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**PAROLE AND RECIDIVISM:
A REALIST-INSPIRED EVALUATION**

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PhD
The University of Edinburgh
1999



DECLARATION

I, the undersigned, declare that this thesis has been composed by me and is a record of my own work. No part of it has been submitted for another degree at this or any other University.

Elizabeth Levy

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I owe my greatest debt of gratitude to each of the parolees who gave up their time to be interviewed as part of this study. I thank them for sharing their time and experiences with me and wish them well. I would also like to thank my supervisor Professor David Smith for offering me precisely the right type of advice at the points I needed it most. It was not the quantity of supervision that counted but the quality. Lastly, a special thank you to my husband, Ronnie Taylor who supported me in so many ways through my PhD experience. Thank you for your patience.

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ABSTRACT OF THESIS

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The aim of this study was to test the notion that the experience of being released from prison on parole reduces the risk of reoffending. The study was conceived in response to the debate about the future and role of parole within the British criminal justice systems and, in particular, to the lack of evidence and discourse on the system's impact on recidivism. Although the results of experimental and quasi-experimental parole evaluations have generated some faith in the system's capacity to reduce the risk of recidivism, on closer examination these results are not entirely convincing. Drawing on the work of Pawson and Tilley, the study considers whether an alternative approach to evaluation could contribute more to our understanding of the relationship between release on parole and recidivism. The method was to apply the principles of 'scientific realist' evaluation to test four theories about how parole might be responsible for reducing the risk of recidivism among a small sample of parolees interviewed over the course of their licence periods. The four theories tested were that: the support and advice of a supervising social worker helps parolees to address offending-related behaviour and reduces the motivation or need to reoffend; the threat of recall to custody deters parolees from reoffending; regular surveillance from a supervising social worker increases the perceived risks that a return to offending will be detected and hence deters reoffending and finally that being selected by the Parole Board as deserving early release increases self-efficacy and gives parolees the encouragement and confidence to succeed on release. It was hoped that the study would make some contribution not only to the debate about the future of parole but also to the debate about how best to conduct evaluative research.

Although the application of realist techniques provided some valuable insights into the parole experience, it provided no support for the notion that the conditions of the licence reduced the risk of recidivism. It was clear that the context in which many of the subjects were released was simply not conducive to the operation of the mechanisms outlined and, where the context was conducive, there was little or no evidence of a correlation between this and a reduction in the risk of reoffending. In terms of the contribution of scientific realism, the study demonstrated that there were some important advantages of applying realist principles, particularly in conducting parole evaluation. However, despite Pawson and Tilley's claim that realist method is underpinned by a distinct and more reliable logic of causality, on closer examination there is little difference in the logic applied to test causality in this type of project and that applied in traditional experimental/quasi-experimental evaluations.

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CHAPTER ONE: INTRODUCTION AND BACKGROUND

The principal aim of this study is to test the notion that the conditions of release on parole help to reduce the risk that a prisoner will reoffend on return to the community. While previous attempts to test the impact of the British parole systems suggest that parole is effective in reducing this risk, it is possible to contest these results by challenging the validity of the methods adopted and by reference to evidence on the impact of parole in other jurisdictions. On closer examination, the current state of the evidence suggests that the experimental and quasi-experimental strategy traditionally used to evaluate the impact of parole has contributed little to our understanding of the relationship between release on parole and the risk of recidivism. Drawing on Pawson and Tilley's¹ account of how best to conduct evaluative research, this study considers whether an alternative approach to parole evaluation- one based on the principles of 'scientific realism'- could contribute more. The important difference between the realist and the traditional approach to evaluation is the strategy used to demonstrate the impact of a particular treatment or intervention. While in traditional experimental and quasi-experimental evaluation, the strategy is to isolate this impact by measuring change when the influence of everything but the intervention is held constant, in realist evaluation the aim is to uncover the mechanisms or processes by which this change could have been generated.

That this is an approach which has been missing in parole evaluation is not a new

¹ Pawson, Ray & Tilley, Nick (1994) 'What Works in Evaluative Research?'
British Journal of Criminology Vol. 34 No. 3

observation. As early as 1972, Irvin Waller² published a similar plea for an alternative to the experimental project in parole evaluation. After reviewing existing research on parole and discussing some of the problems associated with the complex task of evaluating the parole licence, he concluded that there remained a lack of tangible evidence of its impact. The experimental approach which had been used in much of this research had failed to demonstrate how and why the parole licence might work to reduce recidivism. At the most obvious level there had been no measure of the specific impact of the threat of recall and of supervision (or in realist terminology, no consideration of potential mechanisms by which change might be effected). Nor had the relationship between, for example, the experiences of imprisonment or family ties and future reoffending been considered. Waller concluded that outcome on release, “is subject to a whole range of chance events and decisions”³ and, rather than a continuation of the experimental project, he called for more descriptive work which could help unravel the relationship between outcomes and the context in which release occurs. Today, 27 years later, the experimental tradition in parole research still prevails and there remains little understanding about *how* the conditions of the licence or the experience of being selected by the Parole Board may have an impact on the progress of those who are released on parole.

This study is an attempt to remedy this deficiency by examining the progress of a small sample of men released on parole in Scotland in 1996 and 1997. The aim is to apply realist principles to test four theories about how parole might be responsible for reducing the risk of recidivism. Briefly, these four theories are that:

² Waller, J. I. (1972) ‘Parole for the ex-prisoner: carrot, stick or illusion?’ in West D.J. (ed) *The Future of Parole*. London: Duckworth

(i) the support and advice of a supervising social worker helps parolees to address offending-related problems and reduces the motivation or need to reoffend;

(ii) the threat of recall to custody deters parolees from engaging in criminal or other anti-social behaviour;

(iii) regular surveillance from a supervising social worker increases the perceived risk of being caught and deters parolees from reoffending;

(iv) and finally, that being selected by the Parole Board as deserving early release encourages parolees to perceive themselves as having good prospects of avoiding re-offending and gives them the encouragement and confidence to succeed on release.

A detailed account of the methods adopted to test these theories is provided in Chapter Four. The purpose of this introductory chapter is to sketch the nature and background of the British parole systems. Although there are differences in the systems which operate in Scotland and in England and Wales, both systems have a common history and, during recent years, have been subject to much review and change. So much so that the most comprehensive accounts of the history and development of parole in Britain (those provided by Bottomley in 1990 and Maguire in 1992) are already out of date. In drawing on and up-dating these accounts, one

³ Waller (1972) *Ibid* p. 133

objective is to acknowledge that reducing the risk of recidivism is just one of a range of functions which can be attributed to parole. In the absence of any evidence on parole's capacity to reduce the risk of recidivism, the survival of the system has undoubtedly had more to do with its administrative and juridical roles than with any contribution it might make to crime control. However, for various political and institutional reasons these other functions are either becoming less relevant or are gradually being threatened. The argument is that, until parole can be defended on the basis of its role in protecting the public from crime, its place within the criminal justice system will remain open to challenge.

Background

A parole system for Britain was first considered in 1964 in the report of a Labour Party study group entitled 'Crime - a Challenge to Us All'⁴ and later proposed to Parliament in the white paper 'The Adult Offender'⁵ in 1965 after the election of the new Labour Government. Although prisoners could already earn a maximum of one-third remission to their sentence, the white paper suggested that prisoners who showed 'promise or determination to reform' should be eligible for a more substantial reward than was currently available. At that time, the official justification for introducing the system rested on rehabilitative ideology; on the notion that the reform of the prisoner could be facilitated by early supervised release on licence. It was argued that, in some cases, progress towards rehabilitation could be threatened by prolonged imprisonment and early release on licence represented an effective means

⁴ Labour Party Study Group (1964) *Crime - a Challenge to Us All*. London: Labour Party
⁵ Home Office (1965) *The Adult Offender*, Cmnd. 2852. London : HMSO

of consolidating the reform of the offender. Determinate prisoners should, it was suggested, be considered for release on licence after they had served at least one-third of their sentence or 12 months in custody, whichever was the longer, and that the licence would remain in force until the two-thirds stage in sentence (the point at which prisoners who were not selected for parole would continue to be released on remission). The normal conditions of the parole licence would be supervision by the social work department and the requirement to be 'of good behaviour and keep the peace'. Breach of licence would render the parolee liable to recall to custody to serve the remainder of his or her sentence.

While parole's place within our criminal justice system was secured ostensibly on the basis of what it could contribute to crime control, many commentators argue that the true motivation for introducing a generous early release system had more to do with managing the problem of prison overcrowding than with the rhetoric of rehabilitation. According to Barnard⁶, by the time the system was introduced 'progressive' academics had already become critical of efforts at rehabilitation. Criticism stemmed both from the lack of empirical support for the notion that offenders underwent any significant change during the course of their sentence and from the moral argument that these efforts resulted in excessive punishment. The fact that the 1967 Criminal Justice Act, which introduced the system, also introduced other measures which were designed to reduce the use of custody (such as suspended prison sentences and restrictions on the use of remand) lends further weight to the suggestion that parole was essentially a device for reducing pressures on the prison service.

⁶ Barnard, Elizabeth (1976) 'Parole Decision-making in Britain' *International Journal of Criminology and Penology* 1976, 4, p.151

Even those such as Morgan⁷ who maintain that the introduction of the parole system was driven by rehabilitative ideology, accept that the ease with which the system assumed its place within the British criminal justice systems, together with early efforts at extending the scope for release on parole, revealed that it quickly became a central strategy in controlling the prison population. Shortly after the system came into operation in April 1968, there was a rise in the number of parole eligible prisoners within the prison system and the number of favourable recommendations by the Parole Board steadily increased. As a result the number of prisoners who were paroled in England and Wales soon exceeded original estimates of between 800 and 900 a year (in 1969 1,833 prisoners were paroled). The extent of commitment to the system became apparent when the government introduced a series of policy initiatives designed to increase the number of prisoners qualifying for parole. The first of these initiatives ensured that fewer prisoners were filtered out of the selection process before the Parole Board was given the opportunity to consider their cases. When parole was originally introduced only the cases of those prisoners who were unanimously recommended for parole by Local Review Committees⁸ (LRCs) were eligible for review by the Parole Board. However, this provision was altered in 1969 and thereafter the cases of those prisoners considered unsuitable by the LRC were filtered out of the system only (in the case of adult male offenders) if their statistical probability of reconviction suggested that they presented a high risk of recidivism or (in the case of female or young offenders) if a committee of staff at prison service

⁷ Morgan, Neil (1983) 'The Shaping of Parole in England and Wales'
The Criminal Law Review March 1983 p. 149

⁸ These committees are appointed for each prison establishment and made up of social workers, a prison governor or deputy governor and members of the local community.

headquarters known as the Sift Committee agreed with the LRC's assessment. The second initiative was introduced in 1972 when the Home Secretary, in consultation with the Parole Board, agreed that prisoners serving under three years for crimes other than those involving sex, violence, drug-trafficking or arson could be paroled on the unanimous recommendation of the LRC without having to be referred to the Board. Later, in August 1975, this provision was extended to include all those serving up to four years (and those serving two years or under for crimes involving sex, violence or drug trafficking)⁹. By 1982, 56% of prisoners considered for parole in England and Wales and 33% in Scotland were granted licences¹⁰. In his account of the origins and development of parole in England and Wales, Bottomley points out that these legislative changes were introduced during a period in which there was a 50% increase in the prison population¹¹ and concludes that "[o]ne factor that has probably affected the development of the English parole system more than anything else is the pressure created by a continual and apparently inexorable growth in the prison population"¹².

Although the simplest method of reducing the demand on prison resources would be to reduce the length or use of prison sentences, popular demand for punitive sentences gives this option little political appeal. As Morgan¹³ points out, the important

⁹ Neither the 1972 nor the 1975 provisions were implemented in Scotland. This was probably because the Scottish Parole Board was able to cope with the increase in caseloads.

¹⁰ Since the introduction of the parole system, paroling rates have always been higher in England and Wales than in Scotland. Although differences in the late 1980's could be attributed to the larger number of short-term prisoners being considered for parole south of the border, there is no obvious explanation for earlier differences.

¹¹ Bottomley, A. Keith (1990) 'Parole in Transition: A Comparative Study of the Origins, Developments and Prospects for the 1990s' in Tonry, Michael & Morris, Norval *Crime and Justice: A Review of the Literature, Volume 12*. Chicago: University of Chicago Press p. 347

¹² Bottomley (1990) *Ibid.* p. 353

¹³ Morgan (1983) *Op.cit.*

advantage of the parole system is that it relieves pressures on prison resources whilst at the same time allows the courts to maintain high sentencing tariffs. From a Durkheimian perspective, provided punishment's symbolic role in conveying moral outrage and hence the strength of the 'conscience collective' is fulfilled by the courts, the measure of punishment which the offender experiences becomes less relevant. As well as the political objections to reducing the use of prison, there is also an important institutional obstacle in that the doctrine of judicial independence, which has been the hallmark of the British criminal justice systems, limits the government's capacity to influence sentencing decisions. Although governments can and have urged sentencers to make less use of imprisonment, as Maguire notes these efforts have had notoriously little effect¹⁴.

If there was ever any doubt about the importance of parole's role in relieving the pressures created by prisoner numbers then it was surely dissipated by argument used to defend the system when it came under attack in the early 1980s. Concern about the parole system first began to be expressed as the number of short-term prisoners being released on parole increased and anomalies in the length of time these prisoners were serving became more apparent. It was quite common, for example, for a prisoner sentenced to three years to be released at the same time as a prisoner sentenced to only 18 months. This was because the requirement that all prisoners should serve 12 months of their sentence before being released on parole meant that for the prisoner sentenced to 18 months, the earliest and simplest method of release was on remission at two-thirds (after serving 12 months). The prisoner sentenced to three years would,

¹⁴ Maguire, Mike (1992) 'Parole' in Stockdale, Eric & Casale, Silvia (eds) *Criminal Justice Under Stress*. London: Blackstone Press

at the same time, become eligible for release on parole at the one-third stage in sentence (again after serving 12 months). The report of a Home Office internal review of the system in 1981 was critical of this erosion of differentials and in July 1984, the minimum period of custody qualifying for parole in England and Wales was reduced from 12 months to 6 months¹⁵. While this adjustment may have appeased some critics, it generated disquiet among others. In 1987 the number of prisoners released on parole in England and Wales alone was 13,944. With such a high number of prisoners being awarded early release, there was growing concern among the judiciary about the extent of executive control over prison sentences together with mounting concern from the Parole Board and administration about the increase in workload. These and other concerns prompted the Government to initiate an independent review of the system. Two separate committees were invited to consider the future of parole; in England and Wales (under the chairmanship of Lord Carlisle) and in Scotland (under the chairmanship of Lord Kincaig).

When the committees reported in 1988 and 1989, they presented broadly the same case for retaining some system of early release. In both the Carlisle and Kincaig reports, the case rested firmly on practical arguments about its impact on prison populations and on cost savings. The Carlisle Report was critical of the court's over-reliance on the use of imprisonment and concluded that, until there was a substantial change in sentencing patterns, some form of early release would continue to be necessary¹⁶. The Kincaig Report also rejected the abolition of early release and the

¹⁵ Again this provision was not implemented in Scotland. The Secretary of State of the time explained that additional resources could not be justified.

¹⁶ Carlisle Committee (1988) *The Parole System in England and Wales : Report of the Review Committee*, Cmnd. 532. London: HMSO. Paragraph 233 states that "Any move to 'real time custodial sentencing' would be possible only if it were accompanied by a complete

move to real time sentencing on the basis of the implications for prisoner numbers; “the simple abolition of parole would lead to an increase in the prison population. Few people would welcome this: the social and financial costs would be high, and the benefits, at best, doubtful.”¹⁷ While various alternatives to discretionary release on parole were considered, both committees agreed that any form of automatic release for long-term prisoners (who were by definition the most dangerous offenders) would fail to protect the public from the greater risk posed by these prisoners. Only a system in which the decision to release was based on a thorough assessment of individual risk during the course of a prisoner’s sentence could adequately protect the public. The future of the parole system therefore seemed secured because, as a selective system, it was regarded as the safest means of managing prison numbers. Besides parole’s role in alleviating prison overcrowding, the Kincaig report also defended the system on the basis that it could be used as an incentive for good conduct and effort in custody.

Since the early days of parole, references to its capacity to reduce crime in the official literature have clearly been overshadowed by pragmatic justifications. However, the Carlisle Report and a careful reading of the Kincaig Report does reveal some faith in parole’s role in reducing reoffending. The most confident statement of this role is to be found in Carlisle which, after considering research on the impact of parole, concluded “...although the evidence that releasing people on parole may have a significant long-term effect in preventing reoffending is not clear-cut, it is reasonably clear that parole and supervision do reduce the likelihood of reoffending in the short-

restructuring of judicial tariffs and a major reduction in sentence lengths. Otherwise the impact would be to provoke a further unwarranted and unacceptable increase in the prison population.”

¹⁷ Kincaig Committee (1989) *Parole and Related Issues in Scotland: Report of the Review*

term”.¹⁸ Although neither the Carlisle nor the Kincaig Committees were prepared to defend parole’s place in the criminal justice system on the basis of its impact on recidivism, both went on to advocate a similar system of conditional release for non-parolees on the basis of what it could contribute to the control of recidivism. While arguing that discretionary release would be the safest method of early release for long-term prisoners, both the Carlisle and Kincaig Committees recognised that for short-term prisoners, the parole system had presented too many practical difficulties¹⁹. The reports of both committees recommended that the paroling of short term prisoners should be abolished and replaced with a system of automatic early release with recall liability and, in some cases, supervision. Although the primary motive behind the extension of the threat of recall was the desire to restore meaning to the full sentence imposed by the court, in discussing the case for automatic conditional release, both reports argued that the system could provide some important safeguards against recidivism. Firstly, the Kincaig report suggested that the prospect of recall might act as an effective deterrent to reoffending on release:

“The effect will be broadly akin to the existing English part-suspended sentence, with the prospect that, for some at least, the experience of imprisonment in the period served will be an effective deterrent against re-offending in the period following release.”²⁰

Secondly, in advocating that all prisoners, and not just those released on parole, should be supervised on release, the Carlisle Report accepted that supervision:

Committee, Cmnd 598 Edinburgh: HMSO. Paragraph 3.12

¹⁸ Carlisle Committee (1988) *Op.cit.* Paragraph 49

¹⁹ The Carlisle Committee pointed out that, for short term prisoners, the parole review had to be initiated before there was sufficient time to assess the impact of the sentence and adequately evaluate risk. The Kincaig Committee also complained that feelings of comparative injustice created by minimum qualifying periods for parole had created a source of tension among short-term prisoners.

“...ensures that the ex-prisoner is offered the help and support which he may need in trying to re-establish himself after a spell in the highly structured and artificial world of the prison; it also provides a framework for exercising a measure of control over where he lives and how he spends his time so as to reduce the risk that he will lapse into his old ways.”²¹

Although the Kincaig Report made no recommendation that short-term prisoners should be supervised on release, it did recognise that there was a need to supervise the release of long-term prisoners who were not granted parole, “to assist their peaceable resettlement into society”²². Although any reference to ‘rehabilitation’ was replaced with terms such as ‘reintegration’ and ‘resettlement’, both the Carlisle and Kincaig Reports contained the implicit assumption that it was better to assist resettlement and to release prisoners with support and appropriate controls on their behaviour. The threat of recall and social work supervision, which are central elements in both the parole licence and the new automatic conditional release system ²³, were therefore recognised as a means of reducing the risk of recidivism on release.

For institutional reasons, if not for reasons of crime control, the future of supervised and conditional early release seemed secure. The changes proposed to the English and Welsh early release system were enacted in Part II of the 1991 Criminal Justice Act and in Scotland by the 1993 Prisoners and Criminal Proceedings Act. Firstly the legislation introduced separate release mechanisms for short and long-term prisoners. Parole (or ‘discretionary conditional release’, as it is now called in England and

²⁰ Kincaig Committee (1989) *Op.cit.* Paragraph 4.3

²¹ Carlisle Committee (1988) *Op.cit.* Paragraph 248

²² Kincaig Committee (1989) *Op. cit.* Paragraph 3.21

²³ While social work supervision is a condition of the automatic conditional release system in England and Wales, this is not the case in Scotland. Among prisoners released on automatic conditional release in Scotland only those who are subject to a supervised release order (which

Wales) was retained for those serving four years and over and for those serving under four years a new system of automatic conditional release was introduced. Secondly the legislation altered the stage in sentence at which prisoners became eligible for early release; those serving over four years became eligible for parole at half sentence rather than one-third of sentence (with those rejected for parole being released automatically at the two-thirds stage) and those serving under four years were released automatically at half sentence rather than on remission at two-thirds or parole at one-third. By increasing the threshold for release (by whatever mechanism) to half sentence, the legislation ensured that it was no longer possible for long-term prisoners to serve a smaller proportion of their sentence than those serving short-term sentences. Thirdly, the legislation altered the liabilities and conditions on release. All prisoners, and not just those released on parole, were to remain liable to serve the outstanding portion of their sentence in event of reoffending and in Scotland all prisoners sentenced to four years and over, and some serving under four years²⁴ were to be supervised on their return to the community and until their full sentence expired. In England and Wales the supervision requirements were to be slightly different with all prisoners serving 12 months or more being supervised but only until the three-quarter stage in sentence (or full sentence for those convicted of sexual offences). The new arrangements were also designed to promote consistency of punishment and correlation between the length of the sentence imposed by the court and time served. By limiting parole eligibility to those serving four years and over, the 'parole window' was reduced and the influence of the Parole Board was restricted. It seemed

²⁴ is imposed by the court at the point of sentence) are supervised on release. The court has the power to stipulate, at point of sentence, that any offender sentenced to imprisonment for under 4 years be the subject of a supervised release order on their return to the community.

that the conclusions and recommendations of both review committees had served not only to articulate the value of the parole system but also to resolve many of the concerns surrounding its operation.

The role of the parole system

As commentators on the parole system repeatedly point out and the foregoing account demonstrates, the modern parole system is not under-pinned by any one coherent philosophy²⁵. Rather, the system has survived largely because it has the potential to serve a range of ideological and pragmatic masters. In his account of the history and role of parole in Britain, Canada and the US, Bottomley observes that “[w]hatever else may be said, it is clear that parole has survived (or emerged late in the day) with a chameleon-like capacity to adapt to changing social, political and penal environments”²⁶. His summary of the functions of the parole system has been reproduced overleaf.

²⁵ See for example: Barnard (1976) *Op.cit.* p.151; Wasik, Martin (1992) ‘Arrangements for Early Release’ *Criminal Law Review* 1992; Bottomley (1990) *Op.cit.*

²⁶ Bottomley (1990) *Op. cit.* p. 364

TABLE 1.1: Purposes, Roles and Principles of Early Release

<i>Grounds for Early Release</i>	<i>Role of Parole Authority</i>	<i>Penal Principle (or Pragmatism)</i>
A. Sentence Length/condition:		
1. Mitigation, or conditional remission of part of sentence	Clemency	Humanitarianism
2. Reduction of sentence disparity	Resentencing	Justice (and fairness)
B. Institutional management:		
1. Earned reward for program participation	Reward	Rehabilitation
2. Incentive for good behaviour	Discipline	Institutional control
1. Regulation of prison crowding	Population control	Systems management (and humanitarianism)
C. Rehabilitation and Crime control:		
1. Recognition of changed attitude or behaviour	Treatment, risk reduction	Rehabilitation (and public protection)
2. Ensuring supervised release from custody	Control, aftercare	Public Protection (and rehabilitation)

SOURCE: A. Keith Bottomley 'Parole in Transition: A Comparative Study of the Origins, Developments and Prospects for the 1990s'²⁷

As well as parole's role in reducing the risk of recidivism and its institutional role in controlling prison overcrowding, encouraging effort and enforcing discipline, Bottomley mentions parole's juridical role in ironing out inconsistencies in sentencing and relieving offenders of the damaging consequences of imprisonment. However a second theme which emerges in the literature on the role and status of the parole system is that some of these explicit and implicit functions may be gradually eroded. As with many efforts at correction, parole's rehabilitative role was quickly undermined by the demise in faith in the rehabilitative ideal. Other arguments which, although touched upon in the literature, deserve further thought are the way in which parole's juridical and institutional roles could be threatened by the move towards just

deserts and more recently deterrent sentencing, the privatised running of prisons and efforts at promoting due process in parole board decision making.

Just deserts and deterrence

The most frequently mentioned factor to have undermined the use of parole to relieve prisoners of part of their term of imprisonment is the move towards just deserts sentencing philosophy. Under a just deserts model, the defining characteristic of punishment is that it apportions blame and that, to accurately convey this, the severity of the sentence should accurately reflect society's condemnation of the offender's actions. The level of punishment administered should therefore be commensurate with the seriousness of the offence. The commitment to just deserts was made explicit in the 1991 Criminal Justice Act which set out a legislative framework for sentencing which was designed to promote a more consistent approach to sentencing by ensuring that "the severity of the sentence of the court should be more directly related to the seriousness of the offence"²⁸. Although this legislation applied only to England and Wales, there is reason to believe that the Scottish criminal justice system is also committed to this type of proportionality²⁹. With the emphasis primarily on offence-related criteria, the circumstances and needs of the offender are given only secondary weighting in determining the level of punishment. This approach is, as Maguire and Raynor³⁰ point out, clearly at odds with the individualistic and rehabilitative focus of

²⁷ Bottomley (1990) *Ibid.* p. 322

²⁸ Home Office (1991) *Crime, Justice and Protecting the Public*, Cmnd. 965 London: HMSO.

²⁹ See Young, Peter (1989) 'Punishment, Money and a Sense of Justice' in Carling, Pat & Cook, Dee (eds) *Paying for Crime*. Milton Keynes: Open University Press. Young's interviews with Sheriffs revealed that they adhere to an essentially classical notion of sentencing and as such are guided by offence-related criteria. The fact that the consultation paper which set out the government's proposals to abolish parole was entitled 'Making Punishment Fit the Crime' provides further indication that proportionality is the favoured principle within the Scottish criminal justice system.

³⁰ Maguire, Mike & Raynor, Peter (1995) *The Revival of Throughcare: Rhetoric and Reality in*

parole. Von Hirsch and Hanrahan also agree that the deserts model “constitutes a radical departure from the penological theory that has traditionally sustained parole”³¹ in particular from the practice of determining release dates by reference to the future risk of recidivism. While sentencing under a deserts model is based on retrospective considerations about the severity of actions already committed, the parole decision is based largely on prospective considerations about the prisoners prospects of avoiding recidivism. By altering the conditions of punishment by reference to principles of public protection or rehabilitation, the parole system confounds attempts to promote consistency between the severity of the sentence and society’s condemnation of the offence.

More recently, the principle of just deserts has been eroded by a shift towards greater punitiveness and there has been a growing call for deterrent sentences to stem the tide of (or at least the fear of) violent crime in society. During the early 1990’s, a number of high profile violent crimes (most notably the death of Jamie Bulger and the crimes of Thomas Hamilton and Fred West) brought an important change in public attitude towards the treatment of violent offenders. This sea change was reflected in both the government’s and the court’s responses to crime. The proportion of persons sentenced to custody for indictable offences rose sharply from around 40% in 1992 to over 60% by late 1996³² and, in marked contrast to the position taken in the 1991 Criminal Justice Act, the Criminal Justice and the Crime and Punishment Acts of

the Implementation of Automatic Conditional Release. Paper presented at The British Criminology Conference, Loughborough, July 1995.

³¹ Von Hirsch, Andrew and Hanrahan, Kathleen (1979) *The Question of Parole: Retention, Reform or Abolition?* Cambridge, Mass.:Ballinger. p.4

³² Home Office (1998) *Criminal Statistics England and Wales*, Cmnd 4162 London: The Stationary Office. p.140

1997 paved the way for fixed terms of imprisonment for certain categories of offenders³³. If the ground swell of public opinion in favour of deterrent punishment sets the agenda for future criminal justice policy, those features of the system which mitigate the punitive impact of imprisonment are likely to become even more unpopular. Unless sentencers are pre-empting the Board's decision by increasing the length of the sentence handed out by the courts (and there is little evidence that this is the case³⁴) then the parole system is bound to undermine attempts to promote deterrent sentences.

Prison privatisation

Although as many argue, parole has always been first and foremost a method of controlling the prison population, this role may become less important if the responsibility for managing prisons is handed over to the private sector (Scotland's first privately run prison has recently opened at Bowhouse near Kilmarnock). Christie's chilling insights into the relationship between prison populations and privatisation suggest that, if private enterprise makes further inroads in this sector, the pressure to reduce the number of offenders held in custody could be replaced with a powerful momentum towards growth. As his account of the US experience clearly demonstrates, imprisonment is a lucrative business - "Prisons mean money. Big

³³ Although the Acts introduced mandatory sentences of 7 years for repeat drug dealers and automatic life sentences for those convicted of two or more serious violent or sexual offences, the latter provision was shelved when the new Labour Government took office.

³⁴ Walker demonstrates that the introduction of parole in England and Wales was not associated with an increase in the length of sentences handed out by the courts. He argues that there may have been a decrease in the proportion of prisoners given short-term sentences in the 2 years after parole was introduced (due to the introduction of suspended sentences as an alternative to imprisonment for less serious offenders). However there was no evidence of an upward shift in parole eligible sentences lengths (i.e. those over 18 months). See Walker, Nigel (1981) 'A Note on Parole and Sentence Lengths' *Criminal Law Review* Dec. 1981 pp. 829-30

money. Big in building, big in providing equipment and big in running.”³⁵ By the early 1990’s there were already over 100 firm specialising in prison architecture in the US, between them receiving \$4 billion to \$6 billion in construction business. Given this market value and the expansionist drive built into all private enterprise, Christie concludes that it is hardly surprising that the US has experienced such an alarming growth in prison populations (even during a period in which the rate of victimisation was falling). By inviting the private sector to build, maintain and manage penal institutions we inevitably build a growth factor into the business of imprisonment. The privatisation of prisons not only creates an enterprise with a financial stake in a growing prison population but may also help diffuse responsibility for the peaceful management of these institutions away from elected representatives. Releasing prisoners before the end of their sentence has always been dangerous both in a practical and political sense. If we are witnessing a shift towards prison privatisation, perhaps the need to reward discipline with early release will no longer be a political risk worth taking.

Due process

While risk of recidivism has been promoted as the guiding principle upon which the Parole Board decision to release ought to be based, Maguire³⁶ has confirmed (from his experience as a Parole Board member) that it was not uncommon for prisoners to be denied parole on the basis that they had not served sufficient time for the crime they had committed. However, the notion that an executive body should have the power to ‘resentence’ prisoners does not sit well with the expectation that the administration of

³⁵ Christie, Nils (1993) *Crime Control as Industry*. London: Routledge p. 98

³⁶ Maguire (1992) *Op.cit.* p.193

justice should be free of political interference. Nor has it seemed fair, as Cavadino and Dignan point out, that mitigating or aggravating circumstances surrounding the original offence should be given double weighting (firstly at the time of sentence and then by the Parole Board)³⁷. Although the government accepted the Carlisle Committee's recommendation that risk to the public should become the over-riding principle in the release decision, Bottomley has argued that unless prisoners are given reasons for decisions it is impossible to know what general principles are being applied by the Board³⁸. Without having to provide reasons for their decision, the Board has had the freedom to use its power to whatever end it considers appropriate (including the delivery of justice and clemency). However, recent changes have placed some checks on this seemingly indiscriminate power of the Board. Following the implementation of the 1991 Criminal Justice Act in England and Wales and the Prisoners and Criminal Proceedings (Scotland) Act 1993, parole candidates have been given reasons for the Board's decision. For this reason, the principles upon which decisions are taken have become more visible and unless the emphasis on juridical objectives such as retribution and deterrence is replaced with an a concern for public protection and rehabilitation then the parole system is likely to generate an increased sense of injustice among the prison population.

There is a second sense in which this new era of openness and due process in Parole Board decision making may undermine some of the functions of parole. Not only are parole candidates entitled to reasons for the Board's decision, they are now also

³⁷ Cavadino, Michael & Dignan, James (1992) *The Penal System: An Introduction*. London: Sage Publications. p. 161

³⁸ Bottomley, A. Keith (1984) 'Dilemmas of Parole in a Penal Crisis'. *The Howard Journal*. Vol. 23. No. 1

entitled to see the reports which prison staff submit in their parole dossier. Although one of the advantages of a parole system has supposedly been that it acts as an incentive to good discipline within the prison, as far back as 1976, commentators were noting that it has 'often served to increase anxiety and lower morale, particularly in institutions from which few get parole.'³⁹ It is possible that the disclosure of reports from prison officers could create even more tension between staff and prisoners.

The challenge to parole

Since Bottomley's account of the status of the modern parole system there is even more to suggest that the future of the British parole systems has become uncertain. Less than five years after the implementation of the Carlisle and Kincaig recommendations, the Conservative Government announced its intentions to abolish both the recently revised parole system and the new automatic conditional release system. The white papers in which these proposals were presented claimed that public confidence in the criminal justice system together with the deterrent affect of custodial sentences were being undermined by the overly 'generous' early release arrangements⁴⁰. The papers set out the Government's proposal to promote greater 'honesty' in sentencing by replacing the existing system with one in which prisoners could earn only a maximum of 12 days early release for every two months they served in custody. A maximum of only one-fifth of the sentence could therefore be served in

³⁹ Barnard (1976) *Op.cit.* p. 149

⁴⁰ Scottish Office (1996) *Crime and Punishment* Cmnd. 3302 Edinburgh: The Stationary Office
Home Office (1996) *Protecting the Public: The Government's Strategy on Crime in England and Wales*, Cmnd 3190 London: The Stationary Office

the community: the most restrictive early release provision in over 50 years ⁴¹.

While in the context of arguments made in much of the academic literature on the parole system, these proposals may not seem particularly surprising, they presented a clear departure from earlier policy initiatives which, particularly in Scotland, had hitherto been characterised by a general commitment to promoting alternatives to custody. During the late 1980s, the Secretary of State for Scotland had announced the government's intention to reduce the use of imprisonment by improving the quality and credibility of existing community-based sentences and post-release supervision. Imprisonment, he explained, should be used as sparingly as possible and instead, the majority of non-violent offenders could be dealt with more appropriately through the use of non-custodial disposals ⁴². Nor was there any evidence that the new early release system was failing to deliver its objectives. In fact, these proposals followed so soon after the Carlisle and Kincaid's recommendations were implemented that prisoners had only recently started to be released on the new-style parole and automatic conditional release licences. Although an evaluation of the system in England and Wales was underway, only the early phase of this research had been completed: the objective of which had been to provide a bench-mark for later evaluation by measuring opinion and recording practice before implementation ⁴³.

⁴¹ Even before the parole system was introduced, prisoners received one-third remission for good conduct.

⁴² As part of this effort central government took responsibility for funding social work services to the court (as a result these services no longer had to compete for a share of the local authority budgets), and national standards for the management and delivery of these services were introduced to promote the quality of services and to ensure that they had the confidence of the courts and the wider public.

⁴³ Hood, Roger & Shute, Stephen (1994) *Parole in Transition: Evaluating the Impact and Effects of Changes in the Parole System*. Oxford: Centre for Criminological Research

Little official support for the Government's proposal to abolish parole was registered in response to the consultation papers published in 1996. The majority of those who submitted responses to the Scottish Office paper 'Making the Punishment Fit the Crime' first and foremost saw no convincing case for changing the existing early release provisions. They urged the government to retain the existing provisions for long enough to allow their full effects to come into force and their impact to be adequately researched before considering yet another fundamental overhaul. Many were also critical of what was being proposed because of the fundamental problems associated with limiting early release entitlements to one-sixth of the sentence. There was the obvious concern that limiting early release to this extent would exacerbate overcrowding and even those who may have been in favour of restricting early release were concerned that an early release entitlement of only one sixth was too small to act as incentive for good behaviour or preparation for release. Despite these responses, provisions to abolish parole were contained in the 1997 Criminal Justice Act (England and Wales) and in the 1997 Crime and Punishment (Scotland) Act which was given Royal Assent in the week before the 1997 general election. These provisions were included within a package of measures, including mandatory minimum sentences for certain types of offenders and automatic life sentences for repeat serious violent or sex offenders, which were designed to strengthen the deterrent impact of sentencing and supposedly protect the public from serious crime. Just as the British parole systems were born of a political climate which was committed to reducing the use of imprisonment so they seemed destined to perish in the backlash and the affirmation that 'prison works'⁴⁴. However, soon after the Labour Government took office in June 1997, the Home Secretary and the Secretary of State for Scotland announced that

⁴⁴ Howard, Michael (1996) Conservative Party Conference.

these provisions would be shelved and that, at least for the time being, Britain would retain its parole system along with its other early release arrangements.

A cynical interpretation of events is that the attempt to abolish parole was little more than a political stunt designed to strengthen the Conservative Party's 'get tough on crime' credentials in the run-up to a general election. However, the Labour Government's retention of the parole system has done little to reinstate the value of the system. Again, the pragmatic rationale was made clear. With prison populations both north and south of the border at record levels the Prison Services simply could not cope with the resource implications of abolishing early release. Estimates indicated that in Scotland within the first year of abolition an extra 1,000 prisoners would have to be accommodated in a prison system already 800 over its 5,400 capacity and within five years the prison population would rise to around 8,400⁴⁵. Despite earlier attempts to address concerns surrounding the use of parole, the ideological commitment to the system was so weak that parole survived simply because of expediency rather than by reference to its penal efficacy.

Debates about the role of parole have not been a feature of British criminal justice systems alone. The future of parole in many developed countries has also become a contentious issue and in some jurisdictions early release has been curtailed or even abolished. In Sweden, for example, parole eligibility has recently been postponed from the one half to two-thirds stage in sentence as part of reforms aimed at making punishment proportionate to the seriousness of the offence. The Canadian early release system, which most resembles the British systems, has also been under attack.

Since the formalisation of the parole system in 1958⁴⁶, prisoners in Canada have been eligible for early release on parole after serving one-third of their sentence or seven years (whichever is sooner) with supervision until their full sentence expires. As in Britain, parole operates alongside a system of remission. One-quarter of the sentence is automatically deducted on admission and a further one-third remission can be earned by good behaviour during the course of the sentence. Since 1970 those who gained more than 60 days remission were made subject to a period of mandatory supervision in the community and as a result, parole no longer had the unique role of providing a measure of control over the released prisoner. This together with concerns about due process (the arbitrary nature of the release decision) was according to Bottomley⁴⁷, what triggered the debate about the future of the Canadian system. Other commentators, such as Brodeur⁴⁸, claim that calls for reform and even the abolition of the system were initiated partly in response to a number of highly publicised parolee reconvictions and partly in response to the just-deserts philosophy. There were concerns that the credibility of the Canadian criminal justice system was being eroded by what Brodeur refers to as the widening gap between 'theory and reality'⁴⁹. By this he means that the sentence passed by the courts was not reflected in the time prisoners served in custody. There was also concern that sentencers were trying to pre-empt parole board decisions by increasing the length of custodial sentences imposed by the courts. In 1987 a report of the Canadian sentencing commission recommended that parole be abolished, remission reduced from one-third

⁴⁵ *The Scotsman* p. 6 Saturday 12 July 1997

⁴⁶ Although a Parole Board was not established until 1958, a system of supervised early release had been operating in Canada since the Ticket of Leave Act was passed in 1899.

⁴⁷ Bottomley (1990) *Op.cit.*

⁴⁸ Brodeur, Jean-Paul (1990) 'The Attrition of Parole'
Canadian Journal of Criminology: July 1990

⁴⁹ Brodeur (1990) *Ibid.* p.504

to one-quarter of the prison sentence and, to ease pressures on prison overcrowding, sentencing tariffs simply be reduced. A year later, however, the report of a parliamentary committee set up to review conditional release recommended that the existing system be retained on the grounds that the parole system would give prisoners more incentive to address their offending behaviour while in custody and that the public would be further protected while prisoners received supervision and assistance once released⁵⁰. After a lengthy review of these recommendations, the parole system survived, largely by revising its principles and shifting its emphasis from support to risk management. Increased use was made of reconviction prediction tools and supervision in the community was given a higher priority.

Parole in the United States has traditionally served a slightly different function to that of the British and Canadian systems. Until 1976, courts in all North American States operated an indeterminate sentencing system whereby minimum, and in some cases maximum, sentence lengths were set by the judiciary with the exact timing of release determined by a parole authority. Although the original rationale for this system had centred on the rehabilitative notion that prisoners should be detained until their reform was complete, parole's role in maintaining a disciplined and manageable prison population soon took precedence. Nevertheless, the demise in the rehabilitative ideal presented an inevitable challenge to the credibility of indeterminate sentencing and release on parole. This challenge, together with, concerns about inconsistencies in sentence lengths and the secretive and discretionary nature of parole board decision-making led 13 states to abolish the system during the 1970s and 1980s. In many states

⁵⁰ Daubney Committee (1988) *Taking Responsibility. Report of the Standing Committee on Justice*. Ottawa: Queen's Printer. pp. 187-88

the indeterminate system was replaced with determinate sentencing (the extent of judicial discretion to set sentence length varied from state to state), some form of post-release supervision was retained and early release dates could be earned by good time remission.

Although an increasing prison population was already a feature of the American penal system, the abolition of parole was almost certainly a factor in the unprecedented 160% increase in the sentenced prison population between 1975 and 1988⁵¹. Such a dramatic increase inevitably generated pressure of prison over-population and led many states to reconsider their early release policy. Colorado was the first state to reintroduce parole in 1985 (six years after abolishing it) and, by 1993, four other abolitionist states had followed suit. Parole's role in easing the pressure of prison overcrowding has not only been central in its reintroduction in the United States but also, as we have seen, in the case for the retention of the British systems. But while the British parole systems seem to have survived this most recent challenge on the strength of this role, the affirmation of parole's role in maintaining a manageable prison population in the Carlisle and Kincaig reports did nothing to prevent the system from being threatened again in the 1990s. There is therefore no reason to assume that, even in the short-term, the future of the system is certain.

The research agenda

Perhaps debates about the future of parole have continued because the system has depended so much for its survival on its role in reducing and managing prison

populations rather than on coherent crime and punishment concepts. With many of the institutional and juridical functions which parole has traditionally served becoming less relevant, the future of the system could be further undermined. There are also dangers of relying on what Bottoms has referred to as ‘penological pragmatism’⁵². While pragmatic expediency may have helped to defend the system from attack so far, these types of justifications suggest that the parole system is providing little more than a stop-gap or a safety valve in an over-burdened, poorly managed criminal justice system. Parole’s status would be more secure if its role could be justified on the basis of what it could contribute to an efficient and effective system rather than how it helps to resolve the system’s inadequacies by easing over-crowding, controlling indiscipline, mitigating against the pains of imprisonment or rectifying sentencing disparities. As Bottomley notes “[i]n order to retain their respect and credibility, parole and conditional-release schemes of the future need to distance themselves from possible management ‘contamination’ or allegations of being influenced by essentially secondary institutional or political considerations”⁵³. Parole’s most effective line of defence would be to demonstrate a contribution to crime control. If the system is ever to truly consolidate its place within the modern criminal justice system and remain a credible alternative to imprisonment then a new narrative must be constructed around its capacity to control recidivism rather than soaring prison populations. Central to this narrative must be some account of why the risk of releasing prisoners before the end of their sentence is an effective means of tackling crime. There must be an explanation either of how, in the long term, the propensity to

⁵¹ Bottomley (1990) *Op.cit.* p.342

⁵² Bottoms, Anthony (1990) ‘An Introduction to ‘The Coming Crisis’ in Bottoms, A.E. & Preston, R.H. (eds) *The Coming Penal Crisis*. Edinburgh: Scottish Academic Press

⁵³ Bottomley (1990) *Ibid.* p.368

reoffend can be reduced by releasing prisoners on parole or, at the very least, of how behaviour can be controlled during the term of the licence.

Although the 'nothing works' verdict of the 1970s may have undermined parole's credibility as a technique of crime control, the notion that parole might have something to contribute to the risk of recidivism should not, Bottomley suggests, be dismissed. Indeed the catalyst for embarking on this study were the results of work by Nuttall and Ward which suggested that the rate of reoffending among prisoners released on parole is lower than that expected on the basis of statistical risk of reconviction. Despite the popular justifications for the parole system, it seems that there is still at least an implicit commitment to this notion that some features of the parole licence could help to reduce the risk of recidivism. The introduction of other forms of conditional release in the early 1990s, (the automatic conditional release system for prisoners serving under four years and supervised conditional release for those serving longer and not selected for parole) were in part underpinned by the assumption that social work supervision and the penalty of recall to custody - the main elements of the parole licence - would go some way to reducing the risk of reoffending among prisoners who were not released selectively on parole. Within a society in which there is increasing concern about the impact and level of crime, the credibility both of the parole system and these new forms of early release rest on the validity of this assumption. The objective of this study is to test this by conducting some original empirical research on the impact of the parole licence.

While parole systems both at home and abroad have been subject to intense political

scrutiny in recent years, they have been the focus of very little academic interest (particularly in Britain). The evidence of parole's capacity to control offending is limited. Although the evidence which does exist tends to suggest the conditions of release on parole may be responsible for a reduction in the risk of recidivism, a thorough review reveals that the evidence is both inconsistent and inconclusive. As we will see in the next chapter, the state of the evidence is due in no small part to the difficulties of designing and conducting the type of experimental and quasi-experimental research which have traditionally been used in parole evaluation. While a review of the existing research on parole suggests that, from the outset, any attempt to test its impact on recidivism seems doomed to failure, Chapter Three suggests that more confident conclusions could be generated if the research community were to invest in a different methodological approach. The chapter considers Pawson and Tilley's⁵⁴ recent argument that this current state of the evidence could be the product of fundamental methodological failure and that the continued reliance on the experimental and quasi-experimental tradition has contributed much to the current stagnation within evaluative research. If their pronouncements are to be believed, a more constructive approach would be to apply the principles of 'scientific realism' to evaluative research and to test the impact of the intervention by identifying the process or mechanism responsible for producing a particular outcome pattern.

Pawson and Tilley's argument has prompted some debate about whether or not 'realism' can offer a genuine and valuable alternative to evaluative research. The aim of this thesis is to make some contribution not only to the debate about the value of

⁵⁴ Pawson & Tilley (1994) *Op.cit.*

parole but also to the methodological debate about the relative value of experimental/quasi-experimental and realist research by attempting a realist inspired evaluation. In Chapter Four the methodology involved in this type of evaluation of the parole licence is described. The challenge is to establish which aspect of the parolee's status could be responsible for producing differential patterns of recidivism identified in some of the traditional evaluations of the parole licence. Four theories about the mechanisms which could be responsible for this affect are tested in Chapters Five, Six, Seven and Eight. The evidence is based on an analysis of quantitative and qualitative data collected a series of follow-up interviews with a sample of parolees as well as by reference to the results of similar work in the field. In the concluding chapter, the results of the fieldwork are summarised and the impact of the licence assessed. A critical review of the contribution of realist methodology should also provide some suggestions for the way forward for evaluative research.

CHAPTER TWO: TRADITIONAL PAROLE EVALUATIONS

Introduction

In Britain, Canada and the United States, evaluations of parole's impact on recidivism have traditionally relied on comparative research, that is, research in which the progress of a sample of parolees is compared with that of a sample of prisoners released automatically and unconditionally at a similar or later stage in their sentence. This simple approach has presented many methodological problems for the researcher, the most difficult of which is overcoming the problem of the 'selection effect'. Prisoners are selected for release on parole by a parole board and assessments of suitability of release on licence are made primarily on the basis of risk of reoffending. It would therefore seem natural to expect that, having been selected as good risk candidates, prisoners released on parole licence will be more successful at avoiding reconviction than prisoners released later in their sentence by another means. While simple comparative studies have tended to show that prisoners released under the conditions of the parole licence are reconvicted at a lower rate than those discharged without parole, the challenge for the researcher is to assess whether lower reconviction rates among parolees are purely a function of this selection effect or whether the licence experience (the experience of being released under social work supervision and with the threat of recall) also contributes something to success on release. The purpose of this chapter is to consider how the problem of the selection effect has been dealt with in parole evaluation and to outline

some of the substantive findings of this work. The aim is to assess the extent to which traditional comparative evaluations have contributed to our understanding of the effectiveness of release on parole.

