' of all crimes and offences from 11.3% in 1997-98 to 14.8% in 1998-99 and a small drop to 14.6% in 1999-00. However, this increase was accounted for largely by an increase in the figures for one area in which an experimental curfew scheme was operating. This perhaps highlights how the 'problem of crime' is 'constructed in the space between 'things that happen' and the way that, collectively and as individuals, we respond to those things' (Anderson, 1999: 44).

Because police information is crime-based rather than offender-based, it says nothing about those young people involved in offending nor about the persistence of their offending. For these reasons, we sought to supplement the crime data with information from other local agencies. However, both social work information systems and the Scottish Children's Reporters Administration information systems constituted very blunt instruments for providing data that might enable service planners locally to analyse and understand the characteristics, needs and deeds of young people involved in persistent offending. No specific information was being collected about such young people. To redress these information deficits and to provide richer and more qualitative information, we turned our attention towards an analysis of social work casefiles.

Analysing Social Work Casefiles

In total, we reviewed 23 casefiles of young people involved in serious or persistent offending, gathering information about their needs, deeds and characteristics, as well as previous and current responses to their offending. Twelve of the files came from social work department childcare teams and eleven from criminal justice teams.⁴ All of the young people were white and only two were female.⁵ In view of the lack of any operational definition of persistence, we simply asked each of the childcare and criminal justice social work seniors (the frontline managers) in the local social work teams to select casefiles on young people (aged 15–18 years) involved in serious or persistent offending. From our discussions with social work staff, we estimate that this sample represents about one third of such cases in the given locality.

Offence and offending history

One of the initial findings from our trawl through social work casefiles was that the information they contained on offending was often incomplete. Particularly in childcare files, reliable information on offending was almost impossible to gather because of incomplete offence referral details; complexities over numerous incidents in one referral; and numerous referrals of one incident (for example, at different

⁴ Young people involved in offending are usually dealt with by childcare social work teams where the referral is through the Hearings and by criminal justice social work teams (akin to probation teams) where the referral is from the courts.

⁵ Only one of these was identified by the senior as one of the two young people causing greatest concern. The other was selected by the researchers to allow some analysis of gender differences. Studies of persistent offenders have focused primarily on young men because of the relatively small proportion of ‘chronic’ female offenders. Whilst studies of male and female offenders suggest similar risk factors apply for both sexes, there is a need for further research specifically focused on the social, material and gendered circumstances of young women’s lives.

stages in the Hearings system process⁶). Consequently the offence analysis that follows is necessarily a partial and incomplete account, and should be read with due regard to the limitations of social work records.

Information relating to the number of offences recorded for each individual was available for 19 young people, who had 161 reported offences between them (Mean = 7). We also looked at the number of offence-related appearances in the year prior to the most recent social work report contained within the casefile (i.e. appearances at Children's Hearings and/or at court). The majority of young people had two, three or four offence-related appearances in the previous year (Number = 13). The highest number of appearances for one individual in the year was eight and the lowest was two, while the mean number of appearances was four (Standard Deviation = 2.04). The mean number of offence-related appearances for one individual during his or her entire criminal career (as opposed to in the last year) was nine (Standard Deviation = 6.25), and the range was from two to 28; only one offender had more than 16 offence-related appearances.

'Current offence type'⁷ was established by reference to the most recent social work report. Violent offences were the most common, followed by dishonesty (mostly

⁶ If the child or parents deny the commission of the offence, or the child does not understand the grounds for referral, for example, the case is referred to the Sheriff Court by the Reporter. If the Sheriff is satisfied that the grounds are established, then the case is remitted back to a Hearing.

⁷ In this regard, we coded casefile data using the Scottish Executive's classifications of crimes and offences into seven main categories, as deployed in providing annual national figures for *Recorded Crime in Scotland*. The classifications distinguish more serious *crimes* from more minor *offences*. The seven main categories are: non-sexual crimes of violence (serious assault, handling an offensive weapon, robbery, etc); crimes of indecency (sexual assault, lewd and indecent behaviour); crimes of dishonesty (housebreaking, theft by opening a lockfast place, theft of a motor vehicle, shoplifting, other theft, fraud, etc); fire-raising/vandalism, etc.; other crimes (crimes against public justice, drugs, etc.); miscellaneous offences (simple assault, breach of the peace, drunkenness, etc.); and motor vehicle offences (dangerous and careless driving, drunk driving, speeding, unlawful use of vehicle, vehicle defect offences, etc).

theft of motor vehicles), miscellaneous offences (mainly Breach of the Peace), vehicle offences and other crimes. This may suggest that workers earmarked 'serious' as opposed to 'persistent' offenders for our attention; most but not all of those who committed more serious crimes were already involved in persistent offending. We found some evidence to suggest that young people became increasingly involved in violent offending as they grew older. Most of the young people tended to have committed a wide range of offence types (typically more than three) and the greater the number of offences young people had committed, the more likely they were to have been involved in a wide range of offence types. This would suggest that specialisation is inversely related to extent of offending.

Our impressions of changes in the pattern of offending, based on the information in the casefiles, appeared to coincide with shifting drug and/or alcohol use and, in some cases, disposals of the Hearings or Courts. Peers were another important influence. For example, one young man became increasingly involved in car crime after his reception into residential care. He offended alongside peers in residential care when they absconded together and was usually intoxicated at the time of the offending. Another young man suddenly accrued a series of violent convictions after becoming caught up with older peers in the local 'gang' culture. One report writer described this culture as characterised by 'territorialism', 'tribalism' and 'heavy drinking'. These issues were equally important in the cases where offending had decreased (N=3). Offending by two of the young men declined following an improvement in relation to their drug problems. One had detoxified while in custody, while the other had curtailed his drug use following the deaths of several drug-using peers. The third young person's offending had reduced during probation supervision.

Risk factors

The 'risk factors' identified in previous studies of persistent offenders (Blumstein et al 1985; Farrington and West, 1993; Hagell and Newburn 1994) were borne out by analysis of the casefiles (see Table 1).

TABLE ONE HERE

According to the research literature, one of the best predictors of persistence is early onset of offending (Asquith and Docherty, 1999; Blumstein et al, 1985). Young people who become involved in crime before the age of 14 tend to develop into the most persistent offenders, with longer criminal careers (Farrington, 1996). Information on the ages of the young people at the time of their first offence was obtained for 22 cases in the sample and averaged 13 years (SD = 2.13). The youngest age for first offence referral was eight. Whilst offending was the most common single reason for first referral (N=8), the majority of young people came to the attention of social services for other reasons (for example, court proceedings related to residence and contact, lack of parental care, problems of truancy, being 'outwith parental control', child protection grounds and so on). The age for first referral, therefore, averaged nine years (SD = 5.14).

One reason that young people involved in persistent offending tend to have had more contact with social work services is that they often come from family

backgrounds characterised by harsh or erratic discipline, neglect, problematic parental behaviours and attitudes, parental conflict and family disruption (Loeber and Stouthamer-Loeber, 1986; Flood-Page et al, 2000).⁸ Young people in our sample were likely to come from families with several such risk factors in common (typically harsh or erratic discipline, N=16, and parental conflict and/or family disruption, N=11) and had a wide variety of current and past living situations (with single parents, birth parents, step-parents, other relatives, being ‘looked after’ by the local authority, usually in a residential home or school, N=11, or in custody, N=5). Those living in reconstituted families and/or cared for by the local authority were often reported to have ‘turbulent’ relationships with their stepparents and ‘sporadic’ or ‘inconsistent’ contact with their birth parents.

Several of the young people had parents with drug (N=3), alcohol (N=6) or mental health (N=3) problems and histories of domestic violence (N=5). Most parents were reported to be either unemployed or not working (two-thirds of mothers and half of all fathers) and benefits were the sole source of income in over half of the cases (N=12). In terms of parenting skills, mothers, who were often bringing up their children alone, were typically described as ‘helpless’, ‘indulgent’ or ‘distant’. Fathers, on the other hand, were seen as more active in terms of exerting physical discipline, but this in itself was often characterised as problematic. Some reports were careful to emphasise the positive aspects of the young person’s background and their parents’ attempts to provide care and discipline (N=4). The mother of one young man, for example, was described as ‘attentive to [his] emotional, physical and educational

⁸ As a general rule, factors associated with neglect are among the strongest predictors, factors associated with deviant parental attitudes and values and family conflict are of intermediate strength and factors associated with family disruption are the weakest predictors (Loeber and Stouthamer-Loeber 1986, p120).

needs'. Another couple was depicted as 'intelligent, supportive, caring and reasonable'.