Randomised experimental evaluations

Given the problem of the selection effect, it would seem that the ideal method of investigating the impact of parole would be to randomly allocate a sample of prisoners either to release under the normal conditions of a parole licence or to release without these conditions and then to compare reconviction rates within each group over a given period of time. Random assignment to experimental and control status should ensure that the risk of reoffending among the two samples is held constant and that any difference in recidivism rates observed can be attributed to the nature and conditions of release. Despite the practical and ethical difficulties associated with experiments of this nature, a number of experimental parole evaluations of the parole licence were conducted in the USA during the 1970s.

The earliest of these evaluations was conducted by Hudson¹ in the state of Minnesota. The objective of the research was to consider whether or not the compulsory parole supervision of adolescents released from juvenile institutions made any difference to their progress on release. All juveniles released from state institutions between August 1970 and May 1971 were first screened to ensure that

¹ Hudson, C.H. (1973) *An Experimental Study of the Differential Effects of Parole Supervision for a Group of Adolescent Boys and Girls: Summary Report.*

high risk cases were removed from the study² and the remaining 234 subjects were randomly assigned to either normal or minimal supervision parole supervision. Analysis of socio-biographical characteristics and the seriousness of the offence for which the subjects were convicted demonstrated that there were no significant differences between the two groups. Although both the experimental and the control groups remained liable to recall for further offending, the experimental group were required to contact their parole officer only if they felt that they needed help or if they planned to permanently leave the area. As expected, over the ten months follow-up period the experimental sample made significantly less contact with supervising officers than the control sample (a mean number of contacts of 15 compared with 116) and the purpose of most of these contacts was to confirm that no formal supervision was necessary.

Despite having limited supervision, analysis of progress on release revealed that the experimental sample performed no worse than the control group. There was no significant difference in the type of difficulties experienced by each of the groups on release nor was there any difference in the time to first arrest or revocation of licence. There were however significant and surprising differences in the proportion of each group who had their parole licence revoked within the follow-up period with 38% of the males and 45% females exposed to normal supervision being recalled compared with only 21% of the males and 34% of the females exposed to minimal

² Minneapolis: Minnesota Dept. of Corrections, U.S. Department of Justice
144 juveniles who were convicted of arson or rape, who had a regular record of assault, who were severely emotionally disturbed or who were to be released to another form of institutional care were excluded from the experiment.

supervision. Importantly, there were also significant differences in the nature of the offences for which subjects in each group were recalled with 52% of those under normal supervision and 78% of those under minimal supervision being recalled for offences classified as 'serious'. So, although more of those exposed to normal supervision were recalled, where they were recalled it tended to be for less serious offending than was the case with those exposed to minimal supervision. Hudson's report did not consider the reasons for this difference but it is possible that less serious misconduct was going unnoticed among subjects with only minimal supervision and that, had this been detected, the differences in the rates of recall would have been reduced. If this explanation is accurate, it suggests that parole supervision simply detects rather than prevents more recidivism.

An experiment by Star³ a few years later reached broadly similar conclusions. Again, the objective was to test the extent to which parolees could be released to reduced levels of supervision without increasing the risk of reoffending. This time, the experiment focused on a sample of adult parolees. Approximately 40% (627) of all male parolees released throughout the state of California during the latter half of 1976 were randomly assigned to either 'summary' or normal parole supervision. At the request of the parole authorities, the remaining 60% of parolees were excluded from the research either because they had a history of violent or sexual offending or because they were subject to special release conditions (such as drug testing or psychological counselling). 'Summary' parole differed from normal parole in that

³ Star, Deborah (1979) *Summary Parole : A Six and Twelve Month Follow-up*. Research Report No. 60. California: California Dept. of Corrections.

the only routine contact between parolee and supervising officer was one initial meeting and one discharge review a year later. Other than this, contact was made only in response to suspected or established return to crime or to a request for contact from the parolee. As in Hudson's experiment, subjects released under normal and 'summary' parole remained liable to recall to custody. Again, the background characteristics of the experimental and control groups were compared to ensure that randomisation had produced matched groups and no differences were found. An analysis of supervision records revealed that, over a six month follow-up period, the median number of contacts between parolee and supervising officer in the experimental sample was half that of the control sample. Having established that the experimental sample were receiving reduced supervision, data on criminal activity among the entire study population was collected for a six month period and additional data for a full 12 month period was collected for only one-third of the sample. Over the six month follow-up period, there was no significant difference (at the .05 probability level) in the proportion of each group who were arrested, convicted or returned to custody and no significant difference in offence seriousness or time to re-imprisonment. However, over the 12 month follow-up there were interesting differences in the progress of the two groups. As Hudson had discovered, rates of arrest and conviction were lower but criminal accusations more serious among cases under summary supervision. Unfortunately, these findings were based on very small cell sizes and therefore were not statistically significant. For this reason, Star concluded that among the study population, reduced parole supervision was not associated with a higher level of criminal activity than that observed under

normal parole supervision.

A third study reported by Jackson⁴ produced quite different results. In this study, 296 out of a total of 725 youths on parole in three Californian parole units in 1976 were selected for an experiment which was also designed to assess the impact of parole supervision. Again, only those parolees who were not regarded as serious or dangerous criminals and had not already been charged with reoffending were selected for the study. The sample was randomly assigned to either normal parole or immediate discharge from parole supervision. Comparison on the basis of 32 socio-biographical characteristics revealed no difference in the composition of the two groups. On this occasion, subjects were tracked for a much longer period of 26 months. Although there was no difference in the number of or time to re-arrest or reconviction among the two groups, there was a difference in the nature of crimes with which the groups were charged. Non-parolees were charged with more drug and alcohol related offences while those retained on normal parole supervision were charged with more serious property, violent or sexual offences. In comparison with the results of Hudson and Star's research it was the parolees rather than those who were discharged who incurred criminal violations of a more serious nature. Jackson suggested that the ease with which substance abuse can be detected by parole officers may have accounted for the lower prevalence of drug and alcohol related offences among those subject to normal parole supervision. According to this analysis, parole is effective in preventing and not just detecting minor reoffending.

⁴ Jackson, Patrick, C. (1983) 'Some Effects of Parole Supervision on Recidivism' *British Journal of Criminology* Vol. 23 No. 1

Despite this more reassuring analysis, in accounting for the more serious nature of the charges among the group exposed to normal parole supervision, Jackson suggested that normal supervision may have prolonged the stigmatisation created by incarceration and encouraged parolees to continue to see themselves as and behave as dangerous criminals. According to this interpretation, rather than assisting with resettlement or deterring parolees from reoffending, mandatory supervision may actually damage prospects on release.

Despite the contradictory nature of some of the evidence, the one conclusion to emerge from these three experiments is that, whatever impact parole supervision may have on the seriousness of recidivism, it does not secure less frequent criminal violations. The most important policy implication is that some parolees could be discharged from supervision without increasing the risk of recidivism. While these experiments may not provide evidence of a supervision effect, since the subjects in the experimental samples remained liable to recall during the follow-up periods, none of them was able to test the deterrent impact of the threat of a return to custody. It was not until the publication of Sacks and Logan's work in 1980 that the impact of supervised *and* conditional released was assessed.

Sacks and Logan⁵ took the opportunity to conduct a 'natural experiment' on the effect of the parole licence when a Supreme court order ruled that 113 prisoners normally released on parole should be discharged from prison without supervision

⁵ Sacks, Howard, R and Logan, Charles, H. (1980) *Parole: Crime Prevention or Crime Postponement?* Connecticut: The University of Connecticut School of Law Press

and without the threat of recall. These prisoners were Class D minor felons⁶ who had been sentenced to over 12 months imprisonment by the Connecticut circuit court and whose sentences were held, by a court decision in July 1974, to be in violation of the state constitution (which prohibited the circuit court from imposing sentences in excess of one year). By identifying 57 similar felons who had been released a year earlier with parole supervision, Sacks and Logan were able to obtain a sample against which to compare the progress of the discharged sample and hence to assess the impact of both important elements of the parole licence; supervision and threat of recall.

To test whether there was any *a priori* difference in the risk of reconviction among the two groups, the researchers first compared them on the basis of 12 variables which were known to be reliable predictors of recidivism (for example, extent of substance abuse, criminal history, age and employment history). The only statistically significant difference was that the group of parolees had more previous non-custodial sentences than the non-paroled group. If anything then the researchers expected that the parolees may have had a higher risk of recidivism than the non-parolees.

The paroled group spent a median of eight months on parole supervision before they too were discharged as a result of the court's decision⁷ and so initially, they and the

⁶ Class D felons are those convicted of relatively minor criminal acts such as burglary, assault, armed robbery and possession of drugs.

⁷ The normal period of parole supervision for this group of felons would have been 16 to 24 months.

non-parolees were followed up for only one year. At this point there were some differences in outcome within the experimental and control groups. Firstly there was a statistically significant difference (at the .05 probability level) in the time spent in the community before reoffending⁸, with parolees lasting on average of 48 days longer than the non-parolees. However, the most striking difference between the two groups was that 39% of the parolees attracted new convictions compared with 67% of the non-parolees. This difference was statistically significant at the .0009 confidence level. After the first year follow-up then, the researchers concluded that parole had a definite effect on frequency and time to recidivism.

Having identified some parole effect in the 12 month follow-up study, Sacks and Logan extended the research to test whether parole had any longer term, rehabilitative impact on the sample. Parolees and non-parolees who had avoided reconviction within their first year of release were therefore tracked for a further year and later, those who remained successful after two years were tracked three years from release. The most important finding of the extended follow-up was that the statistically significant differences in the incidence of reconviction among the two groups (which was observed 12 months from release) disappeared later in the follow-up period. Two years from release a further 18 parolees had attracted a new criminal conviction, increasing the proportion of the sample who had failed from 39% to 70%. Although a further 18 non-parolees also attracted a new conviction during the second year of the follow-up, the larger sample size meant that the proportionate

⁸ Time spent in the community before reoffending took into account time spent in custody and in psychiatric hospitals during the follow-up period.

increase among this group (from 67% to 82%) was not so large and the difference in proportionate reconviction rate among the two groups narrowed. By the three year stage, this difference had narrowed even further, with 77% of parolees compared with 85% of the non-parolees having attracted reconvictions. There was therefore no evidence that the parole experience had any lasting impact on the incidence of recidivism beyond the period of the licence. The only statistically significant difference in the progress of the two groups at the end of the three year follow-up was that the parolees continued to last significantly longer in the community before committing their first criminal act. While typically the non-parolees who were reconvicted lasted only 8.3 months before reoffending, the parolees lasted 12.8 months. This difference was statistically significant at the .001 probability level.

To add more rigour to the research project, the researchers considered some alternative explanations for the difference in outcome among the paroled and non-paroled samples. They tested, among others, the hypotheses that differential patterns in recidivism at either the 12 month stage or the three year stage might be related to a decline in the availability of work at the time when the non-paroled group was released, shorter time to prepare for release among the non-parolees or changes in law enforcement strategies. None of these alternative theories were able to account for any significant differences in recidivism. As an aside, what is of particular interest is the work which they carried to test the theory that being selected by the Parole Board as deserving early release gave parolees more confidence in their ability to succeed on release and hence made them better disposed to avoid

reoffending than the non-parolees. To test this theory, Sacks and Logan identified 27 subjects among the non-parole sample who had been selected for release on parole by the Parole Board shortly before being discharged as a result of the court's decision. They compared recidivism rates among this sub-sample with those among other non-parolees who had not been selected for parole and found that in fact those selected for parole actually had a higher failure rate on release than other non-parolees. They also found that the sub-group had a shorter time to failure than the remaining parolees (nine months as compared with 12.8 months) . This finding is important because it undermines the theory that one of the mechanisms through which parole might work to reduce reoffending is by labelling parolees as good release risks and creating something of a self-fulfilling prophecy.

The researchers also conducted an elaborate statistical analysis to examine whether the relationship (or lack of relationship) between release type and outcome was simply an artefact of other differences in the two groups. Using multivariate analysis they tested the effect of 20 independent socio-biographical variables which may have been related to outcome. This type of analysis allowed the researchers to test whether there was any relationship between the background characteristics of the subjects and success on release in their samples and if so whether these characteristics were disproportionately distributed among the control and experimental samples. Where a variable was simultaneously related to outcome (success/failure) and group (paroled/discharged) a statistical test of spuriousness in this relationship was conducted. Importantly, the multivariate analysis also allowed the researchers to test

the impact of a combination of socio-biographical variables. The test revealed that no single variable or combination of variables could account for the differences in outcome.

The most interesting results of the multivariate analysis indicated that there was a relationship between subjects' risk of reoffending and the impact of the parole licence. By weighting each socio-biographical variable according to its power to predict outcome, Sacks and Logan were able to construct a composite risk variable for each subject. Dividing their sample into those whose risk variable suggested they were either a 'low' or a 'high' risk of reoffending allowed them to explore the relationship between a subject's risk of failure and outcome on release. In terms of incidence of recidivism, they discovered that there was no substantial difference in the impact of parole between low and high risk subjects. If released on parole, both risk groups had a lower incidence of recidivism 12 months from release but neither risk group seemed to benefit from parole by the two and three year stages in the follow-up. However, in terms of time to failure, parole did appear to have a different impact on low and high risk subjects. Low risk subjects reoffended at the same time regardless of whether they were paroled or discharged but among high risk subjects, parolees reoffended on average almost 7½ months later than non-parolees. This difference in time to reoffending among high risk subjects was statistically significant at the .0001 level of confidence.

In summary then the results of this research project revealed that a short period of

parole did not prevent recidivism in the long-term (three years from release) but that it did delay reoffending by a typical period of 4½ months. This delay in reoffending was, however, confined to subjects defined as having a high risk of reoffending.

While, methodologically, Sacks and Logan's study was undoubtedly very thorough, in drawing any conclusions from this research it is important to remember that the parolees in their sample were on licence for a typical period of only eight months. Given that the results of the first year follow-up suggested that parole had an impact on the incidence of recidivism at least while the licence was in force, there is some reason to assume that had the licence remained in place for its normal duration (16 to 24 months), differences in the incidence of reconviction among the parolees and those who discharged may have also been observed at the two year stage in the follow-up. Whatever the case, this research revealed that a period of parole is more effective at reducing the incidence of recidivism, at least for the duration of the licence, than unconditional release and consequently among some groups of subjects it is effective in delaying reoffending.

The limited experimental evidence on the impact of the parole licence suggests that if there is any parole effect it is likely to be a function of the threat of recall rather than of supervision. Unfortunately however, this body of evidence is small and relates only to the American parole system. In Britain and Canada, where release on parole is more selective (and largely based on the risk of reoffending), public safety considerations have meant that it has not been possible to justify randomising the

conditions of release for experimental purposes. For this and other practical reasons, the most common method of evaluating parole has been to adopt a quasi-experimental approach in which the progress of routinely selected, existing parole cases is compared with a sample of non-parolees selected to reflect a similar risk of reoffending. While the results of these types of evaluations have tended to produce more positive conclusions about the impact of the parole licence, for methodological reasons their results are, as we shall see, far more contestable.

Quasi-experimental evaluations

One of the simplest and earliest British quasi-experimental evaluations of parole was that which was conducted in 1969 by Morris and Beverley⁹. Their approach was to compare the reconviction rates of parolees and non-parolees who were similar in terms of offending profiles. They divided a sample of released prisoners into six groups according to pattern of offending and found that offenders with the same offending profiles shared similar employment, educational and domestic backgrounds, had similar motives, orientation and aspirations and were involved to similar extents in the criminal subculture. It could be assumed therefore that subjects within each group would present similar risks of reoffending on release. Although two subjects could not be classified and were omitted from the sample, the remaining 213 subjects were easily classified: 60% fitted all the criteria of their profile; 33% fitted all but one of the criteria and 7% fitted all but two of the criteria. The

⁹ Morris, Pauline and Beverley, Farida (1975) *On Licence : A Study of Parole*
London: John Wiley and Sons

researchers were therefore satisfied that they had achieved well defined and distinct profiles.

A total of 48 prisoners were classified as *Crime interrupted non-criminals*. These were one-off property offenders who offended relatively late on in life (after the age of 25) in response to financial or peer group pressure. Subjects in this group tended to be in regular employment and encountered the fewest problems on release. A further 27 prisoners were *Impulsive Offenders* who had been convicted of unpremeditated offences such as sexual or physical assaults within the context of the family or near family. These offenders tended to have unstable domestic backgrounds and offending was often precipitated by domestic or emotional crisis. Again this group typically began offending late in life and under normal circumstances were orientated towards conventional values. They also presented a low risk on release. The largest group of subjects were the 68 *Non-systematic habitual offenders*. They tended to have poor employment records, addiction problems, few attachments to conventional norms and many criminal associates. The nature of their offending was disorganised and subjects in this group were likely to drift quickly back into crime. *Professional offenders* were those who conducted planned property offences for monetary gain. There were 40 of these in the sample. There was some degree of skill involved in the commission of their offences and members of this group were heavily involved in the criminal subculture. Again they tended to have unstable domestic backgrounds and poor employment records. Members of this group were very rational about their involvement in future

offending and would desist only if there were sufficient rewards for doing so. Only 11 subjects were classified as *Petty persistent offenders*. This was the oldest group of offenders (all aged over 45 at the time of the research). They had at least six previous convictions mainly for low-skilled petty property offences and tended to be institutionalised and poorly socially integrated. Subjects in this group often saw themselves as being in need of help rather than as criminal. Results confirmed that these offenders had a very high risk of reoffending. The remaining 19 subjects were *Con-men* or fraudulent offenders. Although they tended to begin offending as adults they had long histories of previous offending. Members of this group were materialistic, subscribed to conventional goals and rarely mixed with other criminals.

Twelve months after release, a total of 19% of all subjects had been reconvicted for a new offence. Given the selective nature of release on parole, it was of no surprise that the proportion of the non-paroled group who were reconvicted was twice that of the paroled group (26% compared with 12%). What was of more interest was the differential rate of reconviction between parolees and non-parolees with similar offending profiles.

Table 2.1: Reconviction (after 12 months) among parolees & non-parolees by offending profile

Offending profile	Parolees		Non-parolees	
	No. of parolees in profile	No. & Proportion reconvicted	No. of non-parolees in profile	No. & Proportion reconvicted
Crime-interrupted non-criminals	37	2 (5%)	11	1 (9%)
Impulsive offenders	24	1 (4%)	3	-
Non-systematic habitual offenders	22	3 (14%)	46	13 (28%)
Professional offenders	11	3 (27%)	29	9 (31%)
Petty persistent offenders	2	2 (100%)	9	4 (44%)
Con-men	4	1 (25%)	15	2 (13%)
TOTALS	100	12 (12%)	113	29 (26%)

SOURCE: Adapted from Morris & Beverley (1975) p.145

Although in respect of the crime-interrupted non-criminals, the non-systematic habitual offenders and the professional offenders the proportion of parolees who were reconvicted was smaller than the proportion of non-parolees reconvicted, the opposite was true for the impulsive offenders, the petty persistent offenders and the con-men. For the purposes of this chapter, the differences in the number of parolees and non-parolees who were and were not reconvicted within each offending profile were analysed using a chi-square test. Because the numbers in some of the cells are very small, this test revealed that these differences were not statistically significant.

Another quasi-experimental study which was conducted by Martinson and Wilks¹⁰ several years later claimed to find more evidence of differential rates of recidivism among parolees and non-parolees. The research was based on a survey of data from criminal justice research projects conducted in Canada and the United States in the

¹⁰ Martinson R. and Wilks J. (1977) 'Save Parole Supervision'

1960s and 1970s. The method was to exhaust the data of all meaningful comparisons between adult offenders released from prison to parole and those released without parole supervision. Using the data generated by these research projects, Martinson and Wilks identified 5,804 samples (or 'batches') of parolees or non-parolees for whom recidivism rates were available. Simple comparison revealed that, as expected, parolees fared consistently better on release (25% of parolees compared with 32% of non-parolees failed on release). A more valuable exercise was to repeat the comparison after controlling for differences in the parole and non-parole samples which might be related to risk of recidivism. This was attempted by, firstly, sorting the samples according to the definition of recidivism used in the original studies. Three groups of samples were isolated; those in which recidivism was defined as arrest, those in which it was defined as conviction and those in which it was defined as return to prison following a new conviction¹¹. Next, the researchers organised the samples into comparison groups by identifying samples which had other similar known characteristics. In some comparisons the samples shared the same methodological features of the original research (such as the length of the follow-up period or batch size) and in others the offenders shared similar socio-biographical characteristics (such as nature of offending history, length of imprisonment or extent of substance abuse). Using the information available from the original research, in this way, a total of 80 separate non-discrete comparison

¹⁰ Martinson R. and Wilks J. (1977) 'Save Parole Supervision'
Federal Probation September 1977 pp. 23-7

¹¹ Although some studies also defined recidivism as return to prison for technical violation of the parole licence, Martinson and Wilks' survey included data only from studies which defined recidivism as arrest, conviction or return to prison following conviction since these were events which could occur to non-parolees as well as parolees.

groups were identified.

A comparison of mean recidivism rates across samples within each of these groups revealed that in 74 out of the 80 comparable sub-groups the average rates of reconviction was lower among the parolees than the non-parolees. In three of the sub-groups where this did not hold true, the shared characteristic was methodological (one of these sub-groups was defined as those in which new prison sentences were recorded up to a maximum of only 7 to 12 months from release, another was defined as those in which convictions were recorded only after the treatment had terminated and the other as those in which new prison sentences were recorded only after the treatment had terminated). In the other three sub-groups the shared characteristic was socio-demographic (one sub-group was defined as being not primarily narcotics users, another as being not primarily alcohol abusers and the other as comprising between 25 and 50% white subjects). Martinson and Wilks suggested that these few exceptions did not indicate that release without parole should become the normal practice for any particular type of prisoner. They concluded that parole supervision improved prisoner's prospects on release and that its abolition "would result in substantial increases in arrest, conviction, and return to prison"¹².

While Martinson and Wilks study made thorough use of a wide range and number of data sources an important problem with relying on existing research was that in defining their comparison groups, they were restricted to variables recorded in the original research. Although they were able to make comparisons on the basis of

some variables which have been shown elsewhere to be correlated with risk of recidivism their measures were fairly crude. For example the only sub-group in which a comparison on the basis of age was possible was that in which subjects were defined as having a mean age of 25 to 34.9 years. Perhaps a more graduated measure of age would have been more sensitive to differential risks of recidivism. Similarly, the only comparison of nature of offending was the proportion of each group defined as property offenders. Among the 80 comparison groups, none were defined on the basis of marital status or employment record, both of which are characteristics which are strongly related to the prospects of avoiding further offending and importantly, the researchers were not able to control for combinations of variables.

Although the results of both of these matched comparisons suggest a positive parole impact, there is no guarantee that the comparisons were valid, that is that in comparing the progress of parolees and non-parolees, the researchers were comparing 'like with like'. While Morris and Beverley found that subjects with the same offending profiles shared similar socio-biographical characteristics it would not necessary follow that they also shared similar risks of recidivism. Indeed the very fact that some had been selected for parole and others rejected suggests that subjects must have differed in at least some important respects.

¹²

Martinson and Wilks (1977) *Op.cit.* p. 27



Evaluations involving statistical measures of risk

Perhaps a more thorough method of controlling for risk in quasi-experimental evaluations has been to employ a reconviction prediction score. This is a statistical tool which calculates the probability of reconviction using data known about the offender prior to release. Biographical variables which have been shown to be most strongly correlated with likelihood of reconviction are given a numerical weighting and combined using a formula to produce an estimate of reconviction within a given period of time. The weights and the formula used are determined by using reconviction data from an earlier 'construction' sample and the preferred statistical technique applied to develop them is logistic regression. The reconviction prediction score was originally designed as an aid to criminal justice decision making (for example, to help identify suitable candidates for release on parole) but has also been used as means of standardising risk of reconviction in comparative evaluations. The score can be employed in two ways. It can be used as a means of standardising or controlling for *a priori* risk of reconviction among an experimental and a control group of subjects whose progress is being compared or it can be used as a base expectancy against which actual rates of reconviction can be compared in 'before and after' studies.

Originally designed by Nuttall et al in the 1960s¹³, the British Reconviction Prediction Score (RPS) was developed using the reconviction records of all 2276

¹³ See Nuttall, Christopher et al (1977) *Parole in England and Wales* Home Office Research Study No. 38. London: HMSO

male prisoners released from prison in the first half of 1965 from sentences of over 18 months. The research preceded the introduction of the parole system and so the men were all unconditionally released on remission on or after the two-thirds stage in sentence. Subjects were divided equally into a construction sample and a validation sample. Using the construction sample, the researchers established how various characteristics were correlated with the presence or absence of reconvictions two years from release. Sixteen factors were found to have predictive power and Nuttall and his colleagues were able to devise a scoring system accordingly. When this system was tested on the validation sample, the researchers found a high correlation between score bands and the likelihood of reconviction. The RPS therefore provided a valid estimate of reconviction rates following unconditional release. What Nuttall et al next set out to establish was whether reconviction rates would still match those predicted if release were to become conditional. Given that the validity of the RPS had already been established, any difference between the predicted and actual reconviction rate of a paroled prisoner could be attributed to changes in the nature of release. The researchers therefore conducted a comparison of predicted and actual reconviction rates of a representative sample of 1115 parolees and 720 non-parolees released between 1968 and 1970.

Nuttall et al first compared the observed numbers reconvicted two years after release with the expected number reconvicted (on the basis on reconviction prediction scores). The results of this comparison are shown in Table 2.2.

TABLE 2.2: Comparison of actual & predicted reconviction rates 2 years from release

	Reconvictions after 2 years	
	Actual	Predicted on basis of RPS
Paroled group (n=1115)	341	368
Non-paroled group (n=720)	437	412

SOURCE: Nuttall et al (1977) p. 75

Within the parole sample, the reconviction rate two years from release was slightly less than predicted and within the non-parole sample it was slightly more than predicted. However neither of these differences was statistically significant (at the .05 probability level). There was therefore no evidence that parole had any long-term impact on reconviction rates. Nevertheless it was still possible that during the currency of the licence, the conditions of release on parole had some immediate (although not lasting) impact on offending behaviour - perhaps because parolees were deterred from offending by the prospects of recall to custody or encouraged to conform by parole supervision. Given that the average period on licence during 1968 was six months, Nuttall et al used their pre-parole construction and validations samples to calculate a reconviction prediction formula for probability of reconviction six months after release. This time they were able to devise a formula on the basis of only eight variables. They then conducted a comparison of actual and predicted rates of reconviction six months from release. The results are shown in Table 2.3.

TABLE 2.3: Comparison of actual & predicted reconviction rates 6 months from release

	Reconvictions after 6 months	
	Actual	Predicted on basis of RPS
Paroled group (n=1115)	85	145
Non-paroled group (n=720)	206	161

SOURCE: Nuttall et al (1977) p. 76

As the table shows, again the paroled group were reconvicted less and the non-parolees were reconvicted more than predicted. This time the difference between the actual and predicted reconviction rates of the parole sample was statistically significant (at the .05 level). While there was no evidence that parole reformed offenders in the long-term this second set of results is compatible with the Sacks and Logan's findings that the parole licence improved subjects ability to avoid reconviction at least during the currency of the licence.

An unpublished paper prepared by Nuttall and Fowles ¹⁴ provides further evidence of parole's short-lived effect. It described the results of a study of 381 men released on parole between August and December 1968. The men's actual reconviction rates were compared with expected reconviction rates (on the basis of reconviction prediction score) 3, 6, 9, 12, 18 and 24 months after release. Although actual

¹⁴ Nuttall, Christopher and Fowles, Tony (1972) *Parole Evaluation*

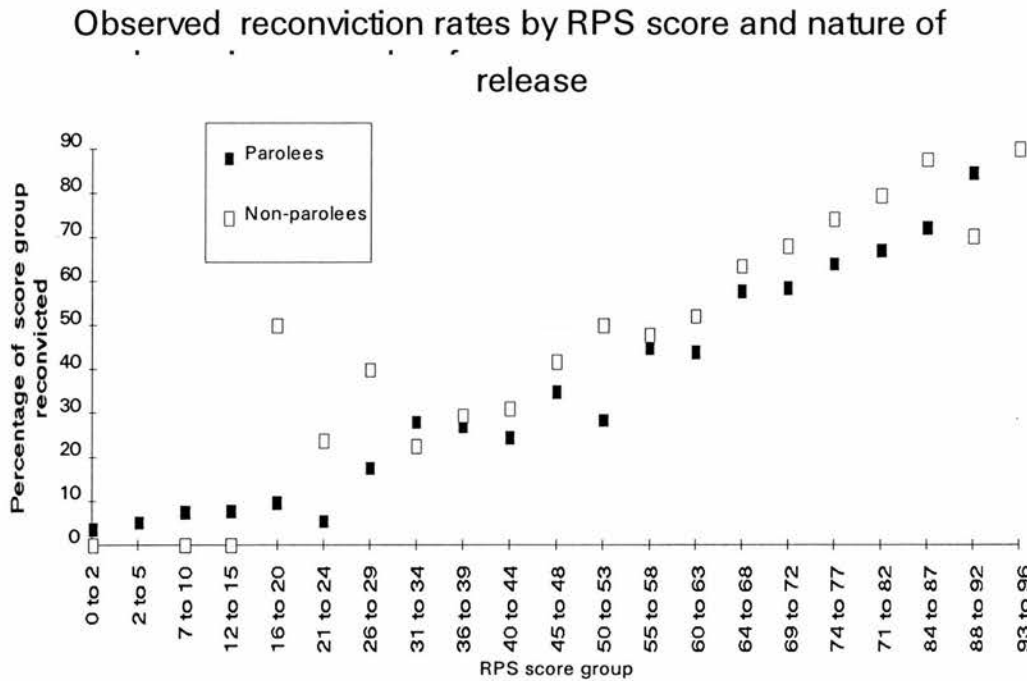
reconviction rates were consistently lower than predicted, there were important differences in the extent to which the RPS over-predicted reconviction at each of these stages. At the three month and six month stage, approximately 60% of those expected to be reconvicted were reconvicted. However, by the 9, 12 and 18 month stage this proportion had increased to 75% and at the 24 month stage as much as 91% of those expected to be reconvicted had reconvicted. Given that the average length of licence at that time was six months, these findings suggest that in many cases reconviction was simply delayed until the licence had expired.

The RPS was later re-employed to assess the impact of parole by Ward ¹⁵ who tested the instrument on 3554 males released from prison in 1977, 1978 and 1979 from sentences of over 12 months. The sample was divided into 2148 parolees and 1406 non-parolees and the observed and predicted reconviction rates within each group were compared two years after release. The results of this comparison are shown in Figure 2.4.

Home Office Research Unit paper. Unpublished.

¹⁵ Ward, Denis. (1987) *The Validity of the Reconviction Prediction Score*
Home Office Research Study No. 94 London: HMSO

Figure 2.4



SOURCE: Adapted from Ward (1987) p.6

The principal objective of the study was to test the extent to which the RPS remained a valid predictor of reconviction ten years after it was first devised. As the graph shows, observed reconviction rates increased with RPS scores as expected. The higher the rate of reconviction predicted by the score the higher the incidence of actual reconviction on release. Ward discovered however that the RPS slightly overestimated the probability of reconviction across the sample. For the whole sample the observed rate of reconviction was 44%, eight percentage points lower than the 52% reconviction rate predicted by the score. What was interesting, in terms of the comparisons between parolees and non-parolees, was that the RPS overestimated reconviction by 11 percentage points in the paroled sample and only

by four percentage points in the non-paroled sample. The study also revealed that even when risk of reconviction was held constant, parolees still performed better on release than non-parolees. The graph in Figure 2.4 shows (almost without exception) that among subjects with similar RPS scores, a larger proportion of non-parolees than parolees were reconvicted after two years¹⁶. Again, this suggests that the differential rate of offending among parolees and non-parolees cannot be accounted for simply by differences in their *a priori* ability to avoid reconviction.

A prediction instrument similar to that developed by Nuttall was developed in Canada by Joan Nuffield in the early 1970's. The 'Nuffield Scoring System' was arrived at using a random sample of 2500 prisoners released from penitentiary terms of two years or more in 1970, 1971 and 1972. Using data on the nature of offence, criminal history and demographic characteristics, a prediction equation was constructed to classify prisoners into one of five categories according to risk of recidivism (defined as the commission of an indictable offence within three years of release).

Eleven years after its construction, Hann and Harman¹⁷ conducted a validation study to test the extent to which the Nuffield Scoring System could accurately predict reconviction in sample of offenders released between 1983 and 1984. Nuffield

¹⁶ The only groups for whom this did not hold true were those with very low reconviction prediction score (i.e. very low risks of reconviction). It is possible that the very small numbers of prisoners within these groups who were not granted parole and eventually released as non-parolees introduced 'noise' or 'bumpiness' in the general pattern observed.

¹⁷ Hann, R.G. and Harman, W.G. (1988) *Release Risk Prediction: A Test of the Nuffield Scoring System* Report prepared for the Research Group, Toronto for the Ministry of the Solicitor General. Unpublished. Obtained from : Corrections Research & Development,

release risk scores were calculated for 25% of all prisoners sentenced to penitentiary terms of two years or more and released on either parole, mandatory supervision or direct discharge (a total of 534 prisoners). When predicted reconviction rates were compared with actual rates 2½ years after release¹⁸, there was a definite relationship between Nuffield score and success rates. As expected, success rates tended to fall as Nuffield scores increased and the pattern observed was very similar to Nuffield's original results. Hann and Harman were able to conclude that the Nuffield Scoring System had retained much of its predictive efficiency. More importantly, for the purposes of this chapter, Hann and Harman found that when the actual reconviction rates of prisoners with the same prediction scores were compared, those who were released on parole were found to have been more successful at avoiding reconviction than non-parolees¹⁹. Furthermore, Hann and Harman found not only that parolees were reconvicted at a lower rate than non-parolees with the *same* Nuffield score but also that many were reconvicted at a lower rate than those with *better* Nuffield scores. For example all of the parolees who, according to the Nuffield scoring system, were labelled to be a 'fair risk' of reconviction out-performed the non-parolees who were labelled as a 'good risk'.

These results, together with the results of the British studies, seem to lend themselves

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¹⁸ Hann & Harman's follow-up period was 6 months shorter than Nuffield's. They recognised that this difference may have resulted in slightly lower rates of reconviction than the Nuffield score predicted but because almost all reconvictions occur within 2½ years of release, they did not expect this difference to be important.

¹⁹ As with Ward (1987), the only groups of prisoners for whom this did not hold true were those with the lowest reconviction prediction score. Hann and Harman explain that this may have been because the number of prisoners with these very low release risk scores was too small to detect a difference of the size detected within the larger groups.

to the conclusion that there is a 'treatment effect' associated with release on parole. Although the Canadian results say nothing about the mechanism which produced such an effect, the US studies suggest that it is the threat of recall rather than the support provided by supervision which is operative. However, the extent to which one would subscribe to these types of conclusions will depend to a large degree on whether or not we believe that by using the RPS as a means of standardising risk levels we have in fact overcome the problem of the selection effect. It is still possible, after all, that statistical prediction scores are not as successful as parole boards at separating good from the poor risk prisoners²⁰. For this reason, the authors of each of the aforementioned studies recognised the possibility that difference could still be a function of the selection effect. However, in a paper printed in the *Howard Journal* in 1991, Hann, Harman and Pease²¹ presented evidence to suggest that this is not in fact the case; that differences between parole and non-parole reconviction rates cannot be due to the Parole Board out-predicting the statistical predictor. They refer first to a study by Nuttall which although never published²² was designed to test the notion that the Parole Board could more accurately predict reconviction rates than the RPS. The experiment was based on the cases of prisoners released before the introduction of the parole scheme so that supervision, support or threat of recall

²⁰ The score does not take into account the nature of prison regimes or the prisoner's own assessment of his circumstances. It is possible that these factors may be more important in accounting for risk on release than the factors included in the scoring system.

²¹ Hann, Robert, G., Harman, William, G. and Pease, Ken. (1991) 'Does Parole Reduce the Risk of Reconviction?' *The Howard Journal* Vol. 30 No. 1 Feb. 91 pp. 66-75

²² Hann et al's source of information about this study was a personal communication from Chris Nuttall. While collecting literature for this chapter in February 1998, I wrote to Nuttall at the Home Office and asked for information. He replied that he was unable to find a detailed account of this experiment. Unfortunately then we know nothing about the number of cases involved in the experiment or the number of times and extent to which the RPS prediction outperformed Governors' predictions.

were not factors in their release prospects. Prison governors (whose recommendations in parole dossiers had been shown to correspond with the Parole Board decisions in 92% of cases) were asked to predict likelihood of reconviction in each of these cases. When the governor's predictions and the reconviction prediction scores were compared with actual reconvictions, the governors were shown to be no more accurate than the RPS. Hann et al suggest that this undermines the argument that the Parole Board assessments of risk are more accurate than statistical predictions in identifying risk of recidivism.

They then go on to describe a second experiment which they claim provides further evidence that differential rates of reconviction are not an 'artefact of Parole Board wisdom'. This time they use the results of Ward's 1987 study to produce a table comparing both statistical and Parole Board predictions of risk of reconviction with the actual rates of reconviction in 21 sub-groups of released prisoners. The sub-groups were formed by dividing Ward's sample according to reconviction prediction score bands. The statistical prediction of risk of reconviction for each sub-group was calculated by simply using the median reconviction prediction score within each score band. For example, one of the sub-groups contained subjects with a prediction score of between 40 and 44. This meant that, according to the reconviction prediction score, between 40% and 44% of this sub-group would be reconvicted within two years. Or conversely, that between 60% and 56% of the group would not be reconvicted within two years. The median figure of 58% was therefore taken as the statistical prediction of the proportion of that group who would avoid

reconviction. The Parole Board prediction of reconviction was based on the percentage of each sub-group who were actually released on parole. For example, 67% of prisoners within the sub-group with risk scores of between 40 and 44 were released by the Parole Board. It was therefore assumed that the Board predicted that 67% of that sub-group would avoid reconviction²³. For each sub-group, these two predictions were then compared with the percentage of subjects who were actually reconvicted within two years of release. The results of this exercise are shown in Table 2.5.

²³ Hann et al did acknowledge that in taking decisions about release on parole, the Parole Board may have had concerns other than reconviction. For example, in some cases the need for supervised and supported release can be as important a factor in granting parole as risk of reoffending (particularly with regard to sex offenders). On these grounds it could be argued that the proportion of prisoners released by the Board does not necessarily reflect the Board's prediction of reconviction. However, Hann et al remind us that the purpose of their comparison was to demonstrate that differential rates of reconviction among parolees and non-parolees with the same reconviction prediction score cannot be attributed to the 'selection effect' i.e. the Parole Board's ability to out-predict the reconviction prediction score. If Parole Board decisions are not always based on predictions of reconviction then it would be difficult to argue that differential rates of reconviction among parolees and non-parolees can be explained by the fact that the Board has out-predicted the statistical prediction.

TABLE 2.5: Predicted and actual reconviction in a sample of adult males released from determinate sentences in England and Wales 1977-79

Reconviction prediction score band	Statistical prediction of % who would avoid reconviction (based on RPS)	Clinical prediction of % who would avoid reconviction (i.e. the proportion paroled)	Actual % who avoided reconviction
0-1	100	92	97
2-5	97	92	95
7-10	92	84	94
12-15	87	84	93
16-20	82	88	85
21-24	78	78	91
26-29	73	88	80
31-34	68	84	73
36-39	63	81	72
40-44	58	67	73
45-48	54	71	69
50-53	49	64	64
55-58	45	60	54
60-63	39	58	53
64-68	34	47	39
69-72	30	41	36
74-77	25	41	30
79-82	20	34	25
84-87	15	20	15
88-92	10	26	26
93-96	6	17	17

SOURCE: R. G. Hann et al (1991) p.72

The heavily shaded cells in Table 2.5 show that the RPS prediction was closer to the actual rate of reconviction in ten of the sub-groups and the Parole Board's prediction was closer in eight of the sub-groups. The lightly shaded cells show that the Parole Board and RPS predictions were equally close to the actual rate of reconviction in the remaining three sub-groups. According to Hann et al, Parole Board predictions of reconviction had not been shown to outperform the statistical predictor. Again, the conclusion was that differential rates of reconviction among parolees and non-parolees with the same reconviction prediction score could not be a function of superior Parole Board predictions. It therefore had to be the 'treatment' rather than the 'selection' effect which accounted for the fact that parolees were more successful

at avoiding reconviction than non-parolees with the same statistical risk of reconviction.

Hann et al's conclusions are not, however, entirely convincing. Their simple comparison between clinical and statistical predictions and actual rates of reconviction is flawed for two reasons; both of which result from the fact that they assessed the accuracy of the clinical and statistical predictions by comparing them with the rate of reconviction among a sample comprised of both parolees and non-parolees.

The first and perhaps less serious criticism. Prisoners in Ward's sample who were not selected for parole would have had to serve at least two-thirds of their sentence before being released on remission. Depending on the length of their sentence, they may therefore have been required to serve several more years in custody before finally being released. To assess the accuracy of the Parole Board's prediction (which would have been made around the one-third stage in sentence) by comparing it with the subject's success at avoiding reconviction after being released some months or years later seems arbitrary. Much may have changed in the intermediary period. There are many ways in which the prolonged experience of imprisonment can damage a prisoner's prospects on release. For example, family and other personal relationships may have broken down or offers of employment may have been retracted. It may also be possible that prospects are improved during prolonged imprisonment by means of, for example, additional counselling or education classes.

Whatever the impact of additional months or years of custody, it cannot be assumed that the assessment of risk of reconviction made by the Parole Board at the one-third stage in sentence would also be the assessment it would make at the two-thirds stage. Because the reconviction prediction score is calculated using data which remains static during the term of imprisonment (age at time of offence and previous convictions, for example), the statistical prediction of risk of reconviction would not be prone to change in the way that the clinical assessment would.

The second criticism is that Hann et al's comparison is also an arbitrary measure of the efficacy of the statistical predictor. Just as the actual rates of reconviction among non-parolees is not a reliable measure of the clinical prediction of reconviction, the rate of reconviction among parolees is not a reliable measure of the statistical prediction. As already explained, the purpose of Hann et al's comparison is to demonstrate that differential rates of reconviction among parolees and non-parolees with the same reconviction prediction score cannot be attributed to the Parole Board's ability to out-predict the statistical prediction but must be a function of the parole licence itself: in other words that the experience of being released under the conditions of a parole licence somehow reduces the risk of reconviction. If this is indeed the case (as Hann et al conclude) then the actual rates of reconviction among parolees in Ward's sample are bound to be lower than those predicted by the reconviction prediction score because the score was devised by studying the records of prisoners released on remission before the introduction of the parole system and, as such, did not allow for the 'treatment effect' of conditional and supervised early

release. If (a) the experience of parole does reduce the risks of reconviction and (b) the reconviction prediction score does not anticipate and allow for parole's impact on reconviction rates, then one would expect reconviction rates to be lower than those predicted by the reconviction prediction score. The statistical predictor would therefore have consistently over-estimated this risk and the statistical estimate of the proportion of each group that would avoid reconviction would have been too low. If Hann et al are correct to argue that there is a 'treatment effect' associated with release on parole, then they could not have expected the statistical prediction of reconviction to match actual rates of reconviction among the parolees. Assessing the accuracy of the reconviction prediction score by comparing its predictions with actual rates of reconviction makes little sense and their comparison is flawed for a second reason. To summarise, the results of Hann et al comparison cannot be used as evidence that the statistical prediction is no less accurate at assessing risk than clinical predictions. Without knowing how the experience of the parole licence or the experience of a further period of imprisonment impact on risk of recidivism we cannot be certain that the correlation between the statistically predicted rate of reconviction and the actual rate of reconviction was a function of the accuracy of these predictions or of subsequent changes in risk among the sample.

Beside concerns about how well statistical predictors control for risk of reconviction, there is further reason to interpret the results of these quasi-experiments with caution. An early study of parole by Waller²⁴ offers quite a different explanation for the

²⁴ Waller, Irvin (1974) *Men Released from Prison*
Toronto: University of Toronto Press

differential rates of offending among parolees and non-parolees in Canada - an explanation which rests neither on a 'treatment' nor a 'parole board selection effect'. The research was based on a representative sample of 423 men released from penitentiaries in Ontario, Canada in 1968. Subjects were serving sentences of at least two years. Two hundred and ten were released on parole after serving between one-third and two-thirds of their sentence and the remaining 213 were unconditionally discharged from custody on remission or minimum parole²⁵ at between the two-third and three-quarter stage in their sentence. One hundred and thirteen of the 213 who were conditionally discharged had never applied for parole. As with the other quasi-experimental parole evaluations, this study set out to compare how rates of recidivism among the parolees compared with those among the prisoner who were discharged.

Rather than adopting reconviction rates as the measure of recidivism this study used arrest rates. This measure was selected for two reasons. Firstly, previous research had revealed that the practice of trading information with the authorities in exchange for leniency meant that many guilty offenders in Toronto were arrested but never convicted. Secondly, in assessing the impact of a fairly short intervention, time to reoffending as distinct from extent of reoffending was a crucial measure. Re-arrest more accurately reflected time to reoffending than reconviction because an arrest usually follows closely after an offence. Analysis of data on re-arrest collected from police files revealed that within two years of release, 68% (114) of the prisoners who

²⁵ Where a prisoner is unsuccessful in his application for full parole, the Board may authorise that he be released one month earlier for every year of his sentence (up to 6 years). A

were discharged were re-arrested in connection with an indictable offence and 44% (93) of the parolees were either similarly re-arrested or had their licence revoked²⁶.

Waller then attempted to test whether the differential rate of re-arrest among those who were discharged and those who were paroled was attributed to nature of release or whether it could be accounted for by other characteristics of the offender and his situation. Detailed analysis of case files revealed that there were some differences between the men released on parole and those discharged. Although they spent less time in custody, the parolees were on average serving longer sentences and had been convicted of more serious offences than those who were discharged. Parolees were also more likely to be married and less likely to have served a previous custodial sentence. Furthermore, the results of a psychological test which was administered to all subjects revealed that parolees and discharges had significantly different self-perceptions. Parolees, for example, were better socially adjusted and more optimistic about their ability to live within the law. Again, it was possible that the differential rates of re-arrest was simply a function of the Parole Board's ability to select better risk prisoners for parole. To test this theory statistical predictors were developed. Step-wise multiple regression analysis was used to develop prediction equations to identify which variables were most correlated with re-arrest 6 months, 12 months and 24 months from release. The equations were developed using the data from one in two randomly selected subjects and then tested for predictive efficiency using the

²⁶ prisoner serving a 4 year sentence may therefore receive 4 months of minimum parole. Only 60 of the total number of re-arrests (for discharges and parolees) were known not to have resulted in a reconviction and even so, in all of these cases the subjects were later reconvicted in respect of another offence within the 24 month follow-up period.

remaining subjects and were based only on data known at the time of release (mainly age, penal record and psychological data).

Using these equations it was possible to compare the observed re-arrest rates of parolees and dischargees with the same base expectancy score. This comparison revealed that, at the 6 and 12 month stage, among those with the same base expectancy score parolees were still re-arrested less than dischargees. As in the aforementioned studies, the logical assumption was that re-arrest was indeed somehow correlated with nature of release. Either supervision or the other conditions of the parole licence had reduced the risk of re-arrest or the parole selection process was more successful at separating good from bad risk prisoners than the prediction equations had been.

However, to further investigate the reason for this first correlation, the researchers conducted a second comparison. This time the rate of re-arrest among parole applicants who were granted parole and those who were refused parole was compared. Surprisingly, the comparison between the observed rates of re-arrest among subjects with the same base expectancy score revealed that applicants who were selected for parole were in fact no more successful at avoiding re-arrest than those who were refused parole. There was therefore no correlation between progress on release and the Board's decision. The Parole Board, it seemed, had been unsuccessful at separating the good from the bad risk candidates and certainly had been no more successful at forecasting risk than the prediction score. This suggested

that the differential rate of re-arrest discovered in the first comparison could not be a function of any 'selection effect'. Nor, however, could it be a function of a 'treatment effect'. If there had been a 'treatment effect' then the parole candidates who were granted parole should have been more successful at avoiding re-arrest than those who were refused parole.

A third and final comparison provided the clue as to what may have accounted for differential rates of re-arrest among the parolees and non-parolees in the sample. Waller's last comparison was of the progress of those who applied for parole and those who did not apply for parole. This comparison revealed that, among those with the same base expectancy score, subjects who applied for parole had lower re-arrest rates than those who did not apply for parole. There was therefore a correlation between re-arrest and the prisoner's own decision about whether or not to apply for parole. Waller explained why this may have been the case. At the time of the research, parolees who breached the conditions of their licences were liable to a return to custody to serve approximately one-quarter of the time originally served. It was possible then that the unsuccessful parolee might eventually spend more time in custody than he would have if he were simply discharged on remission. These strict recall liabilities may have deterred those who perceived their risk of reoffending to be high from applying for parole and meant that only those who were confident about leading a law-abiding life on release were considered for parole. To add further credibility to this theory, Waller discovered that those who did not apply for parole tended to have many characteristics in common with those who applied but

were refused parole.

The results of this series of comparisons suggested that although it was not the Parole Board's selection skills which accounted for the lower rates of re-arrest/revocation among parolees, the difference could have been a function of the prisoner's own self-selection skills. As such Waller's study may help us to understand the results of some of the Canadian work on parole such as that carried out by Martinson and Wilks and Hann and Harman (aforementioned). However, it does not help to account for the results of either Nuttall's or Ward's work on parole in Britain. Under the British early release system this potential disincentive to release on parole does not exist. Parolees who are recalled to custody are detained only until the date on which they would have otherwise been released on remission (at present, the two-thirds stage in sentence) and very few prisoners opt out of applying for parole²⁷. Self-selection on the basis of risk of recidivism could not therefore account for the differential rates of recidivism revealed by these studies.

One final methodological problem must also be mentioned. In any type of comparative evaluation of parole the researcher must ensure that a comparable outcome measure is selected. In particular, the researcher must consider whether or not to treat technical violations of the parole licence (for example, failing to adhere to supervision or counselling requirements) in the same way as re-arrest or

²⁷ The only circumstances under which parole breaches could be made to serve longer than their two-thirds unconditional release date, would have been if they failed to respond to a recall order and spent any time 'at large in the community'. If this were the case they would be required compensate for this period in extra days served beyond the two-thirds date.

reconviction for a new offence. As Gottfredson et al²⁸ point out, these technical revocations in licence may occur in lieu of arrest or court case²⁹ and as such could mask behaviour which might otherwise result in reconviction. Including them as failures would overcome these problems but inflate risk of failure among parolees. They demonstrate this problem by describing the results of a study in which two different outcome measures were used.

The study was based on an analysis of the progress of inmates released from custody in a large north-eastern American State in 1972. Of the total 5,312 subjects, 65% were released on parole, 18% were released on an unselective conditional licence³⁰ and 17% were released unconditionally at the end of their maximum sentence. The purpose of the study was to compare recidivism during supervised and unsupervised release and, as in the studies described above, an attempt was made to control statistically for risk of reoffending. The researchers modelled probability of failure (using logit analysis) over a five years follow-up period using data available from subject's records and then used this model to divide the sample according to statistical risk of failure. Observed failure rates of subjects with similar risk of failure who were released by each of the three different mechanisms were then compared.

²⁸ Gottfredson M.R., Mitchell-Herzfeld S.D. & Flanagan T.J. (1982)

'Another Look at the Effectiveness of Parole Supervision'

Journal of Research in Crime & Delinquency. July 1982 Vol. 19 p.280

²⁹ Rather than waiting until an incident of reoffending is considered by the court, supervising agencies may recommend immediate recall to custody on the grounds of a technical breach, particularly where there is concern about risk to the public.

³⁰ Conditional release is similar to our current automatic conditional release (ACR) licence in that subjects are released early to serve the remainder of their sentence under supervision in the community. Unlike our ACR system, release is not automatic but relies on subjects

Almost two-thirds of the parolees and over one-half of the conditional releasees were recalled to custody for a technical breach in their licence. Definition of technical breach was therefore crucial in the interpretation of failure rates. For this reason Gottfredson et al developed separate models of probability of failure ; in one case treating technical breaches as failure and in the other treating it as success. In the first model, failure was defined as recommittal to prison (for either reconviction or technical violation) and in the next, as any new court commitment within the five year follow-up period. Rates of both recommittal to prison and new court commitments among those with similar risk scores were then compared across each of the three different release mechanisms.

The results of these comparisons suggest that there is a relationship between failure and nature of release but, as expected, the direction of this relationship changes with definition of failure. When failure is defined as return to prison for either reconviction or technical breach, those released at the end of their sentence without supervision appear to have the best chance of succeeding. This is because there is an additional manner in which those who were supervised could fail. The opposite pattern emerges when failure was defined as a new court commitment during the period at liberty. When this was the case, parolees appear to fail at a lower rate than either those released at the end of their sentence or those on conditional release. However, this approach may have inflated success rates among parolees not only by treating technical breaches in lieu of reconvictions as successes but also because any time spent in prison following technical breach would have shortened the 'at-risk'

earning credits for good behaviour.

period among the parole sample.

In all of the parole evaluations mentioned above, re-arrest or reconviction for a new offence were used as an outcome measure. Recall for technical violations is therefore treated as success. Although technical recalls in lieu of court appearances are often followed by a reconviction and failure is eventually recorded, many are not. Technical breaches may occur because the supervising officer is concerned that risk of reoffending has increased. Pre-emptive recall of this nature will mask potentially higher failure rates among parolees. As an outcome measure then re-arrest or reconviction rates will automatically deflate parolee failures. Hence any evaluation which uses arrest or reconviction rates for new offences as an outcome measure risks exaggerating the success which parolees have in avoiding reoffending.

Conclusion

This chapter does not share the 'upbeat ending' of the Hann, Harman and Pease review of the literature and concludes that the evidence for parole's impact on recidivism remains both inconsistent and contested. In reviewing a range of experimental and especially quasi-experimental evaluations of parole, two things are clear: one is that there is conflicting evidence about parole's impact on recidivism and the other is that there are some important methodological problems associated with this type of evaluative research. The most elaborate and refined studies are the American experimental evaluations carried out in the 1970's, but even so the results

of these few studies are at odds with one another. Experiments carried out by Hudson and later Star, to test the impact of the supervisory element of the parole licence, suggest that parole supervision may result in more recidivism but for less serious criminal violations whereas Jackson's experiment suggested that it was associated with more serious criminal violations. Although these studies point to the conclusion that parole supervision did not reduce the frequency of recidivism, Sacks and Logan's very rigorous evaluation of the impact of both parole supervision and the threat of recall appeared to demonstrate a definite though short-lived reduction in the incidence of recidivism.

The largest body of evidence of a parole effect has been generated by quasi-experimental evaluations carried out mainly in Britain and Canada. Morris and Beverley's and Martinson and Wilks' comparisons suggest a pattern of lower rates of recidivism among parolees and all of the research involving the use of the statistical reconviction prediction scores apparently show parole to be more effective in reducing the incidence of recidivism than unconditional release. Again, however, the results of this work are not consistent. Nuttall's work in the 1970s revealed that parole had some effect on rates of recidivism six months but not two years from release. By comparison, both Ward and Hann and Harman's work suggested a longer-term parole effect - in Ward's study, release on parole was shown to reduce reconviction rates two years from release and in Hann and Harman's study it was shown to have an impact 2½ years from release. Nevertheless, it has been suggested that for methodological reasons the results of these studies must be treated with

caution. Firstly, despite Hann, Harman and Pease's attempt to prove otherwise, there is no guarantee that statistical reconviction prediction scores provide a reliable measure of risk of reconviction and adequately compensate for the Parole Board 'selection effect'. It is still possible that parolees out-perform non-parolees simply because parole boards more accurately predict risk of recidivism and separate high from low risk parole candidates than do the statistical predictors. Secondly, the results of the Canadian evaluations must also be interpreted in the light of Waller's findings which suggest that differential rates of recidivism among parolees and non-parolees could be a function not of a parole or a selection effect but of subjects' own self-selection skills. Finally, a more fundamental problem which applies to all of the comparative studies reviewed above (including the American experiments), is that of obtaining a comparable outcome measure. Gottfredson et al show how using the incidence of re-arrest and reconviction as a measure of failure is likely to inflate success rates in any parole sample.

In interpreting the results of both experimental and quasi-experimental evaluations of parole, it seems we are faced with too many methodological caveats to reach a confident conclusion about parole's impact on recidivism. Without a reliable technique for controlling for differences in the risk of recidivism among parole and non-parole samples and without an outcome measure which allows the researcher to make meaningful comparisons between the progress of the two samples, our understanding of the effectiveness of release on parole seems certain to remain limited. The problems with experimental and quasi-experimental research do not,

however, end with these technical methodological difficulties. As we will see in the following chapter, there are far more fundamental reasons why the traditional experimental and quasi-experiment project has failed to generate more valuable results.

CHAPTER THREE: THE PRINCIPLES OF SCIENTIFIC REALIST EVALUATION

Introduction

Chapter Two described some of the problems associated with the design of experimental and quasi-experimental evaluations of parole and concluded that this tradition in evaluative research has contributed little to our understanding of parole's impact on recidivism and that the evidence of any 'parole effect' remains inconclusive. While that chapter described the technical problems involved in parole evaluations, this chapter highlights a more fundamental reason for this failure. It considers whether the very logic upon which experimental and quasi-experimental evaluation is based could be flawed. Drawing on the work of Pawson and Tilley and the debate which they provoked in the *British Journal of Criminology* in 1996, this chapter describes what they claim is an alternative logic of investigation. This approach, which is known as 'scientific realism', rejects the method-driven experimental tradition in favour of a more exploratory project which focuses on the mechanism or process by which an intervention might work rather than relying simply on a regular pattern of events as evidence of change. The objective of this chapter is to consider the case for change and whether the methodological principles upon which realism is based offer a more constructive prescription for evaluative research on parole.

A realist critique of the experimental project

Pawson and Tilley begin presenting their case for an alternative strategy in evaluative research by complaining that the field has been dominated for too long by the experimental but particularly the quasi-experimental approach and that, in criminal justice research, this tradition has resulted in 'moribund evaluation'¹. By this they mean that it has tended, as we saw in the last chapter, to generate a lack of decisive findings and frequently conflicting results. They argue that this state of evidence is the product of a failure which is inherent in both experimental and quasi-experimental design. The problem rests with the logic used to test whether the intervention being evaluated has produced an effect. In the typical experimental or quasi-experimental design, the impact of an intervention is assessed by applying the intervention to one group of subjects but not to a similar control group. In a true experiment, the random allocation of subjects to control and experimental samples should ensure that both groups are well matched and in a quasi-experiment, the samples are artificially matched on the basis of various rival explanatory characteristics. If change is observed among the experimental but not the control sample then evidence of cause and effect is assumed. The logic, at its most simple, is that if B was observed to follow A and the influence of all other potential explanatory variables can be ruled out, then B must have been caused by A. Pawson

¹ Pawson, Ray & Tilley, Nick (1994) 'What Works in Evaluation Research?' *British Journal of Criminology* Vol. 34 No. 3 Summer 1994 p.291

and Tilley refer to this as the 'successionist' model of causality, that is, one in which causality is assessed externally by reference to a regular pattern of events.

According to Pawson and Tilley, there are two distinct problems associated with adopting this successionist model in the evaluation of social interventions. The first is that it is rarely practical to apply this model when dealing with social reality and the second is that it does not generate a sufficient breadth of understanding to be of any real use in social policy. Firstly, the successionist model is not an effective method of establishing causality in social science because it is impossible in the social world to flatten out the influence of all rival explanatory variables. All social and physical scientists know that co-variance between two events cannot be taken as sufficient evidence of a causal relationship. We know for example that it would not be true to conclude that the migration of birds causes hibernation in certain animals simply because one event is regularly followed by the other. Instead, the experimentalist has to prove that one event caused the other to occur by controlling out the influence of all other potential explanatory variables. However, as was demonstrated in the last chapter, it is simply impractical to do this in the social world with any confidence. As Pawson and Tilley point out, social interventions work only where subjects (real people with unique histories) choose to respond to an intervention when exposed to a particular combination of circumstances. The important point is that interventions achieve change only where subjects choose to respond and these choices will depend on a complex interplay between motivation, circumstances and attitude. Because this interplay is not reducible to a set of input

factors, it is impossible to capture this complexity in controlled comparisons and to match experimental and control samples on all the variables which are likely to impact on the efficacy of the intervention. For this reason, the logic of the successionist approach can never be safely applied and experimental or quasi-experimental research will always risk mistaking causality.

The second problem is that, even if it were possible to flatten out the influence of all rival explanatory variables and apply successionist logic, experimental and quasi-experimental research tells us nothing about how the intervention being evaluated actually brings about change. At best all it will reveal is that the intervention has been associated with a particular outcome (in the unlikely event that sufficiently rigorous controls have been applied, it may be possible to conclude that the intervention caused this outcome). However, without knowing how that outcome was generated, the researcher and, more importantly the policy-maker, has no way of knowing how circumstances are likely to impact on the operation of this intervention in the future. While traditional evaluation might (at a push) help to convince the policy-maker that the intervention can work to effect change, it does not address the key issue of how that change can be reproduced and for this reason the policy-maker is left in the dark about how to reproduce the same pattern of events in the future.

Although the importance of establishing the mechanism by which change is brought about has been regularly made in social science, Pawson and Tilley argue that even the most well designed experiment discourages the researchers from exploring this

process. As we saw in Chapter Two, none of the experimental and quasi-experimental parole evaluations promoted any understanding of how parole might work to reduce recidivism. In the studies described, differences in the proportion of parolees and non-parolees who were reconvicted on release were attributed to the influence of the parole licence without any evidence of what it was about parole which worked to reduce reconviction. For example, there was no attempt to explore how the role of the supervising officer or the conditions of the licence might work or how the choices which parolees face and his or her disposition are likely to promote change. Although the authors of these studies recognise that there are a number of mechanisms through which parole might reduce reconviction, none of them set out the process before claiming to have found evidence of an effect. Their concern is primarily to convince the reader that there has been a parole effect by reassuring them that they have controlled out all other potential explanatory differences between the paroled and the non-paroled groups. So long as the logic of the experimental approach is followed then no understanding of how parole works seems necessary.

For Pawson and Tilley, the most reliable and constructive method of establishing causality in social science is to identify precisely how it is that A could have caused B to occur. The key to understanding the how this could have occurred and how it is likely to be effected in the future, lies in the context in which B was observed to occur. For them, modelling the process of change in social science involves understanding the social conditions necessary to trigger a change in attitude or

behaviour among those exposed to a particular intervention. To truly capture the reality and the complexity of the process by which an intervention works and to make meaningful predictions about future outcome patterns, the researcher must understand precisely what is essential to the process of change. This level of understanding will develop only if research is designed to explore the complex relationship between outcome patterns and contextual variation. However, the problem with experimental evaluation is that it does not give context its proper place in investigation. The logic of experimental design means that context is treated as a rival explanatory variable and every effort is made to control it out. Any contextual differences between samples are removed either through randomisation or artificial controls. By controlling out the differences between experimental and control samples, the research effectively removes from the investigation the factors which are intrinsic to the mechanism or process responsible for producing the outcome pattern observed. In the method-driven bid to cancel out contextual variations, essential circumstances are therefore often ignored or 'written out of' conclusions about if and how interventions operate.

In summary then, the most reliable method of establishing the impact of an intervention is to identify the mechanism responsible for producing an observed outcome pattern. This is the only way in which the researcher can be certain that there is in fact a causal relationship between the intervention being evaluated and the outcome observed. In mapping the process of change it is essential to understand the role of context. For Pawson and Tilley, contextual variation is not an external or

confounding variable which should be swept aside in evaluations but is a necessary feature which must be systematically controlled 'in to' rather than 'out of' evaluations. This is best achieved if social researchers stops thinking of context as an extraneous factor but instead as an input in a complex process of change.

The realist agenda

Pawson and Tilley claim that the methodology which offers the best prescription for evaluative research is the 'scientific realist' approach. Realism (as they use the term) is a philosophy of science which states that we can make sense of empirical observations only if we understand the processes which underlie them. The process of change which is responsible for any observed regularity, constitutes an underlying reality which science must attempt to identify and describe. In terms of evaluation, realism is an approach which places mechanisms of change and the context needed to trigger these mechanisms at the centre of research design and causal explanation. It insists, quite simply, that "we need to know why and in what circumstances programmes affect potential subjects *before* we can begin to say if they 'work'".² Pawson and Tilley claim that rather than relying on successionist causality, realism applies what they refer to as 'generative' causality. This is an approach which seeks to model the process or mechanism responsible for generating the pattern of events observed before asserting that a causal relationship has been identified.

In a realist evaluation the researcher begins by considering the potential mechanisms through which the intervention under investigation is likely to produce the expected change. Having identified possible mechanisms, the contexts which are essential to trigger the operation of those mechanisms must next be considered. By starting with theory in this way, the design of the evaluation should be driven by hypotheses about precisely how and in what context we would expect the intervention to work. Evaluation should then be designed specifically to test these hypotheses by searching for evidence that the expected change has been produced in the context in which these hypothetical mechanisms should logically have been triggered. The objective of the fieldwork essentially becomes that of identifying data which either support or refute the hypotheses about how change is likely to be generated.

The important point is the fundamental difference between the conventional experimental/quasi-experimental and the realist approach. Whereas in the conventional approach, the progress of an experimental sample of subjects is compared with that of a control sample, in the realist evaluation progress is compared across a variety of sub-samples each of which have been exposed to the intervention under different contexts. The objective of the realist evaluation is, according to Pawson and Tilley, to search for evidence of change in a 'selective and pre-theorised fashion'. By this they mean that the selection of these sub-samples should be informed by clear theories about what could be responsible for driving change. The extent to which the mechanisms being investigated affect change is

² Pawson & Tilley (1990) *Ibid.* p.292

explored by writing contextual variation into rather than out of the research. Rather than repeating the conventional pattern of experimental and quasi-experimental evaluations, the aim is to develop a 'cumulative understanding' of the impact of an intervention by conducting a series of studies designed to 'chip away at' the role of different mechanism by investigating the impact of different contextual combinations.

In presenting their case for change and highlighting the flaws in experimental and quasi-experimental research, Pawson and Tilley produced a detailed critique of Trevor Bennett's very rigorous quasi-experimental evaluation of a pilot police patrol initiative which was designed to help reduce fear of crime in two inner-city areas in England. Two years after Pawson and Tilley presented their case in the *British Journal of Criminology*, Trevor Bennett published his response in the same journal ³. He argued that scientific realism failed to offer the research community anything new and concluded that Pawson and Tilley's critique of experimental and quasi-experimental design was poorly developed and that their case for a shift to realist evaluation was unconvincing. In their own defence, Pawson and Tilley published a response in the same edition⁴. The main points made by Bennett together with Pawson and Tilley's responses are worth considering because they help clarify where the important differences between realist and experimental methodology lie and reassert the argument for change.

³ Bennett, Trevor (1996) 'What's New in Evaluation Research? A Note on the Pawson and Tilley Article'. *British Journal of Criminology* Vol. 36 No. 4 Autumn 1996.

⁴ Pawson, Ray & Tilley, Nick (1996) 'What's Crucial in Evaluation Research: A Reply to Bennett'. *British Journal of Criminology*. Vol. 36 No. 4 Autumn 1996.

Bennett's first complaint was that experimental and quasi-experimental research does not overlook the importance of context when studying the impact of an intervention. In exploring the relationship between an intervention and a particular outcome, one of the defining characteristics of experimental and quasi-experimental research design is the attempt to rule out the possibility that anything other than the intervention could be responsible for that outcome. In doing so, the context in which the outcome is observed is thoroughly scrutinised. In Bennett's own words, 'other events which might have taken place over the experimental period' and 'differences between the comparison groups'⁵ are all carefully considered so that their impact can be ruled out. This criticism suggests that Bennett had not fully grasped the important difference between the realist and experimentalist approach to context. Experimentalists deal with contextual variation by attempting to eliminate differences between control and experimental groups as means of ruling out the impact of contextual differences when explaining outcome patterns. By comparison, realists believe that the key to understanding these patterns is to write into research as much contextual variation as possible and then to explore the relationship between context and outcome as a means of identifying the underlying mechanisms of change. Research should therefore be designed to systematically test hypotheses about the role of context and as such the choice of subjects and samples should reflect contextual variation rather than contextual homogeneity. True to the experimental tradition, Bennett had gone to great lengths in his study to flatten out any contextual differences among the communities used as experimental and control

sites. As a result, his research taught us nothing about how different contexts are likely to trigger or impede the process by which fear of crime is reduced. For a full understanding of how police patrols may have effected change, the impact of contextual variation should have been explored and understood rather than eliminated from the study.

While Pawson and Tilley's response to Bennett's rebuttal did clarify the importance of context, perhaps a change in terminology would have helped them to make their point. The experimental approach is to treat contextual variations as rival forces in the process of change (something other than the intervention which could have affected change) when in fact certain attitudes, circumstances and experiences could be central in triggering the mechanism of change itself. In this sense then they are key features of the process of change and not extraneous or background features. An example from physical science may help to illustrate their role. For the biologist to understand how exposure to sunlight causes green plants to produce carbohydrate reserves he must understand the process of photosynthesis - a complex chemical reaction which takes place within the pigment chlorophyll. Understanding this process and when it likely to occur involves recognising that, for the energy from sunlight to be converted to carbohydrate, there must be an adequate supply of water, oxygen and carbon dioxide at each of two stages in this process. These features are not background or competing variables which are likely to interfere with the process of change which the scientist seeks to understand but are central, requisite features which are part of this process. Referring to such factors as context does not help to

⁵ Bennett (1996) *Op.cit.* p.569

capture the importance of their role. Some of the factors which Pawson and Tilley refer to as context are part of the process of change in the same way in which water, oxygen and carbon dioxide form part of the process of photosynthesis. The distinction which they make between context and mechanisms distracts the reader from the important point that some of the factors which experimental research treats as background variation are actually part of the process of change. Perhaps what they refer to as context could be more usefully referred to as components of the mechanism of change.

Bennett goes on to claim that researchers who conduct experimental evaluations also recognise the importance of establishing the mechanism by which interventions and outcomes are causally linked and states 'it cannot be true to say that researchers who use quasi-experimental designs ignore or trivialise the importance of causal mechanisms'. Allied to this point, he argues that experimental and quasi-experimental evaluations were not as, Pawson and Tilley claimed, 'uncompromisingly successionalist'. Experimentalists, he stressed, recognise the possibility that something other than A may have caused B and therefore do not assume causality on the basis of simple association. After co-variance has been established, every attempt is made to control out all other rival explanations and, even then, experimentalists will only assume 'probabilistic causality'⁶.

Bennett may be right that even the social scientist who conducts experimental or quasi-experimental research acknowledges the importance of establishing generative

causality. However the point which Pawson and Tilley make is that the logic of their method does not. The control-based strategy used to establish causality relies not on identifying the precise mechanism of change but on simply ruling out the possibility that anything other than the intervention being evaluated could have been responsible for this change. Pawson and Tilley's critique of the experimental tradition rested not on an accusation that co-variance was always assumed to represent causality, but on the fallibility of the control-based strategy used to test causality (probabilistic or otherwise). Experimentalists seek to demonstrate that one event (the intervention) caused another, by controlling out all other potentially explanatory factors. Indeed, the whole point of conducting an experiment is to demonstrate that nothing other than the intervention being evaluated could possibly have accounted for the observed change. After this has been established the experimentalist is then usually content to conclude that the intervention has probably produced an effect. To repeat, the fundamental logic is that if B followed A and nothing else but A, then B is likely to have been caused by A. Successionist logic is used to assess the influence of the intervention being evaluated by ruling out the influence of other explanatory variables.

However, Bennett does seem correct to point out that experimental research can be a vehicle for identifying mechanisms of change. Although the logic of the experimental and quasi-experimental tradition does not rely on identifying mechanisms, this does not mean that experimental research cannot be used in the search for generative causality. The standard experimental method of comparing the

⁶ Bennett (1996) *Ibid.* p.569

progress of two samples can be used to help test the impact of a hypothetical mechanism of change provided these samples are selected in a pre-theorised fashion. If these samples are selected to reflect contextual variation rather than contextual homogeneity, such a comparison can help to make sense of different outcome patterns. Within the literature on parole evaluations there is an example of quasi-experimental research which did shed at least some light on the mechanism which linked a reduction in the risk of recidivism with release on parole. Waller's comparison of the progress of a sample of parolees and non-parolees in Canada (which was described in detail in Chapter Two) clearly demonstrates how quasi-experimental research can be designed to test for the mechanism which drives change. Waller's quasi-experiment, like many others, revealed that among subjects with the same statistical prediction of re-arrest, those released on parole had a lower rate of re-arrest than those who were unconditionally discharged later in their sentence. Given that *a priori* risk of re-arrest had been controlled for, the successionist logic suggested evidence of a correlation between release on parole and reduced risk of re-arrest. However, by conducting more detailed theory-driven comparisons, Waller discovered that there was no difference in predicted and observed rates of re-arrest among those granted and those refused parole. Instead, the differential patterns of re-arrest among the parolees and the non-parolees was the function of a difference in predicted and observed rates among those who applied and those who did not apply for parole. This suggested that the mechanism responsible for the outcome pattern observed was not the conditions of release on parole but rather the subject's own motivation and attitude to the future. Those who

applied for parole were probably more optimistic and committed to avoiding re-arrest than those who did not apply for parole. This subtle but important difference between the paroled and the non-paroled sample was uncovered by comparing outcome patterns among samples selected to reflect a specific contextual variation. Although Waller's evidence would have been far more convincing if he had tested this theory further by exploring patterns of reconviction across sub-samples with different motivation and attitude, his research was an important step toward identifying generative causality.

Although Pawson and Tilley may have been too eager to dismiss the role of experimental/ quasi-experimental research, their account of its contribution to our understanding of the impact of interventions is useful in that it highlights its two important draw-backs. To repeat, one is that the logic of this approach does little to encourage the researcher to look beyond a correlation between two events to examine the reason for co-variance. For example, Waller could within the quasi-experimental tradition, have quite legitimately used the results of his first comparison to conclude that parole was responsible for a reduction in the risk of recidivism. It was only because he was prepared to test other explanations for the correlation that Waller's quasi-experiments revealed the true causal mechanism. The second problem is that in quasi-experimental but particularly experimental research, it is always possible that in the effort to match experimental and control samples, those factors which are responsible for driving change will be controlled out and hence overlooked in the research. We have seen how Waller's study revealed that the

prisoner's assessment of his or her prospects of avoiding recidivism on release was an important factor in the decision to apply for parole. Differences in the rate of recidivism among parolees and non-parolees could be accounted for by reference to this, the prisoner's own decision to apply, and not the parole board's decision to release them or their experiences of the parole licence itself. Understanding the prisoner's choice was therefore crucial to understanding patterns of recidivism. Experimental methods which succeed in flattening out differences in attitude among those who are and are not released on parole (particularly by random but also by matched sampling) would remove the impact of this choice. In doing so it would remove from the investigation precisely that which, according to Waller, had to be understood to explain differential patterns of offending in the Canadian early release system. Waller was able to identify the importance of choice only because this was a variable which had not been controlled out in his investigation. While within the experimental tradition, the preferred method of evaluating the parole licence would be to conduct a true experiment in which subjects are randomly assigned either to release on parole or unconditional release, this approach would effectively write out the impact of choice - the very feature which Waller suggested had been responsible for generating differential patterns of recidivism among parolees and non-parolees in Canada.

Bennett's third main point was that Pawson and Tilley had failed to specify whether their critique applied to experimental or just quasi-experimental research design. Although Pawson and Tilley did not reply to this point, had Bennett understood the

fundamental problems with these methods he would have realised that they both suffer the same flaw. Both attempt to test the impact of an intervention by removing the influence of other explanatory variables rather than by seeking evidence of generative causality. The only difference between the experimental and the quasi-experimental approach is in the method used to cancel out the influence of these competing explanatory variables. In a pure experiment, random allocation to experimental and control samples should ensure that any explanatory differences are flattened out and in a quasi-experiment, the groups are deliberately matched on at least the most important explanatory differences.

Finally, Bennett argued that the experimental tradition has contributed much more to our knowledge than Pawson and Tilley acknowledged. This is an important point. Experimental research does undoubtedly have a valuable role to play within a wider programme of social research. Indeed the motivation for attempting this realist evaluation of the impact of the parole licence was the well documented results of experimental work which suggests that there is a regular relationship between release on parole and lower risk of recidivism. Perhaps Pawson and Tilley are too dogmatic in their attack on experimental and quasi-experimental research. Surely there is an important role for research which is designed simply to demonstrate co-variance. Many important discoveries in the field of medical research were made after experimental evidence revealed a correlation between two events. Although scientists had no notion of the mechanisms responsible for the correlations between the presence of penicillin moulds and the death of certain bacteria, the evidence on

this correlation was sufficient to justify both its prescription and further research to test explanations for the relationship. While evidence of a correlation between specific outcomes and differential treatments ought to direct the search for the underlying mechanism of change, this type of evidence is nevertheless often an important first stage in scientific inquiry.

With these qualifications, Pawson and Tilley's account thus far does help to persuade us that scientific realism could offer some valuable principles for evaluative research. However, it is only by translating these principles into practice and considering how realist evaluation would be conducted that its true contribution can be assessed. The remainder of this chapter considers how the basic principles of scientific realism could be applied in designing and conducting evaluation and confronts the question, which Bennett raises, does realist evaluation really offer the research community any new tools in evaluation?

The techniques of realist evaluation

Pawson and Tilley's brief articles in the *British Journal of Criminology* provide little in the way of a clear prescription for carrying out realist evaluation. Instead their purpose was essentially to convince the reader of the shortcomings of traditional practice and of the need for change. However, in 1997 Pawson published a more

detailed account of the methodology involved in realist evaluation in an edited book on evaluations of social work intervention. As a means of illustration, he used an evaluation of a prison-based higher educational programme in Canada as a case study. Although the principal objective of the programme was not rehabilitative, the evaluation was designed to test whether the programme was responsible for reduced recidivism among prisoners who took part. The method used in the evaluation was, according to Pawson 'typical' as well as 'exemplary' realist practice⁷. The purpose of describing the evaluation was to detail the stages involved in the research design and to demonstrate how the approach differed from a typical experimental evaluation. For the purposes of this chapter, this case study is particularly useful because it demonstrates how realist principles are translated into practical method and offers some suggestions as to how a realist methodology might be applied to evaluate the impact of parole.

To recap, the traditional experimental and quasi-experimental approach to parole evaluation has been to test the impact of the parole licence by measuring change in the risk of recidivism following exposure to the conditions of the licence. The logic of the experimental evaluation is this: if change in the risk of recidivism is observed among subjects exposed to the conditions of the parole licence but not among those who were not exposed to these conditions, and everything but the form of intervention has been held constant then the experience of being exposed to the parole licence must have been responsible for the reduction on the risk of recidivism.

⁷ Pawson, Ray (1997) 'Evaluating the Effectiveness of Community Penalties'
In Mair, George (ed) *Evaluation Studies in Social Work*. Aldershot: Avebury p.164

The experimental evaluation concludes that there has been a cause and an effect - in this case that there is a causal relationship between release on parole and a reduction in the incidence of reconviction. In realist methodology, impact is examined using a different model of causality - one in which cause and effect is established by identifying an underlying mechanism of change. In the shift from successionist to generative causality, realist evaluation relies not just on establishing co-variance between parole and reduced recidivism but on identifying precisely how that relationship is produced.

Pawson's account of the evaluation of the educational programme and the accounts of scientific realism which he co-authored with Tilley suggest that there are five distinct stages involved in conducting realist evaluation.

Stage One : Theorising about mechanisms of change

Stage one of realist evaluation starts precisely where traditional evaluation finishes. The first task is to consider what mechanisms could potentially bring about the type of correlation between two events which is commonly observed in experimental and quasi-experimental research. While the evaluation which Pawson described was not preceded by a wealth of experimental or quasi-experimental evidence on the correlation between involvement in the educational programme and a reduction in the risk of recidivism, he tells us that there was sufficient anecdotal evidence that some of the men who took part in the programme had gone on to abandon their

criminal careers to pursue a lifestyle to which they had been introduced via this involvement. The first task in the evaluation was therefore to generate some theories about how the programme may have worked to produce this outcome. To this end practitioners who were involved in administering the educational programme were asked for their own 'folk wisdom' about why and for whom the programme seemed to bring about a reduction in the risk of recidivism. However in arriving at theories about the mechanisms of change, the researcher will draw on a broad range of sources: common-sense; experience; anecdotal evidence and theoretical literature.

Stage Two: Considering the contextual combinations necessary to trigger these mechanisms

Pawson describes how the design of the research was next informed by a clear understanding of "how context conditions the potential for rehabilitation" ⁸. Each of his theories about mechanisms of change suggested a set of conditions which would logically have to be satisfied if the mechanisms were to operate effectively. In his case study this involved specifying the right institutional context, the right type of prisoner and the right type of involvement in the programme. The next stage in the research was therefore to specify the match between mechanism and context which would be effective in triggering change.

Stage Three: Operationalising hypotheses

Having arrived at the theories about possible mechanisms of change and the conditions in which each mechanism would be triggered, the groundwork for a realist evaluation was now complete. The real research task was to test these hypotheses by recording the context in which change was observed to occur. The next formal stage then was, according to Pawson, “to transform this general agenda into a matrix for data collection”⁹ and to identify cases in which the conditions were conducive to trigger each of the hypothetical mechanisms of change. At this stage the importance of designing contextual variation *in* rather than *out* of the research becomes apparent. The ideal method would be to construct the contextual environment conducive to the operation of each one of the potential mechanisms of change in turn and to set in place an outcome measure to establish whether or not the expected change had been produced. If the observed outcome matched that which was predicted then the logical conclusion would be that the hypothesis about that particular mechanism was accurate and that change was indeed a function of the intervention being evaluated. Results could then be verified by constructing a context which was resistant rather than conducive to the operation of that mechanisms and ensuring that the same change had not occurred. In short, the task is to test whether or not subjects behave in the way one would expect them to behave if the mechanism was operating effectively.

⁸ Pawson (1997) *Op.cit.* p.162

⁹ Pawson (1997) *Ibid.* p.162

While the ideal approach would be to deliberately set in place the conditions necessary to trigger one mechanism of change but not another, Pawson and Tilley recognise that in social research it is rarely possible to manipulate the circumstances in which interventions operate to suit the demands of realist evaluation. It is often the case that evaluation is commissioned as an afterthought, only when the details of an intervention have been finalised and fully implemented. Where evaluation is conducted *post hoc*, they accept that researchers will have to make do with existing contexts and simply seek data which challenges some of the theories about the process of change and supports others.

In the case study described by Pawson, theories about mechanisms of change were tested by collecting information about the context of each of the men's involvement in the educational programme. Over 50 variables were used to record the characteristics and backgrounds of the men themselves and the nature of their experiences and progress on the course. Reference to these variables allowed them to explore the precise context in which change did and did not occur.

Stage Four: Measuring outcome

In Pawson's evaluation the relationship between context and outcome was tested by combining the qualitative data about the men and their experiences with some quantitative measure of change in the risk of recidivism. The purpose of the outcome analysis was therefore to apply a reliable measure of change to construct an

account of the success and failures of programme. For the purpose of assessing change in the risk of recidivism, Pawson describes how a statistical measure of risk was applied, in this case the Statistical Information on Recidivism (SIR) scale - a predictor developed in Canada by Nuffield in 1982. As in the studies referred to in Chapter Two, expected reconviction rates were compared with actual reconviction rates to identify subjects whose prospects were and were not improved on release. In this sense then the measure was applied much in the same way as it is applied in tradition quasi-experimental research. However, as Pawson is quick to point out, there is an important difference in the way in which realists apply the measure. In the type of evaluations described in the last chapter, statistical predictors were used to control out differences between subjects and to ensure that outcome reflected only the impact of the intervention and not differences in predisposition to offending. For this reason, a traditional comparison of statistically predicted and actual reconviction rates tells us nothing about how the characteristics and backgrounds of offenders are likely to affect change. For this type of measure to be applied in realist evaluation, essential differences in context must be controlled back into the research and this is achieved by making comparisons between predicted and observed reconviction rates across carefully selected subsamples of subjects. Rather than repeatedly accumulating data about contextless cases and samples, the objective is to measure outcomes in contexts specifically constructed or identified to test the hypotheses deduced from the theories about mechanisms of change. As Pawson explains, “the power of the method lies in the subtlety of the identification of these groups”¹⁰.

¹⁰ Pawson (1997) *Ibid.* p.170

The use of the score allowed the impact of the context identified in stage two to be systematically explored and for its affect on recidivism to be tested over and above the affect of other variables which are shown to influence risk of offending. The results of the typical quasi-experiments, which tend to demonstrate that some subjects perform better than expected following a particular treatment or intervention while others perform much as or worse than expected, can be transformed into evidence which either supports or undermines theories about how change might be affected by using a knowledge of the context of these type of performances. This knowledge of context can be used to differentiate between subjects who should and should not logically have been affected by the mechanism of change being investigated. Where a lower rate of reconviction than predicted occurs in the context conducive to the operation of that mechanism this could be taken as support that the mechanism was at work and that there was a causal relationship between programme involvement and change in the risk of recidivism¹¹. By combining the outcome inquiry with an investigation of context, the researcher should generate results which either lend support for or contradict the theories about mechanisms of change. This data can then be used to assess if and how the intervention being evaluated has been effective.

Pawson uses the following diagram to summarise the stages involved in the programme evaluation just described.

¹¹ In the example of realist evaluation described by Pawson, a form of methodological triangulation was introduced when theories about mechanisms were further tested by seeking subjects' own views on how the programme being evaluated had worked to reduce recidivism.

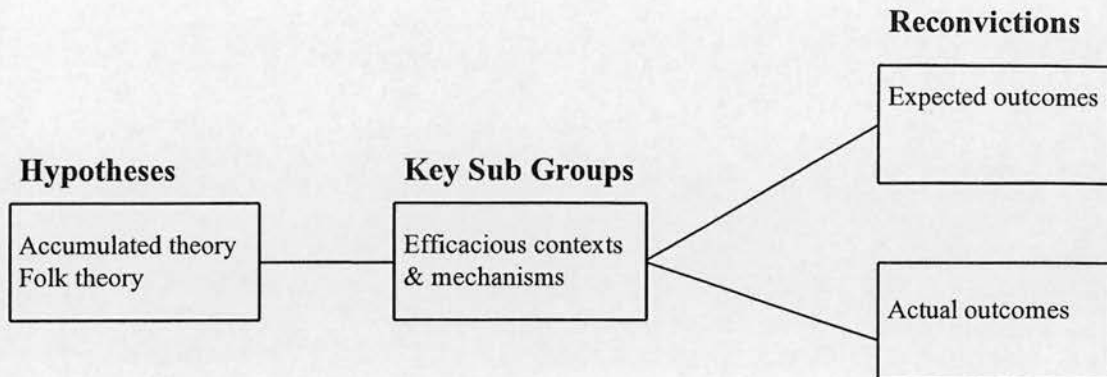


FIGURE 3.1: Main stages involved in realist evaluation
 SOURCE : Pawson (1997) p.169.

Realism's contribution

Having identified what the ideal realist evaluation would look like, it is easier to identify precisely what it is that realism offers which the experimental and quasi-experimental approach does not. It seems that realism has some valuable advantages over traditional method. For evaluative research to be of genuine use, it must be possible to generalise from results to make statements not just about how effective the intervention was in the evaluation but also about how effective it is likely to be in the future. As Pawson and Tilley argue, is rarely possible to make generalisations of this sort using the results of experimental and quasi-experimental evaluations because they tell us nothing about how the intervention works and hence when it is likely to be most effective. One of the central advantages of realist evaluation is that, because the connection between outcome and context is so thoroughly investigated,

it should be possible to use the results to make generalisations about how effective the intervention will be in the future (provided something is known of the conditions in which it will be applied, the circumstances of the subjects and the culture in which it will operate). Another important advantage of the realist approach is that the researcher is less likely to mistake causality. Rather than relying on evidence which suggests that the application of a treatment or intervention is associated with a particular outcome, the realist tests this relationship by taking the investigation a stage further and demonstrating how A could have caused B. Only after articulating and furnishing support for theories about the mechanism of change will the realist conclude that there has in fact been a cause and effect. Conjunctions which are either spurious or non-generative should not therefore withstand realist inquiry.

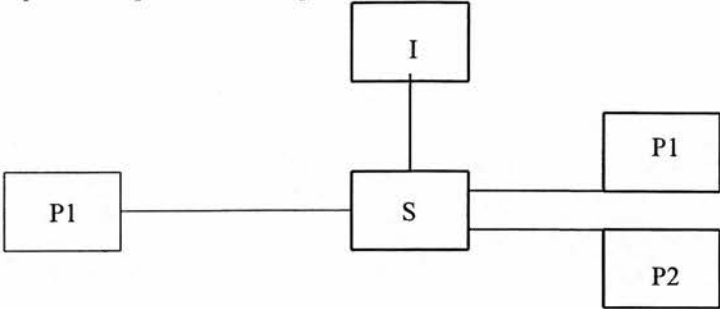
In the chapters which follow, the basic principles of realist evaluation just described are applied to evaluate parole's impact on the risk of recidivism. It is hoped that in these chapters both the impact of the parole licence and the value of realist methodology will become more visible. However, even before the methods and results of this study are described it may already be apparent that realist methodology is not all that it claims to be. In the final analysis it may not represent the departure from successionist logic which Pawson and Tilley so vehemently argue is needed in social science. If Pawson's case study is considered more closely, it seems that in order to reach any conclusions about the operation of a particular mechanism of change, even the realist researcher has to apply the logic of the experimental approach. What Pawson and Tilley objected so strongly to was the

notion that we can establish causality by identifying that a given outcome was observed after and only after the application of a particular intervention. One reason is that it tells us nothing about how change is generated and hence what conditions are likely to facilitate or impede change in the future. The other reason is that the viability of this approach rests on the assumption that the social scientist can control out the influence of others factors and as Pawson and Tilley explain, the social world is far too complex to allow us to achieve this with any certainty. However, in order to link mechanism and context (which I have already argued are essentially one and the same and together could more usefully be referred to as components of the mechanism of change) with a particular outcome, the realist has to apply precisely the same logic. Figure 3.2 is an attempt to summarise the stages involved in both traditional and realist evaluation and to illustrate the similarities in their approach.

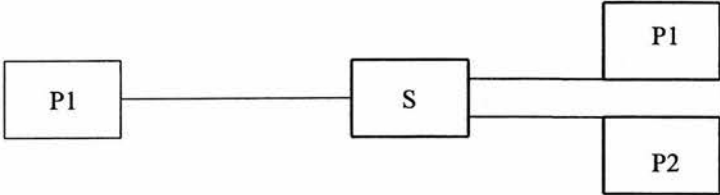
Figure 3.2: The stages of experimental/quasi-experimental and realist evaluation

EXPERIMENTAL/QUASI-EXPERIMENTAL EVALUATION

Sample A - Experimental sample

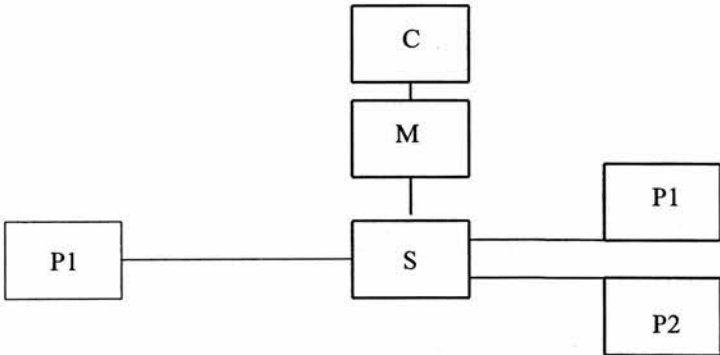


Sample B - Artificially or randomly matched control sample

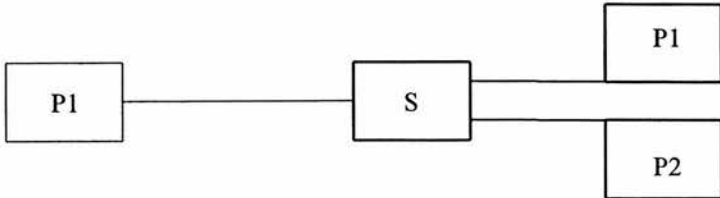


REALIST EVALUATION

Sample A - Conducive subsample



Sample B - Unconducive subsample



In the typical experimental or quasi-experiment such as those conducted by Nuttall et al and Hann and Harman (see Chapter Two), an intervention (I) is applied to sample A. Change in performance following exposure to I is then measured. Although in many of the parole evaluations described in Chapter Two, change in risk of recidivism was assessed by comparing actual rates of reconviction (P2) with statistically predicted rates (P1), in other types of experiments (a test of the impact of different teaching techniques for example) measuring change may simply be a matter of comparing performance before and after intervention. Whatever method is used to measure change, the researcher seeks evidence that there has been a shift from P1 to P2. The intervention is not applied to a matched control sample B and the same measure of change is adopted. If a shift from P1 to P2 is observed only among sample A then the researcher concludes that I is responsible for this change since this was the only difference between the two samples.

Consider next how a realist evaluation of the sort described by Pawson is conducted. The task is not to consider whether I could be responsible for change in performance but whether M could be responsible. M is a hypothetical mechanism of change which in Pawson and Tilley speak is only fired under certain conditions (C). To expose subjects to M the researcher therefore exposes them to C (or if it is not possible to manipulate conditions in this way, the researcher selects a subsample of subjects, sample A, who would naturally be exposed to C). The researcher then tests for a change in performance following this exposure either by using a before and after comparison or as in Pawson's case study by comparing actual performance with

statistically predicted performance. The same measure of change is applied to a sample of subjects (sample B) who have not been exposed to the conditions necessary to trigger the mechanism of change. If a shift from P1 to P2 is observed among sample A but not sample B then the realist would presumably conclude that the mechanism of change was at work and the intervention being evaluated has produced an effect.

The logic used to test causality in each type of evaluation is similar. Both rely on the notion that because the only difference between sample A and sample B was exposure to a particular stimulus (in traditional evaluation, the intervention and in realist evaluation, the intervention plus a set of conducive conditions) this must be responsible for differential outcome patterns. Both therefore rely on the logic of successionist causality. The main difference between the two approaches is that realist evaluation is designed to test much more focused theories about how change is brought about.

Admittedly, if the researcher can be more specific about what is driving change then evaluation will be of far more use to the policy-maker. This is because, as already argued, an appreciation of the precise mechanism of change will allow the impact of context and hence the intervention's future potential to be far more apparent. However, the key to unearthing the mechanism of change lies not as Pawson and Tilley suggest in applying a different logic of causality but in applying a different logic of investigation. The important point is that theories of change must be used as

the starting point for research. They should be used to generate specific hypotheses about change which can then be systematically tested against the evidence. The difference between the realist and the traditional experimental and quasi-experimental approach is that in the latter the design of the research is rarely informed by these types of hypotheses. The distinction between good and bad practice in evaluation is not a distinction between the application of successionist and generative causality but rather between theory-driven research designed to test theories about the relationship between cause and effect and that which fails to challenge this evidence to more thorough investigation. Although Pawson and Tilley make this point when they argue for a pre-theorised approach to evaluation, it becomes over-shadowed by the distinction which they try to make between successionist and generative causality.