As anticipated, truancy and absconding were common amongst the sample. Eighteen (out of a possible 19) young people had been involved in truancy and six had absconded from residential placements. Seventeen (out of a possible 20) were described as having been disruptive in school and 15 (out of 22) had been subject to some form of special educational provision. Thirteen of the 16 young people in the sample aged 16 years or over had not attained any educational qualifications. Three young people had successfully completed some form of training scheme, but more than twice that number (N=8) had started but not finished such a scheme. More than half of those aged 16 years or over had never had a job (N=9).

The young people's leisure time was equally chaotic. All but two of the young people were reported as engaging in unstructured leisure activities (N=21), and all but three (N=20) were said to hang about with 'anti-social peers'. Perhaps most notably, three-quarters (N=17) of the young people were recorded as having problems related to substance misuse (drugs and/or alcohol).^{9,10} Five were described as dependent drug users (heroin) and another two had received emergency medical treatment after taking a drugs overdose. Two misused aerosols and/or gas, and one misused temazepam. Six of the young people were labelled 'heavy' and/or 'binge' drinkers and seven had

⁹ Offenders were scored as having a substance abuse problem if their drug or alcohol use was described as 'problematic' or 'dependent' in the file, or their drinking was described as 'heavy' or 'binge'. 'Use of' and 'experimentation with' cannabis (N=12), ecstasy and amphetamines (N=2) were *not* coded as drug abuse.

¹⁰ Using drugs emerged as *the* strongest predictor of serious or persistent offending amongst 12-17 year old boys in the 1998/99 Youth Lifestyles Survey (Flood-Page et al 2000). The odds of offending were nearly five times higher for boys who had used drugs in the last year compared with those who had not.

drinking patterns that were reported to be 'problematic'. One quarter (N=6) of the young people were reported to have problem drug use *and* problem alcohol use.

The final set of problems identified in the research literature and common amongst the sample were psychological factors (Farrington, 1996; Jamieson et al, 1999; Loblely et al, 2001). Impulsivity (N=21) and aggression (N=16) were most common and 13 out of 15 of the casefiles in which there was comment on such issues described the young people as suffering from emotional difficulties, often related to their difficult family circumstances. These problems were rarely medically diagnosed.

Summary of findings: commonalties within heterogeneity

One central theme emerging from the analysis was that young people involved in persistent offending are both more similar (to other 'reoffenders') and more diverse (as a group) than is normally assumed. If we were to compare the characteristics and family backgrounds of *the 'persistent' offenders* in our small sample with the characteristics identified in larger-scale studies of *less frequent re-offenders* (Flood-Page et al, 2000; Graham and Bowling, 1995; Jamieson et al, 1999), this would not reveal any striking differences apart from the fact that persistent offenders show similar characteristics to a much greater degree (Blumstein et al, 1985, 1986; Farrington and West, 1993; Rutter et al, 1998). That said, there were important variations *within* our small group and, more importantly, significant exceptions to the rule. For example, some of the young people came from affluent, stable family backgrounds and had no prior social work involvement but appeared to experience a sudden onset of frequent and/or serious offending over the age of 14. This not only

raises important questions about our ability to identify persistent offenders in advance, since any definition of persistence will inevitably be arbitrary (Hagell and Newburn, 1994), but also about how to effectively target youth justice interventions. The range, severity and diversity of the difficulties experienced by the young people even in our small local sample should caution us about the search for generalisations both about ‘persistent young offenders’ and about ‘remedies’. Nonetheless, it is to the research evidence in this respect that we now turn.

Responding to Persistent Offending

In the early stages of this project, the social work staff that we consulted spoke repeatedly about the chaotic lives of young people involved in persistent offending. In reading through the 23 casefiles, we formed the impression that this chaos was clearly evident in the backgrounds, life experiences and behaviours of many of the young people (as the above analysis confirms). However, perhaps more importantly, we also noted that this ‘chaos’ seemed to be associated with response strategies centred on *containment* (in terms of care and protection) rather than *change* (in terms of behaviour). Our study’s methodology was not evaluative; we did not seek data that would permit us to arrive at reliable conclusions about quality of practice and the range of factors affecting quality. However, to some extent, we would speculate that this lack of focus on change might have been linked to two core problems. Firstly, it seemed entirely understandable that workers should struggle to analyse offending in the absence of reliable information about it. This simple but critical deficit revealed a sharp dissonance between the ‘realities’ of practice and the call in the policy rhetoric