Conclusion

The main contribution which Pawson and Tilley make to the debate about how best to proceed with evaluative research is their assertion of the importance of understanding the mechanism of change. The research which is introduced in the next chapter is an attempt to understand precisely this: the mechanism by which an intervention (in this case parole) could have been responsible for reducing the risk of recidivism. Although it is possible to hypothesise about the mechanisms by which parole might work to reduce reoffending, as yet there has been little attempt to explore the process by which it could affect this. Whether or not the methodology

which Pawson and Tilley describe will bring us any closer to identifying these mechanisms is still unclear. However what is clear even at this stage is that, if realist methodology also relies on successionist logic, then it too will confront the same problem which traditional evaluation has faced; that of ensuring that any change observed is a function of the process being examined - that the shift from P1 to P2 was caused by exposure to C and M rather than anything else. As we will see in later chapters, even where a change in the risk of recidivism is associated with exposure to the context necessary to trigger any of the mechanisms through which parole might be expected to work, it may not be possible to rule out the possibility that something other than parole was responsible for this change.

CHAPTER FOUR: METHODOLOGY

Introduction

It would be possible to construct two separate accounts of the design of the empirical work which was conducted for this PhD. Although each account would provide a faithful description of the methods which were finally adopted, the rationale behind the choice of these methods would seem very different. An idealised account (of the sort which most researchers favour) would present a well thought out methodology which was conceived only after a thorough review of the existing evidence had been undertaken, the relative value of different methods had been carefully weighed and a realistic appreciation of the practical implications of conducting research in the field had been formed. An honest account (of the sort which few researchers are happy to disclose) would describe a certain amount of blunder and short-sightedness and a good deal of expediency. Although the latter might do little to persuade the reader that this work was undertaken by a particularly competent researcher, it would be far more instructive than the former. Conducting research is always a learning experience and much is learned through hindsight. Even the best-planned research will employ methods which have been compromised by the pressures of time and resources. If this chapter is to be of any value to those considering similar work, then it is important that any difficulties encountered and mistakes made are shared. The purpose of this chapter is first to tell two stories, one about how the approach which was adopted *ought to* have been conceived and another about it *was* conceived and then, in providing a detailed description of the methods employed, to acknowledge

both their strengths and their weaknesses.

An idealised account of the design of the research

As Chapter Two demonstrated, the experimental but particularly the quasi-experimental approach to parole evaluation has so far failed to deliver any convincing or consistent conclusions about parole's impact on recidivism. This and the need for a new approach in parole evaluation have been evident for many years. The empirical work which was conducted for this study represented an attempt to shift parole evaluation beyond the experimental/quasi-experimental tradition. By drawing on the principles of 'scientific realist' evaluation, the research was designed specifically to establish how the conditions of release on parole might be responsible for reducing the risk of recidivism among a sample of parolees. The basic principles of realist methodology and the stage involved in realist evaluation were introduced in Chapter Three. The purpose of this chapter is to explain how they were applied in the design of this research.

The fundamental task in a realist evaluation of the impact of parole is to identify the mechanism or mechanisms which could be responsible for reducing the risk of recidivism by testing hypotheses about the type of outcome we would expect to observe in given contexts. The first task in this research was therefore to arrive at some theories about possible mechanisms through which parole might work to reduce the risk of recidivism among those exposed to the conditions of the licence. By examining the conditions of release on parole together with some of the policy and

academic literature on the subject, it seemed possible that one or a combination of the following mechanisms may have the potential to change the pattern of offending among parolees.

(a) THE HELP FROM SUPERVISING OFFICERS: The support and advice of a supervising social worker helps parolees to address offending-related problems and reduces the need to reoffend. All parolees are allocated a supervising social worker to whom they can turn to if they need emotional or practical help and who may also encourage them to address the causes of their offending. Many are also required to undergo some form of counselling or training such as addiction counselling, anger control or employment training. It is possible then that the help they receive on release enables parolees to resettle quickly and prevents the type of personal and social breakdown which often precedes offending and/or allows them to confront any underlying causes of their offending.

(b) THE PENALTY OF RECALL: The penalty of recall to custody to serve the outstanding portion of the sentence deters parolees from engaging in activities which would constitute a breach of licence. Under the conditions of a parole licence any breach in licence is automatically punishable by a return to custody and one of the conditions of the standard parole licence is that the parolee 'shall be of good behaviour and keep the peace'. It is possible that the high cost of committing a new offence discourages parolees who may be tempted to reoffend.

(c) THE RISK OF DETECTION: The regular surveillance from a supervising

social worker increases the perceived risk of being caught breaching licence conditions and deters parolees from engaging in criminal activities. It is possible that parolees are further deterred from reoffending because supervision from the social work department increases their perception that a return to offending will be detected. All parolees are required to report to their supervising social work on a regular basis (initially, on a weekly basis) and supervising officers are also obliged to make at least one home visit to the parolee. These requirements may restrict the parolee's opportunities for engaging in anti-social or offending behaviour and make it more difficult for offending behaviour to go unnoticed.

(d) THE ENDORSEMENT FROM THE PAROLE BOARD: Being selected by the Parole Board as deserving early release encourages parolees to perceive themselves as having good prospects of avoiding reoffending and gives them the encouragement and confidence to succeed on release. Based on current available figures only around 35% of determinate sentence prisoners who are considered for release by the Board are recommended for parole ¹. Being selected for parole may therefore be regarded as a privilege and a positive endorsement of prospects on release. It is possible that this endorsement creates something of a self-fulfilling prophecy among parolees. It is also possible that being refused parole has the opposite effect on those who apply unsuccessfully and discourages them from remaining law-abiding on release.

Having identified some possible mechanism through which the risk of recidivism

¹ Based on 1996 figures presented by the Parole Board for Scotland (1997) *Report of the Parole Board for Scotland 1996*. Edinburgh: The Stationary Office.

might be reduced by the experience of parole, the next step in the design of the evaluation was to test these theories by exploring the relationship between recidivism and the context in which it occurred. As explained in Chapter Three, the objective was to establish evidence that any one of the mechanisms was operating in the way assumed by identifying the context conducive or resistant to its operation and testing for the expected change in the risk of recidivism. This approach is based on the recognition that each of the four mechanisms of change would have been triggered only in specific contexts. For example, the threat of recall to custody would operate as an effective mechanism of change only if parolees had the motivation to remain out of prison. To test if this mechanism has worked to reduce recidivism the task would therefore be to test for a change in the risk of recidivism among subjects who had the most reason to fear a return to prison. The contexts necessary to trigger these mechanisms will be described in detail in the chapters which follow.

Each of the four theories about the mechanisms of change were tested by investigating the experiences and progress of a small sample of men released on parole licence between July 1996 and April 1997. By examining the circumstances, attitudes and backgrounds of each of these subjects, it was possible to identify those who would and would not have been exposed to the conditions necessary to trigger each of the mechanisms of change. The extent to which each of these mechanisms did effect change was then tested by searching for evidence of a change in the risk of recidivism among those subjects who were exposed to the appropriate context. In this sense, each of the subjects in the sample could be treated as a separate case study which would either tend to support or to contradict each of the theories about the

mechanism of change. As in Pawson's study, interviews with each of the subjects in the sample allowed the theories about mechanisms of change to be further explored by recording the parolees' own views about the reason for desistance or persistence in offending.

An honest account of the design of the research

This is how the research really took shape. The original intention was to conduct a typical quasi-experiment of the sort criticised by Pawson and Tilley. Patterns of recidivism among a sample of parolees were to be compared with those of a matched control sample of non-parolees and (you guessed it!) subjects were to be matched on the basis of statistical risk of recidivism. In an attempt to recruit these samples, prison interviews were conducted with prisoners who were due to be released on parole and with those who were serving between three and four years and were due to be released automatically at half sentence (under the recently introduced automatic conditional release system)². However, soon into the programme of prison interviews it became apparent that the sample of non-parolees would be difficult to obtain. Many of the non-parolees who were invited to take part in the research declined. They explained either that their lifestyle on release would be too unsettled to enable them to maintain contact with a researcher or that they believed that the series of follow-up interviews would be too intrusive or inconvenient. In addition to the problems associated with recruiting a non-parole sample, the few subjects who did agree to be

² A comparison of the progress of prisoners released on parole and those released via the ACR system would have allowed the impact of social work supervision and selection by the Parole Board to have been assessed. However, since ACR prisoners remain liable to serve the outstanding portion of their sentence in the event of reconviction, the impact of the threat of recall could not have been fully examined.

followed-up for interview proved very difficult and in some cases impossible to contact on release. This was because the address which they provided during the prison interview was often a temporary one. Fortunately the attempt to recruit and trace the parole sample was much more successful. The fact that the Parole Board expects all parolees to have a stable address to return to on release and to report for regular meetings with a supervising social worker and in some cases a counsellor, may help to explain why so few parolees refused consent. Their stable circumstances made it easier for them to be reached and their obligation to meet with a researcher would have seemed a minor inconvenience alongside their other obligations. It is also likely that being selected for parole made these prisoners better disposed to and more eager to co-operate with perceived officialdom. Although it was made clear to subjects that their involvement in the study was entirely voluntary, it is possible that some of the parolees believed that, by declining to take part, they might have risked jeopardising their release date³.

Given the difficulty of recruiting a control sample, it was decided that only prisoners released on parole would be tracked beyond release. The research was therefore redesigned to focus on the context in which recidivism did and did not occur and to search for evidence of any parole effect by recording subject's own views about how the experience of parole may have influenced their progress. While at this stage, the four theories about how parole might work to reduce the risk of recidivism had begun to inform the design of the interview schedules it was only when the fieldwork was

³ Some parolees explained that between learning of the Board's decision and being released, it was important that they maintained good relations with prison staff and fully co-operated with the system to ensure that they gave the authorities no reason to withdraw their release dates. It is possible that agreeing to take part in the research was simply part of this effort.

well under way that Pawson and Tilley's literature on realist evaluation was consulted. Even then it was only when Pawson published his detailed example of a realist evaluation that it became apparent that the research could be reconstructed along realist principles. While the data which had already been collected made it possible to apply these principles to help explore the relationship between release on parole and patterns of recidivism within the sample, it would be dishonest to present the research as the ideal realist design. If the realist agenda had been applied earlier in the project some additional data would have been collected during the early follow-up interviews to help identify subjects who were exposed to the context necessary to trigger particular mechanisms of change. As further clarified in later chapters, the main methodological flaw in this research was that some of the data about the backgrounds, attitudes and circumstances of the subjects who were recalled to custody was not collected. This was because by the time realist principles entered the research some of these subjects had already been interviewed for the last time. The second disadvantage of adopting realist principles so late in the project was that the recruitment of the parolees had been guided by the demands of quasi-experimental research and in particular by the need to match their statistical risk of recidivism with that of a sample of non-parolees. For this reason, no attempt was made to recruit female parolees (because their statistical risk of recidivism is always lower than that of males). Given that one of the principles of realist evaluation is to admit into the research as much contextual variation as possible, the design could have been improved if females had been recruited and the progress of a greater number of subjects with more varied backgrounds, attitudes and circumstances examined.

Having ‘come clean’ about how the research design was really conceived, some of the technical details associated with the recruitment of the sample, measuring change in the risk of recidivism and conducting the interviews can now be discussed. What follows has in no way been contrived– it is a faithful account of these methods and of the rationale for adopting them.

The sample

All of the subjects in the sample were released from prison on parole under Part 1 Section 1.3 of the Prisoners and Criminal Proceedings (Scotland) Act 1993. This legislation provides that prisoners serving determinate sentences of four years or more may be released by the Parole Board after serving one-half of their sentence in custody and that on release are subject to the conditions of a parole licence until the date on which their full sentence expires. The normal conditions of the parole licence are that the parolee must report to a supervising social worker at regular intervals, must refrain from anti-social or criminal behaviour and must undertake counselling or training as directed by the Parole Board.

Each of the subjects were serving custodial sentences of over four and up to just over five years. The length of time available for fieldwork meant that prisoners serving sentences of any longer than this could not be tracked for the full duration of their licence period. While the decision to limit sentence length in this way was a response to practical considerations, there are some advantages of focusing on prisoners serving four to five years. Although this category of prisoners constitutes a very small

proportion of the total number of males received into prison ⁴, they represented 35% of all determinate sentence prisoners considered for release by the Parole Board over the period in which the sample of subjects was recruited ⁵. Given that they comprise such a sizeable proportion of the total parole caseload, it is particularly important to understand how this group of subjects experience and respond to the conditions of the parole licence. Another advantage of tracking subjects serving four to five years is that five years is the threshold which, according to the Secretary of State's '1984 statement'⁶, separates medium from high risk offenders. There is some reason to assume that medium risk offenders are likely to benefit most from a period of parole supervision. This is because they are likely to have both the potential for change and sufficient offending-related problems upon which to focus intervention. By comparison, high risk offenders are often too resigned to their offending lifestyles to change and low risk offenders are usually able to avoid reoffending without the need for parole supervision. The potential to affect their offending behaviour makes medium term prisoners an ideal group of subjects through which to assess the impact of the parole licence. After all, one of the essential features of realist evaluation is that outcomes are tested in the context in which one would logically expect a particular mechanism of change to be fired. Perhaps one of the reasons why so little evaluative research demonstrates conclusive evidence of impact is that subjects and contexts are selected to be representative of the typical, rather than the most effective, characteristics of intervention.

⁴ In 1993 and 1994, prisoners sentenced to four to five years represented only 1% of the total male receptions to prison.

⁵ June to December 1996.

⁶ This was the announcement made by the Secretary of State on 18 December 1984 that he would be reluctant to exercise his discretion to authorise early release in cases where the prisoner is serving over 5 years for violent crimes or drug trafficking.

Although it was hoped that the subjects' risk categories would make them more responsive to the parole experience, it was possible that other parolees who were exposed to the licence conditions for longer, might have been even more responsive. One possible disadvantage of including only parolees serving four to five years was that these subjects were serving shorter prison sentences than any other prisoners released under current legislation⁷. It may be the case that parole is *less* effective in reducing the risk of reoffending among these prisoners than among those serving longer sentences. It may be that they are less likely to be deterred by the threat of recall, because with a shorter period to serve until full sentence, they are liable to recall for a much shorter period than those serving longer sentence or that they stand to gain less from their shorter period of involvement with and counselling from supervising officers.

Although any 'parole effect' may be more marked among subjects with longer terms of licence, it was hoped that a licence period of between two and two and half years would not be too short to have an impact of recidivism. Indeed, as far as it can be relied upon, the existing research on the British parole system claimed to provide evidence of a 'parole effect' among samples containing a high proportion of subjects who were exposed to the conditions of a parole licence for much shorter periods than this. For example Nuttall and Fowles⁸ studied the reconviction rates of parolees, some

⁷ Under the earlier legislation all determinate sentenced prisoners serving over 18 months were eligible for release on parole after serving only one third of their sentence. In the past then the majority of parolees were serving much shorter periods in custody and were exposed to parole for less time than is currently the case.

⁸ Nuttall, Christopher & Fowles, Tony (1972) *Parole Evaluation*
Home Office Research Unit Paper (Unpublished)

of whom were subject to the licence period for as little as six months, and found that 24 months from release the rate of reconviction was only 53% of that predicted on the basis of the Reconviction Prediction Score. While they found that parole did not appear to reduce the risk of recidivism for those on licence for less than six months, six months or more seemed sufficient to produce an effect.

Subjects who were serving around four to five years and would begin and end their parole licence period during the time available for fieldwork were identified from the minutes of Parole Board meetings held between late June and December 1996. The Board considered a total of 368 determinate sentence prisoners at these meetings, 129 of who were serving sentences of four to five years. Of these 129 parole candidates, 50 were granted release on parole. However, six of these prisoners later had their dates withdrawn for disciplinary reasons and nine were considered unsuitable for inclusion in the study either because of serious illness, because they intended to live away from Scotland on release or because they had been convicted of sexual offences⁹. A further three subjects were females and it had been decided from the outset that only males would be recruited for the sample¹⁰. Although this left only 32 parolees who were eligible to be included in the study, two parolees who had been

⁹ There are two reasons why sex offenders were considered unsuitable for this study. Firstly, their propensity to reoffend is much stronger than other types of offenders and their motivation to persist/desist in offending is likely to be bound up with complex psychological conditions which criminology is ill-equipped to understand. Secondly, the fieldwork involved one-to-one interviews with subjects mainly in their own homes and, as a female researcher working alone, I would not have felt comfortable interviewing sex offenders in these circumstances.

¹⁰ As explained, the original intention was to match the parole sample with a sample of subjects released automatically at half sentence. It was assumed that so few female prisoners would become eligible for the study that it would be impossible to match a female parolee with a female who would automatically released. Unfortunately by the time the design of the study changed, it was too late to recruit any females to the sample.

considered by the Parole Board earlier in 1996 but given a 'forward date'¹¹ were also invited to take part in the research. Interviews were therefore conducted with a total of 34 parolees in prison shortly before their release on licence, during which the purpose of the research was explained to them and their consent to be included in the study was sought. While only two parolees refused consent at this interview, a further four changed their minds when contacted for their first follow-up interview on release. Although 28 subjects were tracked beyond release, one subject had to be dropped from the sample later in the follow-up period because he left to work in London. This left a total sample of 27 parolees whose progress on licence could be fully considered in this study. Given that a fairly high proportion of those who were initially invited to take part declined to be tracked on release, it is possible that the sample of 27 subjects was not entirely representative of the population targeted in this study. The most obvious concern is that those who declined to be interviewed on release would also be those who would resist co-operating with social work supervision. However, as already explained, one of the aims in recruiting the sample was to obtain a group of parolees among whom the parole experience was likely to be effective. If the sample contained a higher proportion of co-operative parolees than there was in the total parolee population, then this would only increase the prospects of observing a parole effect.

Of the 28 parolees tracked into the community, most were released on their parole eligible date (at half sentence) and were therefore subject to the conditions of a parole licence for approximately two to two and a half years. Four subjects were given a

¹¹ Parole candidates who are given a 'forward date' by the Parole Board are released on licence a few months later than their parole qualifying date to allow extra time to make preparation

'forward date' by the Board and released four months later than their parole eligible date to allow time for further counselling or preparation for release. At the time of release, five subjects were aged between 20 and 25, thirteen between 26 and 30, seven between 30 and 40 and three were over the age of 40. The oldest parolee in the sample was 59. Exactly half of the sample had received their index conviction¹² for crimes involving drug dealing, a further seven subjects were convicted of assault and robbery and the remaining seven of violent crimes. For five of the subjects, the index conviction was their first conviction and 17 were serving their first custodial sentence. The majority of subjects were released from an open prison (14 from Noranside and nine from Dungavel), three were released from a closed prison (two from Glenochil and one from Perth) and one subject was released from Polmont Young Offender's Institution.

Outcome inquiry

To assess the progress of the sample on release, a range of data on recidivism were collected. The simplest approach was to collect official data on the number of subjects who were recalled to custody and who received reconvictions for a new crime or offence. However, official data of this sort are not the most reliable measure of recidivism because they are more likely to reflect the criminal justices system's capacity to detect and prosecute reoffending than the extent of offending among subjects. For this reason, in addition to this data, an attempt was made to collect self-reported information on reoffending from the subjects during a series of interviews in

¹² for release or to prove themselves to the Board.
By 'index conviction' I mean the conviction for which they received the custodial sentence

the community (the timing of these interviews is described later in this chapter).

One of the problems of relying on subjects to provide information about reoffending is that they may provide a dishonest account of their activities, either by exaggerating or understating the extent of criminal involvement. In an attempt to encourage subjects to provide honest responses, they were given written assurances of confidentiality and anonymity. They were also made aware of the independent nature of the research and that there was no obligation to reveal any data to the Scottish Office, Social Work Department, Parole Board or to the police. Reassurance of independence and confidentiality were given throughout the programme of interviews. Although it would be naive to assume that subjects were always entirely honest in their responses at interview, there are reasons to assume that most answers were reliable. The first is that subjects did provide reliable information about other aspects of their lives. During the series of follow-up interviews, subjects were asked not only about the extent of reoffending but also about employment history, progress in custody and occasionally about previous convictions. Although subjects were not aware of the efforts to verify the data, the accuracy of their responses was checked by comparing them with information available in the parole dossier and data provided by Scottish Criminal Records Office at the end of the research. This exercise demonstrated that subjects were being honest in the responses which they provided. The second reason for assuming that most subjects were honest in their account of reoffending is that the information which they provided was often surprisingly candid. Many subjects volunteered more information than was asked of them and some provided information but asked that it remain 'off the record'. Various factors also

from which they were being paroled.

made it difficult to lie about or exaggerate reoffending. Most subjects were interviewed in their own home and in these circumstances it was often difficult to conceal information about the extent of contact with other criminals or about drug abuse. However, the longitudinal design of the study was perhaps the single most important factor in encouraging honesty. Responses gained at earlier interviews could be cross-checked by repeating questions a year later when subjects may have forgotten their earlier responses. The length of the follow-up period probably demonstrated that the research was motivated by genuine and committed interest. Subjects became more relaxed and open over the course of the follow-up period and the quality of the data obtained improved over the series of interviews because subjects seemed more confident about explaining their activities and attitudes in more detail. While there is always the risk that some subjects were deliberately misleading, information about reoffending obtained in this project is probably as reliable as is possible to achieve using a self-report method.

Another problem with adopting the self-report method was that definitions of offending were not universally shared. An activity which according to the strict letter of law may be defined as a crime or offence was not necessarily defined in this way by the parolees in the sample. To illustrate, an attempt to record the extent of recidivism tended to involve the following type of exchange:

Q. Have you committed any type of crime or offence since you were released on parole?

A. No. I've been as good as gold.

Q. Not even recreational drug abuse or driving offences?

A. Oh yeh, I've smoked cannabis but everyone does that.

Q. But nothing any more serious?

A. Well maybe some other harder stuff just at the weekends. Oh yeh, and I've sold some gear on, but just to a few mates...

Before any account of recidivism could be provided definitions of what did and did not constitute a breach in licence had to be negotiated with the subjects. The simplest approach seemed to be to apply two definitions of recidivism. Any return to offending which was unlikely to attract serious attention from the authorities was defined as petty offending and did not constitute recidivism. Personal drug consumption, fighting which did not result in medical treatment and traffic offences were all defined in this way in the study since it seemed unlikely that the Parole Board would consider these activities a breach of licence which would warrant recall to custody or that the police would press charges if this behaviour was discovered. Although it was decided that anything else would be classified as recidivism, in practice almost all of those who were defined as recidivists had committed a crime or offence which, if detected, was likely to attract a return to custody.

Not surprisingly, the self-report method revealed more recidivism than the official data. Of the 27 subjects who were retained in the sample, seven were recalled to custody for offending-related behaviour (all but one of whom were subsequently reconvicted of crimes or offences within the follow-up period). In addition to those subjects who were recalled to custody, one other subject was convicted of attempted housebreaking. A further three subjects admitted having committed serious but undetected reoffending while on licence. In the chapters which follow, these 11

subjects who were either recalled to custody for reoffending, were reconvicted of new offence or disclosed serious reoffending are referred to as 'recidivists'. Of the remaining 16 subjects in the sample, 11 admitted petty reoffending while on licence (in most cases the use of recreational drugs such cannabis, speed or ecstasy and fighting) and only five claimed to have avoided any form of offending. Where it seems necessary to differentiate those who engaged in petty reoffending from those who claimed to avoided all forms of offending in the chapters which follow, the former will be referred to as 'desisters' and the latter 'total desisters'. To summarise, 11 subjects (41% of the sample) were classified as recidivists, 11 (41%) as desisters and 5 (19%) as total desisters.

Taken alone, this figure on the rate of recidivism among the sample does little to convince us of any 'parole effect'. As a means of assessing the impact of the parole licence, these simple data on the level of recidivism is of little value unless they are considered alongside *a priori* risk of recidivism among the sample. To determine whether the pattern of recidivism discovered represented a change in the risk of recidivism, we must first consider how many subjects presented a risk of recidivism when they were initially released from prison. It is possible that among the 16 subjects who remained fairly law-abiding during the course of the licence period, some may have presented a substantial risk.

There is no entirely reliable method of assessing risk of recidivism but one method is to apply knowledge of the characteristics and outcome of previous cases. A useful shortcut is to use a statistical prediction instrument. Statistical predictors have

regularly been used to assess risk of reconviction in criminal justice decision-making and, as we saw in Chapter Two, they have also been used in experimental evaluative research as a means of controlling for risk while an intervention is applied. In a realist evaluation, statistical predictors can also be used as a measure against which to compare actual reconviction rates in order to assess change in the risk of recidivism. Indeed, in the example of realist evaluation outlined by Pawson this was precisely the outcome measure adopted¹³. However, before a statistical predictor could be used in this study some careful thought had to be given to the choice of instrument and the limitations of statistical predictors.

Statistical prediction of reconviction

One of the obvious concerns about using a statistical predictor is that it provides predictions based on previous observations and the efficiency of these predictions is likely to shrink with time or between different samples. In Britain, two different statistical instruments have been used to predict the risk of recidivism among offenders released from prison. The Reconviction Prediction Score (RPS), which was described in Chapter Two, was the first British instrument to be developed and has been used a number of times as means of controlling for risk in parole evaluations. The advantage of the RPS is that it was constructed using data on prisoners released before the parole system was introduced and as such estimates the likelihood of reconviction when no conditions are attached to release. It is therefore an ideal

¹³ Pawson, Ray (1997) 'Evaluating the Effectiveness of Community Penalties' in Mair, George (ed) *Evaluation Studies in Social Work*. London: Avebury (In this case the statistical instrument used was the Canadian Statistical Information on Recidivism score.)

method of assessing the impact of parole and other forms of conditional release because it is possible to argue that any difference between predicted and observed reconviction rates may be due to the experience of parole. However, the problem with the RPS is that it has aged since the time it was constructed over 30 years ago. It was last validated by Ward who tested it on a sample of subjects released from prison in 1977, 1978 and 1979. At that time, it was already overestimating the probability of reconviction by 11 percentage points among parolees and 4 percentage points among those released on remission. This reduction in the predictive power of the score will have occurred for a number of reasons. Perhaps most importantly, changes in crime control strategies are likely to have affected reconviction patterns and declining levels of employment will have altered the weight attached to employment data.

Partly in response to this problem of shrinkage, a new statistical predictor of reconviction was developed in the late 1980's by Copas. This new instrument, known as the Risk of Reconviction (RoR) scale, was developed using the records of 1550 prisoners released from sentences of four years or more in 1987¹⁴. As well as being more up-to-date than the RPS, the new instrument provides a prediction using only six variables all of which are based on data which is easily available from criminal records. Because of its relatively recent construction, the ROR rather than the RPS was selected as a means of measuring risk of reconviction among the subjects in this research. Risk score were calculated for each of the subjects in the sample using the variables and the weights shown at Annex A. Having arrived at a score by adding

¹⁴ For a detailed account of the construction of the ROR see:
Copas J.B., Ditchfield J. and Marshall P. (1994) *Development of a New Reconviction Score*
Home Office Research and Statistics Department, Research Bulletin 36. London: The
Stationary Office

together the weights for each variable, the probability of both any reconviction and of serious reconviction at any time up to two years from release was identified using a conversion table. Serious reconviction is defined as any reconviction which, under normal circumstances, is likely to result in the imposition of a new custodial sentence by the court. These scores were then used to classify subjects into one of six risk score categories as shown in the tables below.

TABLE 4.1: The probability of any reconviction within two years of release

Probability of any reconviction	Risk classification	No. (& percentage) of subjects
0 - 16	VERY LOW	7 (26%)
17 -33	LOW	10 (37%)
34 - 50	MEDIUM LOW	5 (19%)
51 - 67	MEDIUM HIGH	5 (19%)
68 - 84	HIGH	-
85 - 100	VERY HIGH	-

TABLE 4.2: The probability of serious reconviction within two years of release

Probability of serious reconviction	Risk classification	No. (& percentage) of subjects
0 - 16	VERY LOW	16 (58%)
17 -33	LOW	8 (30%)
34 - 50	MEDIUM LOW	3 (11%)
51 - 67	MEDIUM HIGH	-
68 - 84	HIGH	-
85 - 100	VERY HIGH	-

Given that parolees are expected to refrain from activities which could result in any reconviction and not just a serious reconviction, statistical risk of any reconviction was adopted as a measure of *a priori* risk in this study. As Table 4.1 shows, the majority (63%) of subjects were classified as having either a low or very low risk of reconviction. This was expected since the Parole Board is unlikely to select prisoners with a substantial risk of recidivism for early release on parole (particularly since these prisoners are now released conditionally and with supervision at the two-thirds stage in sentence¹⁵).

¹⁵ Under the pre-1993 arrangements, prisoners who were not released on parole were released unconditionally and without supervision. For this reason, the Parole Board were occasionally prepared to release high risk prisoners on parole to ensure that their progress on release

Changes in the risk of reconviction

A comparison between the statistical risk of reconviction and the observed rate of reconviction among the sample revealed that the higher risk subjects performed better on release than predicted. Among the five subjects classified as having a 'medium high' risk of reconviction, we should have expected at least half of them to have attracted a reconviction within two years of release but in fact only one of these subjects was reconvicted within this period. By comparison, the subjects classified as having a 'medium low' risk of reconviction did slightly worse than expected. Of five subjects who had a 34% to 50% probability of reconviction, we should have expected between a third and a half to have attracted a reconviction. In fact over half (three) were reconvicted. Finally the lowest risk subjects in the sample performed much as predicted by the RoR score. Among the 17 subjects classified as having a 'very low' or 'low' risk of reconviction, we should have expected no more than one third to have attracted a reconviction and in fact just under a fifth (three) were reconvicted. If this research had been a traditional experimental evaluation of parole then this comparison could have been used as evidence of a parole effect.

Despite the advantages of the ROR it is important to recognise that, for the purposes of this study it was not an ideal measure of risk. Firstly, it will not have provided an entirely accurate measure of risk of reconviction *before* exposure to the conditions of the parole licence. This is because the ROR was constructed using data on subjects

could be strictly monitored. Following the introduction of conditional, supervised release for all long-term prisoners this practice is no longer necessary.

released on parole as well as on remission¹⁶. If release under the conditions of parole does help to reduce the risk of recidivism by any of the mechanisms described above, then the rate of offending among the parolees in the construction sample will not reflect their base expectancy or *a priori* risk of reconviction. The score which was constructed on the basis of these rates of offending will therefore already calculate for any treatment effect which might be associated with conditional release on licence and underestimate *a priori* risk. Although the data on the progress of those released unconditionally on remission would help to flatten out this influence, the ROR is unlikely to generate the same disparity between predicted and observed rates of reconvictions among parolees as did the RPS. A problem which is more specific to this study is that the ROR (as well as the RPS) was constructed and validated using samples of prisoners released in England and not Scotland. Until the score has been validated in Scotland we cannot assume that it will accurately predict reconviction rates among subjects released and prosecuted under the separate Scottish penal and criminal justice system. Thirdly, the RoR score is a measure of the risk of reconviction and not of reoffending. In considering the progress of the subjects in the sample, self-reported information about reoffending as well as official data on reconviction was collected. If this information was to be used in the outcome inquiry then some measure of the risk of reoffending (which should always be higher than the risk of reconviction) would also be needed. As a result of these concerns about the limitations of the statistical predictor, a second measure of *a priori* risk of recidivism was attempted; the aim of which was to assess change in risk of reoffending.

¹⁶ The researchers involved in devising the RoR were unable to advise me of the proportion of parolees and non-parolees in the original construction sample. However, they did explain that when the predictive influence of parole was considered, analysis revealed that taken alone it had no statistically significant predictive power. This provides further reason to treat the

Predictions of the risk of reoffending

Previous research has shown that there is a strong correlation between offender's own predictions about the probability of reoffending and the risk of offending in the future. Waller's¹⁷ study on the progress of a sample of men released from penitentiaries in Canada (described in Chapter Two) revealed a correlation between recidivism and subjects' own decisions about whether or not to apply for early release on parole. Given the strict recall liabilities associated with a breach, this decision was based on the subjects' own assessment of their prospects of adhering to the conditions of the licence. A more recent study by Burnett¹⁸ on recidivism among property offenders released from prisons in England demonstrated that subjects' pre-release expectations of reoffending were closely related to the rate of self-reported offending on release. The subjects were asked a series of questions and their responses were scored accordingly. Aggregate scores were then used to divide the sample into five groups according to their motivation to avoid reoffending. The questions and scoring system are shown at Annex B. In-depth post-release interviews were conducted with around three-quarters of the original sample between two and six months from release and half were re-interviewed for a second time between seven and 20 months from release. The interviews revealed that those who were most optimistic about avoiding reoffending were also more likely to report desistance from property offending on

results of the studies described in Chapter Two with caution.

¹⁷ Waller, Irvin (1974) *Men Released from Prison*
Toronto: University of Toronto Press

¹⁸ Burnett, Ros (1994) *The Odds on Going Straight: Offenders' Own Predictions*
Paper presented to the 10th Annual Research and Information Conference
March 1994, Midlands Probation Training Consortium.

release. While there was self-reported reoffending among only 19% of those who were *definite* that they would avoid offending and among 44% of those who were *optimistic*, this figure increased to 60% among those who were *undecided*, 69% among those who were *pessimistic* and 84% among those who were *sceptical* about avoiding reoffending. Because of this correlation, Burnett suggested that “an approach which systematically takes account of offenders’ predictions about whether or not they will offend could usefully be included in monitoring and evaluation”¹⁹. The fact that subjects had to be interviewed before their release from prison (to recruit them into the sample) meant that it was possible to test their attitude to the future in the same way Burnett had in her study and to use their own predictions as a second measure against which to compare self-reported rates of reoffending.

Burnett’s questions were designed for use with property offenders only and two of her questions were not applicable to the spontaneous violent offenders in the sample. Subjects in this sample were therefore asked only the first three questions. Before their release on licence, subjects were asked three questions about their own expectations about future offending during the first interview. Their responses are summarised in Table 4.3.

¹⁹ Burnett (1994) *Ibid.* p. 23

TABLE 4.3: Subjects' responses to Burnett's (truncated) Degrees of Optimism Scale

Question	Response				
Do you want to go straight?	<i>Definitely</i> 81% (22)	<i>Think so</i> 7% (2)	<i>Don't know</i> -	<i>Probably not</i> 7% (2)	<i>No</i> 4% (1)
Do you think you are able to go straight?	<i>Definitely</i> 70% (19)	<i>Think so</i> 15% (4)	<i>Don't know</i> 7% (2)	<i>Probably not</i> -	<i>No</i> 7% (2)
What are the chances that you will have committed another offence within a year of release?*	<i>No chance</i> 33% (9)	<i>Probably no chance</i> 22% (6)	<i>Don't know</i> 26% (7)	<i>Probably some chance</i> 15% (4)	<i>High chance</i> 4% (1)

* When answering this question, subjects were asked not consider petty offences such as driving offences or recreational drug use.

As the table shows, most of the subjects were confident about their ability to go straight and most indicated that they wanted to avoid a return to offending. The most varied responses from subjects came when they were asked if they were likely to commit another offence within a year of their release. When this question was put to them, subjects were asked not to consider petty offences such as driving offences or recreational drug use since these are the type of offences which most people are likely to engage in at some point. The aim was to obtain an assessment of the prospects that they would commit a crime or offence which could be punishable by recall to custody if it were brought to the attention of the Parole Board. Just over half (15) of the subjects in the sample indicated that there was little or no chance that they would reoffend. Of the remaining subjects, most of them could not say what their prospects of reoffending were but five indicated that there was at least some chance of their return to offending. Because this question generated the greatest variation in responses, it is probably safe to assume that it was the most sensitive to differences in attitude. Given that the responses to this question would have reflected both the subject's desire and perceived ability to avoid recidivism, the responses to the other

two questions would have added little to this response. For these reasons, together with the fact that this question specifically focused on risk of reoffending, the subjects responses to this question alone was used as a measure of self-assessed risk of reoffending.

The relationship between subjects’ risk of reconviction score and their expectations about reoffending is shown in Table 4.4.

Table 4.4: Correlation between risk of reconviction and risk of reoffending

RoR Category	Response to the questions: What are the chances that you will have committed another offence a year from release?				
	None	Probably none	Don't know	Probably some chance	High chance
Very low	4		3		
Low	4	4	1	1	
Medium low	1	1	2	1	
Medium high		1	1	2	1
TOTAL	9	6	7	4	1

As the table shows, there did seem to be some relationship between the predictions of recidivism which were calculated on the basis of criminal histories and other biographical data and the subjects’ own expectations about a return to offending. While most (12) of the 17 subjects with a very low or low statistical risk of reconviction believed that there was no or probably no chance that they would reoffend, most (7) of the 10 subjects with a medium low or medium high statistical risk were either uncertain or believed that there was at least some chance of reoffending. This correlation suggested that the RoR scale and Burnett’s Degree of Optimism scale were valid measures of risk of recidivism.

However, one possible disadvantage of using the subject’s own predictions as a

measure of risk is that, in assessing their prospects, it is possible that subjects may have considered the impact of the parole licence. As we will see in Chapter Eight, some of the subjects claimed to have felt more confident about their future after hearing that they were to be released on parole. In some cases this was because they thought that the help of a supervising officer or the threat of recall might encourage them to avoid recidivism. This means that their own assessments might have under-represented the risk they would have presented if they had not been released on parole. However, it is unlikely that the knowledge that they were to be released on parole would have had anything more than a marginal impact on the subjects' assessments of their prospects on release. Far more central factors in this assessment would have been their practical circumstances, the quality of personal relationships, private support networks and the extent of any addictions problems. Nevertheless, the possibility that this measure of risk may have slightly under-represented *a priori* risk did have to be taken into account when the subjects' self-assessments were combined with the statistical measure to provide an overall estimate of risk.

To arrive at this single measure of risk, some of the classification arrived at using the RoR score were changed on the basis of the subject's own self-assessments. Assuming that our criminal justice system is a fair one, reconviction should only be possible in the event of further offending, and so risk of reoffending could only be greater and never lower than risk of reconviction. Self-assessments of risk could therefore be used to increase the risk estimates arrived at using the RoR. For the reason explained above, I had to be fairly ruthless about which estimates should be increased and the subjects' risk of reoffending was assumed to be greater than their

risk of reconviction if their responses to Burnett’s question suggested that they were anything other than definite or optimistic about avoiding a return to offending. On the basis of RoR score the subjects had already been classified into one of six categories: very low risk; low risk; medium low risk; medium high risk; high risk and very high risk. If they believed that there was no or probably no chance of reoffending within a year of release, their risk category remained unchanged. However, if they were uncertain of their prospects of avoiding recidivism, their risk classification was increased to the next category. If they believed that there was probably some chance of a return to offending it was increased by two categories and if they believed that there was a high chance of recidivism it was increased by three categories. This meant that in 15 cases risk classification remained unchanged, in seven cases it was increase by one category, in four cases by two categories and in one case by three categories. The number of subjects in each of the final risk categories is shown in the table below.

TABLE 4.5: Risk classification according to statistical risk of reconviction & the subject’s own predictions about avoiding a return to offending

Risk classification	<i>Very low (0-16% chance)</i>	<i>Low (17-33% chance)</i>	<i>Medium low (34-50% chance)</i>	<i>Medium high (51-67% chance)</i>	<i>High (68-84% chance)</i>	<i>Very High (85-100% chance)</i>
No. of subjects	4	11	3	4	2	3

Taken together, the RoR score and the Degree of Optimism scale indicated that over half (15) of the subjects in the sample presented very low or low risks of recidivism. Of the remaining subjects, most (seven) presented a medium risk of recidivism and only five presented a high or very high risk. For the purposes of comparing observed with expected patterns of recidivism, subjects had to be classified into those who

would and would not be expected to offend on release. The simple approach was to assume that any of the subjects who had been classified a very low, low or medium low risk of recidivism would be unlikely to return to offending on release. Conversely, those who were classified as a medium high, high or very high risk were assumed likely to be return to offending. There were therefore nine subjects in the sample who were likely to be recidivists.

Comparison between predicted and actual reoffending

Having classified the subjects according to risk of reoffending, how did their progress on release compare with these predictions? Although we already know that there were 11 recidivists in the sample, the crucial issue is whether those who did and did not return to offending behaved in the way predicted. The answer is that, as is usually the case, there were some subjects who performed better and some who performed worse than predicted. Of the nine subjects who were expected to return to offending on release, only five did become recidivists and of the 18 subjects in the sample who were not expected to return to offending six of them became recidivists. The progress of the subjects in the sample is summarised in Table 4.6. The shaded area highlights those subjects whose progress on release was as predicted.

TABLE 4.6: The relationship between recidivism & prediction category

PROGRESS	RISK CATEGORY						Total
	Expected desisters			Expected recidivists			
	<i>Very low</i>	<i>Low</i>	<i>Medium low</i>	<i>Medium High</i>	<i>High</i>	<i>Very high</i>	
Recidivist	1	3	2	2	1	2	11
Desister		6	1	2	1	1	11
Total desister	3	2					5
Total	18			9			27

As the shaded areas on the table show, the majority (17) of the subjects performed much as predicted on release. However, there were four subjects who performed better than expected and avoided a return to offending²⁰ despite predictions that they would become recidivists and six subjects who performed worse than expected and returned to offending despite predictions that they would avoid recidivism.

When changes in the risk of reoffending rather than the risk of reconviction are considered, the evidence of a parole effect diminishes. In particular, there no longer appears to be the same proportion of higher risk subjects who performed better than expected and the proportion of lower risk subjects who performed worse than expected appears greater. Again, we are left with the type of inconclusive evidence of which Pawson and Tilley complain; although there were some successes, there were just as many failures. How does this help us to understand the impact of the parole licence? If Pawson and Tilley are correct then a realist approach should help us to interpret these results. In realist evaluation what is important it is not *how many* subjects succeeded or failed but instead *which* subjects did and did not beat the odds. It is the context in which risk of recidivism was and was not reduced which is central. If parole does work to reduce the risk of recidivism then one would expect the successful subjects to have been exposed to the context which was most conducive to the operation of one or more of the mechanisms of change outlined above and those who failed to have been exposed to the least conducive context. The relationship between outcome and context should be more instructive than the number of

²⁰ That is, they avoided a return to anything other than petty offending such as recreational drug use, traffic violations and petty violence.

successes or failures in the sample.

Context inquiry

While the typical quasi-experimental evaluation would simply conclude that these mixed results suggest that parole sometimes works to reduce the risk of recidivism, the realist inquiry will reach no conclusions until the background in which each of these outcomes occurs has been carefully examined. It is by exploring the context in which each 'success' and 'failure' occurs that the realist is able to gather evidence which either supports or contradicts theories about various mechanisms of change. The key to understanding the impact of the parole licence lies not in the extent of recidivism observed but in the complex interaction between patterns of recidivism and the context in which it occurs. To explore this relationship, data were collected about the circumstances and context surrounding the release of each of the subjects in the study. Detailed parole dossiers provided a source of some of these data. These dossiers were compiled by prison officers, prison social workers, community-based social workers and occasionally psychiatrists and psychologists and were used as an aid to Parole Board decisions about release. More important however was the information which was also collected from subjects themselves over the programme of interviews.

The interviews

A maximum of four semi-structured interviews were conducted with each subject

over the course of the fieldwork period. On average, these interviews lasted one hour. The timing and a summary of the content of these interviews is described below and copies of the full interview schedules are at Annex C.

Prison-based interview

Initial contact with subjects was made shortly before release on parole when they were interviewed in prison. The main purpose of this interview was to explain the nature of the research and to gain subjects' consent to be re-interviewed on release. The other important purpose of the prison interview was to discover how the subjects were preparing for release, how they felt about the Board's decision to release them and their motivation and expectations for the future. All of these interviews were conducted between July 1996 and March 1997 within a month (but usually within two weeks) of the subject's release date.

First follow-up interview

The first follow-up interview was conducted within three months of release. One of the purposes of this interview was to collect data about subjects' practical circumstances on release: accommodation arrangements; employment; financial circumstances and personal relationships. Another objective was to consider the nature of supervision received from the social work department. It was originally planned that this interview would take place within six weeks of release while subjects were coping with the unsettling period of readjustment. However, some subjects proved more difficult to contact than anticipated. Some had already moved from the address that they had given, those who did not have telephones had to be

contacted by post and appointments were often broken. Problems of this kind meant that 16 subjects were re-interviewed within six weeks of release, nine were re-interviewed between six and ten weeks from release and two between 10 and 12 weeks. One subject was recalled to custody within a few weeks of release and was not therefore re-interviewed in the community.

Second follow-up interview

The second follow-up interview was scheduled to take place one year after the first follow-up interview (just over half way through the licence period). Again difficulties in contacting subjects meant that some were re-interviewed later than planned. While 14 second follow-up interviews were conducted on time, five were conducted between one and three months late and one was conducted eight months late (in this case because the subject had been working abroad). Of the remaining eight subjects, six subjects had been recalled by the mid-licence period and two could not be located for this interview (in one case because the subject had moved to London to work and in the other because the subject had moved from the only contact address he had provided). One of purposes of the second follow-up interview was to catch up on any changes to the subjects' domestic and employment circumstances. Again subjects were asked about supervision arrangements but this time their views on the value of the supervision experience were invited. Most importantly, subjects were asked if they had managed to adhere to the conditions of their licence and about reasons for avoiding or returning to offending.

Final follow-up interview

The final interview with subjects was to take place shortly after the date on which the subject's full sentence and licence expired and all of these interviews took place within a fortnight of this date. All but one of the subjects who were traced for a second follow-up interview were also successfully traced for a third community-based interview. In addition, one of the subjects who could not be traced for a mid-licence interview was re-interviewed shortly before his licence terminated when he was returned to custody as an untried prisoner. Again practical circumstances, attitudes to supervision and adherence to the licence conditions were discussed. Subjects were also asked about their attitude to the licence period and its termination, their views on the parole system in general and their expectations for the future.

Post-recall interview

Where subjects were recalled to custody, permission was sought to interview them one last time in prison to talk about the circumstances surrounding the breach in their licence. Of the six subjects who were recalled, four were re-interviewed in custody, one subject refused consent to be interviewed and another was re-interviewed in the community shortly after he was re-released at the two-thirds date in his sentence ²¹.

By far the most frustrating aspect of the research was arranging follow-up interviews with subjects. Locating and contacting them on release took a great deal of time and effort. Contact was initially attempted by telephone calls or letters but where subjects

²¹ All parolees who are recalled to custody must be re-released when they complete two-thirds of their sentence. This is because all prisoners serving four years or over are automatically released on licence under Part 1 Section 1.2 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 at this stage in sentence. However, parolees who are recalled

did not respond, speculative visits to their address were made²². In three cases in which subjects changed address during their licence period and left no forwarding address, a letter was sent to them via their supervising social workers and two of them responded by telephoning to arrange an interview²³. Perseverance generally paid off and there was a low level of attrition with only two subjects who could not be tracked to the end of their licence. One of these subjects who had moved to London to work shortly before the second follow-up interview was invited to complete a questionnaire at the end the licence and the other who was never at home when visits for the third interview were made was offered a £20 payment for interview. Both of these efforts failed and the former of these subjects was dropped from the sample. By making use of the range of data collected during the first and second follow-up interviews, there was sufficient information on the latter subject for him to be retained in the sample.

All of the follow-up interviews were conducted either in the subjects' own homes or in a public bar. There were advantages and disadvantages in each of these venues. There are clearly safety concerns associated with conducting interviews in subjects' own homes. The name and address of subjects and an expected time of return was always left with a friend before each interview and a mobile telephone was carried during fieldwork. In practice none of the subjects in this study presented any

after their two-thirds date, must serve the outstanding portion of their full sentence.

²² Subjects who agreed to take part in the research were given a number of assurances about the conditions of their involvement, one of which was that no unannounced visits to their homes would be made. Before any speculative visits could be made, a letter therefore had to be sent to them stating the time of the proposed visit and giving them the opportunity to object.

²³ There was some concern that if supervising officers were made aware of the research they would deliberately increase the frequency or intensity of supervision and it was only on these two occasions that the subjects' supervising officers were formally informed of the research. With hindsight, it may have been worth taking this risk if it made it easier to track subjects by, for example, obtaining permission to interview subjects immediately after a supervision meeting if they could not be located elsewhere.

threatening behaviour during interview. The obvious advantage of home interviews was that it was far more convenient for subjects. There was also less chance of being 'stood up' by subjects if an arrangement had been made to meet at their home. However, the most important advantage was that it provided an opportunity to meet the subject's family, to observe the quality of relationships and to validate information about home circumstances and lifestyle. Interviews conducted in public bars were also useful and because subjects seemed to use them as a social opportunity, these lasted longer than those conducted in the subject's own home. A few drinks would be consumed and some time at the end of the interview would be spent in general discussion. This was usually a good opportunity to build up trust and a deeper understanding of the lives of the parolees. The most difficult interviews were those conducted in the company of other family members or friends. Although family and friends were sometimes able to add something useful to the subjects' own answers, their presence may have made subjects feel self-conscious about their responses. Some parolees were unlikely to give honest accounts of reoffending if parents or wives were within earshot. On the two occasions where friends were present at interview, it seemed that the subjects were exaggerating the extent of anti-social behaviour to impress them. Where friends and family were at home during the time when an interview was scheduled, an alternative venue was suggested and if they remained present throughout the interview, every effort was made to arrange the next interview in a different location. It was therefore possible to discuss reoffending and other problems alone with all subjects on at least one occasion.

Most of the subjects seemed to enjoy being interviewed. The semi-structured design

of the interview schedule allowed time for subjects to discuss any other concerns or topics which were important to them. This provided more insight into the problems and backgrounds of subjects and also allowed the subjects themselves to use the interview for their own purposes. Subjects found it helpful to discuss their problems with a detached observer and welcomed the opportunity to express their opinions about the parole system. For many, parole supervision was an immense source of frustration and feeling that their views and experiences mattered and were being heard may have helped to relieve some of these frustrations. Undoubtedly, being involved in the research helped some subjects to justify and explain their behaviour and to relieve feelings of guilt. It is also probably fair to say that the subjects, like most of us, simply enjoyed talking about themselves.

Given the speed at which the sample had to be recruited, there was no time to pilot the interview schedules before interviewing commenced. With hindsight, some of questions which were put to subjects later in the series of follow-up interviews (for example those concerning their attitude to the custodial experience) should have been asked during the early interviews. These questions were asked during this late stage in some cases because it seemed more appropriate to do so at the end of the follow-up period but in others because it only became apparent that these questions were relevant late in the programme of research. However, the problem with asking important questions later in the follow-up period was that (as already mentioned) most of the subjects who were recalled, were recalled fairly early in their licence period. This meant that they could not be asked some of the relevant questions which were added to the interview schedules later in the research and a full set of responses were

obtained only among those subjects who made it to the end of their licence period without being recalled.

Supervising social workers

Finally, it may be relevant to point out that supervising social workers were not informed of or invited to take part in this research in any way. Subjects were asked not to inform their supervising officers of their own involvement in the research for two reasons. Firstly, it was possible that supervising officers might increase the level of supervision which they would normally provide to parole clients if they knew that the impact of supervision was being assessed. If the experience of the parole licence was to be fairly evaluated, it was important that supervising officers were not aware of the research. Secondly, it was also important to protect the anonymity of the subjects involved in the research particularly because they were asked to disclose any return to offending behaviour. This is also the reason why supervising social workers were not interviewed as part of this research. While it may have been useful to balance the subject's own account of progress and assistance offered with an official account, my having contact with supervising officers may have discouraged subjects from providing honest accounts of their attitude to supervision or of their activities since release. It would also have made the identity of the subjects who will be discussed in some detail in the following chapters fairly obvious to the social work department. Besides, in considering the impact of supervision the most important factor was not what the objectives and aims of intervention may have been but how the intervention was perceived and experienced by the subjects. Intervention designed

to tackle offending-related problems would have been most effective where the subjects accepted and engaged with these efforts.

Conclusion

Despite the compromises which had to be made, the methods described in this chapter should have allowed the basic principles of realist methodology to be applied. As argued in Chapter Two, the important contribution which realism makes to evaluative research is that it encourages the researcher to explore the process by which interventions work and to pay attention to the context in which change does and does not occur. So long as these methods generated reliable data on the attitudes, backgrounds and circumstances of the subjects in the sample and provided a reliable measure of change in the risk of recidivism then it should be possible to use them to assess whether release on parole did help to reduce this risk via any one of the mechanisms already outlined.

CHAPTER FIVE: SOCIAL WORK SUPPORT AND ASSISTANCE

Introduction

There are many ways in which the support and assistance of a social worker could work to reduce the risk of recidivism. Simply by assisting parolees to find work, social work intervention could reduce the propensity to reoffend by, for example, providing a legitimate source of income and status, promoting informal social controls on behaviour by reducing the time and opportunity to reoffend and by encouraging a sense of social inclusion which in turn gives parolees a greater stake in conformity and in avoiding a return to prison. By helping parolees to address addiction problems, social work intervention would in many cases directly confront the cause of offending again by relieving financial pressures and by addressing the psycho-social condition which drives some offenders to commit crime. Having a social worker with whom they can discuss their concerns may also prevent parolees from drifting back into crime by helping them to resolve personal problems which might otherwise result in some form of personal or social breakdown. It would therefore be possible to speculate about a number of potential mechanisms of change which could be triggered through social work intervention- too many to consider individually in this chapter. Instead the task is to determine whether the nature of parole supervision was conducive to any one of these mechanisms of change by exploring the focus and nature of contact between the parolees in the sample and their supervising officers.

In their work on social work and criminal justice in Scotland, Paterson and Tombs

describe and contrast what they refer to as the 'welfare and 'responsibility' models of social work intervention with offenders and argue that there has been a recent shift in emphasis from the former to the latter. Under the earlier 'welfare model' of intervention, the primary objective was to promote the social welfare of the offender with efforts at addressing offending behaviour as only a secondary concern. However, the publication of the National Objectives and Standards for Social Work Services to the Criminal Justice System marked a shift towards the 'responsibility model' ¹. This model is premised on a neo-classical notion of the offender as someone who, within the bounds set by social and personal context, makes active choices about behaviour. The primary objective of social work practice should therefore be to ensure that offenders confront their offending behaviour. For this reason, the National Standards clearly state that community social workers should assist clients "...to understand, recognise and tackle positively those aspects of attitude, behaviour and pressures which contributed to past offending and the most recent custodial sentence" ². Within this framework, welfare becomes the secondary issue and intervention is tailored to risk of reoffending rather than to individual need. This change in emphasis suggests that a fundamental objective of parole supervision will be the provision of intervention on offending-related problems.

The essential task in this chapter is to identify cases in which the context was most conducive to the operation of this 'responsibility' model. This will involve examining not only the characteristics of any intervention provided by supervising officers but

¹ Paterson, Fiona & Tombs, Jacqueline (1998) *Social Work and Criminal Justice Volume 1: The Impact of Policy*. Edinburgh: The Stationary Office. p.xii-xiii

² The Scottish Office Social Work Services Group (1991) *National Objectives and Standards for Social Work Services in the Criminal Justice System*. Paragraph 72.1.

also the backgrounds and attitudes of the subjects themselves. The 'responsibility' model of social work practice will not be effective in reducing the risk of recidivism unless there is an identifiable offending-related problem on which to focus intervention. The search for contexts conducive to the operation of this model will therefore begin with an examination of the subjects' offending histories to identify factors associated with the index offence or previous offending. It also follows that those subjects whose offending backgrounds are linked to a specific social or personal problem must be motivated to address these problems on release. Subjects who do not believe that these problems are relevant issues for social work intervention are unlikely to engage with supervising officers or other appointed agencies in addressing them. Intervention will be most effective where subjects accept and recognise the relevance of the advice and support they are offered. Next, the nature and focus of the intervention provided will be examined. Although the subjects in the sample received a range of help from supervising officers, only that which focused specifically on offending-related problems will have the potential to reduce the risk of recidivism. Finally, intervention which contributes to the resolution of these problems will clearly be most effective in reducing risk. The extent to which subjects regarded the intervention as constructive will also be relevant in the search for conducive contexts.

Having identified cases in which the context was conducive to the mechanism of social work intervention, the final step is to test whether this intervention works to reduce risk. As explained in Chapter Four, in realist evaluation the outcome inquiry is focused on contexts carefully selected to test for the operation of a particular mechanism. In this chapter then the relationship between *a priori* risk of recidivism

and progress on release is examined among those cases in which social work intervention was constructively focused on identified offending related problems.

The evidence on offending-related problems

The best source of information on offending-related problems was the material contained in each subjects' parole dossier. Reports prepared, in particular, by the prison-based and community-based social workers would normally consider factors associated with offending together with efforts made by subjects to address these problems and suggestions for further work during the licence period. The majority of the dossiers prepared in respect of the subjects in the sample identified at least one offending-related problem. The most frequently identified problem was drug addiction or abuse. This was specified as the main factor associated with offending in 11 cases (in one case this abuse was linked to depression). In six cases financial pressure was mentioned as the being the main factor (in five cases this was linked with subjects who were unemployed and had young families to support and in one case it was linked with gambling). In five cases offending was said to be associated with peer group pressure and in two cases it was associated with alcohol abuse. No offending-related problems were identified in respect of only three subjects in the sample. Each of these subjects had been convicted of a violent offence into which they had either been provoked or become involved as means of defending a family member.

While offending could be linked to a specific social or personal problem in almost all

of the cases in the sample, not all of these subjects believed that these problems would be a relevant focus for social work intervention during the licence period. In some cases subjects considered that problems had already been addressed. Progress towards addressing the causes of offending is generally regarded as a means of improving prospects of parole. Findings from McAra's work on Parole Board decision making in Scotland³ suggest that the Board tends to assume that offending behaviour will have been addressed by prison social workers during the period of imprisonment. In many cases this is precisely why parole is granted. Not surprisingly then all but two of the subjects in the sample undertook counselling on either alcohol, drugs, gambling or anger management or received psychological treatment or cognitive skills training during the custodial part of their sentence. Many subjects had more motivation and time to work on problems while in custody and believed that they had already made sufficient progress towards tackling these problems prior to their release. Other subjects believed their supervising officers would not be equipped to deal with their problems, particularly where these problems were financial.

To identify those subjects who believed that it would be appropriate to address their offending-related problems with their supervising officers, subjects were asked during the first follow-up interview if there was any particular intervention which they would like their supervising officers to provide over the licence period. Although just over half of the subjects gave an example of help which they would like during this period, few of them requested help with identifiable offending-related problems. Three of the subjects for whom drug abuse and one of those for whom alcohol abuse was factor in

³ McAra, Lesley (1998) *Social Work and Criminal Justice Volume 5: Parole Board Decision Making*. Edinburgh: The Stationary Office.

their offence indicated that this was something with which they required help. In addition, the subject for whom drug abuse was a consequence of depression, requested help finding work and, since unemployment had been a factor associated with his depression and subsequent drug abuse, this could also be considered offending-related help. Although none of the six subjects whose offending was linked to financial pressures indicated that they would like help seeking employment, two of them acknowledged that finding suitable accommodation and applying for financial support was something with which they needed assistance. Of those subjects who offended in response to peer group pressure, three indicated that they would like some form of help but in only one case was the help requested (drug awareness counselling) linked to the causes of offending. In summary, only eight subjects who had a specific offending-related problem believed it would make an appropriate focus for social work intervention during the licence period. It will become apparent in the next section that, of those who received help and support from their supervising officers, these subjects were also those who were more likely to find it constructive.

The nature of intervention provided

Throughout the follow-up period, subjects were asked to describe the nature of their contact with supervising officers and the focus of any intervention provided. These responses suggested that not all supervising officers had delivered intervention aimed at reducing their client's risk of recidivism. For some subjects, the duration of meetings with their supervising officers allowed little time for work on offending to take place. Eight subjects reported spending ten minutes or less with their supervising

officers when they met and in each case the purpose of the meeting was simply to check either that the subject was adhering to the conditions of his licence or that no problems had arisen. That five of these subjects had few or no previous convictions (their Risk of Reconviction scores were among the lowest in the sample) and no known history of addiction problems suggests that, consistent with the responsibility model, the level of intervention in these cases may have been tailored to perceived risk of reoffending. However, each of the three remaining subjects had a history of serious drug abuse and the Risk of Reconviction scores of two suggested that, among the sample, they presented a relatively high risk of reoffending (38% and 43%). This was confirmed by the fact that they were both reconvicted and recalled to custody during the licence period. By comparison there were some subjects who were in receipt of services which were clearly geared towards confronting offending-related problems, either through the formal provision of counselling or through practical or emotional support, and each of the eight subjects who had indicated that they would welcome this form of help received appropriate assistance.

Formal counselling

In around three-quarters of the cases in the sample (20 parolees), the Parole Board specifically directed that, if the supervising officers considered it necessary, subjects should undergo some form of counselling or intervention as a condition of release on parole. In some cases more than one counselling condition was added to the parole licence. Most (14) of those who were subject to a counselling condition were required to undergo drug counselling, four were required to receive employment counselling (in most cases only if they had not secured a job within a specified period) and three

were told to undergo alcohol counselling as directed by their supervising officers. An assessment for psychological counselling was directed in one case, in another a condition of anger management was added, gambling counselling was directed in another case and in one case the parole licence included a condition of cognitive skills training.

Of the 20 parolees who were directed by the Parole Board to receive counselling, only 15 were instructed to undergo that counselling by their supervising officers (in one of these cases counselling was arranged only after the subject's return to drug abuse became apparent). The remaining five subjects were not instructed by their supervising officers to undergo counselling either because they had already undergone sufficient counselling before release or because their progress on release suggested that the counselling was unnecessary. Although three subjects received counselling from their supervising officers during supervision meetings, in most cases they were directed to specialist counselling services. Among those subjects who received counselling, seven stopped receiving the service shortly after release when it became apparent that it was either unnecessary or unconstructive, two subjects continued to report for counselling only to satisfy the Parole Board⁴ (despite regarding it as unnecessary) and two subjects who were recalled after they returned to drug abuse believed that counselling came too late to be of any use. Therefore, of the 15 subjects who were directed to receive counselling by their supervising officers, only four believed it to be constructive.

⁴ Although one of these subjects explained that this counselling was unnecessary and requested that it cease, the Parole Board directed that it continue.

These four subjects will be referred to as Richie, Harry, Neil and Frank. Richie was a long-term alcoholic whose violent offence was committed while he was under the influence of alcohol. Although he had undertaken alcohol counselling while in custody, it was clearly important that counselling continue when the restrictions imposed during his term of custody were removed and he had indicated during the first follow-up interview that counselling would be a relevant focus for social work intervention. Although Richie returned to alcohol abuse shortly after his release, he claimed that specialist counselling on release was unnecessary and that help would be more usefully provided by his supervising officer. He described his supervising officer as 'a tower of strength' and considered these sessions with him as invaluable. Harry had a history of alcohol and drug abuse, both of which continued on his release. Initially this abuse was controlled. He did not indicate that counselling would be a necessary form of intervention and saw his drug counsellor only every few months. However, by the mid-licence interview his addiction to drugs had become a problem and he stopped seeing the counsellor assigned by this supervising officer and began receiving help from an independent counsellor (a service which he believed would be more confidential). Although Neil had no history of or problem with drug abuse, his conviction for possessing and intending to supply drugs was linked to peer group pressure. He had undertaken no form of counselling while in custody and the Parole Board had directed that he receive drug awareness counselling on release: a service which he indicated would be welcome during the first follow-up interview. Neil had been unaware of the seriousness of his original offence and considered the counselling he received on the consequences and impact of drug abuse to have been informative and useful. Finally, Frank had a long history of drug abuse and had been convicted of

dealing to finance his habit. His offending history was also largely drug-related and he acknowledged that addiction counselling would be needed during the licence period. Although on release he initially attended a specialist drug counselling centre, he soon stopped attending and began relying on his supervising officer to provide counselling. He had successfully avoided the return to drug abuse but believed that his visits to the specialist drug centre brought him into contact with drug dealers and users and as such presented too great a temptation to return to abuse. Instead, he found it more useful to discuss his problem with his supervising officer who was able to advise on strategies which would help him to control the urge to take drugs and to avoid situations which might result in his returning to drug abuse.

Other offending-related help

Subjects in the sample were offered a broad range of practical and emotional support, much of which seemed more appropriate to the 'welfare' model of intervention than to the 'responsibility' model. However, there were six cases in which this support was linked to specific offending-related problems. One of the subjects whose offending history was associated with peer group pressure (his long-standing involvement in the local criminal sub-culture) and another, whose index offence was associated with drug abuse, were encouraged by their supervising officer to discuss and review lifestyle choices and the factors which had contributed to their offending. However, neither of these subjects had indicated that they needed this type of help when asked during the first follow-up interview and, in terms of the value of these sessions, one subject explained that this was simply a repeat of efforts made by other professionals at an earlier stage in his sentence and the other that these discussions

were unwelcome and discouraged. One of the subjects whose index offence was committed in response to financial pressure was given help finding work. However, although his supervising officer managed to secure him employment, this work brought him in contact with ex-prisoners and actively contributed to the psychological pressure of dealing with his first conviction and custodial sentence. Although he had requested help finding suitable accommodation for himself and his family this help had not been available. Another subject whose offence was linked to financial pressure was given help securing accommodation and applying for furniture donations (help which he had indicated he would welcome) and was able to discuss financial pressures and his resulting temptation to reoffend with his supervising officer. In this case, the help was regarded as constructive, particularly during the early stages of the licence period. This subject will be referred to as Lee. The subject whose offending was linked to drug abuse and depression, was given the help he had requested in finding work and accommodation; help which he regarded as a valuable source of support. This subject will be referred to as Mark. Finally, in addition to receiving drug awareness counselling, Neil also found it useful to discuss the anxieties associated with returning to the community with his supervising officer. He also received help applying for accommodation which would have helped him to distance himself from the peer group through which he had become involved in offending.

Of the total sample of 27 parolees, six subjects (Richie, Harry, Neil, Mark, Lee and Frank) were identified as having received some constructive help in addressing offending-related problems, either through the provision of counselling or through other practical or emotional support. Of these six subjects, five had indicated during

the first follow-up interview that would welcome this form of help. The remaining subject only acknowledged the need for help later in the licence period because his drug use had not initially presented a problem. It is probably fair to say then that each of these subjects would have been sufficiently motivated to address these problems during the period of their licence. As a measure of the value of the help received, subjects were asked what they perceived to be the main role of the parole supervision they were experiencing and those who completed their licence period without being recalled and were traced for interview were also asked if they would consider contacting their supervising officer in the future if they ever needed help. Of those who were asked, only six stated that they believed their supervising officer's main role was to provide help and seven that they would consider contacting their supervising officer for help in the future. As one might expect, all of those identified as having received constructive help indicated either that they believed their supervising officer's role was to provide help or that they would consider contacting their supervising officer for help in the future and two of them answered this way for both questions.

The relationship between social work intervention and recidivism

If social work intervention works to reduce the risk of recidivism then the circumstances of the six cases described above suggest that one would expect to identify some positive change in risk among this group of subjects over the course of the licence period. In realist terms, these are the cases which were most conducive to the operation of the mechanism of change being examined. The purpose of this

section is to test this hypothesis by comparing the progress of these subjects with *a priori* risk of recidivism (measured using both the statistical probability of reconviction and the subject's own assessment of his prospects of avoiding reoffending). Details of how these measures of risk were calculated are provided in Chapter Four and each of the subjects' *a priori* risk of recidivism and progress are summarised in the table below.

TABLE 5.1: Summary of *a priori* risk and progress of conducive cases

Subject	Statistical probability of Reconviction (calculated on the basis of Risk of Reconviction Score)	Own assessment of prospects of committing a another offence within a year of release*	Final risk category	Outcome
Richie	LOW	No chance	LOW	TOTAL DESISTER
Harry	MEDIUM HIGH	Probably some chance	VERY HIGH	RECIDIVIST
Neil	VERY LOW	No chance	VERY LOW	TOTAL DESISTER
Frank	MEDIUM HIGH	Probably some chance	VERY HIGH	DESISTER**
Lee	VERY LOW	Don't know	LOW	DESISTER**
Mark	MEDIUM LOW	No chance	MEDIUM LOW	RECIDIVIST

* Excluding petty offending such as recreational drug use and motoring offences

** As explained in Chapter Four, 'desisters' are those who refrained from anything other than petty offending.

The comparison between risk of recidivism (final risk category) and outcome suggests that three subjects performed as expected and successfully avoided recidivism. Richie, Neil and Lee were each classified as having a very low or low risk of recidivism. Their *a priori* risk therefore suggested that they would have avoided recidivism with or without the help of a supervising social worker. The comparison also suggests that Harry's progress on release was much as expected. Given that he had a statistical probability of reconviction of 61% and believed that there was probably some chance of him reoffending within a year of release, it was not surprising that during the follow-up interviews he disclosed a return to serious offending. In Mark's case the

outcome was rather worse than expected. His statistical probability of reconviction (36%) revealed that he was a medium low risk and his assessment that there was no risk of him reoffending suggested that he had the potential to avoid reoffending during the term of his licence period. For this reason, and given the level of help he received from his supervising social worker, it is disappointing that he was recalled as a result of reoffending and returning to drug abuse within a year of release. In only one case did *a priori* risk suggest that the subject coped better on release than expected. Despite having a 61% chance of reconviction and believing that there was probably some chance of him reoffending on release, Frank managed to avoid returning to his long established pattern of drug abuse and offending during the full period of his licence.

Alone, Frank's case does little to persuade us that social worker intervention on offending-related problems is a mechanism responsible for reducing the risk of recidivism. Indeed, the cases of Harry and especially of Mark, suggest that this intervention has little potential to impact on risk. However, before we can conclude that there was no relationship between this type of social work intervention and a reduction in the risk of recidivism, it would be useful to compare the progress of these six subjects with that of the remaining subjects in the sample.

TABLE 5.2: Progress of subjects for whom the context was conducive/unconducive to the mechanism of social work intervention

	Desisters: progress as expected	Recidivists: Progress as expected	Desisters: Progress better than expected	Recidivists: Progress worse than expected	TOTAL
Conducive subsample	3 (50%)	1 (16%)	1 (16%)	1 (16%)	6 (100%)
Unconducive subsample	9 (43%)	4 (19%)	3 (14%)	5 (24%)	21 (100%)
Full sample	12 (46%)	5 (19%)	4 (15%)	6 (19%)	27 (100%)

As Table 5.2 reveals, there were some differences between the progress of the subjects who received, what they considered to be, appropriate and constructive intervention on offending-related problems and those who had not received constructive intervention of this sort. Given that there was a slightly lower proportion of subjects in the conducive subsample who performed worse than expected and a slightly higher proportion who desisted from offending as expected, it might be possible (at a push) to argue that social work intervention may have helped to *contain* low risk. In other words, this comparison might suggest that, by helping to address offending-related problems, social work intervention may help to support low risk parolees. However, these differences were too small to be significant and, as Mark's cases demonstrates, these efforts were not always effective in containing low risk. More importantly, there was no evidence to suggest that social work intervention helped to *reduce* the risk of offending by preventing high risk parolees from returning to crime. There was very little difference in the proportion of subjects in the conducive and unconducive subsamples who performed better on release than expected. Furthermore, when we consider the case of Frank (the only desister in the conducive subsample who performed better than expected) in more detail, it seems that social work intervention was not a central factor in his ability to avoid recidivism.

FRANK: Frank received his custodial sentence for contravening the Misuse of Drugs Act. He had a long history of amphetamine addiction and although he had been dealing in drugs to finance his habit, his long list of previous convictions also included crimes of violence and dishonesty. At the time of his release, he was

approaching the age of 40 and was determined to avoid returning to the cycle of drug abuse and offending. However, on release the lack of stability in his life suggested that the odds were against him. His relationship with his partner broke down shortly after release and he left her to live in hostel accommodation. Without a stable address or a bank account, his efforts to secure work during the first year of his licence were unsuccessful. Although he managed to avoid a return to serious drug use, his contact with other drug users and the financial pressures associated with resettling on release meant that, at times, he was tempted to return to drug dealing. During this period of instability, he received drug counselling and support from his supervising officer (the focus of which has already been described). Approximately a year after his release, Frank secured a full-time job and the tenancy of a flat. At that stage his supervising officer agreed that supervision would no longer be necessary or practical (given his hours of work) and, although he was told to contact his supervising officer if he needed her help, Frank had no contact with his supervising officer during the last nine months of his licence. Throughout the period of his parole, Frank made considerable progress in establishing a law-abiding, stable lifestyle and was particularly successful in tackling his long-standing addiction to drugs. At the final follow-up interview, shortly after his licence terminated, Frank was asked if he believed that the help he had received from his supervising officer during the early part of his licence had been instrumental in this success. His response to this and other questions put to him during the series of follow-up interviews suggested that this assistance had not been the primary factor in his progress. Although he had received valuable drug counselling during the first year of his licence, he believed that the practical help he received from his close circle of friends and his own determination not to return to prison were far

more instrumental in preventing him from returning to his previous lifestyle. An important factor in his motivation to avoid a return to prison was the experience of his index custodial sentence. Although he had experienced several periods of imprisonment in the past, both as a young offender and an adult, he explained that his latest experience had the most deterrent impact because he had lost a great deal as a result: he lost contact with his children, lost the tenancy of his home and lost his relationship with his partner. Although the help of his supervising officer may have contributed something to his progress, Frank's own determination and motivation to succeed would have been a key factor in his willingness to engage with her to confront his offending-related problems.

The three remaining subjects identified as having received constructive intervention and adhered to the conditions of their licence were also asked if they believed that this help had been a factor in their ability to avoid recidivism. Although there was no evidence that the risk of recidivism among these subjects had been reduced during the period of the licence, as the comparison in Table 5.2 suggested, it was possible that the support they received may have helped manage a potential increase in risk. Admittedly, this may have been a difficult question to answer. A considered response would have required a degree of reflection and insight. However, the fact that subjects responded by identifying other more significant factors suggests that they were able to place the supervising officer's role in perspective. Like Frank, these subjects believed that their own motivation and the help from friends and family were more significant features in their ability to cope with any temptation to reoffend. Although they were all grateful for the help they received, the relative impact of social work intervention

seemed minimal. Richie was of the opinion that his own motivation to address offending-related problems (in this case alcohol addiction) and to avoid a return to prison was far more instrumental and explained “the only person that can help me is myself” and Neil explained that the support and encouragement he received from his family was more significant. The only subject for whom social work intervention may have been effective in managing risk was Lee. Again, the circumstances surrounding this subject’s release are worth describing in some detail.

LEE: Lee was a first offender convicted of selling drugs to help him through a financially difficult period. His risk of recidivism seemed very low; his Risk of Reconviction Score was the lowest in the sample and suggested 11% probability of reconviction, he appeared genuinely motivated to avoid reoffending and had good plans for release. However, an important concern for Lee was that he did not have a reliable support network on release. His relationship with his partner broke down soon after his release and, appalled by his offence his parents and family had severed contact with him during his sentence. His financial position was an added concern. Lee’s only source of money was an educational grant to see him through the last stages of a college course and he had lost his home and belongings when they were repossessed during his sentence. Even before his release, he expressed anxiety about being able to cope and this anxiety continued beyond release. He admitted at interview that he had been tempted to return to drug dealing to cope with the financial pressure. Initially, a high level of support and help was provided by his supervising officer. Lee’s supervising officer applied for and secured some financial help from charitable bodies and assisted Lee in securing his own council accommodation.

During what was clearly a difficult and lonely period for Lee, his supervising officer provided a valued opportunity to discuss concerns and problems. During the first community-based interview, it was apparent that an honest and supportive relationship had developed between him and his supervising officer and he explained that they had been able to discuss his temptation to reoffend. The help which he received from his supervising officer may have played an important part in deterring him from a return to drug dealing.

Unfortunately, the relationship did not continue throughout Lee's licence period. Having secured council accommodation, he moved to a new social work area. After travelling to his original area for appointments with his supervising officer, five months into his licence Lee eventually requested that his case be re-allocated to a local social work team and his supervising officer transferred his case. Five months after his case was transferred to his local social work area, Lee had heard nothing from his new supervising officer and contacted his local social work office to request supervision. Despite assurances that a supervising officer would contact him, Lee had to approach the social work office for a second time one month later to repeat his request. This time, he was told that his case file had not been received from his original social work area and still no supervision was arranged. By this time, Lee had re-established his relationship with his partner and was coping reasonably well but nevertheless was under considerable financial pressure to repay debts. The temptation to return to drug dealing remained. Fortunately, the prospect of jeopardising his relationship with his partner and his children through a return to prison was sufficient to deter Lee from reoffending. Shortly before his licence was due to terminate, Lee

telephoned his original social work office who agreed to prepare his final report and close the case. Despite receiving valuable help during the early stages of his licence, Lee received no supervision for over a year and a half of his licence. Although during the early months of his licence, Lee acknowledged that the support he received from his supervising officer was a factor in managing his increased risk of reoffending, due to the absence of supervision during the remaining year and half of his licence, by the end of the follow-up period he was confident that his own motivation had been the significant factor.

While there are some similarities between these findings on the importance of individual motivation and the results of their research, McIvor and Barry's⁵ recent research on community-based throughcare revealed more positive findings on the impact of social work intervention. As part of an evaluation of social work services to the criminal justice system conducted in 1994 and 1995, they examined the effectiveness of community-based throughcare in addressing the needs of ex-prisoners and assisting in their resettlement in the community. They interviewed 31 ex-prisoners, 16 of whom were parolees and asked all but one of them about the relationship between risk of reoffending and social work support. Subjects were asked firstly if they believed that there had been any change in their risk of reoffending since their release from prison. Of the 30 subjects who were asked, 83% (25) indicated that their risk of reoffending had decreased since release, 10% (three) indicated that their risk had not changed and 7% (two) indicated that their risk of reoffending had increased. Next, those who considered that their risk of reoffending

⁵ McIvor, Gill & Barry, Monica (1998) *Social Work and Criminal Justice Volume 7: Community Based Throughcare*. Edinburgh: The Stationary Office.

had decreased were asked if they believed that the intervention from their social worker had contributed to this reduction. Just over two-fifths (13) of the subjects who were interviewed by McIvor and Barry believed that throughcare made some impact on their risk of reoffending, four of whom considered that it had made a significant contribution. In addition, subjects offered a variety of explanations as to why this reduction had occurred. The most frequently mentioned reason was personal motivation (mentioned by almost half of these subjects), followed by the impact of personal responsibilities and relationships and employment and/or education ⁶.

The 'welfare' model of intervention

Although there was little evidence that the 'responsibility' model of social work intervention was responsible for a reduction in the risk of recidivism among the sample of parolees in this study, it is possible that the provision of 'welfare' focused intervention may have had some impact on risk. Indeed the reduction in risk of reoffending among the subjects interviewed in McIvor and Barry's research may have had more to do with the receipt of 'welfare' focused than 'responsibility' focused intervention. Most of the subjects who they interviewed had very high expectations of the level of practical help which they would receive from their supervising officers and only five subjects stated that reoffending was an issue with which they wanted help. Consistent with the findings from this research, these clients believed that the primary focus on tackling offending-related behaviour during post-release supervision was misplaced. Invariably, they believed that the main priority for throughcare should be to provide practical help, in particular in securing housing and employment. Their

⁶ McIvor & Barry (1998) *Ibid.* p. 42.

findings suggested a tension between ex-prisoners' expectations of practical support in resettling and the emphasis on addressing offending behaviour.

A similar view is expressed in the policy literature. While elsewhere the National Standards may promote the 'responsibility' model of intervention, with regard to the standards for throughcare services there is still a clear emphasis on the provision of welfare. The version of the Standards which was current at the time the subjects in the sample were released states:

“Although many discharged prisoners may experience some emotional and social difficulties following release, practical problems concerning employment, accommodation and financial matters may be felt by many to constitute more pressing concerns. Unless these problems are addressed, the impact of supervision on the offender is likely to be minimal. The provision of advice, guidance and assistance... will be a key element in the social work task with many discharged prisoners.”⁷

This simple emphasis on practical assistance and support in reintegration cannot be isolated from efforts at reducing the risk of reoffending. As the Carlisle Report⁸ stresses, there is an expectation that by aiding reintegration into law-abiding communities, supervising officers can minimise against personal and social breakdown and, at the very least, provide insurance against increased risk and possibly even make an important contribution to reducing the risk of recidivism. Indeed, the results of the interviews in this study suggest a clear relationship between stable circumstances and the propensity to reoffend. All but one of the subjects in the

⁷ The Scottish Office Social Work Services Group (1991) *Op.cit.* Throughcare Standards paragraph 92.

⁸ The Carlisle Committee (1988) *The Parole System in England and Wales: Report of the Review Committee*. Cmd. 532. London: HMSO Para. 248

sample⁹ were interviewed within three months of their release from prison and these interviews allowed the circumstances of desisters and recidivists to be compared. Even among such a small sample, there was a correlation between employment status and recidivism with a much smaller proportion of recidivists in work at the time of this interview. None of the recidivists had secured regular employment by the time this first follow-up interview was conducted and only 27% (three out of 11) had secured casual, occasional work. Among those who desisted from offending 44% (seven out of 16) had secured stable work or were in full-time funded education and 19% (three out of 16) had secured casual, occasional work. There was also some correlation between stability of accommodation and recidivism. Having a suitable address to return to on release is an important precondition of release on parole and almost all of the subjects in the sample had somewhere stable to live by the time of the first follow-up interview. However, when subjects were asked if they believed that these arrangements would be permanent, only 9% (one out of eleven) of the recidivists as compared with 56% (nine out of 16) of the desisters indicated that they were able or happy to remain at their current address on a long-term basis. Perhaps the most striking correlation was in respect of substance addiction and recidivism. While 25% (four out of 16) of those who desisted from offending on release had a history of drug or alcohol addiction, a staggering 82% (nine out of 11) of the recidivists had experienced addiction problems. If, as these results suggest, there is a relationship between an offender's practical and personal circumstances and the propensity to reoffend then, in so far as social work supervision can support reintegration to a stable lifestyle, it should have the potential to reduce the risk of recidivism.

⁹ One of the subjects was recalled to prison before the first follow-up interview took place. Details of the post-release circumstances of this subject were recorded during an interview in

There is more evidence from the results of the interviews, to suggest that subjects in this research were receiving intervention based on the 'welfare' rather than the 'responsibility' model of intervention. Given the clear focus on risk under the 'responsibility' model, it would be realistic to expect that those who received most intervention might also be those who had the highest risk of reconviction and vice-versa. However, as Table 5.3 shows, there was no clear relationship between risk of reconviction (based on Risk of Reconviction scores) and the provision of either counselling or other forms of support.

TABLE 5.3: The relationship between the nature of help received by subjects and statistical probability of reconviction

Statistical probability of reconviction	NATURE OF HELP RECEIVED			TOTAL
	No help	Either counselling or other help	Both counselling and other help	
Very low or low	4 (24%)	9 (53%)	4 (24%)	17 (100%)
Medium low or medium high	2 (20%)	4 (40%)	4 (40%)	10 (100%)
TOTAL	6	13	8	27

Although a slightly higher proportion of subjects with a medium low or medium high statistical risk of reconviction received both counselling and other help, a similar proportion of these subjects and those with a very low/ low probability of reconviction received no help from the social work department. A chi-square test revealed that the differences between each risk group which are shown in the table were not significant at the 0.05 significance level. There was, however, a much clearer relationship between the provision of intervention (particularly practical/emotional support to resettle) and requests for help from subjects. When

custody following recall.

these responses were considered alongside the type of intervention provided during the licence, it was discovered that some form of practical/emotional help to resettle was given to 91% (ten) of those who indicated that they would like this help but only 27% (four) of those who indicated that this help would not be necessary. Of the six subjects who received no help (either in the form of counselling or practical/emotional support to resettle) almost all of them (five) indicated that there was nothing with which they required help. It seems that the cue for the provision of intervention from social workers was more likely to be the expressed need for help than risk of recidivism.

Given the importance attached to the provision of 'welfare' based intervention, it was worth considering the relationship between the provision of any form of constructive intervention (and not just that focused on offending-related problems) and risk of recidivism among the sample. Subjects were asked during each follow-up interview if, besides the provision of the type of offending-related help described above, they had received any other help from supervising officers during the licence period. Although most of the subjects in the sample claimed that no other help had been provided, ten could provide at least one example of other help which their supervising officer had tried to provide. In particular subjects mentioned receiving help with applications: in five cases for council housing; in five cases for financial or furniture donations from charitable organisations; in two cases for work or college courses and in one case for social security payments¹⁰. Besides the provision of practical assistance, two other subjects also explained that he had been encouraged simply to talk to their supervising officer about problems and concerns.

Although many supervising officers attempted to provide some form of practical or emotional help to resettle, as with the intervention on offending-related problems, not all of this help was considered to be constructive. In four cases applications to charitable organisations or to housing associations were unsuccessful and in two cases applications for work or college were not pursued. Ironically, one subject whose supervising officer had obtained a refrigerator for him was convicted of illegally dumping it when he discovered that it did not work. As a result only four of the 11 subjects who provided examples of other forms of help, believed that this help had been in some way constructive. Richie, Harry, and Anthony were able to secure their own council accommodation with the help of their supervising officers. In addition, Harry also secured a one-off financial grant¹¹ and Anthony secured furniture donations with his supervising officers' help and also found it useful to discuss family/personal relationships with his supervising officer. The fourth subject, Neil, had been released directly from a closed institution without gradual preparation for release through open conditions and the home leave scheme and found it constructive to discuss the anxieties of coping with his sudden return to the community.

Richie, Harry and Neil had already been identified as having received help addressing offending-related problems and their *a priori* risk of recidivism and progress has already been compared (in Table 5.1). If the impact of any other form of constructive intervention is to be tested then risk and progress have to be compared in the case of just one more subject: Anthony. As with some of the other cases in which this

¹⁰ Some subjects mentioned receiving help with more than one type of application.

¹¹ This was in addition to the community allowance grant which most of the subjects received

comparison was made, Anthony had a very low statistical risk of reconviction, had indicated there was no chance of him reoffending on release and claimed to have avoided any form of reoffending during the licence period. Again the conclusion must be that he was likely to have avoided recidivism even without the help of a supervising officer.

The fact that so few subjects received social work intervention which could be described as constructive will partly reflect the fact there is very little that supervising officers are able to do to resolve financial, employment and housing problems. However, it may also be a reflection of the fact that some parolees will be reluctant to admit to their supervising officers that they are experiencing problems in resettling. The supervising officer's dual function not only to provide help to resettle but also to monitor adherence to the licence conditions means that some parolees are understandably reluctant to admit when they are not coping with their return to the community. Some of the subjects in the sample described their supervising officers as being 'out of touch with the real world' or 'panic merchants' who would report problems to the Parole Board in order to 'cover their own backs'. The experiences of two of the subjects in the sample illustrate this reluctance to request welfare assistance.

STUART: Stuart was defined as having a very low risk of reoffending (his Risk of Reconviction score indicated a probability of reconviction of 14% and he believed that there was no chance of him reoffending within a year of release). He had been convicted of a violent crime which was committed under unique domestic

from the prison authorities on release.

circumstances and for which he was entirely remorseful. Although he had some minor previous convictions, the index conviction was his first prison sentence. He had good employment prospects and a supportive network of friends and family to return to on release. Stuart believes that his supervising officer quickly classified him as presenting no risk of reoffending and had managed his supervision accordingly. Initially, he received weekly home visits from his supervising officer before they were reduced to very flexible monthly meetings eight months from release at Stuart's request. He felt that the purpose of his meetings with his supervising officer was to ensure that he was adhering to the conditions of his licence and that it was merely a "paper exercise" intended to satisfy the authorities.

Meanwhile the circumstances of Stuart's offence still caused him anxiety and this psychological pressure together with a medical condition led to depression. As a result, approximately a year from his release Stuart attempted suicide. Although he had received a great deal of support from his GP, Stuart had not discussed his depression with his supervising officer. He felt that a poor relationship had developed, that his supervising officer was "not on his side" in the way that he expected a social worker to be and that he was not someone to whom he could go to for support. Although he was surprised when his supervision was not increased after he informed his supervising officer of his suicide attempt, because Stuart had not alerted him to the problems he was experiencing, his supervising officer could not be blamed for initially failing to provide the support and assistance which Stuart needed. As far as his supervising officer was concerned, Stuart had a secure home and job, was financially secure and was at no risk of reoffending. A psychological assessment

conducted as a condition of Stuart's release on parole had identified no problems, and no counselling was considered necessary.

NICK: Nick had been convicted of attempting to import drugs. At the time of the offence he had no addiction problem and his motivation to offend had been to support his partner and young children. Again he seemed to present a very low risk of recidivism (his Risk of Reconviction score also suggested a probability of reconviction of only 14% and he too believed that there was no chance of his reoffending on release). He was a first offender with a very stable family and supportive, law-abiding parents. On release, Nick believes that his supervising officer quickly assumed that his low risk of reoffending meant that he needed little in the way of supervision or help. Regular meetings were not enforced and over the first few months, he saw his supervising officer for around five minutes less than once a fortnight. During these meetings Nick claims his supervising officer spent more time speaking to his partner than to him. Soon after release, Nick began to suffer some psychological stress as a result of several pressures. Firstly, he described suffering what he referred to as 'an identity crisis' as a result of firstly having to adjust his attitude and behaviour to cope with the difficult environment of prison and then readjusting to the normal environment of the community. His desire to make up for lost time also meant that he was socialising too much and in doing so had begun to take drugs; a habit which unknown to his supervising officer he had developed in prison. In addition, a very close relative had been diagnosed with a terminal illness. As a result of the psychological stress he was experiencing, Nick felt he was at risk of breaching his licence. He did not share these concerns with his supervising officer or

make any effort to increase the intensity of supervision because at the time he was content not to have his supervising officer “on his back”. Instead he arranged to see a psychiatric nurse but was told that his name would have to be added to a waiting list. Eventually, five months after being released on parole, he was recalled for being drunk and disorderly and committing a breach of the peace. The circumstances surrounding his recall became apparent and he was detained in custody until the two-thirds stage in his sentence when the Parole Board was obliged to re-release him.

The negative impact of social work intervention

While this chapter has revealed some examples of constructive social work intervention, there was evidence from some of the interviews with subjects that certain aspects of social work intervention were actually perceived as being counter-productive. Setting aside the ironic example in which one of the subjects attracted a new conviction while trying to dispose of a donation from his supervising officer, there were other subjects who complained of the impact which social work supervision and intervention had on their lives. The subject who seemed most bitter about this impact was Tom. Shortly after his release, this subject managed to secure casual but full-time employment. Because he had not informed his employers of his status as a parolee (or his conviction and sentence), he found it difficult to justify taking time off work to report for supervision meetings and requested that his supervising officer be more flexible in arranging these meetings. Tom claims, however, that his supervising officer refused to schedule these meetings outside his working hours and that, as a result, his employers became suspicious and confronted

him about his absences. When he admitted that he was on parole, he claims his employers sacked him. He placed the blame for this firmly with his supervising officer: "If it wasn't for my supervising officer, I would still have work... Supervision's just holding me back".

Although it did not have the same consequences, there were other subjects who had worried about the implications of having to take time off work to meet their supervising officers. As mentioned earlier in this chapter, Nick's supervising officer managed to secure employment for him through an organisation that helps to train and find employment for ex-offenders. However, this meant working alongside other ex-prisoners within the same aggressive culture he was finding it so difficult to re-adjust from: "All the chat at work was about violence and it did my head in. I was better off out of work". He explained that although his supervising officer was delighted that she had secured employment for him, his continued exposure to this culture contributed to his sense of alienation from conventional culture which in turn was a factor in his eventual return to custody. Although Frank's case has also been considered in some detail already in this chapter, his concerns about the possible implications of drug counselling is also relevant here. He believed that his attendance at a specialist drug addiction centre presented him with even more temptation and opportunity to abuse drugs than would otherwise have been the case. Beside the practical implications of social work intervention, subjects complained of the subtle psychological impact which supervision had on them. A symbolic interactionist interpretation would be that they felt stigmatised by supervision from the social work department. Lemert, for example, explains how agencies which are ostensibly

concerned with the reform or welfare of certain populations can actually help to give 'form' and 'meaning' to deviance and, in doing so, fuel a cycle of 'secondary deviance'¹². It is possible then that the obligation to report to a supervising officer may serve to confirm some parolees in their role as offenders rather than help to reintegrate them into law-abiding society. One of the subjects (a first offender) who appeared to have a low risk of recidivism explained: "Every time she [his supervising officer] comes to the door, it reminds me of what I did. That stops me from putting all this behind me". Although a personality clash may have accounted for some of the difficulties, another first offender complained that his supervising officer made him feel like "a second-class citizen" and claimed that he would rather have spent a few more months in prison if he could have been released without supervision. There are many way in which intervention could have contributed to, rather than helped resolve, the sort of problems which subjects in the sample faced. Even where subjects did receive constructive support and assistance, it is possible that this form of intervention simply encouraged dependence.

Conclusion

This chapter has revealed that a small proportion (just over one quarter) of the subjects in the sample received social work intervention which could be considered constructive; in six cases the intervention was focused directly on offending related problems and in one case, on the provision of assistance resettling. There were therefore seven cases in which social work support had the potential to impact on risk

¹² Lemert, Edwin, M. (1972) *Human Deviance, Social Problems and Social Control* Englewood Cliffs, New Jersey: Prentice Hall. p.15.

of reoffending. However, when the progress of these subjects was compared with that of the remaining subjects in the sample, there was no difference in the proportion who performed better than expected. A reduction in the risk of recidivism was shown to have occurred in just one case and when the circumstances and background of this case were considered in more detail it seemed that factors other than social work intervention were responsible. Although there was one other case in which intervention may have helped to manage an increase in risk during the early months of the licence period, the fact that the subject avoided recidivism when supervision prematurely ended suggested that factors other than social work support were more important. This, together with the fact that one of the subjects with a low risk of recidivism was recalled despite receiving constructive intervention, suggests that the results of this study do not provide sufficient evidence that social work intervention is effective in reducing risk. Despite social workers' efforts at confronting the causes of offending and their attempts to provide practical and emotional support to resettle, there was no evidence that this improved the prospects of avoiding recidivism among this sample.

If parole works to reduce the risk of recidivism, then the results of this research do not suggest that social work intervention is the mechanism responsible. The findings so far suggest that the subject's own determination to avoid recidivism may be the single most important factor in their progress. In the following chapters the subject's own attitude, motivation and determination is explored further. Chapter Six considers the extent to which subjects' determination to avoid a return to custody makes the threat of recall an effective mechanism of reducing the risk of recidivism and Chapter Eight

considers whether, by awarding early release on parole, the Parole Board might itself increase the subject's motivation to succeed.

CHAPTER SIX: THE PENALTY OF RECALL

Introduction

Until the date on which their full sentence expires, all determinate sentenced prisoners released on parole licence under the provisions of the Prisoners and Criminal Proceedings (Scotland) Act 1993 remain liable to recall to custody to serve the outstanding portion of their sentence. The power to order recall is shared by the Secretary of State and the Parole Board either of whom may order recall when a parolee's conduct or circumstances give cause for concern. Although the most frequent reason for recall is the commission of a new crime or offence, both the Secretary of State and the Board have the power to order recall without involvement from the criminal courts and other common reasons for recall include failure to report to supervising officers, alcohol or drug abuse or failure to comply with counselling conditions. After a recall order has been issued and the parolee is returned to custody, he or she is given the opportunity to submit representations to the Parole Board. On the basis of these representations and sometimes on the outcome of court proceedings, the Board alone will then decide whether to confirm recall or to order an immediate re-release.