for increased focus on risk assessment and effective intervention to reduce re-offending. Secondly and even more importantly, lack of resources seemed clearly to undermine the ‘change-focus’ of the workers’ responses. Put simply, when the chaos in the young people’s lives met pressure of work and caseloads for the social workers concerned, this generated containment as a practice response. Put bluntly, the casefiles read as if they thought that this was the best that they could do and the most that they could expect. Hence, the ‘discourses’ of the case recordings were more ‘bureaucratic’ than ‘therapeutic’ in character. In this regard, the casefiles revealed youth justice practice shaped by very similar pressures to those revealed in Jones’s (2001) recent interviews with state social workers in a range of settings. Bearing this and the purposes of the study in mind, we looked to the available literature to seek guidance about how social work services in particular might develop more effective, ‘change-focussed’ practice with young people involved in persistent offending. We explored four related themes: desistance from offending, risk assessment, effective programmes and effective processes or relationships.

In this paper we focus on the first and last of these themes for two reasons. Firstly, social workers and youth justice workers are charged with responding to ‘persistent offenders’; they face the intensely practical challenge of somehow bringing *desistance* out of *persistence*, *change* out of *chaos*, despite all of the adversities reported above. It seems odd therefore that the theoretical and research literatures around desistance – the change process *par excellence* to which policy directs attention – and how it might be best facilitated are perhaps much less well known and well publicised than the literatures around effective programmes and around risk assessment (Chapman and Hough, 1998; McGuire, 1995; Utting and Vennard, 2000).

Secondly, given the heterogeneity of needs, deeds and characteristics apparent even within our small local sample, we wanted to offer analyses that might assist social workers and social services with the everyday challenges of interpreting the relevance and usefulness of generalised effectiveness principles in individual cases.

Desistance from offending

The desistance literature addresses ‘the wider social processes by which people themselves come to stop offending’ (Rex, 1999: 366). To some extent, it is a literature about how and why people grow out of crime (Rutherford, 1986). Significantly, it is not, therefore, primarily or necessarily a literature about rehabilitation. Maruna (2000) identifies three theoretical perspectives in the desistance literature: maturational reform theory, social bonds theory and narrative theory. To summarise these theories rather crudely; maturational reform theories relate desistance primarily to age; social bonds theories stress the significance of ties to family, employment or educational programmes in early adulthood as the sources of commitment to conformity; narrative theories, emerging from more qualitative research, stress the significance of subjective changes in the person’s sense of self and identity and related changes in motivation, greater concern for others and more consideration of the future.

Graham and Bowling’s (1995) study found interesting gender differences in desistance. They noted a clear association between the life transition from adolescence to adulthood and desistance from offending among young women.¹¹

¹¹ McIvor et al’s (2000) Scottish study arrived at broadly similar conclusions.

Young men, in contrast, were less likely to achieve independence and those that did leave home, formed partnerships and had children were no more likely to desist. Failure to desist among young men seemed to be best explained by three sets of risk factors: a high frequency of prior offending, continued contact with delinquent peers and heavy drinking and illicit drug use; risk factors that were apparent in most of the cases in our sample. Graham and Bowling speculate that life transitions:

‘only provide opportunities for change to occur; its realisation is mediated by individual contingencies. Males may be less inclined to grasp, or be able to take advantage of such opportunities, [than] females’ (Graham and Bowling, 1995: 65).

Only two factors seemed to be positively associated with desistance for males: firstly, their perception that their school work was above average, and, secondly, continuing to live at home. The latter factor may be associated with desistance because of relatively positive relationships with parents and correspondingly spending less time with delinquent peers (ibid: 95).

Although such research findings can inform practice to some extent, Maruna (2000) argues that none of the desistance theories has offered much specific assistance to practitioners as to what they should actually *do* to encourage processes of desistance. The familiar research on rehabilitative interventions has been used more commonly as a source of general guidance in this respect. Utting and Vennard’s (2000) recent review concludes that effective programmes:

‘target high and medium risk offenders; are well-structured; use an approach which challenges ways of thinking as well as behaving; address the full range of offending-related problems, including family and environmental problems as well as personal deficits; [and] adhere to agreed objectives and procedures’ (Utting and Vennard, 2000: 79).