The rational choice perspective in criminology has helped resurrect the notion of the reasoning offender who weighs up the costs and benefits associated with the criminal option before acting. This perspective draws a clear distinction between criminal

involvement and criminal events and the motivational processes involved in each. While accepting that an individual's involvement in crime is likely to be determined by personal history and social forces, he or she is said to apply a measure of rationality in deciding on the commission of each criminal event¹. The decision to commit a specific crime will be influenced not only by the potential rewards, the degree of effort involved and the likelihood of being caught but also by the severity of the punishment which the offender can expect to receive if prosecuted. It follows then that one of the ways in which the criminal justice system should be able to reduce the risk of offending is by increasing the certainty and the severity of punishment. Until the late 1970's, however, there was very little empirical evidence that altering the severity of formal punishment did have an impact on rates of offending. It was only when more attention was given to cognitive processes that the evidence on the effectiveness of individual deterrence emerged. The work of, in particular, Grasmick and Green² helped to illustrate how offenders' perceptions about their own personal risk of detection and punishment were more crucial in predicting behaviour than aggregate risk levels. Most recent studies show a significant inverse relationship between the individual's own perceived threat of sanction and illegal behaviour. It would therefore be logical to assume that, because the penalty for reoffending is made explicit, release under the conditions of the parole licence ought to reduce the risk of recidivism. The prospect of recall to custody to serve the outstanding portion of the sentence should increase the costs of

¹ See Cornish, Derek, B. & Clarke, Ronald, V. (eds) (1986) *The Reasoning Criminal: Rational Choice Perspectives on Offending*. New York: Springer-Verlag

² Gramick, H.G. & Green, D.E. (1980) 'Legal Punishment, Social Disapproval and Internalization as Inhibitors of Illegal Behaviour' in *Journal of Criminal Law and*

offending and help to deter parolees from committing a new crime or offence. The purpose of this chapter is to explore this hypothesis by searching for evidence of a change in the risk of recidivism among subjects for whom the threat of a return to custody should have operated as an effective deterrent.

The important methodological challenge in this chapter is to identify the context in which the threat of recall would have most effectively been internalised as a deterrent. There are a number of relevant factors in the search for this context. If the threat of recall is to operate as a deterrent, parolees must fully understand their liability to recall. As Grasmick and Green's work illustrates, if actual threats of legal sanctions are to deter then they must be effectively communicated to potential offenders. Recent changes in the legislation concerning release on parole mean that some subjects may have misunderstood the conditions under which recall can be ordered. It is also possible that they underestimated the prospects of a recall order being issued in the event of breach in licence. Furthermore, the threat of recall will be effective as a deterrent only among subjects for whom a return to custody would have represented a significant hardship, or at least for whom the experience of imprisonment would be more unpleasant than the experience of returning to the community under the conditions of their licence. As part of the search for the context conducive to threat of recall, this chapter will explore subjects' experiences of and attitudes to the custodial sentence from which they were paroled and will consider this experience relative to the experience of parole.

Having identified a subsample of subjects among whom the context was conducive to the operation of the threat of recall, the next step is to consider the progress of these subjects by comparing the extent of reoffending with *a priori* risk of recidivism. Finally, the relationship between the threat of recall and outcome will be further tested by exploring the subjects' responses to some of the questions about their motivation and attitude which were put to them at interview.

Understanding of recall liabilities

When the interview schedules were originally designed, questions about recall liabilities were not included. It was assumed that subjects would have been made fully aware of the conditions under which a recall order could be issued either by the Parole Board when their release licence was issued or by their supervising officers during early supervision meetings. It was not until the stage at which the mid-licence interviews were being conducted that it became apparent that some subjects were confused about these liabilities. Some claimed that recall liabilities had never been explained to them and others that they had simply misunderstood the account which had been provided. An additional question was therefore added either to the mid-licence interview (if this had not already taken place) or to the final interview at the end of the licence period. Unfortunately, this late addition meant that this question could not be put to the six subjects who had been recalled to custody before the mid-licence interview. However, the information on interpretation of these liabilities,

available in respect of the majority of subjects in the sample, suggests that any misunderstanding was likely to be associated with recall liabilities towards the end of the licence period rather than during the early stages in which these subjects reoffended.

Subjects were asked under what circumstances they believed they could be recalled to custody, in particular, whether they thought that they could be recalled without having attracted a new court conviction. Their responses revealed an important misconception about the power to recall. Of the 21 subjects who were asked, 12 correctly understood that the Parole Board did have the power to order recall without any involvement from the courts but eight subjects believed that recall could be ordered only in the event of a new conviction (one of whom believed that recall was possible only if the conviction was for an indictable offence) and one subject admitted that he was not sure of these liabilities. It seemed that, in all but two cases, this confusion was a result of the distinction between the parole and the 'non-parole' licence. Prisoners released on parole remain subject to the parole licence only until the two-thirds stage in sentence (the stage at which they would have been automatically released had they not been selected for and released on parole). The last third of the sentence is served under the conditions of the 'non-parole licence' and some of the parolees in the sample were confused about their liabilities under this licence. Under the old early release system, prisoners were released on remission at the two-thirds stage in sentence (subject to days forfeited for poor conduct). Given that there were no recall liabilities or supervision requirements associated with

release on remission, their sentence effectively ended at this stage. However the 1993 Prisoners and Criminal Proceedings (Scotland) Act replaced release on remission with release on the 'non-parole' licence for all prisoners serving four years or more and under the conditions of this licence, these prisoners must be supervised and remain liable to recall (under the same process which operates for the parole licence) until the expiry of full sentence. Although subjects correctly understood their recall liabilities under the parole licence, some believed that when they reached their two-thirds date the Parole Board had less power to order recall. For this reason, some of these subjects mentioned feeling less concerned about the prospects of recall when they reached this stage in their sentence. However, since in most cases this misconception arose only at the two-thirds stage in sentence it is unlikely that it would have had any bearing on the deterrent impact of the parole licence. Most of the recidivists in the sample began to reoffend before the date at which they became subject to the non-parole licence, and so there would have been no relationship between this misconception and the decision to reoffend in these cases. Only one subject (allegedly) reoffended after the two-thirds date in his sentence. When asked about his understanding of the recall liabilities after this date, this subject claimed to have given this little thought until he was recalled and admitted that neither he nor his lawyer knew under what conditions or for how long the Parole Board could recall him.

As already suggested, there were two cases in which misunderstandings about the recall liabilities were not a result of the distinction between the parole and the 'non-

parole' licence and where these misconceptions could have had an impact on his decision to reoffend. One of these subjects, who will be referred to as Jack, believed that under the non-parole licence and the parole licence the Parole Board had the power to order recall only in the event of a conviction for an indictable offence. Although he was never reconvicted or recalled during the licence period, Jack was one of the subjects who returned to serious offending on release. Only a few months after release, he became involved in the type of offending for which he had received his index conviction and made no effort to disguise the material rewards of these activities either during the fieldwork interviews or (he claimed) during his meetings with his supervising officer. He wore designer clothes, carried a mobile telephone, lived in a very well furnished home and owned a car, all while being supported by unemployment benefit. It was clear that his supervising officer had become suspicious of his lifestyle. She not only questioned him about the source of his income but also insisted on fortnightly reporting until the end of his licence period (the only other subject required to report more frequently than once a month during the latter stages his licence was someone who had attracted a probation order). Although Jack realised that his material circumstances were 'winding up' his supervising officer, this did not concern him because he believed that recall would be impossible without her obtaining the evidence necessary for a conviction under solemn proceedings. When his true recall liabilities were explained to him during the final follow-up interview he admitted that, had he been aware of these liabilities earlier, he may have been more discreet about his lifestyle. Although Jack claimed that he would not have been deterred from his criminal activities (the financial

rewards made the risks of recall worth taking), there is little doubt that his misunderstandings over the recall liabilities would have undermined the deterrent impact of the threat of recall. For this reason, the context of Jack's release would not have been conducive to the operation of the mechanism being examined and his case was not included in the conducive subsample.

The second subject who believed that during both the parole and the non-parole licence periods recall could be ordered only in the case of a new court conviction was a subject who will be referred to as Chris. Although he acknowledged that any conviction, and not just an indictable conviction, could trigger recall his responses at interview also reveal that he underestimated the frequency at which the Parole Board invoke their power to recall. Some attempt was made to measure perceptions of this frequency by asking the subjects how serious they considered the threat of recall to be in the event of a breach in licence. It was assumed that subjects who believed that breaches would rarely be discovered, rarely reported to the Parole Board or rarely punished would be less concerned about the prospects of recall. Instead, the threat of recall would be taken more seriously if subjects believed that the power to recall was frequently invoked. During the mid-licence interview, subjects were therefore asked to estimate the proportion of reoffending parolees who are recalled to custody within a year of release³. Of the 21 subjects who were interviewed at this stage, seven subjects estimated that between a quarter but less than a half would be recalled, ten that between one-half but less than three-quarters would be recalled and two subjects

³ Subjects' responses to this question appeared to reflect their estimates of the proportion of recidivists who are caught reoffending as well as their estimates of the proportion of detected

believed that over three-quarters would be recalled within a year from release. Only two subjects estimated that less than a quarter would be recalled: Chris believed that none would be recalled and another (Willie) believed that only a tenth would be recalled. This, together with the fact that he underestimated the Board's power to recall suggested that Chris may not have considered the threat of recall to be serious and that his case should not be considered in the outcome inquiry. There was another reason to omit this case from the outcome inquiry. Chris was addicted to heroin. Although he made some effort to address his problem, he found it very difficult to avoid heroin abuse because many of his friends and neighbours were continuing addicts. He admitted that at times he considered returning to prison where, under closed conditions he believed his withdrawal from drugs would be easier. Not only did his responses suggest that he mistook the chances of recall but they also suggested that imprisonment may not have represented a significant deterrent to reoffending. Although Willie also believed that few parolees are recalled to custody, his response to some of the other questions at interview suggested that this was unlikely to have had any bearing on its deterrent impact. In particular, it emerged that he was of the impression that, following recall to custody, parolees were made to serve not only the proportion of their sentence outstanding at the time of recall but also that part of their sentence which they had already served in the community on licence. In his case he believed that he would be liable to serve a full two years in custody in the event of him being recalled at any point in his licence period. Although he under-estimated the likelihood of recall, this was balanced by his exaggerated understanding of the penalty for recall.

recidivists recalled by the Parole Board.

The custodial experience

Even among those subjects who correctly understood the recall liabilities and risks, the threat of recall would have worked as an effective deterrent only if imprisonment represented an unpleasant alternative to life in the community. The essential task in this section is to consider what sort of impact a return to custody would have had on the subjects in the sample. This proved to be a difficult challenge because the impact of imprisonment seemed to be a function not only of the experience of custody but also of the cost of separation from the community.

Although some attempt was made to measure attitude to imprisonment during the first interview with subjects shortly before their release, a more concerted effort was made at the end of the licence period by which time subjects could consider the experience relative to their experience of the licence. During this interview, subjects were encouraged to consider how difficult the experience of custody had been by comparing it with their initial expectations of imprisonment and with the time they had spent on licence. With regard to the six subjects who were recalled before this stage in the follow-up, some attempt was made to measure their attitude to the custodial experience by asking them how they felt about their return to custody when they were interviewed in prison. It was clear from the responses to these questions that many of the subjects in the sample would not have been deterred from further

offending simply by the physical experience of custody. Of the 19 subjects ⁴ who were asked to compare their experience of custody with their initial expectations, seven claimed that they had not found the experience of imprisonment particularly difficult. Most of these explained that, provided they adapted and accepted their situation, the custodial sentence was easy to cope with. However while these subjects indicated that the prison experience *per se* might not have been particularly punishing, some pointed out that it was what they had left behind which made imprisonment difficult to bear. This was reflected in their answers to a question which had been put to them during the first interview. During this interview all subjects were asked to identify the most painful feature of their custodial experience. Over half (15) of the subjects in the sample mentioned missing or losing some aspect of their life in the community (in particular missing or worrying about friends and family) and only eight mentioned some aspect of the prison subculture or regime (for example loss of autonomy or privacy, level of drug abuse or violence and lack of support). The remaining four subjects claimed that they could think of nothing which they had found particularly painful. These responses suggest that, regardless of how they found the experience of imprisonment, the threat of a recall to custody could still have worked as deterrent to reoffending if subjects believed that life in the community was preferable. These subjects' responses to the second question were therefore particularly important. When these seven subjects were asked to compare their experiences of imprisonment with their experience of the licence period just under half of them (three) claimed that prison was easier to cope with than their life

⁴ The 21 subjects who made it to the end of their licence period without being recalled minus the two subjects (Chris & Jack) who were omitted from the enquiry on the basis of misconceptions

in the community (in prison they were removed from financial worries and practical pressures) and one subject did not know which experience he had found more difficult. It was clear then that in the cases of these four subjects (Rob, Richie, Scott and Harry), their experience of and attitude to imprisonment were not fully conducive to the threat of recall. For this reason the cases of these subjects were also omitted from the conducive subsample.

Among the subjects who were recalled before these questions could be put to them in the community, some attempt was made to assess their attitude to imprisonment after they were recalled. Unfortunately one of these subjects refused to be re-interviewed following recall and his case therefore had to be omitted from this analysis. The responses from the subjects who were recalled also suggested that, for some, the prospects of recall to custody had little or no deterrent impact. Two subjects revealed that for them the custodial experience was no great hardship: one of whom (Stephen) admitted "I quite like it in here. Most of the folk from my [housing] scheme are here" and the other (David) explained that he found it easier to manage his addiction to heroin in custody (in the community he turned to drug abuse as a means of relieving boredom) and that he was so indifferent to his return to custody that he submitted representations against his recall only after being coaxed into doing so by prison staff. Again the cases of these two subjects were also omitted from the outcome inquiry. One other subject explained that, although he would have preferred to remain in the community with his partner and young family, part of the fear of imprisonment was associated with the fear of the unknown. This meant that having

about their recall liabilities.

already experienced and coped with custody, the prospects of a return to prison had lost much of its deterrent impact.

The relationship between the threat of recall and outcome

It has been demonstrated that the circumstances of eight cases were unlikely to be conducive to the deterrent impact of the recall liability. These eight cases therefore had to be eliminated from the conducive subsample: one case (Jack) was eliminated because the subject underestimated his recall liabilities, six cases (Rob, Richie, Scott, Harry, Stephen and David) were eliminated because the subjects were not deterred by the relative experience of imprisonment and one case (Chris) was eliminated for both of these reasons. In addition, one other case had to be eliminated because this subject's refusal to meet for a post-recall interview meant that his attitude to imprisonment could not be fully tested. This left a subsample of 18 subjects who understood their recall liabilities and found the experience of custody unpleasant (or at least more unpleasant than release on licence). In these 18 cases the context should therefore have been conducive to the deterrent impact of the threat of recall. If the threat of recall did work to reduce recidivism then there should have been few, if any, recidivists in this subsample and at least some subjects who performed better than their *a priori* risk suggested they would. When the progress of these subjects was examined it seemed that, although the majority of them (78%) had avoided recidivism, some had returned to offending. A more positive finding was that four of these subjects had performed better than expected. However, to test whether this

pattern of outcomes could be taken as an indication of success, the progress of the remainder of the sample had to be considered. If the threat of recall had reduced the risk of recidivism in the conducive subsample, we should expect to see a difference in the distribution of subjects who performed better and worse than expected in the unconducive subsample. The progress of the subjects in each of these subsamples is shown in Table 6.1 below.

Table 6.1: Progress of subjects for whom the context was conducive/unconducive to the mechanism of recall

	Desister: progress as expected	Recidivist: progress as expected	Desister: progress better than expected	Recidivist: progress worse than expected	TOTAL
Conducive subsample	10 (56%)	-	4 (22%)	4 (22%)	18 100%
Unconducive subsample	2 (25%)	5 (63%)	-	1 (13%)	8 100%
TOTAL SAMPLE*	12 (46%)	5 (19%)	4 (15%)	5 (19%)	26 100%

* Excluding the one subject whose attitude to imprisonment could not be fully tested.

Although there were some recidivists in the conducive subsample, there was a much lower proportion of them in this subsample (22%) than in unconducive subsample (76%) and more importantly, there was a higher proportion of those who performed better than expected in this subsample. While, these differences provide some basis for suggesting that (provided parolees do understand the liabilities and fear a return to prison) progress on release could be linked to the impact of the threat of recall, the evidence is not entirely convincing. This is because there was also a higher proportion of subjects who performed worse than expected in the conducive subsample. To further test the causal relationship between these differences and the recall liabilities, the circumstances and attitude of the subjects in the conducive

subsample were therefore considered in more detail.

The desisters who performed better than expected

The four subjects who performed better than expected and avoided recidivism despite having been expected to reoffend were Frank, Peter, Bob and Michael. The background and circumstances of Frank's case have already been described in some detail in Chapter Five. His index conviction was for drug dealing and during the course of his licence he made considerable progress in addressing his long-standing addiction to drugs. In this section the cases of the remaining three subjects are introduced.

PETER: Peter had been convicted of a violent offence. At the time of his release he was almost 34 years old and had been offending since he was a teenager. He had served several custodial sentences both as an adult and as a young offender and had accumulated convictions for dishonesty as well as violence. When he was sentenced for his index conviction, the judge explained that his record of violence was a factor in determining the length of his sentence. His RoR score suggested that he had a medium low probability of reconviction. This, together with the fact that he thought that there was probably some chance that he would reoffend within a year of release, suggested that he was likely to reoffend during the licence period. On release Peter was able to obtain casual work during much of the follow-up period and had plenty of practical support from friends and family. He returned to live with his wife and

children in a new home which they had acquired while he was in prison. He believed that this move would help to distance him and his family from the criminal subculture in which he had become involved. Although he did not succeed in distancing himself completely from this subculture and occasionally became involved in disputes within the criminal fraternity, he claimed that he did not have to resort to violence. He admitted that he had committed some petty (or as he described it, 'borderline') offences during the follow-up period, but had desisted from the type of activity which could result in his recall.

BOB: Bob received his index conviction for contravening the Misuse of Drugs Act. He was almost 43 years old at the time of his release on parole and had a long-standing history of serious drug abuse. He also had a long history of convictions for dishonesty, drug dealing and violence (much of which were associated with the need to feed his drug habit) and had served several custodial sentences as a young offender and an adult. His RoR score suggested that he had a 58% probability of reconviction within two years of release. Bob was single and returned to live with his mother on release. Although he suffered from ill-health, he initially tried to find work but was unsuccessful and by the end of the licence period was resigned to the fact that he was unlikely to work again. He described himself as "being on the scrap heap" and was clearly depressed about the state of his health and his employment prospects. He was however particularly proud of the fact that, at long last, he was able to manage his drug addiction. Although he continued to take some drugs, since his release from prison he was no longer dependent on heroin or methadone. He also

made a conscious effort to avoid “his old crowd and old haunts” and believed that keeping his own company helped him to make his own decisions. He claimed that minor recreational drug abuse was the only form of illegal activity in which he was involved during the term of his licence.

MICHAEL: Michael received his index conviction for committing a very violent crime. He was 37 at the time of his release on parole and had many previous convictions for crimes involving violence, drugs and dishonesty. Although he had served a number of previous custodial sentences as an adult, his index sentence was his first long-term period of imprisonment. He had no addiction problems, had a good employment record and was quickly able to find casual work on release and the tenancy of a pleasant flat in a new and quiet area with his partner. He felt fortunate that he had been able to secure a home and employment so quickly and was content with his circumstances on release. Like Bob, he was more selective about the company he kept during the period of his licence and did not socialise in pubs as much as he had before his sentence. Again, recreational drug abuse was the only form of illegal activity which Michael claimed to have been involved in during the licence period. His RoR score suggested that he presented a medium low risk (a probability of 42%) of reconviction during the term of his licence. However, given that he was unsure of his prospects of avoiding a return to offending on release, he was classified as a medium high risk of recidivism. His progress on release therefore suggested that he could be regarded as a modest success.

These subjects' responses to some of the questions put to them during the programme of follow-up interviews provide some measure of the extent to which the threat of recall was instrumental in them avoiding recidivism. For example, they were asked if there was any particular form of behaviour which they had deliberately avoided while on licence. If the threat of recall did have some impact on their behaviour then these subjects should have been able to recall occasions when they had decided against behaving in a particular way or getting involved in a particular incident in case it placed them at risk of breaching the conditions of their licence. Obviously, the threat of recall could only have been effective in reducing the risk of recidivism if subjects would otherwise have engaged in behaviour which could have resulted in an offence. In response to this question, Frank explained that he had been very careful to avoid situations which might result, in particular, in his return to serious drug abuse. As explained in Chapter Five, he stopped attending specialist drug counselling to avoid contact with continuing abusers who might tempt him into taking drugs and, although he continued to smoke cannabis while on parole, he sent others to purchase his supply so that he would not have the opportunity to purchase anything stronger from dealers. He also deliberately avoided previous acquaintances who abused drugs. Bob had also made an effort to avoid previous acquaintances and the return to serious drug abuse and Michael explained that there had been occasions when he had walked away from situations which could have resulted in violence, in particular, when he was provoked by comments while out drinking. Peter was the only subject who could think of nothing which he had been deterred from doing for fear of recall. He explained that this was because he did not feel the same need to

offend as he had in the past. Since his release from prison, he was no longer challenged into violent incidents or felt the need to prove his status. His move to a new area may also have been a factor in reducing the need to offend. His response to this question suggested then that he may not have been tempted to reoffend even if there had been no recall liability.

If the threat of recall operated as a deterrent to reoffending then one can assume that after this threat was lifted subjects would have been more prepared to engage in anti-social behaviour than they were during their licence periods. One method of considering whether or not this was the case would have been to measure the rate of offending among subjects during and after the licence period. However, given that the fieldwork and data collection for this research had to be complete by Spring 1999, it was not possible to collect data on the rate of offending beyond the duration of each of the subject's term of licence. An alternative approach was to measure any change in attitude immediately after the licence terminated. If the threat of recall had been effective in controlling anti-social behaviour and attitudes among the sample, then it would be logical to expect that subjects would have felt some sense of relief when the licence terminated and would have been more relaxed about behaviour and situations which, during the licence period, could have placed them at risk of recall. During the final interview, shortly after the licence had terminated, some attempt was made to test whether subjects did feel this way when the threat of recall was finally removed. During this interview subjects were asked firstly how they felt on the day their licence finally ended and, in particular, if they had celebrated in any way and

secondly if they believed that their lifestyles or attitudes had or were likely to change now that they were no longer subject to the conditions of a licence. Their responses suggested that Frank was the only subject for whom the end of the licence period was a significant event. He admitted feeling relieved when his sentence finally ended and, while he did not celebrate on the day it ended, he did celebrate the end of his sentence on his birthday a few days later. However, he explained that his relief at completing his sentence and licence was not due to a feeling that he no longer needed to be so guarded in his behaviour but to knowing that he could no longer be returned to prison without attracting a new conviction. Throughout his licence period, he had been more concerned about the prospects of being returned to prison because the police suspected or accused him of a crime which he had not committed than of being returned because he had in fact reoffended. His relief then was not an indication that his behaviour or attitude was about to change in any way. While Michael felt slightly more relaxed when his sentence ended he did not celebrate and neither Peter nor Bob felt any different or celebrated at the end of their licence periods.

Although the final follow-up interviews took place within two weeks of the date on which each of these subjects' licences terminated and it was perhaps a little too soon for them to have experienced a change in their lifestyles, none of them believed that their lifestyles were likely to change in the immediate future. Frank explained that he did not want to jeopardise the progress which he had made and for that reason would continue to avoid serious drug abuse and recidivism. Although Michael believed that

he would feel more relaxed when was out socialising in public he did not think that he would go out more or change his lifestyle in any other way and both Bob and Peter believed that their lifestyles were unlikely to change. However it emerged that Bob's and Peter's indifference about the end of their licence periods was not the consequence of a lack of concern about the risk of a return to custody. Instead it seemed that for these subjects, the prospects of a return to custody continued to concern them even beyond the end of this period. This was because they both believed that their criminal histories meant that they could be at risk of attracting a discretionary life sentence if they were reconvicted of another serious crime. Bob explained that this concern was the result of the Conservative Government's proposals (in the Crime and Punishment (Scotland) Bill 1996) to introduce mandatory life sentences for criminals who had been convicted in the High Court of two or more serious sexual or violent offences. Without realising that the measures had been shelved when the new Labour Government enacted the legislation, Bob believed that a new sentence could result in him spending the rest of his life in prison. This together with the facts that he felt that he had out-grown the subculture of the prison and believed that his experience of imprisonment had taken its toll on his physical health meant that he did not want to risk attracting a new conviction. Although he had served many custodial sentences in the past, he claimed that this was the first time he felt so certain about not wanting to return to prison and this had been the main reason why he had not reoffended during the licence period. For whatever reason, Peter's lawyer had warned him that his history of violent convictions meant he too would be at risk of serving a life sentence if he was

reconvicted of a new offence. He admitted that he no longer liked the person which prison made him (it 'brutalised' him) and dreaded the prospect of a return. Throughout the licence period he had been far more concerned about the prospect of attracting a new sentence than of serving the remainder of his current sentence and this concern was not relieved when the threat of recall was removed. While the prospect of returning to prison clearly concerned Bob and Peter, the threat of being recalled to serve the outstanding portion of their sentences would have been less instrumental in deterring them from reoffending than the prospects of attracting a new conviction. The conclusion therefore has to be that they would have been deterred from reoffending even without being released under the conditions of a parole licence. Although this is not to say that the recall liability is not an effective mechanism for reducing the risk of recidivism, neither of these cases can be used as evidence of a parole effect.

Like Bob and Peter, Frank and Michael also claimed that the prospect of a further period of imprisonment was the main factor in them avoiding recidivism. However, Frank claimed that he would have coped just as well if he had not been released on a parole licence. For him the most important factor in his progress was recognising the consequences of his previous lifestyle. As explained in the last chapter, he had lost his home, his children and his relationship with his partner as a result of his index conviction. This was more than he had lost by serving any other sentence and as a result he believed that he had simply "grown up" and recognised the real cost of crime. He had been deterred from recidivism because his experiences had taught him

how much he could lose by continuing his pattern of drug abuse and offending. Although Michael was more convinced of the impact of the threat of recall, he believed that his age was an important factor in his attitude to a return to prison. He had lost a great deal from his index conviction but more importantly he simply believed that he was now "too old to be losing time in jail". He believed that the certainty of a return to prison for reoffending during the period of his licence had been effective in deterring him from recidivism and that he may not have been so successful at avoiding offending if he had been released without the recall liability.

This above analysis suggests that the threat of being recalled to serve the outstanding portion of their sentence made little or no difference to the progress of three of the four subjects who beat the odds against them and avoided recidivism during the follow-up period. Frank's and Bob's efforts at avoiding reoffending were part of a concerted effort to permanently change their lifestyles not just to avoid being recalled but to avoid the long-term consequences of further involvement in crime such as lengthy prison sentences and the loss of relationships or material security. While the threat of recall may have provided an added incentive to avoid reoffending during the licence period, these subjects would probably have been sufficiently deterred from recidivism because they recognised these long-term consequences. Although Peter claimed that during the licence period, he had no occasion to resort to recidivism and so his resolve to avoid the return to custody was never tested, he also believed that the long-term consequences of reoffending were more likely to deter than the prospects of recall. Michael was the only subject then who believed

that the threat of recall had been his main incentive for avoiding recidivism during his licence period. For him, the certainty of a return to custody on parole served as a constant reminder of the risks associated with reoffending : “I think that’s where parole works - because you know that you **will** have to serve the rest of your sentence”.

Before considering some of the other cases in the conducive subsample, it is worth noting the relationship between age and recidivism. Each of the four subjects who were more successful at avoiding reoffending than predicted was older than the average age at release (31) among the sample and three of them mentioned “getting older” or “growing up” as being a factor associated with their progress. Much has been made elsewhere of the relationship between age and desistance from offending⁵ and statistical predictors of recidivism all adopt age as a variable in calculating risk. For each these subjects, the relationship between maturing and avoiding recidivism was a function of different processes: for Frank growing older meant that he had accumulated the experience to recognise and understand the costs of his lifestyle; for Bob it meant feeling out of place in the subculture of the prison and for Michael it meant running out of time to waste in prison. The factors associated with desistance from recidivism in these cases are consistent with the concept of ‘delayed deterrence’ presented by Cusson and Pinsonneault⁶. Based on their interviews with 17 ex-armed robbers, the autobiographies of ex-offenders and the results of other

⁵ See for example Glueck, Sheldon & Glueck, Eleanor (1937) *Later Criminal Careers* New York: The Commonwealth Fund, or Rutherford, Andrew (1992) *Growing Out of Crime: The New Era*. Winchester: Waterside Press.

⁶ Cusson, Maurice & Pinsonneault, Pierre ‘The Decision to Give Up Crime’

work on the subject, they discovered that, if it is not triggered by a traumatic event in the lives of the offenders, eventual desistance from offending is generally a result of “the gradual wearing down of the criminal drive caused by the accumulation of punishment”⁷. They argue that desistance from crime is associated with an increase in the fear of a return to prison which accompanies the ageing process. Firstly, since the chances of being punished will be proportionate to the number of crimes committed, the cumulative probability of being caught and punished increases as the criminal career progresses. It is also likely that offenders with more lengthy criminal careers will be well known to the police and hence are more likely to become suspects in their investigations. Secondly, the pains of imprisonment increase with age. It becomes more difficult to cope with the prison regime and with the company of other prisoners but more importantly older prisoners become more conscious of time as a diminishing resource and will therefore have a more acute sense that they are wasting their lives in prison. Thirdly, as the interviews with Peter and Bob demonstrated, offenders with an extensive criminal history acknowledge that they risk attracting a long prison sentence if they continue to offend. Finally, the constant fear and stress associated with a criminal lifestyle, which may in the earlier stages of a criminal career be a source of excitement, gradually becomes more difficult to cope with as the offender grows older.

in Cornish & Clarke. (1986) *Op.cit.*

⁷ Cusson & Pinsonneault (1986) *Ibid.* p. 76

The other desisters in the conducive subsample

Among the subjects who beat their *a priori* risk and avoided the return to offending, the long-term consequences of pursuing the criminal lifestyle seemed to be more instrumental in deterring them from offending than the threat of recall. They had reached a stage in their criminal careers and their lives where the cost of pursuing their criminal lifestyles had become too great. However this does not mean that the threat of recall will never be effective in deterring offending but only that, in some cases, offenders will be deterred from crime by the prospects of a more severe penalty. It is possible that the threat of recall would have been more instrumental in deterring offenders who were at an earlier stage in their criminal careers and for whom the cost of recidivism would, without the threat of recall, not have been so great. Was there any evidence then that the other subjects in the conducive subsample who avoided recidivism believed that the threat of recall had been instrumental? Almost all of the ten subjects who avoided recidivism as predicted had a low *a priori* risk of recidivism because they had a less extensive criminal history. Perhaps the threat of recall was a factor in deterring these subjects from becoming more confirmed offenders.

When their responses to the questions outlined above were considered, it seemed that all of the ten subjects in the conducive subsample who avoided recidivism as predicted had deliberately avoided some form of behaviour or situation for fear it brought them to the attention of the police or the Parole Board. Most of them were

more careful about the company they kept or the places where they socialised while they were on licence in case they were drawn into a fracas or a breach of the peace. However three of them mentioned considering and then deciding against committing a specific crime or offence, in particular, driving without a licence, shoplifting and selling drugs. When asked how they felt at the end of the licence period, all but two of the ten subjects stated that they had felt relieved or more relaxed when their sentence finally ended and the recall liabilities were removed but only one subject celebrated this event. Only four of these subjects believed that they were likely to change their behaviour in some way now that the licence period was over but none of their responses suggested that lifestyle would change in any significant way: two of them mentioned feeling able to defend themselves against a physical assault if they needed to, one mentioned returning to driving and the other mentioned socialising in busy pubs and clubs. However, again this indifference to the termination of the licence may not have been the consequence of a lack of concern about the earlier recall liabilities. Instead it seemed that by the end of the licence period some subjects were happy to maintain the habits and lifestyle which they had become accustomed to during the licence period. One subject explained that over the period of his licence he had learned how to think the consequences of his behaviour through before acting and that he would retain this habit. Another explained that, now that he had found work, he had less time and less inclination to offend. It is also likely that, having made progress in resolving offending-related problems and establishing material security, some subjects also felt that they had invested too much in their future during the licence period to jeopardise it by reoffending. Frank

who, as described elsewhere, made considerable progress in addressing a drug habit and in securing employment and accommodation and Lee who, after a difficult start on release, managed to re-establish his relationship with his partner and children, both stated during the final follow-up interview that they did not want to risk jeopardising their progress by a return to their previous lifestyles. Perhaps it was not surprising then that most of the subjects who avoided recidivism during the period of their licence felt that their lifestyles were unlikely to change when the licence terminated. Their resolve to continue to behave as they had during the licence period could actually be a function of the disciplinary impact of parole rather than of an indifference to the recall liabilities.

While all of these ten subjects had consciously avoided certain circumstances and behaviour, it did not always follow that they would have been likely to reoffend even if this had not been the case. Deciding against selling drugs was a clear indication that the threat of recall had been an effective deterrent, but avoiding certain social situations was not. Besides considering their *a priori* risk of recidivism at the time of release, the only other method of determining whether or not recidivism might have been likely without the threat of recall was to consult the subjects themselves at the end of the licence period. During the final follow-up interview, subjects were therefore asked if they thought that they would have reoffended if they had not been subject to the threat of recall. Although consistent with their *a priori* risk of recidivism, four of them believed that they were never likely to reoffend whatever the conditions of their release, the remaining six subjects believed that the threat of

recall had made a difference to their risk of recidivism. The responses to this and earlier questions suggested that the threat of recall had deterred these subjects not only from minor offences, such as shoplifting and recreational drug abuse, but also from more serious crimes such as drug dealing and assault.

The recidivists in the conducive subsample

The results of the interviews with the subjects in the conducive subsample who avoided recidivism suggest that the threat of recall was effective in deterring some of them from reoffending. However, if this is an effective mechanism for reducing the risk of recidivism, how can we account for the recidivists in this subsample? As Table 6.1 showed there were four subjects in the sample who reoffended despite being exposed to the type of context which should have made the threat of recall an effective deterrent to recidivism; they understood their recall liabilities and found the experience of custody unpleasant (or at least more unpleasant than release on licence). Each of these subjects also reoffended despite having a low, very low or medium low risk of recidivism. In this section the circumstances surrounding these subjects' release will be considered in an attempt to explain why the threat of recall did not, in these cases, operate as an effective deterrent.

Unfortunately, the circumstances which contributed to Alex's alleged return to offending could not be examined at interview because he claimed that the accusations against him were false. He had been charged with assault only three

months before his licence was due to terminate (over two years after his release on parole). He was remanded in custody and shortly after this the Parole Board issued an order for his recall. He claimed that he had been the victim of a local police campaign to see him returned to prison. While it was not possible to discuss his reasons for the alleged offending, it was possible to discuss his attitude to the threat of recall. He explained that although the risk of recall to custody had impacted on his behaviour during the first six months of his licence, thereafter it had rarely crossed his mind and his behaviour had returned to normal. The deterrent impact of the threat of recall is likely to diminish over the course of the licence period for a number of reasons: firstly parolees may begin to take their freedom for granted; secondly, reduced contact with supervising officers during the later stages of the licence period means that the parolee has fewer reminders of his status and thirdly, because the parolee is liable only to serve the outstanding portion of his sentence, the severity of the penalty for reoffending reduces as the date on which the sentence expires approaches.

In two of the remaining three cases, the return to offending followed an important set back in the subject's progress. Nick's case has already been described in detail in Chapter Five. He was a first offender with a very low risk of recidivism and he had a law-abiding, supportive family to return to on release. However, he found it difficult to readjust after his experience of imprisonment and the employment which his supervising officer had secured for him brought him into contact with other ex-prisoners and the type of violent subculture he experienced in prison. As a result he

experienced a sense of alienation from conventional culture. However, the most important upset was the imminent death of a very close family member. These difficulties manifested themselves in the return to drug abuse (which had begun during Nick's period of imprisonment). Long before the incident which resulted in his arrest occurred, Nick had sensed a deterioration in his mental state and believed that his return to custody was inevitable. Eventually, five months into his licence period, he committed a foolish, but potentially very serious act, while under the influence of drink and drugs and was arrested and then recalled to custody. When asked if he had considered the prospects of recall, Nick explained that he not been thinking clearly at the time of offence. Although he was an intelligent person who had displayed a good deal of insight about his circumstances during interview, he believed that his ability to consider the consequences of his behaviour had been impaired by the psychological pressures he was facing. Mark also attributed his recidivism to a personal set back, a deterioration in his mental state and drug abuse. He had received his index conviction for assault and robbery. This and his previous pattern of offending was linked to serious long-term drug abuse which itself seemed to be brought on by depression. He had previous convictions for drug related and acquisitive crime and had served previous custodial sentences as a young offender and as an adult. He had a probability of reconviction of 36% and believed that there was no chance of him returning to offending within a year of his release. He was therefore classified as a medium low risk offender. He returned to live with his parents on release and after an unsuccessful attempt to find employment, resorted to self-employed work. Initially he managed to avoid returning to drug abuse but,

approximately six months after release, his circumstances started to deteriorate. The equipment which he needed for his business was stolen and, because of this set back, he sunk into a depression which in turn led to his return to heroin abuse. His inability to earn a living meant that he eventually had to resort to offending to fund this drug habit and nine months from release he was recalled to custody for theft. When asked, Mark explained that his only concern at the time of his offence was to purchase drugs and that his return to offending was the consequence of a chain of events over which he had no control. Although he had not wanted to return to custody, he believed that his circumstances had been a more powerful force in dictating his behaviour than the prospects of recall and that only by receiving help with his drug problem would his recidivism have been avoided. It seems that both Nick and Mark had simply resigned themselves to a return to custody. The set-backs in their personal lives had reduced the incentive to remain in the community and they had given up on their efforts at reintegration.

Finally, Jeff's recidivism was simply a calculated effort at material gain. He received his index conviction for the possession of drugs with intent to supply. He had a long history of previous convictions not only for drug-related offences but also for violence and dishonesty and had been addicted to heroin at the time of his conviction. Although this was his first custodial sentence as an adult, he had served prison sentences as a young offender. He had a 43% probability of reconviction and believed that there was probably no chance of him reoffending within the year. On release he returned to live with his wife and children and went straight back to drug

dealing. Although he had been offered work in the legitimate trade for which he was trained he believed that earning a living through drug dealing would be easier, particularly since he already had the capital and the contacts he needed (his continued involvement in the drug trade during his term of imprisonment meant that he left prison with more money than he had when he arrived). Initially, he had intended to deal only until he had made enough money to buy a home for him and his family in a better area. However, even after this home was purchased, his wife encouraged him to continue drug dealing to make more money. He admitted that, after discovering how much money he could make, both he and his wife had become greedy and he believed that the financial benefits of his involvement in drug dealing were simply too great to give up. He was not deterred by the prospects of being caught and returned to prison because he thought that he would always be one step ahead of the police and that for this reason the benefits of crime outweighed the risks involved. Six months from release, he was charged with a drugs-related offence and recalled.

Conclusion

The comparison between progress on release and *a priori* risk of recidivism among the subjects for whom the context was conducive to the deterrent impact of the threat of recall, suggested that this could be a mechanism responsible for reducing the risk of recidivism; there was a high proportion of desisters and a high proportion of subjects who coped better on release than predicted in this subsample than in the

unconducive subsample. However, there was also a higher proportion of subjects who performed worse than expected in this subsample and when the circumstances and attitudes of the subjects in the conducive subsample were examined, it seemed that not all of those who had avoided recidivism attributed this to the prospects of recall. Among the four subjects who managed to avoid recidivism despite having a relatively high *a priori* risk, three believed that they would have avoided recidivism even if they had not been subject to these recall liabilities. Although the prospect of a return to custody at some point had deterred them from reoffending, their progress could perhaps be better explained using Cusson and Pinsonneault's concept of 'delayed deterrence'; their cumulative experience of serving several custodial sentences had persuaded them to change their lifestyles not just to avoid serving the outstanding portion of their sentence but to permanently avoid attracting new custodial sentences in the future. By considering the progress of the subjects who had a lower *a priori* risk, it was possible to consider whether the threat of recall would be any more instrumental in deterring recidivism among those who had not acquired the cumulative experience of custody and for whom the costs of recidivism may not otherwise have appeared so great. All of these subjects indicated that the threat of recall had influenced their behaviour in some way and most of them believed that it had deterred them from committing a new crime or offence. However although these subject's own responses suggested that the threat of recall had been effective in deterring recidivism, it was not possible to substantiate these accounts with any objective measure of change in risk. The circumstances surrounding the few cases of recidivism in the conducive subsample were probably more instructive in

assessing the impact of the threat of recall. These few cases suggested that personal circumstances were far more instrumental in determining progress than the conditions of the release licence. Although the findings presented in this chapter do not provide any convincing evidence that parole works to reduce the risk of recidivism by increasing the certainty and severity with which parolees will be punished if they are caught reoffending, the interviews with many of subjects did suggest that they were rational calculators. Many parolees in the sample (particularly those with long offending histories) did appear to weigh up the consequences of further offending. If so, an increase in the prospects of being caught reoffending should also help reduce the risk of recidivism. The purpose of the next chapter is to consider whether parole might also work because the regular supervision from the social work department increases the likelihood that reoffending will be detected.

CHAPTER SEVEN: SOCIAL WORK SUPERVISION

Introduction

Deterrence theory has it that offenders can be dissuaded from offending by the prospects of attracting a legal sanction where the likelihood as well as the severity of punishment are sufficiently high. For prisoners who are released under the conditions of the parole licence, both the severity and the certainty of the punishment they will receive if they are caught reoffending is determined by their recall liabilities. These liabilities ensure that they are automatically returned to prison to serve the outstanding portion of their sentence. The impact of this prospect of recall was examined in the last chapter. However, if this threat of recall is to inhibit recidivism, parolees must know, not only that the power to recall will be invoked in the event of recidivism, but also that there is a realistic prospect that they will be caught reoffending. Indeed, changes in the *risk* of punishment are generally thought to have more impact on the decision to offend than changes in the *severity* of punishment. A recent comparison of crime trends in United States and England and Wales appeared to demonstrate a relationship between the probability of punishment (particularly imprisonment) and crime trends. The comparison, which was conducted by Langan and Farrington¹, revealed that since the early 1980's, overall crime rates have generally fallen in the US but risen in England and Wales. While there was little change in the length of time which offenders served in custody over the period

¹ Langan, Patrick & Farrington, David (1998) *Crime and Justice in the United States and in*

in which these changes occurred, the risk of being caught, convicted and imprisoned increased in the US and decreased in England and Wales ². Although the assumption of a causal relationship between the risk of punishment and the rate of crime has been contested³, if there is such a relationship, it follows that the supervisory element of the parole licence may help to reduce the risk of recidivism by increasing the risk that a return to offending will be detected.

Maguire and Raynor's study of the automatic conditional release (ACR) system in England and Wales suggests that the supervising officer's role in monitoring the behaviour of ex-prisoners may indeed help to reduce the risk of recidivism. As explained in Chapter One, the ACR system replaced early release on parole for prisoners serving sentences of between one and four years. Under this system these prisoners are automatically released at half sentence and, in England and Wales, are supervised for half of remaining time they spend in the community. They also remain 'at risk' of being returned to prison to serve the outstanding portion of the sentence until the full sentence expires ⁴. One of the many objectives of Maguire and Raynor's study was to consider the effectiveness of this system. Their study focused on five probation areas in England and Wales and involved interviews with offenders, probation officers and other criminal justice practitioners as well as

England and Wales, 1981-96. Washington: U.S Department of Justice.

² With regard to all types of crimes and offences except murder.

³ See Smith, David, J. (forthcoming) 'Less Crime Without More Punishment' Inaugural Lecture. *Edinburgh Law Review*. Smith argues that Farrington and Langan mistook the direction of causality (that the criminal justice system's capacity to detect, prosecute and imprison offenders is driven by crime trends rather than vice-versa) and that patterns of crime and punishment in other jurisdictions do not support their conclusions.

⁴ Although a similar ACR system operates in Scotland, there is no supervision element. The only prisoners serving under four years who are supervised on release are those who, at

analysis of case files. Interviews with probation officers responsible for supervising prisoners released via the ACR system suggested that supervision rarely focused on addressing the causes of offending⁵ and instead was primarily concerned simply with monitoring adherence to the conditions of the licence⁶. Although most (30) of the 42 licensees who were interviewed for the study at the end of their licence period, believed that supervision had not restricted their behaviour in any significant way, 12 of them thought that it had stopped them from reoffending. It is possible that parole supervision may be even more effective in reducing the risk of recidivism than the supervision imposed under the ACR scheme. Firstly, as Maguire and Raynor point out, the deterrent effect of ACR supervision may have been reduced because breach proceedings were initiated in so few cases and, when they were, the police tended to execute warrants only where clients were arrested on other matters. Perhaps the discretionary nature of release on parole means that the Parole Board is far more stringent with regard to the recall of parolees. Secondly, unlike prisoners released under the ACR system, those released on parole must consent to the conditions of their licence before being awarded early release. It is possible then that they would maintain more frequent and regular contact with their supervising officers than would ACR licencees.

While the responsibility for the detection of crime rests firmly with the police,

time of sentence, are made subject to a supervised release order.

⁵ Probation officers explained that the licence period was too short to engage with clients in this way and, because supervision had not been consented to, client's motivation to work with probation officers was often low.

⁶ Maguire, Mike, Peroud, Brigitte, & Raynor, Peter (1996) *Automatic Conditional release: The First Two Years*. London: Home Office

monitoring the law-abiding resettlement of the parolee is also recognised as an important function of social work supervision. The most up-to-date version of National Standards for Throughcare identifies one of the primary objectives of supervision as being to ensure that offenders released on statutory supervision adhere to the conditions of their licence⁷. An important reason for introducing the National Standards was to reassure penal decision makers and the public that appropriate controls would be in place and that any risk which parolees presented to the public could be minimised if their progress was strictly monitored. The Carlisle Report also recognises the supervising officer's role in providing oversight and control and states that supervision: "provides a framework for exercising a measure of control over where [the ex-prisoner] lives and how he spends his time so as to reduce the risk that he will lapse into his old ways"⁸. The primary method of providing this oversight are the regular meetings between supervising officers and parolees. These meetings provide an opportunity not only for supervising officers to engage with parolees in addressing offending-related problems and other difficulties in resettling but also to ensure that they are kept informed of the parolee's circumstances and progress. There are two ways in which supervising officers can monitor progress in law-abiding resettlement during these meetings. Firstly, it is possible that supervising officers may observe evidence of reoffending during meetings with parolees. For example, observing a parolee under the influence of drugs when he or she reports at the social work office would be evidence of a breakdown of control. Even the

⁷ Scottish Office Social Work Services Group (1997) *National Objectives and Standards for Social Work Services in the Criminal Justice System*. Throughcare Standards. Paragraph 158.

⁸ The Carlisle Committee (1988) *The Parole System in England and Wales: Report of the Review Committee*. Cmd. 532 London: HMSO Paragraph 248.

failure to report for regular supervision meetings might suggest that the parolee is experiencing problems. Secondly, it is possible that, in their own account of their progress, parolees may disclose a return to offending during these meetings. While it may seem unrealistic to expect parolees to deliberately disclose this type of information, most of the subjects in the sample confirmed that their supervising officers did inquire about their adherence to the licence conditions and, in response, some claimed to have disclosed reoffending. It is also possible that, beyond their regular contact with parolees, supervising officers may obtain information about a return to offending through another source. Liaison with the local police may, for example, help to keep the social work department informed of suspicions about the activities of parolees under their supervision.