By contrast, interventions are unlikely to have much impact if they are:

‘given to low risk offenders; use vague, unstructured counselling; fail to recognise the influence (for better or worse) of families, friends and peers in young offenders’ lives; [are] unable to address the multiple problems presented by the more persistent and serious young offenders, including poor mental health and drug and alcohol abuse; [and are] too brief or diluted to establish the conditions in which young offenders can make sustainable changes in their lives’ (ibid: 79).¹²

Important though these generalised principles may be, they remain subject to Maruna’s (2000) criticism that:

‘...such research tells us little about individual differences among client experiences in the process... Every individual encounters and interprets unique social interactions within a program setting... every intervention consists of thousands of different micro-mechanisms of change... By

¹² Utting and Vennard note both a lack of research with young women and offenders from ethnic minorities and that: ‘There is more also more to be learned about which kinds of programme are most appropriate with offenders in different age groups and posing different levels of risk of offending’ (ibid: 80).

concentrating almost exclusively on the question of “what works”, offender rehabilitation research has largely ignored questions about how rehabilitation works, why it works with some clients and why it fails with others’ (Maruna, 2000: 12).

He argues that desistance research can and should redress these deficits by identifying the ‘natural’ process of reform and helping in the design of interventions that can enhance or complement spontaneous change efforts. Marrying these two literatures seems not only desirable for this reason, but also necessary given the apparent heterogeneity of youth crime and young people involved in persistent offending. The practical application of generalised principles would seem likely to have much better prospects for success when informed by more nuanced understandings of individualised processes and forms of desistance.

It is clear in this context that there is a need to develop effective assessment processes and skills in producing properly tailored interventions. It appears from early studies that the two available risk assessment instruments designed for use with in work with young people (ASSET (Roberts et al, 2001) and the Youth Level of Service/Case Management Inventory (Hoge and Andrews, 2001)) may have something to offer in supplementing professional assessment and perhaps enhancing its comprehensiveness, consistency and credibility. Clearly, knowing that risk is low, moderate or high, that certain criminogenic needs are implicated in this, or that risk has increased or reduced should help workers to target and focus interventions. However, linking specific means and methods of intervention to promoting individual processes of desistance remains highly complex. In this regard, seeking links between

desistance research and recent research around effective processes and relationships offers further hints about the pursuit of more effective practice.

Desistance and Effective Intervention Processes and Relationships

How then are successful efforts to desist from offending best supported? Perhaps regrettably, none of the studies discussed here in addressing this question relates specifically to research with young people. However, listening to what older offenders tell us about desisting from and persisting in offending offers considerable help in the search for better ways of working to promote desistance among younger offenders. It may be that for those involved in persistent offending, it takes longer to learn how to stop. Understanding the nature of that learning process might provide clues as to how to accelerate it.

Burnett's (2000) study explored persistence and desistance among a sample of 130 broadly similar adult male property offenders released from custody. She noted that whilst most (eight out of 10), when interviewed pre-release, *wanted* to 'go straight', six out of 10 subsequently reported re-offending post-release. Burnett (2000) noted that, for many, the intention to desist was provisional in the sense that it did not represent a confident prediction; only one in four thought that they would definitely be able to desist. Importantly, Burnett discovered that those who were most confident about desisting had greatest success in doing so. For the others, the 'provisional nature of intentions reflected social difficulties and personal problems that the men faced' (Burnett, 2000: 14). McIvor et al (2000), in exploring age related differences in

desistance, noted that younger ‘persisters’ (aged 14-15) were more optimistic about their ability to desist whereas ‘for older respondents, who may have become more entrenched in patterns of offending and drug use, desistance was rarely considered to be an immediate or achievable goal’ (McIvor et al, 2000: 9). It may be that these findings suggest a practice focus both on intervening before belief in the possibility of change is diminished and/or on working consciously to build that belief ahead of or during change efforts.

Burnett (2000) delineates three broad categories of desisters. The ‘non-starters’ adamantly denied that they were ‘real criminals’ and, in fact, had fewer previous convictions. For the ‘avoiders’, keeping out of prison was the key issue. They appeared to have decided that the costs of crime outweighed the benefits. The ‘converts’, however, were:

‘the most resolute and certain among the desisters. They had found new interests that were all-preoccupying and overturned their value system: a partner, a child, a good job, a new vocation. These were attainments that they were not prepared to jeopardize or which over-rode any interest in or need for property crime’ (Burnett, 2000: 14).

Making ‘converts’ out of younger people involved in persistent offending might be particularly challenging in practice, certainly if maturational reform theory is to be believed. However, for Burnett (2000), classifying the men ‘misrepresents the switching, vacillating nature of desisting from offending’ (ibid: 15). Most were ambivalent towards crime and desisting seemed like a protracted ‘back and forth’ or

'zigzag' process. Thus, it may be that by being more consciously attuned to the interplay between shifting 'mind-sets' and vacillating motivations, fleeting but important opportunities to support desistance could be more effectively exploited. Crucially in this regard, Burnett (2000) notes that '...for influence to be exerted in interventions, good communication built on empathy and the establishment of trust are be needed' (ibid: 15).

Rex's (1999) addresses the features of such relationships and how they come to exert positive influence. Her research involved interviews with 21 probation officers and 60 of their probationers, 11 of whom were aged under 21. One quarter of the sample were women. While her research methodology did not enable her to determine whether the offenders that she interviewed had, in fact, desisted, they provided considerable insights into the role of probation in their reported processes of change.

Those that attributed changes in their behaviour to probation supervision described it as active and participative. Probationers conveyed the sense of being engaged through negotiation in a partnership. Given their recognition both of the need to sustain a decision to desist and of the possibility of relapse, probationers seemed more willing to 'embark' on desistance where they felt committed to and engaged in the supervisory relationship. In turn, '[t]his engagement seemed to be generated by the commitment, both personal and professional, shown by workers' (Rex, 1999: 371). The 'mechanism' by which some probationers come to accept probation officers as role models, Rex suggests, may rely on 'the sense of obligation which the probation officers' support and encouragement seem to generate in probationers'

(ibid: 378). She found that as many as half of the probationers she interviewed revealed feelings of personal loyalty and accountability towards their supervisors.

In supervision, probationers could discern and appreciate efforts to improve their reasoning and decision-making. However, attempts to exert influence through cognitive approaches had to 'carry conviction in their eyes if they were to be effective' (ibid: 373). This conviction depended on the personal and professional commitment from workers discussed above. Furthermore, attempts to address cognitive skills seemed likely to be insufficient alone. Probationers also valued guidance in their personal and social problems *at least as often*. Rex summarises this aspect of work as 'strengthening social ties'. Significantly in this context, younger men trying to establish independence also sought practical help, whereas women and other male probationers were keen to receive problem-solving advice so that they *themselves* could resolve such difficulties. This indicates how supporting desistance is likely to require considerable variations in approach and focus between cases.

Reinforcing pro-social behaviour was another prominent feature of probationers' accounts of positive supervision. Probationers could identify advice in this regard as evidence of concern for them as people, and 'were motivated by what they saw as a display of interest in their well-being' (ibid: 375). Notably in this context, such encouragement seemed especially important for younger people involved in recidivist offending. Previous research in Scotland by Ditton and Ford (1994) has similarly suggested that persistent young offenders might need to be 'won over' by persistent workers to change their behaviour. In this regard, Rex found some interesting evidence that probationers were more willing to accept guidance than

probation officers were to be directive, so long as the former could understand the latter's direction as evidence of concern expressed within an engaging relationship.

Perhaps the best-developed model of intervention focussed on the supervisory relationship, rather than on the features of a given intervention programme, is that of 'pro-social modelling' (Trotter, 1999). Its central principles include:

- Role clarification: involving frequent and open discussions about roles, purposes, expectations, the use of authority, negotiable and non-negotiable aspects of intervention and confidentiality
- Pro-social modelling and reinforcement: involving the identification, reward and modelling of behaviours to be promoted and the identification, discouragement and confrontation of behaviours to be changed
- Problem solving: involving the survey, ranking and exploration of problems, goal setting and contracting, the development of strategies and ongoing monitoring
- Relationship: involving the worker being open and honest, empathic, able to challenge and not minimise rationalisations, non-blaming, optimistic, able to articulate the client's and family members' feelings and problems, using appropriate self-disclosure and humour.

Trotter's (1996) empirical research tested the hypotheses, formed on the basis of earlier research, that clients of probation officers who made use of these principles would be more likely to experience reductions in their problems and would be less likely to offend. Trotter trained 12 probation officers in the approach and followed up

104 of their clients. He compared the outcomes for this experimental group with outcomes for a control group of 157 probation clients. Compared to their peers in the control group, clients in the experimental group were subsequently significantly more likely to report that their problems were reduced and their re-offence rates were also significantly lower. Among the principles, the use of pro-social modelling was most consistently, strongly and significantly correlated with lower offence and imprisonment rates. The model was *most* effective with young, high-risk, violent and drug-using offenders.