It is also possible that the supervising officer's involvement may exert some control over the lives of parolees in other less direct ways. It has already been suggested in the last chapter that the frequency of meetings between parolee and supervising officer in the earlier stages of the licence period may help to remind parolees of their recall liabilities and the penalties associated with a return to offending. The requirement to report to a supervising officer at a certain time and place also means that parolees must remain sober and well presented for a few hours every week. This together with the fact that they must be able to provide their supervising officer with a coherent account of their activities may encourage them to take a more disciplined attitude to their lifestyle. Finally, having a supervising officer take an interest and a stake in their lives may help to give parolees the motivation to succeed on licence.

Perhaps some avoid the return to crime to prevent disappointing their supervising officers. While these methods of control could also be mechanisms through which parole might work to reduce the risk of recidivism, this research project was not designed to test for their operation. Instead the purpose of this chapter is simply to consider the supervising officer's role in detecting a return to offending. The aim is to assess whether the knowledge that a supervising officer is monitoring and recording progress, either during regular supervision meetings or via a secondary source, may discourage parolees from breaching the conditions of their parole licence and, in doing so, reduce the risk of recidivism.

Perceptions of the risk of detection

In this chapter, the issue of whether supervision from the social work department does increase the chances that recidivism will be detected is largely irrelevant. Instead, what is important is that the parolees themselves believed that supervision might increase this risk. As Pawson and Tilley point out, social interventions are not forces to which subjects passively respond. Rather, they bring about a change in behaviour by altering the perceptions, attitudes and ultimately the reasoning of individuals. Supervision would therefore work to reduce the risk of recidivism if and only if parolees perceived that it could increase the costs of crime. The essential task in the chapter then is to determine whether and which subjects in the sample believed that the supervision which they received was likely to increase the risk that a return to offending would be detected.

During the first follow-up interview subjects were asked if they believed that their supervising officers were likely to discover a return to offending through any of the means outlined above. The extent to which subjects would be deterred from reoffending would depend on their perceptions of the risk that their supervising officer would detect them of committing an offence which they might otherwise consider committing. Subjects were therefore first asked if there was any type of crime which they might have been tempted to commit in the years following their release from prison. Next, they were asked to consider the chances of their supervising officer discovering they had committed that crime. Those who claimed that they would not be tempted to reoffend were prompted into assessing the prospects that their supervising officer could detect a return to the same type of crime for which they received their index conviction. Since this was a crime which they had committed in the past, it was possible that they would be tempted to return to this type of offending in the future⁹.

The prospects of supervising officers observing reoffending or evidence of reoffending

Only one of the subjects in the sample believed that there was a chance that his

⁹ These questions were not put to the first subject who was re-interviewed in the community. Instead this subject was simply asked 'What are the prospects of you being caught breaching the conditions of your licence?' This question was replaced by more systematic questions about the supervising officer's role in detecting recidivism only after this first interview had taken place. However some attempt was made to measure this subject's estimation of these risks later in the follow-up period. The only other subject to whom these questions were not put was the subject who was recalled before the first follow-up interview was due to take place.

supervising officer might catch him in the act of reoffending. He believed that there was a chance that his supervising officer would arrive at his home unannounced and find he and his friends consuming drugs. While none of the other subjects believed that their supervising officers were likely to observe a return to offending, five of them acknowledged that they might detect clues of illegal behaviour. One subject explained that his supervising officer had already quizzed him about bruising to his face and suggested that these bruises might be construed as evidence of his involvement in violence. Two subjects believed that, if they returned to serious drug dependency, there was a chance that their supervising officers would observe them under the influence of drugs either during a home visit or during a meeting at the social work offices. Another subject believed that his return to alcohol abuse might also become obvious during these meetings and that this might provide a clue of a return to offending. Finally, a fifth subject believed that his material status would provide clues of his involvement in crime.

The remaining subjects in the sample believed, at least during the early stage in their licence period, that there was little or no chance of their supervising officers observing their involvement or clues of their involvement in crime. Some commented that they would have to be very careless to allow their supervising officers to detect recidivism and others that the frequency of contact between them and their supervising officers ensured that the risks of detection were very slim. Despite this early confidence, towards the end of the licence period some of these subjects did recognise that their supervising officers may have detected evidence or

clues of recidivism. Some of these subjects accepted that they had become careless in their contact with their supervising officers and, in doing so, had aroused their suspicion. For example, one subject reported for an appointment with his supervising officer while he was under the influence of cannabis. When his supervising officer confronted him, he denied that he had consumed drugs and no action was taken. Beside the subject who had acknowledged in the early stages of his licence that his material status would provide clues to recidivism, there was another subject who realised by the end of the licence that he had probably aroused suspicion in a similar way. As he explained: "I don't know if my parole officer did know about my drug dealing but he might have. There were plenty of clues, like designer clothes and cars". Although it would not necessarily have suggested that he had returned to crime, another subject admitted that they had reported for a supervision meeting under the influence of alcohol and that his supervising officer had remarked on his condition. Although these subjects may have recognised that their presentation during supervision meetings had aroused suspicion and could ultimately have increased the risks of recall, their earlier responses suggested that they only became aware of this risk during the latter stages of their licence period. Since for most of the subjects in the sample, patterns of behaviour were set within the first few months of release, it is unlikely that this recognition would have had any impact on their risk of recidivism.

The prospects of subjects disclosing recidivism

The question about the prospects of subjects deliberately disclosing information to supervising officers was, not surprisingly, received with much amusement. Most of the subjects stated that they would not intentionally disclose a return to offending to their supervising officers. Instead they believed that they would simply lie about their activities if asked. Three subjects, however, claimed that they might disclose information about reoffending if they believed that their supervising officers would find out about it through another source or, in the case of drug abuse, if it would be difficult to conceal their involvement during supervision meetings.

The subjects' account of their experiences of supervision later in the follow-up period tended to confirm that an important objective of supervision had been to monitor adherence to the licence conditions. Most (15) of the 25¹⁰ subjects who were asked during the first follow-up interview, stated that their supervising officers had at some point asked them if they had reoffended. Also, when subjects were asked during the mid-licence interview what, in their experience, the main function of parole supervision had been, just over half of them replied that it had been to monitor progress. Consistent with their responses earlier in the follow-up period, most subjects claimed that, by the time of the mid-licence interview (or in the case of

¹⁰ One subject could not be asked because he was recalled before this interview and another had not yet met with his supervising officer since his release.

those who had been recalled, by the time of the post-recall interview), they had lied to their supervising officers about some aspect of their situation or behaviour. Of the 15 subjects whose supervising officers had asked about their adherence to the conditions of their licence, nine claimed that by this stage they had lied to them. Although two of the subjects who returned to serious drug abuse, and eventually to other forms of offending, did disclose their drug abuse to their supervising officers before it became obvious, the other recidivists in the sample concealed their activities from their supervising officer. One of these subjects had even concealed a re-arrest and another had concealed the fact that the police had searched his home. Even where a close supportive relationship had developed between subjects and their supervising officers, they were still able to conceal some important information about their progress. One of the subjects who had received valuable drug counselling from his supervising officer and another who had received alcohol counselling both lied about the extent of their substance abuse. In both cases the subjects were worried that, if they disclosed true levels of abuse, their supervising officers would over-react. The problems associated with the parole officers dual role in monitoring adherence to the licence and providing support and help were discussed in Chapter Five.

The prospects of supervising officers obtaining information about recidivism from a third party

Five subjects believed that it was possible that their supervising officers could find

out about their return to offending from a source other than themselves. Two of these subjects believed that the local police might be keeping their supervising officers informed of their activities or of any suspicions about their activities. Another two subjects explained that because a supportive relationship had developed between their parents and their supervising officers, it was possible that their parents might discuss their concerns about a return to offending. Finally, another subject believed that his supervising officer had gained information about his activities from other social work clients. Although some of the remaining subjects accepted that the police would inform their supervising officers of recidivism, they believed that this information would be passed on only in the event of them being charged or convicted with a new crime or offence. Given that the Scottish Office would also be informed in these circumstances, their responses did not suggest that they believed their supervising officers would have any role in increasing the risks of recall.

In summary, one of the subjects in the sample believed that his supervising officers was likely to directly observe him committing a crime and six subjects believed that their supervising officers might detect clues to their return to offending by observing their behaviour or condition during supervision meetings. Although none of the subjects believed that they were likely to disclose information about a return to offending which their supervising officers would not otherwise discover, there were five subjects who thought it was possible that their supervising officers might find out about a return to offending through a secondary source. There were therefore 11 subjects in the sample who, within the first few months of their release, believed that

the involvement of a supervising social worker could in some way increase the risk that a return to offending would be detected and reported to the Parole Board.

The relationship between perceptions of detection and progress on release

The relationship between perceptions of the risk of detection and recidivism was examined by considering the progress of the subjects who believed that their supervising officers could have some role in detecting offending. However, before their progress was examined, it was important to ensure that each of these subjects considered the threat of recall to be a valid and credible punishment. Obviously, an offender's perceptions of the *risk* of detection will reduce his propensity to reoffend only if he fears the *consequences* of detection. Among the subjects in this sample, the notion that their supervising officers could detect a return to offending would reduce the risk of recidivism only if they had internalised the threat of recall as a deterrent. The context in which this would have been the case was examined in the last chapter. It was explained that the prospects of recall would concern subjects only if they believed that the power to recall would be invoked if recidivism was detected and if the prospects of a return to custody represented an unpleasant alternative to life in the community. All that remained then, was to ensure that each of these 11 subjects was identified as being among those for whom the threat of recall would have been a realistic deterrent. A review of the investigation conducted in Chapter Six revealed that, for two of these subjects, the penalty of recall may not have represented a sufficient deterrent to recidivism. One of these subjects

underestimated the Parole Board's power to recall and assumed that he could be recalled to custody only if he attracted a new conviction for an indictable offence. Although he recognised that his material status would provide his supervising officer with clues of his return to offending, he did not believe that her suspicions would be sufficient to instigate recall procedures. He would not have been aware then that the role of his supervising officer could have increased the risks of recall. With regard to the second subject, his response at interview suggested that his experience of imprisonment (relative to his experience of the parole licence) may not have been unpleasant enough to deter him from recidivism. In his case, the prospect that his supervising officer would suspect a return to offending and instigate recall procedures was unlikely to concern him. This left only nine subjects among whom there was a realistic prospect that their perception of an increase in the risk of detection could reduce their risk of recidivism.

As before, the progress of these nine subjects was examined by comparing their *a priori* risk of recidivism with an account of offending on release. If their supervising officer's role did reduce the risk of recidivism by increasing the perceived risk of detection, then none or at least very few of these subjects should have reoffended and at least some of them should have been more successful at avoiding recidivism than their *a priori* risk predicted. The progress of the subjects is summarised in the table below. For comparative purposes the progress of the remaining sample is also shown.

TABLE 7.1: Progress of subjects for whom the context was conducive/unconducive to the mechanism of social work supervision.

	Desisters: Progress as expected	Recidivists: Progress as expected	Desisters: Progress better than expected	Recidivists: Progress worse than expected	TOTAL
Conducive subsample	2 (22%)	-	2 (22%)	5 (56%)	9 100%
Unconducive subsample	10 (59%)	5 (29%)	2 (12%)	-	17 (100%)
Full sample*	12 (46%)	5 (19%)	4 (15%)	5 (19%)	26 100%

*Excluding the one subject to whom the questions about his perception of the risk of detection could not be put before his return to custody.

Table 7.1 shows that there was a return to offending¹¹ among over half of the subjects who believed that their supervising officer's role might increase the risk of detection (and who feared the prospects of that detection). As a result, there was a much higher proportion of recidivists in this subsample than there was in the remaining sample. Although this subsample contained a slightly higher proportion of subjects who performed better than expected, it also contained a much higher proportion of those who performed worse than expected. There was therefore no evidence that the supervising officer's role in increasing the perceived risk of detection was associated with a reduction in the likelihood of recidivism. Indeed, if we were to apply successionist logic, these results might suggest that an increase in the perceived risks of detection actually *increased* the likelihood of recidivism. However, perhaps a more accurate way of interpreting these results would be to suggest the opposite direction of causality. That is to say that it was the subjects' return to offending which increased their perceptions of the risk of detection. It

¹¹ As explained in the methodology (Chapter Four), for the purposes of this study petty offending such as drug use and petty assault was not defined as recidivism.

would be logical to expect that the subjects who had returned, or were considering a return, to offending at the time when their perceptions of the risk of detection were tested, would have given more thought to these risks than those who had no intention of reoffending. Those who had already weighed-up the risks of recidivism would have been more inclined to identify them at interview. This may help to explain why the largest difference between the conducive subsample and the full sample was in the proportion of subjects who desisted from offending as predicted. When asked during the first follow-up interview, very few (two out of 12) of these subjects could think of a type of crime which they might be tempted to commit in the years following their release. If these subjects had little or no intention of offending on release then it follows that they would have given little or no prior thought to the risks associated with recidivism.

The experience of supervision

That so few subjects believed that their supervising officers were likely to detect a return to offending is probably a consequence both of the level of supervision which the subjects received and their attitude to the role of their supervising officers. During the first months of release, the subjects' experiences of supervision would have helped them to weigh-up the risks associated with a return to offending. These early experiences and some of the attitudes which the subject formed later in the licence period may be worth considering.

The frequency of contact between supervising officers and parolees is prescribed in the National Standards relating to though-care supervision ¹². These Standards state that offenders subject to statutory supervision must meet with their supervising officer within one working day of their release from prison. Within the first month of the licence period, there should be at least weekly contact, during the rest of the first three months, contact should be at least fortnightly and between four to six months from release there should be monthly contact. Thereafter the frequency of contact is left largely to the discretion of the supervising officer. However, the Scottish Office Home Department does expect that parolees will continue to be supervised until the date on which their full sentence expires. The account of the supervision which they were receiving suggested that, during the first three months of their licences, most of the subjects in the sample were supervised within the framework set out in the Standards. All of subjects were interviewed in the community within three months of their release, at which time almost all of them were meeting with their supervising officers either weekly or fortnightly ¹³. Very few (seven) subjects reported spending any more than 30 minutes with the supervising officer during their meetings. It would have been perfectly easy then for any of the recidivists in the sample to have presented an illusion of conformity during the short period of time which they spent with their supervising officers. Even the one subject who had more frequent contact with his supervising officer (two or three meetings

¹² The Scottish Office Social Work Services Group (1991) *Op.cit.* Paragraph 71.5.

¹³ The remaining subject explained that, although a meeting between him and his supervising officer was due to take place the following week, this was the first appointment which had been scheduled during the 8 weeks since his release. He believed that, given his status as a first offender who had a good job and home to return to, his supervising officer had accurately classified him as a low risk and a low priority for intervention.

per week) and had a daily drug dependency, believed that he could conceal his drug use from him by scheduling these meetings early in the day before his drug consumption became apparent.

The National Standards also require supervising officers to make at least one visit to the parolee's home address during the first three months of the licence period. Although the National Standards do state the purpose of these visits, a visit to a parolee's home would be far more instructive than a meeting at the social work offices. It may be an opportunity to observe material status, the quality and nature of relationships and any involvement in criminal subculture. Although most (23) of the subjects in the sample reported receiving at least one home visit from their supervising officer and most reported regular home visits, these were always scheduled in advance. Even subjects who received regular visits could have concealed incriminating behaviour and circumstances on these occasions.

The frequency of supervision during the latter stages of the licence period left most of the subjects even more free to offend. By the time at which the mid-licence interview took place (in most cases just over a year from release) only one of the subjects in the sample had met with his supervising officer more frequently than once a month. Although most (11) of the remaining 21 subjects met with their supervising officers monthly, some met only once every two or three months. At this stage in the follow-up period, there were three subjects whose contact with their supervising officers had ceased altogether. In each of these cases, the subjects' last

meeting with their supervising officers had taken place five months, six months and ten months after release. During the last year of the licence period, most subjects continued to see their supervising officers either monthly or three monthly. However one subject claimed to have seen his supervising officer only once every six months during this last year and another explained that, 15 months from release, his supervising officer had agreed that supervision would no longer be necessary. There were therefore four subjects in the sample whose supervision was terminated prematurely. Although one of these subjects had been classified as having a low *a priori* risk of recidivism and was coping well with his return to the community, the same could not be said of the other three. Two of them were classified as being at risk of recidivism and, although a low risk of recidivism, the other was experiencing some problems resettling and had been tempted to return to offending (the case of this subject, Lee, was discussed in Chapter Five).

While in Lee's case, the lack of supervision during the last year and a half of his licence period seemed to have been the results of an administrative error, in the remaining three cases it may have been the consequence of a misunderstanding about the conditions of the non-parole licence. As explained in the last chapter, parolees remain subject to the parole licence only until the two-thirds stage in their sentence. Thereafter, they served the remainder of their sentence under the mandatory non-parole licence. Although the conditions of the non-parole licence are now the same as those of the parole licence, prior to the introduction of the Prisoners and Criminal Proceedings Act, supervision ended when the parole licence terminated. Many of the

subjects in the sample expected their supervision to end on their two-thirds date and some of them explained that their supervising officers also believed that this would be the case. While this misunderstanding was usually resolved on or before this date, it is possible that some supervising officers mistakenly assumed that supervision was no longer a statutory requirement during the latter part of the sentence.

Some of the subjects in the sample were very cynical about their supervising officer's role in monitoring their adherence to the licence conditions. Some felt that they did not want to hear about a return to offending unless it was likely to bring them to the attention of the police. One of them believed that his supervising officer wanted to hear only about incidents in which the police had become involved and had not therefore volunteered information about offending which had gone unnoticed by the police. A similar response from another subjects was; "I think it's case of - if he doesn't hear anything bad about me then he's happy. " Some believed their supervising officers asked about reoffending, not because they genuinely wanted to be informed of recidivism, but instead to ensure that they could not be accused of failing in their responsibilities. They believed that, provided their supervising officers asked the relevant questions and were given favourable and credible answers, then supervision had fulfilled its role. One subject accused his supervising officer of checking his adherence to the conditions of his parole licence simply as means of 'covering himself' and commented; "It's all just a paper exercise". Another subject claimed that his supervising officer had explained that

provided he (the subject) told him what he wanted to hear then there would be no problems and another stated; "I think my parole officer is confident in me but I don't think she's really that bothered. Most of the time I get the feeling she just wants to get me out of the office as quickly as she can." Two of the subjects who had been involved in serious offending during the licence period believed that their supervising officers suspected them of recidivism but were prepared to turn a blind eye. As already explained, Jack had been careless about revealing the material rewards of his involvement in crime due to a misunderstanding about his recall liabilities. The type of questions asked by his supervising officer and the frequency of reporting to which he was required to adhere suggested to him that she suspected him of reoffending. Although he dealt with these suspicions by claiming that his parents could afford to support him, he acknowledged; "She knows I'm pulling a fast one but so long as I give her an 'out' [a credible explanation] then she's happy because she can cover her back". Jeff, whose case was also discussed in Chapter Six, had similarly aroused the suspicion of his supervising officer through his material status. Again he had claimed that his parents were a source of financial support and believed that, provided his supervising officer asked the appropriate questions and was given a credible explanation, she would not instigate recall proceedings.

The relationship between parolees and the police

Beside the involvement of a supervising officer, there was another way in which the

subjects' status as parolees was perceived as increasing the risk of detection. It emerged during the follow-up period, that some subjects believed that being on parole had an important impact on their relationship with the local police. Two subjects described how, when they learned of their status as a parolee, the police had become more vigilant or more likely to press charges against them than would otherwise have been the case. One of these subjects had been approached by the police shortly after his release and warned that his activities would be closely monitored during his licence period. The other believed that he had been charged with a breach of the peace only because the police officer concerned had discovered that he was on parole (this charge was later dropped). Three subjects believed that the police were even inclined to fabricate evidence of offending to secure their return to custody. Although two of these three subjects did not experience any difficulties with the police during the follow-up period, others had warned them that they would be vulnerable to this type of treatment. In both cases, the subjects had deliberately avoided walking the streets alone late at night in case the police stopped them. The third subject however claimed that he had been the victim of police antagonism when he was charged with a crime he did not commit shortly before the end of his licence period. He believed that the police had used his status as a parolee to contrive his return to custody because of bad feeling between them and his family.

As already explained, these perceptions about their relationship with the police had an important impact on the behaviour of two of these subjects in so far as they avoided situations in which they would be vulnerable to unwarranted attention from

the police. It would be relevant then to consider whether these perceptions had any influence on their risk of recidivism. Unfortunately the research was not designed to allow this issue to be adequately explored. Although some of the subjects raised this issue themselves at interview, no *systematic* attempt was made to question subjects about their perceptions of their relationship with the police. As a result, information about these perceptions was available in too few cases to allow any meaningful comparison to be made between the progress of those who shared them and those who did not. While the progress of the five subjects who did describe feeling more vulnerable to police attention would not provide sufficient evidence to conclude that this had reduced the risk of the risk of recidivism, there was nothing about the progress of these subjects which suggested that it did not reduce this risk. Although one of these five subjects was classified as a recidivist, his claim that the accusations against him were false meant that his return to custody should not perhaps be taken as evidence that his perceptions about his relationship with his local police force had no impact on his risk of recidivism. Of the remaining four subjects, three avoided a return to offending just as their *a priori* risk of recidivism suggested they would and one avoided offending despite having a 49% probability of reconviction and being ambivalent about his prospects before release. These findings suggest that the impact of the relationship between parolees and the police would be worth considering in future evaluations of parole.

Conclusion

For most of the subjects in the sample, the frequency and nature of contact between them and their supervising officers did little to persuade them that supervision would increase the risk that a return to offending would be detected. The level of supervision which subjects received, particularly during the latter stages of their licence periods, left them with plenty of opportunities to offend without attracting the attention of their supervising officer. Even where their behaviour did arouse suspicion, some subjects believed that their supervising officers were simply 'going through the motions' of monitoring adherence to the licence conditions and were prepared to overlook certain forms of behaviour provided parolees gave the overt appearance of conformity. The high proportion of recidivists among the small group of subjects who believed that their supervising officer's role might increase the risks of detection suggested that this perception had little impact on their propensity to reoffend. In fact, it was possible that some of these perceptions were a function of the decision to reoffend rather than vice versa. Perhaps many of those who believed that their supervising officers might detect a return to offending only believed so because their involvement in or commitment to crime increased their fear of detection and their sense of risk.

While perceptions of an increase in attention from the police may be more effective in deterring parolees from recidivism, the supervising officer's role in detecting recidivism is probably too marginal to have any real impact on the decision to

reoffend. Realistically, the prospects of a supervising officer detecting a return to offending are likely to be too low to have much impact on the risk of recidivism. Under these circumstances, the supervisory element of the parole licence seems little more than a gimmick designed to persuade the public that the system is safe and well managed.

CHAPTER EIGHT: SELECTION BY THE PAROLE BOARD

Introduction

Unlike others forms of early release, release on parole is entirely selective. Before any prisoner can be paroled, his/her case must first be considered by the Parole Board which, after considering a dossier of reports prepared by prison staff, social workers and other professionals involved in the case, decides whether the prisoner's background, progress in custody and prospects for the future justify early return to the community¹. A study of Parole Board decision-making found that in England and Wales the decision to release was taken extremely cautiously² and in Scotland, another recent study found that risk of reoffending is the main factor considered by the Board in deciding on the release of determinate sentence prisoners³. The care which the Board takes in selecting prisoners for parole is reflected in the fact that in Scotland only 35% of all parole eligible determinate sentence prisoners were awarded parole in 1996⁴. It is possible that being recommended for release on parole may be regarded by parolees as an endorsement of their prospects on release and

¹ Although the Secretary of State also has some role in the final decision in so far as he has the power to veto any of the Parole Board's decisions to release, the Secretary of State had no power to release a prisoner on parole without first obtaining a recommendation from the Board.

² Hood, Roger & Shute, Stephen (1994) *Parole in Transition. Evaluating the Impact and Effectiveness of Changes in the Parole System: Phase One, Occasional Paper No. 13* Oxford: Centre for Criminological Research.

³ McAra, Lesley (1998) *Social Work and Criminal Justice: Volume 5. Parole Board Decision Making*. Edinburgh: The Stationary Office.

⁴ The Parole Board for Scotland (1997) *Report of the Parole Board for Scotland 1996* Edinburgh: The Stationary Office

may help to increase their confidence about the future and, in turn, improve their prospects of avoiding recidivism.

Although some attempt was made to test this notion during this research project, it will become apparent that the methods adopted were not adequate to allow any confident conclusions to be drawn. Part of the reason why the methods used in this study were not appropriate is that, during the design of the project, far more priority was given to exploring the impact of the three mechanisms of change already discussed in the preceding chapters. Although the notion that being selected by the Board might provide parolees with the encouragement and confidence they needed to avoid recidivism was considered at this early stage, it was not until the fieldwork was complete that the relevant theoretical literature was discovered. It was only after consulting this literature that this hypothesis appeared more credible and the techniques for testing it became obvious. The aim of this chapter is to introduce the theoretical perspective, to provide a tentative account of any relevant evidence which did emerge from the interviews in this study and to consider how any future research could be designed to provide a more adequate test of the relationship between selection for parole and recidivism.

Self-efficacy theory

There is a rich body of evidence within social cognitive theory which suggests that there is a causal relationship between a person's belief in their capability and their

ability to achieve a desired goal. According to self-efficacy theory, the ability to realise objectives is not just a function of the skills which people have but also of their beliefs about what they can achieve with these skills. Evidence has shown that people have more incentive to act when they believe that they can produce a desired result and these beliefs are reflected not only in their choice of objectives but also in how much effort they are prepared to expend on pursuing them. The most extensive body of literature on the subject is the work of Albert Bandura⁵. Bandura demonstrates how perceived self-efficacy affects performance by influencing thought processes, motivation and affective states. He explains that, while those who doubt their capacity to realise their goals are likely to lack motivation, give up when confronted with difficulties and to have weak commitment to their goals, those who have a strong sense of efficacy are likely to exert a high level of effort, deal effectively with challenging situations and maintain strong commitment to their goals. They are also more likely to attribute failure to a lack of effort rather than to a lack of capability. He uses evidence from a range of social spheres and refers to studies which demonstrate the relationship between efficacy beliefs and, for example, the ability to control substance addiction, overcome medical conditions and achieve vocational goals.

While there is reciprocal relationship between efficacy beliefs and past performance, Bandura explains that these beliefs can be derived independently of performance and that one of the principal sources of self-efficacy are expressions of faith by others.

⁵ See for example Bandura, Albert (1997) *Self-efficacy: The Exercise of Control*
New York: W.H. Freeman & Company

Although verbal persuasions alone will have a limited impact on perceptions of self-efficacy, they can help to bolster progress among those who already have a sense that goals may be within their reach. Again Bandura provides evidence to demonstrate how those who are persuaded by others that they possess the capacity to achieve various goals are likely to mobilise and sustain greater effort. Besides the more familiar examples of how, by instilling a sense of self-efficacy among their athletes, sports coaches are able to generate optimal performance, Bandura refers to examples in the field of academic learning. He describes the results of experiments which show that children pursuing programmes of self-directed learning were more persistent in their efforts and reached a higher level of competence when, regardless of their performance, they were given the most positive feedback on what they were able to achieve. The purpose of this chapter is to consider whether self-efficacy theory could be applied to help explain why some studies suggest that there is a relationship between parole and a reduction in the risk of recidivism.

The basic principles upon which self-efficacy theory is premised are not entirely alien to criminology. There is a strong tradition within criminology which holds that the propensity to reoffend is, in part, a response to definitions and roles which the offender perceives society has ascribed to him. According to the 'symbolic interactionist' perspective, primary or initial deviance often provokes a sequence of events which actually confirms the deviant in this role. The symbolic interactionist perspective is based on the notion that people lack a clear knowledge of what their role is and what they can accomplish in life and that their perceptions are continually

redefined each time they encounter a new situation and experience. Downes and Rock⁶ explain how cues in the process of definition are provided mainly during interaction with others and essentially come in the form of linguistic symbols or physical expressions. In this sense then there are some important similarities between this perspective and self-efficacy theory. The focus on the process by which people become defined as deviant has highlighted how both formal and informal responses to crime actually amplify and confirm commitment to crime. The criminal justice system and the process through which it stigmatises and alienates offenders has therefore been the subject of considerable attention from the interactionists. Much of the literature on the subject has focused on the criminal trial as a process of denunciation in which the offender is symbolically set apart from society⁷. Others have focused on the impact of imprisonment and way in which the offender's physical separation from the community can have a psychological impact on his perceptions of his role within society. Even the parole system has not escaped attention from the interactionists. Lemert⁸ notes how deviance is intensified among prisoners who have been refused parole because they have been defined by the authorities as trouble-makers.

If an offender's perceptions of what he can achieve and of his role in society are shaped by his experience of being refused parole, then it is also likely that it will be

⁶ Downes, David & Rock, Paul (1998) *Understanding Deviance: A Guide to the Sociology of Crime and Rule Breaking*. New York: Oxford University Press.

⁷ See for example Rubington, E. & Weinberg, M (eds) (1987) *Deviance: The Interactionist Perspective*. New York: MacMillan

⁸ Lemert, Edwin, M. (1967) *Human Deviance, Social Problems and Social Control* New Jersey: Prentice-Hall.

shaped by the experience of being selected for parole. As Bandura explains, two of the principal sources of efficacy beliefs are experiences of success and expressions of faith by others. While being selected for parole may in part be a reflection of conduct in custody, as already noted, the Board's decision is primarily based on prospects of avoiding recidivism. McAra's study of Parole Board decision making in Scotland demonstrated that the Board assumes that these prospects can be improved by efforts at addressing the cause of offending during the term of imprisonment⁹. Prisoners can and do work on reducing risk of recidivism during their sentence either by taking part in counselling and/or vocational and educational training. The basis on which an assessment for parole was made is usually relayed to the prisoner when the Board's decision is made known and these decision letters often recognise progress in addressing offending-related problems. In this sense being selected for parole may be seen as a reflection of progress in resolving offending-related problems and could encourage the offender to continue his efforts beyond release. Even where parolees do not actively work on reducing the risk of recidivism, it is usually apparent that the Board's decision to release them is a reflection of its faith in their potential to avoid recidivism in the future. Being selected as having achieved a reduction in the risk of recidivism or as having a high potential to avoid recidivism may have an important impact on a parolee's perceptions of his abilities and prospects on release¹⁰. While a parolee's social circumstances will clearly play an important role in progress on release, according to

⁹ Downes & Rock (1998) *Ibid.* p. 36

¹⁰ Besides the recognition and encouragement which parolees received from the Parole Board, it is also possible that their supervising officers have a role in promoting a sense of efficacy by encouraging them to find solutions to problems on release.

self-efficacy theory, a person's beliefs in their own capabilities will determine how they respond to the social pressures they face. Parole may therefore work to reduce the risk of recidivism by improving their sense of self-efficacy and in doing so promote efforts and commitment to avoid a return to offending.

A realist test

To adequately test the notion that being selected by the Board as deserving early release helps reduce the risk of recidivism by convincing parolees that they are capable of avoiding a return to offending, two causal relationships must be established. First, it has to be demonstrated that being selected by the Board as deserving early release does contribute to a parolee's sense of self-efficacy. Secondly, it must be demonstrated that a strong sense of efficacy about avoiding recidivism is associated with a reduction in the risk of recidivism. During the rest of this chapter, the evidence gathered during this research project which could be used to test these relationships will be examined. As the problems associated with this evidence and the methods used to generate it become apparent, more rigorous alternatives will be suggested.

To test the first causal relationship within the realist tradition, the central task is to consider the mechanisms by which a change in efficacy beliefs could be affected and then to identify the context in which these mechanisms would and would not be triggered. As has been suggested, parole could affect a change in efficacy beliefs

among parolees either by demonstrating that their efforts at reform have been successful and/or by demonstrating that others are convinced of their abilities to remain law-abiding in the future. These mechanisms will be referred to as the 'success' and the 'endorsement' mechanisms. If the 'success' mechanism is to be triggered then parolees must have made some effort during the sentence to improve their prospects of parole. In particular they must have made some attempt to address the cause of their offending by undertaking counselling or by improving their circumstances on release through skills training, efforts to secure employment or by building a more settled domestic environment. Parolees must also recognise that the Board's decision to release them would have been taken after considering these efforts. If the endorsement mechanism is to be triggered parolees must also understand the factors which the Board consider in reaching their decision and in particular must recognise the importance of risk of recidivism. It is unlikely that being selected for release on parole would have any impact on a parolee's perceptions of their prospects of avoiding recidivism if they believed that the release decision was taken largely by reference to public opinion, pressures on prison accommodation or on just deserts considerations. Finally, if either the success or the endorsement mechanisms are to be triggered then parolees must believe that the Board is effective in selecting appropriate prisoners for release. Parolees are unlikely to perceive selection for parole as being a consequence of their own efforts to improve their prospects if they think the Parole Board is not skilled in selecting deserving candidates for parole. Similarly, the endorsement mechanism will not be triggered unless the parolee has some faith in the decisions reached by the Board. As

Bandura points out, if expressions of faith are to have any impact on efficacy beliefs then the person in whom this faith is invested must believe that person who issues them is an effective judge of character. Having identified the context conducive to the operation of each of these mechanisms, the next step is to consider whether changes in efficacy beliefs were affected in these contexts. Only after having established that changes in efficacy beliefs did follow selection by the Board in the context predicted, would the relationship between these beliefs and recidivism be examined.

Perceptions of Parole Board decision making

The first task is to consider the context which would be necessary to trigger either the 'success' or the 'endorsement' mechanisms. If selection by the Parole Board is to help promote a parolee's sense of efficacy then he must first recognise that risk of recidivism would be a central consideration in the Board's decision to release him on parole. He must also have had some faith in the Board's ability to select the appropriate prisoners for parole. The first task in a realist inquiry would therefore be to identify a subsample of subjects who recognised how carefully the Board selected prisoners for parole.

Some of the questions which were put to the subjects shortly before they were released provided an opportunity to ensure that subjects recognised that risk of recidivism was an important factor in the decision to release them. During the first

prison-based interview subjects were asked whether and why they did or did not expect to be awarded parole. They were also asked what type of factors they thought were likely to increase their prospects of being selected by the Board. McAra has demonstrated that the Board believes that the main indicators of risk of reoffending are: nature and circumstances of index offence; extent and pattern of previous convictions; progress towards addressing offending related behaviour and other underlying problems; level of personal support in the community and plans for managing time on release¹¹. If subjects recognised the importance of risk of recidivism then they ought to have mentioned one or more of these indicators as being factors which influenced the Board's decision.

As expected, most of the subjects in the sample seemed to recognise that risk of reoffending was the most important factor which the Parole Board considered when awarding parole. Twelve of the subjects mentioned some aspect of their offending backgrounds (circumstances of their index offence or their pattern of previous convictions) as being the factor which they believed influenced their prospects of parole; six of them mentioned addressing offending related-problems and one mentioned both his offending background and his willingness to undertake counselling. Another subject specifically mentioned risk of reoffending as a factor which influenced the Board's decision and another mentioned the stability of personal relationships. It could be assumed then that each of these 21 subjects had recognised that the Board's decision to release them would have been based on an assessment of their risk of recidivism. However there were two subjects in the

¹¹ McAra (1998) *Ibid.* p. 36

sample whose responses suggested that they did not appreciate the importance which the Board attached to this risk. Both of these subjects believed that their prison discipline record was the most important factor which the Board considered, one of whom was of the view that the Board automatically paroled prisoners unless their conduct in custody had been particularly disruptive. In addition to these two subjects, there were four who claimed not to know how the Board selected prisoners for parole. It could not be assumed then that any of these subjects would have felt reassured of their prospects of avoiding reoffending either through the success or the endorsement mechanism.

While most of the subjects recognised that the Parole Board considered risk of recidivism as an important factor in the decision to release prisoners, few of them believed that the Board was effective in selecting the appropriate candidates for parole. During the same interview, subjects were asked to indicate whether they agreed or disagreed with a series of statements about the Parole Board and their decision to release them, one of which was '*The Parole Board do a good job of selecting people for parole*'. Only eight subjects indicated that they agreed with this statement, nine stated that they disagreed and ten that they did not know whether the Board was good at selecting parolees. Most of those who disagreed explained that they knew of examples in which the Board had released prisoner who did not deserve parole and refused others who did deserve it. One subject commented: "You're more likely to get parole if you start your sentence as a maniac and then change. If you're okay from the start and stay that way, you've got less chance of

parole". Another criticism was that it was too easy for prisoners to lie to those who prepared reports for their parole dossier and to mislead the Board into believing that they presented a low risk of recidivism. Some of the subjects who stated that they did not know how effective the Board were in selecting parolees made similar criticisms. One of them explained that it was too easy to 'con' the Parole Board and another that the decision making process was hindered by the poor quality of information which was provided in the parole dossiers. Another subject believed that the Parole Board granted parole to everyone simply as a means of reducing the prison population and another that his faith in Board's ability to select appropriate prisoners had been tested when he heard of other prisoners who had been granted parole. Their comments suggested that these four subjects were also unlikely to be reassured of their risk of recidivism by the Board's decision to release them. The responses from some other subjects who could not say how effective the Board was in selecting parolees suggested that they had insufficient knowledge of the type of decisions the Board made to pass judgement¹².

On the basis of their perceptions of the focus and quality of Parole Board decision making, 21 subjects had to be excluded from the subsample of subjects among whom the context would have been conducive to either the success or the endorsement mechanisms. Most (15) of these subjects were excluded because they either disagreed or did not know about the Board's ability to select appropriate prisoners

¹² Two of these three subjects had been released directly from a closed prison. Because most parolees spent at least some time in an open institution before they are selected for parole, those who do not progress to open conditions have little opportunity to discover which type of prisoners are

for parole, two subjects were excluded because they were not aware that risk of recidivism was the main factor in the decision to release, and four subjects were excluded for both of these reasons. This left only six subjects, who believed that the Board's decision to release them would have centred on their risk of recidivism and that the Board were good at selecting the appropriate candidates for parole. While for each of these subjects the context would have been conducive to the 'endorsement' mechanism, a number of other factors had to be present to trigger the 'success' mechanism.

If the 'success' mechanism was to affect a change in self-efficacy, then these six subjects should have recognised that efforts at addressing the cause of offending would have been considered when the Board assessed risk of recidivism. Subjects were therefore asked during the first prison-based interview if and how they thought they could improve their prospects of being selected for parole while they were serving their sentence. In response, four of these subjects acknowledged that prospects could be improved by addressing offending-related problems, in particular by attending addiction counselling. The remaining two subjects simply mentioned staying out of trouble and avoiding discipline reports. Next the subjects were asked if they had done anything to prepare and improve their prospects of parole. Of the four who acknowledged the importance of addressing problems, each of them explained that they had undertaken some form of addiction counselling and one of other two subjects also mentioned taking part in counselling. Although the one remaining

successful in their applications for parole. It was not surprising then that these subjects found it difficult to comment on the decisions taken by the Board.

subject had attended anger management counselling, he explained that he had done so only out of curiosity rather than because he believed it was necessary. The fact he was the only subject who disagreed with the statement: *I deserved to get parole because I've earned it by making the most of my time in prison* confirmed that he did not believe that these efforts had contributed to his prospects of parole. He explained that being selected for parole was not something which he had achieved through efforts in custody but was simply a reflection of his risk of reoffending: "Parole isn't something you earn. It's supposed to be based on danger to the public which is based on circumstances like your family background".

In summary, there were six subjects in the sample for whom the context was conducive to the 'endorsement' mechanism and five among whom it was conducive to the 'success' mechanism. If these mechanisms do work to increase a parolee's sense of efficacy about avoiding recidivism then these subjects ought to have felt more confident about their prospects after discovering that they had been selected for release on parole. The next step then should have been to measure changes in efficacy beliefs.

Measuring changes in efficacy beliefs

The ideal method of measuring change in efficacy beliefs would have been to test levels of confidence before and after subjects were informed of the Board's decision to release them. If selection by the Board did contribute to self-efficacy then this

should reveal a greater increase in efficacy beliefs among those subjects who were, rather than those who were not, exposed to the context necessary to trigger the 'success' and the 'endorsement' mechanisms. However, any attempt to apply a before and after measure of self efficacy would have involved a great deal of fieldwork. Since there would have been a strong case for interviewing all prisoners who met the criteria for inclusion in the sample before the Board had made its decision¹³, at the very least this method would have involved doubling the number of prison interviews conducted. Since time and resources were in short supply and to avoid unnecessary inconvenience to prison management, a fairly crude alternative was adopted. Instead of measuring confidence levels before as well as after the Board's decision was known to subjects, an attempt was made to identify any change in attitude by asking subjects to indicate whether they agreed or disagreed with the statements: *Getting parole made me feel that I had good prospects on release and I feel more confident now about the future than I did before I heard the Parole Board's decision.* While this measure would not have been as sensitive to changes in self-efficacy as a before and after measure, it did produce some interesting results. In particular, there was a difference in the proportion of positive responses among subjects who were and were not exposed to the contexts necessary to trigger each of the mechanisms of change. The responses from the subjects in the sample are summarised in the table below. Given that perceptions of self-efficacy could have been increased by either the 'endorsement' or the 'success' mechanisms (and all but

¹³ To ensure that there would have been no risk that the interview would have alerted parole candidates to the fact that they had been selected for parole (before prison management informed them), it would have been necessary to interview all potential subjects before the Board had made it's

one of those who were exposed to the context necessary to trigger the former were also exposed to the context necessary to trigger the latter), the results were simplified by dealing with the mechanisms together.

TABLE 8.1: Response to selection for parole among subject who were and were not exposed to the context necessary to trigger either the ‘success’ or the ‘endorsement’ mechanisms.

Statements with which the subjects agreed	Number (and percentage) of positive responses among subjects who were exposed to the context necessary to trigger either of the mechanisms	Number (and percentage) of positive responses among subjects who were not exposed to the context necessary to trigger either of the mechanisms
<i>Getting parole made me feel that I had good prospects on release</i>	4 (66%)	5 (24%)
<i>I feel more confident now about the future than I did before I heard the Parole Board's decision</i>	6 (100%)	9 (43%)
Total (N=100%)	6	21

As Table 8.1 shows there was a much larger proportion of subjects who agreed with these statements among those who were exposed to the context necessary to trigger either the ‘success’ or the ‘endorsement’ mechanisms. The proportion of subjects who agreed that being awarded parole made them feel that they had good prospects was almost three times as high among the conducive subsample and the proportion who agreed that they felt more confident after hearing the Board’s decision was over twice as high. These differences suggested that being selected for parole seemed to have an impact on perceptions of self-efficacy in the context in which it was logical to expect that it could.

decision. If the interview had alerted candidates to the Board’s decision then their responses to any test of self-efficacy would not have provided a pure measure of *a priori* confidence levels.

However, comments which were made by some of the subjects during interview indicated that these results had to be interpreted with caution. Although the responses from all of the six subjects in the conducive subsample, indicated that they felt more confident about their prospects after hearing that they had been selected for parole, some of them attributed this to factors other than the selective nature of parole. Instead, it seemed that three of these subjects felt more confident about their prospects because of other features of the parole experience such as the implications of leaving prison early or the conditions of the parole licence which were discussed in earlier chapters. One of the subjects explained that parole had improved his prospects simply because it meant early release: "Getting out early on parole will give me more time to start things I've been planning and get my life sorted out ". Another believed that being released on parole would give him a better chance of avoiding recidivism because of the provision of counselling. In a similar vein a third subject explained that being paroled made him more confident both because it give him the opportunity to put his plans for his future into early operation and because the threat of being recalled to custody would help to motivate him to avoid recidivism. While it did seem that being selected for parole had increased the subjects' perceptions of their ability to avoid recidivism, these comments suggested that neither the 'success' nor the 'endorsement' mechanisms were the primary mechanisms through which this had been achieved. That this change in attitude was not necessarily linked to the Parole Board's role in separating deserving from undeserving prisoners for parole, helps to explain why some of the other subjects

who did not accept that the Board were effective in this role also indicated that they felt more confident about their prospects after hearing that they had been selected for parole. There was also another explanation which was articulated by one of the subjects who was excluded from the conducive subsample. This subject accounted for his confidence by explaining that if he had not been paroled he knew that he would have found it very difficult to serve the remainder of his sentence: "There comes a time in your sentence when you're just marking time and that does more harm than good. I reached that time in March and I knew that if I didn't get parole I'd have gone on a downer". His change in attitude would therefore have had more to do with his assumption that his prospects would have deteriorated if he had not been paroled, rather than any notion that the experience of selected for parole or being released under the conditions of the licence would improve his prospects.

The relationship between self-efficacy and recidivism

Although it seemed that those subjects who were exposed to the context necessary to trigger the 'success' and the 'endorsement' mechanisms were more likely to experience an increased sense of confidence after hearing that they were to be paroled, it could not be argued that these mechanisms were entirely or even partly responsible for affecting this change. While it was not possible to use these results to argue that the selective nature of parole had a role in increasing self-efficacy, there were clearly some features of the parole experience which did contribute to confidence levels. Whatever the mechanism, it was still possible (according to self-

efficacy theory) that the more optimistic parolees were about their prospects on release, the more successful they would be in avoiding recidivism. Although some attempt was made to test this notion by comparing changes in the risk of recidivism with the subjects' attitudes to the future, as we will see, the small number of subjects who did not seem optimistic about their ability to avoid recidivism and problems with the measure of *a priori* risk adopted meant that this was not a worthwhile exercise.

Subjects' confidence in their ability to avoid a return to offending had been measured when Burnett's Degrees of Optimism Scale was administered during the first prison-based interview (originally as a means of assessing *a priori* risk of recidivism). While the other questions which were applied to measure their optimism would have reflected the subjects' desire as well as their perceived ability to avoid recidivism, the question *Do you think that you are able to go straight on release?* was simply a measure of efficacy and could be used as means of separating the confident from the less confident subjects in the sample. As we saw in Chapter Four most (19) subjects in the sample replied that they were 'definitely' able to go straight and four that they thought they probably were able to do so. Only two replied that they was not able to go straight and two that they did not know if they had this ability. In testing the relationship between efficacy belief and recidivism, the progress of 23 confident subjects could be compared with only four ambivalent/sceptical subject. The fact that this question revealed so little variation in efficacy beliefs among the sample suggests that this may not have been a sufficiently sensitive measure.

According to Bandura, the standard method of measuring confidence is to present subjects with various scenarios and to ask them to rate their ability to achieve a particular goal in these circumstances. The construction of these scenarios should be informed by pilot interviews and other preliminary work designed to identify likely obstacles to realising these goals. Perhaps a more focused enquiry of this sort would have revealed greater differences in attitude. Findings from the interviews conducted in this study suggest that important obstacles in avoiding recidivism include setbacks in securing employment, peer pressure, boredom and the breakdown of personal relationships. Three of the subjects also talked about the temptation to offend to help furnish a new home. A more valuable test of levels of efficacy would have been to ask subjects how they would respond to these type of pressures and to use their responses to construct a scaled measure of confidence.

The second problem in conducting this comparison was that in testing for a change in the risk of recidivism, the subjects' responses to Burnett's degrees of optimism scale could not be used as a measure of *a priori* risk. This was because the questions used to measure degree of optimism were put to the subjects after they had learned of the Board's decision to release them and, if this decision did have an impact on their attitude to the future, then this would have been reflected in their account of their prospects of avoiding a return to offending. The only measure of change in the risk of recidivism which could be applied to test the relationship between increased confidence and recidivism was the Risk of Reconviction Score. For this reason, only reconviction and not reoffending could have been used as the outcome measure. As

we saw in Chapter Four, this is not the most reliable measure of recidivism. A more accurate measure of change in the risk of recidivism could have been applied only if the Degrees of Optimism scales had been administered before the Board's decision was made known to subjects.