Despite the familiarity of the principles described above, Trotter's (1999) model is important for two reasons. Firstly, although it would be possible to conceive of pro-social modelling as a form of individualised programme, it is perhaps better described as a style of or approach to practice. He demonstrates therefore that styles and approaches and not merely specific programmes can be 'evidence-based'. Secondly, Trotter's research and his model direct attention to the role of workers' qualities in supporting change, rather than to the characteristics of programmes. Recently, Trotter (2000) has produced evidence to suggest that among staff working in community corrections in Australia, those with a social work background were more likely than those with a law enforcement background to learn and make use of pro-social modelling and, in turn, to produce lower rates of reconviction. In line with Rex's (1999) findings, Trotter (1996, 2000) suggests that this might be about possession of the skills and qualities required to achieve genuinely collaborative problem solving.

The studies discussed in this section direct us towards the crucial significance of the relationships between workers and young people in promoting change. Within the context of the ambivalent, shifting and contingent nature of ‘commitments’ to desistance, particularly among young men involved with their peers in offending and substance misuse, the importance in practice of such relationships becomes clear. It seems particularly important to stress this message because, in some respects, the well-publicised meta-analytic effectiveness studies may tend to seriously underplay the significance of these important variables. This is not perhaps because of any deliberate neglect but rather because of their methodological insensitivity to processes and contexts in evaluating interventions (Pawson and Tilley, 1997). However, the contexts of intervention extend far beyond these important relationship factors: it is to the wider social and personal contexts of efforts to promote desistance that we turn in conclusion.

Conclusion: The Social Context of Desistance

This research evidence from the desistance literature provides a clue as to the reasons underlying the ineffectiveness of institutional and custodial interventions. By breaking links with significant adults in the community and building links with negative peer groups in care or custody, such measures seem bound to discourage and undermine efforts at desistance. Perhaps partly for these reasons, numerous studies suggest that approaches to youth offending based on deterrence, punishment or intensive surveillance are not only ineffective but counter-productive (Lipsey, 1992; Dowden and Andrews, 1999; Goldson and Peters, 2000). This evidence calls into

question whether or not there is merit in providing youth justice interventions with ‘more teeth’ in terms of punitive sanctions. Rather than the development of new forms of sanction and control, our focus should be on new ways to engage and support young people already at the sharp end of social exclusion.

However, even where the strong case for tackling persistent offending by young people within the community (rather than in custodial settings) is accepted, questions about the appropriate nature and focus of community based approaches remain. In setting out the policy context in the introduction, we commented on the emerging stress on *deeds* as well as *needs* and *risks* as well as *rights*. The personal biographies and social circumstances reported in this and in other local studies of young people involved in persistent offending (Goldson, 2000) suggest the ongoing importance of responding to the needs and promoting the rights of young people in trouble. In an increasingly correctional arena (Pitts, 2001), the commensurate practice focus on advocacy and empowerment perhaps needs to be underlined and re-asserted. That we should feel compelled to justify such a focus in terms of crime reduction rather than child welfare is itself perhaps indicative of ideological changes in the youth justice context (Goldson, 2000). However, for the moment accepting crime reduction as a proper priority of any youth justice system, there is strong empirical evidence that should encourage youth justice workers to act as advocates in attending to the needs and rights of young people. Given that many developments in youth justice mirror developments in probation practice, it is particularly salutary in this connection to note the conclusions of the most recent study of probation and desistance from crime.

Farrell (2001) explored the progress or lack of progress towards desistance achieved by a group of 148 probationers. Over half of the sample evidenced progress towards desistance. Only in a few cases could desistance be attributed to specific interventions by the Probation Officer, although help with finding work and mending damaged familial relationships appeared particularly important. Desistance seemed to relate mostly to the probationer's motivation and to the social and personal contexts in which various obstacles to desistance were addressed. To conclude that the Probation Officers' interventions were insignificant, however, would be wrong:

‘The answer to the question of whether probation works is a qualified ‘yes’. In many cases the work undertaken whilst on probation was of little *direct* help to many of the probationers, however the *indirect* impact of probation (i.e. naturally occurring changes in employment, accommodation and personal relationships) was of greater significance’ (Farrell, 2001: 297, emphasis in original).