Conclusion

The inescapable conclusion in this review of the evidence is that the investigation would have been far more worthwhile if subjects had been interviewed shortly before and after they learned that they were to be released on parole. This would not only have allowed a more thorough *a priori* risk of recidivism to have been applied but would also have made it possible to adopt a more sensitive before and after measure of changes in perceptions of self-efficacy. As it stands, the evidence from this study on the relationship between being selected by the Board and risk of recidivism is inconclusive. While there was some indication from the interviews that being selected for parole can increase a prisoner's confidence in the future, particularly if he is exposed to the conditions necessary to trigger the 'success' or the 'endorsement' mechanisms, it was not possible to test whether there was any relationship between levels of confidence and risk of recidivism. Nevertheless, the literature on self-efficacy theory suggests that such a relationship is possible and the results of Burnett's¹⁴ study (which was described in Chapter Four) suggest a clear relationship between an ex-prisoner's optimism about avoiding reoffending and the

¹⁴ Burnett, Ros (1994) *The Odds on Going Straight: Offenders' Own Predictions*
Paper presented to the 10th Annual Research & Information Conference

likelihood of offending on release. However, without further investigation it is not clear whether the type of results which Burnett observed were a function of subjects' perceptions of their ability to avoid recidivism or of their desire to do so. Within the realist agenda, if the impact of parole is to be fully understood the relationship between being selected for parole, perceptions of self-efficacy and recidivism deserves to be examined further.

CHAPTER NINE: SUMMARY AND DISCUSSION

This study was conceived in response to the debate about the future role of parole within the British criminal justice systems and in particular to the lack of evidence and discourse on the systems impact on recidivism. Since the system was introduced in 1968, its contribution has increasingly been linked to its juridical and institutional functions rather than to its capacity to reduce the risk of reoffending. As a selective form of early release, parole is regarded as means of compensating for sentencing disparities, regulating the number of offenders held in custody and promoting discipline and effort among those who are imprisoned. However, as demonstrated in the first chapter, these popular functions are being threatened for a number of reasons. Firstly, the shift towards deserts-based and more recently towards deterrent sentencing makes the principle of early release appear particularly untenable. The practice of selectively relieving prisoners of part of their term of imprisonment is entirely at odds with efforts to promote consistency between the seriousness of the offence and level of punishment or with attempts to deter criminals from further offending by ensuring that they experience punitive sentences. Secondly, if prison privatisation gains further momentum there may be less political incentive to reduce the pressure created by a large prison population and hence less cause to retain the parole system (particularly in the face of the type of principled challenges just mentioned). Thirdly, it is possible that recent efforts at reducing some of the secrecy which has traditionally surrounded the compilation of the parole dossier will create new tensions between prisoners and prison staff and make parole a less effective

mechanism of institutional control. Finally, if Parole Board decision-making is to become more visible, the juridical principles for paroling prisoners are likely to be exposed to attack. Unless risk of reoffending is seen to be the guiding principle upon which release decisions are made, then the Parole Board will be liable to accusations that is resentencing prisoners and interfering with the delivery of justice. For all of these reasons, the parole system is under increasing pressure to demonstrate that it can be justified on the basis of its contribution to crime control. The future credibility of the system, I have argued, relies on a capacity to develop this narrative.

The aim of this study was to explore parole's contribution to crime control by testing the notion that the parole experience reduces the risk of a return to offending on release from prison. Although the results of the existing research on the impact of the parole licence have generated some modest faith in parole's capacity to control recidivism, for methodological reasons these results are not entirely convincing. Rather than relying on the traditional techniques of experimental and quasi-experimental research, this study was an attempt to apply the principles of scientific realism to an evaluation of parole's impact on reoffending. The objective was to seek evidence that any one (or more) of four mechanisms of change could be responsible for reducing the risk of recidivism among a sample of men paroled from prison and tracked for the duration of their licence period. This final chapter begins by summarising the main findings from this study before considering whether the realist approach has brought us or has the potential to bring us any closer to understanding the relationship between parole and recidivism.

Summary of findings

The first theory which was tested was that the support and advice of a supervising social worker helps parolees to address offending-related problems and, by doing so, reduces the motivation or need to reoffend. However, consistent with the results of the American experimental research reviewed in Chapter Two, there was no evidence from this research that social work advice and assistance reduced the risk of reoffending. Very few subjects believed that offending-related problems were an appropriate focus for social work intervention on release and the nature of contact between parolees and their supervising officers suggested that few were in receipt of intervention aimed directly at reducing the risk of recidivism. Among those who did consider this type of intervention to be appropriate and received relevant support and assistance, two returned to offending. Although one subject was more successful at avoiding recidivism than expected, he attributed this to his own determination to avoid a return to custody. For this subject and the others who were able to avoid a return to offending, personal motivation and help from private support networks was far more important than social work intervention.

Although in theory the notion that supervising social workers will have a part to play in helping parolees to avoid a return to offending seems logical, expectations about what can be achieved may need to be readjusted when we consider the reality of social work intervention. The frequency of contact between the subjects in the

sample and their supervising officers was described in Chapter Seven. In most cases the frequency of contact was consistent with that set out in the national standards for throughcare supervision but most of the subjects in the sample reported spending no more than 15 minutes with their supervising officers during each of these meetings. Given that parolees are expected to meet with their supervising officers weekly for the first month of their licence, fortnightly for the next two months and then monthly over the next three months, during the first six months of the licence period we could expect the typical parolee to spend around two and half hours with his supervising officer. The frequency of contact reported during the remaining 18 months of the licence period suggested that the typical parolee would thereafter have accumulated another four and half hours of contact time. In total then, most of the parolees in the sample would have spent only around seven hours with their supervising officers over the course of their entire licence period. It seems quite unrealistic to expect that seven hours of intervention over a two year period would have any significant impact on the progress of these subjects.

A second reason why it may be unrealistic to expect social work supervision to impact on risk of recidivism is that supervision seemed far more orientated towards the provision of 'welfare' rather than 'responsibility' focused intervention. Most of the subjects in the sample believed that offending-related problems had already been adequately confronted during their term of imprisonment and there was more evidence to suggest that on release the criteria for intervention were requests for help rather than risk of recidivism. It seemed that for most of the subjects and their

supervising officers the most appropriate focus was the provision of practical support in resettling. Although this form of intervention may have an indirect impact on risk of recidivism it seems more consistent with the notion that supervised release should constitute an 'apology for vengeance'- a means of compensating for the damage caused by imprisonment. This said, one of the more alarming findings to emerge from this study was that some of the subjects believed that social work intervention actually had a damaging impact on their ability to resettle, in particular on their prospects of employment and their ability to overcome the stigmatisation associated with imprisonment. This provides some support for Jackson's suggestion (outlined in Chapter Two) that parole supervision may encourage parolees to continue to perceive themselves as dangerous criminals.

The second theory which was tested was that the threat of recall to custody for breach of licence increases the stakes associated with recidivism and, by doing so, deters parolees from engaging in criminal behaviour. The limited evidence from existing evaluations of parole suggests that if there is a parole effect then it is likely to be a function of this mechanism rather than of social work supervision. The evaluations which demonstrate a reduction in the risk of recidivism are those which tested the impact of supervision and conditional release rather than supervision alone and the studies which show that any impact fades after the licence period expires suggest that change is driven by an inhibiting rather than a rehabilitative mechanism. To test the impact of the threat of recall, Chapter Four considered the progress of subjects for whom the context was conducive to this mechanism of change. Among

those who correctly understood their recall liabilities and found the experience of imprisonment an unpleasant alternative to life in the community, there were some subjects who performed better than expected - they avoided recidivism despite having a relatively high *a priori* risk of reoffending. However among this same subsample, there were just as many who performed worse than expected and when the cases of the four subjects who had performed better than expected were considered in more detail, it emerged that the threat of recall was of marginal importance to their progress. While the progress of each of these subjects was linked to a determination to avoid a return to custody, it seemed that these subjects had reached a stage in their criminal careers and their lives where they had resolved to permanently change their behaviour to avoid the long-term consequences of crime rather than just the prospects of serving the remainder of their current sentence. This suggested that their progress could not have been attributed exclusively to the parole experience. Although some of the other subjects who had avoided recidivism believed that the threat of recall had discouraged them from reoffending, this self-reported impact could not be corroborated by any objective measure (there was nothing to suggest that these subjects were ever likely to offend during the period of their licences).

The third theory tested was that regular surveillance from a supervising social worker deters parolees from reoffending by increasing the risk (or at least the perception of the risk) that a return to offending would be detected. As with the threat of recall, increasing the risk of detection would only work to deter parolees

from offending if they understood the liabilities associated with a breach in licence and if they had an incentive to remain in the community. The aim of Chapter Seven was therefore to explore firstly whether there was any evidence that the subjects identified in Chapter Six (as being responsive to the threat of recall) believed that social work supervision increased the risk that a return to offending would be detected and secondly, if so, whether this was linked to a reduction in the risk of recidivism. While most of the subjects in the sample believed that it would be easy to lie about or to conceal a return to offending from their supervising officers, there was a small subsample who believed that their supervising officer might have a role to play in detecting offending. The only subjects who believed that they would deliberately disclose a return to offending to their supervising officers explained that they would only do so if they believed that this would otherwise become apparent. However, there were a few subjects who acknowledged that their supervising officers might detect evidence or at least clues of a return to offending either by observing their conduct or presentation at supervision meetings or by receiving information from a secondary source. Most of those who believed that the involvement of a supervising officer could in some way increase the risk that a return to offending would be detected and reported to the Parole Board were also those who had been identified as being responsive to the threat of recall. When the progress of these subjects was considered it emerged that over half of them had returned to offending on release and, in fact, there was a higher proportion of recidivists in this conducive subsample than there was among the remaining subjects in the sample. This together with an account of the frequency of contact between the parolees and

their supervising officers suggested that, in practice, social work supervision was unlikely to be an effective mechanism of deterring the subjects from recidivism.

Although one of the objectives of social work supervision is to provide some form of control over the behaviour of parolees it is difficult to envisage how this ought to be achieved. As Maguire, Perroud and Raynor¹ suggest, part of the faith in the supervising officer's capacity to control behaviour may rest on Foucault's notion that classification and recording practices constitute some form of social power. However, the results of this study and the American experimental evaluations described in Chapter Two provide no evidence to substantiate this. Instead the most obvious conclusion is that parole supervision is at best a means of ensuring that parolees display the overt signs of conformity: that they arrive for appointments with their supervising officers in a sober well presented manner, that they provide a credible account by their progress and that they provide the type of responses to questions expected by their supervising officers. In this sense then supervision is not a means of changing the behaviour of parolees but rather a means of convincing the public that appropriate controls are in place and that parolees are conforming to the demands placed on them.

The final theory which was considered draws on the principles of cognitive psychology and in particular on Bandura's theory that a person's ability to realise objectives is not just a function of the skills that they have but also of their own

¹ Maguire, Mike, Perroud, Brigitte & Raynor, Peter (1995) *Automatic Conditional Release: The First Two Years*. Unpublished draft report to the Home Office obtained from Mike Maguire.

beliefs about what they can achieve. Since an important source of self-efficacy beliefs are expressions of faith by others, it is possible that being selected by the Parole Board as having a sufficiently low risk of recidivism to deserve parole helps to give parolees the confidence to avoid recidivism. Testing this theory proved to be far more difficult than testing any of the other theories. Firstly it had to be established that being selected by the Board did increase the subjects' perceptions about their ability to avoid recidivism and secondly that confidence in their ability to avoid recidivism was associated with a reduction in the risk of recidivism. Chapter Eight therefore began by identifying a subsample of subjects for whom the Board's decision was likely to promote these type of efficacy beliefs either by demonstrating that efforts at reform had been successful and/or by demonstrating that others were convinced of their ability to remain law-abiding. Although most subjects recognised that risk of recidivism was an important factor in the decision to release them and most had made some effort during their sentence to address the cause of their offending, few believed that the Board was effective in selecting appropriate candidates for parole. This suggested that there was only a small number of subjects in the sample who might have been encouraged about their prospects by being selected for parole. To determine whether these subjects were in fact encouraged by the Board's decision, the next step was to test for change in the level of confidence among this subsample. Although a fairly crude test of change was applied, this exercise did suggest that being selected for parole seemed to have an impact on self-efficacy beliefs. However, some of the comments from subjects revealed that this change in attitude was not necessarily linked to the Board's endorsement of their

efforts or promise for the future but could also be a response simply to the prospect of early, supervised or conditional release. Although for this reason it was not possible to use these results to argue that the selective nature of parole had a role in increasing efficacy beliefs, it seemed that there were a number of reasons why, after hearing that they were to be paroled, the subjects in the sample might have felt more confident about their future. It would therefore still have been worth considering if there was a relationship between perceptions of self-efficacy and change in the risk of recidivism. Unfortunately, this relationship could not be adequately tested in this study. Firstly, the test of self-efficacy which was adopted did not appear sufficiently sensitive to provide an accurate measure of confidence and secondly, since part of the test which was used to measure change in the risk of reoffending was administered after the subjects learned they were to be paroled, it could not be used to explore the impact which this had on the progress of the subjects.

The most that it would be possible to conclude from the analysis presented in Chapter Eight is that the prospect of being released on parole seems to increase a prisoner's confidence in his ability to avoid recidivism. That this would not necessarily be a function of being selected as deserving parole means that this conclusion is not inconsistent with the results of Sacks and Logan's comparison (described in Chapter Two). As part of their 'natural experiment' on the impact of the parole licence, Sacks and Logan demonstrated that subjects who had been selected for parole before being immediately discharged from prison without any licence conditions did no better (and in fact did worse) than those who were

discharged without first being selected for parole.

The contribution of realist evaluation

Although further work would have been needed to explore the relationship between recidivism and the sense of optimism which is promoted by the parole decision, the results of this study have provided no evidence that the subject's experiences (as opposed to the prospects) of supervised conditional release reduced the risk of recidivism. Firstly, this realist inquiry has demonstrated that the context in which many of the subjects were released was simply not conducive to the operation of the mechanisms of change which were considered. When we examine the nature of intervention provided and the circumstances and experiences of the parolees it becomes apparent that, in a high proportion of cases, we could not logically have expected these mechanisms to have triggered change. The realist focus has revealed that many of the features upon which parole would depend to control recidivism (adequate understanding of recall liabilities; fear of imprisonment; motivation to remain in the community; constructive intervention and intrusive supervision) were frequently missing from the parole experience. Secondly, this study has demonstrated that, where this context *was* a feature of the parole experience, there was little or no evidence that it was associated with a reduction in the risk of recidivism. Even among those cases where it would seem logical to expect that parole would have affected a change in the risk of reoffending there was nothing to suggest that there had been a causal relationship of this sort. The conclusion which

emerges from this study is that the subjects could have coped just as well, and in some cases better, if they had been released without being exposed to the conditions of parole.

The implications of this study must, however be considered with caution. It would be short sighted to suggest that these results undermine the notion that parole has any potential to reduce the risk of recidivism. Although the results suggest that parole, as experienced by prisoners released from sentences of between 4 and 5 years in Scotland in the mid-1990s, was ineffective in reducing the risk of reoffending, this is not to say that it will never be effective. One of the main values of the realist approach is that it highlights the importance of context and reminds us that the impact of intervention is contingent upon exposure to the right combination of circumstances, experiences and attitudes. Even some simple changes in the context in which parole is experienced could increase the prospect that a change in risk will occur. For example, perhaps the parole experience has greater potential among prisoners serving lengthier terms of imprisonment who have longer exposure to social work intervention and longer to serve in the event of recall. It is also possible that with changes in policy and practice, parole as experienced in the future will have greater potential to reduce risk. One of the simplest changes to the parole experience would be to improve understanding of recall liabilities. As explained in Chapter Six, recent changes in the legislation on early release meant that some of the subjects, and possibly some of their supervising officers, misunderstood the circumstances under which parolees could be recalled to custody. With time and with clearer explanation

of the licence conditions, this type of misunderstanding could easily be resolved. It is also possible to conceive of a type of social work practice which could result in more productive parole supervision, particularly since improving the effectiveness of social work services to the criminal justice system has become a central government priority. The introduction of the National Standards and 100% central government funding of these service marked the beginning of this effort. This was followed, in England and Wales, by a programme of initiatives designed specifically to promote effective evidence-based intervention with offenders. These initiatives have been funded as part of the Crime Reduction Programme which is claimed to be “the biggest ever single investment in an evidence-based approach to crime reduction”² and has, as one of its priorities, the objective of developing strategies for post-release intervention. This effectiveness agenda has already highlighted the problems associated with inconsistencies in service provision, inadequate enforcement practices and the less ambitious objective of providing help rather than addressing risk³. Part of the current effort is the ‘Pathfinders Project’ which is an attempt to identify best-practice by piloting and evaluating various local efforts in the pursuit of quality community-based supervision. The aim is to change not only the quality of criminal justice social work services but also the culture of service provision. This project is shortly to be extended to Scotland where applications for the funding of Pathfinder projects are to be considered in February 2000. Perhaps as some of the principles enshrined in the National Standards for Throughcare become more

² Home Office (1999) *What's Effective?: Newsletter of the Effective Practice Initiative Issue 1/99*. London: The Stationary Office

³ Chapman, Tim & Hough, Micheal (1998) *Evidence Based Practice: A Guide to Effective Practice*. London: The Stationary Office.

consistently reflected in practice and the lessons from current initiatives are learned, future parole supervision will be promoted as part of a more coherent, co-ordinated and relevant programme of intervention guided by risk assessments and the 'responsibility' model.

Given that the probation and social work services are currently attempting to promote better strategies for the supervision of offenders, it is not therefore possible to use current evidence to write off the future of parole. Indeed, with its focus on context, the realist approach serves as a valuable reminder that it is rarely possible to reach conclusions of this nature. Evaluation of any sort can only be finalised when all of the possible contexts in which an intervention could be applied have been fully examined. In this sense then conclusions about whether or not an intervention does work can only be reached when the researcher is satisfied that the optimum context has been identified. Although the realist strategy may offer a valuable method of evaluating best-practice, this and arguably the experimental/quasi-experimental approach rarely has the potential to generate conclusive evidence about whether the intervention ever has the potential to work.

A second reason why the results of this study should be interpreted with caution is that, although there was no evidence that (where it was identified) conducive context and good practice were associated with a reduction in the risk of recidivism, the size of the sample would have made evidence of this sort very difficult to obtain. In the final analysis, realism is a method which rests on quantitative techniques, much in

the same way as does traditional experimental/quasi-experimental evaluation. In doing so it depends on statistical measures which have greater potential when applied to large sample sizes. As I have argued in Chapter Three, the test of cause and effect in both realist and traditional evaluation is the occurrence of a regular pattern of events. While in traditional evaluation the task is to demonstrate that an intervention produced the desired outcome by showing that outcome followed exposure to the intervention and nothing else, in realist evaluation the objective is to demonstrate this by showing that outcome followed exposure to the context which ought logically to have triggered the mechanism through which this intervention could have worked. Despite Pawson and Tilley's claim that realism is underpinned by a distinct and more reliable method of establishing cause and effect, like the traditional approach, it represents little more than the search for a temporal relationship. As in experimental/ quasi-experimental evaluation, the more frequently and consistently this relationship can be identified the more convincing is the evidence of causality. This means that to provide the most convincing evidence of causality, the researcher has to demonstrate that a particular outcome was significantly more likely to occur after exposure to conducive context than after exposure to resistant context. Since statistical significance is easier to achieve with a large sample size, even in realist evaluation it is difficult to demonstrate causality with a sample size of 27.

Realism's potential to generate convincing evidence about the relationship between parole and risk of recidivism will depend on the prospects of identifying and

recruiting not only a sufficient number of subjects who would be prepared to disclose information about their experiences, circumstances and attitudes but also a sample with a sufficiently high *a priori* risk of recidivism. While the progress of low risk cases is in some cases just as illuminating as the progress of high risk cases, the most valuable method of testing parole's impact on recidivism is to examine the progress of those who appear likely to reoffend. This is because a lack of offending among high risk cases would suggest a reduction in the risk of recidivism while among low risk offenders it would suggest only that there had been no change. A study which focuses on the progress of those who are at risk of recidivism therefore gives evaluation more potential to conclude that parole has been effective in reducing recidivism than one which focuses on low risk offenders. Unfortunately, the measures of risk applied revealed that most of the subjects who were recruited for this study were fairly low risk offenders. This meant that the progress of the sample had to be analysed with great care. The progress of the few high risk cases had to be accepted as far more important than that of the low risk cases and as a result formed the main basis for conclusions. This inevitably meant that the conclusions rested on the progress of a very small number of subjects.

Although increasing the proportion of high risk subjects would have provided a greater weight of evidence, as explained in Chapter Four, there was limited potential to recruit high risk offenders in this study. Indeed, increasing this proportion in any future evaluations of parole is likely to prove difficult. The potential to recruit high risk subjects for any evaluation will be determined by the number released by the

Parole Board. However, the emphasis on risk of recidivism in the release decision means that relatively few such prisoners are granted release on parole. This is particularly the case now that those who are refused parole are released under the automatic conditional release system at two-thirds stage in sentence. In the past the Parole Board may have been inclined to release high risk prisoners on parole because this was only means of ensuring that there would be some measure of control and oversight on release. However, the introduction of supervision and recall liabilities for all prisoners released from sentences of four years and over, means that the Parole Board no longer has this same incentive to parole high risk prisoners.

Even if a sufficiently large sample of high risk subjects could be identified and recruited, the emphasis on context could make large scale realist evaluation too time consuming and labour intensive to make it a realistic method of policy evaluation. While the experimental/ quasi-experimental approach simply requires the researcher to record outcome and perhaps (for control purposes) some limited biographical information, realist evaluation requires the researchers to collect far more detailed and regular information about the lives of the subjects. As this study has demonstrated, to make the essential distinction between conducive and unconducive context, the backgrounds, experiences and, importantly, the attitudes of subjects must all be carefully recorded. This not only involves collecting a greater breadth of data from prison and parole records but also involves a series of interviews with each of the subjects throughout the follow-up period. The importance of these interviews also rules out the possibility of using retrospective sampling practices of the sort

often used in traditional evaluations (see, for example, the studies conducted by Martinson and Wilks, Nuttall and Ward which are described in Chapter Two). It is therefore not possible to use realist evaluation to generate the type of quick and inexpensive conclusions which are possible to obtain using experimental/ quasi-experimental comparisons.

A more fundamental problem associated with realism's ultimate reliance on the successionist model of causality is that it also suffers from the fallibility of this logic. Just as it is possible to arrive at mistaken conclusions about cause and effect in experimental/quasi-experimental studies, it is also possible to do so using realist techniques. Despite the claims made by Pawson and Tilley, the review of the principles of scientific realism in Chapter Three and the results of this study demonstrate that realism does not prevent the researcher from assuming that simply because B was observed to follow A, B must have been caused by A. To illustrate, the logic applied in this study was that if a reduction in the risk of recidivism was observed to occur in the context conducive to any of the mechanisms associated with the parole experience (but not in the context resistant to these mechanisms) then there was likely to be a causal relationship between this reduction and release on parole. However, the analysis presented in Chapter Six suggested that relying on evidence of this type of regular pattern of events could be a mistake. Although the realist test of the threat of recall revealed that there had been a reduction in the risk of recidivism in the context logically expected if the mechanism was at work, the interviews with the subjects suggested that this reduction had more to do with the

accumulated experience of imprisonment than with the conditions of the parole licence. It seems then that whatever techniques of evaluation are applied, the social scientist cannot avoid the problems associated with successionist logic and cannot therefore afford to ignore the possibility that outcome patterns could be function of something other than the intervention or the mechanism which has been isolated.

It should be recognised that although realist method does not offer a less fallible method of establishing causality, it does provide more safeguards against reaching mistaken conclusions than does the traditional approach. Firstly the emphasis on circumstances, experiences and attitudes means that it is always possible that the researcher will stumble across evidence which undermines conclusions arrived at by successionist logic. As we saw in Chapter Six, their indifference to the end of the licence was an important clue that the progress of the subjects who had been more successful than predicted was not a function of their experience of parole. This information about attitude, which would have been missing from any experimental/quasi-experimental evaluation, triggered the search for an alternative explanation of their progress. The second safeguard against mistaken conclusions are the subjects' own views about the impact of the intervention. The direct contact with subjects at interview provides an important opportunity to record their account of the reasons for success or failure and in doing so offers a means of methodological triangulation. The interviews with the subjects in this study allowed those who performed better than predicted to explain that their determination to avoid recidivism had more to do with the fear of attracting a new prison sentence than with the fear of serving the

outstanding portion of their current sentence. These accounts allowed conclusions about the impact of the penalty of recall (arrived at by observing a regular pattern of events) to be interpreted more cautiously than would otherwise have been the case. So while the breadth of data required to conduct realist evaluation inevitably makes it a lengthy and costly alternative to the experimental/ quasi-experimental approach, an important advantage is that it requires the researcher to engage with subjects in a way that is not required in traditional method. Through the search for conducive context, realist evaluation encourages the researcher to look more closely at the lives of the people at whom policy is directed and so doing brings the experience of intervention into sharper focus and provides more potential for recognising and understanding true causality.

Future realist evaluation in parole research

Despite the problems identified by this research, the realist approach does provide a useful method particularly for evaluating the impact of parole. As I have just argued, realism's ultimate reliance on successionist logic may not be so problematic given the opportunities which this approach presents to validate conclusions about causality. Another important point is that the resource implications of recruiting and interviewing a sufficient number of high risk parolees can be off-set by the practical advantage of not having to recruit a control sample of non-parolees. The problems associated with identifying a suitable control sample in parole evaluation were considered in detail in Chapter Two. Since there are obvious public safety and

ethical objections to randomly allocating prisoners to conditional and unconditional release, the most common method in traditional research is to compare the progress of matched samples of parolees and non-parolees. However, as explained, the selective nature of release on parole makes it very difficult to obtain this match with any certainty. Regardless of the method used to match parole and non-parole samples, there will always be questions about the feasibility of matching a group of subjects who have been selected as good risks with another group who have either been rejected or who, by virtue of their sentence length, were not eligible for parole. The introduction of automatic conditional release also means that, without conducting a true experiment, it is no longer possible to obtain a control sample of prisoners who have been released without being exposed at any of the features associated with the parole licence. Even prisoners released from sentences of less than four years now remain liable to serve the outstanding portion of their sentence in the event of reconviction. Although it may be possible to use quasi-experimental techniques to evaluate the impact of selective release, now that supervision and recall are no longer features exclusively of the parole experience, it is no longer feasible to use these techniques to evaluate either their combined impact or the impact of the threat of recall alone.

In addition to the problems associated with identifying a control sample, the use of pre-emptive recall also makes it impossible to adopt an outcome measure which allows the progress of parolees to be compared with that of non-parolees without inflating the success rate among either one of these groups. As explained in Chapter

Two, the Board's ability to pre-empt a return to offending by recalling parolees on the basis that their lifestyles are giving cause for concern or that they have failed to report to their supervising officers, is likely to deflate the frequency and prevalence of reoffending, re-arrest or reconviction among this group of subjects. The results of much of the experimental and quasi-experimental research which suggests that parolees out-perform non-parolees could be attributed to the use of reconviction or reoffending rates as the criterion for comparing progress.

One of the important advantages of applying realist methodology is that it resolves all of these difficulties because it dispenses of the need to recruit a control sample. Rather than comparing the progress of subjects who have and have not been exposed to a particular intervention, realist evaluation focuses on the progress of those who have been exposed to the intervention in the right context. The selection of comparison groups is therefore informed by the *circumstances* in which the intervention is applied rather than whether or not it *is* applied. So by overcoming the problems associated with identifying a control sample and the difficulty of selecting a comparable outcome measure, realist techniques could represent a more feasible and reliable method of evaluating parole than either the experimental or the quasi-experimental approach.

Perhaps one way of making realist method even more practical in parole evaluation would be to reduce the time and costs associated with fieldwork by shortening the length of the follow-up period. That all but one of the subjects in this study returned

to offending within a year of their release suggests that, by focusing on the circumstances and experiences of the parolees during only the first half of the licence period, the results of the study would have been just as valid as those arrived at after two and a half years of fieldwork. After conducting secondary analysis of the findings of other evaluations of the impact of parole, Kantrowitz also concludes that, for policy purposes, follow-up periods can be shortened to no more than one year⁴. Shortening the follow-up period would also make it possible to include prisoners serving longer prison sentences and so doing would increase the potential size of the sample. Including this category of prisoners may also improve the prospects of recruiting a larger proportion of high risk subjects. This is because those serving longer sentences are likely to have more extensive offending histories than those serving medium term-sentences. In terms of future research then, the design of realist parole evaluations could be improved if, by including prisoners serving sentences of longer than five years, the progress of a greater number of high-risk cases could be examined over a shorter follow-up period.

Conclusion

Part of the reason why parole has survived thus far is that traditional evaluative techniques have not exposed the relationship between release on parole and reoffending to a particularly convincing test. That it has been almost impossible to accumulate convincing evidence on the impact of the parole licence is both a

⁴ Kantrowitz, Nathan (1977) 'How to Shorten the Follow-up Period in Parole Studies'. *Journal of Research in Crime and Delinquency*. July 1977. p. 222.

function of the nature of this type of intervention (Chapter Two) and of the reliance on the methods of experimental and quasi-experimental research (Chapter Three). Because the results of traditional experimental and quasi-experimental research have been inconclusive or contradictory, it has been very easy to avoid the conclusion that parole has little or no impact on recidivism. As Simon has argued, the difficulties associated with evaluation have meant that the political viability of many correctional strategies has had more to do with their ideological relevance than with their effectiveness⁵.

The central aim of this thesis was to consider whether the principles of realist evaluation could expose parole to a more convincing test than traditional experimental/ quasi-experimental techniques. The conclusion is that, while this method undoubtedly has some important advantages for parole evaluation, it is not the panacea that it is claimed to be by Pawson and Tilley. In the final analysis, the model of causality used in realist evaluation suffers from precisely the same logical flaw as that applied in traditional method. As we have seen, the search for a regular pattern of events, which is the central task in both realist and traditional evaluation, is not a reliable test of causality. Although the nature of realist investigation means that the researcher can apply more checks to causal assumptions arrived at using this logic, the realist has to proceed with just as much caution as the experimentalist. On a more practical note, the number of subjects that it would be feasible to sample in realist parole evaluation may make it difficult to accumulate the weight of evidence necessary to convince policy-makers of the absence or presence of any parole effect.

⁵ Simon (1993) *Op.cit.* p.72.

Although realism is not all it claims to be, provided this method can be practically and cautiously applied, it does have the potential to generate more valuable results than those generated by traditional techniques. The aim of policy evaluation is generally to answer one or both of the following questions: is the intervention currently producing the desired outcome?; and/or, can the intervention be made to work under different circumstances? While both the traditional experimental/quasi-experimental and realist approaches are able to address the first question, only the realist approach brings us closer to answering the second. This is because, with its focus on context, this method is able to demonstrate precisely what it is that is essential to trigger the mechanism of change but missing from the intervention experience. For this reason the results of realist enquiry should have as much to say about how future intervention ought to be applied as they do about the impact of current intervention. The results of realist evaluation are therefore able to provide the type of prescriptions for improving future policy and practice that traditional experimental and quasi-experimental evaluation cannot provide. The findings from each realist inquiry can be viewed as one stage in a cumulative project which brings the policy-maker closer to identifying 'best practice' and the researcher one step closer to answering the question 'what works?'

The results of this study should therefore be interpreted as only the first stage in what should be an ongoing and cumulative project. The findings have demonstrated that there were various features of the supervision experience which were simply not

conducive to triggering change in risk of recidivism. The results have some obvious policy implications. If parole is to work to reduce the risk of recidivism then more has to be done to promote the relevance of social work intervention and to focus this intervention on risk rather than expressions of need. Not only should a more consistent approach to supervision be adopted (one in which aims are not compromised by administrative objectives) but recall liabilities must also be more clearly expressed. Only after these contextual changes have been made will parole's potential become more obvious. This said, there were other features of the release context which, although resistant to the mechanisms of change considered, cannot be manipulated by those who have a hand in parole policy. The evidence from this study suggests that some of those who are released have too little to lose by a return to prison to make parole an effective control on behaviour. Their futures are characterised by unemployment, material insecurity, addiction and social isolation. The value of the realist approach is that it highlights the importance of these factors. Subjects are not treated, as they are in experimental and quasi-experimental studies, as a homogenous group but instead their attitudes, their experiences and their circumstances are given the attention they deserve. This emphasis helps to remind us that parolees do not respond passively to the parole experience but that they face choices and take decisions within a life context which is often resistant to intervention. This is particularly important to understand when dealing with interventions which are directed at marginalised populations. As Shover notes, the challenge for the policy-maker is not to consider the impact of interventions "through the eyes of successful men and women " but through the "clouded lenses"⁶

⁶ Shover, Neal. (1996) *Great Pretenders: Pursuits and Careers of Persistent Thieves*.

of those who find themselves in circumstances very different from their own. While the anonymous and decontextualised treatment of subjects within the experimental and quasi-experimental tradition does little to promote this understanding, by bringing the relevance of context to bear, realism not only challenges experimental and quasi-experimental research to account for its conclusions but also encourages the policy-maker to consider the potential to affect change.

ANNEX A

Calculation of the Risk of Reconviction score (start with 100)

<i>Variable</i>	<i>Weights</i>	
	<i>Any reoffending</i>	<i>Serious reoffending</i>
Age at index conviction	-1	-1
Number of custodial sentences* before the age of 21 (including current sentence)	+3	+4
Number of custodial sentences* at and after the age of 21 (including current sentence)	+2	+3
Number of previous convictions (guilty court appearances)	+ Actual number if less than 25, 25 if 25 or over	
Index offence type		
Violence	-1	+1
Sexual	+1	+8
Drugs	-8	-11
Burglary	+4	+3
Theft	+8	+9
Other	-4	-10
If female	-13	-1

* The number of custodial sentences imposed on separate court appearances is counted (rather than the number of periods of imprisonment served). This means that custodial sentences imposed at different court appearances which might in practice be served either consecutively or concurrently are counted as separate sentences.

ANNEX B

Burnett's degrees of optimism scale

1. Do you want to go straight?

<i>Definitely</i>	=1
<i>Probably</i>	=2
<i>Undecided</i>	=3
<i>Probably not</i>	=4
<i>No</i>	=5

2. Do you think you are able to go straight?

<i>Definitely</i>	=1
<i>Probably</i>	=2
<i>Undecided</i>	=3
<i>Probably not</i>	=4
<i>No</i>	=5

3. On a scale of 0-100, what are the chances that you will have committed another offence a year from your release date?

0	=1
1-49	=2
50	=3
51-99	=4
100	=5

4. What would you do if an opportunity to do a 'job' came your way?

<i>Dismiss it</i>	=1
<i>Probably dismiss it</i>	=2
<i>Consider it/Depends/Don't know</i>	=3
<i>Probably take it</i>	=4
<i>Take it</i>	=5

5. What if the 'job' looked certain to be successful, and had no risks?

<i>Dismiss it</i>	=1
<i>Probably dismiss it</i>	=2
<i>Consider it/Depends/Don't know</i>	=3
<i>Probably take it</i>	=4
<i>Take it</i>	=5

TOTAL SCORE

5	=	Definite about going straight
6-10	=	Optimistic about going straight
11-15	=	Undecided
16-20	=	Pessimistic about going straight
21-25	=	Sceptical of going straight

SOURCE: Personal communication from Dr. Burnett March 1996.

ANNEX C: INTERVIEW SCHEDULES

PRE-RELEASE INTERVIEW

When you began serving your sentence, were you aware that you could be released on parole at half sentence?

What did you think your chances of getting parole were?
Why did you think this?

What type of things do you think increase a prisoner's prospects of getting parole?

Did you think there was any way in which you could improve your chances of parole? How?

Were you ever put on report during this prison sentence?

Do you think that you would have been on report more if there was no prospect of parole?

At what stage in your sentence did you think you would be released if you did not get parole?

Have you been doing anything to try to improve your prospects of parole or to prepare for release?
Have you, for example, undertaken any of the following: outside placements; homes leaves; vocational training; education; counselling?

Impact of prison sentence

Do you think that you are less likely or more likely to reoffend after serving this prison sentence?

Why?

Can you think of anything positive that has come from this prison sentence?

What was the worst aspect of serving this prison sentence?

Impact of Board's decision

Do you agree or disagree with these statements:

The Parole Board do a good job of selecting people for parole.

The Parole Board made the right decision in my case.

I deserve to get parole.

I deserve to get parole because I should never have been in prison.

I deserve to get parole because I've served my time without causing too much trouble.

I deserve to get parole because I've earned it by making the most of my time in prison.

I deserve to get parole because I've been punished enough already.

I deserve to get parole because I'm not likely to reoffend.

Parole is a privilege that has to be earned.

Parole is a right that all prisoners should get if they serve their sentence without causing a problem.

I feel grateful towards the Parole Board for selecting me for parole.

Getting parole made me feel as though I'd achieved something worthwhile.

Getting parole made me feel as though I had good prospects on release.

Getting parole gave me more confidence about the future.
 I feel more confident now about the future than I did before I heard the parole Board's decision.

How do you think you would have felt if you had not been given parole?

Do you want to go straight?

DEFINITELY	THINK SO	UNDECIDED	PROBABLY NO	NO
1	2	3	3	5

Do you think that you are able to go straight?

DEFINITELY	THINK SO	UNDECIDED	PROBABLY NO	NO
1	2	3	3	5

What are the chances that you will have committed another offence a year from your release date?

NO CHANCE	PROBABLY NO CHANCE	DON'T KNOW	PROBABLY SOME CHANCE	HIGH CHANCE
1	2	3	3	5

FIRST COMMUNITY-BASED INTERVIEW

Could you describe how you spent your first day of release?

Accommodation

Where are you living?

Did you find it difficult to sort out accommodation?

Do you see this as a long-term arrangement?

Do you envisage having any problems living where you are?

Did anyone help you to find your accommodation? Who?

Would you like some / more help sorting out accommodation?

Employment

Have you managed to find work since you were released?

YES

Did you have any problems finding work?

Did anyone help you to find this work? Who?

Do you see this job as being long-term? If no, do you plan to do anything next?

NO

Have you been looking for a job?

Is anyone helping you to find a job?

Would you like some / more help to find work?

Social security

Are you receiving any social security payments?

YES

Did you have any problems arranging these payments?

Did anyone help you to arrange them?

Would you have liked some/more help with this?

NO

Do you intent to claim any payments?

Have you been given any help with this?

Would you like some/more help with this?

Contact with supervising officer

Have you seen your supervising officer since you were released?

How often have you seen your supervising officer?

Where do you meet?

Has your supervising officer been to your home since you were released?

What do you and your supervising officer talk about when you meet?

How long do these meetings usually last?

Have you received any help from your supervising officer?

What sort of help would you have liked from your supervising officer over the last few weeks?

What sort of help would you like over the next few months?

Licence

Do you know what your licence conditions are?

If these conditions include counselling : Is this being received?

What will happen if you breach your licence conditions?

Does the thought of going back to prison worry you?

Is there any type of crime which you think you might be tempted to commit over the next few years?

YES

If you did commit this type of crime, do you think that there would be any chance that your supervising officer would find out that you had committed it either by:

(IF NO

If you were to commit the same sort of crime for which you were sent to prison, do you think that there would be any chance that your supervising officer would find out that you had committed it either by:)

Catching you red-handed?

Finding out about it by asking you questions during your meetings?

Finding out about it from someone else?

What has been the most difficult thing you've had to deal with over the last few weeks?

What has been easiest to deal with?

Relationships

I would now like to ask you how you're coping with personal relationships with, for example, your partner or your parents.

First can you tell me what relationships are important to you?

Are you happy with these relationships at the moment?

What does you partner / family think about your pervious offence(s)?

Did you experience any problems with these relationships while you were in prison?

Have you experienced any problems with these relationships since being released from custody?

Do you envisage any problems with these relationships in the future?

Have you received any help coping with personal relationships from anyone else while in prison or since your release?

Do you want to go straight?

DEFINITELY	THINK SO	UNDECIDED	PROBABLY NO	NO
1	2	3	3	5

Do you think that you are able to go straight?

DEFINITELY	THINK SO	UNDECIDED	PROBABLY NO	NO
1	2	3	3	5

What are the chances that you will have committed another offence a year from your release date?

NO CHANCE	PROBABLY NO CHANCE	DON'T KNOW	PROBABLY SOME CHANCE	HIGH CHANCE
1	2	3	3	5

MID-LICENCE INTERVIEW

Remind subjects of practical circumstances at last interview and catch up on any changes.

Do you think that your situation has improved in any way since we last met?

How has it improved / deteriorated?

Supervision

Are you still seeing a supervising officer?

When was the last time you saw your supervising officer?

How long do these meetings usually last?

How often have you been meeting over this last year?

From your point of view, do you think that it is necessary for you to still be seeing a supervising officer?

How often do you speak to your supervising officer about each of these things?

	NEVER	SOMETIMES	REGULARLY
Your original offence			
The chances that you'll reoffend			
Drink/drug use			
Relationships			
Accommodation			
Employment prospects			
Financial circumstances			
Any other things			

Are you receiving any other form of counselling?

If so, is this useful?

Are you or were you absolutely honest with your supervising all the time?

Do you think that your supervising officer knows when your being honest?

Do you think that your supervising officer has a fair idea of how you're getting on?

Do you think that your supervising officer understands your situation and the pressures you face?

Do you think that your supervising officer cares about how your getting on?

Is there anything about your supervision or your supervising officer that you are unhappy about?

What do you think the main purpose of supervision has been in your case?

Adherence to licence conditions

I need to know if you've managed to abide by the conditions of your licence, so could you tell me if you've done any of these following things:

Missed any appointments with your supervising officer without having a valid reason?

Changed your circumstances without telling your supervising officer?

Had contact with known criminals?

Committed a petty offence (the type that most of us commit at some time - working without declaring it to social security, smoking cannabis, driving offences)?

Committed a more serious offence?

Committed the type of offence for which you were sentenced?

No/petty breach

Have you found it easy to abide by your licence conditions?

If you were to reoffend what would make you do it:

- Boredom
- Pressure from friends
- Lack of money
- Being drunk or under the influence of drugs?

Is there any particular reason why you have not reoffended?

- Reaction from / impact on family
- The prospect of going back to prison
- Worried about getting longer sentence
- Possibility of jeopardising work prospects
- Prospects of getting caught
- No need to reoffend
- No opportunity to reoffend?

Reoffending

Is there any particular reason why you have reoffended?

- Boredom
- Pressure from friends
- Lack of money
- Influence of drug/alcohol

If anything was to stop you from reoffending or from reoffending more often or more seriously, what would it be?

- Reaction from / impact on family
- The prospect of going back to prison
- Worried about getting longer sentence
- Possibility of jeopardising work prospects
- Prospects of getting caught
- No need to reoffend
- No opportunity to reoffend?

If you had been reoffending and the Parole Board found out, could you be recalled without having to go through the courts?

If you were recalled just now, how long would you have to spend in custody?

What do you think are the chances that you will be caught reoffending while you are on licence?

I'd like to know how serious you think the risk of getting recalled to prison is for people who are released on parole. There are 30 parolees taking part in this study, how many of them do you think have been recalled to prison already (most people have been out for about a year now)?

Can you think of any time since you were released from prison when you wanted to do something but couldn't because you were on a parole licence?

Is there anything that you had to do because you were on licence but didn't want to do?

Do you feel as though you are still being punished for your original crime?

Do you feel as though you are still serving a sentence?

Are you looking forward to completing your parole licence?

What do you think is the main problem you are going to face between now and then?

Do you want to go straight?

DEFINITELY	THINK SO	UNDECIDED	PROBABLY NO	NO
1	2	3	3	5

Do you think that you are able to go straight?

DEFINITELY	THINK SO	UNDECIDED	PROBABLY NO	NO
1	2	3	3	5

What are the chances that you will have committed another offence a year from your release date?

NO CHANCE	PROBABLY NO CHANCE	DON'T KNOW	PROBABLY SOME CHANCE	HIGH CHANCE
1	2	3	3	5

FINAL INTERVIEW (END OF LICENCE)

Any changes to personal circumstances since last interview?

Could you tell me how you would describe firstly your circumstances before you went to prison and secondly your circumstances now.

	BEFORE PRISON			NOW		
	Good	Satisfactory	Bad	Good	Satisfactory	Bad
Work						
Financial						
Accomm.						
Relation- ships						

Adherence to licence conditions

Last time we spoke I asked you whether or not you managed to abide by various conditions of your licence. Could I ask you again if you've done any of these things so that I can keep track of any changes?

Missed any appointments with your supervising officer without having a valid reason?

Changed your circumstances without telling your supervising officer?

Had contact with known criminals?

Committed a petty offence (the type that most of us commit at some time - working without declaring it to social security, smoking cannabis, driving offences)?

Committed a more serious offence?

Committed the type of offence for which you were sentenced?

New offending

Is there any particular reason why you have reoffended?

- Boredom
- Pressure from friends
- Lack of money
- Influence of drink/drugs.

Any offending

Do you think that your parole officer knows or suspects that you've reoffended?

Do you think that your parole officer could have found out if he/she had made more of an effort?

You've completed your parole without being recalled but was there any time over the last few years when:

- Your parole officer gave you a verbal warning about your behaviour?
- You were given a written warning about your behaviour?
- You thought you were at risk of being recalled for breaching your licence?

If you had been reoffending and the Parole Board found out, could you be recalled without having to go through the courts?

If you were recalled just now, how long would you have to spend in custody?

The end of the licence

On what date did your parole licence end?

How did you feel when your licence ended?

Did you do anything to celebrate or mark the occasion?

Has your lifestyle change in any way since your licence ended, for example, are there things you feel more relaxed about doing now?

Now you have finished your parole are you under any kind of restrictions or conditions?

When was your last meeting with your parole officer?

Do you think that you are ever likely to see your parole officer again?

Would you consider contacting your parole officer again in the future if you felt you needed help with a problem?

Do you think that this period of parole supervision has helped you in any way?

What type of help have you received?

Would you have been more tempted to reoffend/ tempted to reoffend more than you did, if there was no threat of having to serve the rest of your sentence?

Do you still think that the Parole Board was right to release you early?

Looking back over the time since you were released, what have you found most difficult?

Judging by what you told me at the start of your licence, you expected these last few years to be fairly easy/ difficult. Have they been as easy/difficult as though expected them to be?

In what way were they different?

Comparing prison with parole

Was this your first prison sentence?

Was it as difficult as you thought it would be?

Comparing the time you spent in custody with the time you spent on licence, which time did you think was:

- More difficult
- Put more pressure on your family
- Offered you most help.

Would you rather have spent a bit more time in prison (say 6 months for example) if you knew that at the end of that period you would have been released without any type of licence or conditions?

Parole in general

From the point of view of someone who has just been on parole, do you see any advantages of having a parole system?

Is there any way in which the parole system could be changed to make it:

- More of deterrent to reoffending
- More help to parolees
- More fair.

Do you think that the government are right to retain the parole system?

The future

Are you optimistic about the future?

Do you think that there is any chance that you will reoffend in the future?

Are there any type of circumstances in which you could see yourself reoffending?

Is there any chance that you will ever commit the same type of offence for which you were convicted in the future?

Are there any type of circumstances in which you could see yourself committing the same type of offence?

Are there any particular problems which you think you might face in the future?

Summarise the impact which parole appears to have had on the subject and invite comments. E.g. How much impact did the help from your supervising officer have on your progress, how much impact did the threat of recall have on behaviour?

POST-RECALL INTERVIEW

Could you please describe the circumstances of your recall?

Could you describe your practical circumstances at the time of your recall?

Was this the first breach in licence?

Were you surprised to be recalled?

How do you feel about being back in prison?

Would you rather have remained on licence?

Did you think about the risk of recall at the time of your breach?

How often were you seeing your parole officer before you were recalled?

Is there anything your parole officer could have done to prevent you from breaching your licence?

If there was anything at all which could have prevented you from breaching your licence, what would it have been?

If you could turn the clock back to the day of your release, would you do anything differently?

When you get out at the end of this sentence will you do anything differently?

Do you think that the Parole Board made a mistake by releasing you early?

Do you think that if you had not been given parole, things might have been different when you were released?

Do you think you'll reoffend again in the future?

Do you think that parole did you any good at all?

Do you think that the parole system could be improved in any way to prevent people from reoffending?

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