Whilst this may beg the question of what are ‘naturally occurring changes’ and what are ‘assisted changes’, Farrell is surely right to argue that interventions themselves and evaluations of them must pay greater heed to the community, social and personal contexts in which they are situated. After all, ‘social circumstances and relationships with others are *both* the object of the intervention *and* the medium through which... change can be achieved’ (ibid: 296, emphasis added). Necessarily, this requires that interventions are not focussed solely on the individual young person and his or her perceived ‘deficits’; rather, workers as advocates must seek changes in

the social worlds around young people. Yet in discussing the ‘new correctionalism’, Pitts (2001) cautions that:

‘...the causal primacy ascribed to the ‘criminogenic’ lower-class family in New Labour’s youth justice strategy suffers from what Elliot Currie (1985) has termed the “fallacy of autonomy”. This is because it denies or ignores the relationship between socio-economic stress, neighbourhood poverty and the biographies of young offenders..., the peculiar mutually reinforcing, negative contingencies set in train by socially deviant acts perpetrated by lower class children and young people..., and the role of state agencies in the construction and amplification of their ‘deviant careers’ (Pitts, 2001: 179).

Resisting this spurious ‘causal primacy’ is of practical as well as philosophical importance. As Farrell (2001) notes, the problem with interventions based on such shaky criminological foundations is that while they can build *human capital*, for example, in terms of enhanced cognitive skills or improved employability, they cannot generate *social capital*, which resides necessarily in the relationships that facilitate participation and inclusion. Vitality, it is social capital that is necessary to encourage desistance. To put it another way, it is not enough to build *capacities* for change where change depends on *opportunities* to exercise these capacities:

‘...the process of desistance is one that is produced through an interplay between individual choices, and a range of wider social forces, institutional and societal practices which are beyond the control of the individual’ (Farrell and Bowling, 1999: 261).

For Farrell, this necessitates a re-thinking both of the ‘What Works’ orthodoxy and of practice itself. He suggests focussing not on ‘offence-related factors’ but on ‘desistance-related factors’. While the former encourages practice to be retrospective and individualised, the latter allows it to become prospective and contextualised. While the former requires workers to act as agents of change within young people, the latter requires workers that advocate and seek change both within *and around* young people.

In the youth justice context, this returns us neatly to the policy context with which we began. Whether the purpose of youth justice is conceived in terms of crime reduction or child welfare, it seems that there is no escape from the conclusion that separating analyses of and responses to youth crime from analyses of and responses to social exclusion, is not only intellectually and morally bankrupt, it is imprudent and impractical (Goldson, 2001). Thus while, in Scotland, the Youth Crime Review and the report discussed above may be right to require greater clarity in assessing risk and addressing offending, the focus on needs and rights which is or should be central to the social inclusion agenda requires at least equal weight. Indeed, the literature discussed above confirms that attending to the welfare of young people involved in persistent offending, as well as being a worthy end in itself, is an essential part of the means towards reducing further offending. Meeting the diverse needs and respecting the common rights of young people involved in offending remains as important as ever if their fragile motivations, limited opportunities and constrained capacities for desistance are to be supported.

The findings about the young people in our local study only serve to confirm the challenge that this injunction represents. From what is often the chaos of the personal and social circumstances of society's most troubled and troubling young people, youth justice workers and social workers are expected somehow to bring forth change. In some respects this is the youth justice equivalent of the alchemist's quest. Perhaps the remarkable thing is that it can sometimes be achieved. The qualities and skills of workers remain vital in developing the relationships within which such magical processes occur. But it may be that these relationships are better understood as a catalyst than a cause of change which requires both the provision of personal, social and economic opportunities, and the development of motivation and capacity to exploit the few chances that come the way of socially excluded young people.

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Table 1. Risk Factors identified in Casefiles⁸

Problem area identified in casefiles	Number of offenders
Impulsivity	21 of 21
Anti-social peers	20 of 21
Truancy	18 of 19
Unstructured leisure	21 of 23
Emotional problems (not necessarily diagnosed)	13 of 15
Disruptive in school	17 of 20
Aggression ⁹	16 of 21
Special educational provision	15 of 22
Alcohol abuse	13 of 19
Early onset of offending	14 of 22
Drug abuse	10 of 20
Family poverty	9 of 22
Absconding	6 of 19

⁸ It should be noted that the figures reported represent only those cases where *specific mention* is made in a casefile of a given problem. Because young people's early histories were frequently not present, particularly in criminal justice case files, the numbers in Table 1 should again be considered, if anything, an under-representation of the true circumstances.

⁹ A further four were reported to be violent, but not aggressive. If these cases were added to those labelled 'aggressive', the overall figure would be 20.

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